

LEGISLATIVE ASSEMBLY DEBATES

WEDNESDAY, 24th MARCH, 1943

Vol. II—No. 1

OFFICIAL REPORT



PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI.
1943

Price Five Annas

Copies of the Debates of the Legislative Assembly and of the Council of State are obtainable on sale from the Manager of Publications, Civil Lines, Delhi.

CONTENTS.

VOLUME II—11th March to 2nd April, 1943.

	PAGES.		PAGES.
THURSDAY, 11TH MARCH, 1943—		Election of Members to the Standing Committee for the Civil Defence Department	1330
Members Sworn	969	Election of Members to the Committee appointed to consider the Convention regarding the Railway Finance	1330—34
Starred Questions and Answers	969—71	Demands for Supplementary Grants	1334—59
Statements laid on the Table	971—72	The Indian Tea Control (Amendment) Bill—Motion to consider—adopted	1359—74
Election of Members to the Standing Finance Committee for Railways	972	WEDNESDAY, 24TH MARCH, 1943—	
Election of Members to the Central Advisory Council for Railways	973	Member Sworn	1375
Election of Members to the Standing Committee for Roads	973	Starred Questions and Answers	1375—82
Election of Members to the Standing Committee for the Posts and Air Department	973—74	Unstarred Questions and Answers	1382—85
Election of Members to the Defence Consultative Committee	974—75	Short Notice Questions and Answers	1385—87
The War Injuries (Compensation Insurance) Bill—Introduced	976	Motion for Adjournment re—	
The Indian Finance Bill—Discussion on the motion to consider not concluded	976—1015	Non-consultation of India as regards International Schemes for future management of Exchange and International Currency, etc.—Ruled out of order	1387—89
FRIDAY, 12TH MARCH, 1943—		Throttling the Debate on the Second Reading of the Indian Tea Control (Amendment) Bill—Not Moved	1389
Starred Questions and Answers	1017—21	Election of Members to the Central Advisory Council for Railways	1389
Messages from the Council of State	1021—22	Election of a Member to the Standing Finance Committee	1389—90
Declaration of Exemption under the Registration of Foreigners Act	1022	Election of a Member to the Central Committee of the Tuberculosis Association of India	1390—91
The Indian Finance Bill—Discussion on the motion to consider not concluded	1022—63	Election of Members to the Standing Committee for the Commerce Department	1391
MONDAY, 15TH MARCH, 1943—		The Delhi University (Amendment) Bill—Introduced	1392
Starred Questions and Answers	1065—73	The Indian Tea Control (Amendment) Bill—Passed as amended	1392—1406
Unstarred Questions and Answers	1073—75	The Hindu Code, Part I (Intestate Succession)—Discussion on the motions to refer to Joint Committee and to Circulate—not concluded	1406—26
Amendment to the Ajmer-Merwara Motor Vehicles Rules	1075—76	THURSDAY, 25TH MARCH, 1943—	
The Indian Finance Bill—Discussion on the motion to consider not concluded	1076—1118	Starred Questions and Answers	1427—36
TUESDAY, 16TH MARCH, 1943—		Resolution re—	
Member Sworn	1119	Grievances of Officials and Secretariat Assistants employed in Railways—	
Starred Questions and Answers	1119—25	Negative	1436—66
The Indian Finance Bill—Discussion on the motion to consider not concluded	1126—70	Treatment of Political Prisoners and Detenus—Discussion not concluded	1467—79
WEDNESDAY, 17TH MARCH, 1943—		Statement of Business	1479
Starred Questions and Answers	1171—76	FRIDAY, 26TH MARCH, 1943—	
Unstarred Questions and Answers	1176—79	Starred Question and Answer	1481
Election of Members to the standing Finance Committee for Railways	1179	Statements laid down on the Table	1481—83
Election of Members to the Standing Committee for Roads	1179	Message from the Council of State	1485
Election of Members to the Standing Committee for the Posts and Air Department	1179—80	The Code of Criminal Procedure (Amendment) Bill (Amendment of sections 269, 272, etc.)—Motion to refer to Select Committee—Negative	1483—91
Election of Members to the Defence Consultative Committee	1180	The Special Marriage (Amendment) Bill—Motion to continue—adopted	1491
The Indian Tea Control (Amendment) Bill—Introduced	1180	The Hindu Married Women's Right to Separate Residence and Maintenance Bill—Motion to continue—adopted	1491
The Indian Finance Bill—Motion to consider—adopted	1180—1220	The Delhi Muslim Wakfs Bill—Amendments made by the Council of State agreed to	1491—92
THURSDAY, 18TH MARCH, 1943—		The Hindu Marriage Disabilities Removal Bill—Motion to refer to Select Committee—withdrawn	1492—96
Members Sworn	1221	The Indian Medical Council (Amendment) Bill—Motion to refer to Select Committee—Negative	1496—1521
Starred Questions and Answers	1221—27	Election of Members to the Standing Committee for the Commerce Department	1521
Unstarred Question and Answer	1227	MONDAY, 29TH MARCH, 1943—	
Motion for Adjournment re Situation created by the Appointment of the Broome Commission in Durban—Disallowed	1227—28	Member Sworn	1523
The Indian Finance Bill—Passed as amended	1228—38	Starred Questions and Answers	1523—37
The Tobacco (Excise Duty) Bill—Discussion on consideration of clauses—not concluded	1238—68	Unstarred Questions and Answers	1537—43
SATURDAY, 20TH MARCH, 1943—		Death of Mr. S. Satyamurti	1543—44
Members Sworn	1269	Resolution re Grievances of Officials and Secretariat Assistants employed in Railways—Ruling re withdrawal of the Resolution as amended	1544—45
Starred Questions and Answers	1269—77	Election of Members to the Standing Committee for the Labour Department	1545
Unstarred Question and Answer	1277	Election of Members to the Standing Committee for the Supply Department	1545
Motion for Adjournment re Sentence of death on and confiscation of properties of Pir of Pagaro—Leave refused	1277—78	Election of a Member to the Standing Finance Committee	1545
Election of Members to the Standing Committee for the Labour Department	1278—80	Election of a Member to the Central Committee of the Tuberculosis Association in India	1545
Election of Members to the Standing Committee for the Supply Department	1280—81		
The Trade Marks (Amendment) Bill—Introduced	1281		
The Tobacco (Excise Duty) Bill—Passed as amended	1281—92		
The Vegetable Product (Excise Duty) Bill—Passed as amended	1292—1313		
Demands for Supplementary Grants	1313—24		
TUESDAY, 23RD MARCH, 1943—			
Members Sworn	1325		
Starred Questions and Answers	1325—29		
Unstarred Question and Answer	1329		
Motion for Adjournment re Execution of Pir of Pagaro—Leave refused	1329—30		

	PAGES.		PAGES.
Statement laid on the Table <i>re</i> Net Earnings of recently constructed Railway Lines	1545	The Trade Marks (Amendment) Bill— Passed as amended	1647-49
Message from the Council of State	1546	The War Injuries (Compensation Insurance) Bill—Referred to Select Committee	1649-61
The Hindu Code, Part I (Intestate Succession)—Discussion on the motions to refer to Joint Committee and to Circulate not concluded	1546-79	The Delhi University (Amendment) Bill—Discussion on the motions to refer to Select Committee and to Circulate not concluded	1661-83
TUESDAY, 30TH MARCH, 1943—		Statement <i>re</i> Standing Committee for the Food Department	1683
Starred Questions and Answers	1581-94	THURSDAY, 1ST APRIL, 1943—	
Unstarred Questions and Answers	1595-98	Starred Question and Answer	1685
Short Notice Question and Answer	1598-99	Short Notice Questions and Answers	1685-87
Election of Members to the Standing Committee for the Commerce Department	1599	The Delhi University (Amendment) Bill—Referred to Select Committee	1687-1724
Election of Members to the Standing Committee for the Civil Defence Department	1599	Report of the Public Accounts Committee	1724-27
The Hindu Code, Part I (Intestate Succession)—Referred to Joint Committee	1599-1631	Message from the Council of State	1727
The Indian Army and Air Force (Military Prisons and Detention Barracks) Bill—Passed	1631-32	FRIDAY, 2ND APRIL, 1943—	
The Trade Marks (Amendment) Bill—Discussion on the motion to consider not concluded	1632-34	Starred Questions and Answers	1729-34
WEDNESDAY, 31ST MARCH, 1943—		Short Notice Questions and Answers	1734-37
Member Sworn	1635	Statements laid on the Table	1737-40
Starred Questions and Answers	1635-46	Motion for Adjournment <i>re</i> Refusal of permission to the Bombay Conference Delegation for interviewing Mahatma Gandhi—Ruled out of order	1741-42
Unstarred Questions and Answers	1646-47	The Hindu Code, Part I (Intestate Succession)—Nomination of Members to the Joint Committee	1742
Election of Members to the Committee appointed to consider the Convention regarding the Railway Finance	1647	Report of the Public Accounts Committee	1742-56
Message from the Council of State	1647	Demands for Excess Grants for 1940-41	1756-60
		The Special Haj Inquiry Report	1760-82

LEGISLATIVE ASSEMBLY

Wednesday, 24th March, 1943

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

MEMBER SWORN:

Mr. Dattatraya Shridhar Joshi, M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

REPRESENTATION OF MUSLIMS IN BENGAL AND ASSAM RAILWAY ESTABLISHMENT OFFICES.

†360. *Mr. Muhammad Nauman: (a) Is the Honourable Member for Railways aware of the fact that in all the Establishment Offices of the Bengal and Assam Railway Muslims were employed short of the quota allotted to them at the time of filling up temporary and permanent vacancies of clerks, stenographers and typists from time to time during the period from January, 1940 to December, 1942?

(b) If the reply to part (a) be in the negative, does the Honourable Member propose to state the number of Muslims in the said posts in the Establishment Offices comparatively in January, 1940 and in December, 1942 and the number of those Muslims actually appointed in the said posts and kept in the Establishment Offices according to the quota allotted to them at the time of filling of vacancies of the said posts from time to time during the period from January, 1940 to December, 1942?

The Honourable Sir Edward Benthall: (a) No.

(b) I have called for information and a reply will be laid on the table of the House in due course.

REPRESENTATION OF MUSLIMS IN BENGAL AND ASSAM RAILWAY ESTABLISHMENT OFFICES.

†361. *Mr. Muhammad Nauman: (a) Is the Honourable Member for Railways aware of the fact that on the Bengal and Assam Railway Muslim representation in the Establishment Offices did not go up commensurately with the forty-five per cent. quota allotted to them for all the temporary and permanent vacancies of office clerks which occurred during the period from January, 1940 to December, 1942?

(b) If the reply to part (a) be in the negative does the Honourable Member propose to give the number of Muslims employed in the Establishment Offices on the 1st April, 1940 and on the 1st April, 1942?

(c) Is it a fact that the backward turn of Muslim representation in the Establishment Offices is due to the removal of Muslims actually appointed according to their quota on the plea of transfers to outdoor jobs and other branches or departments and their unsuitability?

(d) If the reply to part (c) be in the negative, does the Honourable Member propose to state the number of Muslim clerks, stenographers and typists sent to the Establishment Offices of (i) the Superintendent, Watch and Ward, Calcutta, (ii) the District Superintendent, Paksey, (iii) the Works Manager, Saidpur, (iv) the Executive Engineer, Lalmonirhat, and (v) the District Mechanical Engineer, Calcutta, and retained in those offices during the period from January, 1940 to December, 1942?

The Honourable Sir Edward Benthall: (a) No.

(b) and (c). I have called for information and a reply will be laid on the table of the House in due course.

†Answer to this question laid on the table, the questioner being absent.

(d) I regret I cannot undertake to compile such detailed information under present conditions.

REPRESENTATION OF MUSLIMS IN BENGAL AND ASSAM RAILWAY ESTABLISHMENT OFFICES.

†362. *Mr. Muhammad Nauman: (a) Will the Honourable Member for Railways be pleased to state the increase or decrease of Muslims in the Establishment Offices of the Bengal and Assam Railway on and from the 5th July, 1941, after the General Manager had issued a circular No. 185-E/18 PVI to all the Heads of Departments that 50 per cent. vacancies in the Establishment Offices should be reserved for Muslims?

(b) Is it a fact that in the chain of arrangements in the Intermediate Grades during the period from 1941 to January, 1943 Muslims were not given chances according to 50 per cent.?

The Honourable Sir Edward Benthall: I have called for information and a reply will be laid on the table of the House in due course.

NON-APPOINTMENT OF PANEL MUSLIMS AS CLERKS IN CERTAIN BENGAL AND ASSAM RAILWAY LOCO. SHEDS.

†363. *Mr. Muhammad Nauman: (a) Is the Honourable Member for Railways aware of the fact that in November, 1941, the General Manager, Bengal and Assam Railway, formed a panel of approved staff from Loco. Sheds and Mechanical Departments and circulated it, *vide* his No. 470-E/8B, dated the 17th November, 1941, for the guidance of the District Mechanical Engineers while making arrangements for the staff out of that panel at the time of temporary or permanent vacancies under them?

(b) Is it a fact that Muslims borne on that panel are not utilised in vacancies of clerical staff at Calcutta, Naihati and Chitpur Loco. Sheds under the District Mechanical Engineer, Calcutta, and non-Muslims unapproved by the Head Office, Selection Board, and non-matriculantes are always permitted to work in the vacancies?

(c) If the reply to (b) be in the negative, does the Honourable Member propose to state the number of the non-Muslims who have been permitted to work in the clerical jobs at Calcutta, Naihati and Chitpur Loco. Sheds during the period from 1941 to January, 1943, and the number of Muslims at Naihati Loco. Shed who represented their grievances against the action of the Administration in not utilising them in clerical jobs in preference to non-Muslim unapproved candidates?

The Honourable Sir Edward Benthall: I have called for information and a reply will be laid on the table of the House in due course.

DEFICIENCY OF MUSLIMS IN CERTAIN BENGAL AND ASSAM RAILWAY OFFICES.

†364. *Mr. Muhammad Nauman: (a) Is the Honourable Member for Railways aware of the fact that in the General Offices of the Chief Commercial Manager and the Chief Transportation Manager, Bengal and Assam Railway, Muslims were not employed according to their quota, and in the Statistical Office of the Bengal and Assam Railway, Muslims were only employed as punching clerks during the period from 1938 to 1942?

(b) If the reply to part (a) be in the negative, does the Honourable Member propose to give a comparative statement of appointments in these offices during the said period?

The Honourable Sir Edward Benthall: (a) I have no information beyond that contained in the D'Souza Report, which shows that in 1939 the percentage of Muslims in the offices of the E. B. Railway was less than 45. As regards the second part, I have no information.

(b) I regret I cannot undertake the collection of these details under present conditions.

RECRUITED MUSLIM AND NON-MUSLIM TALLY CLERKS ABSORBED IN HIGHER POSTS ON BENGAL AND ASSAM RAILWAY.

†365. *Mr. Muhammad Ahsan: (a) Is the Honourable Member for Railways aware of the fact that on the Bengal and Assam Railway Muslims were ap-

†Answer to this question laid on the table, the questioner being absent.

pointed more than their general quota in the category of Tally Clerks in the Grade of Rs. 20—1—28 during the period from April, 1936 to December, 1942, and were absorbed in the categories of services carrying grades of Rs. 30—3—45 and 30—3—45—5—60 only at the rate of one-sixth of their general quota?

(b) If the reply to part (a) be in the negative, does the Honourable Member propose to state comparatively the total number and percentage of Muslims and non-Muslims recruited as Tally Clerks during the said period, and the total number and percentage of Muslim and non-Muslim Tally Clerks who were absorbed in the posts of Assistant Station Masters, Trains Clerks, Number Takers, Signallers, Assistant Booking Clerks, Assistant Parcel Clerks, Coaching and Goods Clerks and other Station Clerks?

The Honourable Sir Edward Benthall: (a) I am making enquiries, but cannot undertake to cause an exhaustive analysis to be made.

(b) No.

MUSLIM AND NON-MUSLIM TALLY CLERKS SELECTED FOR HIGHER POSTS ON BENGAL AND ASSAM RAILWAY.

†366. ***Mr. Muhammad Ahsan:** (a) Is the Honourable Member for Railways aware of the fact that on the Bengal and Assam Railway all Districts have been given the power of selecting candidates from the cadre of Tally Clerks for training as Assistant Station Masters, Signallers and Coaching Clerks?

(b) Is it a fact that Muslim interests are not safe-guarded in these tests?

(c) If the reply to part (b) be in the negative, does the Honourable Member propose to state the total number of vacancies of Assistant Station Masters, Signallers and Coaching Clerks on each District during the period from 1937 to December, 1942, and the total number and percentage of Muslims and non-Muslims selected for appointments in these posts during the said period after the completion of their training?

The Honourable Sir Edward Benthall: (a) and (c). No.

(b) I have no reason to believe that the position is as stated by the Honourable Member, but I am sending a copy of this question and reply to the General Manager for any action he may consider necessary.

MUSLIM REPRESENTATION IN CERTAIN CADRES ON BENGAL AND ASSAM RAILWAY.

†367. ***Mr. Muhammad Ahsan:** (a) Is the Honourable Member for Railways aware of the fact that on the Bengal and Assam Railway the following posts are not considered subordinate posts for the purpose of direct recruitment and that Muslims do not get a quota of them:

1. Earth work Munshi, 2. Store Tindal, 3. Head Mate, 4. Coal Checker, 5. Block Signalman, 6. Motor Lorry Driver, 7. Fitters (Power, Mechanical and Civil Engineering), 8. Mistries (Power, Mechanical and Civil Engineering), and 9. Tape Readers?

(b) If the reply to part (a) be in the negative, does the Honourable Member propose to state comparatively the total number and percentage of Muslims and non-Muslims in the above posts on the 1st January, 1936 and on the 31st December, 1942?

The Honourable Sir Edward Benthall: (a) Posts are not classified as subordinate or otherwise for the purpose referred to by the Honourable Member. I have no information regarding the classification of all the posts referred to.

(b) No.

MUSLIM REPRESENTATION IN CERTAIN INFERIOR POSTS ON BENGAL AND ASSAM RAILWAY.

†368. ***Mr. Muhammad Ahsan:** Is the Honourable Member for Railways aware of the fact that on the Bengal and Assam Railway the posts in the Mechanical, Engineering and Traffic Departments carrying grades, the maximum of which rises above Rs. 30, are still considered inferior for the purpose of direct recruitment not subjected to communal quota and the posts of Tally Clerks, the maximum of which is below Rs. 30 are considered subordinate for the purpose of direct recruitment just to balance the deficiency of the Muslim quota in other categories of Subordinate Services?

†Answer to this question laid on the table, the questioner being absent.

(b) If the reply to part (a) be in the negative, does the Honourable Member propose to state comparatively the total number and percentage of Muslims and non-Muslims recruited in all the inferior posts, the maximum of which rises above Rs. 30, on the Bengal and Assam Railway, during the period from 1938 to 1942?

The Honourable Sir Edward Benthall: (a) No, but I would point out that Muslims have a reservation in recruitment to inferior service posts as well as to subordinate posts. The classification of staff as inferior and subordinates is not made for the purpose which the Honourable Member states.

(b) No.

PERCENTAGE OF MUSLIM TALLY CLERKS ON BENGAL AND ASSAM RAILWAY.

†369. ***Mr. Muhammad Ahsan:** (a) Is the Honourable Member for Railways aware of the fact that if the posts of Tally Clerks on the Bengal and Assam Railway were to be declared inferior, the percentage of Muslims in the Subordinate Services will stand at 22.5 per cent.?

(b) If the reply to part (a) be in the negative, does the Honourable Member propose to state the total number and percentage of Muslims recruited as Tally Clerks during the period from 1935 to 1942 as compared with the total number and percentage of Muslims recruited in other subordinate posts during the same period?

The Honourable Sir Edward Benthall: (a) and (b). No.

MUSLIM PERMANENT WAY INSPECTORS, ETC., ON NORTH WESTERN RAILWAY.

370. ***Khan Bahadur Shaikh Fazl-i-Haq Piracha:** (a) Will the Honourable Member for Railways please state the number of Permanent Way Inspectors on the North-Western Railway, and how many of them are Muslims?

(b) How many of the Permanent Way Inspectors were promoted permanently or officiating to the rank of an Assistant Engineer in the lower gazetted service during the last seven years, and how many of them were Muslims?

(c) Is it a fact that a works course was started for the selected Permanent Way Inspectors on the North-Western Railway and in a class of seventeen, only three Muslims were considered fit for the course? If so, how many of the Muslims passed the test? How many of such Permanent Way Inspectors were given promotions, and how many of them were Muslims? If no Muslim Permanent Way Inspector was given promotion what were the reasons for that?

(d) What is the number of the Divisional Engineers in all the seven Divisions of the North-Western Railway, and how many of them are Muslims?

(e) Do Government propose to take adequate steps to give a proportionate share of the above services to the Muslims? If not, why not?

The Honourable Sir Edward Benthall: (a) 124; 31 Muslims, of whom 26 are permanent and 5 are officiating.

(b) 7 permanent and 18 officiating from time to time. None was a Muslim.

(c) 17 Permanent-way Inspectors attended a training course, three were Muslims and they passed the course. Five of those who attended the course have officiated as Assistant Engineers, none of them is a Muslim. As regards the last part, communal considerations do not enter into such promotions which are made by selection.

(d) 18—none of them is at present a Muslim.

(e) No, because with the number of Muslims available, it is not practicable to ensure that they are equally distributed in all branches, and in respect of posts filled by promotion, Government cannot agree to promotion being influenced by communal considerations.

