

LEGISLATIVE ASSEMBLY DEBATES

THURSDAY, 16th AUGUST, 1934

Vol. VII—No. 8

OFFICIAL REPORT



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CORRIGENDUM.

In the Legislative Assembly Debates, dated the 23rd July, 1934, Vol. VI, No. 5, page 486, in the tabular Statement laid on the table in reply to starred question No. 182, for the entries relating to the Education, Health and Lands and the Home Departments, *substitute* the following :

Education, Health and Lands.	4	200—15—365 E. B. 380—15—500 (First Division). 100—8—300—25—350 (Second Division). 60—2—80—3—95 E. B. 3—125 (New scale of the Routine Division).	260 { 244 . 164 64	All these men are working in the Imperial Secretariat Library which is under the administrative control of the Education, Health and Lands Department.
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LEGISLATIVE ASSEMBLY.

Thursday, 16th August, 1934.

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

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred questions Nos. 12 to 15 asked by Seth Haji Abdoola Haroon on the 16th July, 1934.

GRIEVANCES OF THE PRINCES OF THE MOGHUL DYNASTY.

No. 12.

(a) Yes : a copy* with translation is enclosed.

(b) The reply is in the negative, except (1) that a few descendants of the ex-Royal family of Delhi receive monthly pensions of Rs. 5 or Rs. 6 ; (2) that a stipend of Rs. 6,000 was granted to Mirza Sulaiman Shikoh by Nawab Asafuddaulah which was later secured on the interest of the first Oudh loan taken from King Ghazi-ud-din Hyder. The principal of this stipend, namely, Rs. 12 lakhs, was repaid in 1838 when Mirza Sulaiman Shikoh died. No provision therefore exists for the continuance of the stipend ; and (3) that the assignment of Rs. 76 lakhs made by Nawab Saadat Ali Khan Bahadur was in consideration of the subsidy payable for the maintenance of a military force. A portion of the subsidy, viz., Rs. 2,04,000 was intended to provide for the maintenance of the Benares branch, and pensions are still being paid subject to the Oudh pension rules.

(c) Does not arise.

Troubles of the Princes of the Moghul Dynasty.

Appeal to the British Government and the public.

During the reign of the renowned (Kingdom of the) Moghul dynasty in India there was no community which did not receive favours. Hundreds of Hindu *Mahants*, *Rajas* and *Maharajas* as well as Muslim *Moulvis* and members of Nawab families are even today deriving benefit from (its generousities). It is, however, deplorable that noble ladies and princes of that very dynasty are today not only passing their lives in obscurity but are also ashamed to own themselves as members of that dynasty. Some members of this dynasty receive pensions of Rs. 5 or 6 per mensem for their subsistence from the charity fund, while many do not receive even this. Some members of this dynasty sell vegetables, while some have opened *pan* and cigarette shops. There are also a few who maintain themselves by plying trollies but their sense of self-respect does not allow them to live upon the gift of the public or Government or to be supported out of the charity fund.

God be praised ! the notable *rais* of Oudh, Nawab Humid Husain Sahab, Khan Bahadur, Taluqdar of Lucknow, has for the last one year been striving for the prosperity and well-being of (the members of) this dynasty. The members of the United Provinces Legislative Council and of the Legislative Assembly have also drawn the attention of the British Government to it and probably a deputation consisting of Hindu, Muslim and Christian members of the Legislative Council will wait upon His Excellency Sir Malcolm Hailey, the Governor of the United Provinces. It is, therefore, necessary that the public and the members of the Legislative Council should very carefully go through the agreements with the British Government.

*Not printed in these debates.

(1549)

English officials who come to India these days remain isolated from us even though they may not despise our civilization and culture. But there was a time when English officials preferred even their graves to be made in this country. (They) used to contract marriages in exalted royal families and gave their daughters in marriage to the princes. For instance, Mirza Ali Tahir Sahib, who was the grandson of the last Emperor of India, was married to the grand-daughter of Colonel Garren (sic.) and General Martin married a *begum* of Oudh. Two daughters, named Sally Begum and Peggy Begum, were born to General Martin by this very *begum*. Sally Begum was married in Lucknow to Mirza Muzaffar Bakht, who was the eldest son of Mirza Sulaiman Shikoh, the prince of Delhi. The Committee of Waqfs should ponder (over this).

The tomb of Sally Begum lies in Barudkhana, Golaganj. The municipality has now laid out a park over the garden attached to this tomb. The tomb of Peggy Begum lies on the Latouche Road at the place where Duke Company is situated now. The *Kothi* in which Munshi Ehtisham Ali Saheb, Rais of Kakori, now resides in Khyāfaganj belonged to Sally Begum and the building in which Muztas Darul-Yatama of the Bagh of Gungay Nawab in Aminabad is located was the tomb of Prince Mirza Sikandar Shikoh of Delhi. English officials had recommended some princes who had come from Delhi to the Nawab Viziers of this place (Lucknow). One of the princes purchased the "Terhi Kothi", near the Chief Court, from an Englishman for his residence and this very prince later on shifted to the *kothi* near Sikandar Bagh, as a mark of which (*kothi*) a beautiful gate still stands near the place where the grave of Englishmen and also the Sinkandar Bagh are to be found now. The Telri Kothi and the Sikandar Bagh are now in the possession of Government. It is hoped that when evidence is recorded by the Waqfs Committee at Naini Tal light would be thrown on the properties which are in the possession of Government or other persons. All the tombs or Imambaras of Nawab Viziers in Lucknow are very big and spacious. Hence they remained safe and no one could gain permanent possession over them. But these princes of Delhi were our respected guests. Their tombs were small. They were strangers. The Waqfs Committee should, therefore, make correct inquiries about their properties wherever they may be found in our province of United Provinces. As the members of the ex-royal dynasty of Delhi have, in order to remove their troubles set up an Anjuman in Lucknow, known as the Ale Taimur Association, of which the Deputy Commissioner is the patron, I appeal to Hafiz Hidayat Husain, the leader of the Waqfs Committee, and to Moulvi Fasihuddin to give an opportunity to the Anjuman Khandan-i-Jahandar Shah, Benares (and) the Ale Taimur Association, Lucknow, also to give evidence before it.

There are properties of the princes of Delhi in Lucknow and the Municipality realizes house-tax on them. It is therefore the duty of the Municipal Board to help (the members of) this dynasty, who are living in our city as our respected guests. If their properties cannot be returned to them at least some favour in one form or another should be shown to them.

Mirza Sulaiman Shikoh, the prince of Delhi, had settled in Lucknow. Bahu Begum, the mother of Nawab Asafud-Daulah Bahadur, had made provision for their maintenance. The Government had taken a permanent loan of one crore, eight lakh and fifty-thousand rupees at 6 per cent. per annum of which mention is made in the Book of Treaties, Part II, page 158, along with a statement (sic.). The first name is that of Prince Mirza Shikoh (and it is stated) that he should receive a pension of Rupees six thousand per mensem out of the interest thereon. As the princes had permanently settled (in Lucknow) as guests, the Kings of Oudh known as the Nawab Viziers had, on their own behalf, settled another pension of rupees six thousand (per mensem). In this way the princes received a pension of rupees twelve thousand per mensem, and it is mentioned in the treaty that the pension derived from the interest on this loan would be paid permanently so long as the British Government lasts. This treaty bears the signature of His Excellency Robert Honourable (sic.) Governor-General and G. Bailey, the Resident. It was made on November 14, 1814. The interest on the whole amount comes to rupees fifty-four thousand and two hundred per mensem or to rupees six lacs and fifty-one thousand per annum. Full details about it are to be found in the treaty under which the loan was taken in the name of the Honourable East India Company. Bahu Begum Sahiba had made a mention of the pension of princes of Delhi in other treaties also. The Emperor of Delhi had adopted Bahu Begum, the mother of Nawab Vizier Asafud-Daula, as her daughter and on the occasion of her marriage the Emperor of Delhi had sent a marriage present comprising twenty-two camel-loads of jewellery. Now

that the members of that dynasty are involved in great distress and trouble they are demanding back their money which is still in deposit. They do not want to impose any new burden on the State treasury. They only want to support the members of their family out of the interest of that money. But their demands are not at all attended to and even their representations and memorials are not forwarded to the higher authorities. At the very most the Commissioner gives them what reply he chooses. On realizing this difficulty they have set up a regular Anjuman of their own, which is demanding its representation in the provincial council as well as in the Legislative Assembly in order to make its voice heard by the Government and the Parliament.

Mirza Jahandar Shah, who lives in Benares, was the eldest prince of Delhi. As he was the eldest prince it was stated in the treaty made by Nawab Vizier Sa'adat Ali Khan of Oudh that villages in Azamgarh, Gorakhpur, Farrukhabad and Allahabad districts yielding an annual income of 76 lakhs may be set apart for his maintenance so that his whole family may be supported thereby in perpetuity. A permanent pension of Rs. 23,638 per annum was fixed for the maintenance of that branch of the family which had migrated to Farrukhabad. This is also mentioned in detail in the treaty. This treaty which was made on November 15, 1801, bears the signatures of Mr. N. B. Edmonstone, Secretary to Government in the Political Department, Mr. Henry Wellesley and Lieutenant-Colonel Scott—vide Book of Treaties, Volume II, page 121. This treaty was ratified by the Governor-General himself on the bank of the Ganges in Benares on November 14, 1801 (sic.). But the condition of the princes belonging to the family that had settled in Benares is very bad. Those who had orderlies and batteries in their retinue are now on the verge of starvation and the wonder is that they have been ignored in spite of their loyalty to Government. No regard was shown for this family even at the time of the Simon Commission, the Lotherian Committee and the Round Table Conference. There are five hundred descendants of the ex-royal dynasty of Delhi in this province and they have also got two regular organizations of their own. Mirza Mohamud Sirajuddin Bakht Bahadur is the president of the Anjuman at Benares and Prince Mirza Md. Sultan Shah Bahadur is that of the Lucknow Anjuman. The latter is descended from Prince Mirza Shikoh while the former from Mirza Jahandar Shah. It is hoped that the British Government and the public will pay due consideration to the matter.

Qudratullah Siddiqi,

Founder of the Anti-Anarchist League,
Lucknow.

PENSIONS PAID TO THE MEMBERS OF THE OLD ROYAL FAMILY OF DELHI.

No. 13.

A very few of the pensioners are in receipt of pensions of Rs. 5 or Rs. 6 per mensem. Most of the pensions are paid from Central Revenues but in a few cases, compensation pensions are paid representing the interest on the value of the properties sold by the pensioners.

LOAN TAKEN BY GOVERNMENT FROM THE LATE BAHU BEGUM, MOTHER OF THE LATE NAWAB VAZIR ASAFUDDOWLAH.

No. 14.

(a) No.

(b) I would refer to the answer given to part (b) question of No. 12. The other parts of the question do not arise.

MONEY EARMARKED BY A VAZIR OF OUDH FOR THE PENSION OF PRINCE JEHANDAR SHAH'S DESCENDANTS.

No. 15.

(a) Yes. The date of the treaty is 1798.

(b) Yes, vide list enclosed.

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List of Members of the Ex-Royal Family of Delhi drawing Pensions or Compassionate Allowances.

(I) *From the Lucknow Treasury.*

Serial No.	P. P. O. No.	Name of pensioner or Sarkabz.	Amount of monthly pension.			Remarks.
			Rs.	A.	P.	
1	1799	Alamara Begam ..	7	4	8	
2	..	Achohhey Mirza ..	12	9	8	
3	1570	Banno Begam ..	8	6	9	
4		Fatma Sultan Begam	16	10	8	
5	..	M. Faredun Qadar	22	10	8	Transferred to Benares.
6	2746	Nurjahan Begam	250	0	0	
7	1047	Sipehrbano Begam ..	5	0	0	Compassionate allowance.
8	1589	Shah Hasan Mirza	16	13	8	
9	1956	Shah Husain Mirza	16	13	8	
10	..	Sultan Begam ..	8	6	10	
11	2107	Sughra Begam ..	6	6	5	
12	..	Zohra Begam	7	0	0	
13	2423	Gauhar Shah	5	0	0	Compassionate allowance.
14	2378	Sikandarbakht <i>alias</i> Babhan Saheb	11	14	5	
15	..	Gauhar ara Begam Sarkabza	17	0	0	
16	C. P. L. 275	Shaukat ara Begam	17	0	0	
17	2728	Farukh Shah ..	5	0	0	Compassionate allowance.
18	..	Sultan Jahan ara Begam ..	9	0	0	
19	..	Shamsuzzaha Begam	10	0	0	Compassionate allowance.
20	2595	Imtiaz Begam ..	12	1	2	
21	C. P. A. 92	Qurishia Begam	10	13	4	
22	2727	Asmanqudar	9	4	0	
23	C. P. L. 353	Zihwah Qadar ..	9	4	0	

Serial No.	P. P. O. No.	Name of pensioner or Sarkabz.	Amount of	Remarks.
			monthly pension.	
			Rs. A. P.	
24	C. P. A. 31	Muazzam Bakht ..	5 0 0	Compassionate allowance.
25	C. P. A. 32	Bahadur Bakht	5 0 0	Ditto.
26	C. P. A. 33	Ahmad Bakht	5 0 0	Ditto.
27	C. P. A. 98	M. Azam Qadar	5 0 0	Ditto.
28	C. P. A. 97	Maryam Jahan Begam ..	5 0 0	Ditto.
29	C. P. L. 123	Ali Raza Khan under the Sarkabzi of Ata Husain Khan. ..	2 4 3	
30	C. P. L. 154	Falak Qadar	13 1 5	
31	C. P. L. 155	Azam Qadar	13 1 5	
32	C. P. L. 277	Sultan Husan Jahan Begam ..	5 0 0	Compassionate allowance.
33	C. P. L. 280	Mohd. Sultan Shah	5 10 0	
34	2487	M. Baland Qadar	7 4 0	
35	1288	Aftabuzzamani Begam	5 10 9	
36	2685	{ Ahmad Mirza Sarkabz	5 0 0	Compassionate allowance.
		{ Akhtar Mirza	5 0 0	Ditto.
37	798	Masooma Begam	20 0 0	
38		Akhtar Bakht <i>alias</i> Akhtar Mirza for the support of his minor children (for 5 years) in the first instance..	5 0 0	Compassionate allowance.

(Sd.) S. ZAMIN HUSAIN,

Wazirka Officer.

List of Members of the Ex-Royal Family of Delhi drawing Pensions or Compassionate Allowances.

(II) *From the Benares Treasury.*

Serial No.	P. P. O. No.	Name of pensioner or Sarkabz.	Amount of monthly pension.	Remarks.
			Rs. A. P.	
1	3384	Mst. Mehr Sultan Begam ..	50 0 0	
2	3385	M. Moinuddin Bakht ..	10 0 0	
3	3386	M. Kamaluddin Bakht ..	10 0 0	
4	3459	Mirza Zahid Bakht ..	33 5 4	
5	3955	Mst. Ahsanara Begam ..	30 0 0	
6	3959	Mst. Akhtari Sultan Begam ..	25 14 0	
7	3992	Mirza Zahid Bakht ..	6 11 0	
8	4009	Mirza Ejaz Bakht ..	16 0 0	
9	4015	Mirza Shahood Bakht ..	7 4 0	
10	4016	Mirza Asad Bakht ..	7 4 0	
11	4017	Mirza Babar Bakht ..	7 4 0	
12	4019	Mirza Khurd Bakht ..	7 4 0	
13	4020	Mst. Gauhar Sultan Begam ..	40 0 0	
14	4021	Mirza Moinuddin Bakht ..	80 0 0	
15	C. P. L. 538	Mst. Amna Sultan Begam ..	8 0 0	
16	C. P. A. 54	Mirza Jalaluddin Bakht ..	44 8 0	
17	C. P. A. 74	M. Fahimuddin Bakht ..	2 8 0	
18	C.P. A. 118	Mst. Amina Sultan Begam ..	10 0 0	
19	C. P. L. 163	Mst. Quraisha Sultan Begam ..	39 3 3	
20	C. P. L. 236	Mst. Aiwan-unnisa Begam ..	7 0 0	

Serial No.	P. P. O No.	Name of pensioner or Sarkabz.	Amount of monthly pension.	Remarks.
			Rs. A. P.	
21	C. P. L. 263	Wajiha Sultan Begam Zakia Sultan Begam Razia Sultan Begam	9 0 0	
22	C. P. L. 266	Mst. Ruquia Sultan Begam	5 0 0	
23	C. P. L. 267	Mirza Ejaz Bakht	10 0 0	
24	C. P. L. 269	Mst. Ayesha Sultan Begam	12 0 0	
25	C. P. L. 270	Mst. Fatima Sultan Begam	12 0 0	
26	C. P. L. 276	Mirza Fakhruddin Bakht	8 0 0	
27	C. P. L. 255	Mst. Alamara Sultan Begam	15 0 0	
28	C. P. L. 345	Mst. Fahium-nisa Begam	8 0 0	
29	C. P. L. 361	Mirza Shahdyar Bakht	6 0 0	
30	C. P. L. 362	Mirza Fazaluddin Bakht	32 0 0	
31	C. P. L. 363	Mirza Wahiduddin Bakht	32 0 0	
32	C. P. L. 364	Qaiser Sultan Begam	15 0 0	
33	C. P. L. 366	Mst. Majida Sultan Begam	7 11 2	
34	C. P. L. 367	Mst. Hafiza Sultan Begam	7 12 2	
35	C. P. L. 368	Mst. Halima Sultan Begam	7 11 2	
36	C. P. L. 369	M. Zubairuddin Bakht	10 10 0	

Serial No.	P. P. O No.	Name of pensioner of Sarkabz.	Amount of monthly pension.	Remarks.					
37	C. P. L. 377	Mirza Sirajuddin Bakht	51 11 9						
38	C. P. L. 379	<table border="0"> <tr> <td rowspan="3" style="font-size: 3em; vertical-align: middle;">}</td> <td>Mst. Wajia Sultan Begam</td> <td rowspan="3" style="font-size: 3em; vertical-align: middle;">}</td> <td rowspan="3" style="vertical-align: middle;">6 0 0</td> </tr> <tr> <td>Mst. Zakia Sultan Begam</td> </tr> <tr> <td>Mst. Razia Sultan Begam</td> </tr> </table>	}	Mst. Wajia Sultan Begam	}	6 0 0	Mst. Zakia Sultan Begam	Mst. Razia Sultan Begam	
}	Mst. Wajia Sultan Begam	}		6 0 0					
	Mst. Zakia Sultan Begam								
	Mst. Razia Sultan Begam								
39	C. P. L. 389	Mirza Munawar Shikoh	5 5 0						
40	C. P. L. 399	Mirza Aminuddin Bakht	6 0 0						
41	C. P. L. 412	Mirza Mohd. Baqar Ali Khan ..	15 0 0						

(Sd.) S. ZAMIN HUSAIN,

Wasika Officer.

Information promised in reply to starred question No. 226, asked by Mr. Bhuput Sing on the 25th July, 1934.

ACQUISITION BY THE EAST INDIAN RAILWAY AUTHORITIES OF LANDS ATTACHED TO HINDU PLACES OF WORSHIP AT AZIMGANJ.

Enquiries have been made from the Agent, East Indian Railway, and the facts are as follows :

There are two shrines on railway land at Azimganj—one is situated near the landward boundary of the Railway and the other near the ferry ghat on the river bank. These two shrines came into existence, as far as can be traced, in 1920 whereas the land on which they stand was acquired by the Railway in 1897. Thus, the shrines erected on railway land are clearly encroachments. As, however, they have been in existence for several years, the limits of one of the shrines have been demarcated by the Railway and access allowed thereto. Round the other shrine at the ferry ghat too a fence has been erected. The area enclosed measures 32' × 31'. It is proposed that these shrines should be allowed to remain on condition that no further shrines are erected. In addition to these two, early this year, two new shrines appeared within the railway land, between the Railway line and the river bank. It was proposed to remove these unauthorised shrines and on the occasion of the last *Chaitra-Sankranti* the civil authorities posted police to prevent access to the railway land at the boundaries adjoining the shrines. The District Magistrate held a meeting at Azimganj on the 17th April and it was decided at that meeting that these shrines should be removed. The idols were taken away by the local people.

Information promised in reply to starred questions Nos. 250 and 253 asked by Seth Haji Abdoola Haroon on the 30th July, 1934.

CONVICTION OF KHAN ABDUL SAMAD KHAN OF BALUCHISTAN.

No. 250.

(a) Abdul Samad Khan Achakzai was tried and sentenced to three years' rigorous imprisonment for offences committed under section 124-A, Indian Penal Code.

(b) (i) No.

(b) (ii) In view of the reply to part (a) above the question does not arise.

TRIAL OF KHAN ABDUL SAMAD KHAN IN BALUCHISTAN.

No. 253.

The question of jurisdiction was considered in the course of Abdul Samad Khan Achakzai's trial, and it was decided that the Quetta Court had jurisdiction.

Information promised in reply to starred questions Nos. 277 and 278, asked by Mr. Bhuput Singh on the 30th July, 1934.

HARDINGE BRIDGE ON THE EASTERN BENGAL RAILWAY.

277. (a) Some Rs. 50 lakhs have been spent to date and about Ra. 20 lakhs more remain to be spent.

(b) The answer is in the negative. The supply of stone is being made by twenty contractors; eight contractors are working at the bridge. These persons are unrelated so far as the Railway Administration is aware. All work is being done within schedule rates.

