

6th February, 1947

THE
LEGISLATIVE ASSEMBLY DEBATES
Official Report

Volume 1, 1947

(3rd February, 1947 to 18th February, 1947)



THIRD SESSION
OF THE
SIXTH LEGISLATIVE ASSEMBLY
1947

Chamber Designated 18.7.73.



LEGISLATIVE ASSEMBLY

President :

The Honourable Mr. G. V. MAVALANKAR.

Deputy President :

Khan MOHAMMAD YAMIN KHAN, M.L.A.

Panel of Chairmen :

Syed GHULAM BHIK NAIRANG, M.L.A.

Mr. P. J. GRIFFITHS, M.L.A.

Sardar MANGAL SINGH, M.L.A.

Shrimati AMMU SWAMINADHAN, M.L.A.

Secretary :

Mr. M. N. KAUL, Barrister-at-Law.

Assistant of the Secretary :

Mr. A. J. M. ATKINSON.

Mr. HASAN MOHAMMAD KHAN.

Mr. N. C. NANDI.

Marshal :

Captain Hajee Sardar NUR AHMAD KHAN, M.C., I.O.M., I.A.

Committee on Petitions :

Khan MOHAMMAD YAMIN KHAN, M.L.A. (*Chairman*).

Syed GHULAM BHIK NAIRANG, M.L.A.

Shri SRI PRAKASA, M.L.A.

Mr. C. P. LAWSON, M.L.A.

Sardar MANGAL SINGH, M.L.A.

CONTENTS

Volume I—3rd February, 1947 to 18th February, 1947

MONDAY, 3RD FEBRUARY, 1947

Members Sworn	1
Starred Questions and Answers	1—30
Unstarred Questions and Answers	31—39
Statements laid on the table	39—54
Motions for Adjournment <i>re</i> —	
Attack by tribesmen on citizens of Hazara District—Disallowed	54—57
Searches and arrests of members of Communist Party, Kisan Sabhas and Trade Unions all over India—Disallowed	57—59
Strike by School Teachers in Delhi—Not moved	59
Restrictions imposed by the Press (Special Powers) Ordinance—Disallowed	59—60
Discrimination against Muslim League News by All-India Radio—Ruled out of order	60—61
Lending of Troops to the Panjab Government—Disallowed	61—62
Interference by the Panjab Government with the Privileges of the Assembly by Detaining Members and preventing them from attending the session—Ruled out of order	62
Massacre of Muslim Apprentices in the Jamalpur Workshop of East Indian Railway—Ruled out of order	63—64
Statement of Business	64
Governor General's Assent to Bills	64
Papers Laid on the Table	64—65
Industrial Disputes Bill—Presentation of the Report of Select Committee	65
Foreign Exchange Regulation Bill—Presentation of the Report of Select Committee	65
Indian Navy (Discipline) (Amendment) Bill—Presentation of the Report of Select Committee	65
Motor Vehicles (Second Amendment) Bill—Presentation of Report of Select Committee	65
Motor Vehicles (Amendment) Bill—Presentation of the Report of Select Committee	65
Rubber (Production and Marketing) Bill—Discussion on the motions to consider and to refer to Select Committee—not concluded	66, 92—94
Railways (Transport of Goods) Bill—Introduced	66
Negotiable Instruments (Amendments) Bill—Introduced	66
Explosives (Temporary Provisions) Bill—Introduced	66
Delhi and Ajmer-Merwara Rent Control Bill—Introduced	66
Sugar (Temporary Excise Duty) Bill—Introduced	67
Prevention of Corruption Bill—Passed as amended	67—91
Indian Extradition (Amendment) Bill—Passed as amended	91—92

WEDNESDAY, 5TH FEBRUARY, 1947 --

Starred Questions and Answers	95—122
Unstarred Questions and Answers	122—23
Motion for Adjournment <i>re</i> —	
Imposition of Punitive Fine and taking of Hostages from Nandihar Tribes—Negotiated	123—24
Negotiated	153—68
Nomination of the Panel of Chairmen	124
Committees on Petitions	124
Press Special Powers Bill—Introduced	124
Rubber (Production and Marketing) Bill—Referred to Select Committee	125—38
Coffee Market Expansion (Amendment) Bill—Passed as amended	138—44
Factories (Second Amendment) Bill—Passed as amended	144—51
Indian Railways (Amendment) Bill—Discussion on the Motion to consider—not concluded	151—52

THURSDAY, 6TH FEBRUARY, 1947,—

Starred Questions and Answers	169—98
Unstarred Questions and Answers	198—208
Special Marriage (Amendment) Bill—Referred to Select Committee	208—28
Delhi Sikh Gurdwaras and Religious Endowments Bill—Motion to refer to Joint Committee—Adopted	228
Hindu Inter-Caste Marriage Regulating and Validating Bill—Circulated	228—39

Indian Companies (Amendment) Bill—Amendment of Section 86-F—Referred to Select Committee	239—40
Delhi Muslim Wakfs (Amendment) Bill—Introduced	240
Criminal Tribes (Repeal) Bill—Introduced	240
Indian Evidence (Amendment) Bill—Introduced	240
Code of Criminal Procedure (Amendment) Bill—Amendment of Sections 161 and 162—Introduced	241
Indian Bar Councils and the Legal Practitioners (Amendment) Bill—Introduced	241
Criminal Tribes (Amendment) Bill—Introduced	241
Indian Companies (Amendment) Bill—Amendment of Sections 25, 31 32, etc.—Introduced	241
Code of Criminal Procedure (Amendment) Bill—Amendment of Sections 250, etc.—Introduced	242

FRIDAY, 7TH FEBRUARY, 1947,—

Starred Questions and Answers	243—84
Unstarred Questions and Answers	285—91
House Committee	291
Point of Order <i>re</i> Resolution <i>re</i> Release of Indian National Army Men and Political Prisoners	291—95,326
Resolution <i>re</i> Control of Industry by Aliens—Withdrawn	295—317
Resolution <i>re</i> Programme of Crop Insurance—Withdrawn	317—26
Statement of Business	326

MONDAY, 10TH FEBRUARY, 1947,—

Member Sworn	327
Starred Questions and Answers	327—51
Unstarred Questions and Answers	351—52
Election of a Member to the Court of Delhi University	352—54
Indian Legislature (Prevention of Disqualification) Bill—Introduced	354
Imports and Exports (Control) Bill—Introduced	354
Indian Railways (Amendment) Bill—Passed as amended	354—55
Railways (Transport of Goods) Bill—Referred to Select Committee	355—63
Foreign Exchange Regulation Bill—Passed as amended	363—73
Indian Navy (Discipline) (Amendment) Bill—Passed as amended	373—75
Sugar (Temporary Excise Duty) Bill—Passed as amended	375—78
Industrial Disputes Bill—Discussion on the motion to consider —not concluded	378—89

TUESDAY, 11TH FEBRUARY, 1947,—

Member Sworn	391
Starred Questions and Answers	391—417
Short Notice Questions and Answers	417—20
Papers Laid on the Table	420
Industrial Disputes Bill—Consideration of Clauses—not Concluded	421—55

WEDNESDAY, 12TH FEBRUARY, 1947,—

Starred Questions and Answers	457—90
Unstarred Questions and Answers	490—94
Short Notice Question and Answer	494—95
Appointment of the Honourable Dr. John Matthai to perform Functions of the Finance Member at Railway Budget—General Discussion	495
Declaration Directing Certain Budget Heads of Expenditure open to Discussion by the Legislative Assembly	495
Industrial Disputes Bill—Consideration of Clauses—not concluded	495—528

THURSDAY, 13TH FEBRUARY, 1947,—

Starred Questions and Answers	529—56
Unstarred Questions and Answers	557
Election of Member to the Court of Delhi University	557
Report on the Conditions of Labour in Coal Mining Industry in India—laid on the table	558
Armed Forces (Emergency Duties) Bill—Introduced	558
Industrial Disputes Bill—Consideration of Clauses—not concluded	558—91

FRIDAY, 14TH FEBRUARY, 1947,—

Starred Questions and Answers	593—619
Short Notice Question and Answer	619
Indian Arms (Amendment) Bill—Motion to circulate—Negatived	619—24
Criminal Tribes (Amendment) Bill—Passed	624—25
Code of Criminal Procedure (Amendment) Bill—Amendment of Sections 161 and 162—Motion to consider—not moved	625
Indian Bar Councils and the Legal Practitioner's (Amendment) Bill—Motion to consider—not moved	626
Delhi Muslim Wakfs (Amendment) Bill—Passed as amended	626—27
Expunging from the Proceedings of the Assembly certain remarks by Dr. G. V. Deshmukh and Sjt. N. V. Gadgil	628
Ruling <i>re</i> Entry into the Division Lobby during Division of the members of the Executive Council not being members of the Assembly	628—29
Indian Evidence (Amendment) Bill—Referred to Select Committee	631—32
Indian Companies (Amendment) Bill—Amendment of Sections 25, 31, 32, etc.—Circulated	632—35
Indian Railways (Amendment) Bill—Introduced	635
Child Marriage Restraint (Amendment) Bill—Introduced	635
Durgah Khawaja Saheb (Amendment) Bill—Introduced	635
Indian Penal Code and the Code of Criminal Procedure (Amendment) Bill—Introduced	635—36
Indian Mines (Amendment) Bill—Introduced	636
Statement of Business	636

MONDAY, 17TH FEBRUARY, 1947,—

Starred Questions and Answers	637—72
Unstarred Questions and Answers	672—77
Short Notice Question and Answer	678
Difficulty in regard to Printing of Bills due to Strike in the Press	679
Presentation of Railway Budget for 1947—48	679—94
Banking Companies Bill—Presentation of the Report of Select Committee	694
Railway (Transport of Goods) Bill—Presentation of the Report of Select Committee	695
Indian Coinage (Amendment) Bill—Introduced	695
Reserve Bank of India (Amendment) Bill—Introduced	695
Election to Committee on Public Accounts	695
Election to Standing Committee for Labour Department	695
Industrial Disputes Bill—Consideration of Clauses—not concluded	696—728

TUESDAY, 18TH FEBRUARY, 1947,—

Starred Questions and Answers	729—64
Unstarred Questions and Answers	764—65
Short Notice Questions and Answers	765—75
Ruling <i>re</i> Pandit Govind Malaviya's Resolution <i>re</i> the Release of Indian National Army Men and Political Prisoners	771—74
Resolution <i>re</i> Committee for Correlation of Government Development Plans and for the Reduction of Personnel on Financial Grounds—not moved	774
Resolution <i>re</i> Conversion of Reserve Bank of India into a State Bank—Withdrawn	774—88
Resolution <i>re</i> Release of Indian National Army Prisoners—Discussion not concluded	788—807

LEGISLATIVE ASSEMBLY

Thursday, 6th February, 1947

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Mr. G. V. Mavalankar) in the Chair.

STARRED QUESTIONS AND ANSWERS

LIABILITY OF THE CENTRAL GOVERNMENT FOR COMPENSATING VICTIMS OF COMMUN RIOTS IN PROVINCES

67. *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable the Finance Member please state if it is a fact that the question of compensating victims of communal rioting is entirely for the Provincial Governments concerned and that no compensation will be paid by the Central Government?

(b) Have Government received any requests from the Provincial Governments for monetary aid from the Central Government for the purpose of paying compensation to riot victims and for rehabilitation and relief?

(c) What amount of financial assistance, if any, have the Central Government made upto the present to the Provincial Governments in this connection?

The Honourable Mr. Liaquat Ali Khan: (a) There is no legal liability on Government for payment of compensation to victims of communal riots. The question of *ex-gratia* compensation is one for the Provincial Government concerned.

(b) One Provincial Government has included expenditure on the rehabilitation of riot victims as one of the items in consideration of which it has applied for a subvention from the Central Government. The matter is under consideration.

(c) None, Sir.

Shri Mohan Lal Saksena: May I ask which Government has done so?

The Honourable Mr. Liaquat Ali Khan: Bengal Government.

Mr. Sasanka Sekhar Sanyal: Will the Honourable Member be pleased to state whether the Government of India have any independent machinery to go into the question of this rioting including the causes and circumstances leading to incidents and following the incidents?

The Honourable Mr. Liaquat Ali Khan: The Honourable Member is fully aware of the circumstances leading to these riots.

Mr. Sasanka Sekhar Sanyal: Will the Honourable Member be pleased to state whether, after the representations were made to the Government of India in connection with this communal rioting, the Government of India have set up any machinery for assessing the situation?

The Honourable Mr. Liaquat Ali Khan: That question hardly arises out of the question which is before the House. If the Honourable Member wants to put that question, he should send it through the proper Department.

Mr. Sasanka Sekhar Sanyal: A representation was made by the Bengal Government as stated by the Honourable Member. May I know from the Honourable Member whether the Government of India is making an independent inquiry into the situation or is merely going on the report of the Bengal Government?

The Honourable Mr. Liaquat Ali Khan: I do not know what the Honourable Member means by "situation"?

Mr. Sasanka Sekhar Sanyal: The situation arising out of the rioting which calls for the compensation referred to in the question.

The Honourable Mr. Liaquat Ali Khan: The Government of India are asked for a certain contribution towards the compensation which the Bengal Government think they will have to pay to those who have suffered in these communal riots.

Shri Mohan Lal Saksena: In case the Government decided to grant the demand made by the Bengal Government, will the question come before the Standing Finance Committee for their approval?

The Honourable Mr. Liaquat Ali Khan: The question of subvention will certainly come up before the Standing Finance Committee.

DELAYS AT THE CURRENCY OFFICE AND THE RESERVE BANK OF INDIA IN MAKING PAYMENTS TO TENDERERS OF RS 1,000 CURRENCY NOTES.

68. *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable the Finance Member please state if Government have received in recent weeks complaints from individuals and public bodies from all parts of India in regard to the delay in accepting Rs. 1,000 Government currency notes presented at the Currency Office or the Reserve Bank of India by legitimate tenders?

(b) Are Government aware that persons tendering Rs. 1,000 notes for payment have had to wait for many months?

(c) Are Government aware that there is a grave dissatisfaction and unrest in the country as a result of the inconvenience?

(d) What is the reason for this delay and inconvenience to the public?

(e) Are Government aware that these sums are often the savings and permanent reserves of middle class families who cannot wait indefinitely?

The Honourable Mr. Liaquat Ali Khan: (a) No, Sir.

(b) Yes Sir, but only in a few cases.

(c) No, Sir.

(d) It is only where the applicants have failed to furnish complete particulars or given indefinite, ambiguous or evasive replies that delays in meeting the claims have occurred owing to the necessity of obtaining further information and having it verified. In the case of applications made after the expiry of the prescribed time-limit it has also been necessary to examine whether the alleged reason for the delay in the submission of the claim was justified and whether the applicant was the *bona fide* owner of the notes and did not acquire them subsequent to the promulgation of the Ordinance.

(e) I doubt if this is so in the majority of cases, since the explanation given for belated claims is that the applicants were either not aware of the possession of the high denomination notes or had forgotten all about them.

Shri Sri Prakasa: Will the Honourable Member kindly give us an idea of the amount of money Government have made out of this transaction?

The Honourable Mr. Liaquat Ali Khan: There is no question of the Government making any money out of this transaction.

Shri Sri Prakasa: In view of the fact that a large number of notes were not cashed, surely the amount of money thus saved can be regarded as having been made by Government. Could the Honourable Member give an idea of that amount?

The Honourable Mr. Liaquat Ali Khan: I cannot give exact figures, but I think it is in the neighbourhood of 10 crores.

Dr. Zia Uddin Ahmad: Has the Government got any idea as to how much money they have lost in the shape of income-tax?

The Honourable Mr. Liaquat Ali Khan: The Government have got some idea, but I am afraid I cannot give any definite figures.

Mr. Manu Subedar: May I know whether the payment of these one thousand rupee notes has not been finally closed, as a previous statement in the House indicated that no more outstandings were being paid?

The Honourable Mr. Liaquat Ali Khan: No. More people are being allowed to make applications; and those applications which had been made before are under examination.

Shri Sri Prakasa: Has the Government been able to catch any person of the category to catch whom this Ordinance was promulgated?

The Honourable Mr. Liaquat Ali Khan: The statements that have been made by persons concerned are being scrutinised.

Shri Sri Prakasa: How much more time will Government take in the scrutiny of this matter? It is a very old game now.

The Honourable Mr. Liaquat Ali Khan: It takes a little longer than what my Honourable friend thinks. After all, the Government would not like to launch any action unless they were certain about the consequences and the result of it.

Shri Sri Prakasa: Has the Government prescribed any time-limit for itself for the purpose of this examination? They prescribed a very short time limit for the disposal of the notes.

The Honourable Mr. Liaquat Ali Khan: As soon as possible.

GOVERNMENT HELP TO THE AYURVEDIC AND UNANI SYSTEMS OF MEDICINE

69. *Pandit Sri Krishna Dutt Paliwal: Will the Secretary of the Health Department please state:

(a) the steps Government have taken or propose to take to help the Ayurvedic and Unani systems of treatment; and

(b) if Government intend to open research departments and universities with up-to-date libraries and laboratories in the near future for the above purpose?

Mr. S. H. Y. Oulsnam: (a) and (b). The Government of India have decided to appoint a Committee to consider and recommend steps to be taken to improve facilities for research and training in the indigenous systems of medicine and generally to increase their usefulness to the public. The further action to be taken will be decided after the report of the Committee is received.

Seth Govind Das: When was this Committee appointed? We have not heard anything about its activities.

Mr. S. H. Y. Oulsnam: It was appointed quite recently; actually it was appointed in January.

Mr. Manu Subedar: Will the Honourable Member make available to the Members of this House, who are interested, the report of Col. Chopra's Committee on indigenous drugs?

Mr. S. H. Y. Oulsnam: We have not got at the moment available a copy of the report, but we will try and get it from the Bengal Government.

Shri Mohan Lal Saksena: May I know what is the personnel of the Committee?

Mr. S. H. Y. Oulsnam: It consists of Sir P. N. Chopra as Chairman; three Ayurvedic practitioners; three hakims; and two Allopathic doctors.

Prof. N. G. Ranga: Are Government aware that Ayurvedic medicines and drugs are being utilised for veterinary purposes also and in certain parts of the country, especially in Madras, there are already Ayurvedic veterinary colleges? Will Government consider the advisability of conducting an investigation in this matter also?

Mr. S. H. Y. Oulsnam: We will consider the matter, but it is really a matter for the Agriculture Department.

Shri Mohan Lal Saksena: Is it not a fact that the vaids who are on this Committee are also allopaths?

Mr. S. H. Y. Oulsnam: They are persons who have been trained in Western medical science also.

Shri Mohan Lal Saksena: Is it not a fact that no Ayurvedic practitioner of repute has been appointed on this Committee?

Mr. S. H. Y. Oulsnam: All the three persons who have been appointed are Ayurvedic practitioners. One is the Principal of the Benares Hindu University Ayurvedic College; another is the President of the Board of Indian systems of medicine in Bombay; and the third was formerly the Principal of the Madras Ayurvedic College and is at present member of the Board of Advisers on indigenous systems of medicine in Madras.

Shri Sri Prakasa: Is he only the Principal of the Benares Hindu University Ayurvedic College or is he also an active practitioner?

Mr. S. H. Y. Oulsnam: I have no information whether this particular person is actively practising, but he is certainly a member of the Board of the Benares Hindu University.

Shri Mohan Lal Saksena: Is it not a fact that no Ayurvedic practitioner of repute has been appointed?

Mr. S. H. Y. Oulsnam: I have said that three Ayurvedic practitioners have been appointed.

Shri Mohan Lal Saksena: Will the Government consider the advisability of appointing one of the Ayurvedic practitioners as represented by the All-India Ayurvedic Conference?

Mr. S. H. Y. Oulsnam: As the Honourable Member has raised the matter, the Government will consider it.

Dr. Zia Uddin Ahmad: May I ask whether the Government are aware that both in Benares and Aligarh the students of Ayurvedic and Unani colleges are taught the basic sciences just as the same are taught for students studying Allopathy? Do Government contemplate that these Ayurvedic and Unani systems should be taught to those who have already taken M.B., B.S. degree so that research work might be done?

