

THE LEGISLATIVE ASSEMBLY DEBATES

Official Report

Volume IV, 1943

(8th to 19th November, 1943)

NINETEENTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1943



DY 2007.
PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI
1944.

Price Rs. 1 As. 2 or 1s. 9d.

LEGISLATIVE ASSEMBLY

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Mr. N. M. JOSHI, M.L.A.

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LEGISLATIVE ASSEMBLY.

Wednesday, 10th November, 1943.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

METHOD OF RECRUITMENT OF CUSTOMS PREVENTIVE OFFICERS.

63. *Mr. Lalchand Navalrai: (a) Will the Honourable the Finance Member be pleased to state the method by which the recruitment of Preventive Officers is made in Customs Offices in India, particularly in the Karachi Customs House?

(b) Are there any rules or administrative orders prescribing qualifications, academic and others, for entering this service? If not, do Government propose to frame such rules?

(c) Is it a fact that in former times there was dearth of qualified graduates and double graduates, specially amongst the Mohammadan candidates, who aspired for these posts and, therefore, the appointments were being made not on any such solid qualifications but on judging their physique and appearances? If so, is that system still continuing in Customs Offices for making the selection?

(d) Do Government propose to reform the system of recruitment? If so, how? If not, why not?

(e) Are there any rules or orders specifying qualifications for appointing Examiners in Customs Houses in India? If so, what, and what is the method by which they are selected?

(f) Is direct recruitment made for Examiners' posts or are they raised by promotion? If by both, what is the percentage of each?

The Honourable Sir Jeremy Raisman: (a) to (e). The Honourable Member's attention is invited to the reply given to his question No. 326 on the 11th March, 1940. The position has not changed since then.

(d) The present system of recruitment is working satisfactorily and no change is considered necessary.

(c) Yes, Sir. An Arts or a Science degree is the minimum educational qualification prescribed for direct recruitment, which is made through the Provincial Public Service Commission in Madras and by selection by the Collectors of Customs at Bombay and Karachi. There are no Examiners in the Calcutta Custom House.

(f) Vacancies in the Examiners' grade are usually filled by direct recruitment. Appointments by transfer of ministerial staff possessing the necessary qualifications are also made occasionally. No definite percentage has been prescribed for such appointments but this question is under consideration.

Mr. Lalchand Navalrai: Why is the Honourable Member getting shy and not giving this work to the Public Service Commission?

Mr. President (The Honourable Sir Abdul Rahim): I do not think that is a proper form of question; you had better put it in proper form.

Mr. Lalchand Navalrai: Why does the Honourable Member hesitate to give this work to the Public Service Commission, especially when the public opinion is different from the Government opinion?

The Honourable Sir Jeremy Raisman: The question has been examined and in provinces where it is found possible to enlist the services of the Public Service Commission, this has been done.

Mr. Lalchand Navalrai: When there is a joint Public Service Commission for Bombay and Sind, I want to know why these appointments to the preventive service are made only by statute and voices and why they should not be given to the Public Service Commission?

Mr. President (The Honourable Sir Abdur Rahim): That is an argument.

Mr. Lalchand Navalrai: I am asking a question.

Mr. President (The Honourable Sir Abdur Rahim): One can argue in the form of a question. Next question.

Mr. Lalchand Navalrai: I am asking why is not this procedure going to be followed?

Mr. President (The Honourable Sir Abdur Rahim): I disallow it.

DEATH OF MAJOR E. M. MARTIN IN IRAQ.

64. *Sir F. E. James: Will the War Secretary be pleased to state:

(a) whether he is aware—

(i) that Major E. M. Martin, Commandant of No. 36, Rest Camp Paiforce, died while on active service in Iraq on the 21st December, 1942;

(ii) that he had been medically examined by the military authorities and passed as fit for general service in May, 1941, when he was 42 years 8 months old;

(iii) that after being posted to Delhi on the 18th July, 1941, he had a severe attack of malaria and was detained in hospital for several weeks;

(iv) that he was subsequently posted to Iraq; and

(v) that the medical and military authorities have now held that he had extensive coronary atheroma, that he died of heart failure, and that his death was not brought about or aggravated to any material extent by the conditions of military service;

(b) whether the Government of India have accepted this opinion and held that his widow is not entitled to any pension;

(c) whether the facts that Major Martin was passed as fit for general service by the medical authorities when he had extensive coronary atheroma, and that after a severe attack of malaria he was sent overseas do not impose some obligation upon the Government of India to pay to his widow either pension or modified pension or compensation;

(d) whether there is any appeal against the decision of the Government of India in this or in similar cases;

(e) whether he is aware of the Pensions Appeal Tribunals Bill recently discussed in the Parliament of the United Kingdom which provides for a right of appeal on entitlement issues in respect of disablement or death of members of the Armed Forces and the Auxiliary Services;

(f) whether Government propose to consider the desirability of enacting similar legislation to provide for appeals on entitlement issues, particularly in those which arise in death cases; and

(g) whether he is aware that the outstandings due to Major Martin on his death on the 21st December, 1942, have not yet been received by his widow?

Mr. C. M. Trivedi: (a) (i), (iv) and (v). Yes.

(a) (ii). The officer was medically examined by the military medical authorities and on being commissioned on 1st July, 1941, was placed in category "B" permanently. Such classification indicated that the officer was not fit for general service, but fit for all ordinary duties in India, and for garrison duties, base or lines of communication duties abroad, or for specially selected employment abroad. The appointment he was holding as Commandant, No. 36 Rest Camp, Paiforce, was a form of employment selected to suit the medical category of the officer.

(a) (iii). On 21st August, 1941, he was admitted to the British Military Hospital, Delhi, with a freshly caught attack of malaria. The attack was not severe the patient responded well to treatment and was discharged from Hospital on 9th September 1941, as recovered.

(b) Yes.

(c) I invite the attention of the Honourable Member to the reply to part (a) (ii) of the question.

(d) The decision in this case was given by the Secretary of State and an appeal lies to the Appeal Tribunal Board in this and similar cases. The Government of India have been informed that the case is under review.

(e) and (f). Yes, Sir.

(g) No amount was due to Major Martin on the date of his death. On the other hand, his account showed a debit balance.

Sir F. E. James: May I ask the Honourable Member whether there is an appeal against the decision of the Secretary of State in the case of dependants resident in the United Kingdom so affected at present?

Mr. C. M. Trivedi: Yes, Sir.

Sir F. E. James: May I further ask him whether that means that there is no appeal against the decision of the Government of India in the case of dependants permanently resident in this country who may be so affected?

Mr. C. M. Trivedi: May I explain the position in some greater detail? Dependants of officers and men of the British Army have a right of appeal to the appeal tribunals, wherever the dependants are. Dependants of the personnel of the Indian Army and the Indian unattached list who are under the rule-making control of the Secretary of State have a right of appeal to the appeal tribunals. There is no right of appeal for the personnel of the Indian Army who are subject to the rule-making control of the Government of India; but as I have said, this question is being considered.

Sir F. E. James: May I ask my Honourable friend whether, in view of the very great importance of this matter, he can assure the House that the Government of India will give urgent consideration to the proposal to put the personnel of the Indian Army subject to the rule-making powers of the Government of India on the same basis?

Mr. C. M. Trivedi: I assure the House that we are dealing with this question with as much expedition as possible.

RESIGNATION OF MR. J. R. BLAIR, I.C.S.

65. *Mr. Govind V. Deshmukh: (a) Will the Honourable the Home Member please state if he is aware of the resignation of Mr. J. R. Blair, I.C.S., lately Chief Secretary to the Government of Bengal? Was it in any way connected with the breach of conduct rules? Was it enforced on him?

(b) Did he instruct the Government of the Central Provinces to serve an order like the one dated the 25th September of that Government on *Hitavada*, a Nagpur daily paper, asking for the disclosure of the name and address of the person supplying the information about Mr. Blair's resignation? Was this order under the Defence of India Rules?

The Honourable Sir Reginald Maxwell: (a) I am aware of the recent retirement of Mr. J. R. Blair. Mr. Blair's retirement was voluntary and was in no way connected with any breach of the Government Servants' Conduct Rules.

(b) The Government of the Central Provinces were asked to obtain, from the editor of the *Hitavada* newspaper of Nagpur, information as to the source of an article entitled "Another civilian resigns. Story of a censored letter" which appeared in the issue of that newspaper dated 21st of August. This article purported to disclose the working of the censorship, and it was clearly necessary in the interests of Military Security as well as in the public interest to investigate its origins. The Government of the Central Provinces were accordingly authorized to resort to Defence Rule 113 if the editor of the *Hitavada* declined to give this information voluntarily. I would invite the Honourable Member's attention to the communiqué issued by Government on this subject on October 22nd, a copy of which I place on the table of the House.

Copy of the Communiqué issued by the Government of India, Home Department, New Delhi, on the 22nd October, 1943.

Certain sections of the Press have recently condemned the action of Government in asking the editor of a newspaper to disclose the source of his information in regard to a particular article and in using the powers provided by law for enforcing such a request. Their action has been characterised as an unjustifiable attempt to pry into the private affairs of newspapers and to interfere with the well-established journalistic convention that the relations between an editor and his correspondents are confidential.

The article in respect of which Government desired information alleged that official action had been taken against a particular officer of Government on the basis of a private letter written to a relative, which had been censored and brought to the notice of the higher authorities. The information contained in the article, if true, could only have

emanated from official sources in complete disregard of the provisions of the Official Secrets Act and of the well-known rule that the operations of the censors are, in no circumstances, to be disclosed. If, on the other hand, the information was untrue, it amounted to a most unfair attack on the integrity of Government and their officers. In any case, the publication of confidential information is an offence.

In these circumstances, Government considered that the matter called for the most thorough investigation in the public interest, so that, if there had been a leakage of official information, the officer responsible could be brought to book or, if the allegation proved to be groundless, an undeserved slur on their officers might be removed.

The Government of India agree that it is undesirable in all ordinary circumstances to disturb the confidential relations that exist between an editor and his correspondents, but editors cannot expect that any journalistic convention, however, honoured by time or usage, should be allowed to override the law. Moreover, it is clearly necessary, both in the public interest and also in the interests of military security, that abuses of the censorship or of the rules of censorship, if they have indeed occurred, should be stopped by all possible means, and it is Government's duty to ensure that the contents of private correspondence remain private to the greatest extent possible under the exigencies of war. If editors wish their confidential relations with their correspondents to be respected, Government and members of the public, whether they happen to be officials or not, have no less right in common fairness to claim that neither editorial privilege nor official indiscretion should be allowed to extend with impunity to the disruption of the equally confidential relations that should subsist between the censors and those whose private correspondence it is their duty to examine.

Mr. Govind V. Deshmukh: With reference to part (b), who authorised or who solicited this explanation? Was it the Government of India or the Government of the province where he was serving?

The Honourable Sir Reginald Maxwell: The Government of India raised the question in the first instance, and asked the Provincial Government to take the appropriate action.

Mr. Lalchand Navalrai: May I know if it is the policy of the Government to give reasons in case an I.C.S. gentleman resigns his post?

The Honourable Sir Reginald Maxwell: No.

Mr. Lalchand Navalrai: Why not?

Mr. Govind V. Deshmukh: May I know whether in the letter by which he tendered resignation voluntarily, he gave any reasons or he merely said "I wish to resign"?

(No answer was given.)

REPATRIATION OF ITALIAN PRISONERS IN INDIA.

66. *Mr. Govind V. Deshmukh: (a) Will the War Secretary please state if the Government of India has sent or intends to send the Italian prisoners out of India to Italy?

(b) Has there been any correspondence with His Majesty's Government on this point? If so, has it been brought to the notice of His Majesty's Government that if these prisoners were sent out of India, it will release a considerable amount of food for the consumption of the army as well as the civil population?

Mr. C. M. Trivedi: (a) and (b). The question is still under consideration in consultation with His Majesty's Government.

Mr. Govind V. Deshmukh: Is it not high time, in view of the fact that there is scarcity of food in India, that this matter should have been considered long ago? Since when is this matter under consideration? Since when has the Government of India been in communication with His Majesty's Government?

Mr. C. M. Trivedi: The matter has been under correspondence with the Secretary of State for about six weeks.

Sir F. E. James: May I ask my Honourable friend whether he is aware of the fact that there is a great deal of waste of food at these camps and that recently a certain prisoner of war camp sent a deputation to Dr. Gilbert Fowler in Bangalore asking for a recipe as to how to make compost out of bread, and that this has been brought to the attention of the G. O. C. of the Southern Army?

Mr. C. M. Trivedi: I am not aware of that.

Sir F. E. James: Will the Honourable Member look into that question?

Mr. C. M. Trivedi: Yes, Sir.

Pandit Lakshmi Kanta Maitra: Will my Honourable friend indicate the quantity of foodstuffs consumed by these Italian prisoners in this country?

Mr. O. M. Trivedi: I should like to have notice of this question.

Pandit Lakshmi Kanta Maitra: Can the Honourable Member give any idea of the cost involved in the matter of these foodstuffs?

Mr. O. M. Trivedi: I am afraid I have not got the information readily available with me.

Mr. K. O. Neogy: Is it a fact that the standard of treatment which these Italian and other prisoners of war receive approximates more or less to the traditional standard of hospitality that is shown to sons-in-law in Indian household?

Mr. O. M. Trivedi: The treatment is governed by international conventions on the subject.

SELECTION OF PERSONNEL OF CONCERT PARTIES FOR BRITISH AND INDIAN TROOPS.

67. *Mr. Govind V. Deshmukh: Will the Honourable the Defence Member please state the method of selection and the designation of the officer who actually selects the personnel of the concert parties to entertain (i) the British troops, and (ii) the Indian troops? Do the Government of India bear the whole expenditure of entertaining the British troops?

Mr. L. J. D. Wakely: The officer responsible for the selection of entertainment personnel is the Director-General of Welfare and Amenities assisted by the Assistant Adjutant General in charge of Amenities, Comforts and Entertainments for Services and a British officer in the case of British troops, and an Indian officer with experience of the entertainment industry in the case of Indian troops.

The method of selection is by trial of the performances by the above-mentioned officers. Two-thirds of the cost of entertainment of British troops is paid by His Majesty's Government and one-third is paid by the Government of India.

Mr. Govind V. Deshmukh: Am I right in believing that even the selection of personnel so far as Indian troops are concerned is entrusted to a person who is not an Indian but who is an European?

Mr. L. J. D. Wakely: That is not my information.

Pandit Lakshmi Kanta Maitra: Do these concert parties go overseas?

Mr. L. J. D. Wakely: Not that I am aware of.

Pandit Lakshmi Kanta Maitra: I am asking whether these concert parties which are selected by the Government of India tour round wherever these troops are stationed?

Mr. L. J. D. Wakely: Yes.

Pandit Lakshmi Kanta Maitra: Is the Honourable Member aware that the concert parties included dancing girls?

Mr. L. J. D. Wakely: No.

CONSTITUTION OF THE INDIAN SOLDIERS BOARD.

68. *Mr. Govind V. Deshmukh: Will the Honourable the Defence Member please state:

- (a) what the constitution of the Indian Soldiers' Board is;
- (b) who the members of the present Board are; and
- (c) the names of the towns where the branches of the Board, if there be any, are located?

Mr. L. J. D. Wakely: I place a statement on the table.

Statement.

(a) The constitution is as follows:—

(1) *President*—

A member of His Excellency the Governor General's Executive Council nominated by His Excellency the Viceroy.

(2) *Six members*—

1. His Excellency the Governor of the Punjab.....*ex-officio*.

2. Two other members of the Executive Council nominated by His Excellency the Viceroy.

Ex-officio—

3. Adjutant General in India.

4. Secretary to the Government of India in the Defence Department.

5. Financial Adviser, Military Finance.

(3) Secretary—

An Under Secretary to the Government of India in the Defence Department.

(b) The following are the names of the President, Members and Secretary of the present Board:—

President—

The Hon'ble Malik Sir Firoz Khan Noon, K.C.S.I., K.C.I.E., Defence Member.

Members—

His Excellency Sir Bertrand Glancy, K.C.S.I., K.C.I.E., I.C.S., Governor of the Punjab.

The Hon'ble Sir Jeremy Raisman, K.C.S.I., C.I.E., I.C.S., Finance Member.

The Hon'ble Sirdar Sir Jogendra Singh, Education, Health and Lands Member.

The Hon'ble Mr. C. MacI. G. Ogilvie, C.S.I., C.B.E., I.C.S., Defence Secretary.

Lieut.-General W. H. G. Baker, C.B., D.S.O., O.B.E., Adjutant General-in India.

E. T. Coates, Esq., C.S.I., C.I.E., I.C.S., Financial Adviser, Military Finance.

Secretary—

S. R. Kaiwar, Esq., I.C.S., Under Secretary, Defence Department.

(c) There are no "branches" of the Indian Soldiers' Board. List showing the names of the District and State Soldiers' Boards in India follows:

DISTRICT SOLDIERS' BOARDS.

Punjab

- | | | |
|-------------------------|-------------------------|------------------------|
| 1. Ambala. | 10. Hoshiarpur. | 19. Montgomery. |
| 2. Amritsar. | 11. Jhelum. | 20. Multan. |
| 3. Attock (Campbellpur) | 12. Jullundur. | 21. Rawalpindi. |
| 4. Ferozapore. | 13. Kangra (Dharamsala) | 22. Rohtak. |
| 5. Gujranwala. | 14. Karnal. | 23. Shahpur (Sargodha) |
| 6. Gujrat. | 15. Lahore. | 24. Sheikhupura. |
| 7. Gurudaspur. | 16. Ludhiana. | 25. Sialkot. |
| 8. Gurgaon. | 17. Lyallpur. | |
| 9. Hissar. | 18. Mianwali. | |

United Provinces

- | | | |
|-------------------|------------------------------|--------------------|
| 1. Agra. | 14. Etawah. | 27. Moradabad. |
| 2. Aligarh. | 15. Fatehpur. | 28. Muttra. |
| 3. Allahabad. | 16. Farrukhabad (Fatehgarh). | 29. Muzaffarnagar. |
| 4. Almora. | 17. Fyzabad. | 30. Partabgarh. |
| 5. Azamgarh. | 18. Ghazipur. | 31. Rai Bareilly. |
| 6. Balia. | 19. Garhwal (Lansdowns). | 32. Saharanpur. |
| 7. Bara Banki. | 20. Gonda. | 33. Shahjahanpur. |
| 8. Bareilly. | 21. Gorakhpur. | 34. Sitapur. |
| 9. Basti. | 22. Hardoi. | 35. Sultanpur. |
| 10. Bullandshahr. | 23. Jhansi. | 36. Unao. |
| 11. Cawnpore. | 24. Lucknow. | 37. Benares. |
| 12. Dehra Dun. | 25. Mainpuri. | 38. Badaun. |
| 13. Etah. | 26. Meerut. | |

North-West Frontier Province

- | | | |
|-------------------------|--------------|-----------------------------------|
| 1. Hazara (Abbottabad). | 4. Nowshera. | 6. Waziristan (Dera Ismail Khan). |
| 2. Kohat. | 5. Peshawar. | |
| 3. Mardan. | | |

Bombay.

- | | | |
|----------------|------------------------------|---------------|
| 1. Ahmadnagar. | 5. Khandesh (East and West). | 8. Ratnagiri. |
| 2. Belgaum. | 6. Kolaba. | 9. Satara. |
| 3. Bijapur. | 7. Poona. | 10. Sholapur. |
| 4. Dharwar. | | |

Central Provinces.

- | | | |
|-------------|---------------|-------------|
| 1. Akola. | 3. Buldana. | 5. Nagpur. |
| 2. Amraoti. | 4. Jabulpore. | 6. Yeotmal. |

Delhi.

Delhi.

Rajputana.

Ajmer-Merwara (Beawar), Ajmer.

Bihar.

- | | | |
|---------------|--------------------|----------------------|
| 1. Champaran. | 4. Santal Pargana. | 6. Shahabad (Arrah). |
| 2. Patna. | 5. Saran (Chapra). | 7. Singhbhum. |
| 3. Ranchi. | | |

Assam.

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| 1. Shillong. | 2. Sylhet. |
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Bengal.

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| 1. Chittagong. | 2. Bakarganj (Barisal). |
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Hyderabad (Deccan).

Secunderabad, C/o Headquarters, Deccan District. Bolarum.

Madras.

- | | | |
|---|--------------------------------------|----------------------------|
| 1. Ceded Districts' Board,
Cuddapah. | 6. Kistna, Masulipatam. | 12. Sout Arcot, Cuddalore. |
| 2. Chittoor. | 7. Madras City &ingleput,
Madras. | 13. Tanjore. |
| 3. Cofmbatore. | 8. Madura-Ramnad. | 14. Tinnevely. |
| 4. Godavari (East and West),
Ellore. | 9. Malabar, Calicut. | 15. Trichinopoly. |
| 5. Guntur-Nellore, Guntur. | 10. North Arcot, Vellore. | 16. Vizagapatam. |
| | 11. Salem. | |

STATE SOLDIERS' BOARDS.

Kashmir.

1. Jammu.
2. Mirpur.
3. Poonch (Palandri).

Rajputana.

- | | | |
|---------------|-------------|-------------|
| 1. Alwar. | 4. Jaipur. | 7. Bundi. |
| 2. Bharatpur. | 5. Jodhpur. | 8. Dholpur. |
| 3. Bikaner. | 6. Mewar. | |

Punjab.

- | | | |
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| 1. Bilaspur. | 4. Kapurthala. | 7. Nabha. |
| 2. Faridkot. | 5. Loharu. | 8. Patiala. |
| 3. Jind. | 6. Malerkotla. | |

Hyderabad (Deccan).

Aurangabad.

Deccan States.

- | | | |
|------------------------|-------------|----------------|
| 1. Kolhapur. | 3. Phaltan. | 5. Sawantwadi. |
| 2. Kurundwad (Junior). | 4. Sangli. | |

Central India.

- Gwalior.
Ramnagar (Benares State).

ACTIVITIES OF SUBHAS CHANDRA BOSE IN EAST ASIA.

69. *Sardar Mangal Singh: Will the Honourable the Home Member please state:

(a) whether Government have got any information about the recent activities of Babu Subhas Chandra Bose in East Asia;

(b) whether it is a fact that a large force named "Indian National Army" is being raised under Babu Subhas Chandra Bose in East Asia by the Japanese for the purpose of invading India; and

(c) whether the Indian prisoners of war in Japanese hands have been forced to join this army?

The Honourable Sir Reginald Maxwell: (a) Yes.

(b) Enemy broadcasts provide reason for supposing that an attempt in which Subhas Chandra Bose has probably taken a large part, has been made to form an Indian force on military lines to assist the Japanese.

(c) The statements of prisoners of war, who have escaped from the Japanese, leave little doubt that the latter have attempted to force Indian prisoners of war to perform duties entirely outside the sanction of international law and it is likely that the force I referred to above includes a number of Indian military personnel who have been forcibly converted from their allegiance.

Mr. T. T. Krishnamachari: May I ask the Honourable Member if in the case of any of these Indian military personnel who are prisoners of war in Singapore and other areas the payments to their families have been stopped in India because of their taking part in this campaign?

The Honourable Sir Reginald Maxwell: I must have notice of that question.

TREATMENT OF POLITICAL PRISONERS AND CONGRESS DETENUS.

70. *Sardar Mangal Singh: (a) Will the Honourable the Home Member please state what action has been taken to improve the conditions of the political prisoners and Congress detenues after the debate held last session on the resolution moved by Mr. T. T. Krishnamachari with particular reference to the following items:—

- (i) Diet Allowance;
- (ii) Interviews and letters;
- (iii) Books, newspapers and games; and
- (iv) Family Allowance?

(b) Has any Family Allowance been given to the family of any Congress detenu in the Punjab? If so, what is the name of the detenu, and the amount of allowance sanctioned?

(c) What is the difference between a "security prisoner" and a "detenu"? Is there any difference in their treatment? If so, what?