Sardar Sant Singh: May I ask the Honourable Member if he will give us the number of Permanent Way Inspectors belonging to communities other than Muslims?

The Honourable Sir Edward Benthall: Obviously Sir, I should require notice of that.

MUSLIM EMPLOYEES' GRIEVANCES IN THE RAILWAY PARCEL OFFICE, DELHI.

371. *Hajee Chowdhury Muhammad Ismail Khan: (a) Will the Honourable Member for Railways be pleased to state whether the attention of Government has been drawn to the letter published in the *Dawn* of the 28th February, 1943, regarding Muslim employees' grievances in the Railway Parcel Office, Delhi Main?

(b) Is it a fact that all superior posts, such as the Chief Parcel Clerk, Head Parcel Clerk, Luggage Supervisors, Incharge of the East Indian Railway Outward and Inward, Great Indian Peninsula Outward and Inward, North-Western Railway Outward and Inward Offices, Delhi, are held by non-Muslims, and the Head Commercial Clerk and the Divisional Commercial Officer, Delhi Division, are non-Muslims?

(c) Is it a fact that all correspondence clerks of the Chief Parcel Clerk's Office, Delhi, are non-Muslims? If so, why?

(d) Is it a fact that some non-Muslim clerks with less service and meagre experience are working as Incharge of the East Indian Railway Outward and Great Indian Peninsula Inward Offices in the Parcel Office, Delhi, thereby superseding the claims of senior Muslim Clerks?

(e) Is it a fact that some non-Muslim Parcel Clerks of this office, who have been temporarily employed to deal with transit work have been put to work on cash duty against the instructions issued by the Divisional Superintendent, Delhi?

(f) Is it a fact that most of the non-Muslim clerks of this office are continuously working on comfortable local duties, such as luggage booking, parcel booking and parcel delivery, for a long period and especially in the Upper Class Luggage Booking Office for the last ten or fifteen years? If so, why?

(g) What action do Government propose to redress the grievances of the Muslim employees of this Office?

The Honourable Sir Edward Benthall: (a) Yes, I have seen the article in question.

(b) to (g). I have no information concerning these minor details pertaining to a small office of the North Western Railway. I shall, however, send a copy of the question and the reply to the General Manager, North Western Railway, for such action as he may consider necessary.

MUSLIM ELECTRICAL CHARGEMEN AND ELECTRICIANS ON CERTAIN STATE RAILWAYS.

372. *Maulvi Muhammad Abdul Ghani: Will the Honourable the Railway Member please state:

(a) the number of Electrical Chargemen as well as Electricians in the services of the State-managed Railways—East Indian, Assam and Bengal, and Oudh and Tirhut and the number of Muslims in each such service separately;

(b) the number of such men appointed during the last three years and the number of Muslims therein; and

(c) the number of such persons contemplated to be recruited in 1943-44 to meet war contingencies, and whether any State Railway has sent in any proposal to appoint Electrical Chargemen or Electricians to serve as reserve men?

The Honourable Sir Edward Benthall: (a), (b) and (c). I have called for information and a reply will be laid on the table of the House in due course.

ATTACHMENT TO TRAINS OF BOGIES FOR CERTAIN DESTINATIONS.

373. *Syed Ghulam Bhik Nairang: Will the Honourable the Railway Member be pleased to state:

(a) whether the bogie carriages that are attached to trains at certain stations for certain destinations are intended for the convenience of passengers between such two stations;

(b) if a carriage is attached to a train at Delhi for Patna; and if so, whether passengers holding tickets from Delhi to Patna will get preference over passengers holding tickets from Delhi to Tundla or Delhi to Cawnpore or Delhi to Allahabad;

(c) whether in such carriages passengers holding tickets from Delhi to Patna will get preference over passengers holding tickets from Tundla to Patna or Tundla to Cawnpore or Cawnpore to Patna;

(d) whether berths reserved in such carriages for passengers from Delhi to Tundia or Delhi to Cawnpore are subject to such berths not being occupied by passengers from Delhi to Patna;

(e) whether berths in such carriages when attached at Patna for Delhi can be reserved from Moghalsarai to Delhi or Allahabad to Delhi when such berths are occupied by passengers from Patna to Delhi; and

(f) whether such reservations in such carriages from Moghalsarai to Delhi or Allahabad to Delhi are also subject to such berths not being occupied by passengers from Patna to Delhi?

The Honourable Sir Edward Benthall: (a) Yes, but also for the convenience of any passengers on the route.

(b) and (d). The answer to the first portion is in the affirmative. The answer to the latter portion and to part (d) of the question is in the negative. Accommodation is booked in the order of priority of application. As far as possible, passengers travelling to Patna are accommodated in the through carriage.

(c) Yes; preference is automatic, unless passengers booking from intermediate stations choose to pay the fares and reserve as from Delhi station.

(e) and (f). Reservation from intermediate stations is not guaranteed. Accommodation is provided if available on the arrival of the train.

COMMUNAL REPRESENTATION IN CERTAIN TELEGRAPH DEPARTMENT CADRES.

374. *Nawab Siddique Ali Khan: (a) Will the Secretary of the Posts and Air Department please state if the Home Department Circular of 1934, regarding representation of minorities applies to the departmental Telegraph Offices, Telegraph Masters, Superintendents, A and B Grade, and Telegraph Engineers?

(b) What is the quota of each of the Anglo-Indian, European, Hindu, Muslim and other communities in the abovementioned services?

(c) What community-wise is the number of appointments made by direct recruitments and by promotions for the three years ending March, 1942?

(d) If Muslims have not secured their full quota since 1934, what steps do Government propose to take to make up the deficiency?

Sir Gurunath Bewoor: (a) Assuming that by departmental telegraph offices the Hon'ble Member is referring to the cadre of telegraphists, the Home Department orders of 1934 apply only to direct recruitment to the cadre of telegraphists and the Telegraph Engineering Service, Class I. The posts of Telegraph Masters and Superintendents grades I and II and the posts in Telegraph Engineering and Wireless Service class II are filled solely by promotion.

(b) The all India quota prescribed for reservation in respect of the two services referred to in the reply to part (a) is as follows:

Telegraphists. Muslims 25 per cent. Anglo-Indians 40 per cent. Other minorities $3\frac{1}{2}$ per cent. Unreserved $31\frac{1}{2}$ per cent. Since recruitment to the cadre of telegraphists is made on a local area basis, the percentages vary for the different Postal Circles.

Telegraph Engineering Service, Class I. Muslims 25 per cent., other minorities $8\frac{1}{2}$ per cent., Unreserved $66\frac{1}{2}$ per cent. There is no reservation for Europeans or Hindus in either of these cadres.

(c) Information for yearly periods ending March is not readily available but a statement is placed on the table giving the required information in respect of the three calendar years, 1939, 1940 and 1941.

(d) There was no recruitment of Telegraphists from 1930 to 1938. The first examination under the new rules was held in 1938. In the four examinations for recruitment of telegraphists held between 1938 and 1941, out of a total of 416 direct recruits there were 104 Muslims. Thus this community has secured its full quota. As regards the Telegraph Engineering Service, Class I, recruitment to which is made through the Federal Public Service Commission, since 1934 only one vacancy reserved for Muslims has lapsed. This was for want of a qualified Muslim candidate successively for two years, viz., 1938 and 1939. As there has been no lapse thereafter, the question of taking steps to make up the deficiency does not arise.

Statement.

Name of Cadre.	Euro- pean.	Mus- lims.	Anglo- Indians.	Other Minori- ties.	Rest.	Total.
BY DIRECT RECRUITMENT.						
1939.						
Telegraphists	..	17	8	4	20	49
Telegraph Engineering Service Class I	..	..	..	1	2	3
1940.						
Telegraphists	..	14	17	3	87	121
Telegraph Engineering Service, Class I	..	2	..	1	..	3
1941.						
Telegraphists	..	54	25	6	89	174
Telegraph Engineering Service, Class I	..	..	..	..	1	1
BY PROMOTION.						
1939.						
Telegraphists	..	4	1	2	8	15
Telegraph Masters	..	..	22	2	3	27
Telegraph Traffic Service, Class II (Grades I & II)	..	..	13	1	..	14
Telegraph Engineering and Wireless Service, Class II	1	..	2	2	2	7
Telegraph Engineering Service, Class I	1	..	..	..	..	1
1940.						
Telegraphists	..	4	1	1	28	34
Telegraph Masters	..	1	19	1	10	31
Telegraph Traffic Service, Class II (Grades I and II)	..	..	15	..	..	15
Telegraph Engineering and Wireless Service, Class II	..	1	9	..	1	11
Telegraph Engineering Service, Class I	1	..	..	..	..	1
1941.						
Telegraphists	..	10	..	8	36	54
Telegraph Masters	..	2	12	3	24	41
Telegraph Traffic Service, Class II (Grades I and II)	1	..	20	2	1	24
Telegraph Engineering and wireless Service, Class II	1	..	11	..	2	14
Telegraph Engineering Service, Class I	..	..	1	..	..	1

N. B.—The figures in respect of telegraphists represent the number of candidates selected for appointment.

Sardar Sant Singh: With reference to parts (b) and (c) of the question, will the Honourable Member state the number of Sikhs?

Mr. President (The Honourable Sir Abdur Rahim): How can the Honourable Member expect the Government to give the number of Sikhs in these various appointments when there is no question to that effect?

Sardar Sant Singh: The question contains about other minority communities also.

Mr. President (The Honourable Sir Abdur Rahim): Very well.

Sir Gurunath Bewoor: The other minorities include, apart from Sikhs, a number of other communities, such as Parsis, Indian Christians, etc., and I am afraid I have no information regarding the Sikhs; but if the Honourable Member wants the information, if he will put down a question, I shall be glad to give the answer.

Mr. H. A. Sathar H. Essak Sait: With reference to the answer to part (c) of the question where he says he has placed a statement on the table, has he satisfied himself or could he give us the percentage with reference to part (b)?

Sir Gurunath Bewoor: It is rather a long statement; but so far as direct recruitment is concerned, taking 1939, 1940 and 1941, I think the Muslims have got their full quota.

Mr. H. A. Sathar H. Essak Sait: That is what I wanted to know.

Sardar Sant Singh: May I know if this statement includes the number of Sikhs as well?

Sir Gurunath Bewoor: It includes other minorities, in which Sikhs are also included.

Sardar Sant Singh: Does it include any specific heading under Sikhs?

Sir Gurunath Bewoor: There is no specific heading for Sikhs.

Mr. H. A. Sathar H. Essak Sait: With reference to the answer to part (d) where my Honourable friend stated that one vacancy reserved for Muslims had lapsed because no qualified Muslim was available for those two years, will the Honourable Member kindly state who got that appointment—what community?

Sir Gurunath Bewoor: I am sorry I have not got the information here. The rule is that when a member of a minority community for which the post is reserved is not available, the vacancy is treated as unreserved.

ASSAMESE REPRESENTATION IN THE METEOROLOGICAL DEPARTMENT.

375. *Mr. Ananga Mohan Dam: Will the Secretary of the Posts and Air Department be pleased to state the total number of employees in the lower and higher grades in the Meteorological Department, and the number of the natives of the province of Assam employed therein?

Sir Gurunath Bewoor: I lay on the table a statement giving the information asked for by the Honourable Member.

Statement showing the total number of employees in the Higher and Lower Grades of the India Meteorological Department, and the number of natives of the Province of Assam employed in the Department, as on the 15th March, 1943.

	Total No. of employees in the India Meteorological Department.	No. of the natives of the Province of Assam.
Gazetted Staff	87	2
Non-Gazetted Staff	847	6
Inferior Staff	308	1

Note.—Recruitment in the Meteorological Department, is on an All-India basis and not on a provincial or local area basis.

PAUCITY OF MUSLIM OFFICERS IN THE OFFICE OF THE UNITED PROVINCES POSTMASTER GENERAL.

†376. *Mr. Muhammad Azhar Ali: Will the Secretary of the Posts and Air Department please state:

(a) the number of persons, community-wise, who have held the posts of the Deputy Postmaster General and Assistant Postmaster General in charge of Staff Branch, and also of the Special Officers in charge of Recruitment Examinations in the office of the Postmaster General, United Provinces, Lucknow, during the last seven years or as far back as available; and

(b) if it is a fact that no Muslim Deputy or Assistant Postmaster General has held the charge of the Staff Branch of the office of the Postmaster General, United Provinces, Lucknow, for more than ten years and no Muslim has ever held the post of the Head Clerk of the Staff Branch in that office at any time in the past; if so, why?

Sir Gurunath Bewoor: (a) During the last ten years there have been ten Deputy Postmasters General and seven Assistant Postmasters General in charge of the Staff Branch and two Special Officers for the Recruitment Examination. Of the Deputy Postmasters General, five were Hindus, three Europeans, one a Sikh and one a Jew. Of the seven Assistant Postmasters General one was a Domiciled European and the rest were Hindus. Both the Special Officers were Hindus.

(b) The reply to the first part is in the affirmative but it is not a fact that no Muslim has ever held the post of Head Clerk of the Staff Branch. The posting of officials is not made on communal basis.

UNSTARRED QUESTIONS AND ANSWERS.

SUPPLY OF WAGONS TO BENGAL AND BIHAR COLLIERIES FOR LOADING COAL.

63. Mr. K. C. Neogy: Will the Honourable Member for War Transport be pleased to state:

(a) the total number of coal-mines now working in the Bengal and Bihar coalfields, and the number of coal-mines with a daily bases of ten wagons and under;

(b) on what grounds and order of preference rakes and half rakes are allotted for loading coal;

†Answer to this question laid on the table, the questioner being absent.

(c) the total number of rakes and half-rakes supplied in the Bengal and Bihar coalfields for loading coal, separately, during the months of January and February 1943, and the number allotted to collieries with a daily bases of ten wagons and under during the said period;

(d) the total number of wagons allotted for loading coal in each of the above months in the Bengal and Bihar coalfields, and the number allotted to collieries with a daily bases of ten wagons and under during the said period;

(e) the total number of special allotment of wagons in the Bengal and Bihar coalfields for loading coal, separately, during the months of January and February 1943, and the number allotted to collieries with a daily bases of ten wagons and under during the said period;

(f) the total number of wagons supplied in the Bengal and Bihar coalfields for loading coal during the months of January and February, 1943, other than for Loco, Shipment and Iron and Steel Factories, and the number allotted to collieries with a daily bases of ten wagons and under during the said period; and

(g) the total number of wagons allotted to the Bengal and Bihar coalfields under the provincial quota system during the month of February, 1943?

The Honourable Sir Edward Benthall: The information is not readily available but is being collected and will be laid on the table.

PERMISSION TO KHUDAI KHIDMATGARS FOR VISITING TRANSBORDER TERRITORY FOR SOCIAL WORK.

64. Sardar Sant Singh: Will the Foreign Secretary be pleased to state:

(a) whether any correspondence took place between Khan Abdul Ghaffar Khan and His Excellency the Governor of the North-West Frontier Province in July and August, 1942, in connection with the former's demand to allow his Khudai Khidmatgars to visit the transborder territory for humanitarian and social work; if so, whether he proposes to place a copy of the correspondence on the table of the House;

(b) the number of parties of the Khudai Khidmatgars which visited the transborder territory; and

(c) whether it is a fact that Mr. Kamdar Khan, M.L.A., a member of one of the parties of Khudai Khidmatgars was detained under the Defence of India Rules on his return from a tour of the transborder territory; if so, the reasons for his detention?

Mr. O. K. Caroe: (a) The answer to the first part of the question is yes, and to the second part no.

(b) The Government of India are not aware of the exact number of Khudai Khidmatgars who visited tribal territory but they were not many.

(c) Yes, because he acted in a manner prejudicial to public safety.

SUPPLY OF WAGONS TO BENGAL AND BIHAR COLLIERIES FOR LOADING COAL.

65. Mr. K. C. Neogy: Will the Honourable Member for War Transport be pleased to state:

(a) the total number of collieries in Bengal and Bihar coalfields with daily bases of five wagons and under;

(b) the total number of wagons allotted to collieries in Bengal and Bihar coalfields with bases of five wagons and under, during each of the months of January and February 1943; and

(c) the total number of priority wagons allotted to collieries in Bengal and Bihar coalfields with daily bases of five wagons and under, excluding provincial quota wagons, during each of the months of January and February 1943?

The Honourable Sir Edward Benthall: The information is not readily available but is being collected and will be laid on the table.

DISCRIMINATION IN RESPECT OF RECENT COAL TENDERS FOR SUPPLY OF COAL TO RAILWAY BOARD.

66. Mr. K. C. Neogy: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that collieries offering the same class of coal at the same rate were allotted different quantities in respect of recent coal tenders for the supply of coal to the Railway Board? If so, what were the reasons for such discrimination?

(b) What were the total contractual arrears against 1941-42 and 1942-43 (upto February) for the supply of coal to the Company and State-managed Railways, and what were the reasons for such arrears?

The Honourable Sir Edward Benthall: (a) Yes, since the quantities taken were related to the quantities offered. There was no discrimination.

(b) For 1941/42.

State Railway contracts—approximately two and a half lakhs tons.

Company Railways—figures not available.

For 1942/43.—as on 1st January 1943 (figures for February are not available).

State Railway contracts—about six lakhs tons.

Company Railways contracts—about three lakhs tons.

The arrears were due to several causes, prominent amongst which is shortage of wagon supply.

COMMUNAL COMPOSITION OF INSPECTORS, AND ASSISTANT INSPECTORS UNDER THE SUPERINTENDENT, WORKS (LOWER), MORADABAD DIVISION.

67. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please state:

(a) the strength of the following categories of staff under the Superintendent, Works (Lower), of the Moradabad Division of the East Indian Railway—

(i) Muslim Inspectors and Assistant Inspectors; (ii) Hindu Inspectors and Assistant Inspectors; and (iii) Anglo-Indian, European and Indian Christian Inspectors and Assistant Inspectors;

(b) the particulars of the Muslim Inspectors and Assistant Inspectors against whom the Superintendent, Works, has made adverse confidential reports during his tenure of the office of the Superintendent, Works;

(c) if those reports are consistent with the reports of the Assistant Superintendents, Way and Works, under whom they served;

(d) if there were any specific instances of failure in duty on the part of those Muslim Inspectors and Assistant Inspectors to justify the adverse reports; and

(e) if the Muslim Inspectors and Assistant Inspectors were afforded an opportunity to explain their conduct before an adverse remark was recorded in their service records?

The Honourable Sir Edward Benthall: With your permission, Sir, it is proposed to reply to questions Nos. 67 and 68 together.

Government have no information of the details asked for and cannot undertake to collect them under present conditions.

APPROVED MUSLIM CONTRACTORS IN THE MORADABAD DIVISION.

†**68. Mr. Muhammad Azhar Ali:** Will the Honourable the Railway Member please state:

(a) the particulars of the Muslim contractors who were on the approved list on the date the Superintendent, Works, Moradabad Division, East Indian Railway, took over charge, and how many of them are on that list on the 15th March, 1943;

(b) the reasons for which the names of the Muslim contractors were struck off the approved list during this period;

(c) how many Hindu contractors out of a total number of Hindu contractors were struck off during the same period;

(d) if it is a fact that on the death of a Muslim contractor his son's name was not substituted in the approved list nor he was enlisted as an approved contractor by the Superintendent, Works;

(e) if it is a fact that on the death of a Hindu contractor (Vending) his son's name was substituted and he was enlisted as an approved contractor in the Moradabad Division; and

(f) if there is any machinery to check upon the Railway Officers in regard to their activities actuated by communal considerations and in defiance of the Rules and Regulations? If not, the reasons therefor?

†For answer to this question, see answer to question No. 67.

PROMOTION OF RELIEVING GUARDS ON EAST INDIAN RAILWAY DIVISIONS.

69. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please state:

(a) the requisite qualifications required of a Relieving Guard to attain before and after being placed on the panel, in the Moradabad, Lucknow, Allahabad, Dinapore, Asansol, Dhanbad and Howrah Divisions, respectively, on the East Indian Railway;

(b) if these required qualifications differ in those Divisions; if so, the reasons therefor; and

(c) how many Relieving Guards who are devoid of any of the requisite qualifications are continuing on the panel and how many of them were promoted (officiating, temporary or permanent) to the Lower Gazetted Services of the East Indian Railway?

The Honourable Sir Edward Benthall: Information has been called for and a reply will be laid on the table of the House in due course.

PAY INCREMENTS TO AN EMPLOYEE OFFICIATING IN NON-GAZETTED CADRE OF STATE RAILWAYS.

70. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please state:

(a) for how many years an employee can be kept temporary against a permanent vacancy in the Non-Gazetted Cadre of the State-Managed Railways;

(b) if he is entitled to draw increments in the time scale of pay of the permanent vacancy earned under Fundamental Rule 24; and

(c) if the increments are not drawn before confirmation, whether he is entitled to draw the accumulated increments after confirmation?

The Honourable Sir Edward Benthall: (a) There is no limit laid down.

(b) Yes, ordinarily.

(c) This is a hypothetical question.

RAILWAY BOARD ORDERS IN RESPECT OF PAYMENT OF COMPENSATIONS, ETC.

71. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please refer to the statement of Objects and Reasons of the Payment of Wages Act (IV of 1936) and state the nature of the orders issued by the Railway Board in respect of the payment of the compensation, and the recovery of costs if and when directed by the authority or the court to be paid by the Railway Administrations; and if no orders have been issued, the reasons therefor?

The Honourable Sir Edward Benthall: No special instructions have been issued as none are necessary.

