

8th February, 1934

THE  
**LEGISLATIVE ASSEMBLY DEBATES**

**(Official Report)**

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**Volume I, 1934**

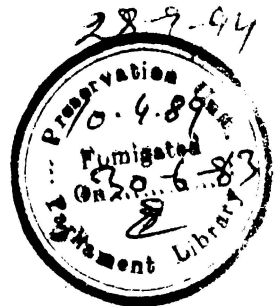
*(24th January to 16th February, 1934)*

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**SEVENTH SESSION**

**OF THE**

**FOURTH LEGISLATIVE ASSEMBLY,  
1934**



**NEW DELHI  
GOVERNMENT OF INDIA PRESS  
1934**

# Legislative Assembly.

## *President :*

THE HONOURABLE SIR SHANMUKHAM CHETTY, K.C.I.E.

## *Deputy President :*

MR. ABDUL MATIN CHAUDHURY, M.L.A.

## *Panel of Chairmen :*

SIR ABDUR RAHIM, K.C.S.I., KT., M.L.A.

MR. K. C. NEOGY, M.L.A.

SIR LESLIE HUDSON, KT., M.L.A.

MR. N. M. JOSHI, M.L.A.

## *Secretary :*

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

## *Assistant of the Secretary :*

RAI BAHADUR D. DUTT.

## *Marshal :*

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A

## *Committee on Public Petitions :*

MR. ABDUL MATIN CHAUDHURY, M.L.A., *Chairman.*

MR. K. C. NEOGY, M.L.A.

SIR HARI SINGH GOUR, KT., M.L.A.

MR. T. R. PHOOKUN, M.L.A.

MR. MUHAMMAD YAMIN KHAN, C.I.E., M.L.A.

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# LEGISLATIVE ASSEMBLY.

Thursday, 8th February, 1934.

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

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**Rai Bahadur Lala Brij Kishore** (Lucknow Division: Non-Muhammadan Rural): May I request the Honourable the President that Bills which have been pending for years for introduction may be taken up first?

**Mr. President** (The Honourable Sir Shanmukham Chetty): Order, order.

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## MEMBERS SWORN.

Mr. Gordon Sidney Hardy, C.I.E., M.L.A. (Government of India: Nominated Official); and

Mr. Chandulal Madhavlal Trivedi, O.B.E., M.L.A. (Government of India: Nominated Official).

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## MESSAGE FROM H. E. THE VICEROY AND GOVERNOR GENERAL.

**Mr. President** (The Honourable Sir Shanmukham Chetty): I have received a Communication from His Excellency the Viceroy and Governor General:

(The Message was received by the Assembly standing.)

"In exercise of the powers conferred by rule 2 of the Indian Legislative Rules, I, Freeman, Earl of Willingdon, hereby appoint the Honourable Sir Joseph Bhore to perform the functions assigned to the Finance Member under rule 46 of the said rules on the occasion of the general discussion appointed for Monday, the 19th February, 1934, on the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of Railways.

WILLINGDON,

Viceroy and Governor General."

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## THE INDIAN "KHADDAR" (NAME PROTECTION) BILL.

**Mr. Gaya Prasad Singh** (Muzaffarpur cum Champaran: Non-Muhammadan): Sir, I beg to move:

"That the Bill to provide for the protection of the names "Khaddar" and "Khadi" used as trade descriptions of cloth spun and woven by hand in India, as reported by the Select Committee, be taken into consideration."

[Mr. Gaya Prasad Singh.]

This is a very innocuous little measure, and I hope there will be no dissentient voice raised against it. The Bill in fact represents an agreement between the Government and the Non-Official Members over it. The Bill was introduced by me on the 18th February, 1932; it was circulated for opinion on the 1st March, 1933; it was referred to Select Committee on the 5th September, 1933, and the report of the Select Committee was presented on the 29th November, 1933.

My Bill is designed to protect the names "Khaddar" and "Khadi" as trade descriptions for handwoven and handspun cloth, as distinguished from cloth manufactured in mills, whether in India or abroad. In recent years, there has been a tendency to manufacture cloth in mills and to designate such cloth as "Khaddar" or "Khadi". This has been a source of constant confusion to the buyers and such spurious "Khaddar" woven in mills has been palmed off on unsuspecting customers as genuine stuff. I wanted, therefore, by this Bill to make that an offence under the Merchandise Marks Act. Opinions have been received, and most of the opinions, specially non-official opinions, are in favour of my Bill. The Government of Madras and the Government of the Central Provinces have supported my Bill. The Government of the Punjab are indifferent, while other Local Governments, obviously out of political considerations—as the word "Khaddar" is associated with the political movement inaugurated by the Indian National Congress—have opposed my Bill. I do not think any element of politics should enter into the consideration of this purely economic measure. I regret that my Honourable friend, Mr. Mody, is absent in the House today. On the last occasion he stated that "Khaddar" and "Khadi" had been manufactured by the Bombay Millowners' Association for a long number of years, and that he was opposed to the words "Khaddar" and "Khadi" as trade descriptions for cloth spun and woven exclusively by hand in India. In this connection I should like to refer the House to the Report of the Millowners' Association, Bombay, for the year 1932. From a perusal of the table No. 15 at page 482 of this Report, it will appear that "Khadi", "Doongree" or "Khaddar" has been manufactured only since the year 1924-25: all the columns for the years preceding 1924-25 are blank. Therefore, the contention of my friend, Mr. Mody, that "Khaddar" and "Khadi" had been turned out by their mills for a long number of years seems to be unfounded. However, I am not going to enter into that controversy on the present occasion.

There is one point to which I have some objection in the Bill, as it has been reported by the Select Committee. The Select Committee has excluded silk or woollen materials from the trade description of "Khaddar" or "Khadi". The name "Khaddar" or "Khadi" has been defined according to the local usage to mean any sort of cloth spun and woven by hand in India, whether that stuff is cotton, or silk or woollen. But the Select Committee has confined the name only to cotton cloth. This, I submit, is an unduly restrictive definition.

Another provision which has been introduced by the Select Committee is that the provisions of this Bill would be enforced at the discretion of the Local Governments concerned, in their respective areas. This, Sir, is a provision which detracts very greatly from the utility of the Bill, but I must take such little mercies from the Government as they are willing to give to us. Constituted as the House is, I could not press for all that I wanted to press in the Select Committee, and, therefore, I have agreed, though reluctantly, to this provision. In this connection I received a letter

from Mr. C. Rajagopalachari in which it is stated that Mr. C. Rajagopalachari "was much pained to see the attitude of Mr. Mody and of the Bombay Millowners' Association in regard to this Bill". In another communication, Mr. Rajagopalachari says:

"The Bill should not be left to the sweet will and pleasure of the local executive authority to apply or not to apply the law. Such power will lead to a great difference in law between province and province in a matter of commerce. It would complicate the situation and render the law practically of no effect, and encourage fraud. Commercial laws should be universal and of uniform application. Indeed the trend is towards internationalisation. The idea of an all-India trade like of the revived hand-spinning industry being governed by a law that has effect in one province and not in another is absurd. The opposition is only in the interest of mills, and millowners. There is no question of law and order or Local Government's prestige involved. The power ought to have been given to the Local Legislative Councils at least".

But, Sir, as I stated, I have to take things as they are. I believe, Sir, with the introduction of provincial autonomy, if not earlier, this Bill will be utilised by the Local Governments concerned, when more and more power devolves into the hands of Indian Ministers. Suffice it for me in this connection to read out a short paragraph from the Report of the Select Committee. It is stated here:

"The majority of the Committee express the earnest hope that these Local Governments, which have expressed no disapproval of the Bill, will take early steps to apply the Act when passed to the areas under their jurisdiction, and that other Local Governments will avail themselves of its provisions should any necessity for its extension become apparent".

I am of opinion that this Bill, as it has emerged from the Select Committee, is a non-contentious measure and that it should be passed. Sir, I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty): Motion moved:

"That the Bill to provide for the protection of the names "Khaddar" and "Khadi" used as trade descriptions of cloth spun and woven by hand in India, as reported by the Select Committee, be taken into consideration."

**Mr. B. V. Jadhav** (Bombay Central Division: Non-Muhammadan Rural): Sir, I heartily support the motion moved by my friend, Mr. Gaya Prasad Singh. It is a very good measure and I am very glad to see that the Select Committee have done their work very well and the Bill has now emerged from it in an unobjectionable form. It will be of considerable use to the country. Mr. Mody, the President of the Millowners' Association, is absent today, but I think the gist of his last speech was that, although "Khaddar" was manufactured by the Bombay mills for some years past, still he had no objection to this legislation being passed, because the Millowners' Association were standing on their own legs, and that they did not wish to foist their articles under false names. Therefore, Sir, I do not think that the criticism of my friend Mr. Gaya Prasad Singh was quite justified in regard to my friend, Mr. Mody. In this Bill, Sir, "Khaddar" is confined only to cloth woven from handspun yarn, from cotton; silk and woollen articles are not included in it. I do not think I need take any objection to this. Generally, in popular parlance, "Khadi" is a word which is used for cotton articles, and, therefore, no great harm has been done in denying the use of the word "Khaddar" to silk and woollen goods. I am quite sure that the pressure of local opinion will be such that all the Local Governments will make this Act applicable to their provinces and that they will not wait till provincial autonomy comes to the provinces. I, therefore, support this measure.



**Mr. B. Das** (Orissa Division: Non-Muhammadan): Sir, I congratulate my friend from Muzaffarpur for having succeeded in persuading the Select Committee to adopt a Bill which will soon be placed on the Statute-book. Whether it will be of any material use to the "Khadi" producing world or to the "Khadi" consuming public, I have my own doubts. Sir, I very much miss the representative of the Bombay Millowners' Association, Mr. Mody. If newspaper report be correct, he is going now to explore fresh fields and pastures new. It is reported that Mr. Mody, after having sold India in the interest of the Bombay City to certain gentlemen from Lancashire, is now intending to join the Tatas and look after. . . .

**Mr. President** (The Honourable Sir Shanmukham Chetty): The Honourable Member should wait for that criticism till Mr. Mody comes back. He will get plenty of opportunities.

**Mr. B. Das:** The millowners are wellknown poachers. When we gave cotton textile protection in 1929, they were forbidden not to encroach upon the special preserves of the handloom industry. They did that so well that the handloom industry today cannot produce *sarries*, and the millowners all over India make a special feature of fine *sarries* which they were specially prohibited from manufacturing. . . .

**Raja Bahadur G. Krishnamachariar** (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): By whom?

**Mr. B. Das:** By the House, by the Government, by the Tariff Bill, and by the Report of the Tariff Board of 1929.

Then, the millowners, through their representatives, announced that my friend, Mr. Gaya Prasad Singh, was encroaching upon them. My friend, Mr. Mody, himself being one of the greatest. . . .

**Mr. B. V. Jadhav:** Let him be present.

**Mr. B. Das:** My speech is going to be read by every millowner.

**An Honourable Member:** No, no, they will not read it.

**Mr. B. Das:** Today, I charge them as poachers, as my friend, Mr. Gaya Prasad Singh, has pointed out, because these millowners never manufactured "Khadi" until the year 1924,—I did say that on the last occasion when I spoke before this Bill was referred to the Select Committee. They want to appropriate the hallmark "Khadi" and they want to sell spurious "Khadi" manufactured in their mills. This kind of villainy and treachery I do not know for how long they will go on perpetuating, but the day will come when the judgment of God will be on these millowners.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I should not have spoken on this Bill, having spoken on a previous occasion giving my support to it. But, after hearing the gentleman for Utkal, I thought I must raise my voice in strong protest for it is becoming a practice in this House to stab one behind one's back. His references to Mr. Mody were not only unjust, but also ungenerous, for, if he reads Mr. Mody's speech over again, he will find that Mr. Mody offered no serious opposition to "Khaddar" and "Khadi" though he spoke of the handicaps so far as the mills were concerned. . . .

**Mr. B. Das:** Did my Honourable friend hear Mr. Mody when he made that speech?

**Mr. O. S. Ranga Iyer:** I generally listen to speeches when they are interesting without interruption. (Laughter.) When the Honourable gentleman for Utkal just spoke of handloom industry, I thought he was going deep into what I may call abyssmal ignorance of the subject on which he just spoke, because handloom industry need not necessarily be producing "Khaddar" or "Khadi," and as you know, Sir, in the Coimbatore district and as I know in Malabar, the handloom industry produces more non-khadi articles, cloths, *veshtis* and *mundus*, and so on, than "Khadi" articles. Therefore, it is useless for Mr. B. Das to talk of handloom industry. Let us speak on the subject and on its merits. As I said the other day, this Bill was the Bill of the late Pandit Motilal Nehru. It is a pity that Pandit Motilal Nehru is not in this House or outside this House to see that his loyal friend and disciple, Mr. Gaya Prasad Singh, has done his best to place this Bill on the Statute-book. It is good that he has read out to this House part of a letter from Mr. C. Rajagopalachariar who is also a practical devotee of "Khaddar" and "Khadi". Lastly, we have to express our gratitude to the Honourable the Commerce Member for having given some support to "Khadi". I do not want to take the ungenerous attitude of the previous speaker and say that no support to the industry of a real kind is forthcoming by passing this Bill. I look at the spirit that animates this House and that is sufficient for the purpose of those who desire the encouragement of that very good cottage industry.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): I feel fortunate to support this Bill. I say that the object of this Bill is only to prevent false description of "Khaddar" and "Khadi", being advertised and displayed and it is the duty of every one to see that no deception goes on in the market. I cannot say that the object of the Mover of this Bill is that "Khadi" should be given an impetus by its description being legally laid down, but that is also not a bad object. What happens in the market is this. When we go for "Khaddar" or "Khadi", the sellers give us without any fear articles saying that they are "Khadi", and when we say we want "Shudh Khaddar", they do not have any hesitation in further asserting that those articles are "Shudh Khaddar". But if we subsequently find that they are not so, what is the remedy? If there is no remedy for that, then there is nothing extraordinary in asking for a legislation providing a remedy. What we want is that there should be no deception of any kind. Opinions have been collected and I will only refer to one or two from Bombay. I am reading from page 21 of the Bombay opinions. The Bombay Government say:

"The majority of the commercial associations who were consulted support the Bill, while the Bombay Chamber of Commerce and the Bombay Millowners' Association are not in favour of it."

If you go through the opinions, you will find that almost every association has supported it except the Millowners' Association at Bombay. It is quite natural that they should oppose. In my humble opinion, I think that they are more guilty than others. It is they who will be affected by this Bill and it is in their interest to see that this deception goes on. Therefore, no attention should be paid to what the Millowners' Association

[Mr. Lalchand Navalrai.]

say when the other associations agree with the Bill and say that it should be passed. The Bombay Government further say:

"In this connection, I am to say that it is not in accordance with the trade custom in this Presidency to confine the word "Khaddar" to cotton piece-goods woven by hand from handspun yarn."

That is the very reason why we want this Bill. They say that there is no custom that, when a man goes and asks for "Khaddar", he should be given one which is handspun and handwoven. That is the trick of the trade that has been going on, and what we want is a provision against such fraud. That there is no trade custom cannot stand in our way; on the contrary, it is incumbent on us to see that a proper definition is laid down. When there is any article, which is not of a particular description, and if it is sold in the market under a false description, the man is guilty under the Merchandise Marks Act and also for cheating under the Indian Penal Code. But there is no such provision here with regard to "Khaddar" and "Khadi". The Bombay Government then say:

"Further, it is anticipated that great difficulties would be encountered in enforcing its provisions if it were to become law."

I cannot for one moment understand what difficulty there will be in enforcing this law. On the contrary, it will make the people more honest, there will be more honest dealings in the market with regard to "Khaddar" and "Khadi". The Bombay Millowners' Association will, by and by, become more honest, because if they will become more and more dishonest, there will be more and more attacks by us on them. The time has come when they should learn to respect the opinion of the public. I will not take any more time on this, because it is a plain question. What we are asking for is that the deception should in some way be stopped.

I will now refer to the opinion of the Karachi Chamber of Commerce.

The Bombay Government say:

"The Chamber has no objection to the provisions of the Bill."

The Karachi Buyers and Shippers' Association says:

"My Committee fully endorses the reasons ascribed by the Honourable the Mover of the Bill in his Statement of Objects and Reasons, and in their opinion the trade custom does confine the term "Khaddar" and "Khadi" to cloth spun and woven by hand in India."

Here is a contradiction to what the Government of Bombay have said. This Karachi opinion is that in custom also "Khaddar" and "Khadi" are known to be handspun and handwoven. Further, on they say:

"They are further of opinion that there should arise no question as regards the administrative difficulties pointed out in this connection."

They belong to the trade and when they say that, there will be no difficulty in administering this Bill, there is no reason why we should not pass it. Then they say that these difficulties are not unsurmountable and that the like of this is to be met with practically in case of any and every piece of legislation. That is absolutely true. With these words, I support the motion.

**Mr. Gaya Prasad Singh:** Sir, as there is no opposition to my Bill, I have no reply to make, except that I have to thank the Government, especially my Honourable friend, Sir Joseph Bhole, for having so kindly allowed this Bill to be passed unanimously by this House.

**Mr. President** (The Honourable Sir Shanmukham Chetty): The question is:

"That the Bill to provide for the protection of the names "Khaddar" and "Khadi" used as trade descriptions of cloth spun and woven by hand in India, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2 and 1 were added to the Bill.

The Title and the Preamble were added to the Bill.

**Mr. Gaya Prasad Singh:** Sir, I move that the Bill, as amended, be passed.

The motion was adopted.

**Mr. A. Das:** Sir, before you proceed to the next item, may I request you to allow those Members who have Bills to introduce and whose motions are last in the agenda to move those motions? That was done in a previous Session?

**Mr. President** (The Honourable Sir Shanmukham Chetty): The Chair knows that it was done on one particular occasion as a special case, but unless the House amends the Standing Orders, the Chair does not think there is any justification for adopting that as the normal practice. The House must go through the agenda in the form it has been put down on the Order Paper.

## THE GIRLS PROTECTION BILL.

**Rai Bahadur Kunwar Raghbir Singh** (Agra Division: Non-Muhammadan Rural): Sir, I move:

"That the Bill to protect minor girls be taken into consideration."