The Honourable Sir Reginald Maxwell: (a) I am not yet in possession of details for all provinces, but as a result of correspondence with the Provinces since Mr. Krishnamachari's resolution a considerably larger measure of uniformity has already been achieved in the treatment of security prisoners. As regards diet allowances, it is now generally accepted that these, in the case of all security prisoners, must be rather better than those provided for the corresponding grades of convicted prisoners. As regards interviews and letters, all Provinces now allow Congress security prisoners to correspond with members of their families on domestic matters. Most Provinces allow interviews, but some have not yet been able to see their way to doing so. As regards books, newspapers and games, I have no reason to believe that any security prisoner suffers from a lack of suitable reading matter or facilities for recreation. As regards family allowances, the general principle has been accepted that they may be granted where the detention of the person concerned has deprived his family of a legitimate source of income and has resulted in real hardship.

(b) I have no detailed information.

(c) The terms 'security prisoner' and 'detenu' are synonymous.

Sardar Mangal Singh: May I know whether any interviews are allowed to Congress security prisoners in the Punjab? Has the Honourable Member any information about that?

The Honourable Sir Reginald Maxwell: No. They are not allowed in the Punjab.

Sardar Mangal Singh: As regards books, is it not a fact that the security prisoners are not allowed to take books inside the jail but that the books should be sent to the jail library first and then the books are issued to the security prisoners?

The Honourable Sir Reginald Maxwell: There is no general rule on that subject. That will depend on the practice in each province.

Sardar Mangal Singh: I may inform the Honourable Member of my own personal knowledge that the Punjab Government has issued a circular that no Congress security prisoners can import any books but those books should first be sent to the Library.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got the information. He is not putting a question.

Sardar Mangal Singh: I ask whether that circular still stands, or the Government of India have asked the Punjab Government to change it?

The Honourable Sir Reginald Maxwell: No. We have not entered into details of the practice followed in regard to the supply of books to security prisoners.

Sardar Mangal Singh: Then what grounds have the Honourable Member to say that the treatment of prisoners has improved after the discussion in this House of the Resolution of Mr. Krishnamachari?

The Honourable Sir Reginald Maxwell: Treatment of prisoners does not consist exclusively in giving them books.

Mr. T. T. Krishnamachari: May I ask the Honourable Member with regard to this uniformity of treatment that the Government of India is trying to achieve all over the provinces, whether the conditions that are imposed for release of certain prisoners in the provinces have also been drafted by the Government of India on the basis of securing uniformity?

The Honourable Sir Reginald Maxwell: I am afraid I do not understand what the Honourable Member is referring to.

Mr. T. T. Krishnamachari: I would like to repeat my question with your permission, Sir. Provincial Governments have offered to release some of the security prisoners on certain conditions. Have all those conditions also been

discussed between the different Governments and approved by the Government of India on the basis of securing uniformity?

The Honourable Sir Reginald Maxwell: No. That would obviously be a matter which the Provincial Government would have to consider on the merits of each case.

Sardar Mangal Singh: Will the Honourable Member make enquiries from the Punjab whether they have given any family allowance to any Congress security prisoner?

The Honourable Sir Reginald Maxwell: Yes. I will make such enquiries if we have not already got the information, but the Honourable Member might give notice of the question as that will be the most convenient method of dealing with the subject.

Mr. Abdul Qaiyum: May I know if any instructions have been issued by the Government of India to the provinces that the members of the Assembly should be the last to be released or should not be released?

The Honourable Sir Reginald Maxwell: No.

Mr. Abdul Qaiyum: May I know if in the Frontier province, while there have been wholesale releases, all the M.L.A.'s have been kept inside?

The Honourable Sir Reginald Maxwell: That shows what dangerous people they must be.

Mr. Abdul Qaiyum: Is the Honourable Member aware that they are being constantly released on parole but during the Assembly session they are all shut up?

(No answer.)

POSITION CONCERNING RECRUITMENT TO EMERGENCY COMMISSIONS.

71. ***Sardar Mangal Singh:** (a) Will the War Secretary please state whether direct recruitment to the Emergency Commissioned Ranks has been altogether stopped for His Majesty's Land Forces, or whether the old method of selection has been modified? If so, what is the latest position regarding recruitment to the Emergency Commissioned Ranks?

(b) What is the annual intake to the permanent posts of the Indian Commissioned Officers from the Indian Military Academy, Dehra Dun?

(c) How many Indian Commissioned Officers have been put on the general staff?

Mr. C. M. Trivedi: (a) No. In certain special circumstances direct commissions may be granted to those serving in the ranks and to civilians, with necessary educational qualifications, who are accepted by G. H. Q. Selection Boards. The majority of candidates after selection by G. H. Q. Selection Boards undergo a period of training in Officers' Training Schools before being commissioned.

(b) None. No permanent commissions are now granted.

(c) The numbers of Indian commissioned officers serving on the staff in graded appointments on the 1st of October, 1943 were:—

(i) Numbers in appointments in G. H. Q. (I)	30
(ii) Numbers attached to Armies, Divisions and other Headquarter formations	68

Sardar Mangal Singh: Will the Honourable Member inform the House why the number of Indian officers is so small on the General Staff?

Mr. C. M. Trivedi: Mainly because most of the Indian officers have joined only recently.

Dr. Sir Zia Uddin Ahmad: With reference to part (a) of the question, I would like to know whether these provincial boards continue to function at present?

Mr. C. M. Trivedi: Yes, Sir. They do.

LEASE-LEND AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND INDIA.

72. ***Sardar Mangal Singh:** (a) Will the Honourable the Finance Member please state whether any lease-lend agreement has been entered into between the United States of America and India? If so, what are its main features?

(b) Is there any foundation for the widely held belief that the revenues of certain departments have been mortgaged with the Government of the United

States of America in consideration for the lend-lease materials supplied to India by the United States of America?

The Honourable Sir Jeremy Raisman: (a) No.

(b) No.

Sardar Mangal Singh: Is it not a fact that talks are going on between India and the United States of America about the Lease-Lend Act?

The Honourable Sir Jeremy Raisman: There have been conversations with the American Government.

Sardar Mangal Singh: Are these conversations still going on? Is there any hope of ending these talks?

The Honourable Sir Jeremy Raisman: At the present moment, discussions in regard to the mutual aid agreement are suspended.

Sardar Mangal Singh: Will the House be taken into confidence before you conclude this Lease-Lend Act with the United States?

The Honourable Sir Jeremy Raisman: Well, Sir, as I said, at the present moment, the discussions are in abeyance.

ALLOCATION OF EXPENDITURE FOR RE-CONQUEST OF BURMA AND MALAYA STATES.

73. ***Sardar Mangal Singh:** (a) Will the Honourable the Finance Member please state whether the expenditure for the conquest of Burma and Malay States will be met by His Majesty's Government or by the Government of India?

(b) If this expenditure will be shared by the two Governments, what are the arrangements, giving full details of the agreement between the Government of India and His Majesty's Government?

The Honourable Sir Jeremy Raisman: The Honourable Member's attention is invited to the reply which I gave to Mr. Néogy's question No. 48 on the 21st September, 1942.

COMPANIES PERMITTED BY THE CONTROLLER OF CAPITAL ISSUES TO BE REGISTERED UNDER THE COMPANIES ACT.

†74. ***Sardar Mangal Singh:** Will the Honourable the Finance Member please state:—

(a) the number of companies whom permission has been accorded by the Controller of Capital Issues to be registered under the Companies Act;

(b) how many of them are banks, insurance companies, and commercial concerns;

(c) the considerations which govern the grant of permission; and

(d) how many applications from limited companies have been rejected for selling their issued but unsubscribed capital?

The Honourable Sir Jeremy Raisman: (a) The permission of the Examiner of Capital Issues is not required before a Company can be registered under the Indian Companies Act, but the consent of the Central Government is required before the initial issue of capital can be made by any such company. The number of consent orders issued up to the 30th September, 1943 in respect of initial issues by such companies was 255.

(b) Banks, two; insurance companies, six; commercial concerns, 57.

(c) Briefly, the object is to prevent the utilisation of investable funds and of scarce materials and services for purposes which make no positive contribution to the prosecution of the war, to the early production of articles of general consumption or to other beneficial purposes. The policy of the Government was more fully stated in their Press note dated 10th July 1943 of which I lay a copy on the table.

(d) Up to 30th September 1943, 13 such applications had been rejected.

PRESS NOTE.

Control of Capital Issue: The Underlying Policy.

In their recent press note dated June, 21, 1943, the Government of India clarified certain technical points relating to the Control of Capital Issues. Since apprehension continues to be expressed in certain quarters as to the fundamental principles involved in this control, the Government of India desire to draw the attention of the public to the following points:—

† Answer to this question laid on the table, the questioner having exhausted his quota.

At the present time, there is the most serious shortage of many of the most essential goods and services, including not only iron and steel, machines and mill stores, but also of skilled labour and of transport facilities. These shortages grow directly out of the war situation, and cannot be wholly remedied so long as the war lasts.

In order to prevent a scramble for the available supplies, which can only result in raising prices still further, it appears best to encourage those industrialists whose enterprises will directly assist in aiding the war effort or will be in a position to embark upon production of essential consumers' goods at an early date. There is no public purpose in allowing priority to the manufacture of luxury goods, for instance, when the same capital equipment can go to the production of articles in more common use. Without control of capital issue, there is no guarantee that such supplies as are available will in fact go to the most suitable applicant.

Control thus serves in present conditions to further industrialisation on sound lines. These remarks apply with even more force when the contemplated enterprise purports to be in a position to produce only at the end of the war. Such enterprises may also compete for plant, skilled labour, etc., and they can certainly add nothing to immediate productivity. A special care is therefore required in dealing with them.

Consent will however be granted in suitable cases for an issue of capital required to purchase plant or machinery for which an order has been placed for delivery after the war subject to the condition that the money is invested in Defence Loans or other new Government securities and is kept so invested until it can be spent for the intended purpose.

Moreover in so far as so-called new undertakings merely take the form of offering to the public shares in enterprises which were already in existence, but which have been converted to a joint stock basis (sometimes at extremely inflated prices) no net addition to the productive resources of the country is made at all, and the only effects are to swell the speculative boom which is already assuming an unhealthy form, and possibly to secure advantages in the matter of taxation at the expense of the general taxpayer.

Secondly, it will be generally agreed that the battle against inflationary tendencies cannot be won unless there is a large scale subscription to the various loans issued by the Government of India. Although part of the Capital subscribed to new banks, investment, trusts and insurance companies will no doubt flow into these loans Government have to consider whether there is not a danger that a good deal of it may be diverted to speculative uses, such as the financing of hoarding of scarce commodities and loans to the stock exchange, which are definitely anti-social at the present time.

SECURITY AND STATE PRISONERS.

75. *Mr. Amarendra Nath Chatterpadhyaya: (a) Will the Honourable the Home Member be pleased to state the number of security prisoners on the 30th December, 1942, and, October 15th, 1943?

(b) What was the number of State prisoners under Regulation III of 1818 on the 30th September, 1943? How many such prisoners have been released during 1943?

(c) Does the Honourable Member propose to make a statement regarding the state of health of security prisoners under the Defence of India Act confined in jails or private houses under the custody of the Governments of different provinces in connection with the sabotage movement of August, 1942?

The Honourable Sir Reginald Maxwell: (a) The number of security prisoners of all sorts in detention on 1st January, 1943, was 9,853. The corresponding figure for the 15th October is not yet available. The number on the 1st September last was 10,780, but it is understood that a good many prisoners have been released since that date.

(b) The number of State prisoners detained under Central Government warrants under Regulation III of 1818 on the 30th September, 1943, was 10. No such prisoners were released during 1943. I have no information as to the number of prisoners detained under the Regulation or released by Provincial Governments.

(c) The health of security prisoners detained by Provincial Governments is a matter for those Governments and I have no information on the subject. As far as the health of the Central Government security prisoners detained in the Provinces is concerned, the Government of India have asked Provincial Governments to inform them immediately if any such prisoner becomes seriously ill. In the absence of such reports, it may be taken that their health at present is satisfactory.

**EXAMINATION BY TRIBUNALS OF CASES OF DETENUS AND INTERNEES UNDER
DEFENCE OF INDIA ACT.**

76. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Home Member be pleased to state if the tribunals set up for examining the cases of detenus and internees under the Defence of India Act are continuing examination of their cases; how many sittings there have already been, and how many detenus have been released up to date through such scrutiny?

(b) Have the cases of the Chittagong prisoners who had been convicted and transported to Port Blair and subsequently kept confined in jails been taken up for scrutiny? Did the Honourable Member have any correspondence in the matter with the Honourable the Home Minister of Bengal?

The Honourable Sir Reginald Maxwell: (a) So far as I am aware, no special tribunals for examining the cases of persons detained under the Defence of India Rules are at present in existence. As I have more than once informed the House the cases of these persons are under constant review by the Governments concerned—both Central and Provincial—and a number of persons have been released from detention as a result of these reviews.

(b) The Chittagong prisoners referred to by the Honourable Member were duly convicted and sentenced by the courts and there is no question of their cases being specially reviewed.

Pandit Lakshmi Kanta Maitra: Are these tribunals set up by the Provincial Governments themselves or in consultation with the Central Government?

The Honourable Sir Reginald Maxwell: I said that there were no tribunals at present in existence. If they were appointed, the provinces would appoint them in regard to their own prisoners and the Central Government in regard to its own prisoners.

Pandit Lakshmi Kanta Maitra: May I take it that the Central Government has not got a tribunal of its own for reviewing such cases?

The Honourable Sir Reginald Maxwell: No such tribunal is required.

CASES TRIED BY THE ANTI-CORRUPTION TRIBUNALS.

†77. *Sardar Mangal Singh: (a) Will the War Secretary, please state the number of cases that have been tried or put up for trial before the two Anti-Corruption Tribunals that have been recently set up by the Central Government?

(b) How many of the cases relate to Government contractors, and how many to Government officials?

(c) What punishments have been awarded to those held guilty, and how many have been found innocent?

Mr. C. M. Trivedi: (a) 54 cases have been put up for trial.

(b) Six of these relate to Government contractors and 38 to Government officials (including railway officials), while in the remaining 10 cases both officials and contractors are involved.

(c) The Tribunals started work in October 1943 and only one judgment has so far been delivered. In that case the accused was sentenced to 9 months' imprisonment and Rs. 500 fine under section 161/116 Indian Penal Code and rule 38, Defence of India Rules.

WELFARE AND AMENITIES DIRECTORATE AND ENTERTAINMENT OF INDIAN TROOPS.

78. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Defence Member please state whether the Welfare and Amenities Directorate, Simla, is the only department responsible for the entertainment of Indian troops in India, or whether there is some other department at the General Headquarters which shares with the Welfare and Amenities Directorate the duties of arranging to entertain Indian troops with music, dances and theatrical performances or jugglery? If there is any such department, what is its name and functions?

(b) What is the procedure adopted by the Welfare and Amenities Directorate in providing entertainment for Indian troops? Are singers, dancers, etc., engaged by Impressarios on a contract basis for the week or month or are

†Answer to this question laid on the table; the questioner having exhausted his quota.

suitable singers and performers chosen from among the soldiers in service and after due training formed into concert parties on a no-cost basis?

(c) Is it or is it not a fact that suggestions on a no-cost basis were laid before the Director General, Welfare and Amenities Directorate, to select suitable men from among the sepoy, to give them training, and to form them into concert parties, for every big military station or a group of a few smaller stations?

(d) Is it or is it not a fact that these concrete proposals were very much appreciated by the General Headquarters, and that steps were taken to give this scheme a trial?

(e) Has this scheme yet been tried? If not, why not? Is this not the cheapest method of entertaining the troops, and would it not obviously entertain a much larger section of the troops than the other method of entertainment through contract parties?

(f) Does the Honourable Member propose to consider the advisability of giving a fair trial to the measures of selecting and enlisting a few sepoy and other ranks from among the serving soldiers with taste in music and performances, particularly acceptable to Indian troops, and seeing if it is not the best and the cheapest way of entertaining Indians?

Mr. L. J. D. Wakely: (a) The Directorate of Welfare and Amenities is solely responsible.

(b) Indian Concert Parties are engaged through Impressarios on a contract basis.

(c) Yes.

(d) and (e): The proposals were appreciated as any offer to help is, but they cannot be put into effect, as it is not possible to release soldiers in any numbers from their military duties for wholtime participation in concert parties. They are of course available for spare time participation to amuse their own Units provided that their training as soldiers continues. If the scheme were practicable, it is true that it would be the cheapest method of entertaining the troops, though not normally the best, as high grade talent is rare.

(f) No. The soldiers no doubt like to see their colleagues perform but they also appreciate performances by professionals as is the case in the British Army also where concert parties consisting of professionals have rendered such valuable services.

Qazi Muhammad Ahmad Kazmi: How long ago were these concert parties disbanded?

Mr. L. J. D. Wakely: I have no information.

Qazi Muhammad Ahmad Kazmi: Has the Honourable Member made any inquiry about the exact reason for the disbandment of that party?

Mr. L. J. D. Wakely: I have already said that the reason for the disbandment was that the soldiers could not be spared from their work as soldiers.

Qazi Muhammad Ahmad Kazmi: Was any inquiry or report made on this matter? Was there any actual correspondence between the authorities on this matter?

Mr. L. J. D. Wakely: I do not know which authorities the Honourable Member is referring to.

Qazi Muhammad Ahmad Kazmi: The concert parties must have been disbanded on the recommendation of some person. I want to know whether that recommendation was made by the local authority to the General Headquarters or the suggestion came from the Headquarters themselves. Does any correspondence of that kind exist?

Mr. L. J. D. Wakely: I have no knowledge of that.

Qazi Muhammad Ahmad Kazmi: If the Honourable Gentleman has no knowledge of that, how is he in a position to say that it is on account of this particular difficulty that the party was disbanded.

(No reply.)

Qazi Muhammad Ahmad Kazmi: May I know why the Honourable Member is not giving a reply?

(Mr. Wakely did not get up to reply.)

Mr. President (The Honourable Sir Abdur Rahim): I cannot compel any Member of the Government to give reply to a particular question.

Qazi Muhammad Ahmad Kazmi: Then, may I take it that my inference is correct?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member might draw his own inference.

CONCERT PARTY DISBANDED AT FEROZEPUR CANTONMENT.

79. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Defence Member please state if it is or it is not a fact that one really good concert party with talented singers, dancers and performers consisting of purely serving sepoys and others, which had been functioning at Ferozepur Cantonment with great success, and entertaining military stations round about for over a year and a half, was disbanded for no obvious reason other than to make room for the engagement of a party or parties on contract basis?

(b) Does the Honourable Member propose to consider the advisability of inquiring the reasons which led to the disbandment of this party, and to reinstate it for reasons of economy, cheap amusement and satisfaction of the troops?

Mr. L. J. D. Wakely: (a) and (b). It is not a fact that the concert party was disbanded for the reasons alleged. It was given up owing to administrative difficulties, and in this particular case, owing to the fact that the sepoys concerned preferred to give their time to their legitimate profession as soldiers and asked to be returned to military duty.

SCHEME SUBMITTED BY MR. S. M. ZAHUR ALI RE CONCERT PARTIES.

80. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Defence Member please state if it is or it is not a fact that a concrete scheme with copious proposals for working out a concert party consisting of purely serving sepoys was first submitted by one Mr. S. M. Zahur Ali, Bar-at-Law of Lucknow to the District Commander, Lucknow District Headquarters, and then to the Director General, Welfare and Amenities Directorate, in February last and after mature consideration this scheme of Mr. Zahur Ali was much appreciated by both the authorities and declared to be in consonance with their own settled policy?

(b) Is it a fact that Mr. Zahur Ali also visited Simla in consequence of an engagement with General Lewis but the appointment did not come off as the latter had left Simla on the due date without informing the former?

(c) Is it or is it not a fact that it was in compliance with General Lewis's wishes that Mr. Zahur Ali visited a number of military stations to study on the spot the chances of success of his scheme after that scheme had been duly considered and approved by the Welfare and Amenities Directorate?

(d) Has any action been taken so far to put that scheme in force? If not, why not?

(e) Is it or is it not a fact that Mr. Zahur Ali offered to show and work out his scheme to the military free of any remuneration or cost? Is the Honourable Member still prepared to take advantage of Mr. Zahur Ali's scheme and his offer of working free for a time on purely philanthropic grounds?

(f) Is it or is it not a fact that the Honourable Member offered to have Mr. Zahur Ali's scheme recommended through General Lewis to the Central Command? If so, what was the fate of his or General Lewis's recommendation in this respect?

Mr. L. J. D. Wakely: (a) The interest taken in the matter by Mr. S. M. Zahur Ali was appreciated, but the scheme put forward by him cannot be said to have been in accordance with the settled policy of the Directorate of Welfare and Amenities.

(b) Mr. Zahur Ali expressed a desire to see the Director-General of Welfare and Amenities and suggested a date. The Director-General had, however, arranged to go on tour at that time. Mr. Zahur Ali was informed of this by wire and was asked to postpone his visit. He came however on the day he had originally proposed and therefore did not find the Director-General.

(c) The Director-General was neither aware of Mr. Zahur Ali's intended visit to military stations, nor did he request him to visit them.

(d) No, for the reasons given in my answer to parts (d) and (e) of question No. 78.

(e) The offer was made, but cannot be accepted for the reasons given in my answers to part (d) and (e) of question No. 78:

(f) The answer to the first part of the question is "Yes", but as already explained it is not possible to put the scheme into practice.

Mr. Lajchand Navalrai: Was there any defect found in the scheme?

Mr. L. J. D. Wakely: Yes, Sir. I thought my answer would have made that clear. It was not practicable.

Qazi Muhammad Ahmad Kazmi: May I ask who was the gentleman who considered that scheme and came to this conclusion?

Mr. L. J. D. Wakely: I do not know what person the Honourable Member is referring to.

Qazi Muhammad Ahmad Kazmi: I am asking who was the gentleman who considered that scheme and came to the conclusion that it was not practicable?

Mr. L. J. D. Wakely: It was considered in the Directorate of Welfare and Amenities.

Qazi Muhammad Ahmad Kazmi: Has the Honourable Member himself seen that correspondence or he is simply relying on an answer that has been sent from the headquarters?

Mr. L. J. D. Wakely: I have seen the correspondence.

Qazi Muhammad Ahmad Kazmi: Is the Honourable Member prepared to lay on the table of the House the correspondence and the recommendations that were made in connection with this scheme?

Mr. L. J. D. Wakely: No, Sir.

Qazi Muhammad Ahmad Kazmi: May I know the reason why the Honourable Member is afraid of laying that correspondence on the table of the House?

(No answer.)

Mr. K. C. Neogy: While recognising the importance of Concert Parties for purposes of the defence of India, may I know whether the Honourable Member or any responsible official of his Department, has considered the advisability of transferring these activities to the hands of the expert, namely, the Honourable the Leader of the House?

Mr. L. J. D. Wakely: As far as I know, that has not been the considered settlement.

Qazi Muhammad Ahmad Kazmi: Will the Honourable Member be prepared to consider the advisability of the suggestion that has been made for it would be the best arrangement if these Concert Parties come into the hands of the Leader of the House?

Mr. L. J. D. Wakely: I should want notice of that question.

GREGORY COMMITTEE'S RECOMMENDATIONS CONCERNING SUPPLY OF PRECIOUS METALS FOR SALE TO THE CULTIVATOR.

81. ***Mr. Govind V. Deshmukh:** Will the Honourable the Finance Member, please state:

(a) if his attention has been drawn to the recommendation of the Gregory Committee as one of the means for procurement of food supply, "that it would be advisable for Government to secure supplies of the precious metals for sale to the cultivator"; and

(b) if Government propose to give effect to it; if not, why not?

The Honourable Sir Jeremy Raisman: (a) Yes.

(b) Government are in sympathy with this recommendation but it must be realised that the securing of precious metals involves international arrangements which are naturally not entirely within the control of the Government of India.

Mr. T. T. Krishnamachari: May I ask the Honourable Member if the recent sales of gold by the Reserve Bank were in anticipation of this recommendation?

The Honourable Sir Jeremy Raisman: I do not think that it required any particular gift of prophecy in order to embark on this kind of transaction.

Mr. T. T. Krishnamachari: May I ask the Honourable Member if he is aware whether any portion of the gold sold by the Reserve Bank has gone into the hands of farmers and agriculturists?

The Honourable Sir Jeremy Raisman: I have reason to believe it has.

INDIAN AGENT'S PROPAGANDA IN THE UNITED STATES OF AMERICA.