SHORT NOTICE QUESTIONS AND ANSWERS.**PROTEST AGAINST THE TERMS OF REFERENCE OF THE BROOME COMMISSION APPOINTED IN DURBAN.**

Mr. Govind V. Deshmukh: (a) Has the attention of the Honourable Member representing the Indians Overseas Department been drawn to the matter which appeared in the Statesman of March 18, 1943, on page 4, under the heading "Indians' rights violated"; "Protest against Broome Commission terms"?

(b) Is he aware that the restricted scope of reference to the Commission, namely, the investigation of the acquisition of sites of Indians is likely to result in a great loss, financially, socially and from business point of view also, to the Indians living in Durban?

(c) Does he propose to take steps to enable the Indian residents there to put their grievances as to why the lands proposed to be acquired should not be acquired?

Mr. A. V. Pai: (a) Yes.

(b) and (c). I am afraid, Sir, that the Honourable Member appears to be under some misconception about the purpose of the present enquiry in Durban. It is not concerned with the acquisition of lands already in the possession of Indians but with purchases of land by Indians in predominantly European areas since September 1940. The terms of reference of the present enquiry are

“whether and if so to what extent Indians (including companies with predominantly Indian directorates) have, since September 30th, 1940, in the municipal area of Durban, acquired sites in those areas which the Indian Penetration Committee found to be predominantly European on January 1st, 1927”. The Natal Indian Association complained that these terms of reference did not include the reasons for the acquisition of these sites by Indians. The Minister replied that the enquiry was designed to elicit facts only and that the inclusion of this further point was unnecessary. As the previous Broome Commission in 1941, commented in detail upon the reasons which induce Indians to acquire property in predominantly European areas, it does not appear that the omission of this point in the terms of reference will seriously prejudice the Indian case before this Commission. The High Commissioner for India did however make a representation on the subject and ascertained that there was no objection to Indian representatives at the enquiry stating their reasons for acquisition. It will be for Mr. Justice Broome to comment on them if he thinks necessary.

Mr. Govind V. Deshmukh: May I know if there were any restrictions imposed in the year 1940 and onwards that Indians should not acquire lands in what are called predominantly European areas, and, if so, what were the reasons for imposing those restrictions?

Mr. A. V. Pai: No restrictions.

Mr. Govind V. Deshmukh: If there were no restrictions over the acquisition of such lands, then why are the lands being re-acquired now in those predominantly European areas?

Mr. A. V. Pai: An allegation was made by the Europeans that after the last Broome Commission reported, Indians were acquiring sites in European areas to a large extent and they made the allegation to the Government. The Minister therefore appointed a fact finding Commission. The object of this Commission is to find out to what extent Indians have acquired lands in European areas.

Mr. Govind V. Deshmukh: Is my Honourable friend aware that the Broome Commission found that there was, so to say, no extension or unnecessary acquisition or penetration by Indians into the areas where the Europeans were residing?

Mr. A. V. Pai: Yes. But that refers to the period up to the 30th September, 1940. Their allegation is as to penetration after that.

Mr. Govind V. Deshmukh: If there were no restrictions imposed in the year 1940, can the Honourable Member say why, if the Indians were allowed to acquire lands, they should be ousted from those lands now?

Mr. A. V. Pai: There is no question of ousting. It is a fact finding enquiry whether the allegations that were made were correct or not.

Mr. Govind V. Deshmukh: The statement that appears in the press is this, —not whether it was unnecessary acquisition or whether it was desirable, they did not wish to go into any facts or reasons for acquiring or not acquiring, it is said that if the lands have been acquired, they ought to be re-acquired. As a matter of fact, the Indians in Durban wanted that the matter should be investigated, as to the causes of acquiring the sites.

Mr. A. V. Pai: We cannot object to an investigation into facts. The complaint of the Indians was that the Commission was not asked to investigate the reasons for that acquisition. We have now ascertained that they are not precluded from presenting their reasons before the Commission, and the Commission will consider what comment they should make on those reasons.

Mr. Govind V. Deshmukh: May I know if the Honourable Member has been approached by the Natal National Congress, or did anybody on behalf of the Natal National Congress approach our Government to impress on the Union Government for a judicial commission to enquire into this matter, and that so far as they were concerned, they wanted that matters, social, economic and franchise, should be enquired into?

Mr. A. V. Pai: It does not arise from this question, but I have seen a report to that effect in this morning's papers. We have not so far received any representation from the Natal Indian Congress.

Mr. Hooseinbhoy A. Lalljee: Why is this enquiry being made? What is the motive of this enquiry as regards Indians penetrating into European areas and so forth?

Mr. A. V. Pai: The enquiry is to elicit facts and to verify if the allegations made by the Europeans are correct or not.

Mr. Hooseinbhoy A. Lalljee: What is the motive of this enquiry, why is it being made?

Mr. A. V. Pai: I have no more to say.

Mr. Hooseinbhoy A. Lalljee: Is there anything like untouchability still prevalent there in South Africa?

Mr. President (The Honourable Sir Abdur Rahim): Next Short Notice Question. Sir Frederick James.

PROPOSED INCREASE IN ADVERTISING RATES UNDER THE NEWSPAPER CONTROL ORDER.

Sir F. E. James: Will the Honourable Member representing the Commerce Department be pleased to state:

(a) if his attention has been called to clause 12(1) of the Newspaper Control Order, 1942 [Notification No. 104-I C(5) 42 published in the *Gazette of India Extraordinary* on the 27th February, 1943];

(b) whether he is aware that the proposed increase in advertising rates is in excess of the requirements of the case, especially in view of increases that have already been put into effect by some newspapers between January 1st and February 28th, 1943; and

(c) if Government propose to reduce the proposed increases; to base them on the rates ruling on the 31st December, 1942; and to make them applicable only to contracts entered into from the 1st April, 1943?

Mr. T. S. Pillay: (a) I have read clause 12 (1) of the Newspaper Control Order, 1942.

(b) On the basis of examination so far made I cannot say we are aware that the proposed increase in advertising rates is in excess of the requirements of the case.

(c) Government are already considering the suggestion made by the Honourable Member and expect to reach a decision at a very early date.

MOTIONS FOR ADJOURNMENT.

NON-CONSULTATION OF INDIA AS REGARDS INTERNATIONAL SCHEMES FOR FUTURE MANAGEMENT OF EXCHANGE AND INTERNATIONAL CURRENCY, ETC.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of a motion for the adjournment of the business of the House from Mr. Hooseinbhoy Lalljee, which runs as follows:

I give notice that the business of the Assembly be adjourned to discuss a definite matter of urgent public importance, namely, the urgent necessity to impress upon His Majesty's Government in Britain that their fortunes with regard to the re-establishment of their Exports and the securing of their share, in the augmented world trade, will be greatly influenced not only by the policies of the U. S. A. and of the British Dominions, but also of India and whilst they are doing their utmost to keep in ever closer contact with them, they should also try their utmost to keep in closer contact with India; further whilst they have already put before them and their friends and allies tentative suggestions for the future management of exchange and of International Currency they should also put these, without any delay and before definite arrangements are made, before India, as this country is as much vitally interested, as themselves, their friends and allies in these matters.

When was this published in the papers?

Mr. Hooseinbhoy A. Lalljee (Bombay Central Division: Muhammadan Rural): Only yesterday morning.

Mr. President (The Honourable Sir Abdur Rahim): Why did not the Honourable Member give notice of it in time yesterday?

Mr. Hooseinbhoy A. Lalljee: I read it only at 10 o'clock and I tried to put it in but there was no time. It was physically impossible. I was three minutes late.

Mr. President (The Honourable Sir Abdur Rahim): I accept the explanation. The delay may have been due to circumstances which made it difficult for the Honourable Member to give notice before the commencement of the proceedings yesterday in accordance with the rules but I should like to point out that this notice is worded rather generally and in somewhat vague terms. I do not know if the Honourable Member of Government has any objection.

The Honourable Sir Jeremy Raisman (Finance Member): I would submit that the question of the international discussions

Mr. President (The Honourable Sir Abdur Rahim): I want to know first whether the Honourable Member takes objection to the way in which the motion is worded—that it is too vague for the Government to reply.

The Honourable Sir Jeremy Raisman: It is vague but I would also submit that it is not a new matter. It is in fact a matter which has been discussed on the floor of the House and in regard to which I have answered certain questions.

Mr. President (The Honourable Sir Abdur Rahim): The motion is in respect of an announcement which was published yesterday.

The Honourable Sir Jeremy Raisman: I do not know to what announcement the Honourable Member refers. There was no announcement published yesterday which made any difference to this question.

Mr. President (The Honourable Sir Abdur Rahim): I understood that the announcement was made by Mr. Winston Churchill.

Mr. Hooseinbhoy A. Lalljee: It was announced by Mr. Churchill on the 22nd March as published in a Reuter's Message and contained four years plan also. The Honourable the Finance Member has dealt with the currency question vaguely in his replies but here is a definite statement made by the Prime Minister and I have tried to give it in his own words, he has put export, trade, exchange and international currency all together.

The Honourable Sir Jeremy Raisman: What the Right Honourable Mr. Winston Churchill said referred exactly to what we knew before about the international discussions. They have been mentioned in this House and I have also in reply to a question yesterday said that the Government of India hope to be able to give an opportunity to this House and the country to consider any arrangements before final commitments are entered into. That relates to precisely the same matter.

Mr. Hooseinbhoy A. Lalljee: Nothing was said by the Honourable Member about their re-establishment of exports and a share in augmented in world trade as stated in my motion.

The Honourable Sir Jeremy Raisman: The whole purpose of the international monetary arrangements is in order to facilitate international trade. The two things are vitally linked together and it is in effect the same proposal. There is no other scheme other than the international schemes which have been mentioned for some days past in the Press for securing this object.

Mr. President (The Honourable Sir Abdur Rahim): Do I understand from the Honourable Member that an opportunity will be given to India to have its say in the matter before decisions are taken? Is it the position that India will be consulted?

Mr. Hooseinbhoy A. Lalljee: The whole question is when. I understand that tentative proposals have gone out and we do not know anything.

The Honourable Sir Jeremy Raisman: I have indicated that at the tentative stage of informal discussion we were consulted and we did participate and I have indicated that we have every hope that we shall be further consulted before any final arrangements are decided upon.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): If India was consulted, then why was mention of India omitted from the speech.

The Honourable Sir Jeremy Raisman: In Mr. Eden's observations, he did mention that both the Dominions and India had been invited to the informal consultation.

Mr. President (The Honourable Sir Abdur Rahim): Having regard to the statement made by the Honourable the Finance Member, I hold that the motion is not in order, as the question sought to be raised is not urgent within the meaning of the Rules and Standing Orders.

The next motion by Mr. Deshmukh relates also to the same matter.

Mr. Govind V. Deshmukh: My motion differs from Mr. Lalljee's motion, in that my motion raises the question of the exclusion of India. Mr. Hooseinbhoj wants to speak in the interest of Great Britain; I wish to speak in the interest of India.

Mr. President (The Honourable Sir Abdur Rahim): It is substantially the same matter.

THROTTLING THE DEBATE ON THE SECOND READING OF THE INDIAN TEA CONTROL
(AMENDMENT) BILL.

Mr. President (The Honourable Sir Abdur Rahim): The next motion is in the name of Mr. Jamnadas Mehta. He wishes to discuss a definite matter of urgent public importance, namely, the action of the Government in throttling the debate on the Second Reading of the Tea Control (Amendment) Bill yesterday by moving a closure after a debate of only 40 minutes of which more than half the time was occupied by Government spokesmen and other supporters of the Bill.

The discussion was not throttled. The closure was moved and I accepted it and the House adopted the closure.

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): All right.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member seeks any remedy against the ruling of the Chair, the proper procedure is to move a substantive motion. It cannot be done by means of an adjournment motion.

Mr. Jamnadas M. Mehta: I make a distinction between moving the adjournment and its acceptance by the Chair but I may say that the Honourable the Leader of the House has given me a satisfactory explanation, for which I thank him. I do not want to move it.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member had mentioned this earlier, I would not have brought the matter to the notice of the House.

Mr. Hooseinbhoj A. Lalljee: May I know if the motion is out of order or has been withdrawn?

Mr. Jamnadas M. Mehta: Both!

ELECTION OF MEMBERS TO THE CENTRAL ADVISORY COUNCIL FOR
RAILWAYS.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 noon on Thursday, the 18th March, 1943, the time fixed for receiving nominations for the Central Advisory Council for Railways, seven nominations were received. Subsequently one candidate withdrew his candidature. As the number of remaining candidates is equal to the number of vacancies, I declare the following Members to be duly elected:

1. Mr. H. M. Abdullah. 2. Hajee Chowdhury Muhammad Ismail Khan. 3. Dr. Sir Ratanji Dinshaw Dalal. 4. Mr. Lalchand Navalrai. 5. Mr. H. G. Stokes. 6. Mr. Hooseinbhoj A. Lalljee.

ELECTION OF A MEMBER TO THE STANDING FINANCE COMMITTEE.

The Honourable Sir Jeremy Raisman (Finance Member): Sir, I move:

"That this Assembly do proceed to the election, for the financial year 1943-44, in such method as may be approved by the Honourable the President, of a Member of the Standing Finance Committee in the vacancy caused by the resignation of his membership of the Committee by Mr. Naoroji M. Dumasia."

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That this Assembly do proceed to the election, for the financial year 1943-44, in such method as may be approved by the Honourable the President, of a Member of the Standing Finance Committee in the vacancy caused by the resignation of his membership of the Committee by Mr. Naoroji M. Dumasia."

The motion was adopted.

ELECTION OF A MEMBER TO THE CENTRAL COMMITTEE OF THE TUBERCULOSIS ASSOCIATION OF INDIA.

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That the Members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, one person from among their number to sit on the Central Committee of the Tuberculosis Association of India."

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, one person from among their number to sit on the Central Committee of the Tuberculosis Association of India."

Mr. E. L. C. Gwilt (Bombay: European): Sir, I understand that the bye-laws of the Tuberculosis Association only provide for one Member of the Assembly to sit on the Central Committee. Tuberculosis is such an appalling scourge in this country and India's resources are so inadequate to meet it that I feel that not only might the Association welcome the representation of the Legislature increased to, say, two or three but possibly also the Member of the Legislature who sits on that Committee might welcome the proposal. I would therefore ask the Honourable Member representing the Education, Health and Lands Department if he would be good enough to pass this suggestion on to the Association.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, this Association is undoubtedly for an important work but I find from my personal experience that there is hardly any work to be done by the Representative Member of this House. The whole year has passed and I have had nothing to do with this Association. At the end of the year a meeting of the Association is held and simply the formality is observed by the Member elected by this House to attend that function and nothing more. If the Association requires a representative from this House, it should also consider the utility of this representative. If they do not like to take any work from the representative of this Assembly, then what is the use of having the representation of this House and that too after a great deal of trouble and canvassing by this House.

Mr. J. D. Tyson: Sir, if I may reply first of all to the point made by my Honourable friend Maulvi Abdul Ghani, I would say this,—that I have no personal knowledge of the working of this Association: I am not a Member of it myself. But I find that the body to whom this Honourable House elects a representative is the Central Committee of the Tuberculosis Association of India and that that Association has branches in all the provinces and a number of States. It may well be that a great deal of the day-to-day work is done by the Provincial and State Branches. In addition, I find that the Central Committee itself has power to work through Sub-Committees for some of its activities and it may be that it works largely through Sub-Committees at headquarters. My Honourable friend's experience is that he has only been called to attend one meeting of the Central Committee. I am afraid that is all I can say on the matter at the moment.

As regards the point made by Mr. Gwilt, the position is that under the Rules and Regulations, as he has quite rightly said, this Assembly is asked to choose one Member only. The constitution of the Central Committee provides for "one member of the Legislative Assembly chosen by that body and a member of the Council of State chosen by that body", but I am very ready to pass on to the Association for their consideration the suggestion that the Legislature should be more strongly represented on the Central Committee.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): One point that was raised by Maulvi Muhammad Abdul Ghani is: Has the Central Committee any real functions?

ELECTION OF A MEMBER TO THE CENTRAL COMMITTEE OF THE TUBERCULOSIS ASSOCIATION OF INDIA 1391

Mr. J. D. Tyson: These are the functions set out in the Rules and Regulations, I will shorten them. "Without prejudice to the general powers" conferred on the Central Committee, they have the following powers: to collect money and raise funds, to control and administer the property and the Funds of the Association, to appoint staff, to frame bye-laws, to pass the accounts, to encourage the establishment throughout the country of Provincial and State Tuberculosis Associations and "generally to do such things as they may consider necessary and expedient". I am afraid I cannot say more than that.

Sir Henry Richardson (Nominated Non-Official): Is the reason for a representative of this House being put on this Association this that the House or the Government of India makes a grant to the Association? If so, what is the amount of the grant?

Mr. J. D. Tyson: Yes, Sir, the reason is that we do aid the Association. We give them a grant of Rs. 20,000 per annum and we did also help them over the Kasauli Sanatorium. I think we gave them a grant of a lakh and a quarter or something like that. That was a single grant.

Sir F. E. James (Madras: European): Is the contribution of Rs. 20,000 a year the only contribution of the Government of India to the India Tuberculosis organisation?

Mr. J. D. Tyson: I think it is. A certain number of the Government of India officers are ex-officio members of the Association and give their services.

Mr. E. L. C. Gwilt: May I ask the Honourable Member whether he has any idea of the incidence of tuberculosis in this country?

Mr. J. D. Tyson: I must ask for notice of that, I am afraid.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, one person from among their number to sit on the Central Committee of the Tuberculosis Association of India."

The motion was adopted.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE COMMERCE DEPARTMENT.

Mr. T. S. Pillay (Government of India: Nominated Official): Sir, I move: "That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Committee to advise on subjects in the Department of Commerce."

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Committee to advise on subjects in the Department of Commerce."

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, I have always protested against such small numbers of Members being allotted to the Assembly, and on previous occasions at my request the Government saw it fit to increase the numbers of Members. I make the same request here. If the Assembly is to be properly represented on the Committee associated with the Department of Commerce, it is desirable that each of the organised Parties should have one Member on this body and that unattached Members also should have some representation. I, therefore, suggest that the number be raised to five.

Mr. T. S. Pillay: Sir, Government have no objection to increase the number to five.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, five non-official Members to serve on the Standing Committee to advise on subjects in the Department of Commerce."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform Honourable Members that for the purpose of elections of Members for the Standing Finance Committee, the Central Committee of the Tuberculosis Association of India and the Standing Committee for the Department of Commerce, the Notice Office will be open to receive nominations up to 12 o'clock on

[Mr. President.]

Friday, the 26th March, 1943, and that the elections, if necessary, will be held on Wednesday, the 31st March, 1943. The elections, which will be conducted in accordance with the principle of proportional representation by means of the single transferable vote, will be held in the Assistant Secretary's room in the Council House, New Delhi, between the Hours of 10-30 A.M. and 1 P.M.

THE DELHI UNIVERSITY (AMENDMENT) BILL.

Mr. J. D. Tyson (Secretary Department of Education, Health and Lands): Sir, I beg to move for leave to introduce a Bill further to amend the Delhi University Act, 1922.

Mr. President (The Honourable Sir Abdur Rāhim): The question is:

"That leave be granted to introduce the Bill further to amend the Delhi University Act, 1922."

The motion was adopted.

Mr. J. D. Tyson: Sir, I introduce the Bill.

THE INDIAN TEA CONTROL (AMENDMENT) BILL—*contd.*

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the Tea Control Bill clause by clause.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I beg to move:

"That in clause 2 of the Bill, in the proposed sub-section (4) for the words 'twenty-four months' the words 'twelve months' be substituted."

I would have very much liked that a Bill of this kind ought to have come for its views before the Assembly every year. We ought to know the working of this Bill and we should be in a position to recommend whether it should be continued or should not be continued further. Really speaking I should have moved an amendment for the deletion of the words 'during the war' as well. I would have very much liked to do that, but I did not move this. Just at present I only wanted the representative of the Commerce Department to be consistent with other enactments. May I remind him the other day we passed a legislation about war emergency in connection with the Aligarh Muslim University and there we said clearly that that amendment would be in operation during the war and one year after the war. I request the Government ought to be consistent in their legislation, that is, if they have a measure in which they have prescribed the period as one year after the war, then if a similar measure is to be enacted the same period of one year after the war should be laid down. In other words once the Government has adopted the policy of prescribing one year after the war it should be followed in every case. Actually speaking this Bill ought to have been enacted for the whole period of war and only one year after the war. This particular Bill was really enacted to satisfy certain other countries to have some kind of international understanding in connection with the plantation of tea. One of the important countries was Japan. This country has now become an enemy country and there is no justification for us to have any international understanding about those countries which are not our friends. The only other country about which we are concerned is Ceylon. As we have said the other day Ceylon has not been very fair to Indians in recent years, and to have a legislation of this kind simply to please that country, I think, is not justified. I think the conditions that existed in 1938, when we had this Bill considered and enacted, have altogether changed in the year 1942. Therefore, to my mind even the continuation of this Bill for one year is not justifiable. To have it continued during the war and two years after the war is against the policy of the Government of India adopted with reference to other legislations and is, I think, very much unjustifiable and incorrect.

Now, as regards the working of this particular Bill, I just want to remind the Honourable Member, though I do not know whether he can

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better confine himself to the amendment.

Dr. Sir Zia Uddin Ahmad: I will take up that point at the time of the third reading of the Bill. Now, I would request the Honourable Member in charge of the Bill to reconsider the matter and agree to my amendment, that is, it should remain in force only upto the end of one year after the termination of hostilities, and let this House have an opportunity to express its opinion on the working of the Bill. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That in clause 2 of the Bill, in the proposed sub-section (4) for the words 'twenty-four months' the words 'twelve months' be substituted."