(c) The immense supply of stone has been arranged for under the tender system. The work at the bridge has been done without calling for tenders, the bulk of it by two contractors. When the Guide Bund was breached during the night last September and repairs were emergently necessary, there was no time to call for tenders, hence these two men, who were on the spot, were called upon to arrange for several thousand men. Having collected this large labour force, it was considered expedient to let them continue the work, which once started could not be stopped suddenly, as that would have imperilled the safety of the bridge. The two contractors had carried out extensive work on the Danukdia Bund, and it was imperative that only reliable and tried men should be engaged as the work was of immense magnitude and any failure on the part of the contractors would have endangered the scheme as a whole;

(d) Yes, this is already in vogue;

(e) The answer is in the negative. The major part of the work is measured by officers and petty works are measured by subordinates and checked by officers, in accordance with the Code Rules.

(f) Mr. Harvey is unmarried. Government are not aware that contractors provide him with any of the amenities referred to. Government do not propose to enquire into allegations of this sort unsupported by evidence.

(g) Yes, Government is aware of Mr. G. C. Bannerjee's article in the *Amrita Basar Patrika*. They have already taken the best advice available.

(h) The Chief Engineer, as an inducement to the contractors to finish the work before the river was in flood, has promised them a bonus in the shape of an enhanced rate provided they complete the work by a given date. An inducement of this nature is a recognised practice.

CONTRACTS FOR WORKS ON THE EASTERN BENGAL RAILWAY.

278. (a) Seth Teomal is a contractor on the Eastern Bengal Railway. Government have no information as to his antecedents ;

(b) The answer to the first part of the question is in the negative. Public tenders are nearly always called for for works on the Eastern Bengal Railway, unless the work is of such an emergent nature that it is impossible to do so ;

(c) The answer is in the negative. The original agreement was for Rs. 1,10,400 ;

(d) The answer is in the negative. Seth Teomal was rusticated due to the belligerent attitude he adopted in connection with the settlement of certain claims ; when he displayed a more reasonable frame of mind the orders regarding his rustication were cancelled.

Information promised in reply to starred questions Nos. 315 and 316, asked by Mr. Sitakanta Mahapatra on the 31st July, 1934.

ACCOMMODATION PROVIDED FOR THE ASSESSEES IN THE INCOME-TAX OFFICES AT CUTTACK, CHAIBASA AND PATNA.

Question No. 315.

(a) and (b). I am enquiring into this matter.

(c) According to my information, the suggestion that demand notices, etc., are kept back for years is not correct. Some cases of delay in dealing with appeal cases have come to notice, but immediate steps were taken by the Commissioner to prevent recurrence.

SERVING OF DEMAND NOTICES OF INCOME-TAX IN BIHAR AND ORISSA.

Question No. 316.

(a) The required information is not available, and, as its compilation will entail enormous labour, it is regretted it cannot be supplied.

(b) No.

(c) Does not, therefore, arise.

(d) The required statement is laid on the table.

(e) According to the information at my disposal, the assertion in the first part of this question is not correct. The latter parts of the question do not, therefore, arise.

Statement showing the number of Demand Notices issued in each of the Income-tax Circles, Bihar and Orissa, after 1st March, 1934.

Patna .. .. .	..	..	..	..	..	40
South Bhagalpur .. .. .	..	..	..	..	..	33
East Sonthal Parganas .. .. .	..	..	..	..	..	28
Gaya .. .. .	..	..	..	..	..	44
Shahabad .. .. .	..	..	..	..	..	24
Monghyr .. .. .	..	..	..	..	..	88
West Sonthal Parganas .. .. .	..	..	..	..	..	16
Sadar Manbhum .. .. .	..	..	..	..	..	10
Ranchi .. .. .	..	..	..	..	..	55
Cuttack .. .. .	..	..	..	..	..	53
Puri .. .. .	..	..	..	..	..	17

Belasore	13
Singhbhum	10
Sambalpur	31
Dhanbad	26
Central Salaries Circle	102
Hazaribagh	52
Palamau	13
Darbhanga	4
Sitamarhi	3
Saran	12
Hajipur	2
North Bhagalpur	15
Purnea	21
Champaran	68
Sadr Muzaffarpur	79

Information promised in reply to parts (b) to (e) of unstarred question No. 24, asked by Mr. K. C. Neogy on the 31st July, 1934.

BALANCE STOCKS OF COALS AND COLLIERIES CLOSED.

(b) Approximately 650,666 tons. Precise figures are not available.

(c) 60.

(d) 24.

(e) Year.	Collieries managed by European Firms.	Collieries managed by Indian Firms.
1930	7	54
1931	18	49
1932	9	49
1933	10	50

Information promised in reply to questions Nos. 392 and 393, asked by Sardar G. N. Mujumdar on the 6th August, 1934.

EXCHANGE OF COINS BY THE BOMBAY CURRENCY OFFICE.

Question No. 39B.

(a) The Bombay Currency Office receives silver and nickel coins in sums of Rs. 100 or multiples of Rs. 100 and bronze and copper coins in sums of Rs. 50 or multiples of Rs. 50. Smaller amounts are freely received at the Imperial Bank of India, Bombay, which conducts Government treasury business at Bombay. Government have no information regarding the commission charged by private shroffs and Marwaris.

(b) No. These minimum rates apply only to Bombay, where they were introduced on grounds of administrative convenience.

(c) The existing arrangements have been in force for more than twenty years and have hitherto aroused no complaints locally.

ISSUE OF COPPER COINS FROM THE BOMBAY CURRENCY OFFICE.

Question No. 393.

Attention is invited to the answer given to question No. 392.

Information promised in reply to the starred question No. 396, asked by Bhas Parma Nand on the 6th August, 1934.

DELAY IN THE DELIVERY OF POSTCARDS, ENVELOPES, ETC., ADDRESSED IN HINDI IN THE PUNJAB.

(a) The reply to the first part of the question is in the negative. The second part of the question does not arise.

(b) Does not arise.

Information promised in reply to starred questions Nos. 475 and 476, asked by Mr. Lalchand Navalrai on the 7th August, 1934.

ISSUE AND EXCHANGE OF COINS BY THE BOMBAY CURRENCY OFFICE.

Nos. 475 and 476.

Attention is invited to the answer given to question No. 392 asked by Sardar G. N. Mujumdar.

THE BENGAL STATE-PRISONERS REGULATION (REPEALING) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the following motion moved by Mr. Amar Nath Dutt on the 2nd August, 1934 :

“ That the Bill to repeal the Bengal State-Prisoners Regulation, 1818, be taken into consideration.”

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, the Honourable the Mover of this motion, a fortnight ago, in a very elaborate and lucid speech, gave the history and the application of this century-old Regulation. I do not intend to cover the same ground, but I think I shall be discharging my duty in regard to a Repealing Bill if I only show that there is no further utility in having this measure on the Statute-book. I shall, first of all, deal with the very cogent and relevant speech of my Honourable friend, the Foreign Secretary. He said :

“at least 75 per cent. of the objects of the Regulation are devoted to matters other than quelling internal commotion, and I think I am right in saying that probably some 75 per cent. of the use which is made of this Regulation at present is intended to serve those purposes and not the purposes of dealing with internal commotion.”

I agree with his first point that 75 per cent. of the object of this Regulation was really to deal with the preservation of tranquillity in the territories of Native Princes, the security of British Dominions from foreign hostility and maintenance of the alliances formed by the British Government with Foreign Powers. But as regards the latter portion, i.e., the 25 per cent. relating to “ internal commotion ”, and the use of the Regulation according to the percentage of the different objects of his statement, I think, are not correct. I have asked for specific figures and gave notice about ten days ago, and I expected some reply by this time....

The Honourable Sir Henry Craik (Home Member) : If I may interrupt my Honourable friend, I laid figures on the table in reply to a question yesterday, I think.

Mr. S. C. Mitra : That was not my point. In my question I wanted to know the classification according to different categories of objects of the Regulation.

The Honourable Sir Henry Craik : I laid a statement on the table showing the classification. I think there were 73, and of those, 46 were imprisoned for reasons of foreign policy and 27 for internal commotion.

Mr. H. A. F. Metcalfe (Foreign Secretary) : Might I explain that I never claimed complete accuracy for the figures ? I think, if the Honourable Member will work out the sum for himself, he will find that it is something like 70 per cent. and according to what I have said,—near enough.

Mr. S. C. Mitra : I accept the figures and I do not contend that they must be accurate to the very 75 per cent. But what I say is this. As my Honourable friend, Sir Hari Singh Gour, said, following the recommendation of the Repressive Laws Committee, if there is a necessity for maintaining this part of the Regulation, there should not be any objection, but the application of this old Regulation to deal with " internal commotion " has long ceased. It has been contended by my Honourable friend, the present Home Member, as well as by his predecessor in office, that for dealing with terrorism and communism they have enacted, and they had this House to agree to the enactment of laws, both Provincial and supplementary laws by this House, to deal with this kind of political crime. Now that we have made these legislations permanent, I think the necessity under the fourth category of " internal commotion " has ceased. Sir, it has been even admitted by the Honourable the Home Member, when we were discussing the case of Mr. Sarat Chandra Bose the other day, that the part which the Central Government plays in this connection is more or less the part of a post office. It is the Local Government in Bengal who are responsible and who finally decide as regards the detention and continuance of detention even of State Prisoners from Provinces....

The Honourable Sir Henry Craik : On a point of personal explanation, Sir. I never admitted that the Government of India merely acted as a post office. I made it quite clear that the responsibility lay with the Government of India but that it was entitled to consult Local Governments in the exercise of that responsibility.

Mr. S. C. Mitra : The ' usual responsibility ', the general responsibility of the Government of India for the superintendence and control of the Local Governments lies certainly with the Government of India, but, I think, we on this side of the House understood that though technically the Central Government is responsible, yet the main responsibility of deciding these matters lies greatly or substantially with the Local Government.

The Honourable Sir Henry Craik : No, Sir. That is not correct.

Mr. S. C. Mitra : I shall be glad to hear from the Honourable the Home Member whether the few cases from Bengal as regards Regulation III so far as ' internal commotion ' is concerned, cannot now be adequately dealt with under the laws that have been recently enacted,

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whether they cannot deal with all these State Prisoners under the Bengal Criminal Law Amendment Act. I shall be glad to have some definite reply to that question. The other point of my Honourable friend, the Foreign Secretary, that he will be absolutely helpless to deal with the foreigners, I think, is not also correct. There are British Statutes which apply to India, and one is the Aliens Restrictions Act which says in section 1 :

“ His Majesty may at any time when a state of war exists between His Majesty and any foreign power, or when it appears that an occasion of imminent national danger or great emergency has arisen, by Order in Council impose restrictions on aliens, and provision may be made by the Order.....”
for sending them out of the country, etc.

There are other drastic powers also. There have been Indian Acts also, such as the Foreigners Act of 1864, which empowers the Indian Government to deal summarily with undesirable foreigners by sending them out of India. So, Sir, I think even from the standpoint that was taken by the Honourable the Foreign Secretary, it cannot be said that the repeal of this old Regulation will make the Government of India absolutely helpless, but I concede that if there is still any necessity to deal with those special cases, the proper course for the Government should be not to rely on a Regulation of 1818, but to have a new Act passed by the Legislature or in any case they should not object to the fourth category of cases being deleted from this Regulation.

Sir, I wanted to refer only by way of reference to a remark of the Honourable the Law Member when he interrupted my friend, Mr. Lahiri Chaudhury. I read from the Law Member's speech reported on page 935 of the Debates. Mr. Lahiri Chaudhury was referring to the causes of some of these terrorist activities. This is what the Law Member said :

“ Is my Honourable friend aware that what is supposed to be her speech or defence has been taken *verbatim* from one of the older English trials. Only the names have been changed.”

I shall only refer to the statement of Miss Bina Das and let the House judge for itself how it can be a *verbatim* report of any speech in an English trial.

The Honourable Sir Nripendra Sircar (Law Member) : Will the Honourable Member allow me to explain ? I said “ speech for the defence ”. I was referring to Mr. S. K. Sen's speech which was taken *verbatim* from one of the State trials, with the names changed. I did not refer to Bina Das' statement. If it has been taken down like that, then it must have been a mistake. I said “ speech for the defence ”, not “ Bina Das' statement from the dock ”.

Mr. S. C. Mitra : I accept the Honourable the Law Member's statement, but as it is reported, it must be due to bad reporting. I have quoted from page 935, where it is said “ her speech or defence ”. In view of the Honourable the Law Member's statement, I have nothing more to say on that.

The Honourable Sir Nripendra Sircar : It must be “ speech for the defence ”.

Mr. S. C. Mitra : As regards some of the statements that were made even by the Honourable the Home Member about the connection of some of these detenus under Regulation III, I can only say that the privileges

that we enjoy in this House of immunity from suits, civil and criminal, help the Government side much more than the Opposition. The Honourable the Home Member the other day said that Mr. Sarat Chandra Bose was deeply involved in terrorist activities. Only yesterday, I read in newspapers that Mr. Bose, even from his confinement, has protested to the Government of India through the Government of Bengal as regards the utter falsity of these charges. Anybody who knows Mr. Sarat Chandra Bose or his brother, Mr. Subhas Chandra Bose, knows it full well that it is impossible for men of their character and the position they hold to entertain these views. It is absurd to think, except in police circles or amongst the officials who get all their information from police spies and give credence to their reports, that men like Mr. Sarat Chandra Bose or Khan Abdul Ghaffar Khan may be in any way connected with the terrorist or violent activities. Sir, as I have said, if there is any necessity to deal with "internal commotion" in the country, there are enough laws and rules in each Province for that purpose and there is no necessity to take recourse to this antiquated Regulation. Sir, on these grounds I support the motion of my friend, Mr. Amar Nath Dutt, for the repeal of this Regulation.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : If anything impressed me on the last occasion when the Honourable the Home Member made his maiden speech when speaking on this motion, it was the utmost candour and frankness with which he put forward his views. The Honourable gentleman told us as to what was happening in the other countries. He reminded us particularly about the methods that the Governments some of the European countries were taking to deal with their political opponents. I very much hope my Honourable friend took the opportunity of his leave to study the measures that were now taken in Europe and that he will very soon give this country and the Government of this country the benefit of his experience, and, if necessary, bring forward measures on those very lines. My Honourable friend referred, not merely to what was happening in Europe, but, also, to the steps the Americans are taking at the present moment for the purpose of disposing of what he described as the Public Enemy No. 1. I also hope that at least in this instance he will not think it derogatory to copy the Americans. Now, Sir, I do not think in view of the Honourable Member's sympathies with what is happening in Europe or steps that are being taken in Europe and America.....

The Honourable Sir Henry Craik : I have no sympathy whatsoever with what is happening in Europe or America.

Mr. K. C. Neogy : Then what was the object of my friend referring to those measures which have been taken in those countries ? He said these are the measures that are being taken by other countries. So you must not complain.

The Honourable Sir Henry Craik : May I make a personal explanation ? My only reference to America was to explain the phrase "Public Enemy No. 1" which I was not sure was familiar to Members of this House. I merely said that it first came into use in connection with that particular notorious gangster who was called Public Enemy No. 1. I did not express any approval either of his actions or the steps taken to dispose of him. Still less do I remember expressing any approval of action taken in countries in Europe to dispose of the opponents of the Governments

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now in power. I certainly did not express any such approval nor do I feel any such approval. In fact, the exact contrary is the case.

Mr. K. C. Neogy : That was the impression left on my mind.

The Honourable Sir Henry Craik : It is quite erroneous.

Mr. K. C. Neogy : I, therefore, thought he would not miss this measure, and, therefore, it is that I was going to support the particular motion now before the House. Now, I have really a good deal of sympathy with straightforward dealings of the character which my Honourable friend seems to promise in his future administration of the Home Department. My Honourable friend referred to Lord Morley and pointed out that these doctrinaire liberal politicians are after all great hypocrites because they do not practise what they profess. I also share in that contempt of these doctrinaire politicians ; these hypocrites, and I am a great admirer of the Die-hards, and may I tell my Honourable friend that I am a great admirer of his as well, because when we are dealing with the Die-hards, we at least know where we are ; we cannot say that when we deal with hypocrites of the type of Lord Morley. Now, my Honourable friend also gave us a very frank description of the procedure that was followed inside the Government of India Secretariat in regard to actions under measures of this kind. I know my Honourable friend referred to his experience of dealing with a somewhat similar measure in the Punjab ; but I take it, the procedure which he outlined as being appropriate to the occasion was also more or less the procedure that is followed in determining as to whether action was to be taken under this particular Regulation. My Honourable friend told us that action is generally taken on the report of some responsible police officers. But, as a result of certain interruptions, he had to admit that those responsible police officers have, in the ultimate resort, to depend upon the reports of spies and informers. I do not want to do any injustice to my Honourable friend, and, therefore, I should like to place just a few words from his speech before the House. " That information "—said my Honourable friend—" is given by methods which are necessarily secret and devious " (*Mr. Gaya Prasad Singh* : " Devious ? ")—yes, " devious, but to which I have myself on several occasions applied every possible test ". Now, the House will see the kind of test that perhaps was applied in these cases. My Honourable friend proceeded as follows :

" It is easy enough to say ' Ah, this man is a police informer, he is not worth anything ', but you can believe him when he makes a statement if you know that ninety-five per cent. of his previous reports are true, and when you can check up by actual past events or by information drawn from other sources that the report put forward is one which the informer could not have invented or could not have found out for himself, unless the events related had come to his own actual knowledge."

Sir, that is, therefore, the ultimate foundation for the action taken by the Government in such cases. May I, therefore, take it that what the Government do, by way of discharging their responsibility in this matter, is to find out as to whether the particular informer had in the past given any information which turned out to be true ? That was the primary consideration in accepting the statement of the informer ; and as soon as that is established, perhaps there is hardly any hesitation on the part of the Secretary in the particular Department concerned to put his signature to a warrant which is required under an Act of this kind. Now this, I

take it, is the procedure which my Honourable friend considers to be perfectly correct and sufficient to meet the needs of the case, but, unfortunately for us, there was a rather hypocritical Viceroy who gave us an idea as to how he understood his responsibilities in the matter ; and I am going to place a few lines from a speech made by Lord Reading. He after all was a " professional lawyer ", as my Honourable friend, Khan Bahadur Abdul Aziz, said the other day, and, it may be, that the procedure which he used to follow is, therefore, somewhat different from the procedure followed or rather approved of by the Honourable the Home Member.

The Honourable Sir Nripendra Sircar : What is that book ?

Mr. K. C. Neogy : The Assembly Proceedings, dated the 31st January, 1924. The *ex*-Viceroy, in his Address to this House, made a reference to the action that was taken under Regulation III of 1818 against several people in Bengal :

" After the arrests in Bengal were made "—*said Lord Reading*—" as you are aware, all the documents and evidence relating to each individual have been placed before two Judges of the High Court for the purpose of thoroughly sifting the material on which action was taken, of submitting it to the technical tests of judicial knowledge and experience and of framing recommendations regarding each case. I shall myself re-examine the case of each man concerned with the greatest care in the light of the recommendations of the Judges in each case and with the assistance of their detailed scrutiny of the evidence and the documents."

Then he proceeded as follows :

" In this manner the greatest possible precautions will be exercised to secure that no individual shall run the risk of suffering injustice because of the gravity of a situation ; and his right to an impartial investigation of a charge will never be imperilled by the immediate necessity for measures of prevention."

Now, Sir, it is extremely strange, however, that while the Viceroy was making that statement, he was being guilty of an inaccuracy which came to light just a few weeks later in the course of several questions in this House.

The Honourable Sir Henry Craik : What was the date of this ?

Mr. K. C. Neogy : The speech which Lord Reading made was delivered on the 31st January, 1924 ; and, I think, it was on the 19th February, 1924—just a few weeks later—that it was admitted by the Government in reply to certain questions that when the Viceroy was referring to two High Court Judges as being entrusted with the scrutiny of these papers and this evidence, what was actually meant was " two District Judges ". (Laughter.) Now, I have been here for these fourteen years, a Member of this House, and never before did I come across an inaccuracy of this description in a Viceroy's speech delivered to this House or elsewhere ! As is well-known, the Viceroy's speech is based upon notes, very elaborate notes perhaps, in some cases, prepared by the various Departments concerned, and, in this instance, therefore, I may take it, that it was the Home Department which was responsible for misleading the Viceroy in this manner. Now a few years later, on the 10th February, 1932, there were several questions relating to the detention of the late Mr. J. M. Sen-Gupta, and another very straightforward Home Member had to reply to these questions, I mean Sir James Crerar ; and when I put some supplementary questions to him, inquiring as to whether the papers relating to the arrest of Mr. J. M. Sen-Gupta were ever placed before any High Court Judge or any Judge whatsoever, he said that that

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was not done, not merely that, but "there was no undertaking"—I am quoting his words—"to that effect and no such undertaking has been infringed". Then I put this question: "May I remind the Honourable Member of the speech delivered by Lord Reading in this House where he referred to that practice?" The reply was: "No, I am not aware of any such speech". Now, what are we to think of the Home Department, which is supposed to be the keeper of the conscience of the Government of India, in regard to the administration of Regulation III?

Mr. B. Das (Orissa Division: Non-Muhammadan): Was not Sir James Crerar the Home Secretary at the time Lord Reading made his speech?