Mr. S. H. Y. Oulsnam: That is a matter which this Committee will certainly consider.

RECOGNITION BY GOVERNMENT OF THE HOMOEOPATHIC SYSTEM OF TREATMENT

70. *Pandit Sri Krishna Dutt Paliwal: Will the Secretary of the Health Department please state:

(a) if Government intend to recognise the Homoeopathic system of treatment; and

(b) the steps Government have taken or propose to take to encourage this system?

Mr. S. H. Y. Oulsnam: (a) and (b). The Government will consider the matter.

Shri Mohan Lal Saksena: Was not the question regarding Homoeopathy raised at the recent Health Ministers' Conference?

Mr. S. H. Y. Oulsnam: I do not think so.

Shri Mohan Lal Saksena: Is it not a fact that this question was raised in the legislature about two or three years ago?

Mr. S. H. Y. Oulsnam: Yes, Sir, it was raised in 1936.

Shri Mohan Lal Saksena: What action was taken on that Resolution?

Mr. S. H. Y. Oulsnam: None.

Shri Sri Prakasa: In view of the fact that a large number of people without proper education are taking up to the practice of Homoeopathy will the Government see to it that the whole process is legalised and formalised in some way?

Mr. S. H. Y. Oulsnam: Government will consider the question.

Maulana Zafar Ali Khan: May I ask if Government propose to subsidise and help the Greek system which is very popular in this country? Are Government going to recognise the system officially?

Mr. S. H. Y. Oulsnam: A committee has been appointed to consider and recommend to Government what steps should be taken in the matter.

Lala Deshbandhu Gupta: Have Government received any representation from an association of qualified Homoeopaths of Delhi asking for recognition?

Mr. S. H. Y. Oulsnam: I want notice.

Shri Sri Prakasa: Will the Government actively consider the matter or simply consider it?

(No reply.)

FEDERAL PUBLIC SERVICE COMMISSION TEST FOR RECRUITMENT TO PERMANENT VACANCIES IN THE CENTRAL SECRETARIAT

71. *Seth Govind Das: (a) Will the Honourable the Home Member please state whether Government are aware of the Home Department communique asking all Government servants to appear for a Federal Public Service Commission test to be held shortly for recruitment to permanent vacancies?

(b) Are Government aware that this communique has caused much dissatisfaction among the Central Government employees?

(c) How many of those who are eligible to sit for the ensuing examination have been nominated by the Home Department on the results of previous Federal Public Service Commission tests?

(d) Do Government propose to exempt such persons from the ensuing test, in view of the fact that they have already passed the Federal Public Service Commission test?

The Honourable Sardar Vallabhbhai Patel: (a) The Honourable Member is presumably referring to the Home Department Office Memorandum No. 64/8/45-Ests.(S), dated the 26th July 1946. Only temporary ministerial Government servants are required to appear at the ensuing Federal Public Service Commission examination for recruitment to the permanent vacancies in the ministerial establishment.

(b) and (d). I would refer the Honourable Member to the replies which I gave on the 13th November 1946 to questions Nos. 79 and 500.

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

DESPATCH BY AIR OF GOLD SOVEREIGNS FROM INDIA TO ATHENS

72. *Seth Govind Das: (a) Will the Honourable the Finance Member be pleased to state whether he has seen the Associated Press of India news item on December 12 that Rs. 170 lakhs worth of gold sovereigns were flown to Athens?

(b) What action have Government taken to stop further consignments being sent out of India?

(c) Whether the Government of India have anything to say on this matter?

The Honourable Mr. Liaquat Ali Khan: (a) Yes, Sir.

(b) and (c). No action by the Government is required as export of gold is prohibited except with the permission of the Reserve Bank and no such permission is granted. The transaction referred to in part (a) consisted of exchange of sovereigns for gold and did not involve any export of gold.

Seth Govind Das: May I take it that the gold for the sovereign exported has been received in India?

The Honourable Mr. Liaquat Ali Khan: Yes, Sir.

Shri Sri Prakasa: May I know if Athens was in such dire need of India's gold that gold had actually to be flown and that it could not be sent by sea?

The Honourable Mr. Liaquat Ali Khan: The Government of India did not pay the freight charges of flying this gold.

Seth Govind Das: Was this gold received from Athens or from some other country?

The Honourable Mr. Liaquat Ali Khan: There was gold with the Reserve Bank of India which belonged to the Bank of England, and against that gold these sovereigns were sold to the Bank of Athens at the request of the Bank of England.

Prof. N. G. Ranga: Is there any more English gold with the Reserve Bank?

The Honourable Mr. Liaquat Ali Khan: I think, Sir, that the Reserve Bank are still holding some gold, but I cannot say exactly how much.

ALLOCATION AND ADJUSTMENT OF DEFENCE EXPENDITURE DURING WAR BETWEEN INDIA AND U. K.

73. *Seth Govind Das: Will the Honourable the Finance Member be pleased to lay on the table of the House a statement regarding the broad principles underlying the allocation and adjustment of Defence Expenditure during the War years between His Majesty's Government and India?

The Honourable Mr. Liaquat Ali Khan: The Honourable Member will find such a statement of the broad principles underlying the allocation of Defence Expenditure between His Majesty's Government and the Government of India in the Budget Speech of the Finance Member for 1940-41. These have been further discussed and elucidated in subsequent Budget speeches and debates.

Seth Govind Das: Has there been no change since then in this respect?

The Honourable Mr. Liaquat Ali Khan: No, Sir.

Mr. Manu Subedar: May I know whether the kind of committee which the Honourable the Finance Member when he was a Member of the Opposition suggested and which some of us asked for to examine the allocation of defence expenditure between India and England on joint measures, whether that kind of committee will now be appointed to go into this matter?

The Honourable Mr. Liaquat Ali Khan: Sir, this is a matter which will have to be examined.

LOAN AGREEMENT WITH SIAM

74. *Seth Govind Das: Will the Honourable the Finance Member be pleased to lay on the table of the House a statement giving the main details of the loan agreement with Siam, the amount of loan advanced, the security and terms for its repayment, and the trade or other advantages, if any, accruing to India from the transaction?

The Honourable Mr. Liaquat Ali Khan: I place on the table of the House a copy of the financial agreement entered into between the Government of India and the Government of Siam which will give the details the Honourable member requires. The objects of this loan were (i) to provide the Government of Siam with the means of purchasing surplus goods which the Government of India had for disposal and which were required in Siam for the procurement of rice so urgently needed by India, (ii) to assist in the early rehabilitation of Siam, (iii) to establish closer trade relations between the two countries in the future, and (iv) to obviate the possibility of additions to our sterling balances on account of Siamese purchases in India.

FINANCIAL AGREEMENT BETWEEN THE GOVERNMENT OF INDIA AND THE GOVERNMENT OF SIAM, DATED THE 4TH SEPTEMBER 1946

IT IS HEREBY AGREED BETWEEN THE GOVERNMENT OF INDIA AND THE GOVERNMENT OF SIAM AS FOLLOWS :—

1. *Credit.*—The Government of India will extend to the Government of Siam a credit of Rs. 5,00,00,000 which may be drawn upon at any time between 1st August, 1946, and 31st July, 1947, inclusive.

2. *Purpose of the credit.*—The purpose of the credit is to facilitate purchases by Siam of goods and services in India and thereby to assist in the early rehabilitation of Siam.

3. *Drawing on the credit.*—The Government of Siam will instruct its bankers the Bank of Siam to open an account with the Reserve Bank of India, and the Government of India will arrange for payment into this account of such sums in blocks of Rs. 5,00,000 as may be required under this credit from time to time by the Government of Siam in demands addressed to the Government of India in the Finance Department. No such demand will be made after 31st July, 1947.

4. *Amortization and interest.*—The amount of the credit drawn by 31st July 1947 shall be repaid with interest at the rate of three per cent. per annum in annual instalments of Rs. 34,00,000 beginning on 1st August, 1947.

Each instalment shall consist of the full amount of the interest due, and the remainder of the instalment shall be repaid in that year.

Interest for the year ending July 31st, 1947, shall be computed on sums paid under Article 3 into the account of the Bank of Siam from the respective dates of such payments. For each subsequent year interest shall be computed on the principal sum outstanding on 1st August, of that year.

The Government of Siam may after 1st August 1951 accelerate repayment of the amount drawn under this credit.

5. The annual instalments of principal repayments and interest shall be paid on the 1st August of each year by transfer from the account of the Bank of Siam with the Reserve Bank of India to the account of the Government of India with the said Reserve Bank.

6. The Government of Siam will, in consultation with the Government of India, establish a purchasing policy in respect of all purchases to be made by the Government of Siam under this credit from sources in India other than Government sources.

SIGNED in duplicate at New Delhi this Fourth day of September One Thousand Nine Hundred and Fortysix.

FOR THE GOVERNMENT OF INDIA (Sd.) H. M. HOOD,

FOR THE GOVERNMENT OF SIAM (Sd.) Th. HALILAMIEN

Mr. N. M. Joshi: May I ask whether the Government of India will adopt the practice of placing all agreements with foreign Governments on the table of the House without being requested to do so?

The Honourable Mr. Liaquat Ali Khan: The Government will certainly consider the suggestion that has been made by my Honourable friend.

TRANSFERENCE OF POWERS OF AUDIT FROM INDIA OFFICE TO AUDITOR GENERAL IN INDIA

75. ***Seth Govind Das:** Will the Honourable the Finance Member be pleased to state:

(a) whether Government are aware of the fact that the supreme audit exercised on the adjustment of Defence Expenditure is that of the India Office, and that this may indirectly involve transactions not wholly advantageous to the interests of India; and

(b) whether, in view of this Government propose to take necessary steps for the early transference of these powers of audit to the Auditor General of India?

The Honourable Mr. Liaquat Ali Khan: (a) No, Sir. The Auditor General of India is responsible for the audit of the adjustment of Defence expenditure in accordance with the Financial Settlement.

(b) Does not arise.

DOLLAR CREDIT FROM U. S. A. FOR IMPORT OF CAPITAL GOODS.

†76. ***Maharajkumar Dr. Sir Vijaya Ananda:** Will the Honourable the Finance Member be pleased to state if Government propose to take immediate steps to negotiate a dollar credit from the United States of America for import of capital goods in view of the fact that the Dollar Pool covers only current earnings and not the proceeds of credits?

The Honourable Mr. Liaquat Ali Khan: No, Sir. A dollar credit at the present time is unnecessary as all the dollars required for the import of capital goods are available from the Post-War Dollar Fund and the Empire Dollar Pool.

TERMINATION OF DOLLAR POOL

77. ***Mr. Manu Subedar:** (a) Will the Honourable the Finance Member be pleased to state if Government have taken any steps for the termination of the Dollar Pool and the utilisation by India of current dollars accruing to her?

(b) What is the balance to India's credit in the Dollar Pool and how much has been used by India during the years 1946-47 upto the last month, for which information is available?

(c) Did any conversation on this subject take place during the Honourable Member's visit to London recently?

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

The Honourable Mr. Liaquat Ali Khan. (a) This is one of the subjects now being discussed with the Sterling Balances Delegation from the United Kingdom.

(b) As Honourable Members have been informed on previous occasions member countries do not have separate accounts with the Pool so that the question of having any particular sum as a credit balance does not arise.

If the Honourable Member however desires to know what the balance of payments of India has been with the hard currency countries since the beginning of the war, the answer is that between September 1939 and March 1946 the balance in the aggregate was favourable to the extent of Rs. 114 crores. Between April 1946 and September 1946 the balance has been unfavourable to the extent of Rs. 21 crores.

(c) No, Sir.

Mr. Manu Subedar: Has the Honourable the Finance Member seen a reference in the British newspapers about an attempt to prolong the date from 1st July onwards when the Dollar Pool is scheduled to be abolished? If so, will he take up the issue from the point of view of India and refuse to accommodate the United Kingdom for any further prolongation beyond 1st July?

The Honourable Mr. Liaquat Ali Khan: Sir, even in these days of paper shortage, newspapers indulge in writing quite a lot for which there is no warrant.

MEMORANDUM BY MR. G. V. MARATHE TO THE CONTROLLER OF MILITARY ACCOUNTS, POONA, AND M. A. G., NEW DELHI.

78. ***Mr. Manu Subedar:** (a) Will the Honourable the Finance Member please state if Government have received a copy of the memorandum sent by Mr. G. V. Marathe, Advocate, in the last week of August, 1944, to the Controller of Military Accounts, Poona, and Military Accountant General, New Delhi?

(b) What steps have Government taken to enquire into this matter and to prevent the recurrence of the kind of leakages and losses and double payments and false records indicated in this memorandum with specific cases?

(c) What is the procedure for charging rents of hired places to British officers of the Indian Army and for the refund of overcharge?

(d) Has the Auditor of Military Accounts ever made any remarks on this subject before?

(e) Do Government propose to take steps to simplify the process and save the loss of public revenue?

The Honourable Mr. Liaquat Ali Khan: (a) Yes, Sir.

(b) Mr. Marathe's letter was carefully investigated by a Superior Service Officer of the Department. The flaws or irregularities of the type to which Mr. Marathe has drawn attention were already under investigation in the Department. A revised procedure has now been laid down and it is unlikely that these irregularities will recur. Under the audit procedure now laid down, cases of irregularities and defects in accounts including those of the nature referred to by Mr. Marathe are investigated by Officers of the Military Accounts Department and suitable action taken to rectify them.

(c) and (e). Early in 1944, before the receipt of Mr. Marathe's memorandum the Government of India had already under consideration the whole position relating to recovery of rents etc. and a revised procedure was promulgated in Army Instruction (India) No. 505 of 1944. The Government of India have again reviewed the matter but do not consider that any further change in the procedure is necessary.

(d) Yes.

Mr. Manu Subedar: Has the Financial Adviser to the Defence Department gone into this matter, and may I know whether the system of refunds of over-charge which has led to the evil complained of could not be tightened?

The Honourable Mr. Liaquat Ali Khan: I must admit that in 1944 the control was rather loose but it has been tightened since.

PROPOSED TALKS ABOUT STERLING BALANCES BETWEEN THE FINANCE MEMBER AND BRITISH TREASURY OFFICIALS

79. *Mr. Manu Subedar: (a) Will the Honourable the Finance Member please state whether it is a fact that he declared before leaving Karachi, that he would take the opportunity of his visit to London, to have informal talks about sterling balances with British Treasury officials?

(b) Did such talks take place?

(c) Under what circumstances was the original intention abandoned?

(d) How does he propose to implement the assurance to this House that negotiations will take place "as soon as possible"?

(e) What is the obstacle to the undertaking of these negotiations now?

The Honourable Mr. Liaquat Ali Khan: (a) and (b). No.

(c) Does not arise.

(d) and (e). I would invite the attention of the Honourable Member to the Press Communiqués issued by the Government of India on the 24th December 1946, and the 14th January 1947 on the subject. The preliminary talks have already started.

Mr. Manu Subedar: Has the Honourable Member's attention been drawn to the dialogue in the British Parliament between Mr. Churchill and Mr. Dalton, the Chancellor of the Exchequer, and have the Government of India received a kind of mandatory instruction from the British Premier that against the sterling balances a claim will be made by the United Kingdom for having defended this country? May I know if the Government of India have accepted this position and whether in the conversations now going on any instructions have been given to our representatives on this point?

Mr. President: I believe a short notice question on this subject has been tabled and notice has been accepted for the 11th instant.

Mr. Manu Subedar: I am willing to wait till then, when the Honourable Finance Member may say something on this matter; but may I know now what progress has been made in these negotiations and the approximate period of time that will be taken over them?

The Honourable Mr. Liaquat Ali Khan: So far the United Kingdom delegation and the Indian delegation have had two meetings, and it is not possible for me to say how long it will take for these discussions to be concluded.

REQUEST FOR ASSISTANCE BY THE BANKS IN DISTRESS IN BENGAL TO THE RESERVE BANK OF INDIA.

80. *Mr. Manu Subedar: (a) Will the Honourable the Finance Member please state if any approach was made by Banks in distress in Bengal to the Reserve Bank of India for assistance?

(b) Did the Reserve Bank on their own initiative attempt to look into the affairs of the small Banks in Bengal, which were in difficulties and some of which failed, and to help them?

(c) Is it a fact that the Reserve Bank of India is precluded by their Act from making advances except against certain securities only and from evaluating other assets of the Banks?

(d) If so, have Government asked the Reserve Bank of India to give such help, notwithstanding the restriction and to hold Government liable in case, on final adjustment, there is a deficit?

(e) What steps are Government taking to secure consolidation and healthy condition of banking in Bengal, or with reference to Banks, whose capital and resources are limited?

The Honourable Mr. Liaquat Ali Khan: (a) Yes, Sir; by two scheduled banks.

(b) Prior to the enactment of the Banking Companies (Inspection) Ordinance, the Reserve Bank had no powers to look into the affairs of banks. Since then some banks have been inspected under the Ordinances and others were programmed for inspection. Notwithstanding the absence of legal power, the Reserve Bank has been keeping in touch with the affairs of banks and offering them advice in regard to the conduct of their business. As early as 1938, the Reserve Bank issued a circular advising banks to maintain contact with the Reserve Bank and to furnish information as to their business so that the Reserve Bank might be able to come to their assistance if the need arose. This, however, failed to evoke any appreciable response and very few banks have availed themselves of the offer. The Reserve Bank has also been giving advice to banks from time to time in regard to their business and cautioning them against speculation in bullion, Government securities and shares. In May 1946 the Reserve Bank specifically drew the attention of all banks to the abnormal rise in share values and the danger of a crisis on the stock exchange with its repercussions on the banking system, and warned them of the necessity for discouraging speculative activities in shares. This advice, however, was not heeded by many of the small banks in Bengal, who also indulged in other undesirable practices with the result that when prices slumped on the Calcutta Stock Exchange due to a combination of economic and political factors and labour troubles, these banks found themselves in difficulties.

When this situation arose the Reserve Bank took various measures to assist the banks. Both the Reserve Bank and the Bengal Government issued communiques regarding the position of banks in Bengal which helped to restore confidence and to allay the panic which was causing a run on the banks. The Reserve Bank also made a general offer to purchase Government securities from scheduled as well as non-scheduled banks in trouble and this offer was availed of by some banks. The Bank also invited small banks to consult it with regard to their difficulties.

(c) Yes, Sir; Section 17 of the Reserve Bank of India Act lays down the types of security against which the Reserve Bank of India can give financial assistance to banks.

(d) No, Sir.

(e) As already stated, the difficulties of some of the smaller banks in Bengal are due primarily to their own unsound and unsatisfactory method of operation and will cease only if the banks themselves decide to remedy these defects. The Banking Companies Bill, which is now before the House, is designed to check some of these undesirable practices and certain other provisions added to the Bill by the Select Committee will enable the Reserve Bank to maintain a closer contact with these banks and to assist well-managed banks in an emergency. It must, however, be realised that in Bengal, as elsewhere, healthy conditions of banking cannot be secured merely by good laws but must depend primarily on good bankers managing the institutions under their control on sound lines.

Mr. Manu Subedar: In view of the reported continuance of the difficulties of some of these banks and the statutory disability of the Reserve Bank to

accept any kind of security— not merely Government security—will Government try and get the Reserve Bank as their agents and help some of these banks on Government account, if necessary, and enable them to tide over their temporary difficulties?

The Honourable Mr. Liaquat Ali Khan: The situation is easier now and I am afraid the Reserve Bank cannot do anything which is against the law.

Mr. Manu Subedar: Can they not do so on Government account at the instance of Government if by doing so some banks can be saved from going under?

The Honourable Mr. Liaquat Ali Khan: The action proposed by the Honourable Member would in fact mean subsidising these banks whose affairs are not in a very good state; and I am sure the Honourable Member will agree that Government cannot undertake the responsibility of subsidising unsound concerns.

Mr. Manu Subedar: May I make the point clear? I do not recommend any subsidy. What I suggested was a loan against those securities which were not acceptable to the Reserve Bank but which were sound securities and had value, and which would not necessarily result in a loss but would momentarily help these banks in their present difficulty.

The Honourable Mr. Liaquat Ali Khan: Without committing myself, I shall examine the proposal but I cannot assure my Honourable friend that any action will necessarily be taken.