†82. ***Sardar Mangal Singh:** Will the Honourable Member for Information and Broadcasting please state:

(a) whether the Government of India have received any report about the propaganda carried on by the Indian Agent stationed in the United States of America;

(b) whether his report will be laid on the table of the House;

(c) who prepares the brief for propaganda for the Indian Agent stationed in the United States of America; and

(d) whether he receives any instructions from the Foreign Department of His Majesty's Government?

The Honourable Sir Sultan Ahmed: (a) and (b). The Indian Agency General is responsible for the dissemination in America of factual information about India and her war effort. No formal report has been made of this side of the Agency General's activities though the Government of India are of course kept in touch with them, for departmental use, from time to time. The Honourable Member is referred to the answer given on the 2nd August 1948 in the Council of State to part (a) of the Honourable Raja Yuveraj Dutta Singh's question No. 3.

(c) The basic factual material used by the Agency General is prepared by the Information and Broadcasting Department.

(d) No.

BROADCASTING STATION FOR KARACHI.

83. ***Khan Bahadur Mian Ghulam Kadir Muhammad Shahban:** Will the Honourable Member for Information and Broadcasting be pleased to state:

(a) when a broadcasting station in Karachi, the need for which has been emphasised so often in the past, will be installed;

(b) what the nature is of the obstacles in the way of establishing such a station, and what steps, if any, have been taken to overcome them; and

(c) what the present power is of the transmitter intended for Karachi, and over what distance the set is expected to be heard clearly in all seasons, making allowance for the usual bad atmospherics?

The Honourable Sir Sultan Ahmed: (a) and (b). The Government of India are at present engaged in the installation of a high powered station at Delhi for external broadcasts. Besides this, there are other heavy commitments of an important nature connected with the war. The establishment of a Station at Karachi will, therefore, be unavoidably delayed for some time. It is, however, proposed to go ahead with the Karachi project as soon as circumstances permit the Government of India to do so.

(c) The power of the transmitter reserved for Karachi is $\frac{1}{4}$ K. W. It is, however, proposed to remodel it so as to raise its power to 1 K. W., if possible. The range of a transmitter varies with the season of the year and the time of the day. I may, however, add that the reliable range of a $\frac{1}{4}$ K. W. transmitter usually is about 15 miles and of a 1 K. W. about 30 miles.

Mr. Lalchand Navalrai: May I know what is that 'blessed' time for which the Government of India is awaiting?

The Honourable Sir Sultan Ahmed: I would suggest to my Honourable friend to go to the nearest astrologer.

†Answer to this question laid on the table, the questioner having exhausted his quota.

MEASURES FOR CHECKING INFLATION IN INDIA.

84. *Khan Bahadur Mian Ghulam Kadir Muhammad Shahban: (a) Will the Honourable the Finance Member be pleased to state the measures, in detail, adopted for checking inflation in India?

(b) Is gold or silver from South Africa or America under "lease-lend" being imported as one of the means to arrest inflation and bring down prices?

(c) If the answer to (b) is in the negative, do Government propose to consider the desirability of taking such a step without further delay?

(d) Has the "Save and Lend" drive met with effective response? If so, how?

The Honourable Sir Jeremy Raisman: (a) I would invite the attention of the Honourable Member to the reply given to part (b) of Mr. Nabi-Baksh Illahi Baksh Bhutto's question No. 5 on the 26th July last.

I lay on the table a statement giving details of the more recent measures adopted in pursuance of the anti-inflationary policy.

(b) and (c). It is not in the public interest to make known the movements of bullion between this country and any other. I may say, however, that the part which sales of bullion can play in the fight against inflation is not being overlooked.

(d) I am glad to be able to inform the Honourable Member that the "Save and Lend" campaign has already met with a considerable measure of success. Investments in Government loans of all kinds including purchase of counter-parts have since March last been distinctly encouraging as evidenced by the figures published periodically in the Press. There has been a particularly good response in the field of small savings largely due to the vigorous support given to the campaign by most of the Provincial Governments.

In particular I may mention with appreciation the excellent results achieved in the United Provinces where a comparatively short but intensive drive yielded investments totalling some 7½ crores.

Anti-inflationary measures.

(1) Provincial Governments were asked to inaugurate small savings drives and many such have been launched. The drive in the United Provinces alone resulted in investments totalling 7½ crores. Drives are proceeding in Madras, the Central Provinces and elsewhere. A scheme for more sustained effort in this direction through the agency of staff paid for by the Centre is at present under consideration by Provincial Governments to whom it was referred.

National Savings Certificates were introduced from the 1st October last. These are unencashable for the first three years but thereafter carry a relatively high rate of interest till maturity. The rate of interest allowed on Post Office Savings Bank Accounts has been raised from the same date.

(2) Provincial Governments were asked to consider the introduction of further taxation measures with a view to reducing the volume of surplus spending power. Action on such lines has already been taken in several Provinces and is under active contemplation in others. The proceeds of such taxation will as a rule be devoted to post-war reconstruction needs.

(3) Government have announced as their policy the progressive introduction of full urban rationing and statutory price control of foodgrains based on a fair return to the cultivator. Provincial Governments have been told to prepare plans forthwith for rationing towns with a population of a lakh or over. Rationing is already functioning in Bombay and Madras cities and is likely to be introduced in Calcutta in December. Price control is being built up first on a provincial and then on a regional basis.

(4) An order under Defence of India Rule 94B, was issued on the 12th August last prohibiting advances against foodgrains unless held by a licensed dealer or producer. On the 6th October, an order was passed freezing stocks of wheat hypothecated to banks in the Punjab and Punjab States as security for loans, with a view to subsequent acquisition.

(5) The control of cotton cloth and yarn prices has been tightened up and ceiling prices lowered.

(6) The control of prices of drugs and medicines is about to be established.

(7) The Hoarding and Profiteering Prevention Ordinance recently promulgated seeks to keep within reasonable limits the stocks of consumer goods held by dealers and bring down retail prices to a reasonable level. To implement the provisions of the Ordinance inspection staffs are being posted in various localities all over India. Returns of stocks of certain commodities held by dealers has been called for.

(8) Steps are being taken to increase the volume of consumer goods available to the civil population. A quantity of steel has been diverted from war production to the fabrication of simple agricultural implements.

Increased imports of bicycles, drugs and other consumer goods are being arranged.

The increased supplies thus made available will be controlled in regard to distribution and price.

(9) The period allowed for spot delivery of gold and silver bullion has been reduced to 2 days in order to eliminate speculation.

(10) *Badli* transactions in Stock Exchanges have been prohibited.

(11) Import restrictions on pearls, emeralds and other precious stones have been relaxed to a certain extent with a view to augmenting available supplies for sale to the public.

(12) The Central Government are subsidising the transport by sea of cotton cloth and yarn by meeting the cost of war risk insurance partly to expedite distribution to consumers and partly to relieve railway congestion which at present is leading to high prices in many areas.

(13) In order to secure the closer co-operation of Indian States in the anti-inflationary drive, I personally addressed the State Representatives on the subject at a meeting presided over by the Crown Representative in September last. Reports of the action since taken by the States are already coming in.

Pandit Lakshmi Kanta Maitra: Will the Honourable Member tell us whether the Funding Loan which has been recently floated is for this purpose?

The Honourable Sir Jeremy Raisman: All loans floated by the Government have an anti-inflationary value.

Pandit Lakshmi Kanta Maitra: Will he explain what was exactly at the back of the Honourable Member's mind when he floated this Funding Loan? What was its specific purpose?

The Honourable Sir Jeremy Raisman: It was a loan which, it was expected, would meet the definite investment demand for a longer-period maturity.

Pandit Lakshmi Kanta Maitra: Was it in the contemplation of the Honourable Member to get in the small savings by means of this loan?

The Honourable Sir Jeremy Raisman: No, Sir. It was not a loan of that character. The small savings drive is carried out mostly by such means as the national savings certificates, defence savings accounts and such other issues for the small man.

Pandit Lakshmi Kanta Maitra: Is the Honourable Member in a position to tell us how far it has succeeded, to what extent it has been subscribed or the response he has received to the Funding Loan?

The Honourable Sir Jeremy Raisman: The subscriptions amounted to 20 crores of rupees within a short time.

Mr. T. T. Krishnamachari: May I ask the Honourable Member with reference to his answer to part (d) of the question with regard to the co-operation that he gets from the Provincial Governments whether a uniform procedure is laid down or being followed by all the Provincial Governments in the matter of measures taken to effect compulsory savings by the people by the Central Government or is it left to the free choice of the Provincial Governments themselves?

The Honourable Sir Jeremy Raisman: It has been found in practice that a uniform procedure prescribed by the Centre is not the best way of getting results and our practice is to discuss the matter with the Provincial Governments and take into account their advice as to the best way to proceed; and so there will be differing features in different provinces. The important thing is to enlist the assistance of the provinces in embarking on the drive in the manner in which they feel we are most likely to get good results.

Mr. K. O. Neogy: Is the Honourable Member aware of the allegations that have been made that so far as the United Provinces are concerned, a good deal of *Zoolum* has been exercised by the executive officers for the purpose of getting these loans subscribed, and is he also in a position to say whether he has any information as to the extent to which this may have led to the success of the loans in the United Provinces?

The Honourable Sir Jeremy Raisman: It must be recognised that in embarking on a drive and exercising as much influence as one can in order to induce small savings, there is bound to be a certain amount of room for allegations of that kind, but I would suggest to the Honourable Member that if we are entirely to refrain from this effort because of the possibility of such allegations, then we shall indeed be in a serious position.

Mr. T. T. Krishnamachari: Is the Honourable Member aware that in Madras the Government servants belonging to the lower middle class are compelled to invest a certain proportion of their salaries in these loans and may I know whether such action on the part of the Provincial Government has been dictated by expert advice handed to them by the Central Government?

The Honourable Sir Jeremy Raisman: I do not think it has been dictated by expert advice given by the Central Government, but I would remind the Honourable Member that it is widely believed both in this and other countries that compulsory savings are justified in circumstances such as the present.

Mr. T. T. Krishnamachari: May I know if a policy of that kind is compatible with the prices that are now ruling for primary products?

The Honourable Sir Jeremy Raisman: I am afraid that would take us into a long argument, but it is arguable that it is precisely a policy like that which may help to reduce the prices for primary products.

Mr. T. T. Krishnamachari: Will the Honourable Member consider the feasibility of giving these Provincial Governments some advice in this matter with the assistance of the experts at his disposal?

The Honourable Sir Jeremy Raisman: Yes, Sir, we have endeavoured to give the Provincial Governments the best advice that we can on this matter.

Qazi Muhammad Ahmad Kazmi: Is the Honourable Member aware that so far as U. P. is concerned certain quotas were fixed by the authorities determining the amount of loan to be invested, according to the rent or revenue which the zamindar or the tenant was paying, and this quota was realised from him irrespective of the fact whether the tenant or the zamindar has to pay his own debts and therefore the peasant suffered because he could not pay his creditors?

The Honourable Sir Jeremy Raisman: In fixing the target for a small savings drive in Provinces, it is natural to adopt some criterion on which the efforts can be based and it seems to me that the criteria adopted in the U. P. formed quite a reasonable basis for the effort.

Qazi Muhammad Ahmad Kazmi: The Honourable Member has not replied to the other part, whether any circulars have been issued that in case where a zamindar or a tenant has actually got to pay debts to creditors which are borrowed at high rate of interest, then some concession should be shown to such a person before he is made to contribute to these war loans?

The Honourable Sir Jeremy Raisman: I can only say that the policy of the Government is both to encourage repayment of debts by the peasantry as well as to encourage actual investments in Government loans.

Mr. E. L. O. Gwilt: Will the Honourable Member state the amount that has been subscribed as a result of the drive which commenced in March last?

The Honourable Sir Jeremy Raisman: For exact figures I should require notice. But my impression is that the total amount of lending to Government in every form, large and small, which has taken place since the beginning of the financial year is of the order of 170 crores.

Mr. E. L. O. Gwilt: Can he give an approximation of the increase of that figure over a comparable period preceding it?

The Honourable Sir Jeremy Raisman: Yes, I should say that it was several times larger than what was raised in the same period of the previous year and my impression is it is nearly twice as much as the amount raised in the latter half of the last financial year.

Qazi Muhammad Ahmad Kazmi: Will the Honourable Member consider the advisability of issuing instructions that proper representations by zamindars regarding payment of debts should be considered by persons who collect these war loans?

The Honourable Sir Jeremy Raisman: The Government of India have impressed and they are prepared to continue to impress on Provincial Governments the need for securing repayment of debts at the present time.

EXPENDITURE ON WAR PUBLICITY.

85. *Pandit Lakshmi Kanta Maitra (on behalf of Mr. R. R. Gupta): Will the Honourable Member for Information and Broadcasting please state what amount is being spent on war publicity since the beginning of war, indicating specifically the forms of publicity and the agencies through which the amount is being spent?

The Honourable Sir Sultan Ahmed: A reply is being prepared and will be laid on the table of the House in due course.

SECURITY AND POLITICAL PRISONERS.

86. *Mr. N. M. Joshi: Will the Honourable the Home Member be pleased to give information in the form of a brief statement regarding security prisoners and also prisoners convicted of offences arising out of the political movement, stating according to Provinces (i) the numbers at present in jails, (ii) numbers of recent releases, (iii) whether the cases of such prisoners were recently reviewed and how, (iv) any recent changes in the treatment given, especially regarding interviews and correspondence, and (v) the general policy of the Government regarding detention and treatment of political prisoners especially of those who have suffered detention on account of the Congress movement?

The Honourable Sir Reginald Maxwell: I place on the table a statement giving, in answer to part (i) of the Honourable Member's question, figures up to the 1st September, the latest date for which they are available, and in answer to part (ii) of the question, figures, also up to the 1st September, of the number of security prisoners released from detention. No information is available as to the number of convicted prisoners released from jail.

As regards part (iii), I would invite the Honourable Member's attention to my reply to question No. 76 put today by Mr. Amarendra Nath Chattopadhyaya.

As regards part (iv), I would refer the Honourable Member to my answer to question No. 70 put by Sardar Mangal Singh.

As regards part (v) it would be impossible for me within the scope of a reply to a question to give a statement of general policy with regard to a matter of this nature. Moreover, that policy was made sufficiently clear in the course of the debate on Mr. Krishnamachari's resolution.

Number of persons undergoing imprisonment or detention in connection with the Congress movement on 1st September, 1943.

Province-	Undergoing imprisonment.	Undergoing detention.	Total.	Security prisoners released.
1. Madras	1458	602	2060	102
2. Bombay	1208	1989	3197	2932
3. Bengal	144	93	237	873
4. U. P.	5997	2673	8670	716
5. Punjab	432	375	807	119
6. Bihar	6001	413	6414	20
7. C. P.	1265	854	2119	2128
8. Assam	476	312	788	12
9. N. W. F. P.	1241	155	1396	341
10. Orissa	743	436	1179	5
11. Sind	106	48	154	140
12. Coorg	4	7	11	..
13. Delhi	205	88	293	17
14. Ajmer	4	28	32	35
15. Baluchistan	7
Total	19284	8073	27357	7447

ADMINISTRATION IN BIHAR OF THE SCHEME FOR CHECKING OF PROFITEERING IN SALT.

87. *Mr. Kallash Bihari Lal: Will the Honourable the Finance Member be pleased to say:

(a) if it is a fact that the Government of India, Finance Department (Central Revenues) in their letter No. 41-Salt/42, dated the 20th October, 1942,

to the Secretary to the Government of Bihar, Commerce Department, promulgated a scheme for checking profiteering in salt and ensuring regular supply of salt;

(b) If it is a fact that under the said scheme the District Magistrates were required to nominate reliable persons or firms to place indents, and to arrange for the distribution of salt in each district;

(c) if it is a fact that, in pursuance of the said scheme of the Government of India, the Government of Bihar in their circular No. 1970-P.C., dated Patna, the 11th/14th November, 1942, addressed to all District Magistrates, stated in paragraph 3:

"In order to work this scheme it will be necessary to select one or two reliable merchants in each district or in each important district market who may be authorised to place direct orders for salt wagons which will be cleared out of turn and will be free from Sambhar lake 'Orders Profits'. These merchants of firms must be of good repute, well established and experienced in the salt trade"; and

(d) if the Government of India are aware that the Government of Bihar has not administered the scheme either in the spirit of the Government of India letter referred to above or in accordance with their own circular letter quoted above?

The Honourable Sir Jeremy Raisman: With your permission, Sir, I will reply to questions Nos. 87 and 88 together.

These questions should have been addressed to the Honourable the Food Member.

ADMINISTRATION IN BIHAR OF THE SCHEME FOR CHECKING OF PROFITEERING IN SALT.

+88. ***Mr. Kailash Bihari Lall:** Will the Honourable the Finance Member be pleased to say:

(a) if the Government of India are aware—

(i) that representations from old and reputed firms dealing in salt have been made to the Government of Bihar alleging about the maladministration of the scheme in which new firms have been selected in preference to firms of good repute, well established and experienced in the salt trade;

(ii) that taking advantage of the scheme and authorisation of powers to the District Officials, such officials have acted more in the spirit of distributing favours and patronage than with any regard for justice and fair administration;

(b) if the Government of India have reserved any power of safeguard against the maladministration of the Salt Department by the Provincial Government; and

(c) if the answer to (b) be in the affirmative, do Government propose to look into the grievances of the firm that alleges serious charges of maladministration with regard to the selection of firms?

CENSORSHIP ON PUBLICATION OF NEWS ABOUT FAMINE IN BENGAL.

89. ***Mr. K. O. Neogy:** Will the Honourable Member for Information and Broadcasting be pleased to state whether censorship and "Press Advising" have been resorted to for the purpose of controlling the publication of news or comments in the Press about the famine conditions in the country, and the deaths resulting from starvation in Bengal and other places? If so, what kind of action has been taken in this connection from time to time with reference to the Press in India as well as abroad, and to what extent has the publicity of the aforesaid news and comments, particularly in the Press outside India, been affected thereby?

The Honourable Sir Sultan Ahmed: Except in the case of one Bengal newspaper, on which a precensorship order was served by the Bengal Government, there has been no censorship of news or comment appearing in the Indian Press about famine conditions in the country or deaths resulting from starvation in Bengal and other places. In so far as publicity in the press outside India is concerned, the Government of India have no information either as to its volume

or tone other than that contained in cabled reports to India which have appeared in the Indian Press and which have been read by members of this House.

It is not in the public interest to reveal details of censorship policy.

Mr. K. O. Neogy: With regard to the Indian Press, will the Honourable Member state whether the practice of the Press Adviser has not been to advise News Agencies informally, sometimes over the telephone, instead of giving written orders in such matters, so that no records might be left?

The Honourable Sir Sultan Ahmed: He has no power to issue any orders at all. Any advice that he gives is in answer to questions put to him and in answer to representations made to him. He may have given advice voluntarily also when he considers it necessary to News Agencies or the Press, but they are not bound to accept his advice. They are absolutely at liberty to do anything as they please.

Mr. K. O. Neogy: Is it a fact that so far as the Associated Press is concerned, it being a subsidised agency, there is a definite understanding, though it may be of an informal character, that all news of a certain kind should be submitted to the Press Adviser for his opinion and that such opinion is invariably expected to be accepted by that agency?

The Honourable Sir Sultan Ahmed: I have no information.

Mr. K. O. Neogy: Is the Honourable Member aware that a statement was issued by two ex-Members of the Viceroy's Executive Council in regard to famine conditions in Bengal in September last, and that this statement was supplied to the Associated Press at Delhi, and that as a result of such understanding or advice, material portions were omitted from this statement when the Associated Press sent it out for publication.

The Honourable Sir Sultan Ahmed: It is for the Associated Press to say why they did it.

Mr. K. O. Neogy: Am I to take it that the Honourable Member does not keep himself informed as to what is going on in his department?

The Honourable Sir Sultan Ahmed: I am fully informed of all that is going on in my department.

Mr. K. O. Neogy: Is the Honourable Member aware, or has his attention been drawn to this particular fact which appeared in several newspapers? As a matter of fact I may inform the Honourable Member, as he appears to be so ignorant about it, that I sent out letters over my own signature to some of the papers giving the portion of the statement which was omitted by the Associated Press, as stated by me, and these letters were published by them.

The Honourable Sir Sultan Ahmed: I may be ignorant of many things and I plead guilty to ignorance of the letter that was written by Mr. Neogy to the press.

Mr. K. O. Neogy: Does not the Honourable Member think that in regard to a statement which was issued by two responsible men like Sir Nripendra Sircar and Sir Jagdish Prasad, Government owe a duty to the public as well as to themselves to see that no material portion of such a statement is tampered with in any way by his department?

The Honourable Sir Sultan Ahmed: I deny that it was tampered with by my department.

Mr. K. O. Neogy: As regards the Foreign Press, has the Honourable Member's attention been drawn to certain comments which appeared in the *Civil and Military Gazette* protesting against the censorship that was being exercised on the transmission of news from India regarding the famine conditions in Bengal to the foreign press?

The Honourable Sir Sultan Ahmed: I have stated that it is not in the public interest to reveal details of censorship policy.

Mr. K. O. Neogy: I do not want the details. I merely want to know whether his attention has been drawn to an article which appeared in the *Civil and Military Gazette* and in which appeared the following observation:

"The sole and thoroughly immoral justification (namely a justification of this kind of censorship) seems to be the preservation of the Government of India's infallibility in the minds of those who are ultimately responsible for its shortcomings, the British public."

Has the Honourable Member's attention been drawn to that article?

The Honourable Sir Sultan Ahmed: Yes, Sir.

Mr. K. C. Neogy: Does not that article contain a reference to the procedure adopted by the press censorship authorities in India with regard to the foreign press?

The Honourable Sir Sultan Ahmed: No, Sir.

Mr. K. C. Neogy: Will the Honourable Member be pleased to instruct his subordinates to issue a correction to that article if it is inaccurate in any detail?

The Honourable Sir Sultan Ahmed: I have already said that it will not be in the interest of the public to reveal details of censorship policy. But I may say that such restrictions as have had to be imposed have in no way prevented overseas correspondents from sending objective and factual reports to their papers giving a balanced picture of the situation as it has developed, which is apparent from the cabled reports of the comments in the press outside India.

Pandit Lakshmi Kanta Maitra: What did the Honourable Member mean by "balanced picture"?

Mr. President (The Honourable Sir Abdur Rahim): Order, order. Next question.

STOCKS OF FOODGRAINS RELEASED FROM ARMY RESERVES FOR CIVILIANS IN BENGAL.

90. *Mr. K. C. Neogy: (a) With reference to the statement made by Mr. Ainery in the House of Commons on the 14th October that some stocks of foodgrains have already been released from Army reserves for the benefit of the civilian population in Bengal, will the War Secretary be pleased to state the quantities of the stocks thus released during different periods and in different areas in Bengal, and what proportions did the stocks thus released roughly bear to the amounts of the Army reserves of foodgrains held in Bengal during the corresponding periods?

(b) What was the organisation for the procurement of foodstuffs for military requirements before this responsibility was undertaken by the Food Department, what were the different kinds of foodstuffs which the said organisation was responsible for procuring, and what were the agencies that procured them in Bengal?

(c) What was the quantity of rice that was procured in Bengal for military requirements, month by month, since January last and what were the average prices paid for it during the said period?

Mr. C. M. Trivedi: (a) and (c). These should have been addressed to the Food Department.

(b) Before the war the Director of Contracts, Army Headquarters, was responsible for the procurement of foodstuffs for men and animals of the Defence Services.

The Contracts Directorate was transferred to the Supply Department in December 1939 and continued to carry out these duties in compliance with the Quartermaster General's indents until 1st January 1943, when that portion of the Directorate General of Supply dealing with the procurement of foodstuffs to the Defence Services was transferred to the Food Department.

The types of foodstuffs procured include all grains and grain products and, in addition, such items of processed foodstuffs as are available from indigenous sources.

The only items of importance obtained from Bengal are Shalapar Biscuits and certain quantities of tinned and bottled provisions including chutney, pickles, condiments and a few other minor items. As regards biscuits, wheat products for the manufacture of these were supplied from Defence Services stocks railed direct from the Punjab and were not drawn from the resources of Bengal.

FEEDING OF LABOUR ENGAGED ON MILITARY WORKS IN BENGAL BY MILITARY AUTHORITIES.