Mr. K. C. Neogy: I do not know. Now, the truth, after all, has come out from my Honourable friend that the materials before the Government are nothing more than the information supplied by an informer which has been endorsed by a responsible police officer. No further evidence of any kind, no scrutiny by any judicial officer or anybody, excepting perhaps the Secretary of the Department. But that is not what Lord Reading gave us to understand to be the procedure in such cases. Now, Sir, referring to the case of Mr. Sen-Gupta, I do not know, whether my Honourable friend will make the statement that he also was deeply involved in the terrorist conspiracy. Here, again, I must compliment my Honourable friend for being so very frank with this House, because, in my experience, never before has any Home Member ever given us any idea as to the nature of the charges against each individual who had been treated under Regulation III of 1818. All that we could get from the previous Home Members was that the detention was due to the circumstances stated in the Preamble of the Act. The Preamble of the Act, I may remind the House, runs as follows:

"Whereas reasons of State, embracing the due maintenance of the alliances formed by the British Government with Foreign Powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection and the security of British Dominions from foreign hostility and from internal commotion, occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceeding or when such proceeding may not be adapted to the nature of the case or may for other reasons be inadvisable or improper."

So, on every previous occasion, we were merely referred to this Preamble when we asked for information as to the reasons that had led the Government to take action under Regulation III of 1818 in any given case, and it was left to my Honourable friend to give us a more definite information than was possible to be obtained from his predecessors. Now, Sir, my Honourable friend, Mr. Mitra, has already referred to the protest that Mr. Bose has lodged against the statement made by him to the effect that he was deeply involved in the terrorist conspiracy. I do not know what my Honourable friend's statement would be with reference to Mr. J. M. Sen-Gupta's detention under this Regulation III of 1818.

The Honourable Sir Henry Craik: I was not responsible for it.

Mr. K. C. Neogy: No, you are not. Of course, I do not expect my Honourable friend to have any great knowledge of things that were happening in Bengal when he was occupying a very responsible administrative post in the Punjab, but I may tell him that, so far as Mr. Sen-Gupta was concerned, he was arrested on board an Italian ship. When he had

returned from his stay in England and had reached the Bombay harbour, he was not allowed to land and a warrant under Regulation III of 1818 was served on him on board an Italian ship and that itself formed the subject-matter of several questions in this House. Now, Mr. Sen-Gupta was away for several months from this country and, as is well-known, he was a leading personality in the Congress circles in Bengal and had taken a very prominent part in the non-violent Civil Disobedience Movement. Nobody knew that the Government could have possibly any charge of any kind which could have justified action of this character, and as far as we know there was no objection taken to his trip to England either. I think he visited England in the autumn of 1931, and I may tell my Honourable friend that whatever his instructions may be about the nature of the charges against Mr. Sen-Gupta, justifying action under Regulation III of 1818, public opinion in Bengal will refuse to accept any statement to the effect that he was deeply involved in the terrorist conspiracy. He was essentially a man of peace and anybody who knew him would strongly repudiate any such suggestion. I expect that my Honourable friend's candour will permit him to make a statement with reference to Mr. Sen-Gupta just as he did with reference to Mr. Sarat Chandra Bose.

Now, Sir, I want to tell this House as to what the public in Bengal think to be the reason that impelled the Government to take such action. I am very sorry to have to refer to incidents that happened in the autumn of 1931 in Chittagong, but I can assure the House that I do not propose to go into the details of the incidents that took place there on Sunday, the 30th of August, 1931. Mr. Sen-Gupta, as many Members in this House know, belonged to Chittagong, and the incidents reported from there naturally agitated him more than they did anybody else. He was, therefore, responsible for convening a public meeting in Calcutta, which appointed a non-official Committee of Inquiry to go down to Chittagong and make an inquiry there and report about the incidents that were alleged to have happened there on or about the 30th of August, 1931. I should like to read out the names of the members of this Committee. They were as follows : Mr. Jatindra Nath Basu, a gentleman highly respected in Bengal. He is a Member of the Bengal Legislative Council and was also a Member of the Round Table Conference representing Bengal ; Mr. J. M. Sen-Gupta himself ; Maulana Akram Khan, a highly respected Muhammadan journalist of Calcutta ; Mr. B. N. Sasmal, a practising Barrister of Calcutta ; Mr. J. M. Das-Gupta, a very well-known physician practising in Calcutta ; Mr. T. C. Goswami, a gentleman whom the Honourable the Home Member will have the opportunity of meeting at Delhi next cold weather ; Mr. Satyananda Bose, a gentleman held in high esteem in Bengal ; Dr. Naresh Chandra Sen-Gupta, a very well-known Advocate and a Member of the Bengal Legislative Council ; Professor Nripendra Nath Banerjee, an educationist ; Mr. Nishith Chandra Sen, a very well-known practising Barrister in Calcutta ; and Maulvi Ashraf-uddin Chaudhury of Tipperah. Now, these gentlemen constituted themselves into a Committee of Inquiry. I do not propose to go through the whole report. My Honourable friend, the Home Member, will find it preserved in the Indian Annual Register, 1931, Volume II, which he will find in the Library of this House. Now, Sir, these are some of the findings recorded by this Committee. I am quoting them from the report itself :

“ Monday's looting was with the knowledge of the local authorities and at the instigation of the Police. It was started and carried on under the protection of the Police.

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in the Kofasil the disturbances took place under the orders from the local authorities.

Behind the disturbances which had been planned the motive was to terrorise the people, particularly the Hindus."

And the House must remember that there were two very responsible Muhammadan gentlemen associated with these findings.

The Honourable Sir Henry Craik : Was this about Dacca or Chittagong ?

Mr. K. C. Neogy : This was about Chittagong. Does my Honourable friend want to hear more about Dacca ? I can easily oblige him.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Will you also please mention the name of the gentleman who is now in this Hall and who was then one of the local authorities at that time ?

Mr. K. C. Neogy : Now, Sir, this report was duly published, it was printed *in extenso* in several newspapers, besides there was a Town Hall meeting at which Mr. J. M. Sen-Gupta challenged—perhaps my Honourable friend does not like that word,—I will say, made an offer to be arrested and tried for having brought these charges against the police and the local authorities. Nothing was done, no action was taken against him or against the other signatories of this report. No action was taken against the newspapers which published the report *in extenso*, and no action has also been taken against the publishers of this Annual Register which has permanently preserved it and made it available to every part of India. My Honourable friend will say that these are wicked and malicious lies. But does not my Honourable friend realise that the thing has gone a little too far to be disposed of in that summary fashion ? Here was a committee of inquiry composed of gentlemen of standing, members of the Local Legislature, very responsible citizens and they made very serious charges, not merely against the local authorities generally, but if my Honourable friend were to go through the report he will find, there were charges against individuals too. Nothing could have been simpler for Government or for the officers concerned to have proceeded against these persons under the ordinary law of the land. Nothing would have been easier for the Government to have proceeded against the newspapers for having published this document, nothing would have been easier for the Government to have proceeded against the publishers of this Annual Register for having preserved it for all time to come. Nothing was done. Mr. J. M. Sen-Gupta goes to England, broadcasts this report among the public men, Members of Parliament, and carries on an intensive propaganda there. Then as soon as he seeks to return to his country, he is not permitted to land but is spirited away under Regulation III of 1818. That is why the people believe, the circumstances, I have referred to be the real reason behind the arrest of Mr. J. M. Sen-Gupta under Regulation III of 1818. I might inform my Honourable friend, because he is new to his office and perhaps this would be confirmed by his Secretary, Mr. Trivedi, who is sitting behind him, that some of the sufferers from these disturbances in Chittagong were subsequently compensated by Government. What does that prove ? I would also enquire of my Honourable friend as to whether he has read Mr. Nelson's report since when I

asked him about it, because I said that, even if Government were to publish the report submitted by their own Divisional Commissioner, Mr. Nelson, there would be found to be a substantial corroboration of some of the charges made in this non-official enquiry report.

Mr. Sen-Gupta's case illustrates the use to which this Regulation is being put, and, it is for this reason, that no one who knows anything about its actual administration can possibly be a party to its continuance any longer on the Statute-book. I entirely sympathise with my Honourable friend the Foreign Secretary; he does need some kind of powers in order to enable him to discharge the serious responsibilities which the Foreign Department has got, but I think a more straightforward course for him would be to have a kind of consolidated measure comprising the provisions of the Foreigner's Act for instance and some of the provisions of this measure, and if such a measure were brought forward in this House, so far as I am concerned, I promise to give it a sympathetic consideration. (Laughter.) But so long as Regulation III of 1818 is to be used for the purpose of dealing with men like Mr. J. M. Sen-Gupta.

The Honourable Sir Henry Craik : Men like who ?

Mr. K. C. Neogy : Men like Mr. J. M. Sen Gupta.

The Honourable Sir Henry Craik : I thought the Honourable Member referred to men like himself.

Mr. K. C. Neogy : I was referring to Mr. Sen-Gupta. No doubt I was once arrested at Midnapur for the simple reason that I along with several others had gone down to make enquiries of allegations of a similar character, having been authorised to do so at a public meeting held in Calcutta; and as I happened to witness some of the deprivations committed by the police party headed by the Sub-Divisional Officer who was subsequently promoted to be a District Magistrate, I was immediately placed under arrest along with the other members of the Committee. (Laughter.)

The Honourable Sir Henry Craik : Under Regulation III ?

Mr. K. C. Neogy : No, no. Not under Regulation III. I would not have been here then, because once arrested under the Regulation, I would never have any chance of being able to attend the House. (Laughter.)

The Honourable Sir Henry Craik : Many of them have been released.

Mr. K. C. Neogy : When was that ?

The Honourable Sir Henry Craik : Many of the people who have been confined under the Regulation have been released quite recently.

Mr. K. C. Neogy : Do I take that as a kind of promise that my Honourable friend is considering favourably the question of the release of Mr. Sarat Chandra Bose and others ?

The Honourable Sir Henry Craik : I only said that many of them have been released.

Mr. K. C. Neogy : As I said, so long as this Regulation is going to be used in the manner in which it has been used, for dealing with men like Mr. Sen-Gupta, I cannot be a party to its continuance on the Statute-book. (Applause.)

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir I confess there seems to be an air of unreality in this debate, because we are conscious of the numerical strength of the Government and our own weakness in that respect. But, nevertheless, we have to discharge our duty against heavy odds. I know the fate of the motion which my Honourable friend, Mr. Amar Nath Dutt, has placed before the House, but still I want to add a few words to the debate which has been proceeding for the last two days. The existence of this Regulation III of 1818 is a negation of the elementary principles of justice. It may be law, but it is no justice. Every accused person has a right of being tried before a court of law, and his innocence is to be assumed till his guilt is established in a regular manner. This Regulation is a denial of that elementary right of justice and, I may add, of humanity. Sir, the way in which this law has been administered during recent years has been narrated very eloquently by my Honourable friends who have spoken on this measure, and, I do not, therefore, want to add anything more to it. My Honourable friend, Mr. Neogy, has already referred to the case of Mr. Sarat Chandra Bose who happens, unfortunately or fortunately, to be the brother of Mr. Subhas Chandra Bose whom we know so well and who is now in exile in Europe. The other day, a question was asked about Mr. Sarat Chandra Bose, and my Honourable friend, the Home Member, had no hesitation in levelling very serious charges against him, namely, that he was concerned in the terrorist activities. Mr. Sarat Chandra Bose has lost no time in repudiating the charge even from his prison. Is it not an elementary act of justice on the part of the Home Department of the Government of India to give him an opportunity of establishing his innocence? He has thrown out a challenge, and I have put down a question on the subject which will probably come for answer in due course of time. But I ask, is it not only fair and honest on the part of Government to give this gentleman an opportunity to rebut this charge? Probably this is the first time during his incarceration that he has heard of the serious charge brought against him behind his back and in his absence. Now, Sir, I do not know whether Regulation III of 1818 makes it incumbent upon Government to inform the prisoner of the charge of which he may be believed to be guilty. So far as I could see, there is nothing in this Regulation III which makes it incumbent upon Government to inform the prisoner of the charge against him. I would, therefore, contend that it is on mere suspicion that persons,—at least a good many of them,—are placed under restraint under this Regulation. I do not say that none of the prisoners under Regulation III of 1818 could be guilty of any offence, but it is just possible,—and I am putting it at a very low estimate,—it is just possible that some of them at least might be innocent. My Honourable friend, the Home Member, himself stated the other day that it is on secret, confidential, and devious methods that the evidence is collected against an accused person behind his back, and it is on the strength of such evidence that the man is proceeded against, is laid by the heels and imprisoned for an indefinite length of time. In my own Province, I believe, there are a few persons who have been dealt with under Regulation III of 1818 although they have been acquitted by a competent Court of law, I referred the other day to the case of Mr. Vidya Bhusan, for instance. He was an accused in the Delhi Conspiracy Case some time ago and he was acquitted by the Court. He is a highly educated young man, an M.A. of the Benares Hindu University. He was honourably acquitted by the Court, but as

soon as he came out of the Court room as I am told, he was arrested under Regulation III of 1818 and he has since been kept in confinement in the District Jail of Delhi. I ask my Honourable friend whether this is just ? Is it not an insult to the Court itself to arrest him in the shadow of the court of justice and to imprison him for an indefinite length of time without any charge being framed against him and without his being asked to enter upon his defence even *in camera* ? Sir, I do not think I have anything more to add. I strongly support the motion before the House, although I know the usual fate will overtake it.

Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muhamadnan) : Sir, it passes my comprehension why such a great insistence is made by Government in keeping this Regulation on the Statute-book. It was in the year 1920 or 1921 when there was internal commotion of a very high order that Government agreed to set up a Committee to inquire into all the repressive laws ; and when there was some quiet in the country, the Committee worked day and night and put before the House their unanimous report. In that report I find that this Regulation III of 1818 was recommended to be dropped out of the Statute-book. Since then we have been expecting Government to come before this House with their own Bill on the subject, but nothing had been done after that by Government. Now that a Non-Official Member reminds Government of their report and wants the repeal of this Regulation, I am surprised to find the Political Secretary and the Home Member on the other side putting forward arguments which do not hold water. I think, up to now, they have not suggested a word about the report of the Repressive Laws Committee, and I do not know what they have to say on that point. But it is an irrefutable point which no amount of argument on the part of these two Honourable gentlemen will convince us. The only thing that will convince us is to redeem their pledge and come forward frankly before this House and tell us why they have not done what they promised in that compromise report. When I look to the necessary powers which Government require to put down men who, as the Regulation says, create internal commotion or disturb the security of the British Dominions from foreign hostility or matters of that kind as mentioned in the Preamble of that Regulation, I find that ample powers have been given to Government by so many repressive laws which we have enacted during the last three or four years. Against the Indian States I find a definite set has been enacted. Against internal commotion so many laws have been enacted that I do not see the necessity of sticking to this old Regulation. I do not know why Government are not taking into consideration the change of conditions. In the old days there was no such ordered and established Government as we see now. The Regulation was passed at a time when the military rule of the country was not so perfect as it is now, when there was no aircraft to defend the dominions. At that time I could understand that on mere suspicion a man might be arrested and kept in custody till he had no hope to live in this world. But, now at this stage, when the brute force in the possession of Government is so enormous and when the sources of information as to any action taken by an agitator is so great, I do not understand the necessity of sticking to this old law. I have read the speeches of the Political Secretary and the Home Member. They have made general statements and given us general arguments why they stick to it. I shall see whether they are going to give us something convincing.

Now, I have got to appeal to my Honourable friends in this Assembly

[Maulvi Muhammed Shafee Dacodi.]

who have regard for the reports of their own Committees and for the opinions which are expressed in the Committees appointed by them. I was not at the time in the Assembly, but I find that the report is very frank and candid and makes no apology for saying that this old Regulation is now out of date and should be taken out of the Statute-book. Now, that report of the Committee—very learned men sat on that Committee—should be redeemed even at this late stage in 1934, so that when the new era is going to dawn in the country by the inauguration of the reforms the people may feel satisfaction of the fact that Government have got some regard for their pledges, for the promises they give sometimes to Honourable Members of this House. They should not let the country live in that mood of suspicion which has held the field for long. I, therefore, appeal to the Honourable Members of this House and to the Honourable Members of the European Group to see their way to help us in this matter, so that at least this Regulation III of 1818 may be done away with by us at this late stage of the Assembly.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, at the outset I may
12 Noon. state that I am wholly against any repressive laws. All my life I have been trained in the British system of jurisprudence to which detention without trial is an abhorrence. I do not like, however guilty or innocent a man may be, that he should, without being told of what he is guilty, without being given a fair chance of defending himself, after hearing what the prosecution story is, to be told that he would be detained in jail indefinitely—no one knows for how long—until his natural period of life expires. That is an injustice which it is impossible to contemplate under any government. Macaulay said in the olden days “The tyrants smile and the victim’s head was cut off”. That at least is one kind of justice—I do not like it, but one can understand it to be the way of a tyrant ; but to call yourselves civilised, to say that you are following civilised methods of government and at the same time to lock up people without any trial, without their knowing what they are being confined for and without their even knowing as to how long they are going to be in jail, that is not a piece of justice which at any rate I have been able to appreciate ; nor, if I may say so, with respect, does the Honourable the Home Member appreciate it. I hope I am not misrepresenting him ; and if I am not stating what I heard him say the other day correctly, perhaps he will kindly excuse me because he is generally not heard here on this side of the House—he said the Englishman’s sense of justice asserted itself the other day that he himself did not like repressive laws, but there were certain circumstances and conditions under which these laws have got to be put into execution, and the present is one of these. That, I believe, is what he said. Consequently, as a matter of abstract justice, as a matter of legal position, we are all agreed upon this question that repressive laws ought to go. Now, if this Regulation III of 1818 was the only repressive law on the Statute-book, the only powers which the Government may require in times of emergency, I should certainly support the Government as against this measure ; but the Government has got so many arms in its armoury that it is perplexing to them which to use at what time. In that plethora of repressive enactments, it does not matter if one more enactment either existed or did not exist.

One matter to which I think I may invite my friend, Mr. Amar Nath Dutt's attention is this : a few days ago, a question was put as to the extent of the allowances given to some of these detenus, and one gentleman with whom I shall deal presently was being granted Rs. 1,500 a month—others Rs. 600 a month and Rs. 200 for his son's education in England—the son being born of an English woman. These things almost made me like to be a State prisoner under this Regulation, so that I may get this Rs. 1,500 and I would be rid of worries—no Temple Entry Bill no Anti-Untouchability Bill and no more repressive laws to fight on the floor of this House : it is an ideal position.....

Mr. S. C. Mitra : Is money the only consideration in life ?

Raja Bahadur G. Krishnamachariar : At certain periods money is always a consideration though it may not be the chief consideration : I should like to see the face of a man who stands up and says—who lives in the world and has not retired from the world—really, honestly and sincerely, that he does not want money. Sir, it is all humbug, it is all camouflage to say otherwise : we do want money ; only money is not the chief thing. Man does not live by money alone ; but I decline to admit that so long as we live in this world, so long as we have to live in society, we do not want any money. But seriously speaking, one of the gentlemen detained under this Regulation is, I believe, a gentleman with the name of Mr. Sarat Chandra Bose : he was a barrister—I have not had the honour of being acquainted with him, nor, have I had any communication from him : I do not even know anything of him except what I heard about him on the floor of this House. He was an eminent barrister : his income was about Rs. 15,000 to Rs. 20,000 a month. That sort of man is not going to dabble in terrorism, especially when it is remembered that all the money that he earned has, I believe, been given away in charity and today he is in debt : his house is under mortgage, and, today he has not got much property : a man like that who earns with both hands and earns an income which makes men like myself very envious of him, it is not that sort of man who has got either the time or the inclination to dabble in terrorist activities : and after all with what purpose ? If he was a young man, if he were a youth without his ideas being formed, if in his impulsive nature he had caught hold of some of these terrorist people and joined with them, I can quite understand ; but a man who in the Calcutta Bar can earn about Rs. 15,000 to Rs. 20,000 a month is, I think, a man of some sense : otherwise he could not have attained the position that he did. Is it possible for the Government to imagine, whatever may be the evidence that they have got on record, unless that evidence has been placed before him and unless he is put on trial and asked what he has to say with reference to that evidence—I say, is it possible, is it reasonable, is it fair to say that that man was concerned with terrorist activities to the extent that his liberty should be curtailed, and that he should be put on practically short commons at Rs. 225 a month ? It is rather hard on a man who had been earning Rs. 15,000 to Rs. 20,000 a month to ask him to live on Rs. 225 a month. I think it is similarly the case with other persons. I admit this Regulation is far more liberal than the Criminal Law Amendment Act and all those Acts in Bengal and I cannot for the life of me understand why my friend, Mr. Amar Nath Dutt, wants to get rid of this Statute, because, at times, in a generous mood, if the Government take

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advantage of this Regulation and lock people up, they would be entitled to be treated with better consideration than if the same man was locked up under the Criminal Law Amendment Act or whatever is in force in Bengal, may I respectfully invite the attention of the Government to the speech made by Lord Reading on the floor of this House, and see that justice is done to the extent to which Lord Reading undertook it shall be done : viz., that himself, a very eminent lawyer, an *ex*-Lord Chief Justice of England, he promised to this House that he himself would revise these cases : of course we cannot always have *ex*-Lord Chief Justices as Viceroy in this land ; but there is any amount of legal talent within the portals of the Government of India, and I think that that legal talent might be requisitioned in order to satisfy, as far as possible within the limits of their own policy—I do not want that they should abandon their policy—that the evidence against the man should be sifted and the person who deals with it in a judicial manner should be satisfied on that evidence that there was a fair and *prima facie* case against this man and that he should be locked up. That, Sir, is only fair. That, I believe, is what the Honourable the Home Member too considers to be fair. The only trouble is in giving effect to that proposition, which everybody admits, there is always a lacuna, and that lacuna is so broad that the good effect, and the good intention underlying the provisions of the Regulation that ought to be observed in connection with the administration of that Regulation is not being followed. I, therefore, Sir, with these few remarks, would ask my friend, Mr. Amar Nath Dutt, to withdraw his motion, or if he would not do so, I would support him.