In moving this I wish to point out that my Bill is very necessary in the interests of humanity. The evil which I want to prevent with the help of this Bill is widely prevalent in several provinces, especially in the United Provinces of Agra and Oudh, Bihar, the Punjab, parts of Bombay and in several other provinces which I may not be aware of. My second point is that it is non-controversial. All Sabhas and Societies are in favour of this measure and the caste societies or All-India Mahamandals, whether they are Sanatanist or Arya Samajist, Brahma, Sikh, Jaina or Jewish, are all in favour of my Bill. According to the Hindus, the marriage of a girl is considered to be *kanyadan*. *Dan* means charity. If money is taken, it is no *dan*, but the reverse. The Sanskrit Smritis also support my proposition. There are three kinds of Smritis—

[Rai Bahadur Kunwar Raghbir Singh.]

the Manu Smriti, the Parasara Smriti and the Yajnavalkya Smriti. There is a Sanskrit *shloka* on this:

*“ Kriya kritacha ya kanya patni sa na widheeyate.  
Tasya jata sutatesham pira pindam na vidyate.”*

which means, first that the *pinda* given by the progeny of such a union will not be acceptable. The second is that one who takes even a small sum in lieu of a girl goes out to the hell of urine. The third is that the sellers of daughters live in hell for so many years as the number of hairs of a bride. The fourth is that even learned fathers, who sell their daughters, are considered to be fools along with their sons. The fifth is that the brothers of a bride, who sell her or utilise her articles, go to hell. The sixth is that even a Shudra (Harijan), who takes even a small sum on his daughter, goes to hell. These are the quotations from the Smritis which I have just made. This is the third *adhyaya*. The ninth *adhyaya* also supports my view. The evil practice which now prevails is very harmful to the nation as a whole. Because of the practice of selling girls, old people are married to young and even minor girls in exchange of money. A friend of mine coming from Agra saw at the Agra Fort Railway Station a bridegroom of 60 who had married a girl of 13, and when the old man with the young bride was asked as to why he had done such a bad act, he said that he had not been given the girl for nothing, but had to pay Rs. 5,000 to marry that girl of 13. Then, a man in my village had to pay Rs. 1,200 for a girl of 13. These girls are treated as commodities. The more beautiful the girl, the higher the price and the more advanced in age the bridegroom, the higher the price. So, in this way, the future happiness of the couple is marred. The result is that the progeny is weak and the children born of mothers who are mere girls are bound to be weak and unfit to live. There are innumerable cases of traffic in girls in the Punjab from the United Provinces, and immorality also increases in this way which is highly reprehensible. Another evil which accrues from such dealings is that the number of widows increases which is also a national waste. It is noticeable that there is nobody against the proposed measure except perhaps those who sell their daughters. As an illustration, I will give the example of a goldsmith who was living in a village close to mine. He sold his daughter four times, and she ran away every time. (Laughter.) So home happiness demands that such a sort of evil should at once be put a stop to with a firm hand in the interests of the girls themselves.

Then, Sir, these girls, who know nothing about their future welfare and happiness, are tied down to undesirable persons on account of money, like dumb-driven cattle, or even worse. Every member from my province and the Punjab will bear me out that the evil is very widely prevalent. Sir, the National Council of Women of Bombay have supported my Bill. Now, I have seen the section of the Indian Penal Code which deals with offences in connection with marriages; but there is no such section which may put a stop to this evil of daughter-selling which I want to prevent by my Bill which is very necessary in the interests of the good health of the nation and happy homes. Inequality in ages mars happiness in marital relations. Everybody knows that only those people will pay money whose ages are advanced and who cannot get brides of proper ages in their own caste. Government must also be interested in the good health of the nation as they may require recruits to carry out their Imperial campaigns and other obligations. They required men during

the Great War, and if the health of the nation had been better, they would have got more recruits than they did. I wish also to make it clear that there is no motive in bringing forward this Bill except the good of the girls who will be the future mothers of India, and it was at the persistent, insistent and constant demands of my constituents that I brought forward this Bill. Everybody who has any regard for the betterment of society is in favour of such legislation, excepting the microscopic minority of the evil-doers themselves. It is also a sin and a shame that even very minor girls, who cannot understand their future, are married to very much older people, much older than a proper and suitable match would demand. Sir, in the *Mahabharata* it is said that it is a sin to marry a girl below twelve. But people do not pay any heed to this. Similarly, the *Parasara Smriti* says that a bridegroom of thirty can marry a girl of over twelve; and *Rajyamartanda* also points out that a bridegroom of thirty can marry a girl of sixteen years. But, Sir, no heed is paid to these writings of our Smritis and Puranas when these people sell their daughters, and no heed is paid to the equality of marriages as demanded by these Shastras.

In view of this, Sir, I would solicit the support of this august Assembly in the name of those unhappy girls who are tied down to undesirable persons in exchange of money, and it is very necessary that it should be passed. But if there is an overwhelming majority in the House who think that it should be sent out for circulation, I will have no objection, because I want this evil of daughter-selling to be put a stop to,—and in fact I think it is more necessary than even the Ordinance Bills or the State Protection Bill which we sent to Select Committee yesterday. Sir, as a piece of social legislation it is essential that it should be passed for the good of the nation and the happiness of homes, which is so much to be desired for the good of the country. With these few words, I move that the Bill be taken into consideration.

**Mr. President** (The Honourable Sir Shanmukham Chetty): Motion moved:

“That the Bill to protect minor girls be taken into consideration.”

**Hony. Captain Rao Bahadur Chaudhri Lal Ohand** (Nominated: Non-Official): Sir, I move:

“That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st June, 1934.”

I may explain at the outset that I do not belong to that section of this House, which is always opposed to social legislation, nor do I owe allegiance to that group of Honourable Members who claim to be the defenders of Hindu religion, and who, in their anxiety to defend Hindu religion, or on the pretext of being the remnant fossils of those sections of the Hindu orthodoxy which escaped the demolition caused by the founder of the Arya Samaj in the north, and other eminent Hindu social reformers in Bengal and elsewhere, always oppose such legislation. So when I move for circulation, it is in no way to be understood, that I am opposed to this sort of legislation, or that I bring forward this motion simply for the purpose of causing delay. As a matter of fact, I belong to a community which is very unorthodox, liberal and devoid of all false prejudices in the name of religion. Most of the reforms, for which the so-called educated and forward communities have been struggling for a

[Hony. Captain Rao Bahadur Chaudhri Lal Chand.]

number of years, have been in existence among the Jats from time immemorial. So, no motives could be attributed to me when I appear to put a break on the wheels of this Bill.

Sir, I congratulate the Honourable the Mover on the courage he has taken in moving this Bill, as he belongs to that section of Hindus who would not tolerate the idea of legislating for reforms in the Hindu religion. But I cannot equally congratulate him on the merits of the Bill. The name he has given to the Bill is all right, and high-sounding, but I am afraid it contains so little inside, that I doubt if the contents of the Bill justify the name that has been given to it. The Bill is called "A Bill to protect minor girls", but the protection that is found inside the Bill is so little, that I suspect the complicity of the author of the Bill with the culprits. The anxiety of the Honourable the Author of this Bill to make the name as liberal as possible is apparent from the very first clause, where he has deleted the word "minor" also, and has made it look wider still, by calling it "the Girls Protection Bill". How far this could be justified is apparent from the very mild punishment and very limited scope of the Bill. Sir, if we follow these lines, one day we will find our friend, Professor Sen, or the Honourable the Leader of the Centre Party; Raja Bahadur Krishnamachariar, or Khan Bahadur Wajihuddin, who, for one reason or other, have always opposed the famous Sarda Act, bringing forward Bills known as Child Marriage Restraint (Amendment) Bills. Professor Sen may penalise such marriages if performed during the day time; Raja Bahadur may penalise them unless certain ceremonies are performed, and our friend, Khan Bahadur Wajihuddin, may punish such culprits if the marriage is not performed in the presence of two M. L. A.'s. All these will certainly impose limitations and could be called restraints on child marriages, but how far they will justify the title does not need any arguments from me.

So, in the first place, I do not agree with the halting nature of the proposals contained in this small Bill, and would ask this Honourable House to agree to its circulation, so as to get the opinion, not only of public bodies, but of the High Courts as well. Secondly, let me draw attention to the disparity between the Statement of Objects and Reasons of this Bill, and the provisions contained in the different clauses of the same. The statement reads thus:

"The evil of daughter selling has assumed dangerous proportions in Indian society and has considerably increased the number of widows in the Hindu society. This Bill provides for the protection of minor girls (a) against inequality of ages of bride and bridegroom and (b) against their treatment as commodities as opposed to human beings."

Now, I have carefully gone through the clauses and have read them several times to find if there is anything there, as contemplated in the part of the statement read out by me. The inequality of ages of brides and bridegrooms has not been touched at all in the clauses. Then, again, I find that in the Statement of Objects and Reasons the evil is depicted as being prevalent among Hindus, while, in the Bill, there is no such limitation and it applies to all. From this it is clear that the two do not tally. Now, the only reason I can assign to these disparities is that it seems that my Honourable friend drafted the Bill with the present Statement of Objects and Reasons, but was later persuaded by some of his orthodox friends to modify the clauses, to soften them and to generalise

them by deleting certain clauses and he did not effect the necessary change in the Statement of Objects and Reasons. So, the Bill falls far short of the purpose he had in view, and cannot, therefore, be hurried through.

Then, again, my Honourable friend has not shown if any case has failed for want of proper law on the subject. Part of my Honourable friend's case is governed by section 372 of the Indian Penal Code inasmuch as selling contemplated in clause 3 of the Bill may be for marriage as also for purposes mentioned in section 372. But my Honourable friend's anxiety to bring about a so-called reform has prompted him to bring down the age-limit from 18 years as given in section 372 of the Indian Penal Code to 14 years as given in clause 3 of the present Bill. In the matter of punishment, he has shown a tendency towards leniency, rather than to strictness inasmuch as section 372 of the Indian Penal Code provides for 10 years rigorous imprisonment with fine, while clause 3 of the present Bill does not make imprisonment compulsory at all, and is content with a fine only, while the sentence of imprisonment may not exceed two months only. If, however, my friend wants his Bill not to cover cases contemplated in section 372, I. P. C., and wants to confine this Bill to cases of real marriage, he should have said so and this will mean the re-drafting of the whole thing.

There are many other things to be considered. For instance, does my Honourable friend allow sale of girls who are above the age of 14 and below 18? Then, again, the Bill only punishes the guardian and thus makes the seller alone liable. What about the rich purchaser who has tempted the poor parent? Is he to go scot-free? Then, again, by making it cognizable, does not my friend give an unnecessary handle to the police? A report by an enemy to the police may bring into disgrace an otherwise honourable and honest man. So, without going into further details, I feel that the Bill falls far short of the objects in view and is not an effective remedy of the evil which the Honourable the Mover has in mind. But before I take my seat, I wish to make it clear that I do not admit that this evil exists to such a large extent as to require legislation. I do not even regard legislation as the proper remedy for such evils. Social pressure is the proper remedy and, for that reason alone, opinion must be obtained. I hope the Honourable the Mover will accept this motion as it will not involve much delay. For this reason I desire the opinions to be available before the next Session and am confident that the Honourable the Mover will welcome the eliciting of opinion.

Sir, I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st June, 1934."

**Mr. B. V. Jadhav** (Bombay Central Division: Non-Muhammadan Rural): Sir, I feel rather diffident whether to support this Bill or to oppose it. I fully realise and sympathise with the object of my Honourable friend, Kunwar Raghbir Singh. The conditions he has depicted are really true and the position of the unfortunate girls who have to marry an old man of 60 and above is really very pitiable. Such ill-assorted marriages ought to be stopped. In some of the Indian States, they have passed legislation prohibiting such marriages altogether. But the Bill, as

12 Noon.



[Mr. B. V. Jadhav.]

it is drafted, is not very clear. First of all, it applies to all the subjects of His Majesty in British India. It also applies to the members of all the communities. Among Muhammadans, I think, a bride's price or *mehar*, as it is called, is necessary.

**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): It is not bride's price, it is consideration for the contract of marriage.

**Mr. B. V. Jadhav:** I am very glad that my misconception has been removed, and, therefore, I do not think that the Muhammadans have any objection to this Bill. However, among the educated classes the practice of paying bridegroom's price or asking for dowry from the parents of the girl is a very serious one. Many of the girls in Bengal and other places have been suffering from these heavy exactions and girls like Snehalata have burnt themselves down. That is a crying evil and, therefore, something ought to be done to put down that evil. But, I am afraid, legislation in this respect is not of much use. If you make the taking of the bride's price penal or the bridegroom's price penal, then these transactions will be driven underground and there will not be any evidence to show that money has changed hands. As my Honourable and gallant friend, Captain Lal Chand, who has just sat down, has said, education of public opinion is a very good remedy. My Honourable friend the Mover, has cited a number of authorities showing that, accepting the price for a bride sends the parents to perdition. But, as is well known, these injunctions of the Shastras are more honoured in the breach than in the following. I may also quote a number of other Shastras. At the same time, I may say, the Hindu Shastras are, so to say, beautifully paradoxical. There might be other authorities which will sanction the acceptance of a bride's price. For instance, among the eight forms of marriages, there is one form, called the *asura* form, in which the acceptance of a bride's price is actually necessary. It is commended that one must take the price and one cannot give the bride free.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadan): Where is it commended?

**Mr. B. V. Jadhav:** I can give you an instance. When the Prince Pandu was married to the Princess Madri, it is said in the Mahabharata that although the brother of Madri was willing to give the hand of his sister to Pandu without taking any price, still he had to say that it was the custom of his clan and, therefore, the price must be asked for and must be paid, and no less a person than Bhishma paid it very willingly. I may refer my Honourable friend to the story in Mahabharata. The Bill, as drafted, is very vague and many objections can be taken to it. Therefore, it would be much better if the Bill is sent for eliciting public opinion and, in the light of those opinions, it is completely re-drafted.

**Rao Bahadur B. L. Patil** (Bombay Southern Division: Non-Muhammadan Rural): Sir, I rise to support the motion for circulation. The previous speakers have pointed out all the difficulties that might arise if the Bill is considered as it is. I should like to add one important thing and it was also dealt with by my Honourable friend, Mr. Jadhav. But I cannot agree with him when he says that the bride's price is a necessity. But what is known to every lawyer is that a bride's price makes the marriage of

an inferior kind. That kind of marriage has been recognised not only by Shastras, but also by custom and usage, and it is a matter of common knowledge that this bride's price is usually paid in all parts of the country and the practice is obtaining in many communities. Therefore, it is necessary to obtain public opinion in order that this House may know how far the provisions of this Bill would affect the existing practice and usage. It cannot be said that in every case the practice is condemnable. In many cases, the price is taken simply because it is the practice. In many cases, money is paid or some sort of consideration is given, because the parents of the girl happen to be poor. Therefore, it is necessary not only that the opinion of associations should be obtained, not only the opinion of the public should be obtained, but also the opinion of all the High Courts in this country should be obtained. For these simple reasons, I support the motion for circulation.

**Diwan Bahadur Harbilas Sarda** (Ajmer-Merwara: General): Sir, the object of the Mover of the Bill is a very laudable one and I do not think there is any difference of opinion with regard to that matter. This Bill, as framed and as introduced, in reality concerns only girls who are below 14 years of age. This House sometime ago passed a Bill making it a penal offence to marry a girl below 14 years of age. If the provisions of that Bill were enforced and given effect to properly the *raison d'être* for this Bill would disappear. There would be no occasion to discuss this Bill if girls below 14 years of age were not married in the country. But, as it is, girls below 14 are married, and sometimes these girls are given in marriage for money consideration. This Bill has been introduced to stop that practice. It often happens that, because there is no widow remarriage obtaining in the higher classes of Hindus, if people of 50 and even 40 years of age want to marry, naturally, as there are no widows available, they must marry minor girls of 12, 13, 14 or 15, as the case may be. That being so, parents very often marry their young girls, particularly very poor parents, for a money consideration. Old widowers, when they cannot get women of 20 or 30 or more, are obliged to marry young girls. It is only the poor people who for a money consideration give their daughters in marriage to old people. It is a crying evil in this country: and from all classes of society the cry has gone forth that this practice should be stopped. The principle of the Bill is very sound and I do not think there can be any objection to the acceptance of the principle. The proper motion with regard to this Bill would have been to refer it to Select Committee where the language of the Bill could be modified and the provisions could be put in such a way as to do nothing more than to meet the requirements of the Bill which in reality are nothing more than to prevent old people marrying little girls for a money consideration. Unfortunately no such amendment is before the House. But so far as the principle of the Bill is concerned, I do think that there is no objection to accepting that principle and, therefore, circulation, to my mind, is not very necessary. I, therefore, think that this Bill may be taken into consideration and I support the motion.

**Rai Bahadur Lala Brij Kishore** (Lucknow Division: Non-Muhammadan Rural): Sir, I rise to support the motion for circulation. The chief aim and object of the Mover of the Bill seems to be the protection of minor girls against inequality of ages of bride and bridegroom and that girls should not be married till they have completed the age of at least 14. Sir, the evils of early marriage are best known to us. Besides, this system of early marriage has increased considerably the number of widows and it produces

[Rai Bahadur Lala Brij Kishore.]

bad effects on the coming generation also. As a great social reformer has truly said:

"Impressions, good or bad, made in the time of childhood can never be effaced in after life and the illiterate mothers of unripe age and experience can never be expected to exert that wholesome moral influence on their children which can be of substantial good to them in the battle of life."

With regard to the religious point of view, much has been said by the Honourable the Mover, but, Sir, he has gone too far in saying that these offences will not be compromised and there can be rigorous imprisonment. There should be no such strictness in social laws, but, Sir, all these difficulties can be removed when this Bill will go to the Select Committee after circulation. Sir, I am always of opinion that there should be no change in our social laws without obtaining public opinion for which the Mover himself is willing, and so I support the motion for circulation.