Mr. T. S. Pillay (Government of India: Nominated Official). Sir, I am sorry I have to oppose this amendment. The first reason given by my Honourable friend Dr. Sir Zia Uddin Ahmed is that Government ought to be consistent in regard to their proposals for legislation. I do not know the reasons which led Government to propose only one year in the case of those legislations which he quoted. Sir, in the case of this Bill it is important that we should have sufficient time after the hostilities to review and come to some sort of understanding with all the interests concerned. It is extremely difficult within a period of one year to do all that. Besides, there are several most important matters of public importance such as review by the international Committee, review of the conditions of the different trades at that time, in order to come to the conclusion whether this control should be extended or not and if so, for what period. It is for this reason that we have provided that the Act should continue to be in force for the period of hostilities and two years thereafter. I submit to this Honourable House that this is a very modest period and that is the minimum required for the very examination which the Honourable Member desires should be made in regard to such matters.

Sir, I may refer briefly to the other points which he raised, namely that we are not obliged to come to an agreement with a country which is an enemy country. I do not know whether I followed him correctly. Dutch East Indies is no doubt now in enemy occupation, but we do not admit that it is an enemy country. There is a Government which is now functioning in London and it is looking after the affairs of the Dutch East Indies and it is with that Government and with the industry which is represented in London that we are carrying on these negotiations. The third point which he incidentally mentioned was that we should not enter into negotiations with Ceylon. The point here is that negotiations have been carried on not so much in the interest of Ceylon as in the interest of the Indian tea industry. Therefore, I submit that this amendment is not calculated to carry out the purposes which we have sought to achieve by the amending Bill before the House.

Dr. Sir Zia Uddin Ahmad: The Honourable Member has not replied to my point why the Government are not consistent. In every legislation they fix one year, but now in this case, it is two years.

Mr. T. S. Pillay: I have answered that point already.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That in clause 2 of the Bill, in the proposed sub-section (4) for the words 'twenty-four months' the words 'twelve months' be substituted."

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That clause 2 stand part of the Bill.

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 to 9 were added to the Bill.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I move:

"That after sub-clause (b) of clause 10 of the Bill, the following be inserted:

"(c) in clause (a) of sub-section (3) for the figures '1938', the figures '1943', shall be substituted."

Sir, the House will observe that this amendment relates to clause (3) of section 14 of the Act, under which the crop basis on a tea estate may be redetermined by the Licensing Committee if the application is made by the owner of the estate before the 30th day of September, 1938. The Act of 1938

[Mr. K. C. Neogy.]

will expire on the 31st March next, and this amendment is intended to extend the time for an application of that character to be made, the period fixed being six months after passing of the Bill now under consideration. I understand, Sir, that the Government are prepared to accept this amendment.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That after sub-clause (b) of clause 10 of the Bill, the following be inserted:

(c) in clause (a) of sub-section (3) for the figures '1938', the figures '1943', shall be substituted."

Mr. T. S. Pillay: Sir, I have great pleasure in accepting the amendment on behalf of Government.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That after sub-clause (b) of clause 10 of the Bill, the following be inserted:

(c) in clause (a) of sub-section (3) for the figures '1938', the figures '1943', shall be substituted."

The motion was adopted.

Mr. K. C. Neogy: Sir, I move:

"That after sub-clause (b) of clause 10 of the Bill, the following be inserted:

(c) for clause (b) of sub-section (3) the following shall be substituted namely:

(b) The Committee is satisfied that there exists some special hardship—

(i) caused by contribution from mature tea in any of the basic years 1929 to 1932 taken or assessed for the purpose of its best crop which is lower than the district average, the district average being such allowance as may be prescribed, or

(ii) arising out of circumstances not under the control of the owner or any previous owner of the estate and relating to condition prior to the 1st day of April, 1933."

Sir, in the first instance I apologise to the House for the language of the amendment which is not my own. I had to adopt this bodily from the recommendations made by the Tea control conference to which reference was made yesterday by my Honourable friend Mr. Pillay. In the course of their report, they suggested different amendments that should be undertaken by the Government. This is one of those amendments. Now, Sir, this amendment is justified on behalf of the weaker section of the tea industry, that particular section which was rather adversely affected by the restriction scheme which was brought into operation under the Control Act of 1933 and the subsequent Act of 1938. Section 14 of Act of 1938 gives power to the Committee to revise the crop basis of a tea estate on the ground of special hardship. In practical working, however, it was found that certain classes of special hardship which are intended to be covered by this amendment that I have moved had not actually been taken into account, and those grievances were voiced before the Tea Control Conference of November last with the result that this recommendation was made by the conference by a majority. When I say that the recommendation was made by a majority, I should like to make it clear that the dissenting minority did not object to the substance of this amendment. What they thought evidently was that the language of the section was wide enough to cover a case of hardship of this character. The dissenting Members thought that the right to apply for redetermination is already sufficiently wide to allow the Committee to give full consideration to all such applications. There was therefore no difference in point of substance at the Tea Control Conference so far as this particular issue was concerned. I very much hope that the Government will be in a position to accept the substance of this amendment, if not by accepting the amendment itself, at least by promising to cover this point by rules which may be framed hereafter. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That after sub-clause (b) of clause 10 of the Bill, the following be inserted:

(c) for clause (b) of sub-section (3) the following shall be substituted namely:

(b) The Committee is satisfied that there exists some special hardship—

(i) caused by contribution from mature tea in any of the basic years 1929 to 1932 taken or assessed for the purpose of its best crop which is lower than the district average, the district average being such allowance as may be prescribed, or

(ii) arising out of circumstances not under the control of the owner or any previous owner of the estate and relating to condition prior to the 1st day of April, 1933."

Mr. T. S. Pillay: Sir, I beg to say that I am unable to accept the amend-

ment to cover the substance of this motion as desired by the Honourable Member. As he correctly explained, it is true that the Tea

12 Noon.

Control Conference did agree that suitable amendments should be made in the Act to cover this point. I explained to the Honourable Members in my opening speech the reasons why Government could not support this amendment in order to cover cases of this kind. The Act quite rightly provides that the crop basis of a tea estate may be re-determined by the Committee, where the Committee is satisfied that grounds of hardship exist arising out of circumstances beyond the control of the owner. It is considered, Sir, that it will be unduly limiting, in certain respects, the provisions of the Act if we mention any specific causes. There are several cases of hardship and it is quite possible, we are advised, to deal with all such cases through rules, and instructions, wherever necessary, issued to the Committee. I already announced that I propose, as soon as possible, to go to Calcutta to discuss these very matters in consultation with the Tea industry and make such provision as are considered justifiable in the circumstances of the cases as presented to Government. In view of this assurance, Sir, I hope that the mover of this amendment will not press it.

Mr. K. C. Neogy: I am thankful to the Honourable Member for the assurance he has given and I beg leave of the House to withdraw the amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That Clause 10, as amended, stand part of the Bill."

The motion was adopted.

Clause 10, as amended was added to the Bill.

Clauses 11 to 21 were added to the Bill.

Mr. K. C. Neogy: Sir, I move:

"That in sub-clause (a) (i) of clause 22 of the Bill, before the word "for" the words "after the word 'land', the words 'being a portion of a tea-estate shall be inserted' and" be inserted."

This amendment relates to section 29 of the Act and is really a matter of interpretation. Under section 29 it is permissible to a tea-estate to extend its cultivation if it has suffered from any natural visitation of the character mentioned in clause (a) of section 29 (i). The language is this: "Whether any land which was on the 31st day of March planted with tea....." and so on and so forth. Now I understand that in actual practice it has been interpreted to mean that unless the whole area of a tea-estate suffers from a natural visitation of this character, it cannot qualify for the concession contemplated in section 29. That obviously could not have been the intention of the Legislature, and therefore I seek to make clear that the reference to land is intended to mean any portion of a tea-estate and not the whole of a tea-estate; but for the fact that in actual interpretation a doubt has been cast upon this particular section, I would not have thought it necessary to move an amendment of this kind. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That in sub-clause (a) (i) of clause 22 of the Bill, before the word "for" the words "after the word 'land', the words 'being a portion of a tea-estate shall be inserted' and" be inserted."

Mr. T. S. Pillay: As I read the Act I can say that the interpretation reported to have been put on the word 'land' in this section does not appear to me to be correct. The position as I see it seems to be as follows: For example a tea-estate applies for 100 acres and 10 acres of that estate became wholly incapable of carrying tea for some super-human causes. I take it that if it is proved that those 10 acres have become incapable of carrying tea for some unavoidable cause, or under clause (b) of section 29, then the estate will become eligible under section 29 to plant tea to the maximum extent of ten acres. That I understand to be the correct position as I read the section.

Sir F. E. James (Madras: European): I do not dispute his authority, but I should like to know whether his personal authority is fortified by the advice of the legal advisers to the Government of India.

Mr. T. S. Pillay: The interpretation which I have just now given has been confirmed by the Legislative Department.

Mr. K. C. Neogy: Sir, in the circumstances, I beg leave of the House to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That Clause 22 stand part of the Bill."

The motion was adopted.

Clause 22 was added to the Bill.

Clauses 23 to 25 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. T. S. Pillay: Sir, I move:

"That the Bill, as amended, be passed."

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill, as amended, be passed."

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Mr. President, Sir, probably at this stage no useful purpose will be served by the comments that I propose to make, but I think it is absolutely necessary because of certain remarks made by Mr. Griffiths when he was supporting this Bill. There are certain things, Sir, which cannot be explained away, and Mr. Griffiths in spite of assertions and in spite of his best efforts to impress the people that it was in the interests of the consumer, could not probably convince even his own self of any truth contained in his arguments. He said that the total production of tea in India is about 560 million tons, whereas our consumption in India is about 147 million tons, and he wanted to impress the House that there was a danger of over-production without a regular control measure and in that event both the consumers and the producers stand to lose and suffer. But he could not explain away the rise in prices or give any satisfactory explanation of the factors which have been responsible for the tremendous rise in the price of tea recently in spite of increased production which is calculated to be above the requirements of this country, and this defeated the principle of supply and demand, the elementary economic principles for regulation of prices. If Mr. Griffiths tried to learn this he would have known that there were no other factors except the anxiety of vested interests to earn high profits for which this control legislation was being brought. Why is the Government anxious to control tea alone? Because the producers are the people belonging to vested interests whom Mr. Griffiths is representing. He said: "If I find that it is not in the interest of the Indians and the consumers as a whole, I will go to the Commerce Department for repealing this Bill". I do not know for how many things we are going to accept this word of honour. He has given us his word of honour many times before also. He said that if His Majesty's Government did not give self-Government to India after the war he would go and lead a sort of revolution. He said more or less like that. He has now given another word of honour when he says that if he did not find this control to the benefit of the people of this country, he would go to the Government department concerned for repealing it. We are not concerned with the word of honour of any individual even if he be a Member of this House. What we are concerned with is that the Government has made out a wrong case. The Bill as has been amended is not in the interest of the consumers. As Dr. Sir Zia Uddin has very ably pointed out with all his knowledge of mathematics, it is not in the interest of consumers but it is all in the interest of producers who belong to the vested interests. If those planters had not come from other countries of the world, the Government of India would not have thought of this control at all and Mr. Griffiths would not have championed the cause which he is trying to champion in this House as representative of European interests.

Further he wanted to know the reasons and factors responsible for raising the prices of rice and wheat or other commodities before he would give reasons for increase in the prices of tea. In regard to that, I would submit that the factors are too well known for wheat and rice. The elementary principle of supply and demand clearly shows that the production in India has not been

sufficient to cope with the requirements of this country. In the words of Mr. N. R. Sarker, the Ex-Commerce Member, even on paper it was short by 4 per cent. on liberal calculation. If Mr. Griffiths had remembered that, probably he would not have asked this question. If the Government is anxious to have this Tea Control Bill passed and allow the producers to make huge amounts of money, well they may do so. The House, as it is, can pass any sort of Bill if Government so cares to do. Why not make a clear confession that you are doing it for the producers and tea planters who have vested interests. It certainly does not make any difference to the Indians if this land is put under tea plantation or something else is grown there when consumer is not being benefited. You remember when coffee was burnt up in order to raise the price in Argentine. Mr. Griffiths forgot to introduce that analogy, but I will tell him that I know instances in which in independent countries like Argentine it has been done. It was done in the interest of the consumers and the producers both because both happened to be of the same soil, whereas in the case of tea produce in India and the consumers here they are not the same. We feel that India is producing more than we require and, as such we have no reasons to pay a single pie more than we used to pay before 1937. That is the issue. There may be some mysterious factors to Mr. Griffith's knowledge which may be responsible for the shooting up of prices, but we believe this to be this control protection.

I do not wish to detain the House any longer because the Honourable Dr. Ambedkar made a very lucid speech so far as the labour question is concerned; I will only say that even labour organizations are not allowed to exist by these planters of vested interest. There are no labour unions and these producers and planters will not allow the existence of labour unions. That is the position. If Mr. Griffiths had cared to know these things he would have easily found out but he was not interested in these things.

A very simple amendment was moved by my Honourable friend, Dr. Sir Zia Uddin and it was that

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot go into all that again.

Mr. Muhammad Nauman: I only wanted to say, Sir, that what Dr. Sir Zia Uddin suggested was only an innocent amendment. In the case of many other Bills which have been passed recently the Government has proposed to keep them in force for only one year after the termination of hostilities, but in this case they are committing us to two years after the war is over.

Mr. President (The Honourable Sir Abdur Rahim): The House has already accepted that clause.

Mr. Muhammad Nauman: Anyway, under the circumstances in which we are placed, we have no other alternative except to oppose the passing of this Bill.

Mr. P. J. Griffiths (Assam: European): Mr. President, I did not propose to make any further remarks at this stage of the Bill, but in view of the rather pointed remarks made by my Honourable friend, Mr. Nauman, I must make three brief comments.

Mr. Nauman seems to take the strongest objection to tea control on the grounds that it would, in effect, protect vested interests.

Mr. Muhammad Nauman: Yes, yes.

Mr. P. J. Griffiths: I must confess, Sir, that I find it very difficult to follow Mr. Nauman's logic. Is Mr. Nauman's point that no industry even when it employs Indian labour should be given any measure of protection or assistance merely because certain portions of it happen to be in the hands of what he calls 'vested interests'?

Mr. Muhammad Nauman: Majority of it.

Mr. P. J. Griffiths: If this is so, which industry in this country could receive protection? Surely, every industry is to a very considerable extent in the hands of what he would call 'vested interest', and Mr. Nauman's argument amounts to this that you must never protect any industry

Mr. Muhammad Nauman: Because of consumers' interests, which you do not take into account.

Mr. P. J. Griffiths: I must confess that it is a logic of a kind which cannot be answered because it is not based on reason.

Then, Mr. Nauman goes on to say that he is not prepared to accept my word of honour. I do not want him to. I never gave a word of honour; I gave a word of prudence. I never told Mr. Nauman that I shall go to the Commerce Department and say on high moral grounds "put a stop to this state of things because it is wicked". I said, as a representative of businessmen, I knew that it would not pay them to have a shortage of tea in this country, and it would not pay them to see a forcing up of prices in this country and, therefore, I say, not as a matter of honour but as a matter of prudence, that I should do my best to insist that sufficient tea was kept in this country to supply all the tea that India could possibly consume. (Interruption by Mr. Muhammad Nauman.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already made his speech.

Mr. P. J. Griffiths: Let my Honourable friend not confuse questions of honour with questions of prudence.

Finally, I say this. Mr. Nauman's speech, I say with due respect, was as extravagant as his figures. He gave you figures of the consumption of tea in India and he put that figure at 147 million tons, whereas the consumption of tea is 147 million lbs. If what he had said was correct we should not bother to discuss tea control at all.

Mr. Muhammad Nauman: I did not say that.

Mr. P. J. Griffiths: I can only say that what he said was as extravagant as his figures.

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): Sir, during the war we are asked to increase production and to decrease consumption. The tea industry seems to be the only industry in which control of production is favoured and that too to prevent other countries from underselling us in foreign markets. This sounds to me a very curious reason. Leaving alone the case of Ceylon, where is the Netherland's tea industry now? Where does it exist? With whom the agreement is being made? Does London grow tea? Therefore, I am not satisfied that this Bill is at all necessary. I do not think it is in the interests of India at all, particularly when the only interests protected by the Bill, are the interests of the producers. I do not say that an existing industry should be allowed to dwindle. That is not my point. An existing industry, if it needs support, may be saved; but it does not follow that it should be allowed to charge prices as heavy as the Bombay Millowners and Ahmedabad millowners are charging for supplying cloth or as the hoarders are charging for food. What is the reason for prices of tea being allowed to soar so high? Why are the prices not controlled? The high prices clearly show that profiteers are at work and for this the full support of the House is asked. I am afraid in addition to white planters there are also brown planters who are profiteers; and when the white and brown mix, God knows what is the brew: My fear is that this Bill is not merely in the interests of the white planters but there are Indian vested interests as well who would rather work with the white planters to starve the Indian of tea and maintain heavy prices, than agree to cheapen tea.

My friend, Mr. Griffiths, is anxious to tell us that there is more tea in this country than has ever been consumed. May I tell him that if with double and treble prices that are prevailing today (*An Honourable Member*: "Four times!") the tea that is consumed in this country is 100 million pounds the consumption would be doubled if prices were cheap.

Mr. P. J. Griffiths: I hope so.

Mr. Jamnadas M. Mehta: It is not a question of hope; it is a question of testing. Do not allow any tea to be exported. Why do you allow it to be exported when the country is forced to pay three or four times the original prices? Would any national Government do that. Would any national govern-

ment deliberately allow 400 million lbs. of tea to be exported in order to maintain prices? I have never heard of such a thing. The Government of India has absolutely no ground for fathering this Bill as a national Government. Not only has the population grown since the first Act was passed ten years ago; but the tea-drinking habit has grown; and but for the extraordinarily heavy price level it would have trebled. So my friend Mr. Griffiths' view about this 137 million lbs. being absolutely sufficient for this country is untested by evidence of normal prices. Give us normal prices and do not allow export; the prices will go down and the tea consumed in this country will not be 137 million lbs. but double. Until Mr. Griffiths goes through this test, I cannot accept his argument that this country has got all the tea that it needs. It has not got it. I could not get tea last year in July, until a friend in Calcutta obliged me by giving me 10 packets. If I could not get that when I was willing to pay even a heavy price what will be the lot of the ordinary consumer of tea? Therefore, this Bill is entirely against the consumer of tea in this country. This capitalistic device to maintain prices by putting down production is the most discredited device in the history of economic progress of this country. In times of war, production should be maintained, as high as possible and prices should be maintained at as low a level as possible. Government allow export of four-fifths of our tea in order that prices may be maintained: for whose benefit? The producers' benefit, not for the consumers' benefit; and the Government of India has still to prove that they are not shares in the ill-gotten wealth of the producers of articles which are necessities of life today . . .

Mr. N. M. Joshi (Nominated Non-Official): They are getting 66 per cent. excess profits tax.

Mr. Jamnadas M. Mehta: Therefore I cannot accept the logic of this Bill and I am surprised that any elected Member or any Indian Member for the matter of that, can for a moment lend support to this Bill, which is entirely against the interests of the consumer.

I am also saying that it is not at all in the interests of labour. What does labour get? My friend Mr. Griffiths gave us a very poetic picture of the solicitude of the planters for labour. My friend, we know this much longer than you can do even as secretary of the tea committee. I remember the harrowing tales of the tyranny of Assam planters who had pinned down labourers to their plantations, even to the extent of separating them from their wives and children; the harrowing tales of persecution are not forgotten; and today you are keeping labour under swaddling clothes there. You will not allow the fresh breeze of trade unionism to penetrate there. How can anybody accept your assurance that the tea labour in plantations is at all like average labour in other parts of the country? I do not mind the tea industry flourishing. I have no spite or malice against any tea planter. But I do want that if this tea industry is to be maintained by such artificial means—I can understand pre-war control because production was unrestricted and what may be called chaotic and therefore the tea producing interests coming to an understanding in pre-war days—that is according to capitalistic traditions; but during the war, this reduction of production is a thing for which the Government must give greater justification than my Honourable friend Mr. Pillai has been able to give. I do not blame him. He must be doing it under orders. I do not blame him at all; but as an Indian I do not understand this Bill. In the interests of labour, in the interests of the consumers, this Bill is entirely reactionary, oppressive and must be rejected.

Mr. Hoeseinhoy A. Lalljee (Bombay Central Division: Muhammadan Rural): Sir, it was not my intention to speak on this Bill; but after the speech that I have heard from my Honourable friend, Mr. Jamnadas Mehta, I feel as a business man I must say a few words. I entirely agree with him when he says that it is not advisable to control production of tea in the interests of the people. But let me tell him that it is only in the instance of tea and probably some other article that we find that the Government of India have taken this course to protect the industries and industrial labour in the manner in which civilised nations of the world are doing. In these days we want a lot of tea and food

[Mr. Hooseinbhoj A. Lalljee.]

stuffs; but ordinarily we know very well that every country tries to produce more and more, export more and more; and it is only those countries who can manage with trade agreements by conference or sometimes by caucuses privately made to protect the industries against undue competition from abroad. It is not like ourselves stopping sugar exports even when our industry was shaky. As regards tea, when Java and Ceylon began producing large quantities, our industry was threatened, and it is only in case of tea that an international agreement has been made. That was probably due to the influence of the planters or of those who are looking after the tea industry, who may be associated with the European people and European nations. Let me tell my Honourable friend, Mr. Jamnadas Mehta, that until the whole of the civilised world agree that there should be no dumping, there should be no protection, there should not be any exchange manipulation, it is advisable in the interests of both the industry and labour that international agreements and cartels should be had. I really feel that the condition of labour must be improved. Mr. Joshi has been fighting the cause of labour for the last 30 years and Mr. Jamnadas Mehta who has taken up the cause of labour recently,—with their help I am sure we shall be able to place the condition of labour in a much better position than before. I appeal to my friends who represent the planters in the tea gardens that it is but fair and equitable that they should improve the condition of labour to a much larger extent than they have done hitherto. Recently and for some time, they have been providing foodstuffs. One of my friends who was also a Member of my Party explained to me that foodstuffs and other facilities were being provided. But compared to what ought to be done, it is very little and something must be done in that respect. With these words I leave the question to the House to decide.