Mr. B. Das : Sir, as a man in the street and as a public man, I have to apply the test to this law and see how it is working against the political aspirations of the nation. The speeches of my Leader, Mr. K. C. Neogy, and of the Honourable Sir Hari Singh Gour, the other day, proved that the law has become obsolete, and it is only applied against the national aspirations of the people and against the national workers who work in a most patriotic spirit for the freedom of their country. Sir, I do not wish to criticise the speech of the Honourable the Foreign Secretary, but I wish to ask,—how is it that he has very few foreign prisoners in India, and why is it that these foreigners are kept interned under Regulation III of 1818 and are paid from the Indian Exchequer ? If foreigners come to India, they may be deported or sent back to their country. There is no use of applying this obsolete Regulation to those foreign prisoners, paying them costly pensions and allowances at the cost of the Indian taxpayer. Of course, when we examine the Budget, we often find certain items of payment made in the shape of political pensions and allowances, but there are unwanted and unwelcome guests of India from the neighbouring territory of Afghanistan, who draw large allowances, because the Foreign Secretary is trying to maintain them in India.

Then, Sir, the Honourable the Home Member referred to two aspects of the question as to how the Regulation III of 1818 is applied,—one is that this Regulation is applied to those who commit terrorist crimes and offences in India, and the other is applied to those who foster communism and advocate communist doctrines in India. As regards the terrorist crimes, it has been well answered by several speakers. I would

only refer to the communistic aspect of the question. If there was this Regulation III of 1818, I want to know why, during the Meerut trial, lakhs and lakhs of rupees were spent, why so much money was paid to lawyers some of whom became so rich that they have retired from the profession. Why is it that Messrs. Brady and Spratt were not arrested the moment they landed in India and detained under Regulation III of 1818? Will the Honourable the Home Member, when he rises to reply, let us know how many political detenus detained under Regulation III of 1818 had advocated communistic doctrines in India? Sir, I am no sympathiser with communists or their doctrines.

Some Honourable Members : Question.

Mr. B. Das : Sir, in the meetings of the All-India Congress Committee, I have expressed strong criticism against them and also on the floor of this House, but if I understand the labour movement in India aright, it is socialistic in principle, and very few of the labour leaders are communists. It is true that the Honourable the Home Member in reply to a question of my friend, Mr. Gaya Prasad Singh, gave a long reply as to the state of the communist movement in India. This is not a new thing at all. We are accustomed to this sort of activities from 1926-27. The Secret Department of the Home Office used to control all letters and circulars that used to come from Russia and from the Socialist Party in England, and we have often heard statements made by Government that these circulars that were circulated were sent out by Mr. M. N. Roy who is now imprisoned at Dehra Dun, and if newspaper reports be true, he is very much ill-treated by the Government and he has gone down much in weight,—it is not a civilized method of treating a political prisoner at all. We are now accustomed to all that sort of thing, but we have never found that the communistic doctrine has spread, and if we are to judge by the results of the Meerut trial, the manner in which prisoner after prisoner was discharged showed that Government had no case behind them. And what is this statement which the Honourable the Home Member made? If one reads any books on Russia, and there are dozens of books on Russia in our Library and in almost all libraries throughout the country,—one finds that all these principles are contained in those books. There is nothing new. If some hot-headed youth, or somebody who has read these doctrines in some Russian book, and said that such and such will be the future communists policy, it is hardly fair for the Home Member to alarm the country and say that a new crisis is coming on India. A new crisis has always come when the Government wanted to apply new forces of repression and oppression on the people of India. Sir, at one time even the Government of India used to think of the great Pandit Jawaharlal Nehru as having sympathy with the communist movement. At that time the Home Members of the Government of India were not clear in their minds what was really communism and what was socialism. Pandit Jawahar Lal Nehru, in his presidential address at the Lahore Congress, made it clear what is the doctrine he stands for. His heart goes for the masses, and he wants that the workers in the land should get adequate wages. I will just quote one or two lines from his speech delivered at the Lahore Congress in 1929 :

“ Our economic programme must, therefore, be based on a human outlook and must not sacrifice man to money. If an industry cannot be run without starving its workers, then the industry must close down. If the workers on the land have not

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enough to eat, then the intermediaries who deprive them of their full share must go. The least that every worker in field or factory is entitled to is a minimum wage which will enable him to live in moderate comfort, and human hours of labour which do not break his strength and spirit."

Nobody, even the die-hard capitalist like my friend, Mr. Mody, will deny that the workers in the factory and the field should not get a minimum living wage, but, in 1929, the way in which the Government Members used to address this House showed that Pandit Jawaharlal Nehru or Mr. Subhas Chander Bose were nothing but communist leaders fermenting the doctrines as was explained by the Home Member two days ago, and one of this is "hatred for God and all forms of religion". I cannot believe in India with our society as it is constituted, with our old world life as it has been formed, that anybody can even gather half-a-dozen fellows who would have this kind of ideals. I particularly brought out Pandit Jawaharlal Nehru's speech—I am sorry I could not find his other book, "Whither India?" which was published only last year and as a result of which, I think, he was imprisoned by the Government of Bengal. I take this opportunity to express my appreciation of the sympathetic attitude which the Government have taken in releasing him temporarily to look after his sick wife, over which the whole of India is so distressed and perturbed. I do hope that Mrs. Jawaharlal Nehru will soon be all right and also that the Government will, in the meantime, reflect on their action and not lay blame on one Government or another, either the United Provinces Government or the Bengal Government, but that they will unconditionally release Pandit Jawaharlal Nehru.

But the thing is this. We have found, I, as a public man, have found that whenever any public man has worked conscientiously for the salvation of his country, he is accused of heinous crimes. I am a little bit scared away by the speech of the Honourable the Home Member the other day that there are communists in India, and the statement that he laid on the table of the House wanted to demonstrate such activities. This is the third or fourth line of defence—I do not know what it is—of Government. If there are no communal riots, if there are no Hindu-Muslim quarrels, then let us start something else. Socialism was the *bête noir* of the Government of India a few years ago. Now that Socialism is an accepted principle of Government in many civilised countries of Europe, so the Government here must think of communism and crush it. Those of us who have read the development of Soviet Russia know that today they have got an orderly Government, and above all, what they preach they have put into practice. Their five years' plan succeeded to a certain extent, they have extended it to a ten years' plan. Their method of collectivisation is a collective method of cultivating land so that nobody is a peasant proprietor but the land is cultivated collectively and belongs to the State which means belongs to the nation. The latest book, which I was reading only a week ago, shows that it has produced very successful results. So, the doctrines which may frighten the Conservative Baronets in England, including my Baronet friend, the Home Member, here, to mortal fear, have proved a success and a salvation for those down-trodden millions which were kept subjected almost to a slave condition in the Russia under the Czars. The Conservatives in England, the die-hards in England, may be 20

years ahead of the old Czarist regime in Russia, but they have not advanced in the democratic system any further, and if I can picture the Government of India, they are no further than the old Czarist regime of Russia. What do we find? The people want here self-determination, self-government. The more they want it, the more the Government bring out archaic and obsolete legislations. They forge new weapons, and as was pointed out by my Honourable friend, Sir Hari Singh Gour, all the new legislations in the shape of Criminal Law Amendment Acts and other Acts cover everything, except what the Foreign Secretary wanted, and for which my Leader has already given an assurance that if he brings a consolidated Bill it will receive the sympathetic consideration of this side of the House. If that be so, what is the use of perpetuating this evil piece of legislation? The Regulation was enacted at a time when India was under one man's rule. The army officers—I do not know if there were Civil Servants at that time, and if there were they were all autocrats. They were worse autocrats than even the Czars of Russia. They adopted these expediences only to keep themselves going. When the Government of India created the Imperial Legislative Council, what they ought to have done was to have repealed all the Ordinances and brought in regular legislations. Therefore, I support the repeal of this Bill.

My Honourable friends, Messrs. Neogy and Mitra, have mentioned that Mr. Sarat Chandra Bose should be released. He was my school friend at Cuttack, he was two years senior to me, and I have known him for a very long time. If Mr. Sarat Chandra Bose committed any crime it was the crime of being patriot. He was a patriot, and he wanted and still wants that India should have self-government. To connect up Mr. Sarat Chandra Bose or Mr. Subash Chandra Bose with either the communists or the terrorists—until the Government bring forward on the floor of this House facts or publish documents showing that either of these gentlemen were connected directly or indirectly with the terrorist movement nobody in India will believe it. There is a grave responsibility on the Honourable the Home Member; whatever may have been the policy of his predecessors, the time has come when the present Home Member should be reasonable and conciliatory and adopt a different line of attitude towards this question of terrorists. I find he has already got in his sleeve the repression of communists; the communist bogey will scare the Government of India and the Home Member for another five years till a new bogey starts. I do hope that the Honourable the Home Member will sympathetically examine the case of Mr. Sarat Chandra Bose. Let him be bold enough to tell this House what Mr. Sarat Chandra Bose is accused of. If he does not reveal that to us, then we know that there is no case against Mr. Sarat Chandra Bose and that he is suffering from the same that many a great patriot in India suffered, that Lokamanya Tilak, Lala Lajpat Rai and Mahatma Gandhi suffered in the past—that to be a patriot is a sin under the present Government of India, and for that they must suffer imprisonment. With these remarks, I support the motion that the Regulation III of 1918 should be repealed.

Mr. Amar Nath Dutt: Sir, I am thankful to my friends like Mr. Mitra and Mr. Neogy who, having regard to my ill-health, have almost replied to all the points that have been urged on the opposite side in support of the retention of Regulation III of 1918 on the Statute-book. There

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seems to prevail a certain misconception about the repeal of this enactment for which I have been fighting for the last 11 years, since I entered this Assembly and if I am permitted to come again, I shall again do so, as long as I am a representative of the Province of Bengal. I was pained to find certain observations in the Press which were made about the repeal of this Regulation. It was said that when there are so many measures on the Statute-book which are more drastic, why do you fight for the repeal of this enactment. My friend, Raja Bahadur Krishnamachariar, said that Mr. Sarat Chandra Bose was getting Rs. 1,500 a month for his family and Rs. 225 for himself during his detention. I would ask whether my friend, Raja Bahadur Krishnamachariar, would be willing to accept that amount and go into retirement from his activities in this House or outside. The misconception I was referring to was this. It is not this House which was a party to any enactment like the Bengal Criminal Law Amendment Act. It was the Bengal Legislative Council from which most of the representatives of the people withdrew and the few representatives of the people who were there fought against it. In fact, I would not weary the patience of the House by reading out the names of the Members of the Bengal Legislative Council to show who were in favour and who were against the passing of that Act. Sir, I am sorry that it should be said in the Press that this House was a party to the passing of that Act. It is only the Supplementary Act, which empowers an appeal to the High Court, that was passed by this House, and that was also done with the help of the Government bloc, as the Leader of the Nationalist Party says. Be that as it may, it does not appeal to me that because there are drastic measures elsewhere, therefore, we should also submit to the retention in the Statute-book of measures like this. Be it said at least to the credit of this House that we were not a party to such Acts. So, this misconception should be cleared not only in this House but also elsewhere, because I have also seen friends of mine remarking that there are more drastic measures on the Statute-book. I shall not take up the time of the House by replying to everything that has been said against the repeal of this measure. I shall only take up one or two points and ask the House to support my Bill. Before I do that, I beg to point out that there is a very unhappy mistake in the report of my speech in which I referred to the deportation of the Natu Brothers which occurred in 1898 and the news of the release was hailed with joy in the Congress of 1899, and not in 1889, which is of course impossible. That mistake has occurred and it may lead to some confusion. Having cleared up that mistake, I beg to reply to one of the remarks of my friend, Captain Lal Chand, who has been pleased to observe that the Bengal Council has passed a Bill by an overwhelming majority, and, therefore, it is the opinion of my Province. I cannot for a moment believe that my Honourable friend does not know the constitution of these Councils. There is an Official bloc. There is a nominated bloc and some representatives of the people have taken it into their heads to boycott this Legislature. There are several people who are certainly not representatives of the people. I would not use harsh words against my own countrymen, such as have been used.

Hony. Captain Rao Bahadur Obaudhri Lal Chand (Nominated Non-official) : Do your remarks apply to this House also ?

Mr. Amar Nath Dutt : I shall never use such expressions as my friend from Bihar does. As I have already submitted, in the Bengal Legislative Council, Members who count were opposed to the passing of this Act, but that is neither here nor there. Let us look at the voting, and we find that Mr. Jatindra Nath Basu, against whom it cannot be said that he is an extremist in politics, voted against the measure. He is a liberal politician, nephew of Mr. Bhupendra Nath Basu who had the confidence of both his countrymen as well as the Government, and he himself is the President of the Indian Association, an association with which is associated the great names of Sir Surendra Nath Banerjea and Mr. A. M. Bose. Honourable Members from Bengal will remember that on the day on which the inauguration ceremony of this association was to be performed, the only son of Sir Surendra Nath died. He was called to perform this public duty and he went there to perform it. That was more than half a century ago. He used to speak with feeling about this association in after life. Mr. Jatindra Nath Basu is now the President of that Indian Association. It is certainly not a terrorist association. Now, my friend over there said that the Reforms are coming and why not wait. If the thing is not wanted, it is not a question of waiting for any contingency. My friend, Mr. Anklesaria, has been pleased to observe in connection with this motion of mine that it is something which defies commonsense and experience. He was not pleased to let us know to what commonsense and to what experience he was referring to. So, I am not in a position to reply to him. My official friend from Bengal, Mr. J. M. Chatarji, who has administered several districts and sub-divisions also referred to the miseries brought on many homes in Bengal. I also sympathise with the view that many a fair home in Bengal has been ruined by mischievous activities, but it is not the Regulation which I am asking for repeal which is meant for the suppression of these particular mischievous activities. For those, there is the Bengal Criminal Law Amendment Act, and why have this also ?

My Honourable friend, Mr. Metcalfe's argument when he appealed to us in connection with this measure was that there were a few international complications involved and international refugees and other men who gave trouble on the borders ; well, I would have been glad if an assurance had been given by the Government that the provisions of this Regulation would be confined only to such cases as my Honourable friend, Mr. Metcalfe, the Foreign Secretary, was pleased to refer to, but, Sir, there was no such assurance given ; on the other hand, we find that it is being applied to such cases for which there already is some other provision in force. My Honourable friend, Sir Henry Craik, said with reference to some wrongs that were committed upon men of revered memory like Aswini Kumar Dutt, Subodh Chandra Mullick and a veteran public man like Krishna Kumar Mitter, that the repeal of this Regulation would not right past wrongs. Yes, I know that, but what I was appealing to him was not for any reparations for past wrongs committed on people, many of whom have gone away from the jurisdiction, not only of the law Courts of India, but also from the jurisdiction of the Honourable the Home Member, and neither he nor I do expect that these past wrongs can be righted. That was not the reason for which I was appealing that this Regulation might be repealed ; I was appealing that this Regulation might be repealed so that wrongs of this nature may not be committed in future, that was my argument,

[Mr. Amar Nath Dutt.]

and I am quite in sympathy with my Honourable friend, Mr. Metcalfe's view that there should be some provision of law by which he can deal with refugees from foreign countries and on the borders. As has been observed by my Honourable friend, Mr. Neogy, I may say the Government will have our sympathy if they will bring in a consolidated measure like that in order to safeguard such international complications and guard against them, and I may assure the Government also that in that case they will have not only our sympathy but also our support for such a measure if it is confined only to international complications of the nature referred to by my friend, Mr. Metcalfe, but what I complain is that this Regulation, which was primarily meant for use against cases not like the present ones, and was meant for circumstances which existed in old times but which do not exist at the present time and which are not likely to occur again in the future, should be freely invoked for cases for which there, otherwise, is ample and separate provision in the law. As regards my Honourable friend, Sir Henry Craik's reference to Public Enemy No. 1, all that has been amply replied to by my Honourable friends over there. So, Sir, what I ask on this point is that either an assurance may be obtained that the application of this Regulation will be confined to its legitimate sphere, or, if that be not possible, to have any other measure placed before us by my Honourable friend, Mr. Metcalfe, to deal specifically with the cases he had in mind. Sir, much has been said about repression and terrorism, anarchism, communism, and so forth. I do not want to take up the time of the House by repeating what I have said already, but I can only say this that official and executive repression has not been able to cure revolutionary patriotism or anarchism. There is the menace of revolution but who makes and contributes to that revolution? Sir, I may conclude by quoting from a document published some years ago, and signed by almost all the savants of Europe—Romain Rolland, Bernard Shaw, Bertrand Russell and Rabindra Nath Tagore, and in that historic document, it is declared that it is the Governments who make revolutions everywhere while the counter-revolutions make the revolutions bloody. With these words, Sir, I appeal once more to the House to have this Regulation repealed.

The Honourable Sir Henry Craik : Sir, one of the speakers in today's debate, I think my Honourable friend, Mr. Gaya Prasad Singh, expressed the view that there was a certain air of unreality about today's proceedings, because he said that those who supported my Honourable friend's Bill knew that they were certain to be defeated. It is reassuring to know that we on this side are to be successful, though surprising things happen in this Assembly, but I do agree that there is an air of unreality about today's debate.

Mr. Gaya Prasad Singh : On account of the reason which I have assigned?

The Honourable Sir Henry Craik : No, for another reason and that is that, as I remarked on the first day on which we discussed this motion, the subject is really worn so thin as to be actually threadbare. Owing to my Honourable friend's consistence and persistence in bringing it up before this House on many occasions, the arguments both for the abolition and for the retention of the Regulation are really, I am afraid, familiar to every Member of this Assembly and it is very difficult to find anything

new to say, but I can imagine my Honourable friend, the Mover, saying to himself, like the character in Virgil, if I may quote Latin :

*" Fleotere si nequico superos,
Acheronta movebo."*

Which, translated, means :

" If I cannot move Heaven, I will move Hell."

Or perhaps in more topical language :

" I have not had much success with Haig, but I will try it on with Craik."

That is perhaps really the object of this motion and of the revival of this somewhat ancient corpse.

Sir, there are one or two preliminary points which have been raised in the course of today's discussion which I should like to reply to. The first speaker, my Honourable friend, Mr. Mitra, asked me how many State Prisoners there were in Bengal and why these people could not be dealt with under the special legislation which gives power to detain them ? I think at the moment there are 19 prisoners under the Regulation, not in Bengal but belonging to Bengal, but they were all interned before the Bengal Criminal Law Amendment Act of 1932 came into force ; they were all, in the opinion of the authorities, terrorists of a dangerous type whom it was not desirable to intern in Bengal itself. They were, therefore, dealt with under the Regulation, because the Bengal Government had at that time no legal power to order the detention of anyone outside their jurisdiction.

Mr. S. C. Mitra : But at present there is no necessity to bring them under this Regulation.

The Honourable Sir Henry Craik : I will consider the point whether it would now be possible to deal with them under the other powers now possessed by the Bengal Government. I was merely explaining why at the time they were interned it was necessary to use the Regulation because the legislation which has since been passed was not at that time in force. Apart from that particular point about the Bengal prisoners, the Honourable Member will, of course, realise that in other parts of India the special powers that exist in Bengal by virtue of recent legislation do not exist. For example, in the Punjab and the North-West Frontier Province there is a special Act but there is no power to intern. There is merely power to detain for a period which must not exceed two months, and a detention for two months is not obviously of much use in the case of a man who, the authorities are satisfied, is a dangerous terrorist.

Another point raised was regarding the reply I gave in answer to a supplementary question the other day about one of the Bengali internees, Mr. Sarat Chandra Bose. I am being told that I have violated the rule of silence or secrecy or reticence observed by my predecessors in making that reply, but I may point out that what actually happened was that Mr. Bhuput Sing put a question to me which ran : " May I know what are the reasons, other than the Civil Disobedience Movement, for detaining Mr. Bose ? " Now, if I had said : " No " or " I shan't reply " or anything like that, I should have been accused of grave discourtesy, and so, I stated the conclusion to which I had come after a study of the papers, namely that there were strong grounds for considering that this gentleman is deeply involved in the terrorist movement.

Mr. K. C. Neogy : The Honourable Member was complimented for it and he need not take the trouble of explaining his position.

The Honourable Sir Henry Craik : I am coming to that.

Mr. Gaya Prasad Singh : I hope the Honourable Member will be more communicative with regard to other detenus and the reasons for their detention.