Shri Sri Prakasa: With reference to part (c) will the Honourable Member give an idea of the amount of money under the heads 'time liabilities' and 'demand liabilities' held by the Reserve Bank from the funds of these banks and the amount that the Reserve Bank advanced to these banks in their difficulty out of that sum?

The Honourable Mr. Liaquat Ali Khan: It is only the scheduled banks that keep money with the Reserve Bank. And if my Honourable friend wants details about this matter I should like to have a question on the subject.

Mr. Sasanka Sekhar Sanyal: Have the Government of India any publicity machinery to acquaint the public at large with the general instructions that are issued from time to time to banks in general by Government and to particular banks in particular?

The Honourable Mr. Liaquat Ali Khan: There is an Information Department in the Government of India.

Seth Govind Das: Will Government consider the advisability of bringing in some legislation to stop this wild speculation that is going on in different markets of this country and which is one of the reasons for the failure of so many banks in Bengal?

The Honourable Mr. Liaquat Ali Khan: Government are examining the matter and the question of stock exchanges is being examined at the moment.

Seth Govind Das: Is it only the question of stock exchanges that is being examined or the whole question of speculation in all commodities, like gold, silver, cotton, etc.?

The Honourable Mr. Liaquat Ali Khan: The question is being examined and Government will certainly try to find some means by which these speculations can be stopped.

Mr. Sasanka Sekhar Sanyal: Will the Honourable Member be pleased to state whether after the recent bank crisis in Bengal the Government of India issued any bulletin to acquaint the public with the affairs of banks in general and the precautionary advice which the Government of India gave to the banks?

The Honourable Mr. Liaquat Ali Khan: Sir, I stated in my answer that the Government of Bengal and the Reserve Bank issued statements which had a reassuring effect.

EMIGRATION TO U. S. A. UNDER INDIAN QUOTA OF REFUGEES WITH 'BRITISH NATIONALITY'.

81. *Mr. Manu Subedar: (a) Will the Honourable the Home Member please state if Government propose to ascertain whether any of the refugees, who have sought 'British Nationality', intend to, or, have already applied for emigration to the United States, taking advantage of the Indian quota?

(b) Do Government propose to take steps to see that the Indian quota of emigration permitted to the United States of America will be available only to *bona fide* Indians born in India and not to refugees or stateless persons, who have acquired the 'British Nationality'?

(c) How many persons since 1946-47 have acquired 'British Nationality' in India?

(d) In what manner do Government propose to keep a check on the activities of such persons and what precautions are Government taking against the abuse of the existing provision for the change of nationality?

The Honourable Sardar Vallabhai Patel: (a) No.

(b) No action is necessary as under the United States Immigration Law, the Indian quota is admissible only to those *born* and *resident* in India.

(c) Since the beginning of 1946, ninety-two persons have been naturalised under the British Nationality and Status of Aliens Act 1914.

(d) Government do not consider that any special check is necessary because before a person is naturalised full enquiry is made into his *bona fides*.

Mr. Manu Subedar: Can the Honourable the Home Member give some information to this House as to the manner in which the permitted quota of emigration for Indians is being used, and what type of men are going there, and whether the Government of India have got any knowledge or any control over the type of men who seek benefit of the emigration quota?

The Honourable Sardar Vallabhbhai Patel: I require notice of that question. I will have to make enquiries.

INDIAN MILITARY PERSONNEL STATIONED ABROAD.

82. *Mr. Sasanka Sekhar Sanyal: (a) Will the Secretary of the Defence Department be pleased to state the number and nature of Indian military personnel that are now stationed abroad, mentioning the places where they are so stationed and the purpose for which they are stationed?

(b) At whose cost are such Indian military personnel kept stationed in each of such places?

(c) At whose instance were such Indian military personnel sent out, and whether the Executive Council as a whole at the relevant time was consulted and gave their consent to such removal of Indian military personnel to each of such places?

(d) What interest of India is being served by keeping these personnel abroad now?

(e) What is the policy of the Government of India as a whole with regard to this matter?

Mr. G. S. Bhalja: (a) As stated in reply to Mr. Jaffer's question on the 4th November 1946, it would not be advisable to disclose the number of Indian troops abroad until other countries have done so.

There are at present Indian troops overseas mainly in Japan, Hong-Kong, Malaya, Siam, Burma and Middle East (including Iraq).

The troops in Japan are a part of the allied occupational force. As regards other places, the Indian troops there are a much reduced proportion of the very large forces originally sent to these countries either to destroy the enemy or to prevent the enemy from occupying them. The troops in these places other than Japan are being steadily reduced in numbers.

(b) Except in Japan, at the cost of H.M.G. in the U.K.

(c) As explained, in the majority of cases, the troops were sent abroad during the war. When the country is at war, the movement of troops becomes an operational matter and the Government of India of the day, having joined the war, must be presumed to have agreed to send Indian forces abroad. The initiative for moving troops came as a rule from the allied military authorities, who worked as an integrated machine.

(d) So far as Burma, Malaya, Siam and Middle East (including Iraq) are concerned, these areas are of vital interest to India, both from economic and strategic points of view. The maintenance of stable conditions in these countries is in India's interest. As regards Japan, as India took a major part in the war against Japan, it was considered that she should take her place in its occupation by the Allies.

(e) The policy of the Government of India is to withdraw troops from countries abroad consistent with the obligation arising from India's past associations with other countries.

Mr. Sasanka Sekhar Sanyal: In view of the position as it is today, can the Honourable Member give us any idea as to when it will be possible for the Government of India to withdraw the forces from outside India except in Japan?

Mr. G. S. Bhalja: The question is under the active consideration of Government.

Mr. Manu Subedar: Will the Honourable Member give some idea to this House of the cost of the troops in Japan and also whether such cost will be higher than the reparations which we are going to receive?

Mr. G. S. Bhalja: The estimated cost of the Indian contingent in Japan is four crores of rupees a year. I am afraid I have no idea about the share in the reparations which India will receive.

Mr. Sasanka Sekhar Sanyal: In the past on the floor of this House as well as through press bulletins the Government of India gave an idea of the time limit by which troops from particular countries will be withdrawn. May I ask Sir, as to whether the Government have any idea of the time limit within which these troops can be approximately withdrawn?

Mr. G. S. Bhalja: Since the matter was discussed on the floor of this House, a large number of troops from overseas stations have come back home. I regret that it is not possible to state precisely the date by which all troops will come back.

Mr. Sasanka Sekhar Sanyal: Is it possible for the Honourable Member to give this House an idea without disclosing the secrets of the conversation as to what was the opinion that was given by the Defence Consultative Committee on its last meeting on this matter?

Mr. G. S. Bhalja: The question was generally discussed I think at the last meeting of the Defence Consultative Committee, and I do not think there was anything more than I have stated on the floor of the house that was mentioned there.

Mr. Sasanka Sekhar Sanyal: Is it not a fact that the Committee advised the Government to withdraw these forces as quickly as possible?

Mr. G. S. Bhalja: I must ask for notice of that question. I have not got the proceedings of the last meeting of the Defence Consultative Committee here.

Diwan Chaman Lall: May I ask the Honourable Member whether it is not a fact that the United States of America have already disclosed the number of troops abroad?

Mr. G. S. Bhalja: I am not aware of that, but we have received no request from the United Nations Organisation to disclose the number of troops of India in other countries.

Diwan Chaman Lall: Is it not a fact that the United States of America did disclose the number of troops that they have abroad in the United Nations Organisation meeting?

Mr. G. S. Bhalja: I am afraid I am not aware of that fact, myself.

Mr. Ahmed E. H. Jaffer: With reference to the Honourable Member's reply to part (a) of the question, may I ask the Honourable Member what is the secrecy about this matter and why cannot the information be disclosed to this House now that the war is over?

Prof. N. G. Ranga: Their ignorance.

Mr. G. S. Bhalja: Ordinarily no country likes to disclose the strength and the disposition of its forces for the benefit of other countries in the world.

Mr. Ahmed E. H. Jaffer: Will the information be disclosed to the members of the Defence Consultative Committee, if required?

Mr. G. S. Bhalja: The members of the Defence Consultative Committee were actually told in confidence about all the forces abroad.

Mr. Ahmed E. H. Jaffer: Can we not be taken into confidence in this matter? What is the difference?

(No reply was given).

Mr. Manu Subedar: May I know whether these troops were sent to Japan under instructions from London or whether the troops were despatched by the Government of India, and if it was by the Government of India, will Government bring a resolution in this House as to the desirability or otherwise of continuing this outlay of four crores of rupees a year?

Mr. G. S. Bhalja: I have stated that the matter is under the active consideration of Government.

Mr. Sasanka Sekhar Sanyal: Will the Honourable Member be pleased to consider whether with the permission of the Honourable the President, Government would consider the desirability of holding *in camera* meeting of this House so that the whole matter is placed before the Members?

Mr. G. S. Bhalja: I shall have no objection to disclosing the strength of our forces if a meeting of this House is held *in camera*.

Diwan Chaman Lall: May I ask the Honourable Member whether it is a fact that quite recently troops were sent to Iraq and was it done with the permission of the present Government or the previous Government?

Mr. G. S. Bhalja: No troops have been sent from India to Iraq since the assumption of office by the present Government.

Diwan Chaman Lall: Is it not a fact that the present Government is not in favour of sending or keeping any troops in Iraq?

Mr. President: It will be a matter for inference. Next question.

RELEASE OF MESSES. BURHANUDDIN, RASHID, FATEH KHAN, SINGHARA SINGH AND OTHERS OF THE I. N. A.

83. *Mr. Sasanka Sekhar Sanyal: (a) Will the Secretary of the Defence Department please state whether the question of release of Messrs. Buhranuddin, Rashid, Fateh Khan, Singara Singh and others of the Indian National Army now undergoing imprisonment after conviction or otherwise has been taken up by Government; if so, how the matter stands?

(b) What are the difficulties in the way of their release?

(c) What is the policy of the present Government in the matter?

Mr. G. S. Bhalja: (a), (b) and (c) The matter is under the consideration of Government.

Mr. Sasanka Sekhar Sanyal: Will the Honourable Member be pleased to state whether this matter was put before the Defence Consultative Committee?

Mr. G. S. Bhalja: No, Sir.

Mr. Sasanka Sekhar Sanyal: Will the Honourable Member be pleased to state whether it is not a fact that one member of the Defence Consultative Committee wrote to the Secretary asking these questions to be put down in the agenda, but the Secretary wrote back to say that notice was too short although subsequently the Government put down other subjects in the agenda?

Mr. G. S. Bhalja: The Secretary of the Defence Consultative Committee had received from the Honourable Member a notice of certain subjects to be included in the agenda of the last meeting of the Defence Consultative Committee, but the notice was received so late and the agenda was already so heavy that it was not considered advisable to include them in the agenda.

Mr. Sasanka Sekhar Sanyal: Is it not a fact that other subjects were put by the Government on the agenda after this request was turned down?

Mr. G. S. Bhalja: I do not know which subjects the Honourable Member refers to.

Mr. President: Any other subject!

Mr. Sasanka Sekhar Sanyal: May I draw his attention to the fact that after this request by one Member was turned down by the Secretary, another supplementary agenda was included?

Mr. G. S. Bhalja: I am afraid I have not got the Minutes of the last meeting of the Defence Consultative Committee.

Mr. Ahmed E. H. Jaffer: May I bring to your notice that I had given notice of a short notice question that related to release of Captain Rashid and Captain Burhanuddin and while my short notice question was refused acceptance I was referred to the reply to be given to this question. It is now said that the

matter is under the consideration of Government which is most unsatisfactory. I want to know when are Captain Rashid and Captain Burhanuddin going to be released?

Mr. G. S. Bhalja: The matter is under the consideration of Government.

Mr. Sasanka Sekhar Sanyal: In view of the facts disclosed by the questions and answers just now, will Government consider the desirability of calling an urgent meeting of the Defence Consultative Committee so that their views may be ascertained and forwarded to the Government?

Mr. G. S. Bhalja: The matter is already under the active consideration of Government and I would ask my Honourable friend to be patient for some time.

MIGRATION OF BIHAR MUSLIMS INTO BENGAL

84. *Mr. Sasanka Sekhar Sanyal: (a) Will the Honourable the Home Member be pleased to state whether his attention has been drawn to the migration of Bihar Muslims into Bengal as reported in the papers?

(b) Are Government aware that the Government of Bengal is encouraging such migration?

(c) Are the Government of India in touch with the Governments of Bengal and Bihar in the matter of such migration, and what advice has been given, if any, by the Indian Government to each of the Governments and what other step, if any, has been taken by the Government of India?

The Honourable Sardar Vallabhbhai Patel: (a) Yes. I have seen press reports to this effect.

(b) The Bengal Government have denied this allegation.

(c) The question is for the provinces to settle between themselves. The Central Government have not given any advice to Provincial Governments.

Mr. Sasanka Sekhar Sanyal: In view of item 50 of the Seventh Schedule of the Government of India Act which says that migration is a Federal subject, will the Honourable Member be prepared to consider the question of examining this matter independently of any information given by this or that Provincial Government?

The Honourable Sardar Vallabhbhai Patel: I do not think the Central Government has any obligation to enquire into this matter. This is a matter for the provinces to settle among themselves and therefore no enquiries need to be made.

Mr. Sasanka Sekhar Sanyal: In view of the jurisdiction conferred by the Government of India Act by virtue of Article 50 of the Seventh Schedule of that Act.....

Mr. President: Order, order. It is a matter of opinion. Next question: Mr. Sanyal.

FAILURE OF BANKS IN BENGAL

85. *Mr. Sasanka Sekhar Sanyal: Will the Honourable the Finance Member be pleased to state:

(a) whether attention of Government has been drawn to the collapse of certain Banks in Bengal as reported in the press sometime about the end of November and beginning of December 1946;

(b) whether Government have investigated the causes of such collapse; if so, what are they;

(c) whether Government was asked to intervene at any time while the crisis was fast overtaking these and other banks; if so, what steps did the Government of India direct or the Reserve Bank of India take for meeting the situation; and

(d) whether the collapse of these banks was accompanied and followed by general panic which resulted in heavy withdrawals of deposits from many banks; if so, what steps did the Government of India or the Reserve Bank of India take for allaying the panic and for helping the banks who were faced with such heavy withdrawals?

The Honourable Mr. Liaquat Ali Khan: (a) Yes, Sir.

(b) Yes, Sir, The causes as ascertained by Government were as follows: The financial position of certain non-scheduled banks in Bengal had been already undermined by the unsound practices followed by them, such as the indiscriminate opening of a large number of branches without sufficient capital, granting of loans without adequate security mostly against speculative shares, lack of proper personnel and the tendency of some of the smaller banks to invest in shares of companies connected with the management. When, therefore, as a result of a combination of political and economic factors and labour troubles, a slump occurred on the Calcutta Stock Exchange, banks which had, in spite of a timely warning issued by the Reserve Bank in May 1946, made large advances against shares or heavily invested in them, found themselves in a difficult situation which was further aggravated by the heavy withdrawals to which they were subjected in the panic that prevailed.

(c) The Government of India were not asked to intervene, but the Reserve Bank of India and the Bengal Government were approached by certain scheduled and non-scheduled banks in Bengal to assist them in their difficulties. The Manager of the Calcutta Office of the Reserve Bank and the Government of Bengal, therefore, issued certain statements, which had the effect of restoring confidence in the minds of the public. Furthermore, the Reserve Bank helped banks by granting loans against Government securities to some scheduled banks which needed them, and by purchasing holdings of Government securities from banks in difficulties which accepted the Reserve Bank's offer of such assistance. As the situation grew easier, further action on the part of the Reserve Bank of India became unnecessary.

(d) This has already been replied to under parts (b) and (c).

Seth Govind Das: Did no Scheduled Banks fail in the crisis of Bengal?

The Honourable Mr. Liaquat Ali Khan: No, Sir.

Shri Mohan Lal Saksena: Which are the political causes to which the Honourable Member has referred twice?

The Honourable Mr. Liaquat Ali Khan: My Honourable friend being a politician himself knows what the reference is.

Shri Sri Prakasa: Could the Honourable Member tell us the number of Scheduled and non-Scheduled Banks that came into difficulties in Bengal? Were any of these banks Scheduled Banks and did the Reserve Bank help the Scheduled Banks out of the deposits they held from them interest free under the law?

The Honourable Mr. Liaquat Ali Khan: There were two Scheduled Banks. I have already stated the Reserve Bank did help the Scheduled Banks and neither of these two Scheduled Banks went into liquidation.

HELP BY THE GOVERNMENT AND THE RESERVE BANK TO BANKS IN BENGAL

86. *Mr. Sasanka Sekhar Sanyal: Will the Honourable the Finance Member please state:

- (a) whether the banks in Bengal which closed their doors have been helped by Government or the Reserve Bank in the matter of resuming their activities;
- (b) whether any of these banks which actually closed their doors asked for permission to increase capital issues: if so, how were such applications disposed of;
- (c) whether many other banks of Bengal made similar applications for increase of capital issues from time to time but were refused permission; and
- (d) what is the present policy of Government in the matter of the capital issues and in what respect and to what extent such policy differs from the policy that was adopted during the war period?

The Honourable Mr. Liaquat Ali Khan: (a) No bank to which the Reserve Bank could render assistance under the law has closed its doors.

(b) No bank which has actually closed its doors recently has asked for permission to increase its capital

(c) A number of banks reported to be in difficulties had previously applied for issue of capital but the bulk of these applications had to be rejected by Government as the financial position and methods of operation of the banks were found to be unsatisfactory. In a few cases the applications were also rejected because the banks concerned had adequate capital in relation to their existing or prospective business and it was not considered desirable to allow them to issue further capital as this would have led to overcapitalization.

(d) As the House is aware, the control of issue of capital by banking companies was exercised by the Government of India under the Defence Rule 94A upto the 30th September 1946 and thereafter under the Emergency Provisions (Continuance) Ordinance, 1946. As stated by Government in their Press Communique issued when the rule was first promulgated in May 1943, an important object of this control was to prevent the growth of mushroom companies which stood little chance of survival in the post-war period and to check undesirable practices such as re-constitution and re-capitalisation of concerns on the basis of their abnormal profits during the war period to the detriment of an indiscriminating investing public. Apart from this, two main tests were applied in the case of existing banking companies; firstly, whether the financial position and methods of operation of the applicant bank were satisfactory; and, secondly, whether the existing capital was inadequate in relation to its present or prospective business. In the case of applications for new banks, the main tests are the standing and resources of the promoters and the need for additional banks in the area concerned. These basic principles of control remain unchanged even at present except that since the termination of hostilities, capital is being allowed to banks which are managed on sound lines even if the additional capital may lead to a certain amount of overcapitalisation.

Mr. Sasanka Sekhar Sanyal: Will the Honourable Member be pleased to state whether at present the Government is applying some rigidity in the matter of increase of capital issue as the Government applied during the war time?

The Honourable Mr. Liaquat Ali Khan: The rigidity is there but I can assure my Honourable friend that no deserving case will be turned down.

Mr. Sasanka Sekhar Sanyal: In view of the fact that most of these rejections are through correspondence, will Government consider the desirability of giving an opportunity to these applicants before their cases are rejected to explain their position to the authority concerned?

The Honourable Mr. Liaquat Ali Khan: When applications are made for capital, there all the details are given by the applicants and I do not think that these gentlemen could add anything more to what they have put down in the applications.

SUBMISSION OF ENTIRE CENTRAL GOVERNMENT EXPENDITURE TO THE VOTE OF
THE LEGISLATIVE ASSEMBLY

87. *Mr. Vadilal Lallubhai: Will the Honourable the Finance Member please state:

(a) the portion of the total Central Government expenditure at present which is non-votable by the Central Assembly and the portion which is votable;

(b) by which provision of the Government of India Act 1935, and how the provision of Rs. 2 crores under demand No. 66, Miscellaneous due to compensation to Bombay Port Trust was considered non-votable by the Central Assembly;

(c) whether Government are aware of a strong feeling in the public, particularly in view of the recent important change in the Central Government, that the entire range of the Central Government expenditure be brought to the vote of the Central Legislature, irrespective of any items either under Civil or under Defence estimates;

(d) whether it is a fact that Government have decided to submit all the non-votable expenditure except under Defence estimate to the Standing Finance Committee with certain minimum limits; and

(e) if so, whether Government propose to consider in the same spirit to submit the entire Central Government expenditure to the vote of the Central Legislative Assembly?