Dr. Sir Zia Uddin Ahmad: There is a fundamental difference between the members of the European Group and the Commerce Department and us ourselves on this side of the House representing the consumers, as regards the connotation of the words "protection of industries". The protection of industries is primarily intended to provide work for labour; that is the first object. The second object is to benefit the consumers. We should get these commodities made in our own country, at a reasonable price, and they should be cheap and as good as possible. These are the two objects I have in mind when I support any motion for protection of industry; that is, it benefits labour and is advantageous to the consumer. On the other hand, my Honourable friend, Mr. Griffiths, has got an entirely different and opposite object when he uses the words protection of industry. By that, he means to make the rich people richer still. That is the only object which he has in mind, and on this issue I fundamentally differ from him. I would refuse protection to any industry whose object is simply to make rich people richer, in utter disregard of the consumers and labour. Looking at the question from this point of view, I should like to know in what way this protection has benefited the labour. I have heard in reply that a number of these tea gardens had been closed and the closing of these tea gardens meant a shortage of labour; or it is implied therein. Is it or is it not a fact, I ask, that you are paying the owners of tea gardens a sufficient amount, a very handsome amount as a kind of bribe to them not to plant their tea and keep the garden in abeyance? I am waiting for a reply from the Honourable the Commerce Secretary who has made all possible enquiries—whether it is a fact or not that certain individuals—I can give the names—were paid for not planting tea in their own gardens and keeping the garden uncultivated in order to restrict the production of tea? Is it or is not a fact?

‡ (The Honourable Member resumed his seat for a reply.)

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member (Dr. Sir Zia Uddin Ahmad) had better continue his speech.

Dr. Sir Zia Uddin Ahmad: The Commerce Secretary never examined the problem, he has got no reply. Then he admits it is a fact. I can give names

of those to whom this money has been paid, if any one will challenge my statement. You call it protection of industries when you pay persons for keeping their tea gardens in uncultivated condition and for not producing tea? When you pay people for not growing tea, you call it protection? My Honourable friend calls one man non-mathematical, another non-logical, and all kinds of things. I shall examine his arguments later on, but he calls it protection when he pays people not to grow tea, when he pays in order to keep the tea gardens barren. And when the Commerce Department comes forward to protect the industry by means of this Bill, it is not for the protection of the industry but for the destruction of the industry. Again, My Honourable friend, the Commerce Secretary, has given a note that after full consultation with the various interests affected,—what are the various interests affected? The first interest which is affected is that of the consumer. Did he ever consult any consumer on this particular point? I would pause for a reply.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should go on with his speech.

Dr. Sir Zia Uddin Ahmad: He has no reply.

Mr. T. S. Pillay: I shall reply when my turn comes.

Dr. Sir Zia Uddin Ahmad: He has probably consulted himself because he is also one of the consumers. You never consult the interests of the consumers or of labour. What is the condition during the last two years? We used to get good tea here in Delhi at eight annas a lb. After this protection, we cannot get tea even at Rs. 2 a lb. Mr. Griffiths says that the price of tea has gone down by four annas. But it has not gone down in Delhi.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Nor in Calcutta.

Dr. Sir Zia Uddin Ahmad: It has not gone down for the consumer. It may have gone down for Mr. Griffiths, and in future I will get my requirements of tea through him. The price has not gone down. As regards the quality of tea that you get, I take very great interest in the quality of tea. I had a special blending of tea when I was in Cambridge so much so that when I was walking one day in the streets of that town, a lady belonging to a very high family, thinking that I came from India and must be accustomed to good quality tea, asked me where I could get good tea. I gave the lady the address of my own house. She thought that probably it was a kind of a small restaurant. She went there but I had gone in advance by a shorter road and informed my landlady that if any lady came in and asked for tea, she should give her the best kind of tea and it should be served very nicely. Which the landlady did. When the lady demanded a bill, the landlady said that it was not a restaurant but my private house. Thereupon the lady wrote to me thanking me extremely

Mr. M. Ghiasuddin (Punjab: Landholders): Was that a device to invite her to your house?

Dr. Sir Zia Uddin Ahmad: I never saw her face. She asked me about the prescription. I gave the prescription and I afterwards got a letter from her that this was the best tea that she ever got. Now, if I want to blend the tea in the manner I like, I find that tea is not available in the market. The good varieties of tea which were available in the market are no longer available and I say that this is because of the tea protection which has come in. My friend says that there are so many million pounds of tea available. They may be all of inferior quality. They may be good enough for the labour in the plantations but not for those who are accustomed to have good tea. The quality of tea has certainly deteriorated. The price has gone up four times and what is the object of having this protection. And moreover, you pay a person for not producing tea. This is really an unheard of thing.

Somebody was advancing the argument—I can give you the argument but cannot give you the brain to appreciate them. This is really the position of my friend, Mr. Griffiths. He tells me that I am unmathematical. He says that

[Dr. Sir Zia Uddin Ahmad.]

Mr. Nauman is illogical, because a good argument will never be appreciated by him except when it supports his own views which are the views of Thugs. I can understand if this protection is for the benefit of labour. We can understand it if it is for the benefit of the consumers. I say that this protection is for the benefit of the capitalist and nobody else and is not in the best interests of the country. Those persons who really come to rob the people and who have no interest in the consumers are not the persons who ought to be protected by any legislation of this kind.

My friend the Commerce Secretary will get up to reply and will he tell us on the floor of this House without any reservation whether it is or is not a fact that you are paying persons subsidies for not growing tea.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has put that question already.

Dr. Sir Zia Uddin Ahmad: I want a reply to this question. He should also tell us the acreage of tea which has been left out and which has not been brought under cultivation and what would be the result if this acreage had also been brought under cultivation. The third thing is whether the quality of tea has substantially deteriorated on account of this restriction. On these three grounds, I see no reason for giving additional concessions, until a chance is given to us to see the working of this particular industry.

Before I finish, I would again like to say that whenever protection of this kind is given and a restriction is placed, we ought to examine every year the result of this protection. This privilege was not given to us, though it was promised last year when I discussed some other Bill. I should like to know whether the Commerce Secretary will give this opportunity to the House to examine the effect of the protection which he has provided for in this Bill.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadian): This Bill which is proposed to be passed by the House is not in the interest of the consumer. That has been made abundantly clear by the Members, having regard to the prices which the consumer has to pay. It has been shown that the control will affect the consumer adversely. It will raise the prices and not lower the prices of tea and it is not in the interest of the consumer to have prices so high. Similarly, it has also been made clear by the Members who take interest in labour matters, and that was also gathered from the speech of the Labour Member, that the conditions of labour on the tea plantations are not satisfactory and what is more the elementary principle of having unions to safeguard the interests of labour is denied to it. Under these conditions, when the consumers' interests are affected adversely, when labour is not allowed to protect its own interest and when producers do not themselves guard the interests of labour in a satisfactory manner, we consider it inadvisable to grant this protection. We are not against the industry. That should be made clear and by not allowing this control, I do not think that this industry will go to dogs or that it will in any way suffer. All that will happen is that very likely prices will come down. It has not been proved by statistics or evidence that the interests of the producer will suffer. In these circumstances, I oppose the motion.

Dr. P. N. Banerjee: Sir, I rise to say only one word in order to make the position of my Party perfectly clear on this question. My Party is not opposed to the principle of tea control, but my Party holds the view that the application of this principle should be made in the proper manner. Unfortunately, in this Bill, the interests of the consumer and the interests of labour have not been properly safeguarded. Therefore, my Party will have no option but to vote against this Bill.

Mr. T. S. Pillay: Sir, I hope that my friend, Mr. Jamnadas Mehta, will concede that I am now speaking with my own voice. The first thing that I should like to take up is the point made by my friend, Mr. Nauman—that there has been no justification made out at all for this Bill because the present tea

prices are unduly high. May I in a few words remind Honourable Members of this House that the purpose of this Bill is to have some sort of control over exports and to have control over, not the entire production of tea but the extension or the cultivation of the acreage of tea gardens. If I succeed in showing my Honourable friend, Mr. Nauman, that these two measures, namely, the control of exports, if any, and the extension of cultivation have nothing at all to do with the present high prices, I hope he will agree with me that there is no objection to the Bill.

Mr. Muhammad Nauman: If you stifle the growth of a certain product, then does it not amount to the fact that the stocks will be diminished in this country and the prices will go up?

Mr. T. S. Pillay: In theory it is so but may I beg all the Honourable Members to listen to certain citation of facts which I want to place before them. In regard to the tea industry, the production of Indian tea crop ever since the year for which I have got the figures has been, 380 million lbs. to 569 million lbs. The consumption in 1933-34 in India was only 57 million lbs. If you take the present year, 1942-43, the expected production is 569 million lbs. and the most optimistic estimate of Indian consumption is about 130 million lbs. My point is this. If the argument is that we are endeavouring to maintain or to raise internal prices by introducing control over production, I submit that however valid that argument might be as a sort of general economic argument, it cannot be applied to the facts of this case. The facts of the case plainly are that there is production in abundance. In fact, it is much more in abundance than this country can ever hope to consume. I have said that in 1933-34 380 million lbs. of tea was produced and in this country only 57 million lbs. was consumed. The internal price of tea in those years was only 4 annas and 10 pies. In the year 1934-35 400 million lbs. of tea was produced and the level of price was 5 annas and 2 pies and we could not consume more than 58 million lbs. What I was trying to point out to my Honourable friend, Mr. Nauman, is that if the Bill tries by any measure to cut out the supply to the Indian market by whatever means, I agree then the Bill must be thrown out. I have said in my opening speech and I repeat categorically that the Government of India have full powers and intend to use those powers to see that adequate amount of tea is retained in this country for Indian consumption.

Mr. Jamnadas M. Mehta: At what price?

Mr. T. S. Pillay: The price control and the course of the present level of prices are quite different problems. I would beg of the Honourable Members not to take me away from the scope of the Bill. I am trying to argue and point out that the scope of the Bill is to restrict exports and to restrict under certain conditions, the expansion of cultivation. I am arguing that there is no attempt at all to control production to such a degree as to affect the Indian supply for Indian consumption. If that is conceded and I think it must be conceded on the facts I have furnished to the House, I submit that it has no relation whatever to the present level of prices.

Before I leave that topic, let me say a word or two about the present level of prices. It was pointed out yesterday that the prices have already begun to fall. Under the present war conditions in this country there are several factors that go to raise the prices. I repeat once again that it is not the lack of the supply of tea to the Indian market. It may be that in certain cases there is lack of transport from local areas. It may be that the cost of labour has increased in certain places. It may be that the material which go to produce tea have increased. There are one hundred and one causes for the rise in the price of tea, under war conditions, but I urge that it is not due at all to the lack of the supply of tea to the Indian market in terms of total quantity. And if at any time it can be demonstrated to the Commerce Department that it is because of the lack of supply, then I say we have got ample powers to increase the supply and we shall not hesitate to do so.

Mr. Hoosainbhoy A. Lalljee: Can you give us some auction sale price?

Mr. T. S. Pillay: The latest average I have got in my possession is about rupee a lb. some time ago. It has since fallen by 6 annas and during the last two days it has further fallen.

Sir F. E. James: May I ask a question, Sir? The Honourable Member has argued that the level of prices is not directly connected with this particular Bill and he has suggested that there might be other reasons. If that is so, I think the House would like to be assured—certainly my constituents would like to be assured—that the Government of India will make inquiries to find out the reason for the exceeding high prices of tea and also take such action as they can either directly or through the Provincial Governments to effect a better control of prices of tea.

Mr. T. S. Pillay: I have no hesitation in giving that assurance because the Government of India have already instituted inquiries. We are actively examining the problem and to the best of our ability we are trying to inquire into the reasons why the present tea price has gone up and to take all measures possible to bring down the level of prices. I hope my Honourable friend, Sir Frederick James, will admit that the fall in prices which has been noticed during the last two weeks has been the result of the action already taken by the Commerce Department in this respect.

I was endeavouring to point out, Sir, that the Bill and the measures for which we are seeking legislative sanction under the Bill have no necessary connection with either the rise of prices or maintaining the prices for Indian tea at a very high level. I have quoted some figures to show that the Indian production is so high and the power of the Government of India to retain as much part of the production as is required for Indian consumption is so unlimited that there need be no apprehension in any quarter of the House that the Bill will in any way encourage any interest to push up the price of the tea in the Indian market. That, I hope, will convince my Honourable friend, Mr. Nauman, that we have no sinister motive in promoting this Bill. He also referred incidentally to a point made by Sir Zia Uddin Ahmad on the amendment which he moved and said that it was a very innocent amendment. I agree that it is a very innocent amendment but I explained that for the reasons which I gave the Government of India could not possibly give adequate consideration to all problems involved in this very important industry within a period of one year after the war and it is very necessary that we must have two years at least to review and to make very close examination of all the factors involved. I gave this reason and since the House accepted my reason, I need not refer to them any more at any great length.

Now, I come to one or two arguments of Mr. Jammadas Mehta which he advanced to convince the House that this measure is entirely in the interests of the producers and not at all in the interests of the consumers. Sir, the first point he made was that it is in some way connected with the question of rise of prices and that if the price of tea was very low then not only 100 million lbs., but even up to 150 million lbs. will be consumed. May I give some figures in this respect? In the year 1939-40 the price of tea was round about 4 annas per lb. and yet the consumption of tea in that very year in India was about 94 million lbs. only. In the present year when the average price has even reached the limit of rupee a lb. the consumption is 130 million lbs.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): It is Rs. 2-12-0 a lb.

Mr. T. S. Pillay: I am endeavouring to show at this stage that Mr. Mehta made a point that if prices of tea were to go down and down we will consume more and more. Our experience has not been exactly the same. At a time when it was four annas a pound, I have indicated consumption was not more than 95 million lbs.

Mr. Jammadas M. Mehta: It was an increase of two hundred per cent. within two years.

Mr. T. S. Pillay: I only wanted to show that if prices have not remained at one rupee or twelve annas there would have been immense increase in consumption. I also wanted to show, as I have already indicated, that our production is so high, whatever you may say, it is impossible for this country to consume the whole of it. We were producing from three hundred to six hundred million pounds and we have never consumed more than one hundred and thirty million pounds. That is my answer to Mr. Joshi. I have shown that it does not necessarily follow that lower the prices of tea the higher the consumption. It may be theoretically true, to say that. If you decrease the prices to a certain level, you will increase consumption, but generally speaking, it has not been our experience in the tea industry.

The other point Mr. Mehta made was that at a time at which the Government of India is asking for an increased production of food, we are trying to restrict production. May I say to him that the scope of the Bill is not to restrict the production of tea crops. I claim that India has to depend upon the export to the extent of about 75 per cent. or 80 per cent. But I may tell my friend that there is no restriction on the production of crops as such. I can quote some figures. In the year 1933-34 the total production of India tea was 318 million pounds. In the year 1941-42 we produced 501 million pounds. In the year 1942-43 we expect to produce 569 million pounds. You will observe that the Indian tea crops have been progressing. We have only taken up the question to restrict extension of cultivation, but we have been consistently increasing production. So far as this industry is concerned. I should like to point out again that we are producing a crop of about 569 million pounds and even in the best of time we have to depend upon export to the extent of at least 75 per cent. of the crop. This is the main reason for the Bill.

Now, I come to Sir Zia Uddin Ahmad. He raised some points about the labour to which the Honourable the Labour Member had already replied. He said whether I am prepared to deny whether actually money was not paid to certain tea planters not to plant tea in their estates and to simply keep quiet. I can say categorically that no money was paid at all. I cannot imagine any person going to a tea planter and telling him "here I am, I shall pay you one hundred or one thousand rupees, if you do not plant tea in your estate". So far as my information goes it is not so.

He then asked me whether any consumer was consulted before we decided to continue this tea control. I have already given a great deal of information on that point. We invited Provincial Governments. The Government of India consulted the Government of Madras, the Government of Assam and other Governments.

Mr. N. M. Joshi: You invited the producing Governments and not the consumers Governments.

Mr. T. S. Pillay: Sir, in spite of my being in the Commerce Department I do claim that we have considered carefully the interests of the consumer, before we decided to introduce a measure of this type.

The next question which Dr. Sir Zia Uddin Ahmad put to me was whether I am satisfied that the quality of tea is the same or not. He went on further to say that tea control has something to do with tea crop. I am afraid he had a very unfortunate experience of the tea shop or the tea merchant he went to. I can say that tea control has not in any way affected the quality of tea. My Honourable friend, Dr. Zia Uddin's experience must have been very unfortunate. As far as I am concerned I always get excellent tea. Sir, I have nothing more to add to this discussion. I hope I have met the various points mentioned during the discussion. I hope I have made a fairly convincing case, to show that this Bill is not in the interest of the producers alone. As far as all of us are interested in drinking tea and in getting it at a reasonable price and as far as all of us are interested in the maintenance of the industry, not its annihilation, this Bill, I submit, should be passed.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the Bill, as amended, be passed."

The Assembly divided:

AYES—41.

Abdul Hamid, Khan Bahadur Sir.
Aiyar, Mr. T. S. Sankara.
Ambedkar, The Honourable Dr. B. R.
Ambegaonkar, Mr. K. G.
Bentham, The Honourable Sir Edward.
Bewoor, Sir Gurunath.
Caroe, Mr. O. K.
Chapman-Mortimer, Mr. T.
Chettiar, Dr. Rajah Sir Annamalai.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Gray, Mr. B. L.
Griffiths, Mr. P. J.
Gwilt, Mr. E. L. C.
Haidar, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haidar.
Ismail Alikhan, Kunwar Hajee.
James, Sir F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Jehangir, Sir Cowasjee.
Joshi, Mr. D. S.

Kamaluddin Ahmad, Shamsul-Ulema.
Kushal Pal Singh, Raja Bahadur
Lawson, Mr. C. P.
Mackeown, Mr. J. A.
Maxwell, The Honourable Sir Reginald.
Miller, Mr. C. C.
Muazzam Sahib Bahadur, Mr. Muhammad.
Pai, Mr. A. V.
Pillay, Mr. T. S.
Raisman, The Honourable Sir Jeremy.
Richardson, Sir Henry.
Shahban, Khan Bahadur Mian Ghulam
Kadir Muhammad.
Spear, Dr. T. G. P.
Spence, Sir George.
Stokes, Mr. H. G.
Sultan Ahmed, The Honourable Sir.
Sundaresan, Mr. N.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.

NOES—31.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Azhar Ali, Mr. Muhammad.
Bajoria, Babu Baijnath.
Benerjee, Dr. P. N.
Chattopadhyaya, Mr. Amarendra Nath.
Choudhury, Maulvi Muhammad Hussain.
Dam, Mr. Ananga Mohan.
Das, Pandit Nilakantha.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Ghiasuddin, Mr. M.
Gupta, Mr. R. R.
Ismail Khan, Hajee Chowdhury Muham-
mad.
Joshi, Mr. N. M.

Kazmi, Qazi Muhammad Ahmad.
Krishnamachari, Mr. T. T.
Lalchand Navalrai, Mr.
Liaquat Ali Khan Nawabzada Muhammad.
Mehta, Mr. Jamnadas M.
Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhik.
Naumnan, Mr. Muhammad.
Sant Singh, Sardar.
Siddique Ali Khan, Nawab.
Siddique, Shaikh Rafiuddin Ahmad.
Umar Aly Shah, Mr.
Yamin Khan, Sir Muhammad.
Yusuf Abdoola Haroon, Seth.
Zafar Ali Khan, Maulana.
Zia Uddin Ahmad, Dr. Sir.

The motion was adopted.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

THE HINDU CODE, PART I (INTESTATE SUCCESSION).

The Honourable Sir Sultan Ahmed (Law Member): Sir, I move:

"That this Assembly do recommend to the Council of State that the Bill to amend and codify the Hindu Law relating to intestate succession be referred to a Joint Committee of this Assembly and of the Council of State, that the Joint Committee do consist of 16 members and that it be authorised to meet at Simla."

Sir, as the motion stands, we are taking the authority for the Select Committee to meet at Simla, but the normal place of sitting is Delhi and if certain circumstances stand in the way, we will not be able to go to Simla. With that explanation I proceed to make my submissions. But there are certain amendments and I do not know whether you would like them to be moved now so that the Bill and the amendments may be opened through a general discussion.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): I think, the amendments may be moved at a later stage; the Honourable the Law Member may begin his speech.

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved:

"That this Assembly do recommend to the Council of State that the Bill to amend and codify the Hindu Law relating to intestate succession be referred to a Joint Committee of this Assembly and of the Council of State, that the Joint Committee do consist of 16 members and that it be authorised to meet at Simla."

Mr. Nilakantha Das may move his amendment now.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir, I move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1945."

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1945."

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Sir, I have also given notice of an amendment which I want to move.

Mr. Deputy President (Mr. Akhil Chandra Datta): I think that this motion is out of order unless I can be convinced otherwise.