The Honourable Sir Henry Craik : A telegram of remonstrance or protest has come from Mr. Sarat Chandra Bose to which allusion has been made by one or two of today's speakers. It only reached me half an hour before I came to this Chamber, as it was not sent to me direct but through one or two intermediaries. I am not in a position, nor do I think, this is the proper place to enter into any argument about it, but I may say that he takes the point that what I have stated is in conflict with statements which he alleges were made orally in certain conversations by high officials of the Government of India and I think also by some high officials of Bengal. I have, hitherto, had no time to ascertain whether there is any record or corroboration of his allegation that such statements were made, but, I shall, of course, look into the point. I have only to say that, before the receipt of this telegram, and, in consequence, I think, of certain allusions made in this House and of what I have read in the Press, I have again carefully perused the papers regarding this person and I see no reason whatever to alter one single word of what I said on that occasion. I am convinced that there are grounds for considering him to be deeply involved in this movement and there I must leave the matter for the present.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Will the Honourable Member kindly place these papers on the table ?

The Honourable Sir Henry Craik : Certainly not. Those papers are confidential documents.

Mr. Gaya Prasad Singh : Will you give an opportunity to that gentleman to explain his conduct and to prove his innocence if he can ? Of course, it can be done *in camera* and not before the public. This is what bare justice demands.

The Honourable Sir Henry Craik : I cannot at the moment give any undertaking to that effect, but I will consider that question.

Now, Sir, I come to my Honourable friend, Mr. Neogy. I would like to say at once that I thoroughly enjoy an argument with Mr. Neogy. I recognise him as a fair and courteous debater and one after my own heart, not only because of those qualities, but because I always feel that I am contending with a much more subtle brain than my own. Honourable Members who play golf will appreciate the simile when I say that I always feel when engaging in an argument with my Honourable friend that though I am almost certain to be defeated, yet I hope that my game is going to be improved. The Honourable Member was kind enough to refer to the candid way in which I have placed the case of Government on this motion and I very much appreciated what he said. But I was a little hurt when he said something which implied that he considered me a die-hard. Now, that is an imputation which I cannot admit. I am afraid the Honourable Member must have read the comment of a well-known nationalist paper of my Province when my appointment to my present office was

announced. It said in effect : " As for Sir Henry Craik, all that we know about him is that he is every bit as reactionary as his predecessors and has none of their Parliamentary gifts ". Of course, I am painfully conscious of the second part, which is perfectly true, but the first part does seem to me to be rather begging the question both as regards my predecessors and myself. I honestly think that I cannot fairly be accused of being a die-hard. At least, I hope not.

Mr. K. C. Neogy : I would gladly accept a variant of that, if the Honourable Member suggests one.

The Honourable Sir Henry Craik : If my Honourable friend persists in that opinion, I can only hope that, in the months or years to come, when, I trust, we may be associated in this Assembly, my conduct will convince him that he is wrong. (Applause.) My Honourable friend went on to quote the speech made by Lord Reading to this Assembly in January, 1924, and he contended that the Government have been guilty of a breach of faith in not implementing what he said was a clear promise made in that speech that the cases of all these internees would be referred to two Judges. I do not for the moment say High Court Judges because I think it is perfectly possible that there was a *bona fide* mistake about the point whether they were to be High Court Judges or Sessions Judges. But I have read the speech since my Honourable friend spoke, and, I must say that I cannot find there that there was any definite promise made that that procedure would invariably be observed. However, be that as it may, that is a very old question which has frequently been raised on the floor of this Assembly as my Honourable friend must know. There was a question put to Sir Alexander Muddiman in 1926 on this very point, and he was challenged by Mr. Rangaswami Iyengar as regards this alleged breach of faith, and he replied :

" It is very important that I should make myself quite clear on that point. I am answering a general question in regard to the general use of the Regulation. As the Honourable Member quite correctly states, a different procedure was adopted in regard to the prisoners whom His Excellency the Governor General was referring to. I want to make it quite clear that Government are not in all cases committed to that procedure."

Whether there was a breach of faith or not, the position of Government was made perfectly clear eight years ago. I really do not think my Honourable friend need have dug up in defence of his arguments the alleged sins of my predecessors, for I have no doubt that in course of time he will find plenty of my own. But it does illustrate the weakness of his case when he has to go back to these forgotten controversies of eight years ago to reinforce his arguments.

Mr. K. C. Neogy : Yes, to Lord Reading.

The Honourable Sir Henry Craik : Yes, it was to Lord Reading. Sir,
 I have very little more to say, but there are just one or
 1 P.M. two points made by later speakers to which I feel it would be courteous to refer. My Honourable friend, Mr. Gaya Prasad Singh, quoted the case of a Delhi prisoner, Vidya Bhushan, who, he says, was arrested under this Regulation after being honourably acquitted by a Court. I took down his exact words. I have only a somewhat vague recollection of that case, and, unfortunately I have not had the opportunity of refreshing my memory about it. But I must say that my recollection is that the Honourable Member had no justification for using the expression

[Sir Henry Craik.]

“ honourably acquitted ”. The man’s guilt was not proved, but I do not believe, to the best of my recollection, that it was ever definitely said that he was innocent. If the Court had said that he was innocent, that would be quite a different thing.

Mr. Gaya Prasad Singh : If his guilt is not proved then he must be presumed to be innocent in the eyes of the law.

The Honourable Sir Henry Craik : There is a difference. In Scottish Law, as my Honourable friend knows, a jury can return a verdict intermediate between guilt and innocence, known as a verdict of non-prover, but in English law there is no such thing. Still it must be within the common experience of every human being that there are cases when you cannot say that a man is definitely guilty and yet you are not satisfied of his innocence. In that particular person’s case I do not believe that the verdict can be fairly described as having amounted to one of honourable acquittal.

Mr. Gaya Prasad Singh : Will the Honourable Member himself kindly look into that case ?

The Honourable Sir Henry Craik : Yes, I will. Now, Sir, I come to my Honourable friend, Mr. B. Das, and, I wish to remove a misapprehension that seems to exist in his mind that the communist movement in India is entirely a figment of my imagination. I wish I had as fertile imagination as the Honourable Member seems to suppose. Let me assure him that the statement that I laid on the Table of the House the other day, in order to spare the House the horror and indignation and boredom which I knew its reading would cause, was a document of which every single sentence was based not on my imagination but on papers and proofs in the possession of the Government of India. That statement as to the teachings, the aims and objects of the communist party in India is one which, I think, I may claim, is carefully and thoroughly documented and in no sense based on imagination or even on guess work. I do not think that any reasonable person reading that document can fail to agree with me that in describing the communist as “ Public Enemy No. II ”, I have not been guilty of any exaggeration whatever. The Honourable Member asked me, how many communists or communist agents were interned under this Regulation ? There were a short time ago six, but four of them have now been released as they are not considered any longer dangerous and there are still two left. The suggestion to which I have just referred that the communist movement was a wholly imaginary danger, a sort of bogey suddenly dug out of some dark cellar to justify the retention of the Regulation, is certainly not one that is shared by my Honourable friend’s own Leaders or future leaders as he no doubt has observed from the sayings reported in the Press of Mr. Vallabhai Patel and even of Mr. Gandhi himself. They are fully alive to the dangers of the communist movement. If the Honourable Member is going to appear in the next Assembly, as representing the Congress, he must make himself better acquainted with the views of the leaders that are to be.

Mr. B. Das : Out of 35 crores, two detenues only. There are only two communists out of 35 crores of people in India. That shows there is really no communist movement in India.

The Honourable Sir Henry Craik : Apart from those, there are many who have been convicted in regular Courts in Bombay and I believe also in Calcutta.

Sir, I do not think I have anything more to say, for, as I have remarked, the subject is one regarding which every Member of the House is familiar with the arguments on both sides and I do not think that anything I can say is likely to, certainly not to turn the scales, or even influence one vote. But, Sir, I feel some confidence in now leaving the question to the verdict of the Assembly. (Applause.)

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

“ That the Bill to repeal the Bengal State-Prisoners Regulation, 1918, be taken into consideration.”

The Assembly divided :

AYES—37.

Abdul Matin Chaudhury, Mr.
Abdur Rahim, Sir.
Ba Maung, U
Badi-uz-Zaman, Maulvi.
Bhuput Sing, Mr.
Chandi Mal Gola, Bhagat.
Das, Mr. B.
Dudhoria, Mr. Nabakumar Sing.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.
Gunjal, Mr. N. E.
Hari Raj Swarup, Lala.
Jog, Mr. S. G.
Krishnamachariar, Raja Bahadur G.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Liladhar Chaudhury, Seth.
Mahapatra, Mr. Sitakanta.
Mitra, Mr. S. C.

Mudaliar, Diwan Bahadur A.
Ramaswami.
Neogy, Mr. K. C.
Pandian, Mr. B. Rajaram.
Pandya, Mr. Vidya Sagar.
Parma Nand, Bhai.
Patil, Rao Bahadur B. L.
Phookun, Mr. T. R.
Ranga Iyer, Mr. C. S.
Reddi, Mr. T. N. Ramakrishna.
Roy, Rai Bahadur Sukhraj.
Sant Singh, Sardar.
Sen, Mr. S. C.
Sen, Pandit Satyendra Nath.
Shafee Daoodi, Maulvi Muhammad.
Singh, Mr. Gays Prasad.
Sitaramaraju, Mr. B.
Thampan, Mr. K. P.
Uppi Saheb Bahadur, Mr.

NOES—52.

Abdul Aziz, Khan Bahadur Mian.
Ahmad Nawaz Khan, Major Nawab.
Ali, Mr. Hamid A.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.
Anklesaria, Mr. N. N.
Banjari, Mr. G. S.
Bhadrapur, Rao Bahadur Krishna Raddi B.
Brij Kishore, Rai Bahadur Lala.
Buss, Mr. L. C.
Chatarji, Mr. J. M.
Craik, The Honourable Sir Henry.
Dalal, Dr. B. D.
DeSouza, Dr. F. X.
Duguid, Mr. A.
Fazal Haq Piracha, Khan Sahib Shaikh.
Ghuznavi, Mr. A. H.
Grantham, Mr. S. G.
Hockenhull, Mr. F. W.
Hudson, Sir Leslie.

Ismail Ali Khan, Kunwar Hajee.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kamaluddin Ahmad, Shams-ul-Ulema Mr.
Lal Chand, Hony. Captain Rao Bahadur Chaudhri.
Lee, Mr. D. J. N.
Lindsay, Sir Darcy.
Lumby, Lieut.-Colonel A. F. R.
Metcalfe, Mr. H. A. F.
Morgan, Mr. G.
Mukherjee, Rai Bahadur Sir Satya Charan.
Noyce, The Honourable Sir Frank.
Pandit, Rao Bahadur S. R.
Perry, Mr. E. W.
Puri, Mr. Goswami M. R.
Rafuddin Ahmad, Khan Bahadur Maulvi.

NOES—*contd.*

Raghubir Singh, Rai Bahadur Kunwar.	Singh, Kumar Gupteshwar Prasad.
Raisman, Mr. A. J.	Singh, Mr. Pradyumna Prashad.
Bajah, Rao Bahadur M. C.	Sircar, The Honourable Sir Nripendra.
Ramakrishna, Mr. V.	Spence, Mr. G. H.
Bau, Mr. P. R.	Studd, Mr. E.
Richards, Mr. W. J. C.	Trivedi, Mr. C. M.
Row, Mr. K. Sanjiva.	Zakaullah Khan, Khan Bahadur Abu
Scott, Mr. J. Ramsay.	Abdullah Muhammad.
Scott, Mr. W. L.	Zyn-ud-din, Khan Bahadur Mir.

The motion was negatived.

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

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

THE GIRLS PROTECTION BILL.

Rai Bahadur Kunwar Raghubir Singh (Agra Division : Non-Muhammadan Rural) : Sir, I beg to move :

"That the Bill to protect ^{minor} Girls be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Home Member, Sir Abdur Rahim, Mr. K. C. Neogy, Diwan Bahadur Harbilas Sarda, Mr. Amar Nath Dutt, Mr. Muhammad Yamin Khan, Sardar Nihal Singh, Goswami Mr. R. Pur, Sir Hari Singh Gour, Mr. F. E. James and the Mover, with instructions to report within a week, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

This Bill was sent out at Delhi for circulation in order to elicit public opinion thereon. Opinions have been received. As we know, the opinions are generally from District Magistrates, Commissioners, High Courts and other Government servants. Non-official public opinion also was obtained, and as I shall show later on, public opinion is generally in favour of the Bill. I shall also refer to the bodies which are against the Bill, but, before I do so, I wish to point out that those who are interested in the welfare of girls are generally in favour of my Bill. The very famous paper of Allahabad, *the Chand*, of May, 1934, has supported my Bill. Then there is the paper of Lahore started by the late Sir Ganga Ram which is known as the *Widows' Cause* which has also supported my Bill. As for individuals, the Honourable the Chief Justice of the Allahabad High Court supports my Bill, as well as Justice Iqbal Ahmad. Dr. Muthulakshmi Reddi of Madras has written to me personally supporting the Bill. Khwaja Hasan Nizami of Delhi, the Government Pleader, Silchar, Deputy Commissioner, Garo Hills, Chairmen of the Local Board and Municipal Board, Nowgong, Secretary, District Bar Library, Sylhet, Mr. G. L. Subhedar, Additional Judicial Commissioner, Central Provinces, Mr. F. H. Staples, Additional Judicial Commissioner, Central Provinces, the Deputy Commissioner, Buldana, Mrs. Y. K. R. Cama, Honorary Magistrate, Nagpur, Mr. P. Mukherji, M.L.C., Delhi, Rai Bahadur Ram Kishore, Advocate, Delhi, Dr. S. P. Shroff, Delhi, the Senior Sub-Judge, Delhi, Raja Bahadur Suraj Baksh Singh, O.B.E., of Kasmanda, the District and Sessions Judge, Guntur, the Inspector General of Police, Burma, the Government Pleader, High Court, Bombay, the Collector of Broach and Panch Mahals, the Collector of Thanai, all have supported my Bill. As for institutions, the Assam Saurakshani Sabha, Gauhati, Kaivarta Sammilan, Gauhati Hindu Sabha, the Bar Association, Chhindwara,

the Bar Association, Jubbulpore, the Gurudwara Prabandhak Committee, Sisganj, Delhi, the Secretary, Cambridge Mission, Delhi, the Women's Indian Association of Madras, the Burma Provincial Hindu Sabha, Khalsa Diwan, Burma, the Europeans Association, Calcutta, the Bengal Sanskrit Association, the Bombay Presidency Social Reform Association, the Bombay Presidency Women's Council, the Madras Hindu Association, Rangoon, the All-India Sanadhya Mahamandal, Agra, the Unewal Brahmin Sudharak Yuvak Mandal, Khakharea and the All-India Bharat Varshiya Agarwal Mahasabha, Calcutta, have all supported my Bill. Now, I come to those who have criticised the Bill and want to go farther than the provisions contained in the Bill. The first criticism which is general is that the word "sale" has not been defined. I think that this can be done by the Select Committee which I have suggested. The second criticism is that the punishment proposed is inadequate. I think that can also be done by the Select Committee. The third objection is that section 372 of the Indian Penal Code is enough. But the words in that section are "if one sells a girl for immoral purposes"; but here it is no case of selling a girl for immoral purposes, but for regular marriage. So the case which I am referring to this august Assembly will not be covered by that section. The fourth objection is that the Sarda Act is there and the age proposed in this Bill is the same as that in the Sarda Act, and so, if that Act is made more effective in the same direction, it would be enough. I say, the age of the girl can also be increased by the Select Committee, and I wish to emphasise it that I want stoppage of selling of girls for marriage purposes; and if any changes are proposed in the Select Committee or by the House, I am willing to accept the same. I am open to conviction. It is simply in the human interests that I want this Bill to be passed, and the poor girls who are tied down to those persons will be saved. It is also pointed out that the object and reason for this Bill is to prevent widowhood in case of great disparity of age. Only those people will pay big sums of money who are older in age: those who are young can get brides, but those who cannot get brides have, of course, to pay a large sum to get them. So, if this Bill is referred to Select Committee the criticisms can be considered there and rectified. With these few words I move my motion.

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

"That the Bill to protect Minor Girls be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Home Member, Sir Abdur Rahim, Mr. K. C. Neogy, Diwan Bahadur Harbilas Sarda, Mr. Amar Nath Dutt, Mr. Muhammad Yamin Khan, Sardar Nihal Singh, Goswami M. R. Puri, Sir Hari Singh Gour, Mr. F. E. James and the Mover, with instructions to report within a week, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. B. Sitaramaraju (Ganjam cum Vizagapatam : Non-Muhamadan Rural) : Sir, there is no doubt that the object which my Honourable friend has in view is good. He wants that minor girls should be protected. He was frank enough to say even on the last occasion that the Bill was not properly drafted, and that any drafting defects there might be could be remedied in the Select Committee. But my friend has not realised the difficulties of sending a measure, as he has conceived it, and in the form in which it stands now, to the Select Committee for remedying any defects in it. In order to appreciate not so much the principle of the Bill as the value of this legislation, I think we should consider two or three circumstances. Now, what exactly is

[Mr. B. Sitaramaraju.]

my friend driving at in order to protect minor girls? His first idea is, according to his Statement of Objects and Reasons, that there shall be no inequality of ages between a bride and a bride-groom. That, however, is not provided in the provisions of the Bill and obviously difficult to have a cut and dry provision and the second point is that girls should not be treated as commodities. As I have said, Sir, we have nothing but sympathy for the view that minor girls should not be treated as commodities. But, my friend has not taken note of the legislation which we already have on the subject. If selling as he calls it, though the word "selling" has not been defined and is incapable of being properly defined in a matter like this, if selling of a girl is done for monetary considerations and for an improper use, then we have the Indian Penal Code which deals effectively with such crimes. If it is not for immoral purposes, but is merely for purposes of giving the girl in marriage, then we have the Sarda Act. The Sarda Act says that there shall be no marriage if a girl is of the age which my friend has in mind. Therefore, whether it is for an immoral purpose or for a marital purpose, if a girl is minor, then there is already legislation which can effectively deal with both classes of these moral offences. He has not provided for girls above the age of 14 to come under the operation of this Bill, but it is just as bad if a girl above the age of 14 is sold as a girl under the age of 14 is sold. In our part of the country selling is meant to be for a monetary consideration. That being so, all marriage transactions where monetary considerations pass must be considered as sales. At the time of marriage, two forms of monetary considerations generally come to pass. One is called the *Kanya-sulka*, and the other is called the *Vara-sulka*. In both cases, certain monetary considerations do pass in this way. If that is considered an offence, then there is no reason why the bridegrooms sold under one of these categories should not be protected just in the same way as girls. From a purely Shastric point of view, these monetary considerations are always held bad, and even as early as in pre-historic days, Manu says that even a cow, if it is given as a consideration for marriage, could be considered as a monetary consideration and, as such, would constitute an offence against religious purity and render the marriage unpraiseworthy. Therefore, there is no doubt that from the point of view either of the Shastras or from the point of view of our ordinary notions of morality or of civilization, monetary considerations are bad and should be discouraged, but how legislation can effectively deal with such problems, I for one am unable to see, because all these matters depend more or less upon the way in which society looks at them. If the society looks upon with disfavour, then, by the mere force of public opinion, the people concerned can be dealt with more effectively than by legislation, and that, often, is the only effective remedy. But, Sir, monetary considerations, not only in this country, but all over the world, are realised as bad, and yet allowed to pass. They have been known to exist among all classes of people and in all countries. For instance, an aristocrat bankrupt is sold to an heiress of the lower orders in America today and patrician ladies in poverty are sold to the newly rich of the middle classes.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhamamadan Urban) : Sells herself.

Mr. B. Sitaramaraju : Parents themselves offer in marriage their girls in consideration of the status or money which a husband is willing to offer as consideration. That is one class of people. Then there is the other class also to which my friend, Diwan Bahadur Mudaliar, just referred, that is, where the girls themselves sell, for money, irrespective of every other consideration, just for the sake of that money, though the bridegrooms may differ temperamentally, though they be too old, and though they may be objectionable in every other conceivable way. Therefore, I do consider that in a matter of this kind, it is far better to leave the matter for public opinion to put such restraint as it possibly can, instead of resorting to legislation, which, for all practical purposes, can at best remain a dead letter. My friend referred to certain opinions which were given on his Bill. He evidently misunderstood that the opinions which were expressed in his favour as opinions expressed in favour of the provisions of the Bill. They are merely opinions expressing their approval for the object he had in view. I will read only three important opinions without taking much of the time of the House. The High Court of Madras says : " The Honourable Judges consider that the Bill is unnecessary.....".

The opinion of an eminent lawyer, Sir P. Sivaswami Aiyer, is as follows :

" The object of the sponsor of the Bill may be good, but the Bill is so ill-considered and ill-drafted that it should be rejected. It is very doubtful whether the framer of the Bill has any clear ideas in his own mind as to what he wants. He states that the evil of daughter-selling has assumed dangerous proportions in Hindu society. It is not clear whether he refers to selling in marriage or for immoral purposes. I do not believe that this evil has grown in this Presidency. On the other hand, the practice of the sale of the bridegroom by his parents or by himself is far more rampant. So far as the sale of girls for immoral purposes is concerned, it is adequately dealt with in the Penal Code.

The author of the Bill states that he wishes to provide for the protection of minor girls and against the disparity of age between the bride and bridegroom. There is no reason why he confines the protection offered by his Bill to girls below the age of 14. Marriage of such girls is already prohibited by the Sarda Act. There is no reference in the Bill to sale for purposes of marriage, nor to any inequality of age between the bride and the bridegroom. There may be great disparity of age between the bride and the bridegroom even in cases where the girl is above 14 years of age. There are numerous other objections to the Bill, but it is unnecessary to refer to them in detail in view of the exhaustive criticism of Captain Lal Chand which has torn it to shreds."