The Honourable Mr. Liaquat Ali Khan: (a) In the current year's budget, voted expenditure including capital expenditure and disbursements of loans and advances amounted to Rs. 355.53 crores and non-voted expenditure to Rs. 339.79 crores.

(b) The expenditure was treated as non-voted under sub-section (3) (vi) (c) of Section 67-A, as set out in the Ninth Schedule to the Government of India Act, 1935.

(c) Yes.

(d) The actual decision was that all new items of non-voted expenditure above certain financial limits including, with effect from 1947-48, expenditure on Defence Services, should be placed before the Standing Finance Committee as far as practicable.

(e) I am afraid this cannot be done without infringing the law. The Government of India Act, 1935 specifically lays down, that expenditure which is non-voted shall not be submitted to the vote of the Legislative Assembly.

MISBEHAVIOUR AND ASSAULT BY RAILWAY POLICE CONSTABLES ON A PASSENGER
AT BARODA RAILWAY STATION

88. *Mr. Ahmed E. H. Jaffer: Will the Honourable the Home Member be pleased to state:

(a) whether Government are aware that the Railway Police at most of the Railway Stations in India are rude and impolite to the travelling public;

(b) whether Government are aware that two Railway Police Constables Nos. 727 and 214 manhandled a passenger travelling by Delhi Express at Baroda Railway Station and assaulted him and robbed him of Rs. 150 on the evening of 26th December 1946;

(c) whether Government are aware that this passenger lodged a complaint with the Railway authorities before the departure of the train, and if so, what

steps have been taken by the authorities against the two Police constables concerned;

(d) whether Government are aware that as a result of the incident the train was delayed by one hour resulting in great inconvenience to the passengers; and

(e) whether Government propose to issue instructions to the Railway Police all over India to be more polite and helpful to the public instead of taking the law into their own hands and misbehaving as was done on the 26th December?

The Honourable Sardar Vallabhbhai Patel: The question should have been addressed to the Honourable Member for Railways. It has accordingly been transferred to the Final List of questions for the 12th February, 1947, when it will be answered by the Honourable Member for Railways.

PROHIBITION OF HAND-DRIVEN RICKSHAWS IN DELHI

89. *Miss Maniben Kara: (a) Will the Secretary of the Health Department please state whether hand-driven rickshaws are permitted in Delhi?

(b) If so, what is the number of such rickshaws?

(c) Are Government aware of the investigations made by the Rege Committee on the condition of rickshaw pullers and their opinion that rickshaws are a degradation of human personality?

(d) Do Government propose to put a stop to this means of conveyance altogether?

(e) What action do Government propose to take to protect rickshaw pullers from the diseases they are exposed to as a result of their vocation?

Mr. S. H. Y. Oulsnam: (a) Yes.

(b) 500

(c) Yes.

(d) The Delhi Municipal Committee have under consideration a proposal to reduce the number of hand-driven rickshaws by stages within a period of five years and to substitute cycle-driven rickshaws.

(e) It is reported that free and charitable dispensaries and hospitals, which are open to others, are also available to the rickshaw pullers. The Committee is being asked to consider whether any other special arrangements are necessary and practicable and in particular to consider the question of instituting a medical examination for rickshaw pullers and the fixing of age limits.

Miss Maniben Kara: Will the Honourable Member take into account the question that if within the next five years hand-driven rickshaws will be put an end to, alternative employment for these rickshaw pullers will also be provided for them?

Mr. S. H. Y. Oulsnam: That will be a matter which the Municipal Committee will have to take into consideration.

Miss Maniben Kara: Will the Honourable Member consider the desirability of introducing the system of medical examination before license is given to the rickshaw pullers to make sure that the rickshaw pullers are medically fit for this profession?

Mr. S. H. Y. Oulsnam: I have already said that the Municipal Committee is being asked to consider that matter.

Khan Abdul Ghani Khan: Is it not a fact that pulling rickshaws by cycle is a more injurious occupation than hand-pulling?

Mr. S. H. Y. Oulsnam: That is a matter of opinion.

Shri Mohan Lal Saxena: Is the Honourable Member aware that the Lucknow Municipality appointed a medical committee to examine the health of cycle rickshaw pullers and they came to the conclusion that it was more harmful?

Mr. S. H. Y. Oulsnam: I have no information about any such committee.

Shri Mohan Lal Saxena: Will the Honourable Member make enquiries?

Mr. S. H. Y. Oulsnam: I shall be glad to have any information which the Honourable Member can give.

Prof. N. G. Ranga: Will Government consider the question of completely banning this nefarious profession of pulling rickshaws whether by hand or with the help of cycles?

Mr. S. H. Y. Oulsnam: That is a matter for the Municipal Committees to consider and Government have no such proposal under consideration.

AMALGAMATION OF DELHI MUNICIPALITIES INTO A CORPORATION

90. ***Miss Maniben Kara:** (a) Will the Secretary of the Health Department please state whether Government have appointed a committee to consider the question of amalgamation of several municipalities in Delhi into one Corporation?

(b) If so, has any person representing labour been given a place on the Committee?

(c) If not, do Government propose to take steps to accord proper representation of labour interests on a committee of the above nature where vital questions like franchise will come up?

Mr. S. H. Y. Oulsnam: (a) Yes.

(b) No.

(c) Government will consider the question of adding a representative of labour to the Committee.

Miss Maniben Kara: Will the Honourable Member give us some idea about the terms of reference to this committee regarding future municipal elections being held on adult franchise?

Mr. S. H. Y. Oulsnam: The terms of reference were published in a press notice and there is a copy in the library of the House.

Miss Maniben Kara: Will the Honourable Member inform this House as to whether he is considering the question of reservation of seats in the Municipal Committee for labour and women?

Mr. S. H. Y. Oulsnam: Government have no such matter under consideration. They are awaiting the report of the Committee.

Miss Maniben Kara: Will the Honourable Member inform this House as to why no labour representation was given on this committee in view of the fact that a large number of labourers are employed by the Municipality?

Mr. S. H. Y. Oulsnam: I have already said that Government will consider the question of adding a representative of labour to the committee.

DISPARITY OF PAY OF CENTRAL GOVERNMENT EMPLOYEES SERVING IN THE CHIEF COMMISSIONERS' PROVINCES AND OTHER CENTRALLY ADMINISTERED AREAS

91. ***Miss Maniben Kara:** (a) Will the Honourable the Home Member be pleased to state if it is a fact that there exists a great disparity between the pay of employees under the Central Government and those doing comparable work in the Chief Commissioners' provinces and other Centrally administered areas?

(b) If so, do Government propose to bring salaries, wages, and remuneration of employees serving in the Chief Commissioners' provinces and other Centrally administered areas on par with those in the Central Government?

The Honourable Sardar Vallabhbhai Patel: (a) There are different scales of pay for ministerial servants in the Chief Commissioners' Provinces and for those in the Secretariat and Attached Offices under the Central Government. Even though the duties of the posts may be similar, the nature of work differs and, therefore, it cannot be said that the posts are comparable.

(b) The whole question of the pay of Central Government servants is under examination by the Pay Commission.

Miss Maniben Kara: Will the Honourable Member tell us whether the employees in the Central Government as well as those in the provincial governments doing the same nature of work are not getting different scales of pay?

The Honourable Sardar Vallabhbhai Patel: The posts may be of a similar nature but the nature of work is not always similar: it differs in nature. In some cases the type of work may be similar but in some cases it is not. The whole question is under the examination of the Pay Commission and when the final scales are fixed, the entire question will be considered.

Miss Maniben Kara: I cannot follow what exactly the Honourable Member meant by "different nature". I would like to put him a question, if I may. If a typist has to do typing work, whether he is in the Central Government or in the administered areas, I am sure the typist will be doing the same kind of typist's work. If so, may I take it from the Honourable Member that he would consider that the nature of work in both cases will be the same?

The Honourable Sardar Vallabhbhai Patel: It is not in all posts that the nature of work is different. In some cases it may be similar. Typing work may be similar in some cases and in some cases not. The question of similarity of work is not the only criterion, because the volume of the work and its intensity may be different as between the Central Government and Chief Commissioners' offices.

Lala Deshbandhu Gupta: Is the Honourable Member aware that there is a good deal of discontent among the member of the staff of the Chief Commissioner's Office in Delhi on this point?

The Honourable Sardar Vallabhbhai Patel: I have not seen any office in which there is no discontent among the staff.

Lala Deshbandhu Gupta: Have Government received any representation on behalf of the clerical staff of the Chief Commissioner's Office for increase in their pay?

The Honourable Sardar Vallabhbhai Patel: There are representations from all offices.

Dr. Zia Uddin Ahmad: With or without result?
(No reply.)

DIFFERENCE IN SALARIES OF INDIAN AND ANGLO-INDIAN EMPLOYEES OF GOVERNMENT OF INDIA BASED ON RACIAL GROUNDS.

†92. ***Seth Sukhdev:** (a) Will the Honourable the Home Member be pleased to state whether it is a fact that Anglo-Indians employed in some departments of the Government of India get a minimum pay of Rs. 55 per mensem irrespective of the lower scale of pay attached to the post held?

(b) Are Government aware that this discriminatory treatment is resented by the Indian colleagues of such Anglo-Indian employees?

(c) Do Government propose to abolish this difference in wages based on racial grounds? If not, why not?

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

The Honourable Sardar Vallabhbhai Patel: (a) and (b) Anglo-Indians in the Railway Department receive a minimum remuneration of Rs. 55 per mensem, the amount being made up where necessary by payment of a special allowance on account of their liability to serve in the Indian Auxiliary Force.

(c) No. I do not think any such action would be opportune at this stage, when Government are awaiting the recommendations of the Pay Commission.

ASSAULT BY BRITISH SOLDIERS ON ANGLO-INDIANS IN JHANSI

†93. ***Maharajkumar Dr. Sir Vijaya Ananda:** (a) Will the Secretary of the Defence Department please state whether Government are aware of the assault by a batch of about 200 British soldiers and officers on the Anglo-Indian men and women at Jhansi on the refusal of the Anglo-Indian girls to dance with the British soldiers and officers during Christmas week 1946?

(b) If so, what steps Government propose to take against those who are found responsible for this assault?

(c) If action has already been taken what is the nature of punishment given to them?

(d) In view of the assault and the damage to the furniture and the property, will Government clarify as to whether the Central Government will compensate the proprietor or proprietors and also pay damages to the women whose honour had been threatened or whether the Provincial Government will pay for the compensation etc., as the premises are in Jhansi and are within the U. P. boundaries?

(e) How many officers and how many King's Commissioned Officers were there amongst those who assaulted?

Mr. G. S. Bhalja: (a) Government are aware of an incident at Jhansi on 26th December 1946. A Court of Inquiry is being held and until the proceedings are received and examined it is not possible to state if the report given by the Honourable Member is a correct version of the incident.

(b) The report submitted by the Court of Inquiry will reveal the facts of the case and enable the authorities concerned to decide what action to take.

(c) No action can be taken until the Court of Inquiry concludes and its proceedings have been examined.

(d) The question of payment of compensation will be governed by the findings of the Court of Inquiry which will no doubt fix the responsibility for the damage and assess the value thereof. From reports so far received no women were molested.

(e) From preliminary reports available, it seems that there were no officers present.

VICTIMISATION OF THE CLERKS OF MILITARY ACCOUNTS DEPARTMENT, FOR TAKING PART IN STRIKES.

94. ***Sjt. Seth Damodar Swroop:** Will the Honourable the Finance Member please state:

(a) whether Government are aware that the clerks of the Military Accounts Department who are members of the All India Federation of Military Accounts Unions are being victimised for taking part in the strike in September last, notwithstanding the fact that the said strike was called off unconditionally on an assurance from Pt. Jawaharlal Nehru; and

(b) whether Government are aware that Messrs. T. S. Paul, M. L. Pande, and Ramashanker of the Military Accounts Department, Lucknow have been dismissed from service as a result of this policy of victimisation?

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

The Honourable Mr. Liaquat Ali Khan: (a) There has been no victimisation.

(b) Mr. T. S. Paul, Temporary Routine Grade Clerk, was discharged from service for gross insubordination in July 1946, before the August/September 1946 strike. Messrs. M. L. Pande and Ramashanker were found guilty of gross insubordination to their superior officers during the August/September 1946 strike and also of acts and threats of violence against their superior officers and those of the staff who did not participate in the strike which occurred in the Field Pay Office, Mechanical Transport Centre and Records, Lucknow, in August 1946. Their services were dispensed with after a departmental investigation had established the charges against them.

**REINSTATEMENT OF DISMISSED EMPLOYEES OF THE MILITARY ACCOUNTS
DEPARTMENT**

95. *Sjt. Seth Damodar Swroop: Will the Honourable the Finance Member please state whether Government propose to discontinue this policy of victimisation in the Military Accounts Department referred to in the preceding question, in the light of the changed political conditions and reinstate all the employees of the Military Accounts Department dismissed in this connection at Lucknow or elsewhere?

The Honourable Mr. Liaquat Ali Khan: There is no truth in the suggestion that there has been a policy of victimisation.

**REQUISITIONING OF CERTAIN LAND IN VILLAGES UNDER DEFENCE OF INDIA RULES
FOR RIFLE RANGE PRACTICE**

96. *Sjt. Seth Damodar Swroop: Will the Secretary of the Defence Department please state:

(a) whether Government are aware that about 780 acres of land in the villages of Harungla Dhora, Jagatpur, Bhartole and Navada Shekhon was requisitioned under the Defence of India Rules, 1939 in case No. 11 of 1941 for Rifle Range Practice for the duration of War and six months thereafter; and

(b) whether Government are aware that the land in the said villages is being requisitioned again on a permanent basis, even after the termination of War, for Military purposes against the terms of the agreement? If so, why?

Mr. G. S. Bhalja: (a) Yes, Sir. Government are aware that 780.5 acres of land were requisitioned in the Bhartole area for rifle ranges in May 1941. A further 49.8 acres were requisitioned in the same area for additional Field Firing Ranges in November 1942. These lands are still held under requisition.

Government have at present no information with regard to the other villages mentioned by the Honourable Member, but it is presumed that these are included in the area referred to above. Definite information with regard to this is being collected and will be communicated to the Honourable Member in due course.

(b) The lands have not been requisitioned again. The position is that the original requisition has been continued under the authority of the Requisitioned Land (Continuance of Powers) Ordinance (XIX of 1946). Government have no information whether the lands will be required permanently. The information is being called for from the local Military authorities and will be communicated to the Honourable Member in due course.

RESTORATION OF REQUISITIONED LAND TO POOR PEASANTS.

97. *Sjt. Seth Damodar Swroop: Will the Secretary of the Defence Department please state if Government propose to order the immediate restoration of the land referred to in the preceding question, to the poor peasants who have already undergone untold sufferings for six long years?

Mr. G. S. Bhalja: The derequisitioning process is going on as rapidly as possible. There may be a few cases where Government have to continue requisition or acquire land outright in the interests of the Armed Forces. But I assure the Honourable Member that not one acre of land will be kept in the possession of the Armed Forces unnecessarily. Every case of continuance of requisition or acquisition is carefully scrutinized by an Inter-Service Committee.

SURVEY OF BANKS

98. *Maharajkumar Dr. Sir Vijaya Ananda: Will the Honourable the Finance Member please state if Government propose to publish the results of the survey made in regard to 77 banks referred to by the Finance Secretary during the debate on the Banking Companies (Restriction of Branches) Bill, 1946 on 14th November 1946 and also arrange for the publication of data relating to the non-scheduled banks which is particularly difficult to obtain?

The Honourable Mr. Liaquat Ali Khan: The statement was based on information supplied by the Reserve Bank in regard to 77 banks whose affairs had been examined by them in connection with inspections ordered by Government or applications for inclusion in the Second Schedule or for issue of capital. This information is obtained on a confidential basis and cannot be made public. Statistics relating to all banks are given in the annual publication by the Reserve Bank entitled "Statistical Tables relating to Banks in India".

LOAN FROM THE INTERNATIONAL BANK

99. *Maharajkumar Dr. Sir Vijaya Ananda: Will the Honourable the Finance Member please state if it is a fact that the Government of India propose to apply to the International Bank in due course for a loan as soon as the survey to determine what was needed had been completed?

The Honourable Mr. Liaquat Ali Khan: The answer is in the negative.

TEACHERS' STRIKE IN DELHI

100. *Sardar Mangal Singh: Will the Honourable Member for Education and Arts please state:

(a) the number of Delhi teachers who went on strike on January 13 last; and

(b) what were their demands and how long they had been before the Government for consideration and why the decision was not taken till the time they actually went on strike?

The Honourable Maulana Abul Kalam Azad: (a) About 2,100.

(b) Their demands were for increased pay, revision of scales of pay and grant for interim relief and dearness allowance with retrospective effect. The demands were sent to the Superintendent of Education, Delhi, on the 30th August 1946. As most of these teachers were employed by Local Bodies and private managements, the demands involved administrative, financial and legal implications, a thorough examination of which unavoidably took a considerable time; but at the same time I feel that matters could have been expedited by the Local Government.

SALARIES OF PRIMARY AND OTHER TEACHERS

101. *Sardar Mangal Singh: Will the Honourable Member for Education please state the lowest monthly salary of the primary teachers and that of other teachers such as J.V., S.V. J.A.V., S.A.V., and B.A., B.T. respectively before the strike began and what are their respective salaries now?

The Honourable Maulana Abul Kalam Azad: The lowest monthly salary of primary school teachers in Delhi Province is Rs. 16 per mensem for an untrained teacher and Rs. 20 for a trained teacher.

The lowest salary of Junior Vernacular teacher is Rs. 20, Senior Vernacular teacher Rs. 30, Junior Anglo Vernacular teacher Rs. 55, Senior Anglo-Vernacular teacher Rs. 65 and B.A., B.T. teacher Rs. 70.

There has been no change in the salaries of teachers since they struck work.

DECISION OF GOVERNMENT *re.* THE ABOLITION OF SALT TAX

102. *Prof. N. G. Ranga: Will the Honourable the Finance Member be pleased to state:

(a) whether it is a fact that before the Muslim League Ministers took office, the Interim Government decided upon the abolition of Salt Tax;

(b) whether that question has since been reconsidered; and

(c) if so, what has been the decision of Government?

The Honourable Mr. Liaquat Ali Khan: I hope to make a statement on the matter during the course of this session.

ABOLITION OF I. C. S. AND I. P. S

103. *Prof. N. G. Ranga: Will the Honourable the Home Member be pleased to state:

(a) whether any decisions—interim or otherwise—have been reached at in the discussions recently held between the Home Department and the British Government over the liquidation of the I.C.S. and I.P.S.; and

(b) whether Government are in a position to inform the House about the progress so far made?

The Honourable Sardar Vallabhbhai Patel: (a) No.

(b) Government are still awaiting the final proposals from the Secretary of State.

REMOVAL OF RECORDS FROM INDIA OFFICE TO INDIA

104. *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable the Education Member please state if he is in communication with the British Government in regard to the removal to India of all the Records at the India Office?

(b) For what purpose are these records to be removed to India?

(c) What precautionary measures will be taken to prevent the destruction of these Records by the climatic conditions of India?

(d) Do Government propose to make a statement on the subject in the House?

The Honourable Maulana Abul Kalam Azad: (a) No.

(b) to (d). Do not arise.

TUBERCULOSIS PATIENTS IN THE INDIAN MILITARY HOSPITAL, NAINITAL

105. *Sjt. Seth Damodar Swroop: (a) Will the Secretary of the Defence Department please state if it is a fact that Tuberculosis patients are kept in the Indian Military Hospital at Nainital? If so, is it also a fact that the Military Hospital is in the midst of a populated area of the town?

(b) Is it a fact that this hospital was started in the residential quarters during the war and for the duration of the War only?

(c) How many patients were there in this Hospital during the months of October, November and December, 1946, and how many patients are there at present?

(d) Is it economical to continue the Hospital and if not, when do Government propose to abolish it?