91. *Mr. K. C. Neogy: (a) With reference to the Associated Press message, dated New Delhi, the 19th October, 1943, to the effect that arrangements are being made by the Military authorities to relieve the Bengal Government of its

responsibility for feeding labour engaged on military works, will the War Secretary be pleased to make a statement—

(i) fully explaining the arrangements that were hitherto in force between the Military authorities and the Government of Bengal in this matter;

(ii) giving the quantities, month by month, since January last, of the foodgrains supplied by the Government or Bengal for this purpose; and

(iii) showing the average prices paid per maund of different kinds of foodgrains by the Military authorities to the Government of Bengal during this period, comparing them with the average prices paid by the Government of Bengal for procuring such supplies?

(b) What quantities had to be acquired and maintained by the Government of Bengal, month by month, for carrying out its responsibility in this matter ever since it was undertaken by that Government?

(c) What independent arrangements for the procurement of foodgrains in Bengal will be made hereafter by the Military authorities for feeding labour engaged on military works in that Province?

Mr. C. M. Trivedi: This question should have been addressed to the Honourable Member in charge of the Food Department.

MONETARY INFLATION AND RISE IN PRICES IN INDIA.

92. ***Mr. K. C. Neogy:** (a) Has the attention of the Honourable the Finance Member been drawn to a recent comment in the *Economist*, London, to the effect that among British Empire Countries, India claims the unenviable distinctions of the greatest monetary inflation and the steepest rise in prices?

(b) Has the attention of the Honourable Member been also drawn to the following reply given by Mr. Amery, the Secretary of State for India, in the House of Commons, on the 21st October last, to a suggestion made by an M.P. that inflation had led to hoarding which had made it profitable for people to hold back supplies:—

“Inflation is certainly a contributory cause.”

(c) Does the Honourable Member propose to make a statement explaining the point of view of the Government of India in this matter, and to state particularly to what extent the position has been influenced by the obligations of the Government to find rupee finance in this country for the purchases made on behalf of the United Kingdom and Allied Nations, for paying the fighting forces of the United Kingdom stationed in this country, for meeting reciprocal Lease-Lend aid expenses and similar other demands relating to the prosecution of the War, or otherwise?

The Honourable Sir Jeremy Raisman: (a) Yes.

(b) Yes.

(c) The subject is too large to traverse in reply to a question but I expect to deal with various aspects of it in my next budget speech.

Mr. K. C. Neogy: With regard to the statement made by the Secretary of State in the House of Commons ascribing the present condition of distress to inflation to a large extent, do I take it that the Honourable Member does not agree with that opinion?

The Honourable Sir Jeremy Raisman: I can only refer the Honourable Member to some remarks which I made in the course of yesterday's debate. I said then that inflation was an important element in the food problem.

Mr. T. T. Krishnamachari: Arising out of the answer to part (a), may I ask if the Honourable Member's Government are likely to be influenced by the suggestions contained in the article of the *Economist* referred to?

The Honourable Sir Jeremy Raisman: That seems to me rather a hypothetical question. I do not agree with the view expressed by the *Economist* in all respects, and I think that it entirely fails to take into account certain extremely important factors in the Indian situation.

DESIRABILITY OF MAKING MORE EFFECTIVE USE OF THE ALL INDIA RADIO SERVICE.

93. ***Sir F. E. James:** Will the Honourable Member for Information and

Broadcasting be pleased to state:—

(a) whether he is aware—

(i) of the vital importance of All-India Radio in war time involving as it does the distribution of news entertainment and instruction throughout India and neighbouring countries, and the task of counteracting enemy broadcasts and propaganda;

(ii) that the staff of A. I. R. is inadequate for these tasks and, generally speaking, underpaid;

(iii) that in Delhi the staff is not treated as essential for the purpose of accommodation, and that as a result of this and of the transfer of the Studios to Parliament Street in New Delhi not only does the staff suffer inconvenience and hardship, but the work of the Station is seriously affected; and

(iv) that the Department in general and the Controller in particular are handicapped in the selection and remuneration of suitable staff and in the choice of persons for broadcasting programmes by a too rigid application of standards and rules laid down by the Finance Department which are inappropriate to a broadcasting service performing emergent and vital tasks in war time; and

(b) whether he proposes to take immediate steps to ensure that, as in other countries of the United Nations, the work of A. I. R. is accorded by the Government of India the priority and status which its importance to the war effort merits and to remove the obstacles which at present render the more effective use of this service "cabin'd cribb'd and confin'd"?

The Honourable Sir Sultan Ahmed: (a) (i) Yes.

(ii) Government are satisfied that the All India Radio staff is doing good work in circumstances made very difficult by war conditions. The staff has recently been made a permanent service under Government and its scales of pay revised. The question of strengthening the staff is being examined.

(iii) The question of special accommodation for essential members of the All India Radio staff is under active consideration and plans are being prepared.

(iv) The special needs and circumstances of All India Radio are under constant study by the Department and are represented when necessary to the appropriate authorities.

(b) Government is fully alive to the importance of broadcasting as a war service and has the question of adapting All India Radio service to war conditions under constant review, and I am personally giving anxious consideration to the points raised in the question.

POLICY RE GIVING OF ADVERTISEMENTS TO NEWSPAPERS.

94. ***Mr. Muhammad Azhar Ali:** Will the Honourable Member for Information and Broadcasting please state:

(a) the policy of the Central Government in regard to the giving of advertisements to newspapers;

(b) the official designation of the authority who approves or fixes the rates for such advertisements;

(c) the relation of the Central Government with the Media Department of the Creative Publicity Unit, Dalziel, Simla;

(d) the proprietors of the Creative Publicity Unit, Dalziel, Simla, with the date of its formation; and

(e) the amount of the subsidy paid to the Creative Publicity Unit by the Central Government?

The Honourable Sir Sultan Ahmed: (a) Government's advertisements are given to newspapers whose circulation, advertisement rates and zones of circulation render them satisfactory as a commercial proposition and suitable for the particular advertisements under consideration.

(b) Advertising Consultant to the Government of India.

(c) The Media Department of the Creative Publicity Unit advises Government as to the commercial advertising value of different media, but the choice of newspapers lies with Government.

(d) The Creative Publicity Unit was formed in August 1942.

The proprietors are:—

1. Messrs. L. A. Stronach & Co., (India) Ltd., Ballard Estate, Bombay.
2. Messrs. Adarts Ltd., Bombay.
3. Messrs. J. Walter Thompson Ltd., Bombay.
4. Messrs. Press Syndicate Ltd., Calcutta.
5. Messrs. General Advertising Agency Ltd., Calcutta.
6. Messrs. D. J. Keymer & Co., (India) Ltd., Calcutta.

(e) None.

EXPENDITURE ON GOVERNMENT PUBLICITY.

95. *Mr. Muhammad Ashar Ali: Will the Honourable Member for Information and Broadcasting please state the amount incurred, on publicity in different forms separately, during the year 1941-1942, 1942-1943 and upto date showing *inter alia* the newspapers and other institutes amongst whom the amount was distributed together with the amount paid to each in each year?

The Honourable Sir Sultan Ahmed: A reply is being prepared and will be laid on the table of the House in due course.

RULES FOR ADMISSION TO THE GOVERNMENT OF INDIA PRESS ROOM AND FOR SUPPLY OF GOVERNMENT PUBLICATIONS TO TRADE UNIONS, ETC.

96. *Mr. Muhammad Ashar Ali: Will the Honourable Member for Information and Broadcasting please state the rules prescribed for:

(i) the admission to the Government of India Press Room; and

(ii) the supply of the *Gazette of India* and other Central Government Publications to the institutions such as Trade Unions?

The Honourable Sir Sultan Ahmed: Part (i). I would refer the Honourable Member to the answer given on the 31st March, 1942, to Maulvi Muhammad Abdul Ghani's unstarred question No. 82. Only Press Representatives are admitted to the privileges of the Government of India Press Room. They must be genuine accredited agents representing *bona fide* news agencies, newspapers or periodicals published at an interval of not more than one week.

Part (ii). The information is being collected and will be laid on the table of the House in due course.

EXPENDITURE ON THE NATIONAL WAR FRONT.

97. *Mr. Muhammad Ashar Ali: Will the Honourable Member for Information and Broadcasting please state the amount expended on the National War Front from the date of its organisation to date, and the justification for the same?

The Honourable Sir Sultan Ahmed: The National War Front was founded on the 11th of March, 1942. The expenditure on this organisation during the financial year 1942-43 was Rs. 33,26,295. It is impossible at this stage to state the actual figure of expenditure incurred during the current financial year. A statement of the aims of the National War Front and its achievements has been placed on the table.

A SUMMARY OF THE WORKING OF THE NATIONAL WAR FRONT UP TO THE END OF ITS FIRST YEAR.

GENERAL.

When the Front was founded on March 11th, 1942, its initial objects were to maintain public morale and to make people realise that the war was India's war. As time went on, however, it was realised that the maintenance of morale could not be divorced from activities connected with the practical needs of the people and in many provinces now the tendency is for the Front to develop more and more its practical activities and to make them the focus round which its propaganda can radiate. In a number of provinces, Village Defence Parties have become an important part of the work of the Front and there few sights more inspiring than the keenness of the Village Defence Parties in the Madras Presidency. In other provinces the National War Front has been assisting in matters connected with the food shortage and again in other provinces the maintenance of law and order has been considered as one of the most important activities of the Front. Right at the time of the inauguration of the Front, the Punjab gave the lead in this matter and announced its intention of working largely in practical directions; that lead has now been followed in many provinces.

The Provincial and District organisation of the National War Front has now attained impressive proportions and the expenditure on it in British India alone will amount to about Rs. 45 lakhs in the current year. For the first time there exists in India now a powerful and extensive organisation available for non-political propaganda in the national

interests. It may be that an organisation of this kind can be of the greatest value after the war in the work of reconstruction and nation-building and it is therefore of the utmost importance that the Front should continue to keep itself aloof from party politics of any kind. The Front may be said to have passed through three phases during the past twelve months. Up to August, 1942 was the period of organisation, then followed a difficult time during which the Front had to stand the strain of the Civil Disobedience Movement, while from the beginning of this year onwards the period has been one of steady growth in both extent and influence and of greater attention to practical activities. There is little room for doubt that in troubled areas it had exercised a steadying influence during the last few months. One hopeful sign is that its critics are on the alert, that a good deal was heard about the Front in recent sittings of the Assembly and that no mistake on the part of the N. W. F. propagandists is allowed to pass unnoticed. The first function of a propaganda organisation is to get its material read and the volume of criticism that comes in from time to time on particular points in our pamphlets, advertisements, etc., leaves no room for doubt that the Front fulfils this function.

THEMES AND CAMPAIGNS.

The objects of the National War Front throughout the year have remained as defined by His Excellency the Viceroy in the following words:

"The object is to do everything possible to help and maintain public morale: that is to say, to strengthen the war resistance of the people, to eradicate all elements to undermine it; and in particular to counteract fifth-column activities of all kinds, including especially all talk, thought, writings and rumours likely to produce a defeatist mentality; to inculcate faith, courage, and endurance; and to consolidate the national will to offer united resistance to Nazism and Fascism in every shape or form, whether within or without the country, until their menace is finally overthrown."

The particular themes presented have, of course, varied from time to time. Chief among them have been the following:

"This is India's War"—"The power of the Axis must be broken"—"Victory lies ahead but we must work for it"—"India's honour must be maintained"—"This is India's industrial opportunity"—"Defend India's ancient culture"—"Suppress rumours for they destroy strength"—"Build India's defence forces to secure victory to-day and to maintain India's freedom hereafter".

Early in the year the principal emphasis was on the theme that an Axis victory would make life intolerable but of recent months the tendency has been to concentrate on the positive side of the picture and to turn people's minds to the thought of future greatness and prosperity if the Allies win. This phase of the campaign has been focussed around the slogan "Through Victory to Freedom" and there is evidence that this particular appeal has been to some extent effective. It seems clear that any war propagandist must take the forward view, and deal with the positive advantages to be reaped after victory rather than the evil side of defeat.

In the Punjab a great deal was done by the Front in connection with the Defence Loans Campaign and all over India the National War Front is now giving more attention to a Savings Campaign. It seems obvious that the spiral of rising prices and rising wages must be checked if morale is to be kept up; and so a Savings Campaign is one of the most important functions of the National War Front.

MEETINGS.

Meetings play an ever increasing part in the work of the National War Front. Exact figures as to the number of meetings held are not available but the reports received regarding meetings for the last quarter alone show that they exceed 2,000. The scale on which such meetings are held is illustrated by the following details from certain provincial reports.

Bombay.—300 meetings were held in the month ending 15 January 1943 and it was estimated that the attendance reported for 207 of these meetings was nearly 67,000. In the ensuing months 168 public meetings were held and the estimated attendance reported for 147 of these meetings was about 48,000.

Bihar.—201 meetings were held in the first quarter of 1943 in the rural areas, and in addition to the war, such topics as high prices, shortage of rice, etc., were discussed. Other provinces report similarly.

Red Cross Week provided an admirable occasion for the holding of meetings in various provinces and in one province 82 meetings were held on "Red Army Day" in conjunction with the Indian Federation of Labour. Melas, fairs and even weddings have all provided opportunities for the holding of meetings.

VILLAGE DEFENCE PARTIES.

These parties in one form or another have been very successfully linked with the National War Front in Bihar, Madras and Assam. A beginning has also been made in the Punjab and on a much smaller scale in Bombay. In some provinces the parties have been used to guard railway lines and elsewhere they are reported to have done good work in preventing dacoities or sabotage.

LITERATURE.

Much literature has been put out; in fact writers are working at high pressure producing all kinds of leaflets, pamphlets, etc. Of all our recent material the item which has aroused public attention most is the pamphlet "Why can't he mind his own business?" which was reproduced very widely in the press and gave rise to a considerable volume of correspondence both in the press and through the post. The theme of this pamphlet was "No one can be a good National War Front worker unless firstly he is a nationalist in the sense of

wanting to see India free, secondly he realises that the war is India's war, and thirdly he is prepared to take the forward view which justifies the use of the word "Front". The success of this pamphlet suggests useful lines of approach in future.

ADVERTISING.

Throughout the year advertising has played an important part in the activities of the Front. It is true to say that the National War Front advertising campaigns have received more wide-spread attention than any previous propaganda campaign in this country. The volume of criticism on points of detail makes it abundantly clear that these advertisements are very widely read and the nature of the criticism in some cases makes it clear that the advertisements have got under the skin of even those who are opposed to the activities of the Front.

In recent months we have avoided undue emphasis on Japanese atrocities and dwelt more on the destruction of things precious to India which would result from a Japanese victory. This line of action seems to have been appreciated.

On the mechanical side of the work, the location of the Creative Publicity Unit in Simla and the transfer of the principal Copywriter from that Unit to the direct control of the National War Front Central Organisation have brought about big improvements and the present system is working well. During the year as a whole, faulty translation was perhaps the principal defect in our advertisements. There has been improvement in this respect recently.

ANTI-RUMOUR CAMPAIGN.

In some provinces excellent work in this direction has been done—Bihar and Bengal have been particularly active and the experience gained there suggests that this activity should be taken up more widely.

FOOD CAMPAIGN.

During the second half of the year under report, the National War Front took over the running of publicity on behalf of the Food Department of the Central Government. This publicity fell into three categories:

- i. The "Grow More Food" Campaign;
- ii. The "Informative" Campaign;
- iii. The "Anti-hoarding" Campaign.

The "Grow More Food" Campaign.—This has on the whole produced very encouraging results. It can of course be argued that rising prices by themselves would have been sufficient to stimulate increased cultivation, but reports from many quarters lead to the conclusion that the success of the movement was at least partly due to the intensified propaganda carried out. In some provinces the main campaign was run by the provincial governments and the part of the National War Front was confined to backing up their efforts. In other provinces, the campaign was mainly a National War Front concern. Particular attention was also given to a "Grow More Vegetables" Campaign. This proved far from an easy campaign to handle, but the results have not been unsatisfactory.

The "Informative" Campaign.—The main purpose of this campaign was to remove the many misconceptions in the public mind as to the cause of the present trouble. In particular, it was designed to make people understand that India in normal times is very nearly self-sufficient in the matter of food and that the loss of imports from Burma had been more than made up for by increased cultivation. Another aspect of this Campaign was that relating to informing the public when more grain came in from abroad. On the whole, this "Informative" Campaign cannot be considered to have been a success. The Campaign itself seems to have been planned and conducted on right lines, but at any rate in some parts of the country the breakdown in the distribution system made it very nearly impossible to convince people that there was in fact sufficient food in India.

The "Anti-hoarding" Campaign.—The object of this campaign was to make people regard the hoarder as a genuine public enemy and it was hoped that it would be possible to pillory offenders who had received deterrent sentences. Unfortunately, in many cases of food offences, extremely light sentences were passed. To give undue publicity to this fact would merely have defeated our purpose, and so many of the plans which had been prepared in this connection had to remain unfulfilled. Generally speaking, it has to be admitted that in the food campaign—with the exception of the "Grow More Food" division of it—circumstances were too strong for us.

A fresh campaign is now under preparation, but this will be mainly concerned with supporting rationing schemes in those towns where they are introduced—the "Grow More Food" Campaign will of course be continued.

WAR SERVICES EXHIBITIONS.

The National War Front has also been concerned jointly with the Military authorities in the organisation of War Services Exhibitions in various centres. These Exhibitions have proved most successful. The crowds attracted have been far beyond what was expected and there are reports from many impartial sources to show that the effect produced had been very marked. There is indeed general agreement that this is perhaps one of the most effective of all our methods of propaganda.

PROPAGANDA VANS.

A good deal of attention has been given during the year to propaganda in villages by means of propaganda cinema vans. This method has been fully justified by results and a very considerable extension of it has only been prevented by the extreme difficulty of obtaining the necessary equipments now.

SECTION II—THE PROVINCES.

There is no room here for a detailed report from all provinces; a few superficial words and one or two quotations of interest will be as following.

ASSAM—SURMA VALLEY.

The National War Front has made considerable headway in the Valley and one of the main features of the work in this area has been ceremonial meetings on a large scale. These meetings have been held in several places with addresses by the Premier and there is no doubt that they have been very effective. In one of these gatherings alone, it was estimated that over a lakh of people were present.

ASSAM—ASSAM VALLEY.

The Assam Valley has not been as active as the Surma Valley. Interesting features of the work have been posters which were taken to meetings and explained to audiences. The Provincial Organiser of the Surma Valley has now taken over charge of both the Valleys and there are already signs of improvement.

BENGAL.

The National War Front has taken a considerable step forward in the province. This is due in no small measure to the complete change in the methods of the N. W. F. At one stage the Front was organised on what local authorities described as "subversive lines". This policy has, however, been changed and considerable attention has been given to open and ceremoniously impressive propaganda. Meetings have been held on a considerable scale and in one district 33 public meetings and 147 Group discussions were held in one quarter. Pictorial publicity exhibitions have also been held in various places and attracted much interest. A paid agent has been employed to go round from town to town attending courts and offices singing songs, repeating slogans and distributing pamphlets and leaflets. He is accompanied by sandwich men displaying posters. National War Front workers did a lot of excellent practical help in connection with the organisation of relief to the evacuees who left Calcutta in panic last December.

Special attention was given to rumours at the time of the Japanese air raids, when squads moved about daily listening to rumours obtaining the official reply wherever possible and then contradicting rumours. Valuable work has been done by the District Leader of Birbhum in the matter of kerosene, sugar and rice supplies in his district. A "People's Stores" with four branch shops has already been started in the town. It was a National War Front worker in Chittagong, Kabir Hossain, who first caught hold of the Japanese pilot whose plane was brought down at Chakfirani and prevented him from burning himself alive or making his way out of Chittagong into Akyab.

Bengal has had a setback due to the acute food situation. Wherever, possible, the help has and is being given, but the Provincial Organisation has felt, it is working against terrific odds, when the food situation has reached a stage where men's minds can attend to nothing else.

MADRAS.

The work in the Madras Presidency has been described in an excellent pamphlet produced by the Provincial Organiser. The Standard of work in the Madras Presidency is very high and from personal visits, it is obvious that the message of the National War Front has got home even to rural people. During a visit to village primary schools, it was interesting to note that the students were able to give intelligent answers to simple questions about the main features of the war.

The appointment of lady lecturers has been one of the interesting features and it is the first time that propaganda has been carried to the hearths and homes of women in the Presidency:

"These . . . women are kept in the dark as to how the present war is thrust on the British Government. In fact they have wrong ideas about it. When they are told of a lady lecturing to them they come in large groups (sometimes in hundreds) to hear of the war and its causes. Groups of . . . ladies are addressed in houses of some leading men in the localities. They are found to be very eager to hear of the atrocities committed by the Japs in China and Burma and they began to hate them now. Some, in these localities, are under the wrong impression that the Japs (if they occupy India) will distribute about 4 acres of land to each family and thus help the people to live more comfortably when they come, but when these ladies are told of their (Japs') cruel and evil designs on India they seem to change their opinions."

An original idea has been the experiment of making oil lamps which burn vegetable oil or kerosene from salvaged army tins. These lamps which are sold at a very low cost bear the National War Front symbol and initials.

BIHAR.

The Front in Bihar continues to be energetic and it is interesting to note that in the Council of State a few months ago a member from Bihar paid independent tribute to the Front and described the way in which some of its activities were already beginning to change village life.

The introducing of the system of Raksha Dals has proved most successful and useful in guarding railway lines and controlling unruly elements. The two following extracts are of interest:

The district leader for Manbhurn reports: "A band of robbers were trying to break through the house of Babu Nanda Rai of Village Nawagarh on the night of 22nd September, 1942. But thanks to the Village Leader and Party, they forthwith hurried to the spot and drove them away."

Again, he says: "The thief was caught red-handed at Tunturi on the 26th December 1942; crimes have really been checked and people are appreciating the activities of the Village Defence Parties".

The counteracting of rumours is an important part of the Front in this province and the following rumours give some ideas of what the Front has to contend with:

- i. The Japanese have attacked Calcutta and are advancing further inland;
- ii. The British aeroplanes cannot fly as high as Japanese ones and then, they only fly when the Japanese planes leave the place;
- iii. Britain has leased out India to America and has therefore ceased to have any interest in the country and American troops and their Ambassador are here to safeguard American interests;
- iv. Another current rumour is that small coins are scarce because Indian mints are making coins for Australia;
- v. Australia has surrendered to Japan and again that Adra Junction a rather important junction on the B. N. Ry. would be bombed.

The National War Front can claim to have helped considerably in counteracting with success the many rumours that have been current throughout the province.

CENTRAL PROVINCES.

A. Marathi Districts.—Work in this area suffered badly at the time of the last Civil Disobedience movement, but when the feeling created by the movement died down, progress began to be made.

Village Defence Parties have been formed by the National War Front Organisers. Leaders of selected villages have been given training for a week or two. The Front in this province has been closely concerned with the work in connection with the food problem. It is encouraging to learn that the advertising Campaign has proved successful.

B. Hindi Districts.—In the Hindi districts, many meetings have been held mainly in rural areas and in important towns such as Jubbulpore, Bilaspur and Saugor.

The Publicity vans have been used considerably and film propaganda has proved of much interest.

Considering the difficulties during the first year, it is fair to say that this province has justified itself.

UNITED PROVINCES.

At one time the tendency in this province was to concentrate on written or visual propaganda rather than on meetings, but a change of policy became necessary due to paper shortage. Oral propaganda has been considerably intensified and 100 whole-time workers are now employed as lecturers and organisers.

Perhaps the most interesting feature of the work in this province is the fact that labour propaganda is being carried on mainly by labour leaders. The success of this propaganda is based chiefly on the establishment of workers' clubs.

PUNJAB.

The Provincial Organiser in the Punjab has developed the system of public meetings to a very high degree. Many districts work out regular monthly programmes covering all tahsils, all arrangements being made in advance. Festivals of all kinds produce a crop of meetings, while others are made to fit in with the touring of the cinema publicity vans. One activity of interest in the Front in the Province of recent months has been in connection with hoarding and the food situation. In one district the N. W. F. collected the necessary cash and grain for the opening of a depot for the sale of cheap flour to the poorest members of the community.

BOMBAY.