**Mr. Amar Nath Dutt** (Burdwan Division: Non-Muhammadian Rural): Sir, when I went through the various clauses of the Bill, I found that there could be no objection to a measure like this being passed although the Bill does not say anything against marriage at a particular age. It does not occur here. Here the simple provision of the Bill is that "if a parent sells his or her daughter before she has attained majority", etc. It does not speak of marriage. Evidently there cannot be any objection to a provision like this, for children should be protected from being sold by parents for immoral purposes.

**Bhai Parma Nand** (Ambala Division: Non-Muhammadian): Are there any cases like this?

**Mr. Amar Nath Dutt**: I am not aware of that. The sponsor of the Bill has probably seen instances where girls are sold even below the age of 14. Sir, I am against the selling of a girl of even over 14, or, for the matter of that, any woman, whatever may be the purpose of that sale. It is nothing but slavery and it is against the moral laws of all civilised societies. So, I think no one can object to a Bill like this being passed. But, in the Statement of Objects and Reasons, I find that the Honourable the Mover has in mind something else than that also. He says:

"This Bill provides for the protection of minor girls (a) against inequality of ages of bride and bridegroom," etc.

Sir, I do not know whether, if the provisions had really gone so far as that, I would have been able to give my unqualified support to a Bill of this nature. But so far as the clauses go, I think the Statement of Objects and Reasons does not go in the same line along with this provision. And if really any penal provision was needed against the acceptance of money by the parents of a girl anywhere, it does not exist at least in my province. The evil is otherwise in my province and I wish the gentleman who has sponsored this Bill had included that in this Bill, namely, the acceptance of dowry. Sir, I think those who have any knowledge of Bengal society know how difficult it is for a father of four daughters to get all the daughters married with the limited resources which a man ordinarily has. And this is a crying evil at least in that part of the country from where I hail, and I would have given my heartiest support and unqualified support if the

provisions of the Bill had been framed like that. But the opposite evil which the Honourable the Mover contemplates I am not aware of unless it is the poor people selling their girls for immoral purposes which should certainly be stopped. But as I find that there is a motion for circulation, it will be better to have the opinions of the people of those provinces where this custom prevails and to have the wording of the Bill a little changed so that it might find acceptance in this House. With these words, I support the motion for circulation.

**Raja Bahadur G. Krishnamachariar** (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I would not have made up my mind to speak on this Bill, had not my friend, Captain Lal Chand, said some thing about the two divisions of reformers and anti-reformers that exist in this House. I have been thinking all this time in what section he put me—as one of those persons who have been swept off their feet and found refuge in some place to escape the Arya Samaj agitation or the other class, I do not know. I am not ashamed of supporting my religion if really a religious question arises; I will support it and I am quite prepared to support it with my life. There is no shame in that. To me my religion is very dear, and it is not as if it can be changed or thrown off as a cast off cloth. In this particular Bill, I agree with my friend, Mr. Amar Nath Dutt, that the clause itself does not go so far as the Statement of Objects and Reasons. I do not know whether it was intentional or accidental. The most important objection with which I agree with my friend, Captain Lal Chand, is, whether after all, such an abuse exists in such large areas and in such large numbers that this Legislature is asked to interfere. That has not been clear. I know that things of this sort do exist and probably in the name of *vara shulka* or *vadhu shulka* money does pass; it may or may not amount to a sale; those are difficult things to decide. After consideration of all these, I think there is no harm if the Bill is sent out for circulation and then we will know exactly whether there is this evil really in existence; and, in order to do that, it is no good asking for the opinions of High Court Judges and all those exalted people, but I submit that it should be largely circulated among the members of the Hindu community all over the country, among all castes, so that we will know exactly how far this evil exists and whether it would be a proper thing that this Legislature should interfere in a matter of this sort. So, I support the motion for circulation.

**Bhal Parma Nand**: Sir, I rise just to make one point clear and that is this: the Honourable the Mover, Kunwar Raghbir Singh, has told us that the evil of selling girls exists in the Punjab, in the United Provinces and also in other Provinces. If he talks of this evil in the sense that minor girls are sold in marriage to certain people, I would also admit that this evil does exist to a certain extent in the Punjab; but as my Honourable friend, Mr. Amar Nath Dutt, has explained that this Bill does not refer to marriages at all, but to selling girls to certain persons for pecuniary consideration, I think in that sense this evil has no existence at all to my knowledge in our Province, and I can say also that it does not exist even in the United Provinces. Therefore, if this Bill does not refer to minor girls being sold in marriage to persons of unequal age, no purpose can be served by it. In case it refers to marriage also, then we have already got the Sarda Act which prohibits the marriage of minor girls below fourteen to any person and thus this Bill will be superfluous and is not needed. I think, instead of moving it for circulation, I would ask the Honourable the Mover to withdraw it as being altogether of no practical good.

**The Honourable Sir Harry Haig** (Home Member): Sir, like many other Honourable Members who have taken part in this debate, I have found considerable difficulty in discovering precisely what the object of the Honourable the Mover is which he wishes to achieve by this Bill. In his Statement of Objects and Reasons, he says that the Bill provides for the protection of minor girls against inequality of ages of bride and bridegroom. I cannot find in the actual provisions of the Bill anything which would effect that object. The various difficulties in the interpretation of the Bill have been brought out very clearly in the speech of my Honourable friend, Captain Lal Chand, and I do not wish to repeat all those difficulties. But there are one or two points which occur to me.

In the first place, the Bill appears to be intended to penalise certain transactions leading up to marriage in the case of girls under the age of fourteen. As has already been pointed out, we have in existence, as the House is well aware, an Act of the Legislature, the Child Marriage Restraint Act, which already makes it a penal offence for any girl under the age of fourteen to be married; and, therefore, from that point of view, it does not seem to be very useful to provide a special penalty for selling a girl for marriage under the prohibited age. Then, again, it is not very clear to me whether the language used by the Honourable Member in his Bill would in fact be effective and whether the transactions which he wishes to stop would be held by the Courts to come within the term "sale". We have heard this morning that, in the case of marriages in the Muslim community, certain money transactions take place which members of the Muslim community quite clearly state are not in the nature of a sale. But I think it might be possible if this Bill were passed that in the Hindu community also it might be argued that the disposal of a girl in marriage, even if money is paid in connection with that, does not amount to a sale. I understand that a Hindu marriage would not be described as a contract, but a sacrament which creates a certain status. I merely raise these points for consideration. Again, it is not stated clearly in the Bill that the object is to prohibit the sale of a girl for marriage: it merely prohibits the sale of a girl. As has been pointed out by Honourable Members, the provisions of the Penal Code already cover sale for immoral purposes, sale as a slave and things of that kind, and attach very serious penalties. Therefore, if the intention is merely to penalise sale for marriage, that ought to be stated quite clearly in the provisions of the Bill. But though there are these difficulties in the Bill, as drafted, the Government have no wish to prevent further ventilation of this subject and I think it is the general view of the House that it would be well if this subject were further explored and if the Honourable the Mover and other Members interested had an opportunity of clearing their ideas in the light of the opinions that might be received from the public as a result of circulation. Therefore, the Government are prepared to support the motion for circulation.

**Raj Bahadur Kunwar Raghubir Singh:** Sir, I must at the outset thank the supporters of my Bill and those who have taken an interest in this subject. My friend, Rao Bahadur Chaudhri Lal Chand, objected to the name, but I would say "what is there in a name",—any name may be given to it,—my only object in bringing forward this measure before the House is to stop the sale of daughters.

Then, Sir, objection was taken to the fact that inequality of ages has not been given in the clauses. That is perfectly right, but that is the result of selling. I do admit that there are some errors in drafting, but

I may point out that this was the first occasion I drafted a Bill, and as a layman I could not be perfect in framing an important measure of this character.

Then, it was pointed out that the penalty was not enough, and that social pressure would solve the problem. Sir, society has been crying hoarse against this evil for very long, and it has not been able to eradicate this evil, and, therefore, I sought the aid of this august Assembly to carry this measure. My friend, Mr. Jadhav, who takes great interest in such measures, also pointed out that some steps were necessary. As I pointed out in my opening speech, I am quite agreeable, if the House so desires, to send this Bill for circulation.

**Mr. President** (The Honourable Sir Shanmukham Chetty): The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st June, 1934."

The motion was adopted.

**Mr. President** (The Honourable Sir Shanmukham Chetty): Raja Bahadur G. Krishnamachariar.

**Raja Bahadur G. Krishnamachariar** (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, there is some little difficulty, I was not prepared for the Bill\* being reached so soon, because if my friend, Diwan Bahadur Harbilas Sarada's Bill regarding the fixing of maintenance was taken up, I thought my Bill would not be reached, and I have not even brought my papers . . . .

**Some Honourable Members:** But go on without the papers.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadan): You need not move it.

**Raja Bahadur G. Krishnamachariar:** May I move it later in the day, Sir?

**Some Honourable Members:** You cannot do it.

**Raja Bahadur G. Krishnamachariar:** I do not want your ruling. You had better wait. I want a ruling from the Chair.

**Mr. President** (The Honourable Sir Shanmukham Chetty): It would not perhaps be proper that any motion should be postponed to a later hour in the day on the ground that an Honourable Member was not prepared for it. It will be unfair to other Honourable Members whose names appear down below. The Honourable Member must now make up his mind whether he wants to move it now or not.

**Raja Bahadur G. Krishnamachariar:** If all the business is over today before the usual hour, perhaps you will be good enough to allow me to move it.

**Mr. President** (The Honourable Sir Shanmukham Chetty): That will be setting a bad precedent, and the Chair cannot allow it.

**Raja Bahadur G. Krishnamachariar:** Very well, then I shall not move it.

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\*The Child Marriage Restraint (Repealing) Bill.

## THE INDIAN BAR COUNCILS (AMENDMENT) BILL.

**Mr. Amar Nath Dutt** (Burdwan Division: Non-Muhammadan Rural): Sir, I beg to move:

“That the Bill further to amend the Indian Bar Councils Act, 1926, be circulated for the purpose of eliciting opinion thereon.”

Sir, I must explain the reasons which have prompted me to bring a motion for circulation, because ordinarily the sponsors of a Bill either ask for a Select Committee or make a motion that the Bill be taken into consideration. I have found, for reasons best known to the Government, that this Bill is not acceptable to them. A time may come when this may be acceptable to the Government. I shall submit before this House the reasons which prompted me to introduce a Bill like this. The Indian Bar Councils Act was passed with the intention of doing away all distinction between an English Counsel practising in India and an Advocate enrolled in India. There is an influx of English Counsels in India, and many gentlemen whom I see here are members of the English Bar. It is but natural, and we cannot expect anything otherwise, because the members of the English Bar will think that their status ought to be superior to the status of those Advocates who are trained in India. But, Sir, the time is not far distant when it will not be necessary for any of us to go to far-off England to qualify ourselves for the Bar. I presume that the invidious distinction that existed between a member of the English Bar and an Advocate trained in India prompted the passing of the Indian Bar Councils Act after due inquiry, but, Sir, certain loopholes have been left there which is taken advantage of by certain High Courts in India to preserve that distinction still, not only in the matter of their robes, but also in regard to their status. My intention is to standardise the robes as well as the rights and privileges of Indian Advocates. But, Sir, so long as human nature continues to be what it is, although I expected from members of the English Bar that they would also support this, my painful experience has been that the Bar Councils of some High Courts, dominated by members of the English Bar, make a distinction of status and robes. That being the situation, I long for the day when an Indian Advocate will adorn the exalted office of the Law Member of this House and who will not probably be so eager to perpetuate the distinction between a member of the English Bar and a member of the Indian Bar.

**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir Tej Bahadur Sapru was a Law Member here.

**Mr. Amar Nath Dutt:** Yes, Sir, that was so.

Under these circumstances I thought it wiser that I should only move for the circulation of this Bill and show to the Government as well as to this House how much support this Bill will get from non-officials outside this House, and I think, Sir, it would have been more graceful if the Government had seen their way to have this measure passed with such modifications as they thought proper. When on the last occasion I wanted that this Bill be taken into consideration, an amendment was moved by Sir Lancelot Graham asking for circulation of the Bill. I scented danger there, and having scented danger there, I thought it wise that I should not try to convince those who were not likely to be convinced.

in any way, and that it was better for me to accept their own motion for circulation and to move it. So, I beg to move that this Bill be circulated for the purpose of eliciting opinions thereon.

**Mr. President** (The Honourable Sir Shanmukham Chetty): Motion moved:

“That the Bill further to amend the Indian Bar Councils Act, 1926, be circulated for the purpose of eliciting opinion thereon.”

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): I give my support to this motion for circulation of the Bill. I belong to that profession. . . . (Mr. Gaya Prasad Singh: “Noble profession”). . . . to that profession which my learned friend very rightly calls the noble profession of law. Now-a-days Indians want that there should be no discrimination in any direction between the British and the Indian people. That is the current that is going on and in this House we challenge and ask questions whether in practice discrimination has been shown or not. The Honourable the Mover’s intention is to see that, in the interests of the solidarity of the Bar, there is no distinction between the English Advocate and an Indian Advocate. I do agree with him when he said that the Bar Councils Act was intended to remove any such distinction and to have a united Bar in India. There will be no union if there is discrimination. United we stand, divided we fall. To have different rules for English Barristers and Indian Advocates is absolutely invidious. Therefore, I feel that this question should be gone into thoroughly. The opinions of all High Courts, those of members of the Bar and of Bar Associations should be collected to see what are those difficulties which come in our way to make a uniform law on this point. I think that there are certain rules and regulations which require to be corrected and amended, and, with that end in view, it is a wise step that my Honourable friend is taking. He is not asking for taking this Bill into consideration and passing it at once. He is asking for circulation, so that we shall be in a position to tackle this question in all its phases. Therefore, I need not now go into instances of discrimination that is now going on. It is very plain that there are greater rights and privileges given to English Advocates which is causing very grave distrust among the members of the Bar. In order to have unity and full brotherhood, I submit, this motion is a necessary one and the motion for circulation should be accepted.

**Mr. S. G. Jog** (Berar Representative): I am sorry I am probably coming in the way of my esteemed Leader, Sir Hari Singh Gour. I am sure, he will have his turn and probably he will rise to defend the noble profession to which he has the honour to belong. I have also the honour to belong to the same profession to which my Honourable friends, Mr. Amar Nath Dutt, Mr. Lalchand Navalrai and Sir Hari Singh Gour, belong, although the last one belongs to a different category. I must sincerely congratulate my Honourable friend, Mr. Amar Nath Dutt, for having introduced this Bill. Even in his retiring stage, he is making every effort to safeguard the interests of the profession to which he belongs.

There was a time when members of the English Bar wanted some special privileges and rights over those who belonged to other categories. It may be that in those days those people coming out with a better education might have been in a position to assert their superiority over others in the Bar. But those times are gone. Now, with the progress of Indian Universities, many distinguished members of the Bar are to be found among



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Indians, and I do not think that there is any necessity to keep up these invidious distinctions now between members of the same Bar. This principle has been recognised and it is necessary to get rid of these distinctions. We have no mind to rush through this Bill. It is necessary to hear what the other side has got to say on this Bill, and my Honourable friend's motion that the Bill should be circulated for eliciting public opinion is no doubt a fair one. We are going to be fair to those who are our elder brethren, and I hope that, when the Bill goes to them, they will not bring in any obstacles in the way of effecting the necessary improvements. The time has really come for making the profession more democratic and liberalising the privileges which probably once belonged to a specially favoured few: We will probably be establishing soon in India a Supreme Court and also a Privy Council, and these questions will be of great importance and they must be solved before those bodies are established. The members of the same profession should have equal facilities and equal privileges and equal rights. With these words, I most heartily support the motion of my Honourable friend.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhamadan): May I briefly recapitulate the facts which have led to the passing of the Bar Councils Act, and particularly to the section dealing with the relationship of the members of the English Bar and the members of the Indian Vakil Bar?