Mr. G. S. Bhalja: (a) Tuberculosis patients are not normally kept in the Indian Military Hospital, Nainital. Locally admitted cases are held there pending transfer to one of the Army Tuberculosis Hospitals. One such case occurred in July 1946 and was transferred to the Central Military Hospital, Bareilly, in August. Two mild non-infectious cases of tuberculosis were transferred to Nainital for treatment in 1946. The first was in the hospital from the 27th July to the 30th August and the second from the 2nd September to the 13th December. There was never any danger of infection from these two cases.

The hospital is in a populated area of the town, but this does not endanger the health of those living around it.

(b) The hospital was opened in 1942 to provide treatment for the local garrison and was to remain for so long as troops remained in the station.

(c) The average number of patients in the hospital during the months mentioned by the Honourable Member were October—15.5, November—14.2, December—12.4. There are no patients at present.

(d) The hospital was closed on the 1st January 1947 and it has now been decided to disband it entirely.

FACILITIES FOR MILITARY EDUCATION FOR INDIANS IN U. K AND INDIA

106. ***Mr. Tamizuddin Khan:** Will the Secretary of the Defence Department be pleased to state:

(a) the existing facilities for military education for Indians in the United Kingdom;

(b) the facilities for such education in India; and

(c) whether it is intended to add to these facilities, and if so, in what way?

Mr. G. S. Bhalja: It is presumed that by military education the Honourable Member refers to the education of Army Officers.

(a) I lay a statement on the table.

(b) Similar Training Establishments exist in India except in certain technical branches, and normally Indian Army Officers are not sent to the U. K. except for the following reasons:

(i) On a reciprocal basis;

(ii) Because no corresponding establishments exist in India e.g. the Imperial Defence College, the School of Air Support, etc.

(iii) Because, up-to-date, it has not been possible to establish the same standard as in the U. K. of technical facilities in the Training Establishments in India.

Action is being taken to overcome the deficiencies mentioned in (ii) and (iii) above. It is hoped, within the next two years to establish a school of Air Support, and a Military College of Science. Such few Training Establishments in India as lack the facilities of their counterparts in England, will be brought up to the same standard at the earliest possible moment.

(d) It is intended to add to the facilities as stated above as soon as buildings and equipment can be made available, and financial sanction can be obtained for the necessary extra expenditure on buildings, equipment, and personnel.

FACILITIES FOR THE EDUCATION OF INDIAN ARMY OFFICERS IN THE UNITED KINGDOM

Except for Commissioned Officers no facilities exist for Military Education for the Indian Army in the United Kingdom other than for those Indians studying in Schools or Universities who take Military Science as an optional subject. On the other hand facilities exist at all the Military Training Establishments in the United Kingdom for professional and "Special to Arms" Training for Indian Officers in the Indian Army.

Selected Officers are, at present, undergoing instruction at the following establishments in the United Kingdom :

The Staff College, Camberley.
 The Imperial Defence College, London.
 The Joint Services Staff College.
 The Senior Officers School, Devizes,
 The School of Military Engineering, Ripon.
 The School of Air Support, Old Sarum.
 The School of Signals, Catterick.
 Artillery Schools.
 The Royal Armoured Corps School.
 The Military College of Science.

INDIANISATION OF THE ARMY, NAVY AND THE AIR FORCES

107. *Mr. Tamizuddin Khan: Will the Secretary of the Defence Department be pleased to state:

(a) the number of Indian Officers in the Indian (i) Army, (ii) Navy and (iii) Air Forces separately on the 31st December, 1945 and on the 31st December, 1946;

(b) the number of non-Indian Officers under these categories separately on the dates mentioned above;

(c) the approximate date by which the Officers' Ranks in the Armed Forces of India are expected to be completely Indianised; and

(d) the steps that are being taken and are intended to be taken in the course of the current year for such Indianisation?

Mr. G. S. Bhalja: (a) and (b) I lay a statement on the table.

(c) and (d). As announced in the press communique issued on the 13th November 1946, Government have appointed a committee to advise them on the ways and means of nationalising the Armed Forces of India within the shortest time possible. It is not possible at present to forecast the date by which the Armed Forces would be completely nationalised; the Armed Forces Nationalisation Committee are engaged on devising a plan for doing this as quickly as possible. In the meantime, all recruitment of non-Indian officers in the Armed Forces has been stopped and more Indians are being taken in both the Royal Indian Navy and the Indian Army by the grant of Short Service Commissions. There are no non-Indian officers in the Royal Indian Air Force.

Statement showing figures of Indian and non-Indian officers in the three Services on the 31st December 1945 and the 31st December 1946.

31st December 1945

Indians.

Royal Indian Navy	.	.	.	.	.	.	1,499
Indian Army	.	.	.	.	.	.	14,383
Royal Indian Air Force	.	.	.	.	.	.	1,423

Non-Indians.

Royal Indian Navy	.	.	.	.	.	.	1,153
Indian Army	.	.	.	.	.	.	35,888
Royal Indian Air Force	.	.	.	.	.	.	Nil

31st December 1946.

Indians.

Royal Indian Navy	.	.	.	.	.	.	885
Indian Army	.	.	.	.	.	.	11,488
Royal Indian Air Force	.	.	.	.	.	.	1,297

Non-Indians.

Royal Indian Navy	.	.	.	.	.	.	339
Indian Army	.	.	.	.	.	.	18,226
Royal Indian Air Force	.	.	.	.	.	.	Nil

RETENTION OF BIKRAM AERODROME IN PATNA

108. *Mr. Madandhari Singh: Will the Secretary of the Defence Department be pleased to state:

(a) whether Bikram Aerodrome in the district of Patna is going to be retained as a permanent measure; and

(b) if the answer to part (a) is in the negative, whether Government propose to return the land to the owners for cultivation?

Mr. G. S. Bhalja: (a) No, Sir.

(b) The land is being returned to the owners, except for that part under concrete which would be no use for cultivation.

BROADCASTING STATION FOR PATNA

109. *Mr. Madandhari Singh: Will the Honourable Member for Information and Broadcasting be pleased to state:

(a) the steps that have been taken to materialise the project of establishing a Broadcasting station at Patna; and

(b) whether there is any possibility of establishing such a station at Patna, if so, when?

The Honourable Sardar Vallabhbhai Patel: (a) and (b). The establishment of a broadcasting station at Patna has so far been delayed mainly on account of the non-availability of equipment which was lost at sea through enemy action in 1943. Orders for new equipment were placed thereafter. This has since arrived in Calcutta and is in process of transit to Patna. The installation work will be started on receipt of equipment at site. The main difficulty at present is the question of securing a suitable site for the construction of a studio building. The Government of Bihar have been approached, and if a suitable site is made available soon, it is hoped that the station would start functioning sometime in 1948.

UNSTARRED QUESTIONS AND ANSWERS.

CULTURAL MISSIONS SENT ABROAD BY THE GOVERNMENT OF INDIA

17. Setb Govind Das: (a) Will the Honourable Member for Education be pleased to lay a statement on the table of the House showing the number of cultural missions sent abroad by the Government of India with their personnel since 1935?

(b) Do Government propose to send such missions during the year 1947, if so, what is their purpose and also the personnel?

The Honourable Maulana Abul Kalam Azad: (a) A statement is placed on the table of the House. The word 'cultural' has been interpreted in a broad sense.

(b) It is hoped to send a small goodwill and cultural mission to the Middle East sometime in 1947. The personnel has not yet been determined.

Statement giving Details of Cultural Missions sent from India since 1935.

S. No.	Particulars of Mission or Delegation	Objective
1.	Mr. P. Seshadri, Principal, Government College, Ajmer, attended the session of the World Federation of Education Associations held at Tokyo in August, 1937, as the Government of India's representative.	To participate in the deliberations of the Seventh Biennial Conference of the World Federation of Education Associations, Tokyo.
2.	Sir (then Mr.) John Sargent, visited China in May, 1942.	To explore practical methods by which educational relations between China and India could be strengthened.

S. No. Particulars of Mission or Delegation	Objective
3. Sir S. Radhakrishnan visited China in April-May, 1944.	To lecture to Chinese Universities and Institutions on Indian Philosophy.
4. An Indian Scientific Mission consisting of the following persons visited United Kingdom and United States of America in 1944-45 :— (i) Sir S. S. Bhatnagar, F.R.S., (ii) Colonel S. L. Bhatia, I.M.S., F.R.C.P., (iii) Dr. Nazir Ahmed, M.Sc., Ph.D., (iv) Sir Jnan Chandra Ghosh, D.Sc., (v) Prof. S. K. Mitra, D.Sc., (vi) Prof. Meghnad Saha, D.Sc., F.R.S., (vii) Dr. J. N. Mukherji, D.Sc.,	To visit Scientific and Technological Institutions in United Kingdom and United States of America and to report to the Government of India regarding :— (a) establishment of Scientific Liaison Offices in United Kingdom and United States of America, and scientific liaison between India and foreign countries, (b) finding of places in British Universities and Scientific Institutions for Indian scientific workers and undergraduate and post-graduate research students requiring training, (c) pay, status and conditions of service generally of scientific workers in United Kingdom as compared to workers in other fields, (d) compilation of a register of scientists and scientific apparatus, and (e) other matters of scientific interest.
5. Sir John Sargent, Educational Adviser to the Government of India attended the conference of the United Nations convened at London in November 1945 accompanied by the following alternate delegates and advisers :— (i) Rajkumari Amrit Kaur, Member, Central Advisory Board of Education. (ii) Dr Amarnath Jha, Vice-Chancellor of the Allahabad University. (iii) Dr. Zakir Hussain, Principal, Jamia Millia Islamia. (iv) Mr. K. G. Saiyidain, Educational Adviser, Rampur State. (v) Dr. T. Quayle, Secretary, Educational Department, Office of the High Commissioner for India in United Kingdom.	To consider the creation of the United Nations Educational, Scientific and Cultural organisation.
6. Brigadier Mortimer Wheeler, Director General, Archaeology and Dr. Mohammed Nazim, Superintendent, Frontier Circle of Archaeological Survey, visited Iran in October-November, 1945.	To return the visit of the Iranian Cultural Mission which visited India, in 1944.
7. In 1945 Brigadier Wheeler, the Director-General, Archaeology accompanied by Mr. Justice N. G. A. Edgley, President of the Royal Asiatic Society of Bengal and Mr. M. A. Shakur, Curator of the Peshawar Museum, visited Afghanistan.	To undertake an archaeological and cultural tour of Afghanistan in response to an invitation from the Afghan Government.
8. A delegation consisting of Sir S. S. Bhatnagar, F.R.S., Dr. J. de Graff Hunter, D.Sc., Dr. D. N. Wadia, M.A., F.C.S., F.N.I., and Dr. J. N. Mukherji, C.B.E., D.Sc., attended the session of the International Council of Scientific Unions held at London in July 1946.	To represent the Government of India in the General Assembly of the International Council of Scientific Unions.

S. No.	Particulars of Mission or Delegation	Objective
9.	A delegation consisting of Sir S. S. Bhatnagar, F.R.S., Mr. D. N. Wadia, M.A., F.C.S., F.N.I., and Dr. J. De, Graff Hunter, D.Sc., attended the meeting of International Council of Geodesy and Geophysics held in July-August, 1946 at Cambridge.	To represent the Government of India at the meeting of the Union of Geodesy and Geophysics and to communicate Government of India's terms for rejoining the Union.
10.	A scientific delegation consisting of the following delegates attended at the Empire Scientific Conference held at London in June-July 1946 :—	To represent India at the Empire Scientific Conference.
	(i) Prof. K. S. Krishnan, F.R.S., Allahabad University, Allahabad.	
	(ii) Prof. Birbal Sahni, M.A., D.Sc., Sc.D., F.R.S., F.G.S., Professor, Botany and Dean, Faculty of Science, University of Lucknow, Lucknow.	
	(iii) Sir Jnan Chandra Ghosh, Kt., D.Sc., F.N.I., Director, Indian Institute of Science, Bangalore.	
	(iv) Prof. M. N. Saha, D.Sc., F.R.S., F.A.S.B., Head of the Department of Physics of the Calcutta University, Calcutta.	
	(v) Prof. M. R. Siddifi, M.A., Ph.D., D.Sc., F.N.I., Director, Research Institute, Osmania University, Hyderabad (Deccan).	
	(vi) Prof. M. R. Siddiqi, M.A., Ph.D., Director, Tata Institute of Fundamental Research, Bombay.	
	(vii) Prof. P. C. Mahalanobis, F.R.S., Statistical Laboratory, Presidency College, Calcutta.	
	(viii) Dr. Sir S. S. Bhatnagar, O.B.E., D.Sc., F.I.C., F.R.S., Director, Scientific and Industrial Research, New Delhi.	
	(ix) Col. Sir S. S. Sokhey, M.A., M.D., Ph.D., I.M.S., Director, Haffkine Institute, Parel, Bombay.	
	(x) Mr. D. N. Wadia, M.A., B.Sc., F.C.S., F.R.C.S., F.R.A., S.B., F.N.I., President, National Institute of Sciences, India, and Mineral Adviser, Planning and Development Department, New Delhi.	
	(xi) Rai Bahadur Dr. S. D. Hora, D.Sc., F.R.S.E., F.A.S.B., Director of Fisheries, Bengal, 13, Ballygunge Circular Road, Calcutta.	
	(xii) Khan Bahadur Mian Mohammed Afzal Hussain, M.A., M.Sc., F.N.I., I.A.S., Member, Public Service Commission, Punjab, Lahore.	
	(xiii) Dr. M. S. Krishnana, M.A., Ph.D., Superintending Geologist, Geological Survey of India, Southern Circle, Mylapore, Madras.	
	(xiv) Dr. J. N. Mukherji, C.B.E., D.Sc., F.N.I., F.R.A.S.B., F.C.S., Director, Imperial Agricultural Research Institute, New Delhi.	

S. No. Particulars of Mission or Delegation.	Objective.
<p>11. India was represented at the meeting of the U.N.E.S.C.O., at Paris in November, 1946 by a delegation consisting of the following personnel :—</p> <p>(i) Sir Sarvapalli Radhakrishnan, D.Litt., LL.D., F.B.A.—Leader.</p> <p>(ii) Sir John Sargent, C.I.E., M.A., D.Litt., Secretary to the Government of India, Education Department—Delegate.</p> <p>(iii) Rajkumari Amrit Kaur, Member, Central Advisory Board of Education—Delegate.</p> <p>(iv) K. G. Saiyidain, Esq., M.Edn. (Leeds), Educational Adviser, Rampur State—Delegate.</p> <p>(v) Dr. H. J. Bhabha, B.A. (Cantab.), Ph.D., D.Sc., F.R.S., Director, Tata Institute of Fundamental Research, Bombay—Delegate.</p> <p>(vi) Dr. T. Quayle, Secretary, Education Department, Office of the High Commissioner for India, London—Adviser.</p> <p>(vii) Mr. P. N. Kirpal, Bar.-at-Law, Assistant Educational Adviser, Office of the High Commissioner for India, Education Department, London—Secretary.</p> <p>(viii) Miss Dorothy Bose, M.A., Education Officer, Education Department—Assistant Secretary.</p> <p>(ix) Mr. A. M. Ashraf, M.A., Assistant Educational Adviser, Education Department—Public Relations Officer.</p> <p>(x) Mr. R. Chakravarty, Head of the Arts Section, Delhi Polytechnic—Art Officer.</p>	<p>To attend the first general Conference of the UNESCO as well as to participate in the UNESCO Month celebrations.</p>

BROADCASTING STATIONS IN INDIA.

18. Seth Govind Das: Will the Honourable Member for Information and Broadcasting be pleased to state:

(a) the number of broadcasting stations that exist in the Northern India *i.e.*, on the Northern side of the Vindhya Mountain ranges and the number of such stations that exist in the Southern India *i.e.* on the southern side of the said ranges;

(b) how many of them are high power stations and how many are low power stations; and

(c) the names of the Provinces which have no broadcasting stations?

The Honourable Sardar Vallabhbhai Patel: (a) Six in the Northern India, *viz.* Peshawar, Lahore, Delhi, Lucknow, Calcutta and Dacca and three in the Southern India, *viz.* Madras, Bombay and Trichinopoly.

(b) A statement showing the power of different transmitters of All India Radio is laid on the table of the House.

(c) C. P. & Berar, Bihar, Orissa, Sind and Assam.

Statement showing the power of the different transmitters of All India Radio

Station	Short Wave					Medium Wave					Total
	100 KW	20 KW	10 KW	5 KW	7½ KW	20 KW	10 KW	5 KW	1.5 KW	.2 KW	
Delhi	2	2	2	1	2	1	...	...	...	...	10
Bombay	1	...	...	...	...	...	1	...	2
Calcutta	1	...	...	...	...	...	1	...	2
Madras	1	...	...	...	...	...	...	1	2
Lahore	1	...	...	1
Lucknow	1	...	...	1
Trichy	1	...	...	1
Dacca	1	...	...	1
Peshawar	1	...	...	...	1

RE-NAMING OF THE SMUTS' AVENUE IN DEOLALI.

19. **Mr. Sasanka Sekhar Sanyal:** (a) Will the Secretary of the Defence Department be pleased to state whether Government are aware that there is a thoroughfare in or near Deolali which is known as the Smuts Avenue?

(b) When and after whom was the said thoroughfare so named?

(c) Whether Government will consider the desirability of altering the name of the said Avenue?

Mr. G. S. Bhalja: (a) Yes, Sir. There is a katcha road between officers quarters which is known as the "Smuts Avenue"

(b) It was christened in 1943 by the local authorities and named after Field Marshal J. Smuts.

(c) Yes, Sir.

NON-PAYMENT OF RENTS OF BUNGALOWS BY THE LANDS AND HIRINGS SERVICES OF THE NAGPUR AREA IN THE CENTRAL PROVINCES.

20. **Seth Govind Das:** Will the Secretary of the Defence Department be pleased to state:

(a) whether Government are aware that the Lands and Hirings Service of the Nagpur Area in the Central Provinces is holding up the payment of rents of the bungalows hired by them for their use from civilian owners of Jubbulpore;

(b) whether Government are aware that the rent of these bungalows is not paid for many months and that payment is made very irregularly with the result that the owners have to undergo unnecessary financial loss for no fault of their own; and

(c) whether Government propose to take necessary steps to redress the grievances of these owners?

Mr. G. S. Bhalja: (a) and (b). I lay on the table a statement showing the hired bungalows in respect of which rent is being withheld or is in arrears, together with the reasons therefor.

(c) Government are doing all that is possible to settle the outstanding points and to make payment.

Statement showing particulars of hired bungalows in respect of which rent is being withheld or is in arrears.

Serial No.	Address	Name of owner	Rental p. m. Rs.	Amount Out-standing Rs.	Hiring arranged by	Date taken over by L. H. & D.	Remarks
1	4 Howbagh Road .	Phulon Dhulayia and Brizrani Babu.	85 0 0	680	MES	August 1946 .	No rent bills have been received and an amount of Rs. 415.12-0 due from the owner for repairs has been outstanding (This has now been received).
2	201A Nerbudda Road .	S. S. Fatechchand	156 0 0	1,716	MES	Do. . .	No rent bills have been received and a sum of Rs. 653.12-0 due from the owner for repairs has been outstanding (This has now been received).
3	122 Blennerhasset Road.	G. R. & K. R. Chowdhury.	134 8 0	10,100	MES	Do. . .	No payment of rental has ever been made by MES or LH&D as owner will not send pre-receipted rent bills. House has now been sold and bills from new owner are awaited.
4	147 Napier Town	Mr. S. J. Edwards.	100 0 0	1,245	MES	Do. . .	Repeated applications have been made to the owner for pre-receipted bills. These were received in the first week of January 1947 and payment of arrears will now be made.
5	No. 2 Penderghast Road.	L. Moti Ram & Sons.	125 0 0	1,000	LH&D	Do. . .	The Jubbulpore Court refuses to recognise the present Power of Attorney produced by Owner's Agent.
6	No. 1 The Mall . . .	L. Moti Ram & Sons.	125 0 0	875	LH&D	Do. . .	No lease agreements can accordingly be registered nor can payment be made.
7	No. 82A Nerbudda Road.	W. Lyons.	120 0 0	780	LH&D	Do. . .	Dispute with owner as to whether garage is included in the hiring.