Importance has always been attached to meetings in the Bombay Presidency and in one quarter alone over 697 meetings were held. The National War Front made itself responsible for the local arrangements for the Red Cross Week meetings, while in other districts, the district leaders co-operated with the Collectors in this matter. Durbars of village and police officers also provided good scope for National War Front propaganda and even wedding parties were persuaded to interrupt their gaities to listen to N. W. F. speakers.

A reception was given in honour to the crew of the "H. M. S. Bengal" and members of the crew were encouraged to narrate their remarkable experience of the fight. The Front has played an important part in the province in dealing with the food situation.

Another feature of interest is the hiring of a stall in an industrial exhibition in Bombay where N. W. F. posters have been exhibited and workers of the Front have given talks on the aims and objects of the Front. A military jamadar was stationed at the stall to give information about the prospects of the fighting services and it is said that a good response has been received.

Another interesting development is the holding of elocution competitions in the districts of Kanara under the auspices of the Front. The subjects for these competitions were in one case "The evil effects of sabotage" and in another case "The dangers of panic". In view of the widespread foundness for oratory in India, this is a method which might perhaps be used effectively in other provinces.

SIND, N. W. F. P., DELHI, AJMER-MERWARA, COORG AND BALUCHISTAN.

In all these provinces the National War Front movement has gone ahead. Meetings, Grow More Food Campaign, Teachers' Training Courses, the editing of a paper or bulletin and cinema vans have all put in work according to the local conditions in each province.

Conditions in Baluchistan are somewhat different from those in other parts of India and the scheme of the National War Front was not found suitable to the province except in urban towns. Work was therefore taken up on the following lines:

"On 15th April the Agent to the Governor General addressed a gathering of selected representatives of important tribes from all parts of Baluchistan including the Kalat, Lasbela and Kharan States at a tea party at the Residency which was also attended by His Highness the Khan of Kalat and senior officials and briefly explained the objects of the National War Front. At this meeting the tribal representatives reaffirmed their whole-hearted association with the cause of the Allied Nations, their unwavering loyalty and determination to continue loyal and active cooperation and gave assurance to further the objects of the National War Front amongst their tribesmen. In rural areas the tribal leaders who enjoy a considerable measure of autonomy in the administration of their affairs on the basis of well recognised tribal responsibility have acted up to their promises, and done good work in keeping their illiterate tribesmen informed of the progress of events, countering wild rumours and anti-British propaganda and generally exercising a stabilising influence.

"In Urban areas the movement is flourishing."

SECTION III—STATES.

It is quite impossible to give any general picture of work in the States for the stages which have been reached very tremendously from State to State. This variety is due not only to the fact that the States did not start at the same time, but also to the fact that some had and some had not publicity or information departments to begin with. It was recognised that work in States would depend largely on personal contact with those who could provide stimulus and ideas, and for this purpose, in addition to the two officers of the Central Organisation, two Regional Officers have been appointed. A very considerable amount of touring has been done by the four officers thus now available and there is evidence that in a number of States the Front is active. There is, however, a great difference between some States who show themselves willing to spend money on war propaganda, and others which seem to think that propaganda can be done for nothing. Speaking generally, it may be said that so far only the surface has been scratched and it would not be true to say yet that we had succeeded in generating any real positive enthusiasm for the war in areas where it did not exist before.

One of the most useful developments has been the tour in Western India of the Kathiawar War Service Exhibition Coach—a large third class coach converted into an exhibition, equipped with loud speaker, 16 mm. projector, gramophone records and looked after by a staff consisting of lecturers, a bard, three musicians and the necessary technical staff. The programmes have been given in Gujerati and it is estimated that during the course of two months, five lakhs of people saw the exhibition. It is to be noted that while the States Branch made the original suggestion, H. H. the Maharaja of Morvi shouldered the main burden and it was in most respects a purely Kathiawar project. In view of the success of the exhibition we propose to do more of this kind of thing.

SECTION IV—WORK AMONG WOMEN BY THE LADY ORGANISER.

This is on a small scale at present. The success of this activity had depended entirely on the individual work and the personality put out by Begum Shah Nawaz. Proposals are under consideration for enlarging the Women's Organisation, as at present more women helpers are essential to take up some of the work from the Lady Organiser. She has visited most of the provinces of India from Assam to Bombay and Karachi to Madras, making contacts and speeches wherever she went both in British India and the Indian States.

The expenditure incurred on the National War Front is shown in the Annexure.

K. T. BEHANAN,

Central Organiser.

ANNEXURE.

Statement showing expenditure incurred during 1942-43 on the working of the National War Front Scheme.

	Rs.
1. N. W. F. Organisation in Provinces.	17,21,005
2. N. W. F. Propaganda Vans.	6,94,838
3. N. W. F. Advertising.	8,45,142
4. N. W. F. Expenditure in Administrations.	64,117
5. Board of Advisers.	986
Total.	33,26,088

*Note:—*Figures for expenditure for the year 1943-44 are not available as yet.

UNSTARRED QUESTIONS AND ANSWERS.

SUPPLY OF FOODGRAINS TO NON-MILITARY EMPLOYEES OF THE WAR DEPARTMENT IN BENGAL AT CONCESSION RATES.

8. Mr. K. C. Neogy: (a) Will the War Secretary be pleased to state the different classes of employees under the control of his Department and employed in Bengal, other than military forces, that are in the enjoyment of a concession under which foodgrains are supplied to them at controlled or reduced prices?

(b) What is the total number of such employees, and what quantities of rice, wheat and other foodgrains have been supplied to them at controlled or reduced prices, month by month, since January last?

(c) Who are charged in Bengal with the duty of furnishing supplies for the benefit of these employees, and what is the approximate extent of the stocks that they had to maintain from time to time to enable them to discharge their obligation, and through what agencies in Bengal have these stocks been acquired, and at what prices on an average, month by month?

Mr. C. M. Trivedi: This question should have been addressed to the Food Department.

SUPPLY OF FOODGRAINS TO EMPLOYEES OF THE FINANCE DEPARTMENTS IN BENGAL AT CONCESSION RATES.

9. Mr. K. C. Neogy: (a) Will the Honourable the Finance Member be pleased to state the different classes of employees under the control of his Department and employed in Bengal that are in the enjoyment of a concession under which foodgrains are supplied to them at controlled or reduced prices?

(b) What is the total number of such employees and what quantities of rice, wheat and other foodgrains have been supplied to them at controlled or reduced prices, month by month, since January last?

(c) Who are charged in Bengal with the duty of furnishing supplies for the benefit of these employees and what is the approximate extent of the stocks that they had to maintain from time to time to enable them to discharge their obligation, and through what agencies in Bengal have these stocks been acquired, and at what prices on an average, month by month?

The Honourable Sir Jeremy Raisman: (a), (b) and (c). I would refer the Honourable Member to the reply given on the 9th instant to unstarred question No. 6 addressed to the Honourable the Food Member.

SUPPLY OF RATIONS TO FIGHTING FORCES IN BENGAL AT CONCESSION RATES.

10. Mr. K. C. Neogy: (a) Will the War Secretary be pleased to state what the different classes of personnel are of the fighting forces, combatant as well as non-combatant, stationed in Bengal that are entitled to free rations or the supply of essential foodstuffs at concession rates?

(b) Does the Honourable Member propose to make a statement indicating the quantity of rice, wheat (including flour) and other foodgrains that had to be acquired in Bengal, month by month, since January last, for the benefit of such personnel? Through what agencies were such supplies acquired in Bengal, and at what average prices, month by month? What stocks had to be carried by the supplying agencies or any other authorities responsible for maintaining these supplies from time to time in Bengal?

(c) To what extent have the acquisition and maintenance of stocks for supplying the above privileged classes of persons stationed in Bengal with foodgrains, contributed to the creation of scarcity conditions and the prevalence of high prices in Bengal?

Mr. C. M. Trivedi: (a) The following classes are entitled to free rations in Bengal:

(i) All officers and other ranks.

(ii) All irregular troops who are brought under the command of an army formation.

(iii) Non-combatants enrolled.

(iv) Civilians paid from the Defence Services estimates who are included in the War Establishment of a unit which has been mobilized.

(v) Labour units for which the issue of Field Service rations may have been specifically sanctioned.

The following class is not entitled to free rations but may obtain rations on payment issue rates:—

Civilians paid from Defence Services Estimates who are not included in the War Establishment of a unit which has been mobilized.

(b) and (c). The Honourable Member is referred to the answer to his unstarred question No. 3 on the 9th November, 1943.

SUPPLY OF FOODGRAINS TO EMPLOYEES OF THE DEFENCE DEPARTMENT IN BENGAL AT CONCESSION RATES.

11. Mr. K. C. Neogy: (a) Will the Honourable the Defence Member be pleased to state the different classes of employees under the control of his Department and employed in Bengal that are in the enjoyment of a concession under which foodgrains are supplied to them at controlled or reduced prices?

(b) What is the total number of such employees, and what quantities of rice, wheat and other foodgrains have been supplied to them at controlled or reduced prices, month by month, since January last?

(c) Who are charged in Bengal with the duty of furnishing supplies for the benefit of these employees, and what is the approximate extent of the stocks that they had to maintain from time to time to enable them to discharge their obligation, and through what agencies in Bengal have these stocks been acquired, and at what prices on an average, month by month?

Mr. L. J. D. Wakely: The Honourable Member's attention is drawn to the reply given on the 9th November, 1943, to his Starred Question No. 55.

COMMITTEE ON PETITIONS.

Mr. President (The Honourable Sir Abdur Rahim): I have to announce that under sub-order (1) of Standing Order 80 of the Legislative Assembly Standing Orders the following Honourable Members will form the Committee on Petitions, namely:— (1) Sved Ghulam Bhik Nairang, (2) Mr. Govind V. Deshmukh, (3) Sardar Sant Singh, and (4) Mr. N. M. Joshi.

According to the provision of the same Standing Order the Deputy President will be the Chairman of the Committee.

THE HINDU CODE, PART I (INTESTATE SUCCESSION).

PETITIONS LAID ON THE TABLE.

Secretary of the Assembly: Sir, under Standing Order 78, I have to report that eight petitions as per statement laid on the table have been received relating to the Bill to amend and codify the Hindu Law relating to intestate succession which was introduced in the Legislative Assembly on the 2nd March, 1943, by the Honourable Sir Sultan Ahmed.

Petitions relating to the Bill to amend and codify the Hindu Law relating to intestate succession which was introduced in the Legislative Assembly on the 2nd March, 1943,

Number of signatures.	District or Town.	Province.
179	Monghyr.	Bihar.
125	Ranigunj.	do.
153	Ranchi.	do.
39	Arrah.	do.
95	Palamau.	do.
62	Saran.	do.
629	Monghyr.	do.
248	Purnea.	do.
Total 1,530		

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 100.)

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural):

Sir, I beg to move:

"That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes (*Amendment of section 100*) be continued."

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

"That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes (*Amendment of section 100*) be continued."

The motion was adopted.

THE DISSOLUTION OF MUSLIM MARRIAGES (AMENDMENT) BILL.

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural):

Sir, I beg to move:

"That the Bill to amend the Dissolution of Muslim Marriages Act, 1939, for certain purposes be continued."

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

"That the Bill to amend the Dissolution of Muslim Marriages Act, 1939, for certain purposes be continued."

The motion was adopted.

THE ALIGARH MUSLIM UNIVERSITY (AMENDMENT) BILL.

(INSERTION OF SECTION 12B.)

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

"That the Bill further to amend the Aligarh Muslim University Act, 1920, for a certain purpose (*Insertion of section 12B*) be continued."

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

"That the Bill further to amend the Aligarh Muslim University Act, 1920, for a certain purpose (*Insertion of section 12B*) be continued."

The motion was adopted.

THE MUSLIM KAZIS BILL.

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural):

Sir, I beg to move:

"That the Bill to provide for the appointment of persons to the office of Kazi and for performing and keeping a record of marriages and for the appointment of Tribunals for trying and deciding cases of divorce and dissolution of marriage amongst Muslims be continued."

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

"That the Bill to provide for the appointment of persons to the office of Kazi and for performing and keeping a record of marriages and for the appointment of Tribunals for trying and deciding cases of divorce and dissolution of marriage amongst Muslims be continued."

The motion was adopted.

THE INDIAN EVIDENCE (AMENDMENT) BILL.

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural):

Sir, I beg to move:

"That the Bill further to amend the Indian Evidence Act, 1872, for certain purposes be continued."

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

"That the Bill further to amend the Indian Evidence Act, 1872, for certain purposes be continued."

The motion was adopted.

THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

Khan Bahadur Shaikh Fazl-Haq Piracha (North-West Punjab: Muhammadan): Sir, I beg to move:

"That the Bill further to amend the Indian Merchant Shipping Act, 1923, be referred to a Select Committee consisting of the Honourable Sir Asoka Roy, the Honourable Dr. N. B. Khare, Syed Ghulam Bhik Nairang, Mr. H. M. Abdulla, Mr. E. L. C. Gwilt, Mr. Govind V. Deshmukh, Mr. Hoosainbhoj A. Lalljee, Mr. Muhammad Muazzam Sahib Bahadur, Qazi Muhammad Ahmad Kazmi and the Mover, with instructions to report on the

first day of the Budget Session, 1944, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, in moving the reference of my Bill to a Select Committee, it is not necessary for me to inflict a long speech on the House. The Bill is extremely brief, and its purport is fully explained in the Statement of Objects and Reasons. Sub-section (1) of section 209A of the Indian Merchant Shipping Act of 1928 provides that if a pilgrim holding a return ticket, owing to failure of the Shipping Company to provide him accommodation on pilgrim ship, is detained at Jeddah for a longer period than 25 days, the Shipping Company concerned is bound to pay him by way of compensation Re. 1 per day for each day after the expiry of 25 days. The present Bill seeks to amend this sub-section to provide that in respect of the cabin class pilgrims the compensation shall be increased to Rs. 8 per day.

In the last Session of the Legislative Assembly, on a Government motion, it was decided that the Bill should be circulated for eliciting public opinion. The opinions received, which I trust have been read by the Honourable Members are overwhelmingly in favour of the Bill. The High Court of Madras and the Governments of Madras, Bihar and Orissa, and the Chief Commissioners of Delhi, and Ajmer-Merwara have expressed themselves definitely in favour of the Bill. The Punjab Government does not know its own mind but most of its officers as well as all the religious institutions, including the Provincial Haj Committee, consulted by them have endorsed the provisions of the Bill. Some of the gentlemen consulted have expressed the opinion that the amount of compensation proposed in the case of cabin-passengers is extremely moderate, and that more stringent measures might indeed become necessary, if prompt provision of shipping accommodation for pilgrims returning to India is to be ensured.

Those that have not expressed themselves definitely in favour of the provisions of the Bill may be divided into three well-defined categories. In the first category come those such as the Chief Commissioners of Baluchistan and Coorg and the Government of Central Provinces who have no comments to offer. It is fair to deduce from this that they have nothing to say against the provisions of this Bill. In the second category I would place the Government of the United Provinces and others who do not feel strongly one way or the other about the provisions of the Bill but suggest that such legislation might be postponed till after the war. With all respects I do not find their arguments very convincing. The war is not an excuse for bringing the activities of the Legislative Assembly to a standstill, and when so much more contentious legislation has been enacted during the war years, I do not see why such a simple and innocuous measure, such as the one sponsored by me, should wait until the termination of hostilities. There is also no more force in the suggestion that we should wait until the Government make up their mind to introduce the legislation on the basis of the report of the Special Haj Enquiry conducted by Mr. Rahim. Judging by our experience of the other recommendations made by Mr. Rahim, we will have to wait till doomsday for the necessary legislation to be introduced by the Government of India. The amendment which I have ventured to commend to this House will in no way interfere with any proposals which Government may care to bring forth after the war.

In the third category come those who are in one way or another opposed to the provisions of this Bill. Their number is extremely small and I suggest that their opposition is based on an inadequate appreciation of the correct facts. I cannot over-emphasise the facts that the uniform penalty of one rupee per day for all returning pilgrims delayed at Jeddah for over 25 days for want of shipping accommodation is not a charitable relief for poor stranded pilgrims but monetary compensation for the inconvenience caused to them and an inducement to the shipping companies not to be negligent and to provide full shipping facilities as promptly as possible. Therefore, criticism of the Bill based on standard of living or on equality of treatment of pilgrims are not at all relevant. The distinction between cabin or deck class passengers already

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exists and is not introduced by this Bill. It is also pointless to argue that cabin passengers are in a position to maintain themselves at Jeddah, for their wealth is no ground for taking away their right to proper compensation. The only relevant consideration is the amount paid by the cabin passengers in comparison with deck pilgrims in the way of fares. Judged by this standard, the compensation of Rs. 3 suggested in the case of cabin passengers is by no means excessive.

Of the two shipping companies mainly concerned with the pilgrim traffic, Messrs. Scindia Steam Navigation Co. are, in principle, not opposed to the provisions of the Bill, but have drawn attention to the difficulties which will no doubt be taken into consideration at the proper time. The opposition of the Moghul Lines Limited is, I submit, based on very flimsy grounds. I have already explained why we cannot and need not wait until the Government undertake a wholesale amendment of the Indian Merchant Shipping Act in pursuance of the Special Haj Enquiry Report. I have also dealt with the argument that the compensation was originally meant only for the benefit of poor pilgrims and I have affirmed that it was and should continue to be compensation pure and simple for pilgrim passengers who through the negligence or the failure of the shipping company had been obliged to prolong their stay at Jeddah. The abnormal conditions of the war or the Government's restrictions on shipping are also no reason for not proceeding with the Bill. Under the provisions of section 209A of the Indian Merchant Shipping Act the shipping companies can always plead *vis majeure*—as justification for delay. Consequently, they will not be liable to any penalty if their failure to provide shipping accommodation was due to Government restriction on shipping or other causes beyond their control. Claims for compensation under the Act arise only in the case of failure to provide shipping accommodation on account of negligence or mismanagement of the shipping company.

The circulation of the Bill to the public has elicited some very carefully considered opinions in its favour. I would have liked, if I were permitted to quote to you a number of passages which have completely demolished the case of the small minority who are opposed to the Bill. I do not, however, wish to take up any more time of the House and I would content myself with quoting an extract from the very lucid opinion recorded by the Deputy Commissioner, Gurgaon, in the province of the Punjab. In giving his opinion on page 7 of Paper No. I, in para. 2, he says:

"The proviso to section 209-A definitely excludes delays caused from causes other than arising from acts or defaults of the shipping companies. It is therefore to my mind a matter of compensation pure and simple, and in determining compensation the status of the pilgrims and their standard of living, as judged from the manner in which they travel, should be an important factor. If it were a matter of merely alleviating the distress to which the poor and needy pilgrims are put by staying in Jeddah longer than they had calculated or made provision for, I do not see why it should have been necessary to exclude the period for which the delay occurs owing to causes not within the control of the shipping companies. The distress would be there all the same. It is to my mind absurd to talk in such matters of discrimination between the poor and the wealthy. Why provide first or second class accommodation on ships? Why should not all pilgrims travel on deck if it is proposed to do away with discrimination between rich and poor? So long as economic conditions are what they are and the society and the laws of the land continue to recognize divisions in the standard of living, it would be necessary to make adjustments in awarding compensation in accordance with such divisions. I am therefore of the opinion that there is no harm in making a distinction in the amount of compensation to be paid to the different classes of pilgrims."

In view of the overwhelming public support I hope that the Government will have no objection in accepting my motion. Sir, I move that the Bill be referred to the Select Committee.

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

"That the Bill further to amend the Indian Merchant Shipping Act, 1923, be referred to a Select Committee consisting of the Honourable Sir Asoka Roy, the Honourable Dr. N. B. Khare, Syed Ghulam Bhik Nairang, Mr. H. M. Abdulla, Mr. E. L. C. Gwilt, Mr. Govind V. Deshmukh, Mr. Hooseinbhoj A. Lalljee, Mr. Muhammad Muazzam Sahib Bahadur, Qazi Muhammad Ahmad Kazmi and the Mover, with instructions to report on the first day of the Budget Session, 1944, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. E. L. C. Gwilt (Bombay: European): Sir, I have very little to say which is in addition to the speech I made at the time the circulation motion of this Bill was moved. I gather from what the Honourable the Mover has just said that the Bill is not intended to impose a penalty on the shipping companies. I cannot forecast as to what are likely to be the findings of the Select Committee, but I will say this, it is logical to conclude that if some unknown liability is to be placed on the shipping companies, they will probably protect themselves in some way, and the presumption is that they will do so by raising their fares; and I feel therefore that the Honourable the Mover must have taken that into consideration.

The Honourable Dr. N. B. Khare (Member for Indians Overseas): Sir, I accept the motion.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): I may, I think, usefully imitate the example of my Honourable friend, Mr. Gwilt, by saying that I need not repeat the reasons which I gave in support of this Bill at the time when the circulation motion was debated in this House. I am sure that there is no idea in the mind of either the Honourable the Mover of the motion or anyone else in this House, in any way to penalise the shipping companies who carry pilgrims to Jedda and back to India. The whole idea underlying this measure is that in case of any delay in the repatriation of pilgrims from Jedda which can be rightly attributed to a failure on the part of the shipping companies to perform any of their contractual duties—and in that case alone will the pilgrims be entitled according to their status in life, according to the rate at which they pay the shipping fares, to compensation calculated at so much per diem on the number of days that they have to spend in waiting. That is the whole idea and that is, I think, fair. Any circumstances in any way excusing or condoning the failure of the shipping company will of course come under section 209A of the Indian Merchant Shipping Act and be taken into consideration and there is no question of penalising the shipping companies at all. With these few words I support the motion.

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

"That the Bill further to amend the Indian Merchant Shipping Act, 1923, be referred to a Select Committee consisting of the Honourable Sir Asoka Roy, the Honourable Dr. N. B. Khare, Syed Ghulam Bhik Nairang, Mr. H. M. Abdulla, Mr. E. L. C. Gwilt, Mr. Govind V. Deshmukh, Mr. Hoosainbhoj A. Lalljee, Mr. Muhammad Muazzam Sahib Bahadur, Qazi Muhammad Ahmad Kazmi and the Mover, with instructions to report on the first day of the Budget Session, 1944, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

THE HINDU MARRIAGE DISABILITIES REMOVAL BILL.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): Sir, I move:

"That the Bill to remove legal disabilities under Hindu Law in respect of marriage between Hindus be referred to a Select Committee consisting of the Honourable Sir Asoka Roy, Mr. T. T. Krishnamachari, Raja T. Manavedan, Mr. Lalchand Navalrai, Mr. Anarendra Nath Chattopadhyaya, Mr. Kailash Bihari Lal, Mr. Ananga Mohan Dam. Bhai Parma Nand, Pandit Nilakantha Das, Syed Ghulam Bhik Nairang and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

I hope I shall be as fortunate as my Honourable friend, Khan Bahadur Fazl-i-Haq Piracha, whose motion was accepted without any dissentient voice in this Assembly. I hope the Honourable the Law Member's mind is not disturbed by the presence of the Congress Members who are always go-ahead social reformers, because I may tell him definitely that those Members have come here merely to take part in the food debate and lend the House their support to measures sponsored by us, may be Bills, Resolutions or anything else, in defeating the Government where they consider that the action of the Government is anti-national. Their scope being so restricted, my Honourable friend can certainly take things easily. The measure which I wish to be

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referred to a Select Committee is a very small one. The most operative part of the Bill is clause 2, which reads thus:

"Notwithstanding any custom, rule or interpretation of the Hindu Law, a marriage, which is otherwise valid, shall not be invalid because—

(a) it is between Hindus belonging to the same *gotra* or *pravara*; or

(b) it is between Hindus belonging to the different sub-divisions of the same caste."