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): What is out of order?

Mr. Deputy President (Mr. Akhil Chandra Datta): His amendment is that the consideration of the motion be postponed till after the cessation of hostilities

Babu Baijnath Bajoria: It is not hostilities between man and woman.

Mr. Deputy President (Mr. Akhil Chandra Datta): Or the hostilities between reformists and sanatanists?

I think that this motion is out of order, but if on that point the Honourable Member has got anything to say, I am prepared to hear him.

Babu Baijnath Bajoria: Sir, I want to know why it is out of order?

Mr. Deputy President (Mr. Akhil Chandra Datta): It is out of order because the only permissible amendment to a motion for Select Committee is a motion for circulation and no other.

Standing Order No. 39, part (2) is absolutely clear on this point. It reads:

"At this stage no amendments to the Bill may be moved, but:

(a) if the member in charge moves that his Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee, or be circulated etc., or

(b) if the member in charge moves that his Bill be referred to a Select Committee, any member may move as an amendment that the Bill be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion."

These are the two exceptions and, subject to these two exceptions, it is laid down in the Standing Order that at this stage no amendments to the Bill may be moved.

Babu Baijnath Bajoria: Sir, I am not a lawyer; I do not know much about law and these rules and orders and disorders. But, Sir

Mr. Deputy President (Mr. Akhil Chandra Datta): But you cannot create disorder in the "Standing Orders", even if you are not a lawyer.

Babu Baijnath Bajoria: Sir, my motion is that these are emergent times . . .

Mr. Deputy President (Mr. Akhil Chandra Datta): You are speaking on the merits of your motion. We are not discussing that. The question is whether it is in order.

Dr. P. N. Banerjea: We want to hear the Law Member now.

The Honourable Sir Sultan Ahmed: Sir, the Bill before the House is, I hope, one of a series of legislations which will form the constituents of a comprehensive code of Hindu Law and simplify the rules laid down under that system by different commentators from time to time of the original codes, and give the same a statutory basis

Mr. Deputy President (Mr. Akhil Chandra Datta): I am afraid, the Honourable Member is speaking on the merits of the matter. We are now concerned with the question as to whether this particular motion for postponing is in order.

An Honourable Member: That has been ruled out of order.

Mr. Deputy President (Mr. Akhil Chandra Datta): On that point the Honourable Members wanted to have your view.

Dr. P. N. Banerjea: Sir, you have declared it out of order.

Mr. Deputy President (Mr. Akhil Chandra Datta): I have said that it appears to me that the motion is out of order. At the same time I was quite willing to hear the Honourable the Mover and I said distinctly that, if not otherwise convinced, it is out of order. I only gave him an opportunity.

Babu Baijnath Bajoria: I accept your ruling.

Mr. Deputy President (Mr. Akhil Chandra Datta): Mr. Bajoria's motion being out of order, I call upon Sir Sultan Ahmed to make his speech.

The Honourable Sir Sultan Ahmed: Before I say anything further it is necessary to give the background to the immediate necessity of promoting the Bill which is now before the House.

The House will remember that there were two Acts passed by this House, one in 1937 which was amended by another in 1938. The main Act is more commonly known as the Deshmukh Act; and by those Acts important changes were made in the Hindu Law of succession. Their main features are:

In the case of separate property,—

- (a) the widow along with the sons was entitled to the same share as the son;
- (b) a predeceased son's widow inherits in like manner as a son if there is no son surviving of such predeceased son; and in like manner as a son's son if there is surviving a son or son's son of such predeceased son;
- (c) the same provision applies *mutatis mutandis* to the widow of a predeceased son on a predeceased son's son.

There was another feature and it was this, that in the case of a Mitakshara joint family, the widow takes the place of her husband.

Broadly speaking, therefore, the Act puts the three female heirs mentioned in sub-section (1) to section 3 on the same level as the male issue of the last owner along with the male issue or in default of them. The Act was not the only one which conferred new rights of succession; prior to it in 1920, the House will remember, the Legislature had already given a higher place to the son's daughter, the daughter's daughter, the sister, and the sister's son. While the Act of 1937 as amended by the later Act of 1938 enlarged the rights of females, the Act was found to be defective and wholly unworkable. Lawyers and courts were baffled at the proper interpretation to be put on the second and third sections of the Act. In spite of the laudable intentions of the sponsor of that Act—and that must be acknowledged on the floor of this House—the debates relating to the Acts of 1937 and 1938 did not disclose that the different implications of those sections were clearly apprehended. The rules of inheritance are, as the House knows, inseparably connected with the rules of exclusion from inheritance; and unless both the subjects are considered together, there is always the danger of enacting, even by inadvertence, something to which the Legislature had not applied its mind at all.

Before I proceed further, I would like to refer only to some of the important defects that were found in those enactments.

The estate which was granted to the predeceased son's widow by the proviso to section 3 (1) of the Act of 1937 was supposed by at least one standard work—Golap Chandra Sastri's Hindu Law—to be an absolute estate and not a Hindu woman's estate, though possibly the latter was intended. By the introduction of the daughter-in-law, the interest of the daughter's reversionary rights were seriously affected, and until the ambiguity was removed, it was not possible to say to what extent the Acts prejudiced the rights of the daughter or indeed of any remoter heir. It was again not clear whether the daughter-in-law's right depended upon the survival of her mother-in-law. There was also considerable doubt as to the precise nature of the interest conferred on the widow by section 3(2). There was also an ambiguity as to what was to happen when one of the widows succeeding under section 3 of the Acts of 1937 and 1938 died. Various interpretations could be put and indeed in the opinions which have been received and which have been printed, each of these interpretations has received support from lawyers. But apart from the drafting defects there were other defects of greater substance. All these have been collected by the Rau Committee in their preliminary report of 1941.

I have mentioned only some of the defects which were found. Having mentioned those defects and in spite of the faults which those Acts certainly possessed, there is no doubt that those enactments marked an important stage in the evolution of women's rights. Because of these defects the necessity for a full revision of the Acts became urgent and necessary. So much so, that the following amending Bills were promoted or notice of some were given to us:

(1) The Hindu Women's Rights to Property Amendment Bill by Mr. Akhil Chandra Datta and others. This Bill sought to remedy the adverse effect produced upon the rights of succession of a daughter under the Hindu Law by Act XVIII of 1937.

(2) The Hindu Women's Right to Property Amendment Bill by Mr. A. N. Chattopadhyaya and others. This Bill sought to extend the right of inheritance to daughters and had the same object as Mr. Datta's Bill.

(3) The Hindu Women's Rights to Property Amendment Bill by Dr. G. V. Deshmukh and Mr. Kailash Behari Lal. This Bill proposed to give retrospective effect to the 1937 Act from the 26th September, 1935.

(4) The Hindu Women's Property Bill by Mr. N. V. Gadgil. This Bill sought to remove some of the inequities under which Hindu women were suffering, that is, to give the Hindu women absolute right to property in respect of inheritance, partition, etc., and to bring them on an equality with men.

(5) The Hindu Women's Estate Bill by Dr. G. V. Deshmukh. This Bill sought to amend the Hindu Law so as to enlarge the interest of the Hindu widow in the property inherited by her from her husband, and proposed to give her absolute interest in one-sixth of the corpus of the property inherited by her from her husband.

(6) The Hindu Law of Inheritance Bill by Mr. Santhanam. It sought to widen the scope of the Hindu Law of Inheritance Amendment Act of 1929 by providing that a son's daughter's son, son's son's daughter, daughter's son's son, son's daughter's daughter, and daughter's daughter's son, shall be entitled to rank in the order of succession immediately after a daughter's daughter, and that a sister's son's son shall rank after a sister's son.

(7) The Hindu Women's Right to Separate Residence and Maintenance by Dr. G. V. Deshmukh.

Along with these, notices of a number of Bills relating to Hindu Marriage were received.

Faced with such a barrage of private Bills, Government had no alternative but to intervene and take responsibility for further legislation. The urgency of the problem, therefore, became acute, and in spite of obvious difficulties of promoting such legislation during War time, Government could not remain idle and allow such piecemeal legislation of defective kinds either to remain on the Statute book or to be pursued further by private Members, and decided to have all these matters carefully examined, and accordingly appointed a Committee consisting of Sir B. N. Rau, a brilliant Judge of the High Court of Calcutta, as Chairman, with three distinguished Hindu lawyers as Members. Sir B. N. Rau combined in him a rare scholarship, great respect for old institutions and clear conception of the requirements of the changing times. Dr. Dwarkanath Mitter, a distinguished *ex*-Judge of the Calcutta High Court who is now a practising lawyer in the Patna High Court, was one of the Members of the Committee. Apart from his experience as a lawyer and as a Judge, he is the author of a standard work—"The Position of Women in India". The second Member of the Committee was Mr. Gharpure, the Principal of the Law College, Poona, and an undoubted Hindu Law scholar of great reputation, and also the author of a learned Treatise on Hindu Law. The third Member of the Committee was Rajratna Vasudeo Vinayak Joshi, a Lawyer of Baroda, who, apart from being a reputed Hindu lawyer and author of several treatises on Hindu Law, had great experience of the working of a Hindu Code in that State. The Committee issued questionnaire as widely as possible. They addressed High Court Judges, distinguished lawyers and citizens, Members of the Central Legislature, High Court Bar Libraries, Heads of the religious institutions, Women's Associations, Social Reform Associations, Pandit's Associations, and others, and after considering their views very carefully issued a Preliminary Report on the 19th of June, 1941. They very strongly advocated the preparation of a Hindu Code "which will, without laying violent hands on the ancient structure of Hindu Law, be a judicious selection and combination

[Sir Sultan Ahmed.]

of the best elements in the different schools of Hindu Law, and evolve a system which, while retaining the distinct characteristics of Hindu Law, will satisfy the needs of any progressive society" and "which, generally speaking, shall be a blend of the finest elements of various schools of Hindu Law; a code, finally, which shall be simple in its language, capable of being translated into the vernaculars and made accessible to all".

This Preliminary Report was widely published and was on the whole most favourably received. Government, therefore, called upon the Committee to prepare draft Bills for Intestate Succession and Marriage. The Committee then prepared Memoranda on the Intestate Succession and published them just in the same way as the Preliminary Report; a large number of suggestions were received and an examination of the criticisms showed that on the whole the proposals contained in the Memoranda were well supported in principle. In the light of the criticisms received, the Committee prepared this Bill which, with certain necessary drafting changes, has been brought before the House. The Committee also prepared another Bill on the Law of Marriage which, as the House knows, I have already introduced but with which I do not propose to proceed further till a more propitious time arrives. In all social legislations, caution is desirable and undue haste is fatal.

I now proceed to discuss the main structure of the Bill. The salient features are (1) that it embodies a common law of intestate succession for all Hindus in British India; (2) that it removes the sex disqualification by which Hindu women in general have hitherto been precluded from inheriting property in various parts of India; (3) that it abolishes the Hindu women's limited estate.

In order to understand the desirability of the first of these objects, it is necessary to go back to the history of evolution of Hindu Law. This history has been correctly divided by Sir Hari Singh Gour into three parts. The first period starts from the earliest times down to the Mitakshara, which means a period of about 2,500 years; the second from the Mitakshara to the British rule which brings us to about the latter part of the 18th Century; and the third which marks its development in the British courts. All laws of Hindus are nominally traceable to the Vedas which according to the Hindus are the only record of direct revelation. It is unnecessary to go into the various Vedas, but Maxmuller holds the view that the Vedas alone constitute the Sruti or what was directly "heard", that is, revelation, as distinguished from the Smriti or what was "remembered", that is, tradition. There were supplementary treatises appended to them called the Brahmanas and the Upanishads. But all these are more interesting to the student of theology and philosophy rather than to the student of law. The only part of the Vedas which is interesting to lawyers is that which contains the Dharma Sutras which deals with the customs of everyday life. From their very nature, the Vedas, however, cannot be expected to contain any legal principles nor in fact they contain any. But they do give a clear idea of ancient manners which more or less constituted the then laws, regulated the lives of the people, and which are nominally the parent of all laws of the present day. In the first period, however, we have got the Smritis which are of undoubted interest to the lawyers, and it is from the period of Manu that the lawyer's interest comes in. The three principal Smritis are (1) the Code of Manu; (2) the Code of Yajnavalkya; and (3) the Code or Institutes of Marada. The remotest sources of the Hindu Law, that is, the Smritis, are common to all the different schools, but wide differences have occurred in the interpretation of them, the commentator putting his own gloss on the ancient text, his authority having been accepted in one part of India and rejected in other parts of India. Originally, two schools of law were developed, the Mitakshara School and the Dayabhaga School. The latter

3 P.M.

prevailed in Bengal, and the Mitakshara prevailed in other parts of India and in some respects also in Bengal. The Mitakshara is the leading commentary upon the Code of Yajnavalkya. The Dayabhaga is

the digest of all the Codes. Again, the Mitakshara School came to be divided into four sub-schools by reason of the difference of interpretation put in different parts of India on the text of Vigneshwara, the author of Mitakshara. So far as intestate succession is concerned, there is not much difference between these sub-schools of the Mitakshara. But there are patent differences between the Dayabhaga and the Mitakshara Schools, and it is our claim that the Bill embodies a common law of intestate succession for all Hindus in British India by adopting a compromise which does not in any degree cause violence to either School. The Bill provides for the adoption for the most part of the Dayabhaga scheme for near succession, that is, near relations enumerated in clause 5 of the Bill, while the distant succession is regulated mostly by the Mitakshara scheme. From every point of view, political or otherwise, the assimilation of the two Schools in matters of succession is to be welcomed, and indeed so far as the Mitakshara jurisdictions are concerned, the Legislature has already, by the Act of 1929, given a higher place to the son's daughter, the daughter's daughter, the sister, and the sister's son, and under the circumstances, it would not be fair to suggest that any violent change has been made which would shock the conscience of even the orthodox sanatanist, such as my Honourable friend, Mr. Bajoria. . . .

An Honourable Member: And Pandit Nilakantha Das.

The Honourable Sir Sultan Ahmed: and my Honourable friend, Pandit Nilakantha Das.

Pandit Nilakantha Das: No, no. You have not heard me. I am not of the same school.

The Honourable Sir Sultan Ahmed: Before I take up the question of the removal of sex disqualification, I should like at the outset to offer my humble tribute to the ancient and the illustrious authors of the Hindu Codes. It is these Codes which more than anything else have maintained the existence and unity of Hindus' social fabric and cultural life throughout the historic centuries of ups and downs. But for the basic unity preserved in these Codes, circulating all over the land from Mansarower to Kanyakumari and from Amar Nath to Chandar Nath, there could be no talk to-day at this distant date of evolving a universal code for all Hindus of India. It is to the supreme genius of these ancient law-givers that we owe the inspiration of constructing a common statute for Hindu India, and the task has been approached with no vanity but with reverence and anxiety to enter into their spirit of dealing out justice from the perspective of changed conditions that now obtain. Let us make no fuss that any secular laws are unchangeable, that they are as eternal as the spiritual laws. Man to-day stands in relation to his Maker as he stood on the day when creation began. Not so, however, in regard to his social, economic, and political setting; the setting undergoes variation, the external picture tends to be varied and kaleidoscopic. In so far as he has to cope with this setting, man has often to adjust his equipments. In fact, the compilation of codes at different periods of ancient Hindu history, which I have already mentioned, is itself proof enough of the belief on the part of the law-givers themselves that humanity needs occasional alterations and adjustment of laws to regulate its secular behaviour. There are, for instance, remarkable novelties in Devala Samhita that could not arise in Manu. Then again, the well known injunction that in case of a conflict between the Srutis and Smritis, the view of the former shall prevail, indicates plainly enough that Smritis are not so immutably divine and may not always represent fundamental realities.

Far be it from us to say that the Bill in question seeks to give woman the justice that she was denied by the ancient law-givers. The ancient Hindu who inculcated the hearty homage to motherhood and the complete oneness of love between husband and wife, who was the first in human history to conceive of female deity in his Vedic pantheon could never have intentionally slighted women and deprived them of the right of succession. His ancient law did not considerably entitle women to possession of property simply because the social

[Sir Sultan Ahmed.]

and economic atmosphere of those days did not suggest such provisions as have become necessary in our extremely materially minded times. And indeed the Hindus were not the only people to deny such rights. The contemporary Roman and Greek histories are full of extraordinary denial of personal and precious rights to women. We have, however, tried to offer these rights to women only by way of extension in the directions hinted by the old masters. On one point, we are perfectly clear, and it is that the well recognised Smritis do not anywhere expressly debar women holding an absolute estate. Dr. Dwarkanath Mitter, Sir M. Venkatasubha Rao and Dr. Jayaswal, all men of international repute, firmly hold that there is nothing in the Smritis to support the theory of limited estate for women in inherited property. Even those who find some Smritis limiting a woman's estate admit that others are merely silent on the point.

Those who seek to withhold rights and privileges from women do so on the grounds that:

- (1) women are incompetent to manage estates; and
- (2) some Smritis are against it.

To withhold rights and privileges from women on the ground that they are incompetent to manage estates can hardly be supported either by logic or by commonsense. There is no want of illiterate men on the countryside. If they can be considered competent, why should their equally innocent womenfolk be branded as altogether incompetent? Moreover, to open up opportunities to them and to let them cultivate competence should be a far wiser and healthier attitude than keeping them permanently under such a serious disqualification. At one time, Sudras were not admitted into the studies of revealed literature. But when the gates were opened to them, it did not take very long to produce a Vivekananda than whom very few Brahmins could claim greater spiritual acquisition, an Acharya Broj Nath Seal more than whom few Brahmins could claim Shastraic learning, a Sir Rash Behary Ghosh more than whom few Pandits could gain an insight into the Hindu Law. It will come as a surprise to some of my Honourable friends in the House that in the Bombay Presidency, the daughter gets an absolute estate while the widow gets a limited estate! On what rational principle this can be defended I do not know, and the anomaly of it will be clear if the same individual happens to be a widow and a daughter. She will get the father's estate as an absolute estate, and the husband's estate as a limited estate! How can one reconcile the plea of incompetence in a case of this kind? The plea of incompetence, therefore, is a poor plea and must be rejected.

Mr. Jamnadas M. Mehta: May I ask the Honourable Member whether he will say that Swami Vivekananda was a Sudra?

The Honourable Sir Sultan Ahmed: I think so; that is, as far as I know.

Dr. P. N. Banerjea: The term "Sudra" is used in two different senses. "Sudra" may mean a non-Brahmin, or a "Sudra" may mean a person belonging to the fourth caste. Swami Vivekananda was a non-Brahmin.

Mr. Jamnadas M. Mehta: If he is a Sudra that makes his greatness all the better.

The Honourable Sir Sultan Ahmed: As far as I know, he was a Sudra, he was a non-Brahmin in any case.

The plea that some Smritis are against women having rights in property is equally futile. I have already shown that the preponderance of authorities are against this view. Sir Thomas Strange, the Chief Justice of the Madras High Court about 100 years ago, gave his appraisalment of the commentators and the texts as follows:

"To those who have made the Hindu law any part of their study it cannot appear strange that it is so unsettled and contradictory. Many of the opposing writers are in point of credit equal to each other and regardless of consistency texts are adapted by each for the purpose of sustaining some particular doctrine. The obsolete is confounded with the acknowledged law; the context is often omitted and passages which ought to be relatively considered are quoted as if they were absolute and independent in themselves.

We cannot, therefore, wonder that so little satisfaction is to be obtained from authority, nor can we but lament that some effort has not long since been made to distinguish and separate those which are, from those which are not, rules of action."

No wonder then that we find legislatures and courts intervening to give effect to the slow evolution of Hindu society and the secularisation of their law. The Legislature, though unwilling to introduce social reforms, was at times compelled to the overpowering pressure of the public opinion. The Freedom of Religion Act of 1850, the Hindu Widow's Remarriage Act of 1856 and the Special Marriage Amendment Act of 1923 are some of the important Acts which removed injustice caused by the too narrow application of the Shastraic law. Courts also have not been slow to give effect to the same principle and have modified the Hindu law in accordance with the precepts of justice, equity and good conscience, and have freely given their own interpretation of ambiguous or contradictory texts or commentaries. As a matter of illustration, I can here refer to the case of the rule which made the son and the grandson liable as a matter of pious obligation or religious duty to repay the debt of his ancestors. According to the commentators, the obligation to repay was independent of the existence of any assets which came into his hands from his parents, because it was his duty to pay. The injustice of this could not be supported and the Courts limited his liability to the extent of the parent's assets in his hands. Another inroad on the pure Shastric doctrines was made by the doctrine of Custom and Custom has now very forcibly impressed itself in different localities and attached itself to particular classes of people. Our aim and endeavour, therefore, should be to apply the true Hindu spiritual outlook to the task of keeping the Hindu society to move on with the march of time. It is not foreign to that culture if we attempt to blend stability with movement, eternal truth with external evolution. The Avatar Vada of the Puranas shows how vital and general is the faith among Hindus that the order of the world is far from being static. It is, I hope, *sanatan* not in the sense that it is static, but that it maintains the same inherent character while running its course of development. The unity of Hindu history must be preserved not only in letter but mainly in its spirit and its essentials. So, while the Vedas urge on the Hindus to go on with the work of 'path making', it also enjoins to lay out the new path on the track of the old ones. Says the Rig Veda: "Prepare the forward paths in ancient manner for the new hymn". It is wholly in this spirit that the Bill proposes to take the first step in the task of preparing and compiling a new Hindu Code in conformity with the ancient laws, a Code that should be at once essentially Hindu in its outlook but suited to the present world conditions.