M. E. S.—Military Engineering Service.
LH&D.—Lands, Hiring and Disposals Service.

PROPOSED LOCATION OF POOR CLASS QUARTERS BY THE DELHI IMPROVEMENT TRUST.

21. Pandit Sri Krishna Dutt Paliwal: (a) With reference to the reply to part (b) of starred question No. 48 asked by Mr. C. P. Lawson on the 29th October, 1946, will the Secretary of the Health Department be pleased to state the location where the Delhi Improvement Trust intends to construct poor class quarters under the State aided re-housing scheme?

(b) Whether these quarters will be in close proximity to the vacated locality, if not, why not?

(c) What is the design and shape of these poor class quarters?

(d) Has the construction been taken in hand?

Mr. S. H. Y. Oulsnam: (a) The Trust intends to build poor class quarters in suitable localities in different parts of the urban area of Delhi. The possible sites now in view are in the Jhandewala Estate, in the Ahata Kidara, Hoshanara, Andha Moghul and Jumna Village Schemes of the Trust.

(b) While it will not always be feasible to build quarters in close proximity to the vacated locality, every endeavour will be made by the Trust to ensure that the residents are put to the minimum dislocation.

(c) A plan showing the revised design of double storeyed quarters is laid on the table.†

(d) No quarters according to the revised design have so far been constructed.

INDIANISATION OF THE OFFICER PERSONNEL IN GOVERNMENT OF INDIA DEPARTMENTS.

22. Prof. N. G. Ranga: Will the Honourable the Home Member be pleased to state:

(a) whether it is the policy of Government to Indianise the officer personnel in the various Departments of the Government of India;

(b) the progress that has been made since September last in this direction in various Departments;

(c) how many among the Secretaries, Joint Secretaries and Deputy Secretaries especially of the Home, External Affairs, Railways, Finance and Communications are Europeans and Indians; and

(d) which offices have been given over to Indians, as vacancies have arisen since 2nd September, 1946?

The Honourable Sardar Vallabhbhai Patel: (a) The policy of Government in regard to this matter was stated on the 8th November 1946 in reply to Question No 321 put by Pandit Sri Krishna Dutt Paliwal.

(b) and (d). The policy laid down by Government is being closely followed in cases as they arise. Information regarding vacancies which have arisen since the 2nd September 1946 and the manner in which these have been filled will be laid on the table of the House as soon as it is complete. The information will also show the progress that has been made in the implementation of that policy.

(c) I place a statement on the table of the House.

† Not printed in the Debates. A copy placed in the Library of the House.—Ed. of D.

Serial No.	Department	Secretary or of the status of Secretary		Addl. Secretary or of the status of Addl. Secretary		Joint Secretary or of the status of Joint Secretary		Dy. Secretary or of the status of Dy. Secretary	
		European	Indian	European	Indian	European	Indian	European	Indian
1	2	3	4	5	6	7	8	9	10
1	Agriculture Department . .		1				2	...	3
2	Cabinet Secretariat . . .	1			...	1	1	1	1
3	Commerce Department . .	...	1		1	1	2	...	3
4	Commonwealth Relations Department.		1		...		1	1	3
5	Communications Department.	1			...				1
6	Defence Department . . .	1		1	1	2	1	2	5
7	Education Department . .	1		...		...	...	...	1
8	External Affairs Department.	1	1		...	3	...	3	3
9	Finance Department . . .	1	1	1		3	3	1	14
10	Food Department . . .	1	...	...			4	...	5
11	Health Department . . .	1							2
12	Home Department . . .	1				1		1	6
13	Industries and Supplies Department.	1				1	2	4	4
14	Information and Broadcasting Department.	1				...		1	1
15	Labour Department . . .	...	1	...		...	2	...	4
16	Legislative Department . .	1		1		...	2	1	2
17	Legislative Assembly Department.		1			...	...		1
18	Military Finance & Finance Department Supply.	...	...	...	1	3	1	4	20
19	Railway Department . . .	4	1	...	1	...	...	5	6
20	Transport Department . .	1	...	...	...	...	...	1	2
21	Works Mines & Power Department.	...	1	...	...	...	1	...	3
	Total	17	9	3	4	15	22	25	90

OUTSTANDING STERLING BALANCES.

23. Mr. Manu Subedar: (a) Will the Honourable the Finance Member please state if the figures of the outstanding sterling balances at the end of each year given below are correct?

31st March 1940—Rs. 142 Crores.

31st March 1941—Rs. 144 Crores.

31st March 1942—Rs. 284 Crores

31st March 1943—Rs. 511 Crores.

31st March 1944—Rs. 945 Crores.

31st March 1945—Rs. 1,363 Crores.

31st March 1946—Rs. 1,724 Crores.

20th December 1946—Rs. 1,622 Crores.

(b) If not, what are the correct figures?

(c) Is it a fact that these figures do not include amounts, which were taken directly to the Dollar Pool in respect of dollars accruing to India?

(d) Is it a fact that these figures are net, and that sterling securities which were retired, and the funds laid out for the purchase of railways as well as Railway Annuities would have to be added in order to ascertain the total value of services and commodities given by India to His Majesty's Government and Allied Governments?

(e) What is the total amount of sterling debt and other sterling liabilities, which have been paid off by India since 1939?

The Honourable Mr. Liaquat Ali Khan: (a) and (b). The figures are correct except that they relate not to the specific dates mentioned but to the nearest week for which the figures of the Reserve Bank are compiled.

(c) These figures include the amounts referred to by the Honourable Member.

(d) The figures are net; but as the variations in the sterling holdings of the Reserve Bank reflect India's balance of payments as a whole, the addition of the three specific debit items mentioned by the Honourable Member to the figures of these balances would bear no kind of relationship at all to the total value of the services rendered to, and of the commodities purchased by His Majesty's Government and Allied Governments.

(e) Sterling debt of the face value of £320 millions was paid off at a total cost of approximately Rs. 426 crores during the period April 1939 to March 1946. I am not certain what the Honourable Member means by other liabilities but if he is referring to the lump sum payment on account of non-effective charges the sum involved is £15 millions.

REPAYMENT OF STERLING BALANCES TO INDIA BY U. K.

24. Mr. Manu Subedar: (a) Will the Honourable the Finance Member please state if Government have noticed the argument in British propoganda regarding the ability of the United Kingdom to pay sterling balances and the suggestions that the repayment should be spread over a period of fifty years?

(b) Did Government give to their representatives, who met the British Delegation, all relevant facts, showing both the gross amount and the net amount of value of what India was made to pay in a period of five years?

The Honourable Mr. Liaquat Ali Khan: (a) Government have noticed most of the articles in the press of the United Kingdom on this subject.

(b) I am not certain what the Honourable member means by "the gross amount and the net amount of value;" but Government did furnish the Indian Delegation with all the relevant facts on the subject.

ACCOMMODATION FOR INDIAN STUDENTS IN ENGLAND.

25. Mr. Sasanka Sekhar Sanyal: Will the Honourable Member for Education be pleased to state:

(a) whether it is a fact that, while he was in England recently, it was reported to him that Indian students in that country were suffering badly for want of accommodation, so much so, that they had to live in tents in winter;

(b) whether he is further aware that it is reported that the India House do not keep proper information about Indian students nor do give proper information to them;

(c) whether his attention has been drawn to the resolutions and discussions made at the annual meeting of the London Majlis in which a Commission of Enquiry has been asked for and the recall of the High Commissioner, suggested, as reported by the Reuter, vide *Daily Tribune* of the 14th January, 1947 page. 5; and

(d) the latest position with regard to the foregoing and the steps taken by the Government of India for meeting the situation?

The Honourable Maulana Abul Kalam Azad: (a) When the Leader of the House was in England recently he met a deputation of Indian students in India House and they made various complaints to him, more especially in regard to accommodation. He discussed this matter with the High Commissioner and the Deputy High Commissioner who promised to do everything in their power to help the students. A proposal was also made that a room might be set apart in India House for their use. Subsequently the Deputy High Commissioner reported that owing to lack of accommodation for the existing staff it was very difficult to find a suitable room in India House for this purpose. He was, however, trying his best to engage a suitable room in the vicinity which the students could use. This matter is being pursued and it is hoped that satisfactory arrangements will be made.

(b) In the absence of any specific instances this charge cannot properly be answered. Every effort is made by the High Commissioner's Office to give up-to-date information as well as every possible assistance to Indian students in the United Kingdom. It has been ascertained that in 1945-46 8,000 (eight thousand) interviews were granted by the educational officers in the High Commissioner's Office, excluding those granted by the High Commissioner and the Deputy High Commissioner, while the number of students so interviewed during the quarter ending December 31st, 1946, was 2,300.

(c) Yes.

(d) There is no doubt that Indian students have had to suffer hardships in regard to accommodation. It should be remembered, however, that living conditions in the United Kingdom continue to be extremely difficult and there is an acute shortage of accommodation for everybody. In spite of the efforts of the Office of the High Commissioner some of the difficulties facing Indian students have not been removed. Between October 1945 and January 1947 that office arranged accommodation for about 1,200 students. Apart from the hostels which have been established for Indian students in London and Edinburgh during the last year, the High Commissioner's Office maintains an up-to-date list of suitable lodging houses, including 125 private houses in London alone where Indian students are placed, whenever possible. The High Commissioner has also been making efforts to acquire a suitable building in London which may serve as a reception and transit camp for Indian students.

The particular incident referred to in part (a) of the question about Indian students having to sleep in tents in winter, has reference to two occasions only during the last two years, when large numbers of Indian students arriving in the United Kingdom at short notice, or without any notice altogether, had to be accommodated in the International Language Club, Croydon, for a maximum.

period of three days, before proper accommodation could be arranged for them. This, undoubtedly, resulted in considerable discomfort to the students concerned.

The Government of India have for some time been considering the question of reorganising the High Commissioner's Office with a view to strengthening it and have invited the Deputy High Commissioner to New Delhi for this purpose. It is proposed particularly to strengthen the Education Department of the High Commissioner's Office and to set up a separate section in that Department to look after the general welfare of Indian students.

SPECIAL MARRIAGE (AMENDMENT) BILL

Mr. President: We shall now take up further consideration of the following motion moved by Dr. G. V. Deshmukh on the 15th November, 1946:

12 NOON
 "That the Bill further to amend the Special Marriage Act, 1872, for certain purposes, be referred to a Select Committee consisting of the Honourable Mr. Jogendra Nath Mandal, the Honourable Sri C. Rajagopalachari, Dr. J. C. Chatterjee, Khan Mohammad Yamin Khan, Shri Sri Prakasa, Sri M. Ananthasayanam Ayyangar, Mr. Vadilal Lallubhai, Sjt. N. V. Gadgil, Pandit Balkrishna Sharma, Pundit Thakur Das Bhargava, Sardar Mangal Singh, Shrimati Ammu Swaminadhan, Sri A. K. Menon, Mr. Madandhari Singh, Mr. Leslie Gwilt, Mr. Sasanka Sekhar Sanyal, Sri Jagannathdas, Sree Satyapriya Banerjee, Sri S. T. Adityan, Mr. Krishna Chandra Sharma 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. P. B. Gole (Berar: Non-Muhammadan): Sir, last time, or rather last year, I had not finished my speech. Today I do not propose to take much of the time of the House, but I would like to place before you certain salient features which militate against the very object for which the Bill is brought. Last time I was quoting from certain opinions and I may tell the House that the opinions so far received are very much against the Bill. There are in all 128 opinions against the Bill whereas only 36 opinions are in favour of it. I have already stated that those 36 opinions are without any reasons whatever for the opinions they held. But the opinions which are against the Bill are given by persons who hold very high positions in society; apart from the Hindu Mahasabha, the Sanatana Dharma Sabha and others, there are High Court Judges, eminent lawyers, Advocate-Generals and even the Governments themselves have given opinions against this Bill. The question arises whether the House would be justified, in view of this overwhelming opinion, in proceeding with this Bill. With all humility I submit that it would be against all etiquette and against all rules of justice that in view of the overwhelming opinion against this Bill we should insist upon proceeding with it. I may point out to you that even the Chief Khalsa Dewan of the Sikhs at Amritsar has given opinion against this Bill. The main object of my Honourable friend Dr. Deshmukh in piloting this Bill is to secure monogamy in Hindu Society and also as a corollary of that to secure divorce for those unhappy couples who are not able to pull on well together.

Mr. President: Order, order. I would like to know whether the Honourable Member proposes to repeat his speech made during the last debate. The speech is full of quotations and it covers more than twelve pages. The Honourable Member may touch only those points which are not covered in that speech and he should not repeat his points over and over again.

Mr. P. B. Gole: I take it that I have not so far repeated any of my arguments which have been advanced before.

Mr. President: Not in the same words.

Sjt. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): I understand that there is no time-limit so far as the discussion on the Bill is concerned.

Mr. President: I am putting no time-limit. I am only trying to stop irrelevance and repetition.

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): I thought that a senior member like Mr. Gadgil would know it.

Mr. President: Order, order.

Mr. P. B. Gole: I am really taking care to see that I do not repeat any of my arguments. I am very sorry for the remark from the Chair that I am repeating the arguments in other words when I am particular to see that I do not repeat arguments that I have already advanced.

Shri Sri Prakasa (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): You referred to divorce last time.

Mr. P. B. Gole: Sir, one of the objects for which the Bill is brought by my Honourable friend is to secure divorce. So far as those communities, especially the European community, in which divorce is in vogue are concerned, I may draw the attention of the House to the opinion of Mr. G. K. Chesterton, an eminent authority on this question in which he says:

"The superstition of divorce has proved that divorce does not bring happiness to the husband or to the wife. It ends in the tragedy of the vows that the husband and the wife both take at the time of marriage on the Holy Book, in the tragedy of the children whose welfare is jeopardised and in the tragedy of marriage itself for which no regard is paid by any party."

He quotes Mr. Gibbon, the great historian who showed that the downfall of the Roman Empire was due to the increase of divorces.

You must have read, Sir, the report recently published in the *Hindustan Times* that in the year 1946 there were in all 11,000 divorces in Hollywood in Divorce Land, Reno. There, in one year there were 11,000 divorce proceedings. And it comes to this that almost every day the divorce cases in divorce courts came to more than 30. The question was put to one of the stars there as to how this happened. He said "There are many beauties here and there are very handsome people here; that is the reason for the divorces". Whatever may be the reason given by him I would assert here that it is against all canons of morality. All the vows are to be given up and that too because somehow or other the couple are not happy in married life. My submission to the House is that such a state of things does not exist in our Hindu society and we should not, really speaking, bring in such Bills which are against all moral canons. Now, Sir, let us see if the object with which the Bill is brought can be achieved by the method adopted by my Honourable friend or sought to be adopted by my Honourable friend. He relies probably on section 17 of the Special Marriage Act and on the Indian Divorce Act to achieve his purpose. Apart from the fact that a marriage solemnised under the Hindu rites cannot be dissolved and ought not to be dissolved, the question is whether by enacting this law it is possible to dissolve that marriage. For the dissolution of marriage they will have to go to court and perhaps matrimonial courts would have to be established in India. After all the matrimonial courts will have to be established under the Indian Divorce Act and what does it say about it. I do not know whether my friend ever cared to look into the Divorce Act to see whether the object he has in view can be achieved. Section 2 of the Act says 'Nothing hereinafter contained shall authorise any court to grant any relief under this Act except where the petitioner or the respondent professes the Christian religion. This is the condition precedent which is mentioned in section 2. I do not think Hindus who are married under the Hindu form, if they get a marriage registered under the Special Marriage Act, become Christians thereby and unless my friend goes to the length of advising those

[Mr. P. B. Gole]

people to embrace Christianity for the sake of getting divorce, I myself do not know how under the Divorce Act he will get the relief which he wants. Further he probably forgets, I do not know whether he has ever read them, the sections. They are such that you cannot get divorce so easily. I would particularly call attention to section 13 of the Act wherein it has been stated that the divorce petition will be dismissed if the petition is presented in collusion with either of the respondents.

Now, Sir, the objects with which the Bill has been brought have been stated by my friend to be monogamy and divorce. Therefore for the purpose of getting a divorce they are going to have this marriage registered under the Special Marriage Act in order to entitle them to go to the matrimonial court to get a divorce. I may cite here a case decided recently by the Nagpur High Court where two cinema stars married. They could not pull on together and ultimately they filed a petition in the Nagpur High Court for dissolution of marriage and the judges of the High Court dismissed the petition on the ground that the petition had been brought in collusion. Here the very object of getting the marriage registered is to have a divorce. Because the couple are unhappy and they cannot pull on, they want to have the marriage dissolved. The object with which the marriage is registered can be seen through by any court with some common sense. Therefore I submit that the object with which this Bill has been brought is not likely to be achieved. Then this Bill militates against all canons of morality. As it wants to amend the Special Marriage Act, it is indeed a misfit as has been observed by the Advocate General of Madras. I would ask my friend to consider dispassionately whether he is serving the cause of the society by bringing in this Bill or is it merely to satisfy his own vanity. I have not been able to understand the underlying objects of this Bill except those that have been given by the Honourable Member. We have nothing to do with the other objects, because once you change the objects, the whole Bill will have to be changed and a new Bill will have to be brought. I would seriously ask my friend whether in view of what I have said he still desires to pursue his attempt to get this Bill passed in this House. He asks the House to commit itself to the principle of this measure. The principle is monogamy and divorce. If these two objects cannot be achieved by this Bill I request my friend very humbly to dispassionately consider whether this is the proper way in which the House should be committed to the principle of the Bill. I strongly oppose this motion for reference of the Bill to the Select Committee.

Shri D. P. Karmarkar (Bombay Southern Division: Non-Muhammadan Rural): I have carefully followed the debate that has taken place on this motion. I will content myself with inviting the attention of the House to two or three predominant considerations which to my mind are relevant to the consideration of this Bill. Undoubtedly social laws and traditions which have been going on for thousands of years may be ripe for a change and if they are ripe for a change, it would be wrong on our part to hesitate to bring in those changes which are necessary. At the same time before we depart from any rule of law or tradition having the binding effect of law, we should also inquire as to the absolute necessity of it in the interests of society. We have had measures like the Indian Divorce Act or the Special Marriage Act or the Child Marriage Act and so on. There was a need for those measures and the results have justified the rightness of those measures. Now, in so far as the measure before the House is concerned, it seeks to interfere with marriages that have been solemnly and duly performed. There has been another interpretation by no less a person than the Honourable the Leader of the House and by the Honourable Mr. Rajagopalachari that the content of this Bill is to limit the provisions of the Bill to such cases of marriages as might have been for some reason or other of a doubtful validity. Cases are conceivable where two persons have entered the wedlock and they now feel that the validity

of the law is likely to be questioned. Certainly it is up to us to make a provision for legalising marriages which might otherwise have been invalid on account of no fault of the parties themselves. If this Bill were to limit itself absolutely to its objective, namely, giving a validity to marriages of a doubtful validity, then I would be entirely in agreement with the principle and the content of it. But in so far as it seeks to go further, in my humble opinion it is not a measure which is in any way urgent or which is required by that section of the society which it seeks to affect. As has been evident, a large section of the Hindu society has developed the custom of divorce and there is a very small section amongst whom this custom of divorce has not yet gained popularity. Now, Sir, is it the case of the Honourable Mover of this Bill that there has been any intense desire amongst that class of persons who will necessarily be affected by its provision to ask for such a provision?