As some Honourable Members here might know, in the first Legislative Assembly, Munshi Iswar Saran moved a Resolution for the purpose of eliminating all distinctions between the various members of the legal profession and creating what he termed a self-contained Indian Bar. Sir Tej Bahadur Sapru was then the Law Member and he accepted the motion of the Mover to the extent that he promised to circulate the debate and elicit public opinions thereon. The motion was circulated, opinions were collected, and the Government of India then formed a Committee, called the Indian Bar Committee, to whom the Government of India consigned the work of eliminating as far as possible the distinctions between the various grades of the learned profession in this country. The Committee drew up their report and made the following recommendations. They said that members of the English Bar, by which I include members of the Faculty of Advocates of Edinburgh and members of the King's Inn, Dublin, in Ireland, were entitled to practise in India as Advocates, and because they were enrolled as Advocates they obtained a seniority over members of the indigenous Bar who, under the rules of the various High Courts then in vogue, were entitled to enrol themselves as Vakils. The grievance of the Vakil Bar against the members of the English Bar was not so much against the seniority of the English Bar over the Indian Bar as to the disqualification from which the members of the Indian Bar suffered in not being permitted to appear on the Original Side of the Calcutta High Court, and the Vakil Bar of the Calcutta High Court took up the cudgels against the members of the English Bar on the ground that they were placed in a position of special disability in not being permitted to appear on the Original Side of the Calcutta High Court. A similar rule also prevailed on the Original Side of the Bombay High Court. Of the other Presidency High Courts, the Madras High Court had not got the Original Side to the extent we have in Calcutta and Bombay. So the question in Madras did not assume that acute

form that it did in the High Courts of Calcutta and Bombay. Now, the Bar Council Committee decided that, while the distinction between the members of the English and the Indian Bars should be as far as possible eliminated, they also recommended that, as the members of the English Bar had been enjoying their right of seniority ever since they commenced their practice in this country as a compensation for the loss of their prestige and their seniority, they should be given the rank, at least some of them, of King's Counsel and so we will have the following classes of legal practitioners, first the King's Counsel, leaving out the Advocate General who was given precedence and seniority over the ordinary practitioners, the members of the English Bar who reckon their seniority from the date they are called to the Bar and other legal practitioners, that is to say, the Vakil Bar who rank for seniority from the date of their enrolment in the High Court. Now, this was not the recommendation of the Bar Councils Act but Sir Alexander Muddiman introduced a Bill in which he wished to do away with the seniority of the English Bar altogether and the original clause in that Bill was that all Advocates, whether Barristers or Vakils, will rank for seniority from the date of their enrolment in the High Court. I happened to point out to the Honourable the Occupants of the Treasury Benches at the time that the English members of the Bar had been enjoying their right of seniority from time immemorial and that the Bar Council Committee had taken away, to a very large extent, their special privilege of appearing before the Original Sides of the Bombay and Calcutta High Courts and that, as regards appearance, they would now be classed as Advocates alongside of the members of the Indian Bar and that, so far as seniority was concerned, I pointed out that according to the English practice a member of the English Bar ranks for his seniority from the date of call and that, on the date he is called to the Bar, he becomes entitled to practise in the Privy Council of England, which is the Supreme Judicial Tribunal for this country. Therefore, it follows that, being a competent practitioner in the highest Court of Appeal, he should not lose his seniority by the mere fact that under the rules of the various High Courts he had to get himself enrolled as an Advocate of the High Court in India. I also pointed out that the Government measure which eliminated all distinction between members of the English Bar and Indian Bar was not conducive to the very high standard which members of the English Bar have attained in their professional and personal conduct in this country. The English Bar has a very ancient tradition and members of the English Bar practising in this country carried with them those traditions, and one of them was that the emolument that they received was treated as an honorarium and not *merces*. It was treated as a gift for which no suit could be maintained. If they did not get paid, they had no means of enforcing payment in a Court of law and there were other rules of conduct which members of the English Bar followed in this country, as for example, having a junior in a case and not acting but merely arguing cases upon instructions received from a Solicitor or Attorney and there are other rules which I do not want to tire the House by recounting. The point I, therefore, made was that the English Barrister is losing everything and getting nothing and that it was very unfair for the Government by one fell stroke of the pen to take away all those ancient privileges of the members of the English Bar. I further pointed out that it was open to any member of the Indian Bar to become qualified as a member of the English Bar, so that it was not by any means a close corporation. It was a corporation admission to which was open to all members of the

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Indian Bar. Sir Alexander Muddiman felt the force of my argument and decided to withdraw that clause for further circulation. That clause was circulated and all the opinions collected upon that clause supported the view which I had advanced on the floor of the House, with the result that an amending Bill was introduced in 1927, which became Act XIII of 1927, the result of which was that members of the English Bar upon their enrolment as Advocates of the Indian High Court were entitled to count for seniority from the date of their call and that members of the Indian Bar obtaining their enrolment as Advocates of a High Court became entitled to count their seniority from the date of their enrolment. That is the only distinction that exists between the members of the English Bar and Indian Bar. The disqualification from which the members of the Indian Bar suffer, namely, that they were not entitled to appear on the Original Side of the Calcutta and Bombay High Courts had already been done away with, and all Vakils of a certain standing were entitled to be enrolled as Advocates of the High Courts of Calcutta, Bombay and indeed of the other High Courts.

Now, the gravamen of my friend's complaint seems to be this. He  
 1 P.M. says that the robes that the members of the English Bar wear should be the robes which members of the Indian Bar on their enrolment as Advocates should be entitled to wear; and the second thing is that the slight advantage that is given to members of the English Bar should be eliminated; in other words, the Bill, as it was introduced in 1926, and the clause which was withdrawn by Sir Alexander Muddiman should be restored, and the amending Bill of 1927 should be rescinded. Now, let me point out to Honourable Members, who might be classed as laymen in this House, that the question about the robing of the members of the English Bar is a question upon which the members of the English Bar themselves feel naturally very strongly. They want to keep up their identity. You can have embroidered robes, we do not object, and, instead of one tassel you can have three tassels, you can have any colour you like, and a more gorgeous raiment, but why do you want to be colourable imitations of myself? The members of the English Bar do not by any means put on a gorgeous robe; they put on a robe made of ordinary alpaca and ordinary stuff: and members of the English Bar say, rightly or wrongly, "we want to keep up our individuality, we want the public to know, for better or for worse, that we are members of the legal profession in England. If you want to have your own robes, by all means let the High Courts prescribe them, and they have prescribed them", but why try to imitate the robes of the English Barrister to which he has become, as it were, entitled by long usage extending over several centuries? Sir, in the morning we have had some discussion in connection with the *khadi* of people trying to mimic other people's goods. Well, if I was a member of the Indian Bar—and I may say incidentally that I am entitled to be a member of the Indian Bar as much as I am a member of the English Bar—I should scorn to don the clothes of another body and I should prescribe gowns of my own and so, in course of time, those gowns will be clothed with as much honour and reverence (*An Honourable Member*: "and dignity") and dignity, as the robes of the English Barrister. I do not really see there is anything to gain or anything to lose by the members of the Indian profession having distinctive robes of their own. But this distinction only exists in the Calcutta High Court. In some other High Courts, so far as I am aware, the Barrister's robes are

also donned by the Vakil Advocates. Well, of course, that is a point which I only wish to mention incidentally, but I beg to submit that, so far as members of the English Bar are concerned, they naturally, rightly or wrongly, but very naturally wish to stand by the costumes which their learned brethren of yore have worn and they wish to keep up their identity, and that is all they wish to do.

Now comes the next question about the seniority of the members of the English Bar *vis-a-vis* the members of the Indian Bar. Only as far back as 1927, only six years ago, this question was settled by this Legislature after eliciting public opinions on the identical question now sought to be raised by the Mover of the motion. Now, what fresh facts have come to light since 1927 which will give to this House an indication of the altered view of the public on this question? Honourable Members must remember that this is a question which does not concern the public: it is a question which concerned only the members of the legal profession . . . (Mr. Amar Nath Dutt: "The noblest on earth") . . . as my Honourable friend, Mr. Amar Nath Dutt, ejaculates, the noblest upon earth and to which epithet I quite agree. Now, it only concerns a very small body of men who practise the profession of law in this country (A voice: "A select body"), and I beg to ask, what justification there is for my Honourable friend to demand that the verdict of this House given in 1927 should now be revised?

Now, Sir, I am not myself satisfied with the manner in which the members of the English Bar in this country are treated. I make no secret of the fact that I have always struggled and am still struggling that members of the English Bar, whether practising in England or in this country, must be put on the same footing as members of the English Bar practising in English Courts (Voices: "Why? Why?"), and, I may say in this connection, that I have the very strong support of legal opinion in England, and I moved the other day a Bill to bring into line the members of the English Bar in this country with those practising overseas, but my Honourable friend, Sir Lancelot Graham, opposed that Bill and that Bill was, therefore, thrown out by this House. Well, after the vicissitudes of that measure, I do not feel very strongly on the subject, whether members of the English Bar in India should or should not retain their seniority seeing that, so long as they continue to be members of the English Bar, they will remain the hewers of wood and the drawers of water so far as the English Bar is concerned. Therefore, they are not very proud of being members of the English Bar in this country, and I personally should much prefer that in the near future we should make a rule that nobody should be entitled to practise in this country unless he has an Indian legal degree (Hear, hear), and I should be very glad indeed. That would be serving the English Bar right and those reactionaries who support the view which Sir Lancelot Graham propounded in this House the other day. I should be very glad indeed. A vast amount of money is being wasted by the youths of this country who go long distances to Europe to pass a comparatively easy examination, and when they return to this country, they are certainly not a credit, speaking generally, to the legal profession to which they afterwards belong. I, therefore, feel that it would be perhaps in the interests of India if we did away altogether with the special privileges which attach to the members of the English Bar and we made it a rule that nobody is entitled to practise in this country unless he qualifies himself in the law examinations of this country. The Hindu and Muhammadan Law, which is our general *corpus juris*, is quite different to the common law of England, and a man, who passes an examination in England, is not competent to practise in the Indian Courts without acquiring knowledge of the Indian

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Law. I, therefore, feel that it would be perhaps a right thing if we did away altogether with the eligibility of the members of the English Bar to practise in the Indian Courts. Thousands of our boys go to England, waste their time, as I know, and many Members of this House must be aware of it, do very little legal work and, at the end of two years and eight months, pass a comparatively easy examination and come back to this country. If they were members of the English Bar and treated as members of the English Bar for all purposes, there would be something in keeping up this long-established link between the two countries. But, as I have pointed out, we have been cast adrift and I think it is up to the Indian Legislature to take up this question once for all. If India is to have a self-contained Bar, let it be a self-contained Indian Bar. If the Honourable the Mover of the motion wishes to press his Bill upon the lines I have indicated, I am quite sure that there would be a large body of support, and the passage of his Bill through this House would be comparatively easy. Sir, I have stated the history of the English Bar in India, I have complained of the disabilities from which the English Bar in India suffers and I have pointed out that, if these disabilities are not removed, time is not far distant when the English Bar in India will cease to be.

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

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

**Raja Bahadur G. Krishnamachariar** (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Just before we separated for Lunch, my Honourable friend, Dr. Gour, who unfortunately is not here, was very vigorous in his speech, and taking advantage of the recess, I went into the Bill and I do not know that there was anything in it which need have provoked him a great deal as it has evidently done. There is one point that prominently struck me when I heard the last portion of his speech—unfortunately I was not present here during the earlier portion of his speech—and it is this. He claimed special privileges for members of the English Bar. I know something of it and I was particularly anxious to know their qualifications. According to his own description, these gentlemen go to England, spend a lot of money, waste their time with things which probably amuse them and then return to India and become *Sahibs* and put on hats. This is all the qualification they obtain and they get themselves called to the Bar by passing, in the words of my Honourable friend, Dr. Gour, a very easy examination. I quite admit so far as the termination of it is concerned. But there is no reason why we who have been toiling and moiling in our Universities and pass the most difficult examinations that human brain could conceive of and then come and struggle at the Bar . . .

**An Honourable Member:** Lose nothing.

**Raja Bahadur G. Krishnamachariar:** There is no question either of gain or loss. So far as the Indian University boys are concerned, after passing the examinations, they go and struggle at the Bar which those, who have

been at the Bar, know very well and I need not describe it to the House. What is the result? A young boy, who failed to pass his Matriculation Examination and possibly even a lesser examination, runs away to England and somehow or other eats the dinners and gets himself called to the Bar after passing a very easy examination, and my Honourable friend, Dr. Gour, in all seriousness said: "Give that man a greater privilege than to a man who had been ten years at the University and drudged himself in passing the most difficult examination in India". According to my Honourable friend, the man who passes his examination in India is nothing compared to the other man who failed in the Matriculation Examination, but who, by crossing the black seas, got himself called to the Bar. A man like myself is no good compared to a Barrister who comes from England and he wants a better status than myself. Very well, what did my Honourable friend say if that better status is not given to these gentlemen who by some fluke passed an easy examination and got themselves called to the Bar. Abolish the whole system of the English Bar people coming here, this is the reply of my Honourable friend. It seems to me that this is like a little bit of operation of a child's mind as if it does not get exactly what it wants, it throws everything else, toys and whatever else comes in its way. After all, what is the trouble about? Either they are fit to hold their position at the Bar or they are not. If they are, they are justified. I believe, in England the examination is so easy, not because they want to get these people in at the Bar, but that lots of people who never have any idea of practising at the Bar also pass these examinations, because they have got a status as Barristers-at-Law which they would otherwise not get. That is not the way we do things here in India. We pass the examinations only for the purpose of entering into the Bar or probably obtain some appointment. Consequently I cannot understand the mentality which suggests a superiority for a person admittedly inferior in every way and, if that superiority is not given, what is the result? Throw the whole thing overboard, do not allow Englishmen to come to the Bar here. I am not one of those people who get very angry when they do not get what they want. If I do not get the thing I want, I simply console myself by saying that it does not matter, better luck next time. That is the way I judge of things and it will be a very bad time for India if those great lawyers and Barristers who have come and adorned the legal profession here in India had not been allowed to come here on account of the rage that my Honourable friend, Dr. Gour, lashed himself into this morning. He said: "If you are not going to make me a superior person in India, I am not going to allow the English people to come and practise here". That is not the way I look at things. India would have been much poorer if men like the late Eardley Norton, Anstey, Woodroffe, Jackson and those other huge giants of the Bar had not come here. I will tell you, Sir, an incident that happened early in the life of Mr. Norton, my old and dear master. There was a very sensational case at that time. A gentleman of the name of Mr. Garstin, who was a member of the Board of Revenue of Madras, was assaulted on his way to the hill station of Kodaikanal from the Railway Station. He had to pass through the Zamindari belonging to the Zamindar of Bodinaickanur. There was a little grudge between, I do not know who and who, but, all of a sudden, it turned out that it was the Zamindar of Bodinaickanur who set his men after Mr. Garstin and wanted to give him a severe thrashing, not with the idea of dacoity or robbery, but the idea was to get rid of Mr. Garstin. Unfortunately according to them, but, fortunately Mr. Garstin escaped. Then there was a prosecution and it was a most sensational case in those days in Madras. Mr. Norton was retained to defend the case. He put up a very strong fight and he, as you

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know, Sir, was nothing if he was not a fighting man and he won the case. He got the Zamindar off the trouble, but further trouble was only to begin yet. The Members of the Executive Council thought that they had been defamed most mercilessly and criticised by Mr. Norton in his address to the jury and so they got out a rule against him to show cause why he should not be disbarred. If you see the reports of the case at that time, you will see how Mr. Norton manfully defended himself. He did not ask anybody to defend him and eventually, be it said to the glory of British law and British principles of justice, his right of free speech was maintained by a Full Bench of the Madras High Court and today we have got that decision as our charter in our hands. Now, if Mr. Norton had not been here to fight that battle,—and I can think of very few Indian Advocates, they are all very clever, very astute and subtle and that sort of thing,—but I cannot think of many people who could have so manfully defended the cause of the freedom of speech inside a Court, like Eardley Norton. And I say it deliberately that if men like that did not come here we should be all the poorer. And of Mr. Anstey, the older generation knew him very well and he was the man who fought that famous Wahabi case first before Mr. Justice Norman and then in appeal before the Calcutta High Court Full Bench. One has only to see the reports of the arguments of that case to see what a great boon Mr. Anstey had conferred upon India and how he has pointed out the way for a member of the Bar to behave in difficult cases. Sir, men like that must come here; they form a leaven in order to keep up the glorious traditions of the English Bar which we have learnt. As far as we are concerned, we never had anything like these Vakils or Barristers, and consequently I hope this House will not accede to the doctrine that, because English Barristers are not given a superior privilege for their merit of having failed in the Matriculation Examination here, only persons who have passed the Indian B. L. degree and the M. L. degree should be enrolled here. I hope this House will not agree to the proposition that men like Eardley Norton and Anstey and all those people should come and pass our examination here at their middle age if they want to practise here. That will be a calamity and I hope that calamity will not strike us here.

As for the Bill itself, I am not quite sure what my Honourable friend, Mr. Amar Nath Dutt, wants. In Madras, we have got the right to appear on the Original Side the day after we are enrolled not even as Advocates, but as Vakils. This had been the practice from the old days, from the time of John Bruce, Norton and those stalwarts of the Bar and they never had . . .

**Mr. S. J. Jog:** Has the Madras High Court got original jurisdiction like Bombay and Calcutta?

**Raja Bahadur G. Krishnamachariar:** Yes. I was not aware that Mr. Jog, after all these years of public life, did not know that we have got an Original Side in the Madras High Court. Surely our Original Side there is very much alive and we are very much overworked; for, inspite of the relief we got after the establishment of the City Civil Court, we are still very much in arrears. The practitioners in the Original Side there can hold their own against any set of English Barristers.

**Mr. S. G. Jog:** Have you got Solicitors as in Bombay or Calcutta?

**Raja Bahadur G. Krishnamachariar** We have got Solicitors and those Solicitors are more than a match for both Calcutta and Bombay put together. Do not talk of Madras in such a light manner. What profession do you want? You know, Sir, in the Reserve Bank debate there was a little storm in a teapot over the question of Shareholders *versus* State Bank. One of the Members of this House, who is not here now, was talking to me in a friendly way and I asked him why he would support a State Bank and not a Shareholders Bank. He said, "Once there is a Shareholders Bank, Madrassis will obtain the whole lot of appointments. What Madrassis will leave, the Bengalis will take up, and what the Bengalis will leave, the Parsis will take up, and where are we?" You can easily understand the community to which my friend belonged. That is as regards the Reserve Bank. Take the Finance Department of the Government of India. The complaint is that they are flooded with Madrassis. But leave them alone. Take journalism. From Peshawar to the east of Bengal, from Delhi to Cape Comorin, nearly every Indian edited paper is run by a Madrassi. And, Sir, fortunately, lest one place may not be occupied by a Madrassi, we had the good fortune of electing you to preside over this Assembly. (Laughter.) So that all round from the most democratic institution, from that hated press and from the Presidentship of the Assembly to the Finance Department of the Government of India, you can never do without a Madrassi; and as you said humorously, the reports of the proceedings of this Assembly are made more readable.—I will not put it any less than that,—on account of the existence of Madrassi reporters here in the reporters' gallery. Therefore, Sir, let not my friends think that because they have got Bombay, we are therefore, the most conservative. They will not allow Vakils to practise on the Original Side of the High Court, because they have got those old-world superstitions. No, Madras is the first and foremost to have adopted what Mr. Amar Nath Dutt is fighting for today. The trouble is about some gowns and robes and other things which the Calcutta High Court has been framing rules about as to who should wear which gown. Surely I do not think that my Honourable friend, Mr. Amar Nath Dutt, need trouble himself about it. Red gown or white gown or blue gown, whatever it is, these things do not make an Advocate; it is the Advocate himself that makes the gown; and, therefore, I do not understand what urgency there is about these rules. They have inherited this sort of thing and we cannot help it. But if there is any merit in it, I do not see any reason why this Bill should not go for circulation, and I cannot see any force in my friend, Sir Hari Singh Gour's argument that because you don't give me one position, I am not going to allow you to have your own way. Surely there is place in the world for all proposals and, if one proposal is decided against you, why not give the other man a chance? That, Sir, is my position.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): Sir, after the speech of the Leader of the Centre Party, I think I should not have tried to make a speech, because there is very little left of the Leader of my very humble Party. I could never imagine when Sir Hari Singh Gour threw such a tempting bait to his neighbour on the front bench where "black waters" and white qualifications were involved, that the Leader of the Centre Party would have refused so quickly to take the bait. Sir Hari Singh Gour's speech was based obviously on his repeated experience in London and association probably