With one more opinion I shall close, and that is the opinion of the Advocate General of Madras :

" If the object of the framer of the Bill is to strike at sales of girls, the sale of girl above 14 is as much objectionable as a sale of girl under 14, though it has to be admitted that there is a greater possibility of a girl above 14 exercising some sort of discretion of her own than a girl under 14. Among the lower classes of the Hindu community certain forms of marriage are prevalent in which a small sum of money at present is paid as a part of the marriage ceremonial. A question may arise whether those forms of marriages are hit by the Bill. A small settlement of property on the parents of the girl or an advance for the expenses of the marriage, it may be urged, may bring the particular marriage under the expression of ' sale ' in the section.

There is also this further point that the Child Marriage Restraint Act has made it an offence for any person above the age of 18 to contract a marriage with a girl below 14 years of age. If the sale is for purposes of prostitution or for illicit intercourse or for unlawful purposes the same is already an offence under section 372, I. P. C.

On all these grounds I think no purpose is served by the Bill and the matter may be left to the growing social consciousness of the people."

[Mr. B. Sitaramaraju.]

I do not wish to refer to other adverse opinions, but I find there are many such opinions with regard to both the terms in which the Bill is drafted and the points which my Honourable friend mentioned. When I say that the Bill will not serve any useful purpose by being referred to a Select Committee, I am not actuated by personal or communal views. I say so on the opinions that I have just now read out to the House by eminent men. I will say at once that so far as we as a community are concerned, we do not practise neither *Kanya-Sulkam* or *Vara-Sulkam*, i.e., the sale as you may call it of the bride or the bridegroom. There is no such practice as the system of passing monetary considerations at the time of marriage in my community. If, at the time of marriage, even a small coin is given, that will be construed as a monetary consideration, and, therefore, in our community, it has been jealously practised that such monetary considerations should not be allowed to interfere on marriage occasions.

An Honourable Member : Is your objection only to monetary consideration ?

Mr. B. Sitaramaraju : There are other considerations also, but for the present we are considering only the monetary consideration. Though the Kshatriya community in Northern India still practise dower and other monetary considerations, we do not. Therefore, I am not interested from any communal point of view in opposing the motion. On the whole, the Bill, as drafted, will not serve the purpose which my Honourable friend, the Mover, has in view, namely, the protection of minor girls before the age of 14. We have got already two Acts, one the Sarda Act for the marital age, and the other the Indian Penal Code as regards immoral purposes. These two amply cover the ground which my Honourable friend wants to provide for, and to enact another piece of legislation is, from the point of view of principle, bad. You cannot have two legislations and two sets of punishment on one and the same transaction, and that is always considered to be bad from the point of principle of legislation. I consider, therefore, that no useful purpose will be served by referring the Bill to a Select Committee, and so the motion should be opposed.

Rai Bahadur Lala Brij Kishore (Lucknow Division: Non-Muhammadan Rural) : Sir, the object of the Mover of the Bill is a very laudable one, and I do not think that there is any difference of opinion with regard to this matter. This Bill, as framed, in reality concerns only girls who are below 14 years of age, and sometimes these girls are given in marriage for money consideration. This Bill has been introduced to stop this practice. It often happens that because there is no custom of widow remarriage in the higher castes of Hindus, if people of 50 or 60 years of age want to marry, naturally, as there are no widows available, they must marry minor girls of 12, 13 or 14 as the case may be. Sir, the evils of early marriage are best known to us. As a social reformer has said, "impression, 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". The principle of the Bill is very sound, and I do not think that there can be any objection to the acceptance of the principle. Some opinions are to the effect that the Bill is badly drafted:

These defects can be removed when the Bill goes to the Select Committee. For the present, I support this Bill going to a Select Committee.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, from the moral point of view I would certainly like to have a Bill of this nature passed. But there are several difficulties which make it difficult to have a legislation of this kind. So far as my part of the country is concerned, from time immemorial there is a custom amongst Muhammadans, not of the very lowest class, but except and barring those richer people and those Muhammadans of higher class.....

An Honourable Member : You speak for the Hindus.

Mr. Lalchand Navalrai : I am coming to Hindus also. Because this Bill applies to both communities, it is not restricted to Hindus only. I shall come to Hindus also and show whether this Bill should be taken into consideration or not. I was saying that amongst the Muhammadans, barring the higher classes, and taking the Hindus, the Hindus of lower classes, who are not very few in the country, there is a custom by which they marry their girls for money. The father gets the money, the mother gets the money, and they marry their children. They do not consider that immorality at all.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official) : How do you know ?

Mr. Lalchand Navalrai : Not the Anglo-Indians I am talking of. There is a custom where they do not consider in the least that it is a harm or a degradation, and that is going on for a very long time. Would that mean selling ? If that is selling, then that would come under this. But if there is a custom to that effect, custom prevails over the law too. If you pass this Bill and there is a custom to that effect, the law will not over-ride that custom. Therefore, I submit, there are difficulties with regard to this Bill being passed. Not only that, but the money that these people give is being used for the purpose of the nuptial rites too. They use the money for the expenses that are required for the ceremonies or for some other purposes ; they make ornaments for the girl. Therefore, I submit that, so far as that is concerned, this Bill will not be a practicable one.

Then, there is another kind of marriage which may also be considered as sale, and it is this. Instead of giving money in exchange, they give the daughter in exchange. A gives his daughter to B and in turn takes the daughter of B. Would that be sale or not ?

An Honourable Member : Of course not.

Mr. Lalchand Navalrai : If that is not sale, then sale is not defined at all. Exchange is also sale under the Contract Act—

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a horse for a donkey. What I am submitting is this. I have very much sympathy with the Mover of this Bill. I would very much like that a Bill of this kind may be enacted, but there are difficulties, and I think the best course that we should adopt is that this should be left to those communities which are concerned in this matter and that this matter should be decided by social *panchayats* among themselves, because different customs and manners prevail in different parts of the country. So this Bill should be considered in that light.

[Mr. Lalchand Navalrai.]

The second objection that appears to me is this. We have already a legislation in force called the Sarda Act.

An Honourable Member : There is a motion for its repeal.

Mr. Lalchand Navalrai : I will certainly object to that Bill being repealed. It is of very great help in improving the society as also the vitality of the people. On the other hand, there is a defect in it, and I have put in a Bill which will come up before the House. It says that the Sarda Bill is not being implemented to the extent to which it ought to be, because people go across the border of British India into some Native State and then come back to India with impunity. The Government are doing nothing. I hope Government and especially the new Law Member will do something, otherwise that Act will be infructuous. There is, as I say, the Sarda Act in existence which punishes a man who marries his girl under the age of 14. That covers this also. If a man gives money and marries his girl under 14, he will come under the Sarda Act. Is not that sufficient punishment? Why should there be double punishment? On the contrary, my friend should support the Sarda Act rather than bring in this Bill. To pass this Bill will be inflicting one more punishment and nothing more. Even one punishment is enough. I am submitting that when the Sarda Act is in existence, this Bill is unnecessary. The Sarda Act should be fully implemented and people should be taught a lesson if they are going to contravene it. To give money and to marry is not good, but this custom has been in existence for a long time, and there may be difficulties in the way. I do not know the views of those people whom I represent and also the Muhammadan community in Sind and in the Bombay Presidency. If they are of opinion that this practice is wrong, then they will stop it.

An Honourable Member : Their opinions are on record.

Mr. Lalchand Navalrai : I have not read the Bombay opinions, I am sorry. I asked for them and could not get them. They were circulated a long time back. I came here only this morning from my place and I have not got those reports with me. My position is that I cannot possibly support this Bill without knowing full well the opinions of those people who actually contract such marriages.

Hony. Captain Rao Bahadur Chaudhri Lal Chand (Nominated Non-Official) : Sir, when I moved for circulation of this Bill in the last Session at Delhi, I dwelt at length on some of the draw-backs that were apparent in this small Bill. I am not going to repeat all those arguments and will only refer to a few points for the consideration of the Select Committee. There is disparity in the opinions that have been received, but I would not repeat them because I do not wish to oppose the motion for Select Committee. But, all the same, I think, my friend, Mr. Lalchand Navalrai, is right when he says that these things should be left to the social reformers.

Mr. Lalchand Navalrai : Once in a way you think I am right.

Hony. Captain Rao Bahadur Chaudhri Lal Chand : I think the Select Committee should be at liberty to say so. The object is laudable no doubt, but the remedy suggested is hardly commensurate with the objects which the Honourable Member has in view. Some of the apparent draw-backs of this Bill are : In the first place, in the Statement of

Objects and Reasons we have it, that this is a Bill for the protection of minor girls against inequality of ages of bride and bridegroom. There is not a word about this in the body of the Bill. The Honourable Member has at the back of his mind cases where minor girls are disposed of in marriage to elderly people. This is fairly common among the so-called advanced classes among Hindus, I mean the *mahajans* and Brahmins, but surely when he has mentioned that this is one of the objects of the Bill, he ought to have incorporated a provision in the body of this Bill to that effect. There is no mention of this in the clauses. I hope the Select Committee would consider this, and, if necessary, would add a clause to meet the object in view. Again, the wording of clause 3 is unhappy. It runs like this: If a parent sells his or her daughter before she has attained majority, etc. Does it mean that he will be free to sell the girl after she has attained the age of 14? Well, this should be remedied, because if it were so, the parent will only have to wait a few months or a few years before selling his daughter, and he will thus escape. Thirdly, the word "sale" is not a good choice. It means that when a minor girl has been disposed of and passing of consideration is not proved, then the accused is let off. We all know how difficult it is to prove the passing of consideration, and I think my Honourable friend ought to have said: "sells or otherwise disposes of". I hope the Select Committee will consider this point also. Then, fourthly, if a parent is to be punished for this offence, why not the man who induces the bride's parents to dispose of his daughter? He should not go scot-free. I mentioned this point in my last speech, when I moved for circulation, and I refer to it now for the consideration of the Select Committee. Fifthly, Sir, the punishment provided is very mild, and I said last time that that showed there was some complicity between the culprits and the Mover of the Bill. We find that the corresponding section of the Indian Penal Code, section 372, under which the disposing of a minor girl takes place with a particular object, the punishment is ten years. It runs thus:

"Whoever sells, lets to hire, or otherwise disposes of any minor under the age of sixteen years with intent that such minor shall be employed or used for the purpose of prostitution, or for any unlawful and immoral purpose, or knowing it to be likely that such minor will be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."

There is, only this difference, that there in section 372 a particular object has been defined and that object is illicit or immoral intercourse. I admit, that in the present case, the punishment should not be ten years, but surely two months is ridiculous, if the Bill is at all meant to have any deterrent effect upon society.

Mr. Lalchand Navalrai: What is the punishment under the Sarda Act—it is only a fine.

Hony. Captain Rao Bahadur Ohaudhri Lal Ohand: I was not present when the Sarda Act was passed, and for the law Courts it is practically a dead letter.

Mr. Lalchand Navalrai: I hope you were present when the Indian Penal Code was made.

The Honourable Sir Henry Craik (Home Member): Simple imprisonment for one month,—under the Sarda Act.

Hony. Captain Rao Bahadur Chaudhri Lal Chand : Lastly, Sir, the Preamble says :

“ Whereas the evil of daughter-selling has assumed dangerous vogue in society ”.

Now, it will be for the Select Committee to go through the opinions that have been received. Sir, those opinions do not support this sort of aspersion upon the whole of society. It may be prevalent in certain communities, it may be so in a few cases, but surely this evil of daughter-selling has not assumed dangerous vogue in the whole of society. I hope the Select Committee will amend this also suitably. I am glad the Honourable the Mover has himself agreed to the raising of the age in the Bill from fourteen or sixteen to eighteen and the Select Committee may consider what is the proper age to adopt. Then, again, Sir, the offence has been made cognizable. Well, this will be giving another handle to the so-called bureaucracy and will unnecessarily add to the work of the Honourable the Home Member who is already over-worked ; there will be so many questions of the police interfering in such and such a case and so on and I think it is for the Select Committee to consider this point also. Sir, I have nothing more to add, but I do not oppose this Bill at this stage.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, the Bill, as it is drafted, appears to me to be quite unnecessary, and it will lead to a series of prosecutions and a series of troubles on account of the interpretation to be placed upon the word “ sale ”. Sale may mean anything—the changing of one commodity for another commodity. Now, suppose in the case of sale, as is usually the custom, money or ornaments or clothing or property are given to the bride at the time of the marriage, then does it or does it not amount to a sale ? This is a very important question.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Brides are not commodities.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : Bridegrooms are !

Dr. Ziauddin Ahmad : If the bride is not a commodity, then the question of sale according to the General Clauses Act will not arise. (Laughter.) The question that will arise is this. This is the usual custom amongst various people that certain things are always given to the bride at the time of the marriage ceremony. Very often the father of the bride, if he finds that the father of the bridegroom is very extravagant, takes jolly great care to see that certain properties are put down in the name of the daughter so that the whole property may not be wasted. It is also very customary that people give money on such occasions not only to the bride, but also to the father of the bride, the mother of the bride and their relatives at the time of the ceremony (Laughter) ; it may be given in the shape of money, it may be given in the shape of clothes or in some other form. Then all these things will come under the definition of “ sale ” if this Bill goes through. Sir, I find that the general opinion of the various Local Governments is definitely against this. Thus, the United Provinces Government says :

“ The Governor in Council does not approve of the Bill as drafted and is inclined to think that legislation in this form is not required.”

Now, in the case of Baluchistan, I draw attention to Extract No. 7-- The Honourable the Agent to the Governor General and Chief Commissioner is also definitely against this legislation and the Political Agents think that this will be a very unpopular move in Baluchistan. Coming to the North-West Frontier Province, there also :

" the Bill, as it stands, virtually finds no support from anyone consulted on the subject in this Province " (vide page 12 of Paper No. 1).

" The grounds on which it is opposed are :

- (1) It would be unpopular and contrary to established custom.
- (2) It would be impossible to enforce.
- (3) It is unnecessary in view of the provisions of section 372, Indian Penal Code, and of the Child Marriage Restraint Act.
- (4) It would not effect the purposes which it seeks to achieve.
- (5) It does not go far enough.

The Governor in Council is therefore of opinion that the Bill is redundant."

That, in effect, then, is the opinion of the three Governments which I have quoted and I do not see any reason for enforcing this Bill ; I foresee enormous difficulties in interpreting the meaning of the word " sale " ; and I am afraid even the ordinary marriages which are now performed in good faith, and without any question of immorality or otherwise, might be dragged in by one magistrate or other in a Court of law by someone giving a wrong interpretation to the word " sale ", because unless the word " sale " is very clearly defined, it would be exceedingly difficult to accept it in this particular form. Sir, for all these reasons, I oppose this Bill.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I want to place before the Honourable Members of this House an idea of the position under the Hindu law of marriages where money is paid. I shall be extremely brief, and I propose to read from page 484 of the last edition of Mulla, paragraph 428 :

" (1) The ancient Hindu law recognised eight forms of marriage, of which four were approved forms, and four unapproved. The only forms of marriage now recognised are—

- (i) the *Brahma* form, which is one of the approved forms ; and
- (ii) the *Asura* form, which is one of the unapproved forms.

(2) Where the father or other guardian of the bride gives the bride in marriage without receiving any consideration from the bridegroom for giving the girl in marriage, the marriage is called *Brahma*. But where he receives such consideration, which is technically called *sukta* (a word which was used by my Honourable friend Mr. Sitaramaraju) or bride's price, the marriage is called *Asura*, even though it may have been performed according to the rites prescribed for the *Brahma* form. The test in each case is whether any consideration was received by the father or other guardian for giving the girl in marriage. The mere giving of a present to the bride or to her mother as a token of compliment to her does not render the marriage *Asura* marriage.

(3) Hindus belonging to any class (this is the conclusion) may now marry either in the *Brahma* form or the *Asura* form. Thus a Brahman may contract an *Asura* marriage, and a Sudra may contract a *Brahma* marriage."

Therefore, the position is this, that under the Hindu Law it is well recognised that there may be a valid marriage although price or consideration for the bride has been paid. Speaking for myself, I come from a Province where we do not hear of sale of brides, but we hear

[Sir Nripendra Sircar.]

every day of the sale of bridegrooms. Sir, I would not have opposed this measure going to the Select Committee, if I had felt that there, by the joint efforts of the Members of the Select Committee, any effective shape or form could have been given to this Bill. But I do consider that that is absolutely hopeless, and for this reason. The Honourable the Mover said that the word "sale" might be defined by the Select Committee, but I very much wish he had given me some idea of what he meant by "sale". If he could give us that idea, there may not have been much difficulty in the Select Committee to put that idea into legal form. I think, if I am not wrong, what he has in his mind is the extreme case, namely, of a guardian or a parent who, without any consideration for the welfare of the girl, takes a sum of money being induced thereby by somebody who wants to marry the girl. That is an extreme case. But my Honourable friend has got to bear in mind that, between that extreme case and cases at the other end, there will be infinite gradations. For instance, what I mean to say is this. Supposing, in the case of a marriage, the father of the bride says: "I want Rs. 500." He has the best interests of his daughter at heart. He wants this Rs. 500, because probably he is too poor to pay for any ornaments for the girl. In another case, it may well be that the poor father wants some money because he is unable to meet even the marriage expenses. Now, is that going to be a sale where the father receives money, but he receives it from no improper motive, but from the proper motive of helping the girl? Surely that case is not intended to be covered by the Mover of this Bill. Let us now take an intermediate case, that is to say, where the father gets a thousand rupees and intends to invest Rs. 500 for the benefit of the girl and wants the remaining Rs. 500 for himself. Will that be a case of sale? Consideration may be anything; it may be in the shape of coin or it may be in the shape of presents, such as clothing, etc., or it may even be two baskets of sweets that may be sent. Consideration does not necessarily mean silver or gold coins. Therefore, I feel that, however, gallantly the Select Committee may try to put this Bill into shape, I am afraid they will fail. For that purpose, and for no other purpose, I would strongly object to this matter being referred to the Select Committee and thus avoid a waste of time of several Honourable Members of this House.

Sir, I have spoken on this Bill although I am not the Member in charge of this Bill. But I thought that it would be better to place my views as a lawyer before the Honourable Members of this House for their consideration to show that the idea, laudable as it is, is so impracticable to be carried out into the form of a Statute that no object will be gained by referring this Bill to a Select Committee.

Mr. S. C. Sen: Sir, I oppose the reference to the Select Committee of this Bill. I do not understand what is meant by this Bill and what defects are to be surmounted by the provisions of this Bill. The Bill prohibits the sale of a minor girl. Now, I do not understand the meaning of the word "sale" that has been put in this Bill. A sale may mean the exchange in consideration of price and such a price may be either of monetary value or otherwise. To avoid this confusion, provision has been made in the Sale of Goods Act that the price in that Act must be monetary. But nothing is said about it in the Bill. Now, what is the

meaning of a monetary price ? As the Honourable the Law Member has explained, anything that you may pay during the marriage must be considered to be a price. Now, Sir, amongst the Hindus also, in the case of the lower classes in Bengal, such as milkmen class, they have to pay cash. There are also some Brahmins in Bengal who have a similar custom. (Interruption by Mr. Gaya Prasad Singh.) I do not know about Bihar, but I am told that a similar custom exists there amongst the Brahmins. I do not know whether the same custom is followed by the Rajputs, but, probably, they still practise what they did in ancient times, the abduction of girls from their house ! Sir, even amongst the Muslims, at the time of the marriage, there is a system called the *Mehr*. It is obligatory and its payment may be prompt or it may be deferred. So far as the prompt portion of the *Mehr* is concerned, it must be paid in cash.

Khan Bahadur Mian Abdul Aziz (Punjab : Nominated Official) : This amount is payable to the wife, and not to her parents.

Mr. S. C. Sen : Yes, it is payable to the bride ; here also the money is payable to the bride. The payment is in consideration of which the bride is transferred to the bridegroom. That is the Muhammadan Law. Will that also be affected under the provisions of this Bill ? Will it be a sale of the bride for a monetary consideration paid by the bridegroom ? Therefore, this Bill will affect everybody in their honest endeavour to marry their children. If it is supposed that the marriage is to be banned, then we can all support this Bill, but we have not yet come to that stage. In these circumstances, without taking any more time of the House, I would protest against this Bill. This is a mischievous way of doing reform work in this country. Let the society proceed further in their own efforts, and let public opinions grow and we shall be able to effect proper reforms.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir (Applause), I am somewhat astounded to find an occupant of the Treasury Benches as an apologist for the Shastraic law. My Honourable friend, Sir Nripendra Sircar, has quoted a very ancient Sanskrit Shastraic law.

The Honourable Sir Nripendra Sircar : But that is from an edition of 1934. (Laughter.)

Sir Hari Singh Gour : I am afraid that my Honourable friend probably looks at the title page and not at the contents of the book. (Laughter.) It deals with eight forms of ancient marriages, and if he will read that very page of the text, he will find that one form of marriage is marriage by capture.

The Honourable Sir Nripendra Sircar : Allow me to say that the case as given in the foot notes is of 1911, 1921, 1923 and 1933. If I make a diligent search, probably I shall get a case for 1934 also.

Sir Hari Singh Gour : I am afraid my Honourable friend has not understood what I said.

An Honourable Member : It is very difficult to understand.