I will conclude this topic by quoting one passage from the explanatory note of the Committee:

"In India, Muslim women, Christian women, Parsi women, and Jaina women, all take a full estate. It is difficult to maintain that Hindu women alone are incompetent to enjoy full rights. Whatever may have been the case in the past, a general possibility of this kind can hardly be defended at the present day when we have women legislators (*and I am glad to say that there are two in this House*) women lawyers and women ministers."

I challenge men holding contrary views to give us a rational answer. I have every hope that the presence of two of our women colleagues in the House today would add stability and reality to the discussion, and if the House can satisfy them as to why they should be denied rights which are conceded to their sisters of other religions, I may have nothing to say, but if they cannot, and I am sure that they cannot, the case for the Bill is established.

Before I finish, I may refer to two matters in the Bill. The Preamble explains the expediency of amending and codifying in successive stages the whole of the Hindu Law now in force in British India. It is an ambition which any Legislature should be proud to encourage. But codification has naturally to be slow and it may take years before a full code is ready. As the Committee has pointed out, we cannot afford to be impatient; the preparation of the Swiss Civil Code, for instance, actually took about fifteen years. If a good Code is to be brought on the Statute book, it must necessarily mean time and labour.

[Sir Sultan Ahmed.]

But a beginning has to be made, and this Bill, I submit, is the first step in the right direction.

The second matter to which I want to draw your attention is that the Bill has to come into force on the 1st of January, 1946. The main reason for this is to give Governor's Provinces sufficient time to pass complementary legislation in respect of agricultural land which is a Provincial subject and any enactment relating to it has been held by the Federal Court to be outside the competence of the Centre.

Sir, I have reviewed the whole prospect from the earliest effort at legislation in this direction to the presentation of the Bill now in hand. Also, it has been clearly indicated how well does the present Bill agree with past tradition and is linked up with future progress. Of course, to have an open mind must ever be a prominent feature of a Legislature, and due attention must be paid to the voices of Opposition where that Opposition has the force of reason behind it. I am told that this Bill should not be proceeded with because of "poor attendance of Hindu Members in present Legislature". Sir, this Bill after all, to a great extent, gives effect to the various private Bills which had the support of the Party which unfortunately is absent today. We do not desire to unduly force the pace and that is why I am not proceeding further with the Marriage Bill for the present. But I do hope the House is fully convinced not only of the moral purpose but the extreme urgency and legal utility of this Bill. Once its principle is accepted, any reasonable modification which may be considered necessary may be made by the Select Committee, where I hope all elements in this House interested in the Bill will be represented. Sir, it is hardly a reform worth the name that has little storm to steer through just as it is an ill-conceived reform that has little respect for the old foundations. I have every confidence that the House will be guided all through by a consideration of the net benefit that the Bill is able to confer, by a sense of the solemnity that we are here to forge a great social betterment that will enable India to be in line with the progressive world. Humanity is amove; that is no figure of speech. Its foot-fall is echoing all over: let it by no means be said of this House that it heeded not the sound of advancing nations and prevented India from going out on the high road. Let it not be complained by posterity that this House held back the hands of the clock at a most eventful hour and failed to lead India to join in the great march of equity, equality and emancipation.

Bhai Parma Nand (West Punjab: Non-Muhammadian): Sir, I rise to raise my humble voice against the principle of this Bill.

Honourable Members: We can't hear. Please raise your voice.

Dr. P. N. Banerjee: We can ask the Honourable Member to come forward in order to make himself heard.

Mr. Deputy President (Mr. Akhil Chandra Datta): Either the Honourable Member should speak in a louder tone or he can come forward.

(Bhai Parma Nand then occupied a seat in the second row.)

Bhai Parma Nand: Sir, I have very great respect for the authors of this Bill, namely, the Rau Committee. I also feel great appreciation for the labours and for the hard work they have undergone. But, at the same time, my objection is mainly to the attitude of the Central Government. I do not understand where was the urgent necessity of bringing in such a Bill? It is quite true that certain private Bills were brought before this Honourable House during some previous Sessions. It is also true that a Bill of Dr. Deshmukh was passed giving women the right to property and as certain difficulties were experienced in Dr. Deshmukh's Act, other private Bills were introduced by yourself, Sir, and by my Honourable friend, Mr. Chattopadhyaya. My view is that the best course for the Government was to allow these Bills to go on in this Assembly and have their fate decided. The Government, on the other hand, thought that as private opinion was in favour of certain principles on this matter, they appointed a Committee of eminent persons to draw up a Code on the Hindu Law. We have heard the most learned discourse by our Leader of the

House. He is a great lawyer of very great repute and it would look very strange on my part to oppose his views in this matter. Although his discourse on Hindu law is really learned, yet there is a fundamental difference between the views that we hold and the views he holds as representing the Government. His idea is that the Rau Committee has tried to study all the ancient books and has tried to frame a Code on Hindu law on this subject in conformity with the Smritis and other Hindu law books. Our view is that it is not in conformity with the Smritis or the ancient Hindu law givers but it is simply with the object of making a new Code on Hindu law. It is a sort of a revolutionary Bill and requires a great deal of thought and discussion. My first objection is: What was the urgency that the Government had taken it upon itself to frame a Code for the Hindu society? Whenever any such social or religious reform is needed, it is always preceded by an agitation on the part of the people for it. But as long as there was no demand and no cry for a change, it was not fit for the Government to have taken this responsibility upon itself. We do understand that there is a class of people among us who are Westernised in their thoughts by the modern education and they want to apply those thoughts to the Hindu society. That may be the case, but the question is whether so many crores of Hindus also want such a change for themselves.

Mr. N. M. Joshi (Nominated Non-Official): They all want it.

Bhai Parma Nand: Your labourers might, but they have no idea of what this Bill contains. We should remember that the people who are very fond of having this kind of change in the Hindu law, can have resort to the Civil Marriage Act. They can very easily go to a civil court and have their marriage performed according to that Act and have the Succession Act applied to themselves. What right have they to force all the Hindus to act according to a new Code of which as yet they know nothing? I will give an example. We had a certain feeling with regard to caste system. There was a religious reform movement called the Arya Samaj in the Punjab. The Arya Samajists do not believe in the prevalent system of castes. They thought that inter-caste marriages should be allowed. They went on propagating the idea for 20 years or so and succeeded in getting a number of inter-caste marriages performed. Then there was the necessity for them to have a law on that point. The law was made here by this Assembly, but it was confined only to those people who belonged to the Arya Samaj. Afterwards when Dr. Bhagvan Das, a Member of this Assembly, brought in another Bill for universal application to Hindus, it had to be dropped. There was a fundamental difference between the two. Well, Sir, if there are certain newly educated ladies and gentlemen among us who want to bring in this change in the Hindu society, there is a way open to them. As when there was Dr. Deshmukh's Bill wanting divorce for Hindu women the question for us was whether we should change Hindu law to allow divorce to all or to enable such persons for getting divorce by performing marriages according to the provisions of the Civil Marriages Act. In case there grows up a large number of people and there appears a universal demand, then surely the Government becomes duty bound to take up the question of a change in law.

I am not a lawyer. I claim no authority on law matters. But we have got opinions of persons well-versed in law. The Honourable the Leader of the House has told us that the principle of the Bill has been looked upon with favour. Sir, with your permission, I could read not only one, two, three or four but dozens of opinions of eminent lawyers and of certain societies, and show you that the principle of the Bill is not looked upon with favour. It is on the contrary most disliked and strongly opposed. I do not know whether the Honourable the Leader of the House has gone through those opinions.

The Honourable Sir Sultan Ahmed: I have gone through every one of them.

Bhai Parma Nand: Then I say, Sir, you are not correct in saying that the principle is looked upon with favour. We take some opinion:

The President of the Bar Association, Purulia says:

"I am not in favour of the abolition of the limited estate of the Hindu females. This point has been elaborately dealt with in the Explanatory note, but the reasons alleged for the abolition do not appear to me to be sound."

[Bhai Parma Nand.]

Again the Secretary of the Bar Association, Purnea, says:

"This association does not approve of the Bill to amend and codify the Hindu Law relating to intestate succession."

The Assistant Secretary of the Maithil Mahasabha says that the Sabha was opposed to the Bill. The Sanatan Dharma Sabhas are almost all opposed to the Bill. The District Judge of Allahabad says:

"The attempt to codify Hindu Law relating to various subjects is a very laudable one. But there seems to be no justification for introducing changes therein which are fundamentally opposed to Hindu concepts of law and religion. Coming to the law relating to intestate succession there seems to be no harm in enlarging the rights of a Hindu widow. But in my opinion there seems to be no justification for changing the law which gives only a limited right in the property inherited by her."

Again in the second column in second paragraph the District Judge, Gorakhpur refers to the difficulties which are likely to arise similarly in the cases of small traders and businessmen. He is opposed to the intestate succession and to giving property to daughters, therefore, he writes that difficulties are likely to arise similarly—just as those of the agriculturists, and says:

"Immediate partitions of the business concerns are sure to ruin them. With very few exceptions daughters get married and go into a family which maintains them, and, even if they are deprived of all share in the assets of their fathers, it does not make it impossible for them to continue to live properly. On the other hand, if shares are given to daughters, sons would often find it impossible to carry on their work at all and this would happen in a large majority of cases in this country."

Then the Honourable Chief Judge and Judges of the Chief Court of Oudh, with regard to the question whether the provisions of the proposed Act should or should not be subject to custom, say that in the province of Oudh considerable difficulties have arisen owing to conflict between statute law and customary law, and that section 3(b)(ii) of Act XVIII of 1875 provides that the law to be administered by the Courts of Oudh shall, in questions regarding succession, special property of females, etc., be according to the custom applicable to the parties concerned. The District Judge, Hardoi, is not in agreement with some of the important provisions of the Bill and is unable to view the Bill with favour. The Advocate General, United Provinces, Allahabad, says:

"I am in favour of the codification of Hindu Law regarding these two subjects. At the risk of being called a conservative and old-fashioned man, I am not in favour of giving daughters a share in the estate of their father along with the sons nor am I in favour of allowing absolute estate to the succeeding to the property of their male relations."

The Munsif of Bijnor says:

"If we carefully analyse the Bills we find that the authors had only one definite aim and purpose to accomplish and that is to put into actual practice the slogan of Independence for Women. There is nothing else of any practical utility in these Bills. Had it been a mere question of codification of Hindu Law much controversy would not have arisen for there the Legislature's business would only have been to marshal the rules of Hindu Law from out of the Smritis and Nibandhas and from case laws far established by the High Tribunals of the land."

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

My point is they have not proposed this codification of Hindu law on the basis of Smritis, but it is just in violation of the principles laid down by them.

Mr. President (The Honourable Sir Abdur Rahim): What is the Honourable Member reading from?

Bhai Parma Nand: I am reading from the list of opinions.

Mr. President (The Honourable Sir Abdur Rahim): All these opinions are before the House. They cannot be read *in extenso*.

Bhai Parma Nand: I am not reading them at length. I am only taking out one or two remarks from the opinions. They are all opposed to the Bill.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): Why has the Honourable Member chosen only to read the opinions of Munsifs?

Bhai Parma Nand: This Bill had been sent only to a few men for their opinion. Public opinion has not been called for. I can read only from the opinions received, be they from Munsifs or others. Some of them have written more than eight pages against the Bill criticising the same.

Then, there is the opinion of Mr. L. S. Misra, Bar-at-Law, Lucknow.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not read all that.

Dr. P. N. Banerjea: He is not reading the whole of it; he is mentioning only the names of different persons who have sent their opinions.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can read only a sentence or two if he likes.

Bhai Parma Nand: I am only giving the names. Then there is the opinion of Sardar Bahadur Sardar Kartar Singh, District and Sessions Judge, Jullundur. He is opposed to any share being given to daughters and sisters because it will root out mutual love and would create jealousy among them. Then there is the opinion of the District Judge, Montgomery, who says that as far as the Punjab Province is concerned, the codification of Hindu law was not likely to prove of much practical value as the new measure proposed to be enacted would not affect the existing customs.

The Honourable Sir Sultan Ahmed: My Honourable friend is mixing up the question of intestate succession with the Bill for marriage. For instance, the Honourable Member drew the attention of the House to the opinion of Mr. L. S. Misra, Bar-at-Law. In fact, he says with respect to this that the first of these changes is in his opinion salutary and removes the divergence that prevails under the law of inheritance between Dayabhaga school on the one hand and the Mitekshara school on the other.

Bhai Parma Nand: The Honourable the Leader of the House has himself quoted the explanation given by the Rau Committee. In that we find that they give three main features of the Bill, first, the abolition of the Hindu women's estate, second, giving inheritance to daughters and other relations and thirdly, it removes sex disqualification for all Hindus in British India. I am quoting the opinion of these persons who are opposed to the abolition of the Hindu women's limited estate. They are also opposed to the Act applying generally to all Hindus, men and women. The Sessions Judge of Wardha says that the change of personal law proposed by the two Bills is so radical in nature and far reaching in their consequences that in his opinion it is not desirable to introduce them at a time like the present. The Sessions Judge of Amraoti says that it is really unfortunate that the subject should come before the Legislature in these abnormal times and he hopes that wisdom will dawn upon the legislative body to accept the motion for postponement of the Bill till after the war is over.

There are also other objections to the Bill. The main objection is that this Bill does not touch agricultural lands. This Bill cannot have any effect unless the Provincial Legislatures pass laws affecting agricultural property. As the House is aware, in India more than 80 per cent. of the people possess agricultural lands; they possess property only in land. If this Bill cannot give the right to the daughters or widows to have a share in agricultural property where is the use of having two different kinds of codes, one applying to agricultural property and the other to other kinds of property. This is admitted by the Rau Committee itself. That committee says that this Bill shall come into force in 1946 and until that time the Provincial Legislatures will be asked to pass their own laws. It is doubtful whether provincial legislative bodies would agree to pass similar Bills in the form which the Rau Committee had decided upon.

Sir, the main question, as has been suggested by my Honourable friend, Mr. Nilakantha Das, is whether this Bill should be passed at this time or not. Babu Baijnath Bajoria also proposed that this is war time and, therefore, it should be postponed till after the cessation of hostilities

The Honourable Sir Sultan Ahmed: Hostilities between man and woman?

Babu Baijnath Bajoria: I did not say that.

Bhai Parma Nand: Although it is guessed that Congress members might have voted for it, but because the Bill is of such a fundamental importance, this Assembly, with such a small number of Hindus should not deal with this Bill. This concerns the whole Hindu people and such a small number of members representing the Hindu population in this House are not in my opinion fit to pass such a revolutionary law for the whole people. The best way, if we

[**Bhai Parma Nand.**]

have to pass it, would be not only to postpone it till the new election, but have the new election fought on this issue: Whether the Hindu society wants to have this measure or not. Its fate should only be decided when the election takes place on this issue. Therefore, whether the hostilities cease or not, if there is a general election I will put this as an issue before the voters, and then this Assembly would be in a right position to give its decision on this Bill.

Nawab Siddique Ali Khan (Central Provinces and Berar: Muhammadan): In that case there will be a civil war in your house!

Bhai Parma Nand: "If women are prepared for it, let them have it."

The other point is that most of the provinces have opposed this Bill. The remarks of Judicial Commissioner, Chota Nagpur, are against the Bill. Sind Government, Bengal Government, Central Provinces and Berar Government, i.e., five or six of Governors' provinces are also opposed to the introduction of this Bill.

The greatest defect in the Bill is that it interferes with our religion. My Honourable friend, the Law Member, said that the Rau Committee has not laid any violent hands on the religious views of the people. This is another mistake. We have got here the opinions of Sanatan Dharam bodies. There are more than dozen bodies which are opposed to this Bill on the ground of its interference with religion. May be, all of us are not Sanatanists but the point is why should a great body of people, who are opposed to this Bill, should have this change thrust on them. Again, most of these people do not know what it is. As I have said before, it has had a limited circulation and very few people have had an opportunity to see and comment upon it. It has not been translated in different vernaculars and, therefore, the common people have no knowledge as to what a change is being proposed in the matter of their religion. Therefore, it is not right and proper for us even on religious grounds to support this Bill.

Sir Syed Raja Ali: Religion in Danger!

Bhai Parma Nand: If there had been a measure in respect of your Shariat law, you would have done the same.

Sir Syed Raza Ali: I said simply "Religion in danger". That is the cry.

Bhai Parma Nand: When it is changed by a legislative body which has nothing to do with religion, it is of course in danger.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Why did you not consider that question at the time of Sarda Bill?

Bhai Parma Nand: I was not here then. That Act is a dead letter now. All the Muslim Members opposed it because they thought their religion was in danger. Even long after that they were carrying on agitation. In several Sessions we had the proposal that the Mussalmans should be exempted from the operation of the Sarda Act.

Sir, even the Jain Association of Fyzabad, although they allow their women the right to property are opposed to this Bill simply because this Body has no right to interfere in other people's religion. This is what the Honorary Secretary, High Court Bar Association, Cuttack, wrote:

"We emphatically oppose the idea of codification of the kind to affect the personal laws of the Hindus. It is against the declared British Policy not to interfere with the personal laws of British subjects. The Hindus have their different schools of law in different provinces in India; by introduction of the Legislative measures of the kind, it seriously affects their personal law and traditional culture."

The same objection was raised by the Judicial Commissioner of Chota Nagpur; I will read his view also:

"I have the honour to say that whether the Hindu Law requires codification and amendment is a matter which primarily concerns the Hindus. I enclose copies of the opinions of two Hindu officers, etc., etc., dealing with this point. I sympathise with their criticism regarding introduction of married daughters as heirs. Personally I am opposed to the dividing of property between several heirs. This leads to the creation of a large number of small estates, and is an inducement to younger sons of the family not to attempt to make a living for themselves."

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member has taken enough time of the House in reading out quotations. The Honourable Member had better advance his own arguments.

Bhai Parma Nand: Sir, I will not quote now. But there are so many who are against the Bill—District Judges, Allahabad; Benares; Gorakhpur; Cuttack and so on.

My chief objection is that it will destroy the family system. The question is whether with us the unit of the society should be the individual or the family. According to the old Smritis, the family is considered to be the unit of the society and in that unit husband and wife are considered to be one body. This feeling that the women should have separate property and should become absolute owner of that property is sure to create rivalry between the husband and wife. In the same way if you fix a share in the property for daughters, there will be a sort of jealousy between the brothers and sisters. The main trouble arises because of the fact that daughters are married to another family. When they go to another family they become practically a part of that family and have nothing to do with the family of their father. Now, this principle

is altogether given up if the daughter is also given a part of the father's property in addition to her rights in the husband's family. This will create much bitter feeling. Brothers will naturally think that their sister has taken away much and there will be a feeling of jealousy among them.

The point of difference is that the old custom among the Hindus as well as among the Muhammadans is that at the time of marriage, the daughters are given a dowry, and this dowry is almost the share of the daughter in the property of the father, and not only is it given but it is shown to the public that so much is being given to the daughter as her share in the property of her father. If the father gives too little he fears that the public would blame him for being an unworthy father who does not care for his daughter so much as for his sons. Therefore, he thinks that it is his duty to give a proper share to the daughter, it is strange that again she will want a certain share in the property of the father. This Hindu law is based on social morality. It is all a matter of trust and confidence. Full confidence is placed in the parents that they will give the proper share to their children. Now, it is to be replaced by law which wants one-half or one-fourth to be given. If this property is divided, the sons won't have anything left to begin life anew, since the greater percentage of middle-class people possess very little property. The idea is meant to create a feeling among wives and also among daughters that they are being treated unjustly, that they have not been given rights so far, and in the case of widows that they do not get anything. When the widows get maintenance according to the law, what else do they require? I, as an ordinary man, cannot see what more they want if maintenance is guaranteed. If the widow has recourse to re-marriage, then the question is solved. If she does not marry, then she has no other needs except her maintenance, and this is provided for by law. There may be one or two instances in thousands, of maintenance being refused, and the parties concerned would, of course, have recourse to law. Generally, there is no Hindu who would not give, if he could, proper maintenance to his son's widowed wife. He is bound in honour to support her if she becomes a widow. If she remains in the family she is supported. And what is there that you can give her by law except the $\frac{1}{6}$ or $\frac{1}{5}$ share of the property. Actually that amount would be so small that she may not be able to maintain herself out of that sum. The parents or her guardians have a duty to maintain her for her whole life. This Bill is meant to be an act of condemnation for the Hindu parents. Therefore, Sir, the creation of this feeling among the women of a family, and a feeling of jealousy between two parties, men and women, is altogether a new stunt of this modern so-called progress or these new socialistic ideas. Well, in case of agricultural property it will be almost impossible to give the daughter a share in the immovable property in land. Naturally, she will bring in altogether a stranger in the family, and I know from experience of the Punjab that the Muhammadans and agriculturist Hindus have no liking for it. According to the Shariat the Muslims have to fix a certain percentage to their own daughters, but according to the customary law in the Punjab, no agriculturist is willing, nor would

[Bhai Parma Nand.]

ever be willing, to give a share to the daughter in land because she will bring in a new man into the family. In the case of Hindus their daughters are married at great distances. A new man comes to that family. How can he manage to cultivate the agricultural land? If he cannot manage it, he will have to sell it and he might sell it to anyone at any price, which will lead to breaking up of the family system altogether. Therefore, I say, Sir, taking the family as the unit of society, this Bill would be destructive of the family and also of society as a whole.