[Mr. C. S. Ranga Iyer.]

with those young men whom he probably wants to live the same life of boredom through which he passed in the last century: He thought there was no point in sending our young men to a foreign country. Examinations are so easy, the attractions are so many, and, therefore, they come back more or less as good for nothings. That was his condemnation of a class of young men, very brilliant, very noble, with a very wide outlook, who have contributed to the building up of the Indian people from a national point of view, or, if you like, from a Nationalist point of view. Had Sir Hari Singh Gour not been a Barrister himself, he would have been a frog in the well. He would not have been coming forward day after day to the disgust of my friend, the Leader of the Centre Party, with revolutionary schemes of social reform. I personally like Sir Hari Singh Gour's revolutionary schemes; I like them, because I know he wants to Europeanise India, in the best sense of the term, because he has Europeanised himself and he owes that to his European education. Much as I would like our people to stick to what is national in them, I want them to keep abreast with the currents and movements of modern life. Why, I ask, did he take advantage of this occasion to condemn our young men as good for nothings? Barristers? Well, Barristers have built up the National Congress. Who were the very early leaders of the National Congress, may I ask? Barristers. Lal Mohan Ghosh, W. C. Bonnerji and other Barristers who associated themselves with prominent Indian Vakils and leaders. And then there were also other great men who went abroad, like Surendra Nath Banarjea. No use crying down education in England. He condemned our young men going abroad, but my friend, Mr. Amar Nath Dutt, did not do that. He knew better. He knew what Bengal has achieved by sending young men to Europe. There is no use condemning them. Who is Mahatma Gandhi? A Barrister. Who is Pandit Jawaharlal Nehru who is just now carrying on a big campaign in the country, whether you like it or not? A Barrister. Who is Sir Hari Singh Gour himself? (Laughter and applause.) And who, again, are those ornaments of the legal profession in the Punjab (pointing to the Democratic Benches)? Barristers. Who is our Law Member, a shining light of the profession all over the country? A Barrister. It is futile for Sir Hari Singh Gour to take advantage of this occasion roundly to condemn Barristers and then go to the extent of saying that our young men should not go abroad. He could not even curry favour for that argument with Raja Bahadur Krishnamachariar, who, given an opportunity to go abroad, after domestic consultations (Laughter), refused to go even though his community advised him to go. I need not labour this point further. I want Barristers to come to this country; and whatever little attraction we can give to the Barristers we may. Times have changed very much. I remember a historical incident—I am sorry the Member involved in that incident is not present—a great Muslim Barrister, an ornament of his profession, a man full of humour and ability, whose name, I am sorry to say, I missed in the last honours list and which I hope will appear among the knighthoods in the next honours list—I refer to Mr. Kabeer-ud-Din Ahmad: Mr. Kabeer-ud-Din Ahmad and the late Sir Rash Behari Ghose appeared in one case: Mr. Kabeer-ud-Din Ahmad as a Barrister was entitled to seniority, and, true to the traditions of a Barrister, he claimed that priority. Sir Rash Behari Ghose had to sit down, but Mr. Kabeer-ud-Din's good humour prevailed, and, after gaining his point, he yielded place. That shows that even

Barristers have a good sense of humour. Apart from the serious side of Sir Hari Singh Gour's allegations against Barristers, I thought I might as well mention that very famous, well-known and able Barrister, Mr. Kabeer-ud-din Ahmad, and this interesting case.

Lastly, I have only to say this: it is difficult for even the Leader of the Nationalist Party to get support either in or outside this House even in these delicate times when everything British is hated: he said the law in the country has changed so much that it is no good being a Barrister now; that shows that he is out of touch with the sort of papers that our boys have to answer when they appear for their examinations in England. Examinations are not so easy as they were; today a Matriculate from an Indian University or a School-final cannot go straight to England and become a Barrister: he has first to be a B.A.; and, to pass the B.A. examination in India, even Sir Hari Singh Gour must admit, is difficult. If he were to appear as a candidate for that examination, I promise you he will be the first in the list of unsuccessful candidates. (Laughter.)

**Mr. N. M. Joshi** (Nominated Non-Official): What about his books?

**Mr. C. S. Ranga Iyer**: They are very very good books; and I remember Sir Ashutosh Chaudhury in the Calcutta Congress Subjects Committee, after hearing the learned arguments of Sir Hari Singh Gour, exclaiming: "Well, I had not seen the author. I am glad to see the author now. I have read his books. I have listened to his arguments. I am disappointed with his arguments".

**Raja Bahadur G. Krishnamachariar**: But he is not disappointed with his books at all!

**Mr. C. S. Ranga Iyer**: I did not say that Sir Ashutosh Chaudhury was disappointed with his books—he was disappointed with his arguments. There was disappointment of one kind or another. But I am disappointed today with the arguments which are worthy of the reactionary of the worst type in this country that we should not send our boys to Europe for educational qualifications, as if India is an independent country, as if Sir Hari Singh Gour wants independence for this country; but he wants independence from educational opportunities, a sort of independence which even the Raja Bahadur deploras.

**The Honourable Sir Brojendra Mitter** (Law Member): Sir, I had no intention to take part in the debate. The attitude of the Government will be explained presently by Sir Lancelot Graham. But we have had so much recriminations and the indulging in personalities that I thought I might bring the debate into more sober lines. There is no denying the fact that distinctions do exist in the legal profession. Mr. Amar Nath Dutt's intention is to have one uniform standard for all legal practitioners. Personally speaking, I am all in favour of the ideal. I should like to see an Indian Bar established in India on the lines of the Dominion Bars. What the qualifications should be is for the Bar to decide. It may be that English qualification will be taken *ipso facto* as a qualification for membership of the Indian Bar; but I should like to have one uniform Indian Bar. Nevertheless, we cannot shut our eyes to the fact that the distinctions which exist at the present moment are partly historical and partly inevitable. We have different grades of legal practitioners. Speaking of Bengal, for instance, I know there are at least four different grades of legal practitioners. There are the Barristers;

[Sir Brojendra Mitter.]

there are the Vakils; there are what are known as district court pleaders; there are the mukhtears and there is even another category below the mukhtears who are known as revenue agents. We have got all these different grades of legal practitioners. Their qualifications are different. Necessarily, a distinction has arisen. Personally, I think all distinctions ought to be done away with, because our Universities are producing graduates in law in such large numbers that we can have the whole of the Indian Bar manned by Indian graduates in law. But I am now on what actually exists. There is another reason for the distinction. As Honourable Members are aware, rules of conduct which regulate Barristers are different from, and of a higher standard than, the rules of conduct which regulate other grades of the legal profession. Sir Hari Singh Gour mentioned some: a Barrister may not sue for his fees, while all other legal practitioners may. A Barrister may not appear in any case without being instructed by an attorney or a pleader, but other lawyers may. This difference in the rules of conduct supports the distinction based on historical reasons. When Supreme Courts were first founded, there were no lawyers in this country and all the lawyers came from England; and the Supreme Courts exercised jurisdiction only over the Presidency towns, which correspond to what is now known as the Original Sides of the High Courts. The law that was administered was the English law. That is a historical accident. Gradually English Courts began to exercise jurisdiction over the rest of the province, outside the Presidency towns. Barristers acquired a monopoly on the Original Side, because it was the successor to the old Supreme Court, where they alone had audience. Sir, apart from historical reasons, there are distinctions which are inevitable by reason of the difference in the grades in the legal profession. We have got to face these facts. An ideal of an Indian Bar, with uniform qualifications and uniform privileges, is no doubt a laudable ideal, and, as I said before, I am all for it, but the question is, can we have that straightaway so long as these distinctions in the different grades of the profession persist? That is a matter on which the opinion of the legal profession and also of the litigant public would be of value. It is also a matter for consideration whether a question like this should not be left to the profession itself without any outside interference. When I say outside interference, I include interference even by the Legislature,—whether a matter of internal adjustment or internal structure of the profession should not be left to the profession itself. In England there is no interference by the Legislature. The profession regulates its own internal machinery. Sir, that is also a matter on which the opinion of competent authorities would be valuable. Therefore, I submit that this matter should be ventilated and opinions elicited from those competent to express them.

**Mr. Jagan Nath Aggarwal** (Jullundur Division: Non-Muhammadian): Sir, the Bill which my friend, Mr. Amar Nath Dutt, has sponsored in this House is a small measure trying to remove certain distinctions which still lurk in the Indian Bar Councils' Act of 1926, and prominent among them are these two sections, section 9 and section 14, which make the Original Sides of the Calcutta and Bombay High Courts open only to Barristers, and, under certain circumstances, only to other Advocates of those Courts. It has been very well pointed out by the Honourable the Law Member that it is an accident of history that these two jurisdictions are open only to Barristers . . . . .

**Sir Hari Singh Gour** If my friend will permit me, that is not the case now. The Original Sides of the Bombay and Calcutta High Courts are open to all Advocates.

**Mr. Jagan Nath Aggarwal:** Not to all; but, subject to certain conditions, they are open to other Advocates, but it still remains a close preserve. The point which I wanted to place before you, Sir, is that there are two Presidency High Courts, the Original Sides of which are open to Barristers only. That is an accident of history. Madras lawyers, indigenous lawyers, I may say of Madras, can very well appear in cases on the Original Side, and nobody has heard that Madras Original Side cases are not very well conducted by Indian-made lawyers practising on the Original Side. The point is, whether this distinction on the Original Sides of Bombay and Calcutta High Courts should be allowed to exist any longer. The point underlying is not that which my friend, Sir Hari Singh Gour, made that Barristers should be allowed to have pre-eminence which they have enjoyed all along with the robes which they are allowed to wear, and, that, unless that pre-eminence was allowed to them, there would be a great deterioration in the ranks of the legal profession. Sir, that argument was disposed of by my friend, Raja Bahadur Krishnamachariar, and what is more interesting, his own colleague, Mr. Ranga Iyer, opposed the argument of my friend, Sir Hari Singh Gour. Now, the point that remains is, not that we should not send our boys to England to qualify as Barristers, if some parents are so inclined to send them to England, by all means let them do it, but the question is, whether, by sending them to England, they should have any pre-eminence over people not only equally qualified or better qualified, and that point my friend, Sir Hari Singh Gour, has not met. Is there any point either in the accidents of history or in legal justification at the present day to make the Original Sides of the Calcutta and Bombay High Courts the close preserves that they have been for these England returned Barristers? The Bar Councils Act, 1926, has failed to achieve the object. The Original Side shall be open,—it is stated in the Act,—to such Barristers or to such Advocates for whom the rules provide, and so on, and the modest measure which has been brought before this House by my friend, Mr. Amar Nath Dutt, only seeks to remove that distinction, in that all persons who are enrolled as Advocates should be entitled to practise on instructions from Solicitors or without such instructions as the case may be, under the rules of Court, but that every practitioner should be entitled to practise there independently of the fact whether he is a Barrister or a Vakil. Sir, one might as well say that a Barrister as such has no status in these Courts. It is only by enrolment as an Advocate that he acquires a status to practise here. In fact, it was brought out in a recent judgment of the Allahabad High Court that no such thing as a Barrister is known in legal phraseology, and all that they know of is only a man possessing the necessary qualification and who is enrolled as an Advocate. Therefore, for my friend, Sir Hari Singh Gour, to cling to that distinction at the present day is really a matter for great regret. The Honourable the Law Member said that he was against all distinctions, in fact the current of Indian legislation has been all that way. The exalted office that my Honourable friend opposite (the Law Member) is holding would not have been open some years ago to an Indian Vakil, and it is now open to any person possessing the necessary qualification. The Chief Justiceship of High Courts was a close preserve of Barristers, and it is indeed a sorry spectacle that my friend, Sir Hari Singh Gour, should still

[Mr. Jagan Nath Aggarwal.]

stick to the last remnants of such privileges as were enjoyed by Barristers and thus try to turn the hands of the clock.

The whole point underlying this small Bill is that the distinction which has been sought to be maintained on the Original Sides of the Calcutta and Bombay High Courts should no longer remain, and, apart from the accident of history, there is no real justification for such an idea. We all know that the legal profession in this country is already overcrowded and is being reinforced in such large numbers that we must allow our own graduates and legal practitioners to avail of the fullest opportunity for employment and rendering service to the profession. I do not think it should be necessary for a man, who has secured all our degrees in law at the Universities, to be told that the Original Sides of the Bombay and Calcutta High Courts are the close preserves of Barristers who have returned from abroad and that holders of Indian degrees in law cannot practise on the Original Sides of these two Courts. Sir, apart from other things, it is very necessary that we should open these jurisdictions to men who have qualified themselves for the profession in this country. As things stand at present, though most of these distinctions have been removed, the only ones that remain in the profession are these two, in fact in several provinces most of these distinctions have already been removed. In our province, Sir, the two classes of legal practitioners, the mukhtears and revenue agents, have long ceased to exist, and there are now only the district court pleaders and the Advocates. That is all, and, among Advocates, the only persons who are entitled to practise in the High Court, are those persons who possess the requisite legal qualifications,—whether a man has qualified himself in India or is a Barrister, these are matters which hardly trouble our province. Therefore, I say, Sir, that in those two places, I mean in Calcutta and Bombay, where the close preserve is still maintained, the distinction which still exists should be removed. Sir, I support the proposition.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I was indeed surprised to hear the speech which my friend, Sir Hari Singh Gour, delivered on the floor of the House today. I never knew that, on his return from England, he has taken to the colour bar question. His idea of not allowing certain colours to Advocates of High Courts but to keep them as a close preserve for Barristers can only be regarded as a colour bar. Sir Hari Singh Gour tried to oppose the former Bar Councils Act and came in the way of Advocates as he says that he urged that there should be no uniformity in the different High Court practitioners and their rights. It is a matter of deep regret to some of us, professionals, who regard Sir Hari Singh Gour as our leader in the profession that he should have shown that temperament on the floor of this House again today. Sir Hari Singh Gour says: "Why put on these things which are foreign, why should Advocates of High Courts imitate the members of the European Courts, and why should we adopt things European?" Sir, it sounds so very anomalous, it sounds so very ugly and inconsistent that he himself, who puts on foreign dress and has taken to European ways of life, should come and say before this House that so and so dressed in such and such colour should be denied certain rights and entry into certain Courts. The chief principle of the Bar Councils

Act has always been to have uniformity, but here I find today Sir Hari Singh Gour saying that there should not be uniformity and that there should be a sort of differentiation and discrimination. He asked, what is the justification for this uniformity. My reply is that the Bar fraternity should be the guiding principle and nothing else. If Sir Hari Singh Gour were only to examine the slight change sought to be made by Mr. Amar Nath Dutt, he would find that it was simple, as has been explained by my Honourable friend, Mr. Jagan Nath Aggarwal. As a friend of mine once said that if bankruptcy were left to the Barristers alone, the Advocates of the different High Courts would not mind, but I do not see the reason for this bankruptcy displayed by a Barrister of Sir Hari Singh's eminence in not allowing the Advocates and other practitioners of the High Courts to enjoy the same privileges which, by their University qualifications and by competition in the country, they deserved. Sir, I support the motion.

**Mr. Muhammad Yamin Khan** (Agra Division: Muhammadan Rural): My Honourable friend, Mr. Azhar Ali, probably misunderstood Sir Hari Singh Gour to a great extent, and his whole speech was based on that misunderstanding. Sir Hari Singh Gour never said that he wanted to keep up the colour bar. He said to Mr. Azhar Ali that he had perfect liberty to keep his own colour; he does not want to change his colour. If Mr. Azhar Ali is not satisfied with his colour, let him do whatever he likes, but I thought that he must be perfectly satisfied with the colour that he possesses. Sir Hari Singh Gour does not want to change his colour in any way. The point is that the English Bar had enjoyed in this country certain privileges which were only natural. As long as we keep up a certain amount of distinctions in this country, there is bound to be a kind of distinction at the Bar also. Would it be right and proper if the Provincial Civil Service people began to come up and say: "Why should we not have the same privileges according to the seniority in our service in the Provinces over the members of the Indian Civil Service?" There is a distinction in this country between the Indian Civil Service and the Provincial Civil Service. People qualifying themselves in England enjoy certain distinction over the people here. The same is the case with the Indian Medical Service. They enjoy greater privileges than medical men from the Calcutta University, the Lucknow University and other Indian Universities. If you destroy all these privileges and nobody is to have any privilege, then I do not mind this privilege at the Bar also going the same way. The Bar must keep the distinction as long as the distinction is kept up in other spheres of life. If the Government agree to do away with the distinctions in all the All-India Services, I will have no objection to do away with the distinction in the Bar too. Why should not the Barrister keep up the privilege which he has enjoyed in the past? The only thing that my Honourable friends may say is that they must better their lot. But they want to pull down others that have been enjoying this privilege. If I find that the spirit of what my Honourable friends want is that they want to enjoy the same privileges which the Barristers enjoy, I have nothing to say to that, but they want to pull them down.

**Raja Bahadur G. Krishnamachariar:** That is because of the admittedly low qualifications that Sir Hari Singh Gour said you had.