Let me, first of all, say this, that I am not in the habit of bringing in measures for which public opinion is not ripe. Since the time I entered this Assembly I have only brought measures for which public opinion was quite ripe. Only to see how we stood in relation to this measure I put a question on the 28th October, 1942, on this subject, that is, *sagotra* marriage. The Honourable the Law Member (who is now in charge of the Department of Information and Broadcasting)—replied that 81 per cent. were in favour of validating *sagotra* marriage. So it will be observed by the House that a large volume of opinion is in favour of this Bill. This opinion is not only that of ordinary members, but of persons who are qualified by their study in law, qualified because of their legal training and by training in the *Shastras*. I will refer to some of these opinions. There is, first of all, the Dharma Nirnayak Mandal. It is a body consisting of well versed *Shastris* who, taking into consideration the circumstances of the country and the needs of the society, from time to time give hints as to what reforms there should be in the social law of the Hindus. I have analysed the opinions received on this Bill. 110 are strongly in favour of the whole Bill and 54 are against the Bill. Out of these 54, 28 are branches of one body called Varnashrama Swarajya Sangh; in other words, those who are in favour of the Bill are 110 and those who are against are 26 plus one, that is, 27. Public opinion which was gathered on this Bill, apart from that which was gathered on the question as issued by the Rau Committee—overwhelming opinion is in favour of this Bill. Legislation is the only remedy. In former days when people allowed things to grow and nobody resorted to courts of law, customs grew overriding the other customs which existed, but in the present days, we cannot have a custom growing because, if there is any incident or any instance, which has departed from the existing law, then immediately the person who considers himself wronged goes to the court and the judges decide according to the law as it exists. In other words, there is no source by which this customary law could be modified. It is therefore incumbent that we must resort to legislation.

Now, Sir, when we are resorting to legislation, it is not possible to have unanimity of opinion. It is not possible to wholly rely on the *Shastric* opinion, because whenever the opinion suits the *shastri*, he may rely on a particular *smriti* but if it does not suit him, then he would throw it overboard. When I made the motion for circulation of the Bill, I relied on a passage which was quoted in Mr. Banerjee's Law of Marriage and Stridan. That passage has been referred to at page 62 of Paper No IV. This is the Bengal Varnashram Swarajya Sangha which says:

"Mr. Deshmukh contends that marriage in one's own *gotra* is not forbidden, but it is only recommended that marriages should be among different *gotras*. He takes his stand on Manu. III (5) (1)."

Then we have the translation. Now, what does this Varnashram Swarajya Sangha say. It says: 'Manu is not the only law-giver' That means, they have given the go-by to Manu. If we are to be guided by the injunctions and interpretations of the various *smritis*, the social reformers' way is blocked. It is therefore advisable to be guided by public opinion, the opinions of persons who are educated, who know the needs of the society and who have the welfare of the society at heart.

Having made these remarks, let me go on. I have mentioned two disqualifications here. When this Bill was sent for circulation, I received letters from Bengal, from persons who occupy high positions. I do not wish to give their names. They are gazetted officers. They say that in addition to this, there are disqualifications like this, a person from one part of Bengal cannot marry a person residing in the other part of Bengal. In other words, in the

same province, there are sub-divisions which wish to isolate themselves. As a result of this isolation, a small community is reduced to this state that in certain circumstances it may lead to incestuous marriages or the boys and girls in a particular community would never have a chance of getting married during their lives. It is therefore desirable that no caste and no province should isolate itself but always have inter caste marriages and inter provincial marriages. But my Bill is very small and I hope by the support of the House, excluding, of course, the Congressmen, the motion will be carried. (An Honourable Member: "Why exclude the Congress members?") Because, I understand that they will not take part in any debate except the debate on food and such measures as they think to be anti-national.

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): We are not bothered by that. We will take part in every debate that contributes to the welfare of the country.

Mr. Govind V. Deshmukh: I hope by that you include the society also?

Dr. G. V. Deshmukh: Of course, it does. Country does not mean only houses. It includes all living beings also.

Mr. Govind V. Deshmukh: I will just read a few passages from these opinions that we have had. I may mention that I have received support from almost all the provinces of India. Instead of reading all the opinions or the major part of them, in my favour, I start with one particular sub-section first. It is said that marriages among sub-sects of a caste are allowed. They are not illegal. I have said so in my Statement of Objects and Reasons but now let us see how the matter stands so far as the illiterate persons are concerned, persons who are priest-ridden. The Bharat Dharma Mahamandal of the Benares Cantonment says: This is para. 16:

"The marriage between persons of different sub-castes of the same caste is not so highly objectionable as that between persons of the same *gotra*. But at present, the purity of *Raja* and *Virva*, i.e., the Blood and Seed is not observed strictly in all the sub-castes and many new sub-castes have spring up, the people calling themselves to belong to them without really being so. Hence marriage between persons of different sub-castes too cannot be encouraged freely."

What we have to consider is not merely what the case law is. Let us have a law which any person who is ordinarily literate can see for himself—what the law is, so that he may not spend money in getting the opinion of a lawyer as to what the law is. Therefore I am reading some of these passages to show that some persons, and particularly the priests, do think that such marriages between sub-castes of a caste should not be allowed.

I now come to the opinion of the Sri Sankaracharya Mutt Sri Kanchi Kama Koti Peetam, Kumbakonam which is found on pages 27 and 28. I hope I have given the full titles, because once I was asked to give the names of the persons and the places while referring to the opinions. This is what they say:

"The question of permitting marriages among sub-divisions of the same caste is not one to be dealt with by legislation. The practice of having marriages only within the community or sub-community rests upon *Sishtacharya*. In all the Smritis, Rishis have given prominent authority to *Sishtacharya*. A Hindu should obey not alone the express texts of the *Shastras* but also be guided by *Kula Dharma* and *Kulachara*. The significance of these terms is well known to every Hindu. Every Hindu feels bound to practise the rules of *acharya* which have come down in unbroken practice to his family or to the sub-community to which he belongs. All such rules and *acharyas*, which are not contrary to the express *Vidhis* of the *Sruthis* and *Smritis*, have valid and binding authority. Only by adhering to the rule of marrying within the sub-caste, can the principle of caste itself be preserved."

Then, I come to the opinion of Mr. T. E. Satakopachariar, B.A., B.L., Advocate, Tirupapuliyur. I am glad to say many Advocates are on my side. (Interruptions). I suspended my practice long ago and did not resume it. This advocate differs from others and he says:

"The legalising of inter-marriages among sub-castes is also improper and inexpedient as the clear-cut distinctions that now exist will get obliterated and a sort of chaotic pell-mell will be brought into existence which will lead to a great deal of confusion and trouble in religious observances and property-rights also. It cannot be forgotten that the Sub-Castes among the Brahmins are mainly based upon their allegiance to one or other of the different Vedantic Schools of thought such as *Devaita*, *Advaita* and *Visisthadvaita* and if inter-mingling among these groups is permitted much confusion in religious practices and legal rights to religious property will necessarily follow leading to serious results. For

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these and similar reasons I am emphatically of opinion that this Bill is obnoxious and should be rejected."

This gentleman stands by himself and he has brought in all sorts of religious obstruction and religious property-rights to support his arguments. Anyone who goes through these public opinions will find that the Bar Associations, Advocates individually and Judges individually, have supported my Bill.

Dr. G. V. Deshmukh: What does the Legal Department of the Government of India say?

Mr. Govind V. Deshmukh: It will have its opportunity to have its say and it will say it. There has been certain confusion on the part of certain persons. They think that by this Bill I was introducing marriage amongst blood relatives. Now, there are very few persons and those are mostly persons who belong to the orthodox class who take objection to my Bill. My Bill is very clear. It says:

"Notwithstanding any custom, rule or interpretation of the Hindu law, a marriage which is otherwise valid shall not be invalid."

Now, for validity it is necessary, according to the law that exists at the present moment, that the marriage should not be amongst the *sapindas*, or blood relations, that it should not be between persons belonging to the same *gotras*. If these conditions are observed, then the marriage shall not be invalid because it is between the same *gotras*. In other words, I am restricting myself only to the same *gotra* marriages. I again wish to make it clear that if a marriage is valid because it is not between the *sapindas* and the rituals are performed, then it shall not be invalid because it is between the same *gotras*.

Now, Sir, let me describe the nature of the Bill. People seem to think that I am making all these people who are religious irreligious and I am forcing them to marry amongst *sagotras*. It is not so; it is a permissive measure. Those orthodox gentlemen, who wish to marry amongst the *binnagotras*, that is, amongst persons belonging to different *gotras*, are not compelled to marry by this Bill amongst *sagotras*. So, I do not in any way obstruct their observance of the religious injunctions if they wish to observe them. I do not say that persons of the same *gotra* shall marry amongst themselves. If I had laid down a law like this, then it could have been very well said that I was interfering with the religious obligations or religious commands laid down by the *Shastras*.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): What is the meaning of *gotra* according to you?

Mr. Govind V. Deshmukh: Please read the book on the subject. You read Banerjee's law on Marriage and Stridhan which is in the Library. I also referred to it in my speech which I made when the Bill was circulated. The word has been freely understood by those persons who have given their opinion. There is a big history behind the definition of *gotra*.

Now, Sir, having said this much, I maintain that this is not an obligatory Bill. It is merely a permissive Bill; it is an enabling Bill; it is a Bill which does not compel an orthodox man to contract a marriage between *sagotras*. Having made this clear, I do not see any reason for opposing this Bill.

Now, I wish to cite one opinion which is on page 12. This gentleman calls himself a Sanatanist and yet he is wholly in favour of this Bill. Rai Bahadur Mehr Chand Khanna, M.L.A., Peshawar (on page 12) says:

"I am in favour of the Bill to remove legal disabilities under Hindu Law in respect of marriages between Hindus introduced in the Central Legislative Assembly by the Honourable Mr. Govind V. Deshmukh. No doubt it is a measure of social legislation but my considered view is that it has been long overdue. Only those persons can and will say that it is repugnant to Hindu Religion who are neither fully conversant with the Hindu religion nor are at all aware of the difficulties experienced by an average Hindu in such matters. Due to various social disabilities it is becoming increasingly difficult to find a suitable match for a grown up Hindu girl. The sooner these disabilities—legal and social—are removed, the better for the Hindus and more especially for the Sanatanist Hindus. I am a Sanatanist myself and in spite of criticism from certain interested quarters, I boldly take this opportunity to offer my hearty congratulations to the mover of the Bill."

So, it cannot be said that all Sanatanists are against my Bill. There are some who are in favour of this Bill and I have just given a sample of it. In some of the Provinces this injunction not to marry a *Sagotra* is not observed at all. The District Officer, Balasore, says:

"The Bill, as it appears, will only give legal force to a custom said to be already prevalent in Orissa. It seems a necessary statute especially these days when people travel far out of their places of birth and may unwittingly contract marriages with *sagotras* or *sapravara*."

He also establishes the necessity for these marriages. In these days people migrate from one province to another and may marry in that Province. This legislation would legalise such marriages. Otherwise, marriages contracted in a Province where the party has gone, if they afterwards come to know that they belong to the same gotra, would be invalidated. He also says that this custom is prevalent in Orissa. I do not see any reason why this should not be followed in other Provinces also. I do not say that if the Bill goes to the Select Committee, an amendment will not be suggested on the lines which the Bar Association, Aska, suggests. The Bar Association, Aska suggests:

"Our Association fully supports the Bill but it proposes the insertion of the word 'only' before the word 'because' at the end of the third line in section 2."

The Bill can certainly be modified when it goes to the Select Committee.

Now, I come to the opinion of the Advocate General of Orissa, Cuttack. I hope the Honourable the Law Member has read this opinion. If he has read it, so much the better. If he has not done so, I hope he will go through it in detail. This opinion deals with the question of *sagotra* marriages and sub-caste-marriages in detail. The opinion extends over four pages. He has referred to certain texts and to certain Rishis. After examining all smritis carefully, he comes to this conclusion:

"So, the above deduction made by the commentators very clearly shows that the prohibition does not extend so far as to exclude the marriage of all girls who are beyond the *sapindaship* of seventh degree on the father's side and fifth degree on the mother's side, though of the same *gotra* or *pravara* as that of his or her father or mother."

On page 17 of the opinion, he says:

"I may here point out that there is a class of Brahmins in Orissa who are known as 'Galavadra Gotri Brahmins', that is to say, they have all one *gotra* by name 'Balavadra', but had they stuck strictly to the prohibitory rule, they should have been extinct long ago for lack of marriageable girls; but they however carry on their marriages only in conformity with the prohibitory rules in relationship to *sapindaship* and to nothing else, and the *gotra* that they have now adopted is the *gotra* of their respective family priests. But originally or primitively all of them had only one *gotra* and therefore, they were known by the name of their family *gotra*. They are Brahmins of an inferior kind.

From all these, I am of opinion that society does not stand in need of strict observance of this prohibitory rule and legislation validating marriages between *sagotras* and *samana-pravaras* would not only not be inadvisable but would be welcome. The rigidity of the rule has already been smoothened by the Special Marriage Act."

Then there is the opinion of Rao Bahadur K. Raghavendra Rao, Advocate, Coimbatore. He is fully in favour of the Bill. He says:

"I welcome both the clauses of the Bill as they are very essential for the betterment of the Hindu community and it is a wholesome piece of legislation which is not in any way against the science of eugenics. The public opinion of the Hindu community would be behind both the proposed changes in the law."

Regarding clause 2, he says:

"I will take clause 2(b) which is least controversial. There is no legal impediment under the present state of Hindu law from contracting marriages between different sub-divisions of the same caste but in practice, such marriages are very rare. Marriages between an Ayyar and an Ayyangar or a Madhava and an Ayyar or Ayyangar or between a Naidu and Pillai seldom take place though they are of late a few instances."

Now, this has not only been restricted to Brahmins, but it has gone down to non-Brahmins also. He goes on:

"As regards clause 2(a) the contemplated change may not appeal to the extreme orthodox Hindus, who I may say, are infinitesimal. The present law, as it stands definitely prohibits marriages between persons of the same *gotra* or *pravara* and such marriages, if contracted, will be illegal. . . . No less a person than the late Mr. S. Srinivasa Ayyangar the eminent jurist and the author of the revised edition of the Mayne's Hindu Law, had often publicly expressed that this antiquated law must be changed and this prohibition must be done away with. . . . I am of opinion that both clauses 2(a) and (b) are essential and they are desirable pieces of legislation which should be incorporated in the Statute-Book."

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The Government Pleader, Madras, has also exhaustively dealt with this Bill. Mr. S. Muthia Mudaliar, Vakil, Madras says:

"Probably there may be some meaning in saying that marriages between persons who are close *sagotras* or within 4 or 5 degrees in the male line from the common male ancestor should not take place, but to prohibit marriages between persons on the ground of almost the mythical ancestry of some ancient *rishi* is not desirable."

And as regards clause 2 he says:

"It is desirable to remove the wrong impression and not to make any innovation."

Then the opinion of the District Magistrate of Poona at page 41 should be read by the Law Member. He understood my Bill properly but those who wished to oppose it had said that they did not know whether this Bill was applicable to marriages between *sapindas*. He says:

"*Sagotra* and *Saprarava* marriages are unobjectionable so long as the rule of *Sapindas* is observed. Mr. Deshmukh's Bill does not interfere with this rule of *Sapindas*."

There is another opinion, that of the Advocates' Association of Western India on page 49 of Paper No. I. It is very exhaustive and refers to the views of eminent jurists and should be gone through by the Law Member before he replies to me. They refer to several *smritis* and *shrutis*. At page 50, for instance, they say:

"In ancient times when the texts were not of such an antiquarian date as they are at present, *Sagotra* relationship may have been very nearly the same as *Sapindaship*. . . . And it can reasonably be supposed that the law-makers of antiquity intended the law to be rigidly applicable to circumstances prevailing at the time the law was enacted or about 500/600 years later. The ancient makers of law can certainly not be imported with the knowledge of circumstances to prevail thousands of years later."

The Law Committee takes the liberty to quote Sir P. S. Sivaswami Aivar, who has once observed:

"The interdiction of marriage between *Sagotras* can only be regarded as a surviving taboo, based upon no reason or reason which has long since disappeared. This interdiction is a needless and vexatious interference with personal liberty and circumscribes the choice of a bride or bridegroom. . . . The rule of the texts may have been, therefore, laid down on account of the nearness of relationship between the intending spouses."

But they have not given their opinion merely on the ground of the reasonableness or otherwise of the interpretation of *Yagnavalka Smriti* also.

Punjab seems to be wholly in favour; they only suggest the definition or insertion of certain words. I will refer here to the opinion of Pandit Gurdas Ram Dutt, a pleader and President of the Bar Association of Hoshiarpur. Being a Pandit he knows the *Shruties* and *Smritis*, and being a pleader he knows what the needs of the society are

The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar (Supply Member): Question.

Mr. Govind V. Deshmukh: He says:

"I am of opinion that the provisions contained in the Bill do not offend against the mandatory provisions of Hindu Law. It is true that the provisions of the Bill go against certain recommendatory dictates of Hindu Law. It is clear from the text of the Bill that it does not put an end to the restrictions regarding blood relationship between bride and bridegroom. I quite agree with Mr. Deshmukh the mover of the Bill in his interpretation of the words *Sagotra* and *Saprarava*. Regard being had to the changed conditions of Hindu society and the difficulties experienced in the selection of matches for marriage it is desirable that the Bill should be passed into an Act."

Then let me deal with one more point: It is said that those people who are not closely related but belong to the same *gotra*, if they wish to marry there is the Civil Marriage Act open to them. But, as I said in my last speech, it imposes several disabilities, and I mentioned those disabilities. Here it will be found that there are certain lawyers who have also said that the Civil Marriage Act is a way out, but not an honourable one. Therefore, it is not really a reply to my argument to say that though this Bill is desirable, there is a way out and therefore this Bill is not necessary. I have pointed out that there are very few persons who said that as there is a way out why do you want such legislation. Sir, I have laid before the Honourable the Law Member and the Members of the House my arguments in brief and the points which are in favour of the Bill.

I am not against any amendments, and Members know that when a Bill goes to the Select Committee some changes can be made. I hope they will support my Bill.

There is one thing more: Women all over India are in favour of this Bill. There is one argument which is at times advanced, and it is that piecemeal legislation is no good. Well, Sir, it may suit some persons to say so. It is a good handle to postpone any legislation which the Government is unwilling to enact. It is also a very good argument for the Warnasharm-Swaraj-Sang-walas. So far as I am concerned and the majority of Members of this House are concerned, they will say so long as the Bill is not revolutionary it should be passed through. And I say this is not revolutionary. I would like to know where this Bill makes any serious modification in any part of the Hindu Law as regards Law of guardianship or other branches of it. I would be glad to know if this Bill makes such inroads because it is on that plea that I am asked to wait for the whole legislation till codification of the Hindu Law.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member may continue after Lunch.

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, (Syed Ghulam Bhik Nairang; one of the Panel of Chairmen) in the Chair.

Mr. Govind V. Deshmukh: Sir, I was dealing with the point about piecemeal legislation. The objection always put before social reformers is that they should wait, and that they cannot have piecemeal legislation. This is rather an absurd argument: if, for instance, a person living in a house finds it is inconvenient and wants to provide some convenience, would it be proper advice for anybody to suggest he should wait till the house comes down or he is in a position to rebuild the house? If he wants to build a little niche in a wall or some little improvement like that, should he wait till the house falls? I think this argument that no legislation which is piecemeal should be introduced is absurd. I can understand if this legislation is such as to revolutionise the whole system of jurisprudence, then it would be very harmful for me to introduce a measure like that. But this is a very small measure, not at all revolutionary and is meant to remove some inconveniences, some hardships which parents find in selecting suitable boys or girls. The argument advanced by the opponents of this Bill is therefore not at all applicable.

I will wind up my speech by making a few observations, that the Bill is permissive. I am not compelling anybody to marriage among *sagotras*. If anything, you are compelling persons who are not *sapindas* to marry outside the *gotras*. If there is compulsion on anybody's part, it is on the part of the Sanatanists whose view I have shown is incorrect and does not suit society today. It is they who compel me to move in a particular ambit and not go out of it. My Bill is permissive and not obligatory; and I do not see any force in the argument that the Sanatanists use against me that I am pulling down the whole edifice of Hindu religion. Whether you take it from the moral or shastraic view, the compulsion is not on my side at all. Of course no social reformer in these days can rely upon the shastras which can be interpreted in different ways. I have already referred to the opinion of one Sankaracharya who when faced with a text of the Manu Smriti said "Throw the Manu Smriti overboard". So, if any social reformer, in order to meet the needs of society, brings in really useful legislation and reasonable legislation, then it should be supported in the interests of the society.

I have already suggested that the orthodox section was against clause (b) of my Bill about marriages amongst sub-divisions of the same caste. There are persons who say that the law is very clear and by that law is meant only *caste law*, because there is no statutory law—which has held that such marriages are valid; but as long as the year 1936 cases were fought on the ground that marriages between sub-divisions of the same caste are illegal, such cases did

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come to Courts and I wanted to point out that these gentlemen from Madras, pleaders, held the view that such marriages are unlawful. If a poor man goes to a pleader like that, what would be his advice? That you cannot have a marriage like that. It is for those reasons, in order to make the law clear, and to have a clear guide before everybody, whether he is illiterate or not, that I have been saying that clause (b) is necessary in the Bill

Mr. Chairman (Syed Ghulam Bhik Nairang): It is not necessary to discuss the clauses at this stage.

Mr. Govind V. Deshmukh: I was merely saying that because I am anticipating the objection that clause (b) is not necessary because there is the case law. I am not discussing the effect of it. I am merely showing that this provision is necessary. I am therefore expecting support for my motion for referring this Bill to Select Committee. Sir, I move.

Mr. Chairman (Syed Ghulam Bhik Nairang): Motion moved:

"That the Bill to remove legal disabilities under Hindu Law in respect of marriage between Hindus be referred to a Select Committee consisting of the Honourable Sir Asoka Roy, Mr. T. T. Krishnamachari, Raja T. Manavedan, Mr. Lalchand Navalrai, Mr. Amarendra Nath Chattopadhyaya, Mr. Kailash Bihari Lal, Mr. Ananga Mohan Das, Bhai Parma Nand, Pandit Nilakantha Das, Syed Ghulam Bhik Nairang and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. Umar Aly Shah (North Madras: Muhammadan): Sir, I oppose this motion.

The Honourable Sir Sultan Ahmed (Leader of the House): The Honourable Member may be allowed to come nearer so that we can hear him better.

Mr. Chairman (Syed Ghulam Bhik Nairang): The Honourable Member will come nearer so that all Members may hear him better. (Mr. Umar Aly Shah then came nearer and took a seat behind the Front Bench of the Muslim League Block.)

Mr. Umar Aly Shah: This is purely a Hindu marriage Bill which means religious Bill and there is no necessity for introducing a Bill of this type in this Assembly. There are many castes and creeds and religions. There are several Hindus but there are only a few who know their religion. Please do not mistake me. There are many Sanskrit law books on religious fundamentals but there is no proper interpretation of the same. *Matha* means interpretation; *Budhir Manushya Dishana, Dhee Pragiashay mushi mathe (Amara Simha)*. Amara says that *Matha* is a sort of wisdom but not religion. That is a sort of interpretation, there are many schools of thought in religion. But our scholars and our pandits cannot say what is the real name of religion and meaning of religion in Sanskrit term. The Sanskrit language is a very great language in the world, but there are so many books, so many arts, so many sciences. There is literature but that literature is required to be known, there must be research, there must be culture. Hindu religion—it is not a correct name. Hindu is not a correct name. Foreign people came to India. They said Hindus. Hindu is an Arabic word, meaning, slave, black, dacoit. Some foreign people came and gave some name in the 8th century when Muhammad Bin Kasim came. He said they were Hindus. Not Sindhus. Sindhis won't say they are Hindus. This is Bharathism, this is Bharatha country. But that is quite a different question. What is the meaning of Hindu law? It means dacoit law, slave law. Foreigners introduced the word Hindu—that they have slave mentality, slavishness and so on. I do not want to go into that sort of political use.

What is the meaning of marriage? Marriage means to serve fundamental duties. There are eight kinds of marriages. Some time ago Dr. Bhagwandas introduced the same Bill. I protested and then it was rejected by Government Members. The same Bill has been introduced now and I do not like this sort of mentality. Brahminism or Bharathism was introduced into India some crores of years ago. There are Vedas, Sastras. I have studied so many things but I cannot say when this Bharathism was established in India. It was said:

"*Chatas Sagara pariantam go bramhanay abhiya serway jannaha Sukhino bhabantoe.*"

It means: This Bharathism is between four oceans. But now there are two oceans, namely, the Bay of Bengal and the Arabian Sea. And there are no four oceans now. This Bharathism (Hinduism) has been going on for crores of years. Now, my Honourable friend, Mr. Deshmukh, wants to introduce some alterations and reformations in this religion. I do not understand this sort of mentality. He has got foreign culture, foreign language, foreign civilisation and foreign mentality. I say this sort of Bill is not correct and should not be introduced in this House. I know several thousand authorities and interpretations but I did not think that this Bill will come today and I am not ready for this. Manu is not the only law giver, but Parasara is the authoritative law giver for this Kaliyuga. Kalou Parashra Smrutih. Parasara clearly says:

"Sagotra ashcha Bivaha ascha—Na kurial mohotopeeru Athturinyt pramadaiva Priaschiti kurur Jannaha."