Now, Sir, in the speech which he made on the 15th November he confessed his inability on past occasions to successfully pilot through or even to move measures of this kind. He felt himself diffident to bring forward boldly measures advocating and legalising divorce or monogamy. I beg to submit that he need have no such diffidence about the introduction of such measures. As he already knows, in so far as the Bombay Presidency is concerned, the Bombay Government themselves have successfully sponsored a Bill in respect of monogamy. Recently, the concerned Member of Government in that province has declared the intention of the Government to bring forward a Bill also making it possible for the Hindus to take to divorce. Under such circumstances, instead of coming through this back-door of trying to amend the Special Marriages Act which was principally meant for bringing in persons into a wedlock, instead of tagging on to that measure something which is not suitable to that Act, I would certainly have congratulated the Honourable Member if he had come before the House with measures which were in support of monogamy and in support of divorce. Now, Sir, what is the extent of the section of our society which is going to be benefited, according to him, by this measure? Its extent is very small. I should not conceive,—unless it has come to his notice couples who have been entirely dissatisfied during the course of his medical practice,—that their number is very large. It may be that during his practice he has come across some couples who were not satisfied with their marriages and the Hindu law did not permit them to be separated, and they might have asked him to oblige them by introducing a Bill to get divorce. So far as that aspect of the matter is concerned, there has been not only no agitation on this matter but there has been no appreciable demand or appreciable request from any quarter whatsoever which is going to be affected by this measure. Therefore, it would be futile to take the time of this House by bringing measures of this kind, which may be permitted by the rules of this House, but which are absolutely futile inasmuch as they touch an infinitesimal portion of the society. The society as such has not expressed any desire for a change from the old practice. After all, the older section of the people who are already married are quite content with their marriages. The younger people or those who were young 15 years ago had the law open before them either to get their marriages registered under the civil law or to celebrate them according to the Hindu law, and they have made their choice. Let them not unmake their choice at will, because there may be an amendment to this Bill also saying that even after a person gets the benefit of the Special Marriage Act, it shall be open to him afterwards to say that the previous two marriages should be dissolved and he will contract a third marriage. Let there be an end to this at some stage. Whom is he going to benefit? Who are those old and young persons who have expressed such an intense desire to get rid of the old Hindu law and to contract new marriages? Under these circumstances, I should respectfully submit to this House that this measure is absolutely uncalled for. In the first place, it is going to affect such a small section of the society that there has been no great hardship expressed so far as public opinion

[Shri D. P. Karmarkar]

is concerned. Secondly, I should like, as I said before, that these questions which relate to the law of marriage should be approached with a directness and with a boldness which is suitable in such cases. As I said, if we want divorce to come in and if we want the society to stick to the law of monogamy, let us bring measures to that effect. Whether some of our people like it or not, our society has now undergone changes in view of the changing times. Forty years ago when the Child Marriage Restraint Act was for the first time discussed on the floor of the Central Legislature, such a hue and cry was raised about it. People were asking why should you restrict the marriages within a certain age? But society has now changed. Society has got to undergo a change according to the prevailing circumstances. At the present moment, nothing, I think, would prevent society taking the mode of divorce as part of the law of the marriages of the country.

Now, Sir, much has been said about the advisability of divorce in the Western sense. The original intention of the law makers was to make divorce not possible in cases of incompatibility. Certainly, it is one of the cases where a man and a woman find themselves to have a temperament which is incompatible it might reasonably be said to be one of the cases which justify a divorce. But even the Indian Divorce Act, as it stands today, makes it necessary to have one of the three or four elements mentioned in that law. For instance, desertion or adultery constitute one of the grounds before a decree for divorce can be given. However much we may desire to stick to the old things, society has undergone a change; times have undergone a change; and the changing times make it absolutely necessary to have a change in the law of the land. Now, Sir, if we have to get along and introduce reforms consistent with the changing times, we must bring forward measures in a more direct manner than it has been possible for the Honourable Mover to do in the present case. I congratulate him upon his frankness and upon his honesty of purpose. I congratulate him also on the frankness with which he has admitted that because bolder and more direct measures were not possible and that the time was not suitable, therefore he has been compelled to take recourse to this indirect method, which in my opinion is not a very desirable one.

One more submission. There is an understandable part of this measure which I very much like to appreciate. That part has been dealt with in their speeches by the Honourable the Leader of the House and by the Honourable Mr. Rajagopalachari and also partly by my learned friend Shri Sri Prakasa. There happen to be instances where men and women come together in all solemnity and they state that they have married according to certain rites, it may be that in the eye of law those marriages may lack the sense of legality. It is certainly up to us to give our accord to them in so far as we can legally do it. That type of marriage is for all practical purposes a sacred marriage, whether you look at it from the point of view of sacrament or contract, it is undoubtedly a solemn marriage, it may be of doubtful validity, but it is really a marriage. In such cases, if a new measure were to be brought, or if this measure were to be limited to cases of that kind, I should think that some useful purpose would have been served. In that view of the matter, I should respectfully submit to this House firstly to throw out this measure at this stage; but if the House is pleased to accept the motion for reference to Select Committee, then to so amend it as to give a limited scope only for marriages which may or may not be invalid, but which look as if they are invalid or may be of doubtful validity and to give such doubtful marriages a valid clothing.

Sir, with these words, I oppose the consideration of this Bill at this stage, but if the House should be pleased to adopt the Motion and refer the Bill to the Select Committee, then it should go into this matter thoroughly in the Select Committee.

Finally, Sir, I would invite the attention of the House to the last amendment sought to be made by this Bill, namely that contained in clause 12,—dissolution of previous marriage on registration of new marriage. I strongly feel that anything that might happen as a result of this Bill should not result in dissolution of any previous marriage. The status of parties need not change as a result of this new registered marriage. All that the new registered marriage should be able to do is to give a reality, a clothing of validity to marriages of doubtful validity.

Shrimati Ammu Swaminadhan (Madras City: Non-Muhammadan Urban): Sir, I rise to say a few words in support of this Bill. We, the women of India, are not quite satisfied with this piecemeal legislation which these Bills bring about. We do want great many changes in the Hindu law as it stands today. But even such Bills as these give certain rights to women who suffer a great deal in this country, especially with regard to their married life. My Honourable friend Mr. Gole seems to think that this Bill is introduced only with the intention of giving the right to divorce and also with the intention of making every one wanting to divorce. I beg to differ from him.

Mr. P. B. Gole: That is the object which the Mover has in mind.

Dr. G. V. Deshmukh: Not at all.

Shrimati Ammu Swaminadhan: I say this Bill is brought forward to give the right in case women want to have the right of divorce. At the same time, as the Hindu law stands today, a man, if he is either tired of his wife, or if he wants to marry another woman, can just discard his present wife, and get married to as many women as he likes, while the woman has no liberty to marry again if she is married to one man. Is it or is it not right to give this liberty to women. After all this is only a permissive measure. It is not compulsory for every married people in India to rush to Registrar's office, to get their marriages registered. I am sure there are not many women or men who want to divorce their husbands or their wives today. At the same time, when marriage is performed at the Registrar's office, I do not think any one goes there with the intention of filing a divorce suit the next day. I do beg to state to this Honourable House that we, women, do want certain rights and equality. I do submit that this is not the time for Honourable Members of this House to oppose such measures that are being taken to ameliorate the condition of women in this country. I do hope still that the whole of the Hindu law will come under consideration and I hope that the Rau Committee will bring forward their proposals before long and that the changes in the Hindu law as envisaged therein will be adopted by this House. In the meanwhile, this Bill of Dr. Deshmukh which seeks to give a little relief to women of India, will be welcomed by all women. I do not think my Honourable friend Mr. Karmarkar was right in saying that only a very small section of people in India do want this measure, that there was really no agitation demanding such a measure at all. I beg to differ from him. Unfortunately the women of India are still not speaking much about things that they suffer from. That has always been the difficulty with regard to women in India, because they do not come forward and agitate about things that they have been and are still suffering from.

Sjt. N. V. Gadgil: Not now.

Shrimati Ammu Swaminadhan: I want to say that now perhaps a few women do come forward to bring these disabilities to the notice of the public so that all the people in India might realise what Indian women are suffering from today. This question has again and again been considered at gatherings of Women's Association and all women who attend these conferences are unanimous that they do want a marriage registration Bill to be introduced in this Assembly and passed into law ere long. It is only because they want to have certain rights, not because they want to divorce their husbands that the

[Shrimati Ammu Swaminadhan]

women of India want such a Bill to be brought forward and passed into law. Surely it is only right and proper that the women of India who suffer from great disabilities with regard to marriage should demand that such measures should be brought forward so as to give them a chance to have certain rights granted to them. I am afraid it has been my experience that if there is any kind of Bill brought forward to give relief to women or to give more rights to them very often our friends—the men—oppose such measures. I do not know whether it is because they are afraid that they would be losing their rights, in which case, I must say, they have no faith or belief in their women at all or because the men feel that their place will become less superior than it used to be before. I must say, Sir, that we, in India, must also move with the times. There are so many changes taking place in this country. But when it affects women, when some small steps are taken to remove the disabilities of women why all this agitation, I do not understand. If we are to move with the times at all, we must also see that the women of this country who form half the population of the country should also go forward and should also have equal rights, if not complete equality at least certain rights which they can exercise when it is necessary. I have seen hundreds of thousands of women suffer today because there is nothing to give them relief with regard to marriages. As I said before, is it just that once a woman is tied to a man according to Hindu law, she is tied for ever. Why should she not have the right to divorce if she is not able to get on well with the husband? I want to ask Honourable Members who are opposing this Bill, are they all afraid that all the wives in India are going to ask for divorce the moment registration is enforced. In that case, it is better that they do not keep on being tied to such wives who want divorce from them. Every one here, if he is for the progress of this country, if he is for the advancement of womanhood in this country, should support this measure. My Honourable friend Mr. Rajagopalachari is in the Select Committee. He is in full sympathy with this measure. He comes from a province which is supposed to be the stronghold of orthodoxy and yet even orthodox Madras has come forward saying that this is a proper measure and it should be enacted into law. I am sure Mr. Rajagopalachari will support every progressive measure that is brought forward for the advancement of women in India. With these words, I fully support the Bill being referred to the Select Committee.

Sri S. T. Adityan (Madras and Ramnad, *cum* Tinnevely: Non-Muhamadan Rural): Sir, after the able arguments presented by the Honourable the Leader of the House and the Honourable Mr. Rajagopalachari it is very difficult to find any new arguments. But there have been certain objections, specially by my Honourable friends Mr. Gadgil and Mr. Gole, some of which require some examination. The first argument seems to be that the Bill relates to marriages that have been already performed under the Hindu law or under the Buddhist or Jain law. Mr. Gole says that such marriages are already valid and there is surely no reason to revalidate them by re-registration. That is certainly one aspect of the question; but an important class of case may arise in this way. Suppose a boy of 18 is married to a girl of 15; under the ordinary law and custom they are not of an age to decide for themselves and the marriage has been settled by the parents. Now after five years when they begin to know the world they may find it impossible to pull on together. There may be a case in which the boy who has just come of age falls into evil ways. The parents of the girl take it up with the parents of the boy, and they may decide that the best way of bringing round the boy to the girl is to re-register the marriage in a form in which monogamy is the result. These cases arise always in legal practice and in such cases we lawyers now advise that the boy should be made to execute a document of settlement in favour of the girl. I do not think there is any lawyer in whose practice such

cases do not arise quite often; and the only advise we can give them is to go to the sub-registrar and execute a deed of settlement in favour of the wife. And under this Bill the marriage will be re-registered so that the boy may be fixed up in a monogamous marriage.

There was another point made by Mr. Gadgil and I think it was opposed by Mr. Gole. My Honourable friend Mr. Gole quoted the literary critic Mr. Chesterton against divorce; and my Honourable friend Mr. Gadgil cited the jurist Bentham in support of divorce. It is rather curious that of the two Honourable Members who oppose this Bill one stands for divorce and calls the support of Bentham and the other opposes divorce and calls in Chesterton to his aid. I will ask them to settle this quarrel among themselves.

Then, Sir, these Honourable friends tried to examine the motives and reasons of the Honourable Mover in bringing forward this Bill.

Mr. P. B. Gole: They are given by the Mover himself.

Sri S. T. Adityan: They tried to find out what was at the back of the Honourable Mover's mind,—whether the motive is divorce or something else. Sir, I am not delving into the Honourable Mover's psychology, but whatever reasons may have actuated him, they do not at all count after the Bill becomes law. You know that the Preamble is not a matter of interpretation by the courts because it is no part of the Act; much less are the reasons and motives of the Mover of a Bill. In fact the Mover simply fades out of the picture after the legislation is passed, and his motives do not count at all. So the examination of his motives and reasons need not have taken so much time.

Then a point was raised about the dissolution of marriage, whether it is proper to provide in this Bill a clause for dissolution of a marriage already performed. On that, Sir, I think my Honourable friend Mr. Gole has made very valuable contributions in examining the whole Bill clause by clause; but I was wondering whether all that was relevant at the present stage. I think it is better that his views on this subject should be presented before the Select Committee when they examine the clauses of this Bill. I can surely assure him that an honest effort will be made in the Select Committee to go into this question clause by clause and to discard that part of the Bill which may be found to be either useless or harmful.

Certain other points were raised by my Honourable friends but I consider those also to be matters for examination by the Select Committee. Sir, I support this Bill.

Pandit Balkrishna Sharma (Cities of the United Provinces: Non-Muhammadan Urban): Sir, I beg to support the motion for reference of this Bill to Select Committee. As I was hearing very respectfully and with great attention the speeches of my Honourable friends Mr. Gole and Mr. Karmarkar for both of whom I have got immense respect—I was reminded of this sort of clash of ideas which sometimes takes place even among the best of friends and makes them appear not to see eye to eye in regard to fundamental questions. Without in any way yielding to any one in my respect for these friends I can say this that the arguments that they have advanced against this proposition of my Honourable friend Dr. Deshmukh had very little effect on me. The very fact that they have spoken in the strain they did show that they have not taken into consideration the various ideas which are agitating the entire Hindu society and demanding a solution of the present tangle. My Honourable friend, Mr. Gole, referred to the late Mr. G. K. Chesterton—a great author and a man who had no equal in English literature. Chesterton was a master of paradoxes. Sir, I remember a book which Chesterton wrote on Browning, and in that book he described how Browning's "Sardello" caused headache to various English critics of the time. Carlyle got a copy of "Sardello" from Browning and he handed it over to his wife to read, and after some time Carlyle wrote a letter to Browning saying 'My dear Browning,

[Pandit Balkrishna Sharma]

Mrs. Carlyle has read "Sardello" with very great interest and wishes to know whether "Sardello" was a man, or a city, or a dog.' Mr. Gole has opposed this Bill, but really if I were to ask whether he has at all tried to understand the Bill—whether it was a man or a city or a dog! . . .

Sjt. N. V. Gadgil: All the three!

Pandit Balkrishna Sharma: I should not be considered as having a fling at his very acute intelligence.

Mr. P. B. Gole: Let us know what you have understood.

Pandit Balkrishna Sharma: He is anxious to know what I consider of the Bill. Well, I will explain to him what I consider it.

Sir, the very great anxiety which has been expressed by Mr. Gole about bringing in the Hindu Society something which is not there, perhaps is due to the very obvious reason that Mr. Gole thinks only the upper ten to be the Hindu society. That is perhaps the trouble that is at the bottom, that because certain sections—Brahmins, Kshatriyas and Vaishyas—are given to a particular way of living, therefore if anybody wants to bring about a change in that way of living Mr. Gole thinks that the whole Hindu society may go to pieces.

Mr. P. B. Gole: I have not said a word about that in my speech.

Mr. President: Order, order. The Honourable Member may proceed without interruptions.

Pandit Balkrishna Sharma: As a matter of fact what he objects to is already there in the Hindu society. I think nearly 50 per cent. of the Hindus even today are free to claim divorces.

Shri Sri Prakasa: 90 per cent.

Pandit Balkrishna Sharma: My Honourable friend, Mr. Sri Prakasa, says 90 per cent., but I have been rather conservative in my estimate, and I put it at 50 per cent. All the Shudras communities have a system of divorce. Among the Kshatriyas even the jats, who constitute a fairly big community, have got a system of divorce. Among Kshatriyas of other communities certain traditions are there which give the right to the man and to the women under certain circumstances to secure a divorce. All the tribes in the Kumaon and Gharwal hills have got a system of divorce. So that our difficulty in understanding properly what Dr. Deshmukh actually means by his Bill is because we have such a narrow outlook that we do not look beyond our own small society which we have formed around us—some Brahmins, some Kshatriyas and some Vaishyas, and then we think that because it does not exist in this society, therefore, if we introduce it, the whole society will collapse. It has not collapsed so far; it has lived for thousands of years. What we want is that that facility which has not been granted to the upper ten on account of certain traditional biases, which we have formed in our mind, should be given now.

Mr. P. B. Gole: Unfortunately the Bill is not for that.

Pandit Balkrishna Sharma: If we look at the history of marriages in Hindu society, we will find that there has been a continuous process of a certain amount of evolution from times immemorial and that evolution has continued even up to this day. There was a time, and I think Mr. Gole who is a Pandit of the ancient lore will not deny it, that the Hindu society did not know what actual sacramental marriages were. In *Mahabharata* we have got instances of a society, existing long before that, where actual marriages, the kind of marriages that we know of today, never existed.

Shri Sri Prakasa: What about Bhima?

Pandit Balkrishna Sharma: He went on marrying everywhere. He was a great fellow. All sorts of things existed in our society. By and by naturally the customs were brought within the ambit of codification and a certain system called the system of Hindu marriages was introduced in society. There is a very interesting story that there was a Rishi whose mother went away with another old man and he was very cross and he asked his father what the matter was. His father said, 'well, my son, this is the ancient Aryan custom; where is the harm? If your mother feels like going with somebody, she can go.' That Rishi perhaps had some sort of oedipus complex and he carried out a great agitation in the society, with the result that this system of marriage was evolved and the society accepted the system of marriage as such. This is one of the traditional stories that we find in *Mahabhart*a. Therefore, I say that to look upon the system of marriages in Hindu society as something very hidebound is really to reject the very historical basis on which the system of Hindu marriages is based. Mr. Gole has quoted Chesterton. I may inform him that the late Mr. G. K. Chesterton was a great Catholic and one can easily understand that when a devout Catholic of Chesterton's type expresses an opinion against divorce it is quite in line with his tradition and with his thinking, so that we cannot lay much store by what Chesterton has said regarding divorces, their futility or otherwise. Let me tell you that when I insist upon opening a little door of freedom to the women in the Hindu society, I do not mean that I regard the system of divorce as a very desirable thing. We all know in what quandary the Western society is. Perhaps the Hindu system of marriages has been tried for centuries on end and it has served the society well enough. But then by introducing a legislation of this type, we are certainly not going to ask every married man to go to court and divorce his wife or every married woman to go to court and divorce her husband. It is only an enabling Legislation and we are, as a matter of fact, giving an opportunity to get registered such of the marriages as have not been somehow either valid in the first instance or

Sjt. N. V. Gadgil: It is not covered by this.

Pandit Balkrishna Sharma: It will be covered when the Bill is being sent to the Select Committee and such defects as there are in the Bill will be removed. Therefore there is no point in opposing its being sent to the Select Committee. If the Select Committee finds after it has brought about all the changes in the Bill that it has been so altered that it requires to be sent again for circulation for eliciting public opinion then a recommendation to that effect will be made, but if the Committee thinks that by bringing about certain changes the Bill is not changed beyond recognition it shall come before you for your consideration and even at that stage you will have every right to introduce amendments into the Bill. Therefore I do not think any purpose will be served by opposing the motion for its being sent to the Select Committee.

There were certain points which were made by some speakers. My friend, Karmarkar said that it is no use bringing about such piece-meal legislation. Well this is a point which has been before this House and which has been pressed so many times that it is unnecessary for me to reply to it. All of us know and all of us feel that a codification of the Hindu Law is a necessity but unfortunately the subject is so vast that we cannot wait for the Codification of the whole of the Hindu Law and ignore such of the reforms as we can bring about by introducing piece-meal legislations.

Mr. P. B. Gole: What is the urgency?

Pandit Balkrishna Sharma: Therefore this legislation has been brought forward. As for the urgency of the matter, I think Mr. Gole is a gentleman who will never realize the urgency of anything. As a matter of fact, somebody

[Pandit Balkrishna Sharma]

in this House, perhaps, Sir, from one of these galleries above here, said, many years ago, that it requires a loud noise to make the deaf hear, and perhaps Mr. Gole will require a very loud noise to make him hear. He has not yet been able to see that for one reason or another the Hindu society is going to pieces in spite of the fact that it has weathered many storms. Yet, this society of ours cannot be said to have withstood the onslaughts very successfully. After all, if there have been in the past many lacunae in our traditional and in our social make-up then it is time now for us that we look to them and we try to fill up as many gaps as we possibly can.