**Mr. Muhammad Yamin Khan:** I will deal with that point later on.

3 P.M. I am at present dealing with one point. I do not agree at all with Sir Hari Singh Gour when he said that the Barristers had lesser qualifications than the ordinary LL.B. in India. There is no comparison when he says that the examination in England is easier than the examination in India. There may be certain difficulties in the way the examination is being conducted here. There may be people who are not properly trained in the principles of law, but to say that the law taught to a Barrister in the Inns of Court is inferior to the law which is taught in an Indian University for an LL.B.—I contest that statement. Certainly there is facility given in the Inns of Court to pass the examination in each law separately in the Preliminary, but in the Final Examination I have seen for myself candidates, who had passed the LL.B. with great credit, failed three or four times in the Final Examination of the Inns of Court. I shall be the last to object if my Honourable friend wants that the same facility should be given here to pass the LL.B. examination, but it is not right for Sir Hari Singh Gour to say that after the completion of the examination there is any inferiority in education on the part of the Barrister. People are allowed to enter the Inns of Court when they are not so much qualified as here. Here one must be a graduate before one could take up the LL.B. course. In England, that is not necessary. But in 1912, a rule was made by the High Courts that they would not allow anybody to practise in India unless he had entered the Inns of Courts after graduating himself. An Indian, if he wants to join the Inns of Court, has either to be a graduate or he must have taken some kind of educational qualification in England. The Indian students started an agitation saying that, when an Englishman could enter the Inns of Court after passing a preliminary examination, the Indian also should be allowed the same facility. Now, if an Indian passes the same examination as an Englishman, he is allowed into the Inns of Court, but, if he goes merely on his Indian qualification, he must be a graduate of an Indian University before he is admitted into the Inns of Court. Again, the High Courts have made a rule that unless a man, after being called to the Bar, practises for a certain period with an English Barrister and works with him in his chamber for one or two years, he will not be allowed to practise before the High Court. This is a further qualification. Sir Hari Singh Gour may probably be speaking of the time when he was called to the Bar, but, as regards people who are called to the Bar now, I can say that I have seen some brilliant students, who had passed the LL.B. with great credit, have made a very poor show when competing with the people from the Inns of Court in England. As regards the educational qualification, I do not want to take a solitary statement of my friend, Sir Hari Singh Gour, and the Raja Bahadur and catch them on a weak point of their arguments. That may be a slip of the tongue. They may have never meant that. What is it that you want? Do you want to wear the same robes as the English Barristers? Is it so attractive?

**Mr. Muhammad Azhar Ali:** I want to wear the same gown as the Advocates of the High Court.

**Mr. Muhammad Yamin Khan:** You are quite at liberty. The point is that the Barrister is allowed to wear the gown which he wears in England. That is the only distinction. If I am entitled to be enrolled here as a

Barrister of England, I have every right to wear that gown. Why should you wear the same gown? That is a flimsy argument. That argument may appeal to my friend, Mr. Joshi. He is a labour leader. Why does he not come to this House in a loin cloth? He is a representative of labour. Why is he dressed differently from a labourer. That is not a proper argument. The Barristers have made a mark in the country. Some people want to take advantage of the credit which the Barrister enjoys in the public mind. You want to take up all the advantages of the Barrister without acting up to it. There are Barristers who would not accept below a certain fee. They cannot sue for their fees. Are you prepared to take up all the disadvantages also? You only want to pull the Barrister down. What is the real charm about the neck ribbon. It is only to mark the distinction between a man who is educated in England and a man who is educated here. The gown can only show this and nothing more. But for this, the privileges are just the same and there is no distinction. There are some people who have made a great name in the Indian Bar, men like Sir Tej Bahadur Sapru, Pandit Motilal Nehru and Sir Sundar Lall in the Allahabad High Court. But all members of the Indian Bar cannot claim to be of the same standard. The gown has not made a distinction in the case of Sir Tej Bahadur Sapru, who has made a name by his brain, his ability, his character and his knowledge. Other people can also rise and work up their way. Undoubtedly the members of the English Bar have kept up a certain tradition. Why should they be debarred from carrying on those traditions? Why should the Barrister be compelled to wear the gown which you wear or why should you wear the gown which the Barrister is entitled to wear? This distinction exists even in England. An ordinary member of the Bar has got a particular kind of gown. When he becomes a K. C., he gets a different kind of gown. It is the qualification which changes the dress.

**Mr. C. S. Ranga Iyer:** May I ask my Honourable friend whether he has any objection to Vakils wearing bands?

**Mr. Muhammad Yamin Khan:** I have not the slightest objection. They may do it. If they want to wear red gowns, they can do so. If they want to wear *chughas*, I have no objection. What I deprecate is the spirit that is embodied in this motion. It is bad. I am entitled to wear here the robe which I am entitled to wear when I go to an English Court. I am entitled to practise in the Privy Council. Then I can carry the same gown with me and I do not like to be forced to wear the gown which I am not accustomed to wear. Sir, I do not agree with what my Honourable friend, Sir Hari Singh Gour, would seem to like, namely, that the education of our boys in England for the Bar may be stopped. I know that there are lots of students who simply waste their time and money, but certainly there are heaps of others who certainly have done great credit to themselves like my friend, Sir Hari Singh Gour. My friend says that the boys mostly waste their fathers' money and waste their own time, but if Sir Hari Singh Gour had not wasted his time and money, then how should we have got all those valuable books—the Indian Penal Code and other such books and his latest books which he has written on the transfer of property—and his books on Hindu Law, and so forth—which are a great asset? Sir, I do not agree, and here is an example which can falsify all his own arguments. Now, our boys who go there bring out with them new ideas, they get good education, they live in a civilized world, in fact the mere living in England is certainly far better and more profitable than living in an Indian village.



[Mr. Muhammad Yamin Khan:]

Sir, if you compare boys who have lived for three years in London with those who live in Indian villages and think of the broad vision and knowledge and wider outlook which the boys who have lived in England acquire, you will see the difference. It may be expensive, that may be very true, but at least such boys bring out with them new ideas which cannot but be eventually useful to them to help towards the achievement of progress in this country. All that will be put a stop to if we stop these boys going to England to acquire legal education. Moreover, there must remain some kind of temptation for these boys to go and be educated in England and thus continue to bring out new ideas with them. (Hear, hear.) There may come a time when you will not require them to go to England, but, in the present state of our country and, in the interest of the further progress of our country, you must send out boys to imbibe useful things by their residing in an advanced and civilized country, and I, therefore, oppose the Bill.

**Sir Lancelot Graham** (Secretary, Legislative Department): Sir, it is with some trepidation that I enter this arena where so many professionals are already engaged. My experience, Sir, of this debate has been that each speech has been more provocative than the speech which went before it and, as an amateur, I am distinctly apprehensive of what I might say and I shall, therefore, make every effort to put a bridle upon my tongue. As one, Sir, who has had the privilege of being called to the English Bar, I trust I shall find favour with the Barristers; and, as one who has never practised in any Court, on the Original Side or on the Appellate Side, I trust I shall find favour with the Vakils.

Now, my learned friend, Mr. Amar Nath Dutt, first sponsored this Bill as far back, I think, as 1929. Having succeeded in introducing his Bill, he then put down a motion, if I am right, either for consideration or for reference to a Select Committee—one or the other; and the Government, considering that the matter required further ventilation, put down an amendment for circulation,—and this little game went on for a great many Sessions. My learned friend refused to learn prudence, and on each occasion I put down a motion for circulation. Now, I can congratulate my learned friend on learning prudence: he himself has put down a motion for circulation. That being so, no amendment is left for me to put down at all. Consequently, I have much pleasure in announcing that the attitude of Government will be to support the motion for circulation. At the same time, I would like to make a few remarks about the Bill, because Government are not altogether happy about this Bill. They anticipate that very serious objections are likely to be adduced against it. The Act, as it now stands, Sir, vests certain discretion in the Bar Councils and, in certain matters, again, vests discretion in the High Courts of Calcutta and Bombay. What we feel is that we are by no means satisfied that this discretion in either case is not well vested. We are inclined to think that Mr. Amar Nath Dutt and those who support him would be better advised to persuade the High Courts of Calcutta and Bombay to modify their rules, and even to follow the example of Madras. Our point is that this can be effected without a change in the law, because it is not the law itself which imposes this distinction against which my friend, Mr. Amar Nath Dutt, is rebelling; as I say, it appears to me that his proper forum is not this House, but the High Courts. At the same time, we do not feel that that is a final objection or that that will be a ground on which we should oppose the motion for circulation. We do think it is of the utmost importance that Bar Councils

and the Judges and the representatives of the profession should be able to give their views on this subject and it is, therefore, that we do agree to this motion for circulation.

Now, there are one or two other points in the debate which I should like to touch upon. Now, before I leave that subject, I said I thought that the discretion in the matter of appearance on the Original Side was properly vested in the High Courts of Calcutta and Bombay. Now, I think there are real facts to be cited in support of what I have said. My learned friend in front of me assures me that in Calcutta there are no less than 200 Vakils who are practising on the Original Side and, therefore, in all practical matters they are in precisely the same position as any English Barrister. Similarly, I know that in Bombay, the Right Honourable Sir Dinshaw Mulla was admitted as an Advocate in the old days when the Advocates were made by the High Court and consequently was allowed to practise on the Original Side. Another example I might cite is that of the present Advocate General of Bombay, Sir Jamshedji Kanga. I am, therefore, inclined to think that this discretion which is now vested in the High Courts, under sections 9 and 14, is very fairly exercised by the Judges, and that my Honourable friend has no great ground for complaint; but, as I said, we are prepared to let the matter go into circulation.

My Honourable friend, Sir Hari Singh Gour, was, I think, quite unduly provocative. In the first place, he accused me of wrecking the Bill which was going to make him a K. C. Sir, it was very pleasing to me to have omnipotence attributed to me, and I wish I was omnipotent in this Assembly but, in the case of that particular Bill which had been in circulation, the opinions elicited in circulation were overwhelmingly against the proposals of the Bill and it was rejected without division. I cannot help being reminded, Sir,—when I saw Sir Hari Singh Gour's disappointment over the matter of the Bill for making Indian K. Cs. and when I find him, as a result of that disappointment over the right to be made a K. C. not being granted, disclaiming all the privileges of Barristers—I am reminded of a fable—I think in Aesop's—which related to the fox and the grapes. There is one other point I wish to make. Sir Hari Singh Gour having submitted himself to the examination for the Bar arraigned against what he considered to be a too low standard. I would remind my Honourable friend that since he went up for that examination—I will not say whether it is a case of *post hoc* or *propter hoc*—these standards have twice been raised and now I believe that quite a number of candidates are unable to pass. I trust I have said nothing provocative, nothing which will prolong this debate unduly and that I have made it plain that Government, in acceding and supporting the motion for circulation, are not at the same time deeply impressed by the merits of this Bill.

**Mr. A. Hoon** (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Mr. President, being a member of the English Bar myself, I feel some hesitation in speaking on the subject. If Mr. Amar Nath Dutt had entertained a part of the delicate feelings which are now in my mind, I daresay he would not have sponsored this Bill. Speaking on this Bill, one cannot help being dragged into a discussion to compare the merits and demerits of the two branches of the profession. As I do not like to blow my own trumpet, I feel some hesitation in speaking on this Bill. Sir, the Vakil Advocates who have spoken on the subject have, I regret to say, unnecessarily accentuated the distinctions which are now said to exist between the two branches of the profession. Really, what used to be

[Mr. A. Hoon.]

an eye-sore to the Vakil Bar originally was the privilege of the Barristers to be able to appear in a case without a *Vakalatnama*, although, in the Calcutta and the Bombay High Courts, there were some other privileges also which the Barristers enjoyed for appearing on the Original Side of the High Court.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

But, Sir, since the passing of the Indian Bar Councils Act, fresh rules have been framed by the various High Courts and, as far as I understand, the great eye-sore, that is, the privilege of the Barristers to appear in a case without the *Vakalatnama*, has entirely been taken away. Besides that, a large number of the members of the Vakil Bar have been made Advocates in Calcutta and Bombay by virtue of which they have got the privilege of practising on the Original Sides of their High Courts. In the province from which I come, that is, the United Provinces, we have got absolutely no distinction between Vakils and Barristers, because we have got no Original Side in our High Court. I believe that the distinction, if it ever existed in other provinces, is practically extinct now. There is no distinction, as we are told by Mr. Aggarwal, in his province either. Now, since the distinction of reserving the work on the Original Side of the High Court for Barristers has been done away with and, since the distinction of exempting Barristers from using the *Vakalatnama* has also been done away with,—to the great loss of the country in general,—I submit, it is really serving no useful purpose to bring forward a Bill of this kind. I regret that the Government have announced their policy that they are not going to oppose the circulation of this Bill. As Sir Lancelot Graham has very lucidly mentioned just now, no fault is to be found with the present Bar Councils Act and if there is any grievance of any kind, which, of course, I have not been able to find, it can be removed entirely by the rules which are framed by each High Court.

Now, Sir, it is common knowledge that rules were framed by the Bombay and the Calcutta High Courts recently and it is also common knowledge that the majority of the Indian Judges in both these High Courts are recruited from the Vakils. Under those circumstances, I do not see any reason why my friend, Mr. Amar Nath Dutt, who himself belongs to the Vakil Bar, should have any grievance at all against the Act itself. Something has been said with regard to the merits and demerits of the two branches of the profession, but I do not wish to say anything on this subject, because it is a delicate one. But I cannot help remarking and I wish to draw the attention of my friends, especially those who are members of the Vakil Bar, whether it is a fact or not that most of the leading Vakils send their sons to England to qualify themselves as Barristers. Now, if Mr. Aggarwal says that those boys are not fit for anything else, then I do not think he is throwing much credit on his own branch of the profession. Then, Sir, I hope my friends of the Vakil Bar will excuse me when I say—and I say this from my own personal experience—that if any Vakil is by mistake addressed as a Barrister, the writer is never corrected, but if a Barrister is addressed as a Vakil, we promptly set the matter right. What is really the cause of envy between Vakils and Barristers, I leave for the House to judge. In conclusion, I submit that no case has been made out; since fresh rules were made in

1927—as mentioned by Sir Hari Singh Gour,—why fresh opinion should be sought on the subject and no case has been made out to show what actually are the grievances of the members of the Vakil Bar at present. With these remarks, I oppose this motion.

**Mr. B. R. Puri** (West Punjab: Non-Muhammadan): Sir, I happen to be a Barrister, who at one time during his career crossed the seas and passed what has been described as an “easy examination”. So far as the relative merits of the two branches of the profession are concerned, I am precluded from saying anything inasmuch as I am an interested party. I would only confine myself to saying this much that there have been some very honourable and outstanding personalities amongst the Vakil Bar and equally, I think it would be conceded by my Honourable Vakil friends here, that there have been some really brilliant and equally able men amongst the Barristers. (*An Honourable Member*: “Exceptions.”) I would prefer to say “equally” and would not like to say more. It would be idle on the part of one section to run down the other, because, as a matter of fact, each party could claim men amongst their own ranks who would be models to the legal profession.

Now, Sir, so far as the issue before the House is concerned, I was surprised when I heard the observations of my Honourable friend, Sir Hari Singh Gour. Sir Hari Singh Gour’s speech has pleased nobody. He has estranged the feelings of the English Bar section as well as of the Vakil. He has run down his own colleagues, the Barristers, and he has claimed certain privileges at the same time on their behalf which the Vakil section are not in a mood to concede. He has been attacked by both sections and very rightly too. Speaking for myself, I am not prepared to accept his dictum with regard to the merits of the Barristers. His remarks might be applicable to some of them and they might equally be applicable to certain members of the Vakil section. But it does not follow that the Barristers as a class are an incompetent lot or that they are not properly qualified people. As I have already submitted, I have no desire to make any distinction between Barristers and Vakil, but, as a practical test, I would ask Honourable Members just to mark the spirit in which speeches were made by the Barrister Members today on the present measure. Now, whether it was a speech of my Honourable friend, Mr. Hoon, or that of Sir Lancelot Graham or Mr. Yamin Khan, I do not think there is any Honourable Member who could accuse any of the Barrister speakers today of having used any disparaging remarks about the Vakil. On the other hand, the speeches of such stalwart Vakil as my Honourable friend, Raja Bahadur Krishnamachariar, they were really stinking in the sense that they were highly sarcastic, damaging and disrespectful to the Barrister section of the profession, and if the House wants to find out the real distinction between a Barrister and a Vakil, here is a practical demonstration of it. That is the real difference between a Vakil and a Barrister. The Barrister has got a sense of proportion, a sense of moderation and a sense of delicacy which, I regret to say, was found wanting in the speeches made by the Honourable Members belonging to the Vakil fraternity.

**Mr. S. G. Jog**: The Raja Bahadur has ceased practising long ago.

**Raja Bahadur G. Krishnamachariar**: I never wanted to say anything against any Vakil or Barrister. I was referring to the complaint that,

[Raja Bahadur G. Krishnamachariar.]

notwithstanding the fact that their qualifications were low, they were denied the privileges which my Honourable friend, Sir Hari Singh Gour, resented. I said, very well, you cannot have it both ways. That is all I said.

**Mr. B. E. Puri:** I thank you very much. I know Dr. Gour's role in this matter has been that of an approver. My Honourable friend, the Raja Bahadur, as a very shrewd and clever member of the profession, has made full use of the evidence of the approver against us. Whatever it may be, the present trouble appears to be that the Barristers dress in a particular fashion which gives them a certain advantage over those who are not permitted to dress in the same style. That seems to be the whole trouble.

**Raja Bahadur G. Krishnamachariar:** It does not obtain in Madras.

**Mr. B. E. Puri:** So much the better, because, then, as far as Madras is concerned, this Bill is not needed.

**Raja Bahadur G. Krishnamachariar:** Quite so.

**Mr. B. E. Puri:** With regard to the rest of the country, it appears that the sole thing which is troubling the Vakils is the gown and wig of the Barrister. Why should such a desire at all arise in their minds? Why should they wish that the Barristers should not put on their own gown and wig? Evidently the Vakils think that this distinctive dress gives the Barristers a certain advantage over the Vakils. If a Barrister enjoys a certain advantage over a Vakil merely by dressing as a Barrister, then what becomes of the charge of incompetency levelled against the Barristers by the Vakils? On the one hand the Vakils say that the Barristers are an incompetent lot, and yet, on the other, they want to imitate their dress and want to appear in the public as if they were also Barristers. Is it not an admission of Barristers' superiority?