Sir Gurunath Bewoor and others can understand this. Under no circumstances have you a right to make *sagotra* marriages. *Sagotra* means father's hereditary, not mother's hereditary. *Moha* means *Brahanti*, illusion. But if he does, he should be punished by Government. I can give thousands of similar texts, not one or two:

"Varnashramam Karmani Natik Kramana Abraveeth. Adhatik Karmanam kuryat Okhandalam Brahamanaha bhavet."

Varnashramani means religious functions and you have no right to change, to alter or reform. If it is done by a Brahmin, or non-Brahmin, he becomes a *Chandala*; you cannot say he is a Brahmin. (Interruption.) Mr. Deshmukh does not know his own religion, he has not studied it. He has simply got some reformist views. He mentioned some words. There are many grammatical mistakes in it: *Varna shramasurajiya* is not correct grammatical name.

Surajya means selfish and individual. *Sagotra* means father's hereditary. If a daughter is married as such, that is a very great sin for which there is nothing to compare in this world. As such they cannot perform the *karmas*. There are 16 *karmas* (fundamentals of Bhartism) and it would take a long time to recite them. Honourable Member, Bhajji, talked about it the other day. *Jatak*, *Vivaha*, *Seeman*, etc., etc. Therefore, there are 16 *karmas*. They have no right to alter it or to touch it. *Urdhparashra* says from *Gotaum Surti*:

"Sagotram Bibahani Mahapapayana Bhashitam. Notodhi kar karmani yetussanta mavada."

If *Sagotra* (*Sapinda*) marriage occurs that person commits a great sin and therefore has no right to perform any *Karma* (Duty). They have no right to attend the father's ceremony and that sort of function. So, there are many restrictions in Hinduism.

I do not understand why Mr. Govind Deshmukh has introduced this sort of Bill in this Honourable House. There are many great Pandits who can decide this question. This is a political Assembly consisting of elected and nominated members who do not know as much as the Pandits and Maulvis and so we have no right to legislate on this subject here. We know Queen Victoria's Proclamation saying that the British Government do not wish to interfere with the religious customs and usages of any subjects of the Crown. Therefore we ought not to have this sort of Bill in this Honourable House. The case of Muslims and Parsis is different. The other day Qazi Muhammad Ahmad Kazmi introduced a divorce Bill. This relates to a custom among Mussalmans. Therefore he wanted a Bill to be passed by this House in regard to changing it but the Hindus have no right to ask this House to change an important feature of Hindu *Sanatana* method of marriage. Therefore, I request Mr. Deshmukh to take back his Bill. We do not want to reform the Hindu marriage law here. What is the meaning of *Sanatana*. It means old. *Adhunika* means new. *Sanatana* means the old customs and usages that have been going on in Hinduism for a very long time. The great Rishis of old knew what was good for society. You have not studied it properly. That is the difficulty. In your speeches you speak of *Dwaita*, *Adwaita* and *Vishishtadwaita*. These are all interpretations of Vedantic principles. These things date back seven hundred years. After Sankaracharya, came Ramanuja who gave a different interpretation. Then came Madhwacharya who gave a third interpretation. These are all in the field of

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philosophy. They have nothing to do with religion or religious functions. Vidayarana said:

"Trunaarcha kadi yoga anta—Eshwaray Bhavanti masritaha—Loka atadi Sankhyianta Jeevay Vibhranti masritaha."

It means: There are 27 material religions and 27 spiritual religions. These 54 religions may be combined into Hinduism (Bhartism). He gave a big interpretation of the Vijayaranya-Bashya. Go and search them. There are 18 Dharma Shastras (*Ashta Dashanai Shastrani-Dharam roopam Vishiati.*) There are so many aspects of Hinduism. Therefore this sort of blood corruption Bill in the name of marriage is not good to be introduced in this House. Therefore I protest against this Bill. The Gita clearly says:

"Shrayan Swadharmo Vighnaha—Paradharmatoswa—mushkitat—Swadharmaynidhanam Serayaha paradharmo bhayavaha."

"Your own religion may be defective but better than others acting religion (therefore). In our religion you may be inferior it will give salvation, others' religion is dangerous."

This will give very great salvation and *shanti*. The Gita and other literatures are saying 'don't interfere with the old customs'. Hinduism has been in existence for many centuries. Of course I know that Buddha and the great Jain founder, Mahabira came on to reform Bhartism (Hinduism). But they created a new religion altogether. You may say that there are many sub-castes. That is a different thing. There are five aspects of this. They are called: *Gotra, Sutra, Pravara, Shakha and Kula*. You must take all those aspects, and consider them. You must come to know the real worth of Bhartism (Hinduism). Bhartism (Hinduism) consists only of two sects, the Brahmin and the Kshatriya. The Vaisias and the Sudras have no sutras and so on. There are many differences. You must go and search and study them along with these books. Then they will decide what is the real authority to be followed. You read one or two texts only. That is not the correct method to follow. Now, what is the meaning of Sanatana. It means old. You must protect your Sanskrit literature and culture. Don't take this sort of damned wretched and dirty interpretation of *Dharma*. *Dharma* means name of Bhartism (Hinduism).

The Honourable Dr. N. B. Khare (Member for Indians Overseas): What is the meaning of *nidhanam*?

Mr. Umar Aly Shah: It means 'inferior'.

The Honourable Dr. N. B. Khare: No. It means 'death'.

Mr. Umar Aly Shah: That is wrong. I can cite the opinion of commentators and I will show you several dictionaries.

Mr. Chairman (Syed Ghulam Bhik Nairang): The Honourable Member had better address the Chair.

Mr. Umar Aly Shah: Very well. What is this sort of objection. It is not a good thing. Therefore I oppose this Bill.

Bhai Parma Nand (West Punjab: Non-Muhammadan): Sir, my Honourable friend, Mr. Deshmukh, has brought in this Bill as a measure of social reform.

One main difficulty is that the Hindus have mixed up social customs with religion. Every custom that has been in usage, has always got the stamp of religion on it. Therefore, when we think of any measure of social reform, we cannot get rid of the feeling of religion which is attached to it. My Honourable friend, Mr. Umar Aly Shah, has spoken very enthusiastically. He has given authorities from Hindu Shastras as well as his definition of Hinduism. But, what I appreciate most, is the most appropriate question that he has addressed to Mr. Deshmukh. He says that the question of social reform should always be referred to the Hindu Pandits, the learned men. It is none of his business to come before this House and bring such a Bill. He has got no authority to do so.

I would put the same question to Mr. Deshmukh. Has he really consulted the real leaders, the learned men of the Hindu thought and Hindu religion about this measure of social reform? Marriage is, of course, the foundation of society. The growth of society depends upon the principle of marriage. Without marriage, the human society could not exist. Therefore, whenever we think of

any reforms in the marriage system, we should always see to it that we are not going to break up the whole society by any reform. Our friend, Mr. Deshmukh, said that his Bill is simply permissive; it is not obligatory on anybody to adopt this form of marriage. But my point is that customs are always bound up with certain rules. If you loosen one rule and give permission to people to change it, naturally you loosen the bond of society and are likely to break it up altogether. It is not simply a question of compulsion. You may not compel anybody, but when you make room for such people who are going to violate the custom of the society, you are permitting them to have their own way and thus you are practically weakening the society itself.

Besides I do not understand where is the necessity or need for this reform. Mr. Deshmukh says that it is only to remove certain disabilities from a Hindu who wants to marry among his own *sagotras*. In order to understand why a *sagotra* marriage is not allowed, I would say that principle is based on a peculiar principle of not marrying within certain prohibited degrees. Even in Christianity there are certain degrees which are prohibited for marriage. Similarly, the Hindus have followed that principle. They might have taken it to a very great extreme, but all the same the principle was that marriages within certain degrees should be prohibited. According to this, as the custom grew in strictness, they said that the people who descend from one *gotra* or one common ancestor, should not marry among themselves. That was the principle. This strictness may not suit the present day conditions. But if it is not so suitable, it is the business of the leaders of Hindu thought and religion *i.e.*, those who really have great respect for the Hindu customs, to think of and propose a change in them. As long as the matter is not placed before the leaders of society, it is not fair and proper on our part to come here and suggest such changes. My Honourable friend, Mr. Umar Aly Shah, suggested and I also agree with the suggestion, namely, that my Honourable friend, Mr. Deshmukh, should not proceed with this Bill as long as he has not got the sanction of the religious leaders of the society.

Again, I say that any measure of reform must be preceded by a popular demand for it. As far as I can see there appears to be no popular demand for the removal of this disability. So far as I know, there is nobody who is anxious that this disability should be removed. It is quite possible that there is a class of persons who do not care for the social laws of the Hindus and who are so advanced on account of the modern education or the contact with other countries that they want to have more freedom in their marriages. It may be that there is such a class of people of whom I am not aware. All the same, if there are such people, the way is quite open to them. As my friend himself suggested, they can have recourse to the Civil Marriage Act. That Act gives them permission to marry according to their own ideas. Among us there were certain people who wanted to have such a change on account of a change in their religious ideas. The Sikhs, for instance, wanted to perform their marriages according to a fresh awakening in them. So, they went to the Imperial Legislative Council in olden days and got their Anand Marriage Act passed, in order to suit their needs. Similarly, in the eighties of the last century, the Brahma Samaj would not like the Hindu marriage custom and they wanted to be free so far as marriage was concerned. Naturally, they thought of having a new law for themselves and they got the Civil Marriage Act passed by the Imperial Legislative Council. Quite recently the Arya Samaj did not like restrictions on marriages. They had the perfect right to come before the Assembly because hundreds of marriages were performed by the Arya Samajists not caring for restrictions. They came before this Assembly and had a special law passed for the Arya Samajists with regard to their own marriages. So, if there is any particular class which has got a special leaning and who wish to have more freedom as far as marriage is concerned, they can have recourse to either of these three systems. And if they want something more, they can classify themselves under a separate body and have certain laws passed. But I do not see any reason why a measure should be passed by us for all people who have no concern with it and who do not care even to understand it.

[Bhai Parma Nand.]

Again, Mr. Deshmukh says, there are classes of Hindus who do perform marriages within their *sagotra*, and there are others who do not do so. If that is a fact, as he says, that certain people are allowed to marry within their *sagotras*, and certain others are not, then where is the necessity for enforcing a uniform law on all the people who do not want this change in the system of marriage. Where is the need for bringing in this measure of social reform before this Assembly? As my Honourable friend, Mr. Umar Aly Shah, put it, it is not the business of this Assembly to take up this question of marriages which are mixed up with social customs, and religion and introduce changes in it. We should really approach those people who are the guardians of our social customs, and if they think it necessary that such a change is good for society and the community, it is for them to preach it to people and prepare the ground for this social reform. No kind of social reform will be useful unless the people are prepared to follow it, and as long as there is no demand for it, any reform forced on the people becomes useless. There will be no utility in this reform. There is no use in our spending time of the House in considering such questions which the Hindu society does not want. With these observations, I submit that this measure should not be proceeded with and I think my Honourable friend; Mr. Govind V. Deshmukh, will revise his opinion and drop this measure. With these words, I oppose the motion.

Mr. Lalchand Navarai: Sir, this Bill wants to remove certain legal disabilities under the Hindu law in respect of marriages between Hindus. The preamble is very wide and I think it should have been restricted to only requiring in what particular direction the Hindu marriage laws should be improved or restricted. As it is, one may think that the Bill is very complex, and the preamble may frighten the orthodox people that something more than what was arrived at by agreement is also being trodden upon. Therefore so far as the preamble is concerned, I submit my Honourable friend has gone beyond the limit to which he should have gone. He might argue that he has defined his object in putting one section to restrict the invalidity or validity amongst *sagotras* or *pravaras*. So far as this is concerned, I will just explain presently that even that is not satisfactory. *Gotra* and *pravara* also have to be explained. The present question is whether we are going to refer the Bill to the Select Committee or not. On that point he will have my full sympathy. But so far as the merits of the measure are concerned, I will hesitate at present to give my blessing until such time as like the other Bill that we had before this House, this Bill also has received full consideration before the Select Committee.

The *quasi*-Pandit, Mr. Umar Aly Shah, is the only person coming forward and saying that these matters should not be debated in this House, that the Hindu law should not be touched with a pair of tongs in this House. We have heard him. I wish there were present in the House some of the orthodox Members like Babu Baijnath Bajoria. I see Pandit Nilakantha Das present, but he has yet to open his mouth. The question which the House should consider is this, it is a question between orthodox people and the reformers. Should we come in between them? If we agree with the orthodox people that the Hindu law should not be touched, even if the present society considers it stagnant, then we should not take any steps in that direction. We have now to think how far we have proceeded on that question even in this House of leaving Hindu law as it is or of reforming it. We have moved a bit in connection with the Intestate Succession Bill. That went to the Select Committee. There we considered the Pandits' views also. We considered the question whether we should touch the Hindu law or not. That question was thoroughly thrashed out in the Select Committee and we came to the conclusion that we must go ahead with amending the Hindu law. Apart from that, whatever be the view of the Pandits or the view of the reformers, we have to look to the country and the times. We have not to focus our thought at a time which was operating to our ancestors,

to a time when a certain kind of Hindu law was suitable, to a time when everything was going on by dictates of religion. Now, we are in a different atmosphere. We are more or less international people. We have to consider many things, we cannot allow Hindu society to be stagnant. I am all for progression, but with caution. Certain things should not be hurried. Opinions should be called for and every one's view, whatever it be, that of Pandits or no Pandits, reformers or orthodox should be fully considered. It is not because that women say something, we should accept it. We should also consider and give our full view on that point and come to certain conclusions. Of course, the present wave is such that it carries us away absolutely. We are carried away by brilliancies, phantasies and fancies. Formerly we had to think of the other world, but now we have to think of our society. We should not be carried away by things which are simply western. So far as that point is concerned, I may be called orthodox. But I am not orthodox in the sense in which some say, do not touch Hindu law, do not touch anything. I have great respect for my friend, Bhai Parma Nand, when he says that it is a question to be decided by Pandits. All right, let all the Pandits come here and decide. But now it is the legislature which decides these things. Of course, we must pay all respect and reverence to the Pandits' views, but those views also have after all to be considered by us.

Bhai Parma Nand: In the case of the Muslims, it is the Jamait-ul-Ulema that decides such questions. Why should it be different in the case of the Hindus?

Mr. Lalchand Navalrai: Even Pakistan law will have to be considered by this House. Why otherwise they are crying that this House should recognise Pakistan. If they can get it decided by their Ulemas, why should they not do so. They want the help of this House for Pakistan. And they want the help of this Government. Therefore you cannot say that you will not decide but leave it to the Pandits; the Pandits will never agree.

Dr. G. V. Deshmukh: Does Bhai Parma Nand want to be a convert to Islam?

Mr. Lalchand Navalrai: Well, we will be glad to hear the Congress viewpoint also and I congratulate them on their presence here today. I hope even in addition to the food question they will give us their views on this subject. I also want to have the views of Dr. Deshmukh because his views are much wider. He wants divorce and many other things based on his experience of Bombay. We should like to have the Bombay atmosphere also here. As I was saying, I respect the Pandits; and only the other day in the Select Committee we sent for them and also for reformers. They gave us their views; we balanced them and came to certain conclusions.

Dr. G. V. Deshmukh: Why not balance them beforehand?

Mr. Lalchand Navalrai: Because the Mover does not even give an explanation of *gotra*. I will come to the defects in the Bill very soon.

My submission is that Government are not doing the right thing and should reconsider the question. The question whether it should go to the Select Committee or not, and I submit that they should not kill the Bill now but allow it to be considered in the Select Committee. If it is to be thrown out let that be done after you have got the views of the Pandits and those who are competent to give their views. Otherwise you will be killing it at an early age and thus committing murder. We have already moved in the direction of progress. We have the Intestate Succession Bill and that has not been thrown out, and this Bill is intimately connected with that. Here the question raised is about the validity of a certain marriage and the right of inheritance of a wife married under certain conditions. The same question of inheritance is the subject of that Bill also.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Division: Muhammadan Rural): If the same question is raised in the Intestate Bill also, then what is the need for this Bill?

Mr. Lalchand Navalrai: In that Bill the question is not directly raised. There the question raised is of inheritance but without deciding the question of the validity of a marriage how are you going to decide the question of inheritance? It would have been better if that Bill had dealt with this subject also but the

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question of the validity of these marriages must be decided here. I hope my country will excuse me but Sind is committing mistakes in a very wide sphere. Not only are marriages taking place within the 6th and 7th degrees but cousin has married cousin and also marriages have taken place with maternal uncles' daughters. These things are going on in Sind in the name of progress. But in questions of this nature they should have a lead from this House and from the legislature where the subject may be well considered and well treated.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Why not cut the Gordian knot by embracing Islam? You will be free from these difficulties.

Mr. Lalchand Navalrai: I will do it under certain conditions which you will not like. Let us see first what your Pakistan is like. But this is an important question that we are considering. You have committed yourself—and here I am addressing the Government—to its consideration, and it is at a stage where you have again asked for opinions and re-circulation. You will not be losing anything if you take this to the Select Committee. Therefore, I say, take it to the Select Committee, consider it there, do as you have already done in the case of the other Bill, call some Pandits and other gentlemen who can help us in elucidating certain points, and then bring this to the stage at which the other Bill stands. Then take both the Bills together and pass the one which is suitable. If you don't do that, you will not be doing wrong to Mr. Deshmukh only, but you will be doing wrong to those people who want that this question should be further considered.

I submit that there are opinions—I wonder if even Bhai Parma Nand has read them all—which say that they do not understand the Bill. We will take them one by one and scrutinize them in the Select Committee. I do not know what is the opinion of the Honourable the Law Member—of course he is bound down by the opinion of his Government, but he can induce the Government and persuade them to bring this Bill to the same stage at which the other Bill stands. Don't nip this in the bud. That would not be right and fair. Just because you are strong you should not defeat the other party. Consider it is what I would suggest.

If the Bill goes before the Select Committee, I will give my views there, whatever they are. I am not one of those who will stand away. That is a reply to satisfy my friend who has put me on the Select Committee. So far as the merits of the Bill are concerned, there are certain suggestions which I will make.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Make those suggestions in the Select Committee.

Mr. Lalchand Navalrai: Yes, I will do so if you will guarantee that and move the Government with all your votes and Congress votes.

Mr. Chairman (Syed Ghulam Bhik Nairang): The Honourable Member may proceed with his suggestions.

Mr. Lalchand Navalrai. What I submit is this: At present we are not in possession of all the facts and we do not know what is really wanted by my Honourable friend, Mr. Deshmukh. I put him a question: "What do you mean by *gotra*? Is it defined anywhere?". I do not find it defined in the Hindu Law. It has several meanings and there are several interpretations of it, and I will presently tell you what they are. As I have said, I asked him what was the meaning of the word *gotra*. He said: "There are opinions on it." Of course there are, but they are not Pandits and they are not legislators.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): May I know the interpretations—you say they are more than one—of this word, *gotra*?

Mr. Lalchand Navalrai: I am telling you what it is. I am not a Pandit. I wish you had spoken first; I wanted to hear myself.

Then, Sir, he has not given the meaning of *pravar*, he has not given the meaning of sub-caste. We understand it, but there is some difference in interpretation there too. So far as *gotra* is concerned, I asked him and he replied: "*Gotra* and *pravar* mean those marriages which take place between the house of a preceptor and that of a disciple; these are invalid according to the Hindu

Law." He further said that by using the words *gotra* and *pravara* he wants to remove that restriction. Perhaps he expects that I am at one with him. No. Customs were different in the olden days; people used to have great respect for the preceptors, and I think it was wise in those days not to have marriages between the families of the preceptor and those of disciples. That stands to reason. But where are those preceptors and disciples now? I do not think Pandit Nilakantha Das will say that that practice of preceptors should be held valid.

Pandit Nilakantha Das: It has nothing to do with it.

Mr. Lalchand Navalrai: You may say so, but here is the meaning which Mr. Deshmukh has given.

So, I say, Sir, that the meanings and interpretations of these words should be made clear. What is *gotra*? I ask my Honourable friend the Law Member? He comes from that part of the country where religion is given great importance and there have been many reformers—good reformers—in Bengal as well. What I understand of this word is 'original ancestors'. I may be absolutely wrong, but that is what some people take it to mean. I want that to be cleared. It is also said that in the word *gotra* comes the *sapinda* and *sagotra*. And they again are divided. Again what is *sapinda* and what is *sagotra*? *Sapinda*, they say, are marriages within certain degrees—there are four degrees—which are illegal. Some section of opinion says that *sapinda* means invalidity beyond certain degrees in the ancestral line

The Honourable Sir Sultan Ahmed: *Sapinda* means that?

Mr. Lalchand Navalrai: It may not; that is why I am asking you to come and help us; otherwise different people will be saying different things and we will all be divided.

Then, *sagotra* means from the same ancestor, however high. Sind is also involved in this and this is the view of the Sind Government, which I will read with your permission:

"The Government of Sind while not opposed to the general principle of the Hindu Marriage Disabilities Removal Bill, consider that the Bill, as it stands, is liable to the interpretation that marriages between *sapindas* are also valid, although that does not seem to be the intention of the author. In order that there may not remain any room for doubt, they desire that the Bill should be so amended as to make this point quite clear. This can be done by adding the words "who are not *sapindas*" after the word "*pravara*" occurring in clause 2 (a) of the Bill. They also desire that a new clause may be added to the Bill laying down that a marriage between *sapindas* who are caste Hindus is invalid and the parties to such a marriage should, on conviction, be punished with imprisonment extending to one year or fine or both."

There seems to be a misunderstanding about *sapindia*, *gotra* and *sagotra*, and the place where these difficulties can be explained properly and we can reach some conclusion is the Select Committee. That is what Mr. Deshmukh is striving for and I support him there.

Further on the District Judge of Hyderabad has also given his opinion—he says:

"So far as Sind is concerned this restriction of *Gotra* or *pravara* is not followed."

In other words they do not wait to see whether the husband and wife were connected with some original ancestor of any degree. We have come to a certain degree when we see merely whether the marriage is good or bad. I cannot understand this definition and perhaps if the Law Member gets up and says: "This is the meaning of *sapinda* or *gotra* or *sagotra*", he may succeed; how can I contradict him? But in Select Committee there will be some Pandit like Mr. Mukherjee from Bengal or Mr. Deshpande from Benares, who helped us so much. They will tell us whether the Government's interpretation is right or wrong. Therefore we will be doing wrong to the Mover of the Bill if we shelve the Bill now and do not proceed further with it.

As regards sub-caste, I was also wondering whether any definition of sub-caste is needed or not. In Sind there is no sub-caste at all; they are all castes; but subsequently I became aware that Bhatiyas are a sub-caste—they are Hindus but they call themselves Bhatiyas; formerly they were not intermarrying with

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Vaishyas or with any one who was not a Bhatiya, but lately I have seen that a Bhatiya woman was married to a Vaishya. As far as Brahmins are concerned, in the part of Sind where I come from, I do not find Brahmins very strict: perhaps in eating and drinking they may be strict. I cannot say if they are doing it on the sly; but of course in Bengal the Bengalis eat fish, which on our side they will not; but these are questions apart. There are not many sub-castes among the Brahmins in Sind; therefore I say that the Government should consider and reconsider their position. Do not take the Bill away because you feel you are strong today. I must say it is the fault of the Congress members also, because when they were there and joined hands you knew where you were; and I am glad they showed you the other day that you are not going with the opinion of the public. I would therefore appeal to our present Law Member and also to the other Law Member "Hindu law Member"—Sir Sultan Ahmed—who showed us ability of more than a Hindu in that Intestate Bill Select Committee, and also to his other colleagues to allow this Bill to go to the Select Committee.