Sir Hari Singh Gour : I was referring to the eight forms of orthodox marriages which the Shashtras enumerate as current in their time. I was not dealing with the cases which deal with marriages in which

[Sir Hari Singh Gour.]

a price is received by the parent or guardian in return for the bride or the daughter given away in marriage. When I was dealing with those eight forms of marriages, I was mentioning that one form of marriage that was at one time customary was the marriage by capture. If my Honourable friend refers to the eight forms of marriages, the *brahma* form and the *asura* form, etc., my Honourable friend cannot forget that, out of these eight forms of marriages, at least six have fallen into desuetude.

The Honourable Sir Nripendra Sircar : That is what I read out.

Sir Hari Singh Gour : All the former forms of marriages, which custom has perpetuated up to date, is regarded as a very low form of marriage and they are described as forms of marriages which Hindus are not enjoined to contract. Now, Sir, we are not, therefore, affected in the slightest degree by the citation of any Shastraic text-books. If Honourable Members will re-call the history of this measure, they will find that its genesis lies in a measure introduced in the first Assembly known as the Age of Consent Bill, afterwards converted into the Children's Protection Bill. The object of that Bill was to protect minor children against being given away in marriage to ineligible husbands. That Age of Consent Bill did not deal with marriages, but dealt with the pollution of girls before they attain the age of full maturity. The object of that Bill was to protect minor children, and Honourable Members will remember the long and chequered history of that measure, introduced though in the first Assembly, it passed through the gamut of the first, second and the third Assembly, the Government opposing all the time. But when they found that the phalanx of public opinion and of the Members of this House was strongly in its favour, they adopted the flank movement of consenting to appoint a Committee to go into the whole question affecting young children. That Committee, presided over by Sir Moropant Joshi, went through the length and breadth of the country and very strongly supported a measure to protect children being given away in marriage or being subject to carnal intercourse before they had attained the age of discretion. Following the report of that Committee, one of us drew up a revised Bill, the Age of Consent Bill No. 2, and it was introduced in this House as the Children Protection Bill. That Bill again encountered opposition from the Government Benches with the result that it made no progress. Sir, when I dealt with measures of social reform that have been introduced into this House during the last 14 years, I felt that the contribution of the Government during those 14 years has been not one of mere apathy, but one of active hostility. I can well understand that the collectors of taxes and the preservers of law and order are not concerned with the betterment of the nation. (Hear, hear.) But when the Government find themselves confronted with a strong body of public opinion in favour of the protection of children, then it is that the Government had to yield, though reluctantly yield. So it happens that the age of consent was reluctantly raised from the age of 12 to 13. Now, Sir, what this Bill wishes to do is to protect minor children against being sold away in marriage for valuable consideration. Honourable Members on this side of the House have criticised this measure as being somewhat unprecedented in its character. Those who have done so must be suffer-

ing from short memories, because only last year this House, with exultant enthusiasm, passed a measure for the protection of girls and boys below a certain age being sold away by their parents for the purpose of doing compulsory labour or compulsory work. Let me re-call the facts of that case, and Honourable Members will see in a moment the analogy between that measure and the measure which has been introduced now. In Act II of 1933, the object was as stated in the Preamble in the following terms :

“ Whereas it is expedient to prohibit the making of agreements to pledge the labour of children and the employment of children whose labour has been pledged ; it is hereby enacted as follows ”.

Then follows the Act, and so on, and it says :

“ In this Act unless there is anything repugnant in the subject or context an agreement to pledge the labour of child means a certain agreement which is hereby defined.”

Then, it says that an agreement to pledge the labour of a child shall be void. Now comes the operative clause :

“ Whoever being a parent or guardian of a child makes an agreement to pledge the labour of that child shall be punished with fine which may extend to Rs. 50.”

And, then, there are two other clauses. Now, the principle of that Bill which culminated in Act II of 1933 was that the parent or guardian should not compulsorily pledge the labour of his child for a valuable consideration. I ask, *a fortiori* does it not follow that the parent or guardian shall not dispose of for all time his child for a valuable consideration ? I submit that if it is illegal for the parent to dispose of his child for labour, how much more illegal it should be to dispose of that child in marriage ? Because compulsory labour might affect the child in health, but compulsory marriage destroys the very soul of that child.

[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).]

I, therefore, ask this House one question. This House stands committed to the principle of the Bill which became enacted as Act II of 1933. That Bill suppressed a long-standing custom, and if my friend, the Law Member, had been in the place which he now occupies, I am sure, he would have got hold of some school book on Hindu Law and quoted from it verses to show that children and cattle belong to the parent and the parent is able to dispose them off at his sweet will. He would have said, “ How can you possibly pass a Bill of this kind when the Shastraic law,—and what is more than Shastraic law, custom which is the transcendental law,—establishes the right of the parent to give away his children, to pledge his children and dispose them off for labour ? ” That, I submit, is the argument which has been advanced today. I ask this House to dismiss that argument as not worthy of the distinguished gentleman from whom it emanated. Let us look at the question in its broad aspect. Does anybody in this House approve of the parent selling his daughter to another person, not out of love or affection, but in return for a price ? I am quite sure that stated in this naked light there will be no one in this House.....

The Honourable Sir Nripendra Sircar : Naked what ? (Laughter.)

Sir Hari Singh Gour : When my Honourable friend finds it difficult to argue, he descends to jeering. My Honourable friend, Mr. Lalchand

{Sir Hari Singh Gour.}

Navalrai, tells me that this is one of the tactics of the legal profession. No doubt it may be the tactics of the pettifogging profession, but not of the learned profession to which he and I and Mr. Lalchand Navalrai belong.

Now, Sir, I, therefore, ask this House to dismiss from its mind all questions which are not germane to the main discussion. The question that is germane to the main discussion is, can you tolerate and sanction the sale by the parent or guardian of his daughter for a price? If you do not and cannot, then the right principle underlies this Bill. I quite admit that the Bill is ill-drafted; I equally admit that clause 3 of the Bill is open to the objection which my friend, Captain Lal Chand, has pointed out. But the question is not at the present moment whether the Bill is well or ill-drafted, but whether it embodies a principle to which this House should not stand committed. And that principle.....

The Honourable Sir Nripendra Sircar : Will my Honourable friend give us some idea of a definition of "sale" which he would like to be embodied in this Bill? What is "sale"?

Sir Hari Singh Gour : My friend asks me a question. May I ask my Honourable friend to read Act II of 1933 which not only deals with the point to which he has referred, but amply provides for any evasions on the part of any parent or guardian to dispose of their children?

The Honourable Sir Nripendra Sircar : Do I understand that Sir Hari Singh Gour is unable to give a definition of "sale" for this Bill?

Sir Hari Singh Gour : Sir, I will not descend to quibbling. I shall ask this House to deal with the question in a broad and statesmanlike manner; and if the House is of opinion that it is not in the interests of the child any more than it is in the interests of the parent or of the society to which both parents and children belong that children should be disposed off in marriage in return for a price, then, I submit, a sufficient case has been made out for committing this Bill to a Select Committee.

The Honourable Sir Nripendra Sircar : What is the definition of "sale" you propose?

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : If there is bankruptcy of legal talents on the Government side, the Select Committee can find out some definition.

Sir Hari Singh Gour : My friend asks me what is the definition of "sale" that I propose. I have already said, Sir, that neither the author of the Bill nor the supporters of it on this side of the House are committed to the phraseology of that Bill. What they want is that marriages should not be contracted by parents and guardians in return for a consideration, and for that and no other purpose. That question is a very simple one. If you do not like the word "sale", use the language of Act II of 1933. That was a case popularly known as the sale of children for labour; and when the Bill was originally drafted, it was very inartistically worded. But when we went into Select Committee, we threshed out such questions as the Honourable the Law

Member has raised, as to whether we should use the word "sale" or "dispose off for consideration"; and, after a careful inquiry, we used the language which you find embodied and enshrined in this Act of the Imperial Legislature, so that there will be no difficulty about finding suitable words if we only knew how to do it.....

The Honourable Sir Nripendra Sircar : I profess my ignorance, but what is the definition of sale ?

Sir Hari Singh Gour : My Honourable friend asks me, what is the definition of sale ? I will enlighten him in the abstract. (Laughter.) You have section 54 of the Transfer of Property Act, and you have the definition of sale in the Sale of Goods Act, and now we shall add another sale in the Sale of Brides Act, and there will be no difficulty in describing the mischief which you have to arrest, namely, the disposal of girls for valuable consideration, and, if I was in the Select Committee, I would follow exactly the language of Act II of 1933, intended to prohibit the sale of children for compulsory work. The definition is a very long one.....

The Honourable Sir Henry Craik (Home Member) : We want to hear it.

Sir Hari Singh Gour : The Honourable the Home Member is new to this House, and I should certainly like to oblige him by reading the definition of sale or disposal in section 2 of that Act. It says :

"In this Act unless there is anything repugnant in the subject or context, an agreement to pledge the labour of a child means an agreement, written or oral, express or implied whereby the parent or guardian of a child in return for any payment or benefit received or to be received by him undertakes to cause or allow the service of the child to be utilised in any employment....."

Mr. K. P. Thampan (West Coast and Nilgiris : Non-Muhamadan Rural) : That is a definition for pledging.

Sir Hari Singh Gour : If we can define pledging, we can also define sale (Laughter) :

"Provided that an agreement made without detriment to a child and not made in consideration of any benefit other than reasonable wages to be paid for the child's services and terminable at not more than a week's notice is not an agreement within the meaning of the Act.

Child means a person who is under the age of fifteen years.

Guardian includes any person having legal custody of or control over a child."

Now, if I had to paraphrase this and adapt it for the present purposes, I should have no difficulty whatever. (Laughter.) I should say that an agreement to marry a child for money means an agreement to marry the child for valuable consideration....

Diwan Bahadur A. Ramaswami Mudaliar : Means to give a child in marriage—not to marry the child ! (Laughter.)

Sir Hari Singh Gour : I am dealing here with the parent or guardian disposing of the child—or to use a popular expression—selling a child in marriage, and then, as I have said, the language of Act II of 1933 could be easily adapted to serve the purpose we have in view.

The Honourable Sir Nripendra Sircar : You cannot do it : it might be easily adaptable, but you have not been able to do it.

Sir Hari Singh Gour : I am not the Select Committee : I am only a member of it, and the Honourable the Law Member and the official draftsman will assist the Select Committee to make a suitable draft upon the lines on which this Act of 1933 was drafted and subsequently enacted....

The Honourable Sir Nripendra Sircar : I inquired from the official draftsman ; he told me he would be unable to draft it even if his salary is increased.

Sir Hari Singh Gour : My friend says that the official draftsman would not be able to draft it even if his salary is increased. The Select Committee then would say that, if he does not draft it, his salary should be decreased (Laughter), and then a suitable draftsman would be forthcoming. I quite see that in a matter of this kind there must be difference of opinion and that public opinion must be sharply divided upon these questions. What question of great national importance has ever engaged the attention of this House that has not sharply divided public opinion for and against it ? I have not yet come across any measure of this importance passed by this House during the last 14 years on which public opinion was not ; and in a case of this kind where public opinion is expressed by the mere man and you have not an expression of opinion of these unfortunate children who are disposed of in so-called marriages for life, or of the women's organisations which are only in their inception in this country, I should be extremely chary of public opinion and I should, therefore, rely more upon what I consider to be the innate justice of the case than upon the preponderance of opinions collected from the male public of this country. I do not for one moment profess to be enamoured of the language of this Bill, and if I were free at this stage to criticise it, I should certainly be as hypercritical as my Honourable friend, the Law Member. But we are not here concerned with the language of the Bill : we are here concerned with the principle of it (Hear, hear from the Opposition Benches) ; and I ask this House to send this Bill to Select Committee to lick it into shape, make it a workable measure, circumvent all the objections that may be raised against it and consider calmly and deliberately the fundamental question which we want the Select Committee to consider, and that is, whether a girl should be given away in marriage in her nonage, not for her own benefit, but for the benefit of her parent, guardian or custodian. That, I submit, is a question which calls for a humanitarian answer, and I am quite sure that the Honourable the Home Member will realise the importance of the subject upon which we are engaged and he would not offer unnecessary opposition to the committal of this Bill to the Select Committee. (Applause.)

Diwan Bahadur A. Ramaswami Mudaliar : Mr. Deputy President, if I rise at this stage to speak a word or two on this Bill, it is due to two reasons. I am afraid that the half hour of hilarity which this House has passed would give an extremely incorrect impression of the feelings of Members of the House with reference to the merits or otherwise of this measure, and I wish to avoid that feeling—a completely incorrect and mistaken feeling as I venture to state it—going abroad from this House.

With the object of protecting girls from what may be termed unfair marriages or unsuitable marriages which bring misery on the girl, I do not think there is any individual sitting on either side of the House who will not sympathise. In fact, almost all

of us are parents or have had to deal at one stage or other with the marriages of girls or have come to know of the unfortunate condition in which some of the marriages, conceived with the idea of promoting the happiness of the girl, have ended. But, Sir, two points arise in the consideration of this measure. Is the worst aspect of the case the case where a girl is given in marriage in return for a monetary consideration for the parent and exclusively for the parent? As I shall show presently, this Bill includes the case where the consideration is utilised by the bride herself. Even that, according to this measure, would mean a sale of the girl. Take the extreme case. A parent receives a certain consideration and gives his girl in marriage to a person. Is that the only or the most extremely unhappy case for the girl? Let me put certain other cases which have occurred in society, and which have promoted, not the happiness of the bride, but extreme misery. A man is wealthy, lives in luxury, keeps a fleet of motor cars, and a parent thinks that by giving his girl in marriage to such a man, all that could be accomplished by money, as my friend Raja Bahadur Krishnamachariar would say, can be accomplished. It turns out that it is a most miserable marriage for the bride, because there may be unsuitability of age, unsuitability of temperament, unsuitability in views and outlook on life, and that marriage is one of those which could really be called an *asura* form of marriage, if the spirit of the ancient writers has any value at all for modern society. There are many other cases which can easily be conceived where brides, who have been given away in marriage with the best of intentions by the parents without any iota of selfish thoughts for themselves, have ended their lives miserably and unhappily. My friends Mr. Sitaramaraju and the Honourable the Law Member, referred to some of those cases. There is a practice which has grown to enormous proportions during the last few years in many Provinces whereby the parent of the girl is forced to give a heavy dowry to the boy in consideration of the boy marrying the girl. That is what they term as selling the boy rather than selling the girl. What happens in these cases? Sir, I have very vivid recollections of the tragedy that has overtaken these marriages and of the fate of the girl when the promises held out by the parent of the girl were not redeemed in course of time. I can recollect many individuals who have played what I consider a dastardly part of the bridegrooms,—some of them are foremost in the political life of the country today,—who, because they have not received the consideration which was promised to them at the time of the marriage, have made an utter misery of the life of the girl. These are not touched by the Bill at all. What can be done by legislation of this kind? And, Sir, there is another aspect to which I should like to advert, an aspect which has never been disclosed in this House by any speaker so far. When we are thinking of these matters, and particularly when any Member comes before the House and asks it to deal with a reforming measure, it is fair to the country that the extent of the evil that is proposed to be curtailed should be placed before the House. Does the Honourable the Mover of the Bill give us any idea of the extent of this evil? To many of us, this is a new thing, this is a novel thing. Coming from Madras, I can state that I have not heard of this sort of selling of girls in marriage, but I have repeatedly heard, as I have said, of the offer to pay a certain amount of money to the bridegroom in consideration of the marriage being performed. It is the duty of the Mover of the Bill, and of my extremely learned and legally talented friend, Sir Hari Singh Gour, to place before the House some of these considerations.

[Diwan Bahadur A. Ramaswami Mudaliar.]

Now, what is the measure or extent of this evil? Where does it prevail? In what Provinces does it assume a serious form, or in what districts, and amongst what community or classes of people does it prevail? We are not told anything about these things, and the whole debate has gone on one side as if this is an evil of the gravest magnitude to the community at large, and on another as if this evil is unknown. Sir, I protest against this sort of debate being conducted, and I protest against it, because it gives a very unfair view of the whole system of Hindu and Muslim society to those outsiders who do not know the real and inner life of the people of this country, and who go about gathering from the gutter some of those odd sayings that my friend, Sir Hari Singh, indulged in this afternoon and publish them as mementos of their visits to India. It is unfair to the community, both Hindus and Muslims, that the Bill should be freely debated upon without any attempt being made at assessing the extent or the volume of the danger that is sought to be curbed or curtailed by a measure of this kind.

Sir, on the merits of the measure itself, my friends have already spoken. They have pointed out that this Bill ignores the fact that, under the Sarda Act, girls under 14 cannot be given in marriage. My friend, the Mover, said,—“No, it does not matter, you change the Bill and make the age 16 or 18 at which the girl can be considered a major.” It is not so simple as all that. While I am free to confess that I have a great deal of sympathy with any sort of marriage which is contracted on behalf of the girl and which does not go against her interest, I must protest against the sort of ill-considered measures being brought forward and this House being asked to enact such measures. Those who, in season and out of season, proclaim that they are reformers of Hindu society, that they know what is good for the Hindu society, have done more harm than those who have honestly tried to improve society without proclaiming from housetops that they are such reformers. If today there is reaction in Hindu society, if today the Sanatanists and the orthodox are more and more coming into the limelight and are putting forward obstacles against even reasonable reforms, it is because ill-considered measures of this kind are brought forward on the floor of the House, and the House is asked to accept such measures.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly : Non-Muhammadian Rural) : We do not oppose reasonable reforms.

Sir Hari Singh Gour : Don't you ?

Raja Bahadur G. Krishnamachariar : No.

Diwan Bahadur A. Ramaswami Mudaliar : I am very glad to have that assurance, but I say that there are some at least who have been roused out of all their inactivity and inaction by the very extremity of the proposals that have been placed before the House from time to time, and, Sir, if there is one individual in this country who has contributed more than another to the rousing of that inactive spirit amongst the orthodox people, who have prompted them to violent agitation on matters, some of which may be considered by some as even reasonable, the credit or the discredit of it goes to my friend, Sir Hari Singh Gour. (Applause from the Nationalist Benches.) **Marriages ordered according to the will of the people, companionate marriages being advocated, divorce being advocated, all sorts of revolutionary things, for which the state of**

society is not yet prepared, are being thrown on the floor of the House, because non-official days for Bills are allotted by His Excellency the Viceroy, and the ballot sometimes favours those who least deserve to be favoured. (Laughter.) These have been the causes which have actuated that amount of resentment in the community at large, and I know the extent of that resentment. My friend, Mr. Ranga Iyer, will in a few minutes probably have the occasion to speak of another Bill, and he will then have to state what the position of the society is, how the foremost of them, who have been in favour of that Bill at one time, have gone back on their favourable opinion and have put forward the formula that if the whole nation is for it, then they are also for it....

Mr. O. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadian Rural) : I hope the Honourable Member is aware that eminent men, once favourable like Mr. Satyamurti, are strongly opposed to that Bill now.

Diwan Bahadur A. Ramaswami Mudaliar : That is exactly what I was referring to. We know, in the Delhi Session in March last what a vast number of people were sitting in those galleries, how many of them came round and asked us to support certain measures, what a volume of enthusiasm was created, and I recollect with regret how many tea parties there were then which I now miss. Sir, it seems to me that measures like this should be considered very much more carefully when they are brought before the anvil of the Legislature and we are asked to pass it. Under these circumstances, while expressing my full sympathy with this measure, I am unable to support it. What should be done is that society must try to educate its own members, public opinion must grow stronger and stronger, and these evils should be put down, not by legislation which will be completely infructuous, but by the promotion of public opinion in the country by looking down upon marriages which have been contracted in this manner and by trying to show that public opinion will not countenance these things when such marriages take place. I will give an instance where public opinion has been able to assert itself in many of the Provinces in India. At one time, when I was very young, it was not infrequent to find a husband marry a second wife while the first wife was living. People went to that marriage freely and gaily, they attended the dinner parties given on the occasion, and presents were given to the unfortunate bride and the fortunate bridegroom, and then they returned thinking no more of it. Now, in my part of the country, at any rate, it is extremely difficult, almost impossible, to find an educated or even an uneducated man countenance the second marriage of a husband while the first wife is living. Has not public opinion developed ? They have put down that atrocious practice merely by the growth of public opinion. It was only the other day that I read in the *Bombay Chronicle* of a famous case which occurred in the heart of Guzerat where Mahatma Gandhi is supreme. I do not want to refer to that case, my Honourable friends who come from Guzerat know it extremely well. But I know this that public opinion has been shocked, a wave of abhorrence has gone throughout Guzerat among all people. That is the sort of public opinion that I wanted to grow and to become strong, and by its own power put down such atrocious practices as that which this Bill refers to. Sir, I oppose the motion.

Some Honourable Members : Let the question be now put.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadian Rural) : Sir, I fully appreciate the motives of the Mover of this Bill, and

[Mr. B. V. Jadhav.]

he is really shocked at unsuitable matches, matches between old men and young girls. And, Sir, who is not so shocked? All thinking, reasonable men will condemn such marriages. But the scope of this Bill is not confined to the prevention of such marriages. The Bill, as drafted and as it is before us, seeks to do something more. The Bill uses the word "selling", and there is the other counterpart of it, the purchase of girls. As a matter of fact, the Hindu Law or the law of any country does not countenance selling in these civilised days. Selling was formerly practised, but it has been put down now. The *asura* form of marriage which was looked down upon by many has been one of the eight forms of marriage recognised by the Hindu Law. In that *asura* form of marriage the bride is not purchased but some consideration is given to the parent or guardian of the girl.