**Mr. S. G. Jog:** Artificial.

**Mr. B. E. Puri:** If a Barrister does not possess the same high standard of education and professional ability, then it is obviously to the advantage of the Vakils that he should continue to appear as a Barrister and not permitted to conceal his identity. This would be to the advantage of the public also. Now, Sir, suppose the gown or the wig were abolished, what would be the position? Suppose, all sorts of gowns and academic robes were altogether done away with. Then our Vakil friends imagine that the Barristers and Vakils would be brought on the same level and they will look alike, but that is a mistake, for you will still be able to tell a Barrister from a Vakil. Next time, my Honourable friend, Mr. Amar Nath Dutt's proposal will be that since Barristers are in the habit of dressing themselves better than the Vakils, there should be passed a Bill compelling the Barristers not to dress beyond the Vakil standard so that they may not enjoy any undue advantage over the Vakils. Mr. Amar Nath Dutt may even go the length of saying that the Barristers, who are comparatively more tidy and clean, should be made to give up these habits which are likely to put Vakils in a position of disadvantage. This reminds me, Sir, of a little story. There was a certain colleague of mine

who happened to belong to the Vakil section and he was appearing with me in a particular case. I was engaged at a later stage of the proceedings and not having gone through the record, I was naturally not well posted with the facts of the case. So, I had to appeal to him for assistance and I asked him for his notes which he had prepared after going through the records. But he seemed to hesitate at first and later on, he refused. I felt a bit awkward, as the case was likely to be called after a short time. When suddenly an idea occurred to me. My Vakil junior had remarked about the presiding officer (an I.C.S. Englishman) being a very short-tempered man and that lately he always found fault with him on some score or another. So I took the clue from that and turned round to him and said: "Do you know why he is particularly rude to you and not to others?" He began thinking, and then I told him: "The real thing is that you do not know how to appear in Court. For instance, one day you appear in a dirty shirt, the next day you come in with dirty collar; some day you are shaved and some day you are not shaved at all. Such slovenly ways upset these European Judges. Now, look at your beard, for instance, this morning. You don't seem to have shaved yourself for the last three days." He said: "Is that so? Does a Judge get annoyed with a lawyer if he is not properly shaved?" "Of course" I said. "But there is no time for me to get a shave now." I said: "Don't worry, I will shave you". I took out my razor and I began to shave him. When it was half done, I told him I could not complete his shave as I wanted to see his notes before going further. Needless to say, he placed all his notes at my disposal rather than appear in Court with only half of his face shaved. (Loud Laughter.) There is a practical side to everything and this was a practical way of dealing with the problem. (Loud Laughter.)

Now, Sir, I think these are matters too petty to require legislation. If a Barrister is superior, in spite of your trying to denude him, his superiority is bound to assert itself in some form or other. And if he is an incompetent man, let him continue to appear in the public in his badge and robes, so that there is no mistake about his identity.

**Mr. Muhammad Anwar-ul-Azim** (Chittagong Division: Muhammadan Rural): Mr. Deputy President, I confess I must have missed a great treat this morning by not being in my seat at 11 A.M., because I find from the references now made that quite a lot of things were said at the expense of the members of my profession, I mean the members of the English Bar.

**Mr. Amar Nath Dutt:** I did not say anything against you.

**Mr. Muhammad Anwar-ul-Azim:** From a cursory perusal of this small Bill, it would seem that he is up in arms against a class of people who have given a great and good account of themselves in the progress and the gradual development of this country. If my Honourable friend, the Mover, had taken a little trouble to know how the members of the English Bar began to practise in this country, he would have been saved from a lot of troubles, he would have known that, with the starting of the East India Company after the changing of the Government in the middle of the 18th century, there used to be two kinds of Courts of jurisdiction, specially in the province of Bengal, known as the **Sudder Diwani Adalat** and the **Sudder Nizamat Adalat**. Sir, you will remember that the local people were allowed to practise through the medium of a

[Mr. Muhammad Anwar-ul-Azim.]

language called Persian. And, then, gradually as *bonhomie* started to take a deeper form and when the East India Company started to spread their control all over India, the time became opportune for allowing certain members of the English Bar to practise there. Even members of the Bar from the Inns at Dublin and Scotch Advocates were allowed to come in and practise in the High Court of Judicature at Calcutta. And it was not a favour. It was out of necessity. If the Government of India of this day had any hand in controlling the policy of that ancient time, perhaps they would not have allowed that, because it seems from the tenor of the arguments put forward by Government speakers that they are in an inordinate hurry to placate the Vakil class as a whole. So you will notice that if there was not an advent or an inrush of some of the members of the English Bar in the beginning of this necessity, there would not have been a class of people living in this country known as members of the English Bar or commonly known as Barristers. That is the genesis, and, besides, the Barristers had a very ancient tradition, dating from the time of the Crusades; and gradually Government have been trying in all ways to placate the Vakil opinion and changes have been brought in by these so-called reforms emanating from 1921 and that very rapidly. Now, there is hardly anything left to differentiate a member of the English Bar of ten years' standing and a Vakil of the same standing, at least in the High Court of Calcutta; they wear the same kind of gown and the same kind of band, which were originally the monopoly of Barristers. Therefore, so far as the decorative part is concerned, my Honourable friend, Mr. Amar Nath Dutt, ought not to have any grouse or grievance now. The unification is there already.

Then, I am told that he tried to wax eloquent at the expense of the members of the English Bar saying that they were an incompetent lot . . .

**Mr. Amar Nath Dutt:** I did not say anything like that. It was Sir Hari Singh Gour, himself a Barrister, who said all that. I simply asked for my Bill to be considered and nothing else.

**Sir Hari Singh Gour:** My friend has imputed to me a statement which I never made. (Laughter.)

**Mr. Muhammad Anwar-ul-Azim:** In any case, from the speeches of my friends who followed after 8-15 p.m., I gather that there was a general charge against the members of the English Bar. It is rather unfortunate, Sir, that we should be called upon to explain ourselves on the floor of this House. It becomes rather difficult, but, in any view of the matter, Mr. Amar Nath Dutt must know this that the present Law Member and Leader of the House was at one time of his life a Vakil and, later on, he joined the English Bar and became a Barrister. And the incoming Law Member of the Government of India, who is at present the Advocate General of Bengal, was at one time a Vakil and, later on, became a member of my profession. So, if the members of the English Bar were so hopelessly placed in the eyes of everybody, I am certain, these Honourable gentlemen would not have taken recourse to this, and they would have contented by only being Vakil. They are our ornaments.

Then, Sir, from a cursory reading of the Statement of Objects and Reasons, it appears that Mr. Amar Nath Dutt's idea is to unify the Bar as a whole. Sir, I have a fairly good acquaintance with the Bar in my

part of the world, and there is no love lost between a member of the English Bar and others who belong to our Bar Association. As a matter of fact, members of my profession have been given the place of honour wherever they have gone and wherever they have appeared. Mr. Deputy President, as a Vakil yourself, you must have noticed the restrictions which the Universities are now putting, specially the Calcutta University, with which I am very intimately connected, on the pleaders. I can tell you that they are considering very seriously whether they ought not to devise some means by which the inrush of these B.L.'s and M.A., B.L.'s could be stopped by a salutary method for the good of all concerned. The practice now obtaining in my part of the country is this: even a first class M.A., B.L., when he comes out of college, has got to be on probation for at least one year with a senior member of the Bar of 10 or 15 years standing, and, then only, he is given his *sanad*. If everybody passing the B.L. examination were so clever, I am certain these distinctions would have been taken away. But this is by the way. In bringing my remarks to a close, I should like to say this much, that the Government have met the Vakils too much and I think it is high time that they cried a halt; and if things are allowed to drag on like this and go further, I am afraid, the English Bar will not let it lying down. Indian Members of the English Bar must be graduates now, and the change came up from 1912. There is hardly any Indian Member of the English or Irish Bar who is not a distinguished graduate of an English University at the same time.

**Some Honourable Members:** The question may now be put.

**Sardar Sant Singh** (West Punjab: Sikh): Sir, I had no intention of intervening in this debate, but I find that a simple question of principle has been made a personal question with the members of the Bar who have been imported from a foreign country. The principle involved in this Bill is that the status of those who have learned their lessons in law in Indian Universities should be the same as that of those who, on account of their incapacity to pass the stiff Indian examinations, were sent by their rich fathers to study in a foreign University, to join in the social circles there and, after three years course, enjoying twelve dinners, come back and pose as Barristers. My submission is that our Barrister friends have taken a very great pride on this question that they know better manners, that they dress more decently, that they are clean shaven and such like superficialities. I am quite prepared to concede some of these qualities to my Barrister friends, because, having gone to the country after whose fashion they are dressing and living, they must of necessity be better than those who have not had that advantage. But if an expenditure of about Rs. 60,000 on their education brings them this much, I congratulate them on their good luck. If they have qualified themselves to wear imaginary yarns, I congratulate them on that too. But when they come here and say that they are practical men, I must give a story and an illustration . . . .

**Mr. B. R. Puri:** May I for the information of my Honourable friend state that my story had no reference to my Honourable friend?

**Sardar Sant Singh:** May I, for the information of my Honourable friend, state that my story is going to have direct reference to <sup>4 P.M.</sup> him? (Laughter.) I am going to give an instance of how their practical wisdom works in actual life. After his first Session in



[Sardar Sant Singh.]

this Assembly, Mr. Puri went to Lyallpur to conduct a case. It happened to be the first of April and, after consulting my friends in the profession there, we agreed to give him a good reception and entertainment. We arranged for a dinner to which my friend readily agreed and what happened there is well known to him: the story is well known in our part of the country; persons were invited, dishes were laid; a *shamiana* was put up and a side tent was also put up where a person continued hammering on some plates so that the actual reception may not be known. My friend made a speech, but found no tea or dinner or garden party: and he ultimately discovered that it was the 1st of April. If that is the sort of practical sense and practical wisdom possessed by the Barristers, I congratulate them upon it.

As regards legal ability, I may point out one thing which is well known in our part of the country. If a Barrister is able, hard-working, if he studies his case and is honest just like Mr. Puri, we call him a *Vakilnama* Barrister—a Barrister who works like a *Vakil*. But if a *Vakil* does not work, does not study his case comes unprepared to Court, we call him a Barrister *nama Vakil*. In another province, in Sind, I am told that they are called tin Barristers, because they only imitate the *Vakils* knowing very little of law and procedure: it is not their fault, of course, because, in England, they learned English Law, and, when they come to India, they have to study the Criminal Procedure Code and the Civil Procedure Code which are a bit different from the English Law. Our position is this: that apart from outward formalities we want equal opportunities for those who have studied law in this country. We do not want to import foreign institutions; we do not want to import foreign manners; we do not want to import foreign methods in our system of jurisprudence. Therefore, I would appeal to the House that this Bill only aims at removing the distinctions between Barristers and *Vakils*. I will appeal to Barristers that, if they were the first pioneers in nationalism, as pointed out by my friend, Mr. Ranga Iyer, and if they were pioneers in other matters, we appreciate their services, we honour them for that; we honour all the noble souls who have had their education in England and yet remained Indian in heart, Indian in manners and Indian in their outlook. We have great respect for them; but those who have not yet learnt to love India, who carry with them the extra-territorial outlook taken up in the company of English people, we certainly have a right to legislate on those lines which should enable them to get rid of that outlook. Therefore, I support the principle underlying the Bill

**Mr. Amar Nath Dutt:** Sir, when I made this motion for circulation of my Bill, I little thought that the debate would proceed to such lengths and generate so much heat between two sections of the same profession, and even such amiable Members of this House like my friends, Mr. B. R. Puri and Mr. Hoon, could not restrain themselves, and attributed motives to all others who did not belong to their class, and this I never expected of them . . . .

**Sir Muhammad Yakub:** Why do you consider them docile?

**Mr. Amar Nath Dutt:** Sir, I have heard the Honourable the Law Member, and I must admit that although his speech was non-committal, I was not very much hopeful from the tenor of his speech. If his speech

was non-committal, my friend, Sir Lancelot Graham's speech was clear, and I knew it would be so. I shall now begin by replying to some of the observations of my friend, Sir Lancelot Graham . . . . .

**Mr. Muhammad Yamin Khan:** He made no observations against you.

**Mr. Amar Nath Dutt:** Nor am I going to make any against him. He said that certain discretions have been given to the High Courts and to the Bar Councils and asked why we should bring in this matter here for legislation. Sir, I do not know whether he has intimate knowledge of the High Courts. If he had, I think he would not have asked me to depend upon the discretion of a body of men who are more Barrister-ridden than Vakil-ridden. It may be said that there are also Indian Advocates in the Bar Councils, but, as has been pointed out by my friend, Mr. Hoon, even leading Indian Vakil-s send their sons to England, and in this will be found the reason for the preponderance of Barrister-opinion in the Bar Councils. If there are any members in the Bar Councils who are themselves Vakil-Advocates, then I say, as an inquiry will prove, that they are about to retire from the profession, while they have their own sons who are members of the English Bar. After all, blood is thicker than water. When he himself wants to retire from the profession, he naturally is anxious to turn his eyes to his children. I shall not enter into personalities in this matter, because it will not be pleasant, and probably it will be saying something about friends and men whom I revere, but I think younger men than myself like the Leader of the Democratic Party over there knows better as to why a measure like this had to be brought here by me. I think my friend, Sir Lancelot Graham, who is the friend, philosopher and guide of the Government in this matter, knows very well as to what reasons prompted me to bring forward this measure in this House.

Sir, it has been said that there are 200 Advocates practising on the Original Side and that the rules have been fairly exercised by the High Court. That is what my friend, Sir Lancelot Graham, said, and, therefore, he observed that he was not deeply impressed, but is he not aware of the conservatism of the High Courts? Long, long before the Bar Councils Act came into operation or it was even dreamt of, other High Courts had Advocates enrolled from amongst the ranks of the Vakil-s, but even such an eminent jurist as Rash Behari Ghose was not made an Advocate in the Calcutta High Court. That shows the conservatism of the Calcutta High Court.

**An Honourable Member:** All that has changed now.

**Mr. Amar Nath Dutt:** Then, my friend, rather my Leader, because when I said my friend I remembered that he was my Leader, I should not call him my friend, but I should call him my Leader . . . . .

**Sir Muhammad Yakub:** He is your Leader and not your friend?

**Mr. Amar Nath Dutt:** He may be my friend, but he is my Leader also.

**Mr. B. B. Puri:** He is a Barrister . . . . .

**Mr. Amar Nath Dutt:** My Leader, Sir, said something as to why this distinction should exist and that Barristers should be made K. C.'s and to keep the distinction on,—not that he would come down to the position of an Indian Advocate, but he would go up. In this connection I am reminded of a story about certain members of a certain caste. That caste wanted to dine with my caste fellows . . . . .

**An Honourable Member:** Which caste?

**Mr. Amar Nath Dutt:** Kayastha.

**An Honourable Member:** Which was the other caste?

**Mr. Amar Nath Dutt:** That was a bit lower in the social scale, and when a member of that higher caste was told to dine with members of the lower caste, he said that others lower than him should also be allowed to dine with them. Then he said: "No, no, I want to go up, and not that people who are lower than myself should come up". That is practically what was in the mind of my friend. Let the Advocates be there; let us go up and let us be lifted to the seventh heaven by being made K.C.'s. Sir, I say, this is hardly the proper attitude to be taken in this 20th century. When my friend, Mr. Puri, began to address the House, I thought he would be fair, because he began not in the strain of my friend, Mr. Anwar-ul-Azim, who began kicking from the very first this humble individual, who is now speaking, without knowing what he said, because, when he got up, he began with kicks and he also ended with kicks which I hardly deserved. If he had listened to what I said, he would have known that I had not even uttered the word Barrister, and, perhaps, if he had heard me fully, he would have restrained himself and his wrath against me.

Then, my friend, the Law Member, was pleased to remind us of certain distinctions which he called historical and inevitable. Herein lies the clue to the mind of the exponent of the Government. Inevitable? Why inevitable, pray?—I do not know. The reasons are historical, and that history has been repeated here again by my Honourable friend, Mr. Anwar-ul-Azim, thinking that probably we, humbler folks, do not know how the Supreme Court and the Sudder Diwani Adalat and Sudder Nizamat Adalat were converted into the present day High Courts. I think my knowledge of history and the knowledge of those who had to pass the B.L. examination in these matters at least are superior to that of any member of the English Bar who attends 12 terms, eats dinners and comes out as a full fledged Barrister.

**Mr. A. Hoon:** May I correct my Honourable friend? It is not a fact that, in order to qualify as a Barrister, you have only to attend dinners and then you get a call to the Bar. You have got to pass a number of examinations which are really very stiff.

**Mr. Amar Nath Dutt:** I am reminded that the examinations are very stiff. If they are stiff, I am very glad. I do not wish to rake up this matter once again to rouse the wrath of my Honourable friends like Mr. Hoon, Mr. Puri, and Mr. Anwar-ul-Azim. I appreciated Mr. Yamin Khan's speech more than that of any other Barrister, because he was more kind than anybody else. I remember a gentleman who got plucked in the

Entrance Examination of those days four times, but he was sent to England and came out as a Barrister. I also remember, the first Indian gentleman, who was called to the Bar, was not a graduate of an English University or an Indian University. He was Mr. Gnanendra Mohan Tagore. He never practised. The next Indian gentleman was Mr. Man Mohan Ghose, a man of pre-eminent ability and distinction. Then, we also know several others who could not pass certain examinations here and, as has been said, were sent to England by their rich fathers and came out as Barristers.

My Honourable friend, Mr. Puri, has seen a motive in my Bill. He says that we want to mislead the people by showing ourselves off as Barristers. He is an able criminal lawyer, and he cannot forget motive; motive is always in his brain. He thinks of motive, because he always has to deal with hardened criminals who have motives. He might have been a little more charitable to that humbler class of practitioners who belong to the same profession. If he will read this Bill in calmer moments and with a little sober judgment, he will find what this Bill means. This Bill wants to do away with all distinctions amongst a certain class of practitioners in India. Unfortunately the Bar Councils Act, which was intended to bring about a United Bar, gave certain powers to the High Courts and to the Bar Councils which are dominated by a particular class of practitioners, which were used to the best advantage of that particular class giving rise to distinctions which ought not to be there. Our submission before the House is this, that the highest class of practitioners who have the same rights and privileges should, if they want to, practise in Indian Courts—certain qualifications may be prescribed for them before they are enrolled, but, as soon as they are enrolled, they must be one and the same body, not that those who are Advocates of Scotland or Ireland will dress in a particular manner, those who are called from the Inns of Court will dress in another manner, those who come from the dominions and Ceylon will dress in another manner, and those who are enrolled here will dress otherwise. I want uniformity of dress when appearing in the same Court and uniformity of rights and privileges. Much has been said about Barristers not being able to sue for their fees. I challenge my Barrister friends here to show from the Indian Law Reports of the several High Courts how many cases of suing for fees have occurred within the last century. There will not be more than a dozen.