Mr. Kaisash Bihari Lall (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadian): I would not have risen but for the fact that during the discussion a tempest was raised in a teapot. The measure is such a small one, such an unimportant one that I thought it might even go unnoticed when the Mover had moved the motion, but it has roused some interest especially when the aid of pandits was invoked in this House. The aid of religion also was brought in. So, I am reminded of a story where in a kingdom the king's maid servant, went to a washerman's house to bring some washed clothes. There she found the washerwoman weeping. So, the maid servant came to the king's palace weeping. The queen asked, why are you weeping. The maid servant replied, the washerwoman was weeping and so I am weeping. The queen also began to weep. When the king saw this and asked the queen, the queen said that she was weeping because the maid servant was weeping. The king then began to weep. The whole kingdom began to weep. The prime minister saw this and asked the king why he was weeping. The king replied that he was weeping because the queen was weeping. When the prime minister asked the queen, the queen said she was weeping because the maid servant was weeping. When the maid servant was asked, she said she was weeping because the washerwoman was weeping. When the washerwoman was asked, she said, "I am weeping because my dear donkey is dead". So that was the cause of the whole kingdom weeping! I do not know why in such things the aid of religion is invoked, the aid of pandits is invoked. Cannot some of us who have suffered at the hands of the pandits legislate ourselves? Why do you want the aid of pandits who made laws in which there were different sets of punishment for the same offence? If a sudra commits a wrong, the punishment is his ear should be chopped off, or his ear should be stuffed. If the same offence is committed by a Brahmin he goes unpunished. Do you want the aid of such pandits? You should consider that you are sitting here as legislators, what the pandits used to do in the days of old you are required to do now. You are as good pandits as those of old, to make laws. In those days you could get pandits and *sastris* who could give a lead in the matter of legislation. They always made laws according to the circumstances of the country. Where the society is living there is always amendment. Even in this House when a law was enacted six months before, you want some amendment in it even within six months. That shows that you are alive and a living people. You can legislate for yourself, you can adapt yourself to the changing circumstances. When you require some change, some progressive step to be taken, why invoke the aid of pandits of 5,000 years before, Yagnyavalka, Parasara and so on. Why should you always look up to them for help. When they made those laws they little knew that circumstances would change. When you enact a law, you require change in it even within a year. Those pandits were all human beings, they were not gods, they were not superhuman beings. Only those who are mentally slavish think that they are superhuman. But even

superhuman beings have got a limitation. You should not always look to them. You should look around yourself, you should look at the condition of society now. If you think that there is need for a change, you bring it about. If you think that the change is not good, do away with it. Make that the only test; don't depend upon the pandits of 5,000 years ago. That is the spirit in which I am pressing before the House this piece of legislation by Mr. Deshmukh.

Mr. Lalchand Navalrai has spoken too much. The points which he has raised may well have been raised in the Select Committee itself. He has tried to clarify these words, *sagotra*, etc. I am also in doubt what is a *sagotra*, because these are the words that are playing havoc. Most of us do not know even what *gotras* we belong to. To-day I was enquiring of a friend of mine about his *gotra*. He said he belonged to *Vatsa gotra*, I know among *Vatsa* there are many brahmins and vaishas, sudra, etc. I am *vatsa gotra*, I do not know whether I am a brahmin or a sudra. I may be called a sudra according to some. So, you see people of different castes may be in one *gotra*. If *sagotra* is a descendant from a common ancestor, persons of different castes become descendants of that one common ancestor. So, it is anomalous to-day this *sagotra* business. Most people do not know, but those who are so much wedded to custom, they are welcome to cling to it. But why stand in the way of others who want this change? It is in this spirit that I place before the House this proposition. You can discuss in the Select Committee whether this change will affect society.

The question of prohibited degrees has been raised. Mr. Lalchand Navalrai has tried to explain what is a *sapinda*. *Sapinda* means those who are entitled to offer *pinda*. Those who are entitled to offer *pinda* cannot marry in certain cases because nearness in the relationship is prohibited for marriage. These things can be discussed in the Select Committee and we can fix some degree of prohibition in that regard amongst *sagotras*. It is absurd in these days to invoke the aid of the pandits. I could have said many more things, if Mr. Lalchand Navalrai had not taken so much time. I whole-heartedly support the motion. My Honourable friend here reminds me of a point. There are castes which marry among *sagotras*. Among *Kayasthas* the custom is a *Srivastava* marries only among *Srivastavas*. In the present days people have begun to marry among their own *sagotras*. I submit that we should be a little cautious in invoking the aid of religion or of pandits.

Pandit Nilakantha Das: Do all *Srivastavas* belong to the same *gotra*?

Mr. Kailash Bihari Lall: I do not know. This is only what I can tell you. So, a good many meaningless things are there in the *Shastras* over which

Mr. Umar Aly Shah may beguile your time by delivering discourses
4 P. M. in his leisure time. But so far as I am concerned, I feel we should think about them and we should cautiously apply that in our practical business, because those are obsolete things. Those who have got some attraction or over-attraction for them may cling to them and take pleasure in them but when it concerns the public well-being they should be true to themselves and to society and give a proper lead. With these words, I support the motion for referring the Bill to a Select Committee.

Pandit Nilakantha Das: We are in the midst of an amusing debate. I am reminded of a story. Once a legislator like me went into the villages for some canvassing or other purposes. That village had a temple. Inside the temple there was some stone with some marks of vermilion and the temple was made of unhewn stones. Then the legislator said that such temples and such deities may not attract people. He said 'You must have a temple made of good stones and spend some money. You should decorate it'. Then the priest said 'You are a legislator. You just have a permissive Act saying that all Hindus may visit temples made of unhewn stones.' This Bill seems to be something like that.

From the various speeches, it appears that among 90 per cent of the Hindus, marriages inside the *gotra* and even among sub-castes are going on from immemorial times. I do not know what sub-caste exactly means. That is a very

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difficult controversial question and I agree with my friend, Mr. Lalchand Navalrai, that the *gotra* is also very difficult to interpret. Anyway if the *sagotra* marriages are so common, there must be case laws in hundreds where on account of *sagotra* marriages children have been disinherited by the courts. If some such difficulty is put forward, then there is some cause for action to be taken.

It may be that the *sagotra* marriages were enjoined as an ideal to avoid consanguinity, that is blood relation. We are always wanting some reform in the political or economic sphere and if we cannot do anything there, for which we always hanker, then we begin to kick the society and social institutions, for which there is no protection. I should like to know whether in a good number of cases children have been definitely disinherited on account of *sagotra* marriages. I know that marriages among cousins are not allowed according to Hindu law. That may be the Hindu ideal but I know that cousins marry and even in the Dravida country. The exception is provided:—

“*Dakshine Mātulā Kanyā.*”

“Maternal uncle's daughter is bride in the South.”

The maternal uncle's daughter is married and even sister's daughter is married among the Brahmins. (*An Honourable Member*: “No.”) I know all these things, do happen. You know our late friend, Mr. Duraiswami Aiyangar. His son has married to his sister's daughter. I went to his house and I know this personally. (*An Honourable Member*: “He may belong to the Pandit class”.) Whatever it is, it is a fact. It is permissive. It was the custom among the non-Brahmins in the Dravida country and for over a hundred years or more the Brahmins have taken it up. If that is so, I should like to know definitely if there is any difficulty on account of these marriages. Then only there is a necessity for proposing what you call a reform. I do not know what kind of reform this is.

The Bill proposes three things. One is marriage among the *sagotras*. Another is marriage among sub-castes and the third thing is that such people do not like to marry under the Civil Marriage Act. There is an outlet in the Arya Samaj. If he wants to marry, as he desires, he can go over to the Arya Samaj or Brahma Samaj, or take to civil marriage. He may marry in the same *gotra* or in what he may call sub-caste. Where is the necessity of our passing this law? Then again, a man marries a *sagotra* only when he likes to marry his cousin, or some such near relation. He does not come from Orissa to marry a *sagotra* in Sind. This being the case, if you exclude *sapindas* or near *sagotras*, what is the use of this law? It is useless. It is only for *sapindas* and such other near relationship by blood that *sagotra* marriages might take place in families where it is not allowed. If you exclude *sapindas* you yourself kill your own Bill.

Then how many people are affected? If half a dozen people in India want to marry their *sapinda* or *sagotra*, what is the necessity of this Law. Even if there is a difficulty, let them go to the Arya Samaj where a man can become of any caste. Then, there is the Civil Marriage Act. So, this Bill is really ununderstandable to me.

Then, the question of sub-caste marriage. It is a very difficult proposition. Does he mean to say that the Hindu society consists of four castes only? Can a Marwari Vaishya marry the girl of a Bhatiya Vaisya caste? Is it to be allowed under this Bill? So, it is a very complicated question. Apart from the fact that we may call ourselves reformers, it will perhaps create more complications than already exist even in the proceedings of the law courts. More law suits are bound to crop up. So, why have all these difficulties in the name of reform. What kind of reform is this? I really fail to understand.

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

Whenever anything in the nature of a social reform is under consideration, religion is always attacked. But our religion, as I have already said, is guided

by certain norms and ideals. All people are not expected to attain that ideal. Those who want to marry their cousins are quite welcome to do it.

Mr. Govind V. Deshmukh: You have thoroughly misunderstood the whole thing. I have made it clear that *sapindas* are excluded. I have excluded seven degrees on either side, but you have no sense to understand it.

Pandit Nilakantha Das: If you exclude seven degrees then there is no necessity for this legislation. They must know the girl before they marry. That is my contention. Therefore, I say it is not necessary to tamper with the ideal of the society which guides the Hindus and the Hindu religion. It is very difficult to compare the Hindu religion with Christianity or Muhammadanism, because they are not one and the same thing. In Islam and Christianity you have got injunctions by revelation but in Hinduism you have got sayings of wise men which are based on the experience of ages. They are two different things and you should not mix them up. If there is a real necessity, you should make out a case for it. Even in the last Succession Bill, there was no case for a daughter's share. When it was asked whether you have analysed the wills for the last 50 years to find out when property was given to the daughters, there was no reply. Sir, we are not averse to passing laws. We are here to make laws for the good of the society. But where is the case for such a law? Why do you unnecessarily want to disturb the society, the religion and criticise Pandits? I do not understand why you should abuse them. With these words I resume my seat and I hope my friend the Mover of this Bill will act more sensibly.

The Honourable Sir Asoka Roy (Law Member): Sir, I regret I must oppose this motion of my Honourable friend, Mr. Deshmukh. I wish to make a brief speech but I hope I would be able to give the House convincing reasons for rejecting this motion. Honourable Members are aware that Government have accepted the recommendation made by the Hindu Law Committee for the codification of the Hindu law by stages. Government have also accepted the Committee's proposal that the law of marriage should come next in priority to the law of succession. Honourable Members are also aware that pursuant to that view, the Marriage Bill, prepared by the Hindu Law Committee, was introduced in this House on the 2nd of March, 1948 along with the Succession Bill. Though Government have not found it convenient in existing conditions to proceed further with the Marriage Bill, I do not regard that circumstance as militating against the view which I firmly hold that when we have comprehensive legislation on the anvil, we should not introduce piecemeal legislation.

But, Sir, even if I were not impressed by this general consideration that piecemeal legislation should not be undertaken when comprehensive legislation is on the anvil, I would still oppose the Bill as it does not merit support. The only operative clause in the Bill is clause 2 and it runs in these terms.

“Notwithstanding any custom, rule or interpretation of the Hindu Law, a marriage, which is otherwise valid, shall not be invalid because—

- (a) it is between Hindus belonging to the same *gotra* or *pravara*; or
- (b) it is between Hindus belonging to the different sub-divisions of the same caste.”

Honourable Members, I think, know that, it is now settled law that a marriage between persons belonging to different sub-divisions of the same primary caste is not invalid. The provision contained in clause 2 (b) is therefore wholly unnecessary. Clause 2 (a) does, however, seek to introduce a change in the existing law, and, Sir, only in view of the fact that Hindu opinion on the merits of the proposal contained therein is sharply divided, I feel I cannot lend the support of Government to this measure. Sir, I am very glad that this motion has been so fully discussed on the floor of the House. We have had many Honourable Members addressing the House on the motion for referring the Bill to the Select Committee and even in the House we find Honourable Members are sharply divided in their opinions. My Honourable friend, Mr. Umar Aly Shah, quoted Sanskrit texts and I hoped that would serve the purpose of encouraging and inducing my Honourable friend, Mr. Govind Deshmukh, to abandon his motion. Mr. Lalchand Navalrai told the

[Sir Asoka Roy.]

House that he did not understand what Mr. Deshmukh's Bill meant, but all the same he said. "let us take the Bill to the Select Committee and there I will try to understand it". I should have thought that if Mr. Deshmukh's Bill was so worded and was so vague that Mr. Lalchand Navalrai a well known Advocate of Sind could not understand it or make any sense out of it, he would have been the first person to oppose the motion for reference of the Bill to the Select Committee. But he said. "let us by all means take it to the Select Committee, we shall call in a number of Pandits, we shall call in a number of legal experts and ask them to examine the Bill and explain it."

Mr. Lalchand Navalrai: We will examine you in the Select Committee.

The Honourable Sir Asoka Roy: If the Bill goes to the Select Committee, I shall be the Chairman. May I now refer, Sir, to a very significant fact. The Hindu Law Committee when drafting the Bill on Marriage considered the matter of *sagotra* marriages very carefully and they came to the conclusion that the proper way to deal with the matter would be to leave the law as it is and in clause 4 of their Bill when dealing with the requisites of a sacramental marriage, they proceeded to lay down that a sacramental marriage may be solemnised between any two Hindus upon the following conditions—I will not read all the conditions but only the relevant ones—both the parties must belong to the same caste and if the parties are members of a caste having *gotras* and *pravaras*, they must not belong to the same *gotra* or have a common *pravara*. Now having laid that down, they provided in clause 7, that "no sacramental marriage solemnised after the commencement of this Act shall, after it has been completed, be deemed to be, or ever to have been invalid merely by reason of one or more of the following causes, namely, that the parties belonged to the same *gotra* or had a common *pravara*". In other words, they thought it would be enough to rely on the doctrine of *factum valet* to validate these marriages. But the point I am stressing is that the Committee after having given the most anxious consideration to this matter of marriages between persons belonging to the same *gotra* came to the conclusion that they should not attempt to alter the law in that respect so far as sacramental marriages were concerned. Honourable Members are aware that persons who do wish to marry in the same *gotra* need not go through a sacramental marriage. It is open to them to marry under the Special Marriage Act, if they do not wish to observe the Hindu law rule which prohibits marriages between persons of the same *gotra*. The matter is entirely in their hands. But they have no right to come to the Legislature and say "We will marry in the same *gotra*, and our marriage must be recognised by Hindu law as a proper and valid sacramental marriage". The Hindu Law Committee have provided very thoughtfully for cases where a person has married, perhaps unknowingly, another person belonging to the same *gotra* and the clause 7 lays down that in cases where the marriage has been completed and has been otherwise properly performed, the mere fact that the two persons who solemnized the marriage were persons of the same *gotra* should not invalidate the marriage altogether. That, I submit, Honourable Members of this House would agree is as far as one could go, without unduly interfering with the Hindu law. There was some doubt as to whether a marriage which had already taken place between two persons belonging to the same *gotra* could be held valid under the doctrine of *factum valet*, but in order to put that matter beyond doubt, the Hindu Law Committee thought it proper and necessary to make the provision contained in clause 7 of the Bill.

Sir, I do not wish to inflict a long speech on the House, after this motion has been so fully discussed. I shall conclude by summarising my reasons for asking the House to reject this motion. My reasons are these: piecemeal legislation should not be undertaken when comprehensive legislation is on the anvil, Hindu opinion is sharply divided on the merits of the Bill, the Special Marriage Act is available to those who wish to marry within the same *gotra* and it is not open to them to come to the Legislature and say, "though we have a right to marry under the Special Marriage Act, we insist upon a

sacramental marriage and we want you to change the law for our benefit'. Lastly I think controversial legislation of this nature should not be undertaken in existing circumstances. That is all I desire to say.

Mr. Govind V. Deshmukh: Sir, the matter has been very much simplified and the Honourable the Law Member has answered Pandit Nilakantha Das and Bhai Parma Nand. Pandit Nilakantha Das said there was no such necessity, people were marrying and there was no complaint. But the voluminous opinion that I cited was of the view that there was need for this legislation. And now I have derived support from the Honourable the Law Member. He has referred to the Marriage Bill that was introduced but God knows when it will be referred to the Select Committee. The section in the Marriage Bill contains the restriction as regards *gotra* but it provides a way out by the application of the doctrine of *factum valet*. They have seen the necessity of this doctrine to validate marriages that take place nowadays. That point is clearly established by what has fallen from the Law Member. Pandit Nilakantha Das said that he saw no need for this legislation because people of the same *gotra* are entering into these marriages and no one goes to court. According to him, I suppose, if a person wants to build a house he need not take any precautions against fire because the house is not yet burnt. I am also surprised that Pandit Nilakantha Das does not know the distinction between *sagotra* and *sapinda*. I said that *sapindas* are excluded and blood relationship (which means *sapindas*) to the 7th degree on the boy's side and 5th degree on the girl's side are excluded from the purview of this Bill. If Pandit Nilakantha had the slightest intelligence to understand the distinction between *sapinda* and *sagotra* he would not have made such a foolish speech. But you cannot expect anything better from such a pandit as my Honourable friend who in a lecture in the Sanskrit College said that the Sanskrit language is not a pure language. Pandits who can go to that extent can say anything but it will not be swallowed by people who know anything about it. So whatever the Pandit said is not worth answering; it is beneath contempt.

Then Mr. Umar Aly Shah is a man learned in Sanskrit literature but when Bhai Parma Nand says that we should take the help of pandits, I have to say it is no use taking the help of any pandit. In my opening speech I said that if I rely on Manu Smriti some one says he does not agree with that but there are other Smritis. If the pandits quarrel among themselves what are we to do. So, for one purpose they will rely on one Smriti and for another purpose they will rely on another. So the Smritis may be left where they are; they are contradictory and the interpretations are conflicting.

I have shown that there is a volume of opinion behind me. It was suggested, however, that they may not be very learned and educated people. In reply to that I mentioned the opinion of the Dharma Nirnayak Mandal of Bombay who said that having regard to the needs of the Hindu Society this prohibition of marriage among *sagotras* should be abolished. That view is found on page 42. It is a body composed of very highly educated people like Professor P. V. Kane who as an authority was consulted by Government on the Hindu Intestate Succession Bill, and also Mr. N. G. Chaphekar and Mahamahopadhyaya Sridhar Sastri Pathak. These gentlemen who are well versed in ancient Shastras have said that this prohibition against *sagotra* marriage should be abolished. Imagine a person living in Kashmir who belongs to the Kashyap *gotra* and another person in Madras having the same *gotra*. They cannot marry although for hundreds and thousands of years they have never seen each other and there may not be one drop of common blood in them, and if they marry the marriage will be considered to be invalid. So the absurdity of the rule is such that no reasonable person can support this. It was all right in those early days when the communities moved in small tribes. As a matter of fact when the Aryas came they came in small tribes. They could not marry in their own tribe. There used to be a few families in one tribe moving from place to place and they evidently wanted to marry persons from other tribes on the grounds of eugenics and may be they thought that they must secure brides as prizes from different tribes. Anyhow, the

[Mr. Govind V. Deshmukh.]

fact is that thousands of years ago those tribes—though cultured, not nomads, but agriculturists—had these laws and these cannot hold good in these days when the society is not really agricultural. Of course the majority is living on agriculture, but people have to move from place to place in search of service or living of some sort and it is not possible now-a-days to ascertain the *gotras*. Therefore, as pointed out by me from the opinion of one of the persons, in these days it is very necessary to abolish this rule. *Varnashrama dharma* was quoted by my friend, Mr. Umar Aly Shah. It has nothing to do with it. According to *Varna* or *ashram* if a person of that *varna* or *ashram* does not behave according to the rules it may be that Mr. Umar Ali Shah will consider him *chandal*. If you were to take this into consideration, I may say that there is no person who is not a *chandal*. There are very few persons who are behaving according to the dictates of the rules laid down by the old *rishis*. Now-a-days there is only one *Ashram* and that is *Grihasthashram* and only one *varna*—call it *Vaishya* or *Sudra*. No Hindu acts according to the old rules of conduct laid down by Munis for the Hindus. Sir, as I have already said, a hackneyed argument is advanced that Assembly is not the place for legislation, and yet I find that everybody—even in the matter of social reforms—comes here. In these days new customs cannot be created to over-ride the existing customs. If things contrary to the existing customs are introduced, those affected at once take recourse to the court of law. Therefore no custom can be created, however, suitable it may be to the times. And, therefore, the only hope lies in legislation. I cannot understand the argument of those who come here for legislation for other purposes when they say in a matter like this: "Oh, leave this Hindu society alone".

Now, I come to the arguments advanced by the Honourable the Law Member. He says, this Bill is not necessary first of all because there is already a comprehensive Bill. Well, my blessings are for that Bill, but the trouble is that you do not refer it to the Select Committee. I cannot understand why it should not be referred to the Select Committee and why it is postponed from time to time. The Hindu Intestate Succession Bill is not going to come into force till 1946. So why not refer this Bill to the Select Committee. I have always said, and I repeat it now, if you refer your Marriage Bill to the Select Committee, I would be willing to withdraw mine. If I am able to get an answer to that now, I will withdraw my motion. May be, this is meant to extract from you a confession. Why are you not referring that Bill to the Select Committee? May be, it is a move to get an assurance from the Government that that Bill would be referred to the Select Committee. I do not know whether I can get an answer out of the Government Benches. If there is no answer, then I am not prepared to withdraw this. Of course, I know what the fate of this Bill would be. I know it very well, but I am glad that the public outside this Assembly knows what views are held by different persons and different organisations, and they also know the views of the Government. The women, who have given their wholehearted support to this Bill, will also know how far the Government is prepared to go, and how dilatory procedure the Government follows in moving in social matters. All that I can say is that if you don't refer your own Bill to the Select Committee soon, the social reformer section will begin to think that the sympathy which the Government is showing is merely lip sympathy. They know how the Government has proceeded, and they will find that Government is really slow to move in the matter. If you don't wish to be suspected of any such charges against you, then you must tell me that you wish to refer your own Bill to the Select Committee.

I should have been very glad if I could have some authoritative opinion about this *factum valet* principle. In the case of adoption it has been made applicable, but in the case of marriage it has not been so made, and let me tell you that the sooner you bring your own measure or support my motion, you would be doing a very good service to persons who are in high position—I do not wish to disclose names—but who not having known the law, married amongst the same *gotra* and if I may say so the cry comes very loudly from

Bengal—I do not wish to disclose names; but it is from that province that this reform is very much demanded; and it was said that I should press to have this motion carried, or if not, at least discussed on the floor of the House. I wish the Law Member had said something more about this *factum valet* principle in the case of marriage. They would have a little hope, if he could, refer to some cases, cases which have come to his notice, that *factum valet* can be made applicable. I know it has been said generally that where the conditions laid down are directory and not mandatory the principle of *factum valet* will apply. But there are some who think that this injunction as regards prohibition of marriages is merely directory and not mandatory. But there seems to be a different interpretation made by different Smṛiti writers. Therefore, if any authoritative view had come from the Law Member of this Government, that *factum valet* is applicable in such cases, those persons who are anxious that this Bill should be passed, would have been really very glad. As a matter of fact there are men from Bengal and Jubbulpore who have specifically said. . . .

The Honourable Sir Asoka Roy: May I just interpose for a minute? I do not know if it will satisfy the Honourable the Mover if I were to say, that I shall do whatever is possible to try and have the Rau Committee's Bill on Marriage referred to the Select Committee in the next Session. I cannot commit the Government altogether; but I think it very likely that the marriage Bill will be brought up at the next Session and taken to its next stage. That is all I can say at the moment and I hope that will satisfy the Honourable the Mover, and he will not press his motion.

Mr. Govind V. Deshmukh: I am satisfied with the assurance given; and in view of that I beg leave to withdraw this motion. But let me point out that there is a great urgency.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): Why did not the Law Member make this statement before? It would have saved a lot of time.

The Honourable Sir Asoka Roy: Because the Law Member thought it proper to have this motion debated in the Assembly.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable the Mover the leave of the House to withdraw his motion?

(Voices: "Yes, yes.")

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

The Assembly then adjourned till Eleven of the Clock on Friday, the 12th November, 1948.