No doubt about five or six of women's associations, who have given their opinion in favour of the Bill, say it is most welcome and that it should be passed at once. That is natural for these women because as I have said they have got a peculiar attachment to their own self. They think that they have acquired a separate individuality and they must have a status for themselves; naturally, having got modern education and modern ideas from persons like my friend, Mr. N. M. Joshi, they think they have a right to exclusive ownership of property. I do not understand what the absolute ownership of any portion of property will do to help the wife or the daughter. According to us the mother is the mistress of the whole household. She controls everything. In most cases the fathers of families are the wage-earners. They bring their earnings or salaries and place them at the feet of their wives: so that the wife is the real controller of the household. Supposing she is given a certain part of the salary, what good will it do to her? She cannot make any use of it without the consent of her husband or the other family members if she is attached to the family. She has to look after her children and she must also satisfy their needs. Suppose she has separate property and the husband has his own separate property. Then must they hold meetings to decide what has to be given to a son and what has to be given to a daughter! So far as I can see such a notion would be abhorrent to the Hindus. It may be all right for others; and if a man has no family, for him this all is immaterial

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): I guarantee that Mr. Joshi has got a family.

Bhai Parma Nand: I did not know that. It is the natural instinct of man if you appeal to his sense of selfishness he likes it. In this way you appeal to the fair sex, and tell them "We are going to guarantee you certain property and give you certain proprietary rights over certain things", and they are pleased that the Honourable Members of this Legislature are going to give them their rights. This is a natural feeling in these women, specially because they are led by a class of women who become their presidents and secretaries and they tell them to pass a sort of resolution for the Assembly saying "You please accept it" and they all pass the resolution. Therefore about 5 or 6 women's societies; they have recommended that this Bill is very welcome and should be accepted at once. But there is one society—I like it because they agree with my views—the Hindu Mahila Samiti of Poona

Mr. N. M. Joshi: They are orthodox.

Bhai Parma Nand: That is right; I am orthodox too; I am not like you. I want to read one or two lines from the opinion of one Mr. Barendra Narayan Chaudhury, M.A., B.L., who is the principal of a women's college. He says:

"The Bill is a mischievous hybrid of two contradictory ideals, the individual and the family. We have to decide once for all whether units composing the state should be individuals or families."
and so on

Dr. P. N. Banerjee: He was a member of this Assembly till last year—Brajendra Narayan Chaudhury of Sylhet.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can go on with his speech.

Bhai Parma Nand: I must quote from the opinion of this Mahila Samiti of Poona. They sent a letter to the Government also. They say:

"This will have the effect of breaking up the Hindu society. This principle of Hindu law ought to be kept intact as a principle. Therefore this departure is not justified. This

is economically unsound with respect to immoveable property, especially agricultural land; and it has also introduced further complications. The point has not been considered by the Committee. Apparently they seem to have taken a cue from the Muhammadan law; but without going the length of proposing a new scheme they could have proposed that the personal law should be abolished so far as the Hindus are concerned and the Indian Succession Act made applicable to them. The Hindu Mahila Samiti for this reason oppose the principle of the Bill of simultaneous succession of several heirs as being opposed to Hindu law."

Mr. President (The Honourable Sir Abdur Rahim): I must again ask the Honourable Member not to go on reading the opinions. The Honourable Member must advance his own arguments.

Bhai Parma Nand: This is the view of a women's society; therefore, it is important

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has read that.

Bhai Parma Nand: Therefore, I submit that as this Bill is most controversial and as our society and people have to be protected in their social customs and in their religion and laws and as this Bill interferes in the religion of the Hindus and tries to introduce a fundamental change in the Hindu Law by means of framing a new code which they think is the best for us. It is most urgent that the people ought to know what this Bill is, so that they could see it in its true colour. This new code which is proposed by Rau Committee is not intelligible to most part of the Hindus, and because it interferes with our religion and breaks up the social system of the Hindus by breaking up the family, I think being such a controversial measure, it should either be postponed as I said till the time of new elections when it should be made a point of issue before the voters; otherwise it is better to agree to the opinion of my friend that the Bill should be circulated for eliciting public opinion. I support this motion for circulation.

Mrs. Renuka Ray (Nominated Non-Official): Sir, in spite of what the Honourable Member before me has said, a narrow suffragist outlook, a theoretical claim of rights as such is not the motive power behind the Indian women's movement. When first pioneer Indian women, awakened to a realisation of their duties and their responsibilities to society and the state, it was an ideal of service that inspired them, and this today is the dominant factor behind the women's movement in India. I do not think that this Bill could have come as a surprise to any one. The Honourable Member before me has quoted from this voluminous record of reports received. I think I am right when I say that the Honourable the Law Member mentioned that the majority of opinions were in favour of the Bill—he did not say that all opinions were in favour of this Bill. If I were to do what the Honourable Member did before me, I think it would take the rest of this Session of this Assembly to read out every opinion in this voluminous report that is in favour of the Bill. Apart from these opinions, in 1941, a questionnaire was sent out by the framers of this Bill; and the majority of those opinions were entirely in favour. They included the opinions of eminent Sanskrit scholars and of eminent Hindu lawyers from various parts of India. What purpose can be served now in circulating this Bill for opinion again or putting it off till the new elections? Apart from all this, so far as the women are concerned, the All-India Women's Conference and various other women's organisations have from their very inception agitated, worked for, created public opinion and roused—or tried to rouse I should say—because evidently, the social conscience of every legislator has not been roused to, the nature of this reform.

The women realised, and I think the Honourable the Law Member has vindicated this opinion in his speech, so have the framers of the Bill, that piecemeal legislation was not of much avail. Though women are eternally grateful to those champions of the women's cause—and I see more than one before me, who have from time to time sponsored and brought forward measures of reform—they still feel that it is not possible for piecemeal legislation, which creates anomalies in law, to be a success. It was with this end in view that ten years ago in 1933 there was a countrywide agitation and a demand from the women

[Mrs. Renuka Ray.]

of India asking for the appointment of a commission of enquiry into the legal system and asking that a comprehensive code should be drawn up. During this time meetings were held throughout the country, not only in towns and cities, not only among the educated women, but in the heart of remote villages. Thousands of women attended, and amongst these women there were many who would be called the less educated, or I would rather call them less articulate amongst our sisters. Silence on their part by no means means consent to the existing order of things. Hundreds of cases came to us at this time which convinced us all the more of the justice of our cause,—hundreds of cases of untold misery to women, when they had to go to law courts but could not get redress. They thought we might be able to do something for them, but unfortunately it was impossible, as the law of the land as at present administered was against them.*

Sir, I maintain that it is not necessary to wait for the new elections. But if a referendum is taken in this country to-day of Hindu men and women, the majority of Hindu opinion will show without any doubt that Hindus are not only willing to abide by the principles of the measure before this House, but that they will go very much further.

So far as the motion before the House is concerned, it is a motion for referring the Bill to a Select Committee. So there is no need for going into the details of the Bill. It is not always easy to decide what is principle and what is detail in a Bill, but the framers of this Bill have made them clear. The first principle involved is this, the enactment of a common law of intestate succession for all Hindus in British India. Whatever justification there might have been in ancient times for various schools of thought in different parts of India, to-day there can be no justification with easy means of communication and with frequent migration, which bring about many legal complications if the law varies. Culturally, socially and economically Hindus all over India are alike to-day, and I will not go into an exhaustive survey, for I think the Honourable the Law Member has put the case very well before the House.

In regard to the removal of sex disqualification, in ultimate analysis we find that this is based on a text which has been misrepresented,—an old obscure Vedic text which has been misrepresented. The text is this: Women are incapable of holding Soma and, therefore, should not be given any. Soma is a potent drink, and we have the authority of Madhavacharya for the interpretation of this Vedic text. Later commentators have misrepresented the text and said that it was property which was concerned, and that women should not hold property. Thus, on such flimsy pretexts, women in many parts of India to-day are considered incapable of holding property. Besides, though this Bill does remove sex disqualification, it does not by any means bring in sex equality; it is quite a conservative measure. The Honourable Member who spoke before me elaborated on the disintegration of property if the daughter's rights were recognised even to half a share of the son in the father's property. This is one of the bogeys which are always brought in whenever such questions are raised. When a man has only ten sons, each of them can inherit a share and can go in for a partition of the estates but no question of disintegration comes up. But if a man has a son and a daughter, if the daughter inherits, it will be terrible because there will be disintegration of the family! What should one say of such a mentality!

The third and last principle involved in this Bill is the abolition of Hindu woman's limited estate. Those who have criticised this have quoted certain texts. Most of the texts are like the one that I am going now to read to you. Manu is purported to have said: "The wife, the son and the slave have been declared to be without property". Sir, slave in the old sense at least does not exist; son is given an unqualified share. Then, is it only the woman who is to be bound down by texts such as this?

But I will now turn to the practical aspect of the case. Every one knows that widow's estate has led to a great deal of litigation in this country. I should

think that the majority of Hindu opinion would be only too glad to do away once and for all, with this thing, which is commonly known as widow's estate. I will quote one famous case. The Wadhwan case in 1830 when the widow sold her estate. But the estate changed hands many times. In 1900, she died; 12 years after her death, the reversioners questioned this and there was a case against the unfortunate owner, who then held the property. The District Judge upheld it, so did the High Court. Later, it went in the year 1920, 90 years after the original transaction, to the Privy Council who upheld the owner on the ground that it was too late to give adequate proof. But what value can we expect a woman to get for her estate when she sells it for a legal necessity, as recognised in the doctrine of limited estate for a real necessity, if this sort of transactions over such a long period of time can be questioned?

There are many who hold that Hindu Law is of divine origin and should not be tampered with by courts of law. Do they realise that the doctrine of limited estate is the creation of the courts of law, of man made courts of law? We have the authority of many eminent lawyers including Sir M. Venkatasubba Rao for this. Hindu women were entitled to absolute estate, and it is only the man made courts of law which have brought in limited estate for women. To those who always oppose all reforms in the Hindu law on the ground of divine origin, I would like to say that the history of Hindu law is really the best answer to their argument. The Honourable the Law Member has given the House an exhaustive survey, I will not go into details, but I will merely mention that law can never remain static in a dynamic society. And Hindu law was never an exception to this. From Vedic times and post-Vedic times, right up to the advent of the British period, Hindu law has changed with changing times. In Vedic and post-Vedic periods women were given a great measure of equality. We have the texts of Jaimini and Upasthamba to support the claim that woman has a position of equality in law. Later, due to a multitude of causes, women lost their position in society and this was reflected in law also. During the period of the *smritis*, there was a continuous and long struggle between different law makers who held different views in regard to women's rights in law but it was when the law was applied in the beginning of the British period that women's rights were still further curtailed and almost nothing was left of them, because the pandits and priests who were asked to expound the laws gave the most reactionary interpretation. At this time in England, British common law did not allow women the right to hold property and so the British jurists of the time did not think there was anything very strange that Hindu women too possessed no such rights, but the result has been that it has not only deprived Hindu women of their just rights but has taken away from the law of the Hindus some of its finest and most progressive elements. The Honourable Member who spoke before me questioned the unrepresentative character of this Legislature. I do not know whether he considered himself unrepresentative of Hindu opinion or not. I am glad that he has mentioned the subject but if he was talking of those who are absent to-day, I might mention that those who are now in the vanguard of the struggle for freedom for the nation can never be against the freedom of women. (Interruption by Mr. Nilakantha Das) I will not enter into any abstract generalisations. Suffice it is for me to say that it is those people who are absent to-day who drew up almost revolutionary changes in regard to women's rights in the National Planning Committee. Those changes go far ahead of anything that this conservative Bill has got in it. It is they who appointed the first woman minister in India and the only woman elected Member of this House has come in on the general ticket of the Congress constituency. Can you say that if they had been present to-day they would not have supported but opposed this Bill. Rather they would have supported it and in fact, it would not have been necessary for me to be here, because there would have been a woman already in the legislature to support the Bill on her own rights.

Now, this measure, as I have said before, is really a very conservative one. Although women are grateful to the Rau Committee for the infinite trouble that

[Mrs. Renuka Ray.]

have taken and for bringing in the progressive outlook, we must not forget that they have only brought forward what is already there in Hindu law. The Bill is inspired wholly by the Hindu law itself. It does not bring in any revolutionary reforms. Then, as the Honourable Member who spoke before me pointed out, agricultural land is not included as it is beyond the jurisdiction of this House. Of course, we hope that agricultural land will be included and the Governors' Provinces will follow suit and I do not think either that any of the complications which have been feared will arise, because many of the Provinces have already followed suit in this matter in regard to legislation regarding agricultural land, in connection with the Deshmukh Acts. So, I do not think that the complication is likely to arise in this case. This Bill is really a conservative measure and should certainly not have found objection from the conservative Members of this House.

Now, before I conclude, let me acknowledge on behalf of Hindu women the debt of gratitude we owe to the Honourable the Law Member who has not only taken so much interest but has appointed one of their representatives to voice their opinion in the House to-day. He has actually brought in a new policy and a new outlook on the part of the Government, because it was the policy of non-intervention in social matters by the Government of India pursued for so long, which has proved very fatal in the past. To-day courts of law have not the elasticity of the *Smriti* makers of old and it must lie with the Government and the Legislature alone to make changes. But now that this new policy has been introduced, let us hope that it is the beginning of a new era of social reform for India.

Pandit Nilakantha Das: Before I begin my speech on the motion before the House, I wish to say that I am surprised to find how very big lawyers can deceive people by fallacies. With all due respect to my Honourable friend, Sir Sultan Ahmed, I wish to say this. He said that there were many Bills in this House to reform Hindu law and had those friends been present on those empty Benches today, they would have passed this Bill. I will point out that they could not swallow a gnat but this camel is being presented in their absence. He was telling us that they would have swallowed it. In 1938, Deshmukh Act was passed and Dr. Deshmukh had proposed absolute estate for women. What did we do? What did those friends do? They did not pass the absolute estate, though many of us desire that absolute estate should be given to the widow. Of course, the daughter is a different being in this case. The widowed daughter is the widow of some husband and she will get her share from that husband. But the relevant point here is that the Members of the Assembly did not pass absolute estate for women. My friend has perhaps forgotten that his predecessor in office was the first man to oppose and he successfully opposed absolute estate for widows and the Bill was passed accordingly. Only limited estate was provided for in the Act. Then came some measure of reform by my esteemed friend, Dr. Bhagwan Das. We did not look at it. Then came other measures, about four or five of them. And I remember that only to avoid the controversial measures our friends then said, as it were, "Throw all this into the dust bin. They will all be taken up when the time comes and a Code will be framed." I will presently come to the framing of Codes, which is not an easy thing.

Before I come to the motion itself, there is another thing which I want to say. The Mover of the motion for the Joint Select Committee says that it is to come into force from January, 1946, because in the meantime other Provincial Legislatures would have passed supplementary enactments. Does he really mean it? Will the Governors pass supplementary legislation? They can for a limited number of years, but is that the idea of the Government of India? Is it his idea that this Act will be passed here and the Governors in seven or eight provinces will be asked to pass supplementary laws so that the whole thing may be complete? I am even opposed to a definite date like January, 1946. It may come earlier or it may come later, for these are abnormal times.

Then another thing must be made clear in the very beginning. The words "religion and reform" are very much talked about in this connection. Is religion a sin?

Mr. N. M. Joshi: Ask yourself.

Pandit Nilakantha Das: I should rather ask those Honourable Members who think that it is a sin. Are we going to repeal Manu in this Code?

The Honourable Sir Sultan Ahmed: Certainly not.

Pandit Nilakantha Das: Are we going to repeal the Vedas?

The Honourable Sir Sultan Ahmed: Vedas have nothing to do with it.

Pandit Nilakantha Das: Because it is from Vedas that women's estates have sprung up in the Hindu law. Of course, I am not a practising lawyer.

The Honourable Sir Sultan Ahmed: That is obvious.

Pandit Nilakantha Das: But religion is rather a scientific expression of organised relations of men in society. That is religion. There may be ever so many names for it. But it always represents the organised relation between individuals in society. It is always evolving according to customs and circumstances. In our Sanskrit literature there is a very good word for it. It is Sanatan. The word has been very much misunderstood of late years, but let us go to the root of it. We, the Hindus, know it very well. *Sana* means always, *Tana* means born. It means born always; it is ever-evolving and ever adapting itself to circumstances. Sanatan means ever progressing. Sanatan does not mean something like a stone or stock of wood. In the Gita, where soul is described, it is said:

"*Nityah Sarbagatah stanu racatoyam sanatanah*" i.e. it is eternal, it is everywhere, it is static, it is unmovd, it is sanatan."

These are different qualifications. Sanatan is not static. It is ever evolving, ever progressing and ever adapting to circumstances. So the commentators interpreted in view of circumstances. They did not, as my Honourable sister, Mrs. Ray, said, simply misinterpret things. We have got six schools of philosophy and each and every school is based on same Upanishads. They all are said to be six different interpretations according to what is called Adhikara, or aptitude or grasping capacity of the disciple. It was a fact that from *Daya* came property. According to Rigveda, *soma* wine offered to Gods was, *Daya*. It was not given to women; women were not allowed intoxi-cants. Now, of course, intoxicants are allowed to women. So, this fact was interpreted to mean law of inheritance adapted to circumstances. Very few of our great men thought of being prophets themselves; they were all interpreters. So, they kept up the Sanatan character of our religion. Hence it is that though even now we say that we follow the Vedic religion and the religion of the Vedas or the Upanishads, we have now changed it out of all recognition in our practice. This is the one unbroken line of tradition which still influences us and, therefore, we are a nation and, therefore, we are Hindus today. Do not unnecessarily hurl bad criticism on the heads of these commentators. They were sacred authorities. They were much better representatives than we are. Manu in the forests with students around him and perhaps not getting two square meals a day could study and understand the society much better than we do as representatives in this House. Realise how he did represent the society. A line from him could influence the Emperor. He was not paid. Are we here to criticise them and call them sacriligious, interpreting something for their own purpose. If a woman is not given share in the property it is due to particular set of circumstances. In Bombay they are given. If properly studied it will be evident that in that society where the absolute share of the daughter has developed it has developed there on account of a set of circumstances. We do not wait and we do not pause. We jump to conclusions borrowed generally from others. This is stamp of slavery. Here I give you an instance. When I was a young boy. . . .

An Honourable Member: Were you ever young. . . .

Pandit Nilakantha Das: I am still young: that is my mistake. Anyhow, when I was a young boy I remember to have read that King Henry the Eighth claimed divine right. He demolished all churches. We wanted to see if there was a similar thing in our books and then somebody found out in Manu: "*Mahati devata hyesa nara rupena tisthati*" (King is a God in human form.)

[Pandit Nilakantha Das.]

We, therefore, came to the conclusion that in our literature we have divine right of Kings. We do not understand, that is quite a different thing than this. Here there is the other line of the same verse: "*Astanam lokapalanam Matravih nirmitonrpah*". Here *Narpa* (King) is defined to mean one who does every thing for the good of his people. That man should be looked upon like a god. That is not a divine right, no king ever claimed it. When Dushyanta entered the hermitage even Sakuntala was not afraid. It was the duty of the King to see to the comforts of the hermitage. All great men of our society performed their duties in the best way they could. They devoted themselves to learning the culture in the forest. If a teacher's disciples could not get any thing to eat, then it was the duty of others to see that they get enough, for culture must be preserved and maintained. Religion, if it is properly understood, is this. It is never stagnant. You can apply all your laws even more drastic laws than this, if you really feel that there is a necessity for it and all the Hindus want that law.

You have got the means and mechanism for making law. It is this Legislature with men and women representatives. A woman from the All-India Women's Conference is nominated. She is to speak for Hindu women; but is cosmopolitan in her outlook. I say she can speak for women of the world, she may claim her right to speak for all the women of India. I have every respect for her. But are all women of India Hindu women? She should give no opinion on Hindu law as such relating to women.

An Honourable Member: Because there are no Muslim women in that Conference.

Pandit Nilakantha Das: I have always been pained for many years when a change in the Hindu Law with respect to women was being voiced by the wife of an Honourable non-Hindu colleague of mine of this House in the name of Delhi Women's Conference, which is a branch of the All-India Women's Conference. So Jankibai known as the leader of the only Hindu organisation was being alluded to by my friend and no less a Hindu than Mr. Joshi said that she belonged to a conservative body. What is this conservative and non-conservative, I really do not understand.

Let me come to the Bill, I mean to my motion. Let me straightaway come to the opinions. I have made a complete analysis. Let me begin with that. Then I shall come to the main discussion on my motion. I have read these opinions between the lines. Many of them have, of course, begun with the words, 'we have in general no objection to the Bill'. But there are three things in the Bill. To put existing laws in one place, to which there may be no objection. Then woman's estate and daughter's share. Those who are opposed to these two or one of the latter principles I have counted them among those who are against it. So, in that way I have counted it. I counted in all 175 opinions, 102 against, 66 for and 7 neutral. That is my analysis. I am open to correction, if my Honourable friend can help that way. I do not think it would vary much this way or that.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not read the opinions.

Pandit Nilakantha Das: Sir, I am not going to read them *in extenso*. I am reading them simply to show how many Provincial Governments, High Court Judges are for or against. I will mention their names. Madras Government gives no opinion. All the Hindu Judges of the Madras High

5 P.M. Court say that the Bill cannot affect agricultural land because the Central Legislature cannot deal with it and, therefore, the Bill should not be proceeded with. Justice Chatterjea of the Patna High Court is not in favour of the Bill. Justices Mulla and Dar of the Allahabad High Court say that it would not be right to make changes in the existing Hindu law. Justice Mathur says that the drastic changes proposed in the Hindu law would be cause of interminable litigation.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is not proposing to finish his speech today. So the House will now adjourn.

The Assembly then adjourned till eleven of the Clock on Thursday, the 25th March, 1943.