**Mr. B. R. Puri:** Every day we lose our fees.

**Mr. Amar Nath Dutt:** I know those, who are clever Barristers, take their fees first before perusing the papers, then, if they find time, they attend their cases, otherwise they do not. They take the fees all the same. But, in the case of the Indian Advocates, though it is said they have a right to sue for their fees, they are not paid at all till they take up the cases. Of course, some perusal fee may be given, that is all. So, this disqualification of not being able to sue for their fees in the case of Barristers is not much.

**Mr. B. R. Puri:** Why give out your secrets?

**Mr. Amar Nath Dutt:** Another disqualification has been made much of—that they have always to take a junior. I do not know how many of

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us can work without a junior. That being so, this alleged disqualification is also nothing. These are the disabilities of members of the English Bar according to my revered Leader, Sir Hari Singh Gour. Then, my revered Leader has been pleased to ask, what are the fresh facts that have happened since 1927? I have already stated the fresh facts that have since happened,—what has happened in the Calcutta High Court after the constitution of the Bar Council. If that does not convince my Leader, I am helpless.

**Mr. S. G. Jog:** There is the very fact that seven years have elapsed since then.

**Mr. Amar Nath Dutt:** Much has been said about traditions. To speak of a man going from this country to a country 6,000 miles off and learning the traditions of a particular profession there and assimilating those traditions within a brief space of 12 terms or eight terms or even six terms and then being proud of those traditions is a thing which I fail to appreciate, much less to commend to any member of my race to follow. If we are to be brought up in the traditions of any country, it ought to be my own country. Then, my friend, Mr. Yamin Khan, was pleased to say that they had received better education in England. But if the specimen of logic which he has given to us be the index of the better education he had received in England, then I would advise him to go to any Intermediate College of his own Province and learn better logic there. He has brought the I.C.S. and the I.M.S. for comparison of the members of my profession. Why do the I.C.S. get fat salaries. Why do they become Secretaries of the Legislative Department and get Knighthoods? Why not a Deputy Magistrate and why should not an Assistant and Sub-Assistant Surgeon get the same privileges as my friends, Sir Lancelot Graham and Colonel Sir Henry Gidney. These are the analogies which he has brought forward. The fallacies in his logic can be removed by studying an elementary book on Deductive Logic in any Intermediate College in his own Province. He says that people educated differently should have different status. I say, Sir, that people who have the ambition and the aspiration to become members of this honourable profession in India ought to have the same standard of education. That they are educated differently in manners has been in evidence in this House. That they have been educated differently in matters of logic and knowledge of traditions and of history has also been in evidence in this House. We do not want that kind of difference in education. An example has been given of an LL.B. who failed at an examination which some Honourable Member passed. I also give him an example of a simple B.L. and who is shortly going to adorn the Law Member's Office under the Government of India. He was a simple B.L., a district court pleader and then a High Court Vakil and a member of the subordinate judiciary and then he came out as a Barrister in India standing first class first in the examination of his year in England. If I am not talking wildly, as some of my friends did, I beg to be excused by my friend, Sir Muhammad. We do not want the same robe.

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

We want uniformity of robes. We do not want to come with a robe which is foreign to India. It has been said that the spirit of imitating is bad. I do not know who imitates whom. We in India do not imitate

anybody. If you scratch a Barrister, you will find a barber. (Laughter.) I think this will convince my friend, Mr. Puri, what are our actual grievances. It is equality of status that we claim. I have already said that there is no motive in this motion. My friend, Mr. Anwar-ul-Azim, wants to have the onrush of M.A., B.L.'s to be checked. I would like to have the onrush of half educated lawyers being imported from England. It has been suggested that there should be a tariff wall against the import of half indigenous and half foreign goods. I do not know whether my friend, Mr. Morgan, will support me. If it were possible, I would, in the interests of the country, impose a tariff wall against the import of these lawyers from abroad, who hardly know their law, and who, from what we have seen in this House, hardly know good manners and good logic. With these words, I beg to move my motion.

**Mr. President** (The Honourable Sir Shanmukham Chetty): The question is:

"That the Bill further to amend the Indian Bar Councils Act, 1926, be circulated for the purpose of eliciting opinion thereon."

The motion was adopted.

### THE INDIAN CRIMINAL LAW AMENDMENT BILL.

**Mr. N. M. Joshi** (Nominated Non-Official): I move:

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, be taken into consideration."

**Mr. Jagan Nath Aggarwal** (Jullundur Division. Non-Muhammadan): On a point of order. May I point out that these Bills, which my learned friend wishes to be considered and passed, have not been circulated for opinions and, if they have been circulated, we have not received copies of those opinions. If they have been circulated by executive action, we have not been supplied with copies. I, therefore, suggest that the discussion of these Bills be left over till the Bills are circulated and opinions are obtained.

**Mr. President** (The Honourable Sir Shanmukham Chetty): Was this originally sent out for circulation?

**Mr. N. M. Joshi**: May I explain that the Bill was not circulated on a regular motion of the House, but when I introduced the Bill I requested the Honourable Member in charge of the Department of Industries and Labour whether he would have the Bill circulated, and I thought he had agreed to do so. Moreover, the point which is dealt with by my Bill was circulated by the Government of India for opinion.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour): Sir, the facts are that the recommendation of the Royal Commission dealing with the question of besetting an industrial establishment for the recovery of debts was circulated to Local Governments for the purpose of obtaining their opinions on it. After that had been done, my Honourable friend, Mr. Joshi, brought forward this Bill and I promised that I would forward the Bill to Local Governments in continuation of the previous correspondence we had had with them on this subject. As a matter of fact, their replies had come in before they got the Bill and I think in practically

[Sir Frank Noyce.]

all cases they said they had no further remarks to offer. I shall, at a later stage, Sir, have an opportunity of explaining what the position of Government is in regard to this measure.

**Mr. N. M. Joshi:** Sir, if the Government are willing to circulate the opinions received by them to the Honourable Members, I would not mind my motion being adjourned.

**The Honourable Sir Frank Noyce:** I have no objection, Sir, to that being done, but I must confess that I should have preferred to state at once what the position of Government is in regard to this Bill. I can hardly do that until my Honourable friend has completed his speech moving the motion now before the House. I think, if my Honourable friend were allowed to complete his speech moving that motion and I were allowed to explain the position of Government, that would probably satisfy the House; I hope so.

**Mr. Jagan Nath Aggarwal:** I think, Sir, that it would be just as well that the opinions collected by the Government of India should be made available to us, and that is a position which my friend, Mr. Joshi, accepts; and after those opinions have been circulated, it would be perfectly open to Sir Frank Noyce to oppose the motion or not as he likes, but at this stage of the Bill I think it would be quite fair to the House to let us have those opinions which my friend does not object to giving us.

**Mr. President** (The Honourable Sir Shanmukham Chetty): There is nothing to prevent Mr. Joshi moving the motion at a later stage if he wants it, on another day. He does not need the concurrence of the Government Members.

**Mr. N. M. Joshi:** If the Government agree to circulate, I shall certainly withdraw my motion, but if Government are not willing to circulate, there is no point in my making such a motion.

**The Honourable Sir Frank Noyce:** There are no opinions on Mr. Joshi's Bill which are worth circulating. I am quite prepared to place before the House the opinions which we got in regard to our own proposals, that is, the opinions obtained from Local Governments as to the action which they suggest on the recommendation of the Royal Commission, but I must confess that I should like to have an opportunity of explaining to the House what decision the Government of India have arrived at in this matter. If I were to circulate with the opinions we have obtained from the Local Governments our own letter to the Government of Bengal which clearly states the Government of India's decision on the subject, that might perhaps meet the case.

**Mr. N. M. Joshi:** In view of the fact that the Honourable Member is willing to circulate the opinions and the proposals which Government have made on this point, Mr. President, I shall withdraw my motion today.

**Mr. President** (The Honourable Sir Shanmukham Chetty): The motion need not be made at all: it stands over.

**Sir Hari Singh Gour:** May I suggest a slightly different procedure which will probably be accepted by you, Sir, and the House—that Mr. Joshi should formally move his motion for taking his Bill into consideration and that Sir

Frank Noyce should then give the House an idea of the attitude of Government on the subject; and after that, any Member may be at liberty to move that the Bill be circulated, or rather that the opinions collected by the Honourable Member for Industries and Labour should be circulated and the Bill should then be taken up on the next non-official Bill day.

**Mr. President** (The Honourable Sir Shanmukham Chetty): The Honourable Member does not want to make the motion today. That is the end of the matter.]

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### THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

**Mr. N. M. Joshi** (Nominated Non-Official): Well, Sir, the point as regards the next motion\* is the same: I would like Government to say whether they would circulate to the Members the opinions which they have obtained on the points covered by my Bill.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour): Sir, I regret I am unable to accept that suggestion in regard to this measure. The position is that this Bill deals with three subjects and that the action that the Government of India propose to take in regard to those three subjects is entirely different. In regard to one of the proposals, the Government of India hope to bring forward a measure themselves later on in the Session—that is, in regard to the proposal which deals with the attachment of wages for debt. In regard to the second proposal—the abolition of arrest and imprisonment for debt—the position is that we have addressed Local Governments on the subject and that their replies have only just come in. They have not yet been examined and it is, therefore, not possible to state what action the Government of India will take. In regard to the third proposal—the safeguarding of contributions to Provident Funds against attachment, it has been decided that action should await the amendment of the Provident Funds Act. That is the position and it makes it difficult for me to accept the suggestion of my Honourable friend.

**Mr. N. M. Joshi:** In any case I do not make my motion today.

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**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran: Non-Muhamadan): Sir, I do not want to make the motion† today.

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**Mr. O. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): Sir, it has been represented to me by my non-official colleagues that they would like formally to move the motions standing in their name and I, therefore, make the self-sacrifice of not making my motion‡ today in the hope that they will not allow their Bills to be handicaps to my Temple Entry Bill in Simla.

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\*“That the Bill further to amend the Code of Civil Procedure, 1898, be taken into consideration.”

†“That the Bill to abolish the punishment of death for offences under the Indian Penal Code be circulated for the purpose of eliciting opinion thereon.”

‡“That the Bill to amend certain provisions of the Indian Penal Code relating to offences under Chapters VI and VIII of the said Code be circulated for the purpose of eliciting opinions thereon.”



## THE MILCH CATTLE PROTECTION BILL.

**Rai Bahadur Kunwar Raghubir Singh** (Agra Division: Non-Muhammadan Rural): Sir, I move for leave to introduce a Bill to protect Milch Cattle.

**Mr. President** (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill to protect Milch Cattle."

The motion was adopted.

**Rai Bahadur Kunwar Raghubir Singh**: Sir, I introduce the Bill.

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## THE SPECIFIC RELIEF (AMENDMENT) BILL.

**Mr. Jagan Nath Aggarwal** (Jullundur Division: Non-Muhammadan): Sir, I beg to move for leave to introduce a Bill further to amend the Specific Relief Act, 1877.

**Mr. President** (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill further to amend the Specific Relief Act, 1877."

The motion was adopted.

**Mr. Jagan Nath Aggarwal**: Sir, I introduce the Bill.

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## THE INDIAN ARMS (AMENDMENT) BILL.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Arms Act, 1878.

**Mr. President** (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill further to amend the Indian Arms Act, 1878."

The motion was adopted.

**Mr. Lalchand Navalrai**: Sir, I introduce the Bill.

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## THE INDIAN STAMP (AMENDMENT) BILL.

**Mr. A. Das** (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Stamp Act, 1899.

**Mr. President** (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill further to amend the Indian Stamp Act, 1899."

The motion was adopted.

**Mr. A. Das**: Sir, I introduce the Bill.

## THE HINDU INHERITANCE (AMENDMENT) BILL.

**Diwan Bahadur Harbilas Sarda** (Ajmer-Merwara: General): Sir, this motion\* and the next motion are with regard to the same Bill and as Rai Bahadur Lala Brij Kishore wishes to introduce the Bill, I will not make any motion.

**Rai Bahadur Lala Brij Kishore** (Lucknow Division: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill to amend the Hindu Law of Inheritance.

**Mr. President** (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill to amend the Hindu Law of Inheritance."

The motion was adopted.

**Rai Bahadur Lala Brij Kishore**: Sir, I introduce the Bill.

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## THE INDIAN STATES (PROTECTION AGAINST DISAFFECTION) AMENDMENT BILL.

**Mr. B. Das** (Orissa Division: Non-Muhammadan): Sir, I beg to move for leave to introduce a Bill further to amend the Indian States (Protection against Disaffection) Act, 1922, for a certain purpose.

**Mr. President** (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill further to amend the Indian States (Protection against Disaffection) Act, 1922, for a certain purpose."

The motion was adopted.

**Mr. B. Das**: Sir, I introduce the Bill.

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## THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL. (AMENDMENT OF SECTION 491).

**Mr. Amar Nath Dutt** (Burdwan Division: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898.

**Mr. President** (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill further to amend the Code of Criminal Procedure, 1898."

The motion was adopted.

**Mr. Amar Nath Dutt**: Sir, I introduce the Bill.

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\*"Motion for leave to introduce a Bill to amend the Hindu Law of Inheritance."

## THE LAND ACQUISITION (AMENDMENT) BILL.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Land Acquisition Act, 1894.

**Mr. President** (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill further to amend the Land Acquisition Act, 1894."

The motion was adopted.

**Mr. Lalchand Navalrai**: Sir, I introduce the Bill.

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## THE HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill to remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu Temples.

**Mr. President** (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill to remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu Temples."

The motion was adopted.

**Mr. Lalchand Navalrai**: Sir, I introduce the Bill.

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## THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTIONS 421, 422, 426 AND 497).

**Mr. Amar Nath Dutt** (Burdwan Division: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898.

**Mr. President** (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill further to amend the Code of Criminal Procedure, 1898."

The motion was adopted.

**Mr. Amar Nath Dutt**: Sir, I introduce the Bill.

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## THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

**Mr. Amar Nath Dutt** (Burdwan Division: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Code of Civil Procedure, 1908.

**Mr. President** (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill further to amend the Code of Civil Procedure, 1908."

The motion was adopted.

**Mr. Amar Nath Dutt:** Sir, I introduce the Bill.

#### THE HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL.

**Diwan Bahadur Harbilas Sarda** (Ajmer-Merwara: General): Sir, I beg to move for leave to introduce a Bill to remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu Temples.

**Mr. President** (The Honourable Sir Shanmukham Chetty): This is the same motion as No. 45 on the agenda, for which Mr. Lalchand Navalrai has already obtained the permission of the House to introduce. A similar question arose on a previous occasion when the Honourable Mr. Ranga Iyer was in charge of a Bill. The question then was whether, when one Honourable member had obtained the leave of the House to introduce a Bill, another Honourable Member could ask for leave to introduce the same Bill. On that occasion, the Chair ruled that the second motion to the same effect would come within the mischief of the rule relating to repetition of motions and, therefore, it could not be moved. Since then the Chair has thought over the matter and it has now come to the conclusion that the ruling must be revised and it will now be open for any number of Honourable Members to ask for leave to introduce the same Bill if they choose to do so. Therefore, Diwan Bahadur Harbilas Sarda will be in order if he wants to move it.

**Diwan Bahadur Harbilas Sarda:** I have already asked for leave to introduce it.

**Mr. President** (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill to remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu Temples."

The motion was adopted.

**Diwan Bahadur Harbilas Sarda:** Sir, I introduce the Bill.

#### THE INDIAN CRIMINAL LAW AMENDMENT (REPEAL) BILL.

**Mr. B. Das** (Orissa Division: Non-Muhammadan): Sir, I beg to move for leave to introduce a Bill to repeal the Indian Criminal Law Amendment Act, 1908.

**Mr. President** (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill to repeal the Indian Criminal Law Amendment Act, 1908."

The motion was adopted.

**Mr. B. Das:** Sir, I introduce the Bill.

## THE HINDU SONS' RIGHT OF PARTITION BILL.

**Mr. Jagan Nath Aggarwal** (Jullundur Division: Non-Muhammadan): Sir, I beg to move for leave to introduce a Bill to declare the rights of a son in a joint and undivided Hindu family governed by the Mitakshara School of Hindu Law to claim partition of family property.

**Mr. President** (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill to declare the rights of a son in a joint and undivided Hindu family governed by the Mitakshara School of Hindu Law to claim partition of family property."

The motion was adopted.

**Mr. Jagan Nath Aggarwal**: Sir, I introduce the Bill.

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### STATEMENT OF BUSINESS.

**The Honourable Sir Brojendra Mitter** (Leader of the House): With your permission, Sir, I desire to make a statement as to the probable course of Government business in the week beginning Monday, the 12th February, 1934. Monday, the 12th, is a Gazetted holiday and you, Sir, have directed that in that week the House shall sit for the transaction of official business on Tuesday, the 13th, and Thursday, the 15th. On Tuesday, the first two items of business will be the motions to take into consideration and pass the Bill further to amend the Indian Tariff Act, 1894, for certain purposes, as reported by the Select Committee. Thereafter, motions will be made to take into consideration and pass the following Bills:

- (1) A Bill further to extend the operation of the Wheat (Import Duty) Act, 1931, and
- (2) A Bill to continue for a further period the provisions made by certain Acts for the purpose of fostering and developing the steel industry and the wire and wire nail industry in British India.

On Thursday, any business unfinished on Tuesday will be taken up in the order shown on Tuesday's paper. Thereafter, motions will be made to refer to Select Committees the following Bills:

- (1) A Bill to regulate the payment of wages to certain classes of persons employed in industry,
- (2) A Bill to provide for the application of the Naval Discipline Act to the Indian Navy, and
- (3) A Bill further to amend the Indian Tariff Act, 1894, for certain purposes.—The Indian Tariff (Textile Protection) Amendment Bill.

I may add that on Saturday, the 17th, as appointed by His Excellency the Governor General, the Railway Budget will be presented. No other business will be transacted on that day.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 13th February, 1934.