In the Mahabharata we find that when the venerable Bhishma wanted to marry Pandu to a second bride, after his marriage with Kunti, he selected the princess of Madra. As one of the conditions of the marriage, her brother and her uncle asked Bhishma to pay down a certain amount on the ground that it was the custom of the family and that custom ought to be respected and should not be overlooked. That marriage was as honourable as the marriage of Kunti with Pandu although no bride price was paid. So, the payment of the bride price or not paying anything at all does depend upon the circumstances of the case. Here, Sir, as the previous speaker has said, on certain occasions girls are given to men advanced in age because the parents think that the happiness of the girl will be thereby secured. They are generally mistaken in their ideas, the happiness is not secured, but all the same, if we look to the motive of the parents we shall have to say, more often than not, that the parent generally cares more for the happiness of the girl than otherwise. In my part of the country, among the agricultural population, especially the poorer class, no marriage takes place without some sum passing from the bridegroom's side to the bride's side. It is a recognised custom and nobody ever thinks about it. Even in the marriages of parties in which the age difference is not much such amounts change hands. Therefore, we have to see that such payments are not penalised under the Bill. It is very difficult to define "sale" as the Honourable the Law Member has pointed out. A few years ago, the question was under the consideration of the Government of India whether the selling of girls at the Sipi Fair near Simla was to be allowed or not. The opinions of Local Governments were invited and about 300 girls from the Sipi bazar were traced in the city of Bombay. Ultimately, the Government came to realise that it was much better for the welfare of the society to allow that open sale and purchase in the bazar at Sipi than to stop it. All the 300 girls that were traced to Bombay were regularly and honourably married, and were, I think, doing very well. So, the Government decided that it was much better to allow this open traffic than to stop it by legislation and allow it or force it to go underground. In the present circumstances, the addresses of the purchasers or the prospective husbands are well-known, and, therefore, the girls can be traced. But if the traffic went underground there would be no evidence to trace them; perhaps the girls may be purchased for immoral purposes. So, when passing legislation on this point, care must be taken that the exchange of money is not concealed. If a prospective husband wants to purchase a girl and if the sale is made illegal under law, then he need not publish or he need not tell anybody that he had paid so many rupees to

the father of the bride and it will be very difficult to secure conviction in these cases. Although the motive is very good, it is very difficult to adjust it by legislative methods. I, for myself, am for the reform. I would like that these ill-assorted marriages are stopped, but I do not think that any legislation will be able to do it. As my Honourable friend, Diwan Bahadur Mudaliar, has just now said, the proper remedy is to educate public opinion, and with that education this evil can be stopped. In my part of the country, one of our dramatists dramatized the evil effects of ill-assorted marriages. It is in Mahrathi and the drama is well known on the Bombay side as Sharda. This play was shown in many places and was very popular at one time. Its teaching went deep into the minds of young man and woman and the evil practice of giving girls to old men has almost come to a stop. That is the right way. Every method to educate public opinion ought to be taken advantage of, and the stage and the screen in these days are very powerful agencies. They ought to be made use of to educate the people as to the evil effects of such ill-assorted marriages. Although I have my full sympathy with the principle of the Bill, and although I admire my Honourable friend who has introduced this Bill, still for the reasons I have stated I do not think that I can support this measure. It will be very much better if the Mover sees the trend of public opinion. Public opinion is on his side no doubt, but the measure as placed before us is not properly worded, and, however much it may be amended in the Select Committee, it has got certain inherent defects which will make it almost useless as a piece of legislation. I, therefore, hope that, he will see his way to withdraw the motion.

The Honourable Sir Henry Craik : I entirely agree with my Honourable friend, Diwan Bahadur Ramaswami Mudaliar, that this is a subject which the House is bound to treat as a very serious one. The question at issue in this Bill is one of the greatest importance, and the measure itself forms one of a long series of measures of social reform, which in one way or another have been or are likely to come before the Assembly during this Session, a series of measures which have attracted and continue to attract a great deal of attention not only in India itself but in countries beyond India. Now, Sir, I fear I shall have to ask the House to listen to me for a little time, not that I want to occupy their time uselessly, but because on a subject of such importance, I feel it my duty to explain in some detail the point of view of Government. I am afraid Government must oppose the reference of this Bill to a Select Committee, and, when I say that, I hope my Honourable friend, the Mover, will not assume that Government is out of sympathy with his objects. His object is a lofty one, indeed I may say a noble one—to try and elevate the status of women and to lift them out of their present position, which according to the Statement of Objects and Reasons is one in which they are regarded rather as commodities than as human beings. That, Sir, is an object with which I am certain every Member of this House—and I can speak quite definitely on behalf of the Government of India,—every Member of the Government of India, has the fullest sympathy and I congratulate my Honourable friend on his courage in bringing this Bill forward. But, I fear, that the form in which he has selected to bring forward this object has been unfortunate.

Now, Sir, if I may explain the reason which have led Government to come to this decision and to oppose this motion, I would say that they are broadly three. The first is that this is essentially a measure on which

[Sir Henry Craik.]

Government must be guided by public opinion, and I submit that, since the Bill was circulated and since the opinions have been received, it is clear that the great weight of public opinion is overwhelmingly against this Bill. That is the first reason. I will develop that later. The second reason is that the Bill has been condemned as impracticable, unnecessary and as likely to do more harm than good. In fact a good many of its critics have said, and there is considerable force in the point, that the Bill is one that can be made and is likely to be made an engine of oppression. The third reason for our opposition is that we feel that this is essentially a matter in which the remedy for what is admittedly, I won't say deplorable, but an undesirable state of affairs is to be found not in legislation, which possibly might have to be forced through in the teeth of considerable opposition, but in the slow and steady growth of public opinion. On that point, I entirely agree with my Honourable friend from Madras that that is the proper remedy for defects in the social system on which everybody is at the moment agreed.

To take the first of these reasons, the balance of public opinion, as I have said, as expressed in the written opinions received, is, I submit, overwhelmingly against the Bill. My Honourable friend, the Mover, claimed in his opening words that the majority of opinion was in his favour. Now, I cannot claim to have read every single one of this great mass of printed opinions through, from start to finish, but I have spent a considerable time over them, and, I am afraid, I cannot for a moment accept the view that the majority of opinions is in his favour. On the contrary, I think, any impartial person who really studies these written opinions must admit that the great bulk of opinions—I am not counting heads but I am counting the opinions that contain really considered views and have been thought out with care—the great mass of opinion is against his Bill. The Honourable Member, for instance, I notice, referred to the opinion expressed in his favour by the Chief Justice of Allahabad, a name that ought to command great weight in this House. When I turned up that opinion, all that is said there, I find, is that “the Chief Justice and Mr. Justice so-and-so are in favour of the Bill”. No reasons whatever are given, and one can hardly say—though doubtless the view expressed was a perfectly sincere one—that it is a very strong argument in favour of the Bill. Another name that carries considerable weight is the European Association of Calcutta. That association merely said that “while it hesitated to express any opinion on a matter of this kind it thought that the principles underlying the Bill were sound”. Now, on the other side, we have practically all Local Governments, and, I submit, all those who are best qualified to judge in a matter of this kind are against the Bill. For example, there is in Bengal an Association called the All-Bengal Women's Union—an Association which is described as having been formed largely to work for the prevention of traffic in women and girls. Now, I should have thought—I do not know anything beyond that, about this Association,—but I should have thought it would have been obvious that the opinion of an Association of that sort which was specially formed to deal with problems of this kind must carry very great weight. Now, what does that Association say? It considers that:

“The Bill will not serve any useful purpose or effect any real improvement in social conditions. On the other hand, its enactment would be likely to stand in the way of more progressive measures. Better results would be secured from a strict enforcement of the Child Marriage Restraint Act of 1929.”

The Association also points out—this is a mere matter of detail—that the Bill might operate to penalize a charitable society or individual wishing to adopt a girl under fourteen and paying compensation to the parents, while it does not prevent a parent from deliberately selling a girl of over the age of fourteen for immoral purposes. That seems to me a very weighty opinion to which great importance must be attached. Another point that has been taken by previous speakers is mentioned in a great many of the opinions received, that the Bill is in one respect superfluous, if it is intended to check the marriage of children under fourteen years, because such marriages are already penalized under the Child Marriage Restraint Act. If, on the other hand, the Honourable the Mover's intention is to stop the selling of children for immoral purposes or for purposes of prostitution, then that is covered, and very much more effectively covered, by section 372 of the Penal Code. That section makes it an offence punishable with no less than ten years' imprisonment to dispose of any person for immoral purposes. Moreover, the section goes very much further than my Honourable friend's Bill, in that the age is there fixed at eighteen and not at fourteen as in his Bill. The age was raised from sixteen to eighteen by an amendment of the Penal Code in 1924.

Sir, I need not enlarge on another point, though it is really more than a point of detail, in fact, I think it is a point of primary importance—the absence of a definition of the word “sale” and the difficulty, which I think was obvious from the speech of my Honourable friend, Sir Hari Singh Gour (Laughter), that even a lawyer of his eminence, qualified in all branches of law including the branch we heard of today, “transcendental law” (Laughter), was not able to suggest, within a reasonable compass, a suitable definition. That, I think, is really by itself an insuperable obstacle. Yet another very important point, to which grave objection has been taken in the opinions received, is the provision in the Bill whereby offences under it are to be cognizable offences. For example, there is an opinion received from the Bar Association at Dhubri in Assam to the effect that this provision is one which is likely to be used to turn the Bill into an engine of oppression. They point out that while the marriage ceremony is actually going on, it might be possible for the police to intervene and arrest the parent on the ground that one of the children was under fourteen years of age. It would be impossible to prove, or at any rate it would be impossible to decide the exact age of the child and it is quite possible,—I think the House will agree that it is quite possible—that in that way the Bill might become definitely an engine of oppression or a weapon to be used by those who sought to gratify a personal grudge or a malicious spite.

Sir Hari Singh Gour : May I point out to the Honourable the Home Member that the offence is not made cognizable under the Bill? (Laughter.)

The Honourable Sir Henry Craik : Has my Honourable friend read clause 4? (Laughter.)

Sir Hari Singh Gour : I am sorry.

The Honourable Sir Henry Craik : Sir, the Statement of Objects and Reasons sets forth two main purposes of this Bill,—first of all, to provide against any inequality between the ages of the bride and bridegroom, and secondly, that which I have already quoted,—to provide against the

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treatment of minor girls as commodities as opposed to human beings. The first of those objects does not really appear in the Bill at all, and I submit that the Bill only provides very inadequately against the second of those objects. I am assured that in most forms of marriage practised in this country or at any rate in a very great number of marriages practised in this country, there is, in some way or other, the passage of some pecuniary consideration. It may be in the form of a dowry, it may take the form of gifts, it may be in the form of jewels or a gift to pay for the expenses of the actual wedding ceremony ; but, broadly speaking, I believe that there are very few forms of marriage in which there is not some payment of some kind. Now, all of them will come under the mischief of this Bill, though a great many of them are recognized and sanctioned by custom, and a great many of them do not meet with any universal disapproval, and indeed there is no particular reason why they should (Hear, hear) ; for example, in many parts of India, I understand, it is customary for the bridegroom's parents to give some present in cash or in kind to the parents of the bride. I cannot see why that should in itself be objectionable or contrary to public morals. Nevertheless, it would, as I say, come within the mischief of the Bill. In other cases there is a dowry, either of cash or of jewellery, which forms a sort of insurance for the bride, and which, I believe, is recognized as a very useful and a salutary form of insurance, and indeed is often all that a woman who is left a widow at a comparatively early age has to live on.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : It is called *Stridhan*.

Sir Hari Singh Gour : That won't be the price, because it is an endowment—(*Voices* : “ Why not ? Why not ? ”)—because that would be an endowment for the bride ; but it would not be a consideration for the guardian.

The Honourable Sir Henry Craik : I challenge my Honourable friend to draw up a definition of “ sale ” which would expressly exclude anything like that. I do not believe it is possible.

Sir, another point that I would like to take up is that the Bill is to apply under clause 1 to the whole of British India. It will apply not only to Hindus but will also apply to Muhammadans, Christians, Sikhs and indeed everyone. Among the Muhammadans, we have heard from my Honourable and learned friend, Dr. Ziauddin Ahmad, it would run contrary to their customs and would be very much resented. He quoted the opinions received from two purely Muhammadan Provinces, the North-West Frontier Province and Baluchistan, which were to the effect that the Bill could not possibly be applied in those two Provinces. Among the people of my own faith, Christians, I do not say that brides are sold, but there is frequently some form of pecuniary transaction in the form of a marriage settlement or something like that which comes into the marriage contract. And as I have said, in most parts of India there is always some kind of payment or dowry.

Now, Sir, I come to the first object of the Bill, namely, to prevent marriages between people of unequal ages, and there, as I said, the Bill, though professing to deal with the evil, does not, in fact, attempt to do so. Now, I admit that there is a considerable amount of public opinion

against the marriage of a man of middle age to a young girl. But, on the other hand, one must remember that it is one of the first duties of a Hindu to have sons, and if a Hindu is left a widower without sons, he would probably consider it, I understand, a religious as well as a social duty to re-marry. We have seen, from time to time, marriages of that kind pilloried in the Press. I can recall reading myself on good many occasions articles or letters protesting against such marriages and holding up the individuals who had contracted such marriages to obloquy. But I fancy—I may be wrong—that the number of such marriages is a very small fraction of the total number. My Honourable friend from Madras pointed out that public opinion, condemning these marriages, is steadily growing in force. If I am right in thinking that marriages of that kind are comparatively few, and, if my Honourable friend is right in saying that public opinion in condemnation of them is steadily growing in strength and force, then what necessity is there for legislation of this kind on the subject? Surely, it is better to leave it to public opinion to gradually eradicate this evil, if it is an evil, from our social system. While on this subject, I may remind the House that when the Child Marriage Restraint Bill was under discussion, my Honourable friend, Mr. B. Das, moved that a clause should be added to clause 4 of that Bill. His clause ran as follows :

“Whoever, being a widower above 40 years of age, marries any woman who is not a widow, shall be punishable with simple imprisonment which may extend to one month or with fine or with both.” (Laughter.)

Mr. B. Das : May I inform the Honourable Member that I could not make a speech as the whole House roared with laughter?

The Honourable Sir Henry Craik : Perhaps it is rather late in the day, but, I am glad to have the opportunity of supplementing the Honourable Member's silence, and pointing out that his object was to make it impossible for any man above 40 years of age, who had once been married and who had lost his wife, to marry anyone except a widow. The point raised by my Honourable friend then was substantially very much the same as that which the Honourable the Mover of this Bill has included in his Statement of Objects and Reasons. I think, it was in 1929, that the Sarda Act was passed. My Honourable friend's amendment was put to the Assembly, and it is a significant fact that it was rejected without any discussion by no less than 52 votes to 4. I cannot think that it is likely, even if my Honourable friend, the Mover, had included in his Bill any provision of that kind, that it would have had the slightest chance of passing into law in this House.

Sir, my Honourable friend, the Mover, may take the line—in fact, his supporters have already taken the line—that admittedly this Bill is not perfect in its present form and that it may be possible to improve it in Select Committee. I am afraid I cannot agree with that view. I think the Bill is so impracticable and the remedies it devises are so inefficient and so likely to be abused that it would not be of the slightest use to refer it to a Select Committee. I think, therefore, that my Honourable friend would be well-advised to allow the slow and steady growth of public opinion, as I have suggested, to cure the evil of which he complains. I do not believe that the best way is to seek a remedy by what I am afraid I must call rather hastily thought out and ill-considered legislation. If you press this legislation, you will put up the backs of people who may

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be described by certain sections of the Assembly as reactionary but who probably hold their opinions just as conscientiously and just as sincerely as Honourable gentlemen who are in favour of reform. If you provoke their opposition, you will find that your measures of reform will encounter bitter hostility and by pressing a somewhat injudicious and ill-considered measures of this kind, if I may say so, you may actually be putting back the clock of progress where you mean to advance it. Sir, I ask the House to reject this motion.

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor: Non-Muhammadan Rural) : If I rise at this late hour to speak on this Bill, it is because I want to prove that certain statements made by the Honourable Members in this House ought not to be considered by the public as the considered opinion of the non-official Members of this House. Before I advert to those facts, let me congratulate the Honourable the Mover of this Bill for the public spirit as well as the humanitarian sentiment which prompted him to bring this measure (Hear, hear) before the House. Sir, many Honourable Members of this House as well as the public, whose opinions have been called for, have misunderstood the scope and object of this Bill. The main object of the Honourable the Mover of the Bill is to prevent the marriages of female children with grown up persons and octogenarians. That was his main object. On the other hand, the public opinion has not been expressed upon that important point. They have stated that if the object of the Bill is to prevent child marriages, then there is already the Sarda Act. Then, if the object of the Bill is to prevent marriages for immoral purposes, then there is already a provision in the Penal Code. In that way they have side-tracked the main issue before the House. Sir, the Honourable the Home Member has stated the case on behalf of Government. Many of the Honourable Members of this House also have opposed this Bill. I have great sympathy with the object of the Bill. But I oppose the Bill for some other grounds altogether. I do not oppose the Bill as my Honourable friend, Raja Bahadur Krishnamachariar, the leader of the Sanatanists, would have opposed it, because he would say that the Legislature ought not to interfere with religion. That is not my object. I do not oppose this Bill because public opinion has not sufficiently been expressed as some Honourable Members have stated. I do not say it should not be passed unless there is public opinion developed in favour of the Bill. Sir, I do not hold that view. Where was the public opinion when the Sutte was put down. If in those days, when Sutte was put down, public opinion were taken into consideration, I am sure, there would not have been any public opinion against the suppression of Sutte. Where was the public opinion when there was infanticide practised in this country? If, at the time of Lord William Bentinck, any public opinion were taken, the majority of people would have been against putting down that practice of infanticide. So, I do not oppose this Bill because we must have public opinion behind the Bill or that we must cultivate public opinion in favour of the Bill before a measure of this kind is passed into Law. That is not my objection. I oppose this Bill because it is impracticable to enforce the provisions contained in this Bill. In the first instance, there is no definition of the word "sale". Generally, in almost all the marriages in Southern India, some consideration passes from the side of the bridegroom to that of the bride. It is, as the Honourable the Home Member pointed out, in the nature of *Stridhan*,

That is a very important consideration. There is a whole chapter in the Hindu Law on *Stridhan*. *Stridhan* is an important provision for her against adverse circumstances. Under this Bill, the payment of any money by the bridegroom to the bride will bring him under the mischief of this Bill. Further, Sir, if this Bill is passed, then it will be very difficult for the poorer parents to get good match for their girls which will defeat the object for which this Bill is brought. Supposing there is a poor parent and he wants to give his daughter in marriage to a man in very good circumstances and derive benefit for his own livelihood and the bridegroom who is in a position to bring up his wife in affluent circumstances is prepared to save the parent also from his miserable existence, then this Bill comes in the way. The parent cannot accept that money and hence he has to forgo a good match for his daughter. Sir, this very morning we were all discussing about the removal of the obnoxious Regulation III of 1818 from the Statute-book. If this Bill is passed, then we will be bringing in another oppressive measure which will be of the nature of another Regulation III. It will be intolerable for any marriage to take place, because there will be police officers who will interfere at every stage of the marriage ceremonies, from the time when the marriage is mooted, the police officer will be watching to see if any consideration passes. He may ask the parents of the bride to produce accounts or he may search the house on the pretence of payment of consideration. I submit, it will seriously interfere with any marriage ceremonies taking place. Again, Sir, this Bill does not go far enough. It is only to bring the parents or guardians of the children to book, but it allows the other party to the bargain, namely, the bridegroom's party, to go scot-free. Hence, I submit that this Bill does not go far enough. If this Bill is properly conceived and if the Bill is properly framed, then I will have absolutely no hesitation in supporting this Bill in so far as it prevents the marriages of children to old people which seems to be the underlying object of this Bill. With these words, I have to oppose the Bill.

Mr. C. S. Ranga Iyer : Sir, I rise to support this Bill, not with a view to carrying on the discussion till the next debate on the non-official day, for I believe certain Honourable Members of this House want to obstruct my Temple Entry Bill being taken up.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The Honourable Member can resume his speech on the next non-official day. The Honourable the Law Member will now make a Statement of Business.

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Law Member) : In view, Sir, of the fact that there will be no further meetings of
 5 P.M. Select Committees after the current week and of the anxiety of Members that the Session should terminate as soon as possible, I would ask you to direct that the House should sit for the transaction of official business on Saturday next week and on Friday and Saturday, the 31st August and the 1st September. I do not propose a meeting on Friday next week as that day is the Solono holiday. For next week the business on the paper will include the consideration and passing of the

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Indian Iron and Steel Duties Bill, as reported by the Select Committee, the consideration and passing of the Indian Petroleum Bill, as reported by the Select Committee, and the consideration and passing of the Indian Rubber Control Bill and the Indian Income-tax (Amendment) Bill. If the Honourable the Leader of the House has recovered sufficiently as to enable him to proceed with the Iron and Steel Duties Bill on Monday, this business will be taken in the order which I have indicated. Should it unfortunately happen that he is unable to come, the Indian Petroleum Bill will be taken first. The discussion of the Indian Army (Amendment) Bill will not be resumed until the following week.

The Assembly then adjourned till Eleven of the Clock on Monday, the 20th August, 1934.