With these words I support the motion for this Bill to be sent on to the Select Committee.

Dr. P. G. Solanki (Nominated Non-Official): I rise to support this Bill wholeheartedly. I have heard the opposite benches. They consist of learned men of this country and they belong to the privileged class of the "Dwijias". A reference was made that these laws were codified by the wisest men of the Aryan community. A reference was made by one of the Honourable Members to the *Shudras*. Unfortunately I have to admit that I belong to that section of humanity in this country which is treated much less than human beings. I am emboldened to support this Bill because of the plight of the women of the community and particularly of the daughters of the High Caste Hindus, Aryans of old times Hinduised in India, are so cruel towards their own children. I would like to compare the prevailing usages and customs amongst the so-called *Shudras* and the customs of the much advanced and learned *Dwijias* of this country. The *Shudras*, as they are called by the privileged classes, do not like to call themselves *Shudras*, but as human beings. We want that justice should be done to every human being whether that be a male or a female. The curse on this country and the slavery of this country has been brought about by the *zoolum* of the narrow minded orthodox and bigotted *Brahmins* during the last 2,000 years. Before that there was Buddhism and even before Buddhism the Puranic Period. We read in the *Mahabharat* and the *Ramayana* that there were instances where the women used to take part in the enactment of the laws along with the learned and wise men of India. It is a most unfortunate thing that the Hindus who always praise the ancient culture of the Aryans have degraded themselves to this most pitiable condition. They are acting as enemies of their own children and daughters, daughters whom they bring up with great love and tenderness. The girl in the house of a *Dwijia* or in the House of other Hindus is looked upon as a sacred trust. Women and daughters should be taken care of and protected from all injustice.

Now who made the laws in old times? It was one-sided codification by male section. I am glad to observe that this Bill comes from one gentleman who by caste is highest in the community amongst the *Dwijias*. Dr. Deshmukh is a Brahmin. I have known Dr. Deshmukh for the last very many years.

We were together as students. I know his nature and temperament. He is outspoken, bold and honest. He does not hide anything and beat about the bush. He speaks out what he thinks should be spoken out. Dr. Deshmukh has come to the rescue of the helpless ill-treated women folk of the High caste Hindus. There are two sections of human beings in this country who are oppressed: one is the womenfolk and the other the scheduled classes who are excluded from the rest of the Hindus and *Shudras* who are touchable Hindus. Scheduled classes are condemned as untouchables and are treated worst than animals and other creatures. This cruelty and injustice to the womenfolk and the cruelty towards the scheduled classes have brought slavery of this country and the Hindu community. Indians want to call themselves as Indian nation! Who will accept such divided people into various divisions?

is it only the *Dwijas*, or the section of the people who are privileged and learned who claim themselves to be the friends, guides and philosophers of the downtrodden people. Do they propose to say in these days of civilization of the twentieth century that they should have the same monopoly and license that they had in the last 2,000 years after the revival of Hinduism by Shankaracharya. I for one would not admit this state of affairs. This bill relates to the cause of women. The *Shudras*, it is said, have divorce customs. It is so. I should think it is a blessing to these people. People who are rightly educated belonging to the orthodox section are narrow minded, I am talking of the highly educated men amongst the privileged or upper classes. They are very conservative—conservative to such an extent that they do not give to their own girls and women folk the liberty which they deserve as human beings to live and exercise their rights. Codification of Hindu law was by males, and naturally they enacted all the laws in favour of male section against the other section of women folks. At the time these laws were codified if women had been present, they would have protested against this injustice which the so-called learned men of old times were perpetrating against them. What is the sacrament of the Hindu marriage? Hindu marriage is performed at present under two different ceremonies. One is vedic, for the *Dwijas*—*Brahmins*, *Kshattriyas* and *Vaishyas*. Some of the *Shudras* have imitated this custom to show that they also belong to the *Dwija* class. I am talking of the touchable *Shudras*. The untouchables, in whose marriages the *Brahmin* does not take part in the ceremonies. Women folk of Hindus have not been given the liberty independence and equality, in these times have been clamouring for—*Asadi*, liberty, and equality. In fact this Interim Government has come into existence after a fight for the last 60 years. Congress have been fighting for independence from foreign yoke but what about the yoke of tyranny and ill treatment of yours on your own women folks? Why don't you remove it? Why don't you remove that restriction? They want to be free from the tyranny of this age old customs. A boy can marry as many times in Hindu society, he can have the licence of leading immoral and licentious life, contracts certain bad diseases of the venereal nature, which diseases are transmitted by such bad character and morally debased young men to their innocent healthy poor helpless wife. Such innocent wives are victims of the disease, not only the wife but even the progeny suffers for generations as a consequence of the roguery and rascality of these young men. If that is so in the case of the privileged classes or upper classes who are called middle classes. It is much worse in the case of the richer classes, who can afford to support three, four or five wives according to the Hindu law and males of this richer classes lead a very licentious and immoral lives and get themselves infected by venereal diseases.

Mr. President: The Honourable Member can continue his speech 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, Mr. President (The Honourable Mr. G. V. Mavalankar) in the Chair.

Dr. P. G. Solanki: Sir, on the subject which is under discussion I was speaking on the bad lot of the women and I was particularly appealing to our lawyer brethren on the opposite benches. The speeches which were delivered were all delivered mostly by the people who are well versed in legal practice and they know very well to put the case very ably before this House. In that respect I must admit my inability to act as a lawyer here. But from practical experience and the present day condition of the women, any sane and considerate man would think sympathetically of the case of the helpless women in these days. When the whole world is progressing and claiming liberty, freedom and *Asadi*, equality and independence, what sins have these women of

[Dr. P. G. Solanki]

this country committed that they should be denied the right of independence as human beings. I have been watching with great satisfaction that women have awakened. They are fighting for their rights. They hold meetings and conferences. They declaim the rights of the male section to dominate over them any more. I appeal to the makers of the law here and request that they should be a little more sympathetic and more liberal, to relax the restrictions put upon the women folk of this country. I am pleading for the cause of the women folks in general.

There has been a fear in the minds of these highly learned but orthodox Hindu Honourable members on the opposite side that if this Bill is passed there will be thousands and thousands of applications for divorce. From my own experience of the labouring classes and their women I can say without contradiction that though divorce is prevalent amongst them, the divorce takes place in few cases according to the decision of the leaders of the panchayats of the different communities. And their decision is final. The fear which my Honourable friends have got in their minds that this Bill will create havoc in the Hindu society and that the society will go to dogs, as it is experienced in other western countries. Western women and men run to take shelter and protection of the courts for divorce—and they do admit that there are thousands of cases for divorce on record. As far as the labouring classes in India are concerned, I may safely say that the woman who is not getting on well with her husband, still she lives much loyally and devotedly to her husband even though she has to undergo a lot of hardships—she has to eke out her own bread and she has to maintain at the same time her children. We know very well that most or at least some of the labouring class men are addicted to the drink habit and due to that habit the earning members of such families waste all their money on drink. The result is that the wife in the house has to work from morning till sunset to earn some money to maintain her husband as well as the children. These ill-treated and unlucky women never think of going in for a divorce or separation from that husband. If it is so with these illiterate and toiling backward class women then it must be much more safe to rely upon women of the better of classes who are brought up with high ideals of chastity, morality and devotion and loyalty to their husbands. On the solemn oaths they took at the time of the marriage, at the time of *sapthapathi*, they ought to keep up the prestige and the virtue of the Indian womanhood. I have not the least fear that women from those classes will at once apply for divorce. Most of them would try to put up with their lot. But when it becomes unbearable and intolerable, when the husband is intolerable, cruel and debauchee when the husband is a gambler, a drunkard, a man who is after women, or is a physical wreck suffering from venereal diseases. In such extreme cases divorce ought to be allowed. I do not mean to say that divorce should be given to any party the moment they approach for divorce. The pros and the cons of the case must be gone through, and on the merits of the case, only in extreme cases divorce may be allowed. Let the leaders of the community criticise. But for God's sake don't come in the way of good legislation which is going to protect and safeguard the independence and liberty.

Sir, women in olden times occupied the highest position of honour and respect amongst the leaders of the Hindu community. Maitri, Gargi, Janaka Dulari Shri Sitaji, the Maharani of Jhansi, Ahalabai Ho'kar of Indore and such other women are in the forefront of Indian womanhood, shining with lustre and glory all over India. If such women could show their noble and praiseworthy qualities, then why should such women's people be afraid of their own daughters and sisters? They will not go in for divorce like the Euro-

pean or the western women. I for one would tell the Honourable members on the opposite benches that they should give their own children liberty to an extent which may not be licence to act as they like without any sense of good behaviour and virtues of a good Hindu Woman. They should not be allowed to lead the life of flirts and free birds void of good behaviour, sense of shame and respect for the elderly people in their own society. They should be allowed to enjoy freedom and independence with limitations of high sense of morality and noble virtuous life. I for one am not for giving full liberty to women in all walks of life. They must however have decent, honourable and respectable living, by which they can be respected by all the other nations of the world. Women in the past have played a great and noble part. In the transitory period that came in after the extinction of Buddhism, restrictions were put on the freedom and independence and liberty of women.

I must give my most sincere thanks to the Honourable Sri Rajagopalachari whom I had the good fortune to meet in Poona at the time of the Poona Pact and since then I have had great respect and admiration for him for his courage of conviction and boldness. He has done bold things in support of the cause of suffering humanity and in doing justice to them. He has got a strong sense of justice. He is the man who has the honour of bringing about a change in the outlook of the orthodox community of Madras where untouchability, inaccessibility and unapproachability were prevalent. He has been instrumental in changing the minds of the orthodox people. He has, under the guidance of Mahatma Gandhi, got the temples opened from which these people were debarred from entering. In the same way, even in case of this Bill, I hope that the Honourable Member in charge would give his support and see that the Bill passes through the troubled waters safely.

I wanted to speak at length but I would like to give a chance to other speakers and I hope they would come forward to support this Bill of Dr. Deshmukh. One thing I must confess with respect to the *Brahmins* either of Madras, Maharashtra or Bombay. They have been the torchbearers of enlightenment and guidance throughout the ages. I mean *Brahmins* of the real type, *Brahmins* in the strict sense of the word. I mean such *Brahmins* in the Deccan of the type of Justice Ranade, Chandavarkar, Gokhale, Bhandarkar, Agarkar and people of that type which Maharashtra has produced. They did great service in the cause of the progress and reformation of the Presidency. I am extremely sorry to find that the province of Gujrat has been lagging behind Maharashtra in these progressive and reformatory measures. Not a single temple except Sahjanand's Pranami temple, has yet opened. Temples like those of Dwarka-Dakore and such other important temples ought to be opened in that province. The women folk in Gujrat have by their own perseverance and work and education come forward and formed unions and gone abroad and shown their sense of service and patriotism and they have shone and carved out glorious careers for themselves. I have great hopes from the typical, genuine *Brahmins* they are few and far between. It is the *Brahmins* who have been the leaders of the people. It is the intellect of such leaders that will lead the country to progress and it is they who will help the down trodden and helpless. I am quite sure that a day will come when *Brahmins* in the highest strata of society and men in the lowest strata like Dr. Ambedkar and others will join hands and when they will understand each other, I am sure the day of independence and freedom will be brought very near and everyone will enjoy liberty, fraternity, equality, independence, *Azadi* and *Swaraj* for which there is world wide war and quarrels.

I again appeal to the Honourable Member in charge and learned friends sitting on opposite benches to help to pass this innocent legislation. They will be doing a great service to a section of humanity which has been suffering for ages in the Hindu fold and religions. With these words I support the Bill.

Sardar N. G. Vinchoorkar (Gujrat and Deccan Sardars and Inamdars: Landholders): I have listened carefully to the speeches that were delivered today on this motion. They were very illuminating and educative but I fear that they were quite apart from the particulars regarding the Bill before us. I listened with particular interest to the speech of the Honourable Member, Mrs. Swaminadhan. I am sorry she was under a wrong impression. She appeared to feel that those who opposed this measure were coming in the way of any measure meant for enhancing the status of women and their privileges. I am sorry that she allowed herself to form that impression. The attitude of the opposition has been much misunderstood. The impression has been created that anybody who is in the way of this Bill is against any measure that is meant to give more privileges to womanhood of this country. I shall come to the crux of the measure and ask Mrs. Swaminadhan one question—how she would like her sisters to come up one fine morning and say 'I want to take advantage of the new measure and have to declare as dissolved our marriage performed under old law'. That is the point to which objection has been raised. It is only on this point that we have to think and lay emphasis. Nobody wants to come in the way of any special privileges for women. My point is that we should not in a light hearted manner help to break away from the sacramental form of marriage as it has been understood so long in India. I am sure Mrs. Swaminadhan herself would not quite like her brothers or her sisters to treat this measure in a light hearted manner and break away from the contractual or sacramental marriage without any valid or serious reasons. It is only from that point of view that the opposition has voiced itself. They want that the objectionable features of this Bill should be removed and the matter should be put in a more practical and direct manner. Nobody has offered to meet this specific point.

As regards the drafting of this Bill, I know my friend the Honourable Member Dr. Deshmukh himself is not satisfied with it. He himself was the first to admit last year that he was not sure whether the way in which the Bill was drafted would secure the object he had in view. If however now there were some better suggestions by Dr. Deshmukh either in the nature of amending the Bill suitably or recasting it or introducing the whole measure anew, resulting in a real relief to the womanhood of India then it was different. Unfortunately, we are in the same position as we were last year. It has been said that Dr. Deshmukh and his able supporters would remove all the objections in the Select Committee. Much has been said that this Bill could be improved in the Select Committee. I am afraid we are leaving too much to the Select Committee. If we look to the main provisions of the Bill, they are intended to support and modify the Special Marriage Act. That Act is meant to help to make valid marriages, that could not otherwise be held valid under the old laws when people with progressive views wanted to marry. Now, there is nothing to say against this good intention of this law that has been existing so long. But when we consider the provisions of this Bill, we as if start in a wrong way. We have got to accept first that we dissolve our marriage and then are enabled to take advantage of the provisions of the new Bill. We are not thus properly serving the good intentions of the original Act when we are required by this measure to treat as dissolved the marriage that we have been living under and then undergo a new form of marriage. I think that is very objectionable and I want everybody to think seriously about this point. That is the chief crux of the objection.

Last year it was decided that this measure should be circulated and public opinion should be sought. The public opinion is now available to us. Much of the public opinion that we have received from both officials and non-officials is against the provisions of the Bill as it is at present drafted. Are we to be

guided by that public opinion or not? If we pursue this measure, notwithstanding the public opinion and leave everything to the Select Committee to improve or to change, I do not think we do credit to the public opinion, that is available to us. I do not think it is right to treat the public opinion in that way. So, I should like everybody to think seriously and I would suggest to Dr. Deshmukh either to recast the Bill in the light of the public opinion reviewed or to bring a more direct measure to help the womanhood substantially.

So far as the Bombay Presidency is concerned, things have progressed in this direction. We have now there an Act on Monogamy, on the statute-book. If Honourable Members have followed the newspapers recently, they would have seen that some women in Bombay had approached the Honourable the Home Member there with a request that a bill on divorce be introduced, and the Bombay Government have agreed to introduce the Bill this year. So, under these circumstances the people who want to support the Bill, should not misunderstand the stand point of the opposition. They cannot say that we are coming in the way of the progress of womanhood. Far from it. What we want is that a more direct measure should be brought. The present measure will give satisfaction neither to the Mover himself nor to his supporters, much less to the Opposition. I would appeal to Dr. Deshmukh to take a more realistic view and bring in a measure that will help the advance of the womanhood and will also meet the objection of the opposition on this point.

Mr. Shavax A. Lal (Government of India: Nominated Official): Sir, I wish to say just a few words on the Bill on behalf of the Government. Government have no desire to resist the reference of the Bill to the Select Committee. One thing which I would like to emphasise is that the Bill will have to be materially altered. There is considerable room for improvement in the drafting of the Bill. The Select Committee can be trusted to effect the necessary changes.

There is another aspect of the Bill which needs to be stressed. It is this. As I understand the Bill, it does not aim at changing the general Hindu law on the subject. As I see it, it is intended to apply only to those Hindus who choose to have their marriages registered under the proposed provisions. As for those who do not wish to take advantage of the proposed measure, they will, of course, be governed by the Hindu law as it stands.

Dr. G. V. Deshmukh: Sir, I can see from the general discussion in the House that it is very much in favour of the Bill. That being the case, I do not propose to take a good deal of the time of the House. I am very sorry that the objects of the Bill were missed by all those learned gentlemen who opposed this measure. I was very glad to observe that the principles of the Bill were seen only by two persons. One of them was Mrs. Swaminadhan and the other Pandit Balkrishna Sharma. What are the two principles of the Bill? The real principle of the Bill is that we are living in the 20th century and when we appear before the bar of different nations, we have to justify our position. When we are claiming for independence and equal rights and liberty, we have to justify our position not in our own eyes, not in Ravivarpeth or Sanivarpeth in Poona or Bombay, but before the whole world. The position at the present stage is that we have to justify our position as Indians before the bar of different nations. If we do not give equal rights to our woman and children, who are persons of our own flesh and blood, what right have we to go and howl about the treatment given to the South Africans? We will have no face to go before the different nations unless we take early measures to get rid of the fetters that bind us. Then, we can appear before the different nations with a clean slate so far as our dignity is concerned. The point is this. As Mrs. Swaminadhan has put it and as I mentioned in my first speech, Indian women need not be dependent on my friends Goles, Gadgils, Karmarkars and

[Dr. G. V. Deshmukh]

others. They do not want this as a matter of grace. They have acquired this as a right that they shall be treated on equal terms.

* * * * *

Dr. G. V. Deshmukh: What I say is this. When any dangers are to be faced, Hindu women have to go in front and face the dangers on equal terms. Yet when it comes to giving them equal rights, we will do nothing. We bring forward ancient law givers who flourished 2,000 years ago. I myself think there is no necessity to unearth these old law givers for governing the present day conditions. The other principle of the Bill which should have been seen by all reasonable people is that alluded to by my Honourable friend ^{2 P.M.} Pandit Balkrishna Sharma. He said that the mistake that is being done is in thinking that Hindu society is a society of the upper top, ten per cent. He put it at 50 per cent. The time has come when Hindu society as a whole has got to be homogenous and united and what is good for one section of the Hindu society is also good for every other section of the society. These are the main principles of the Bill.

I will presently take up the rest of the heated arguments that were put forward by the opposition. I hope I will not be pulled up for mentioning the name of my Honourable friend Mr. Gadgil because I will have to deal with the points raised by him directly. When I say all the heated arguments, I am very doubtful whether there was any honesty or sincerity behind them.

Mr. President: Order, order. The Honourable Member ought not to dispute the honesty of any speaker.

Dr. G. V. Deshmukh: May I point out to you, Sir, that even so sincere and honest an oppositionist like Mr. Gole said that I brought forward this Bill so that my name should be perpetuated into something and so on. I did not object to it at that time. However, I will be better than that. I will not impute any motive to my friends who oppose this Bill. Coming now to the opposition of this Bill, I find there are three types of opposition. First the kind of opposition that is very clever. That type of opposition come to this. "This is not a direct measure; this is not a good measure." There again subtlety comes in and says, "bring in a better measure." It is well known that better can very often be the enemy of good. "Divorce I agree. I would wholeheartedly support it, but divorce has not been brought in and therefore I oppose it." That is the sort of opposition. If the reformers ask me, I can say straightaway that I am supporting divorce. The reformers cannot object to it. I am a reformer. But if the orthodox people ask me, "how can you blame me. I have opposed the Bill before the Assembly." Surely no fair minded person can have any regard for such a kind of oppositoin. There will be nothing but contempt for opposition like this. That is one kind of opposition. I can understand straightforward honest direct opposition like the way my

*This portion was expunzed by the Direction of the House vide page 614 of these Debates, dated the 14th February, 1947.

Honourable friend Mr. Gole puts forward. I do not agree with him. He put forward his opposition directly and honestly. I can only tell him, well, I am sorry, things may not be suitable to you.

Now regarding the other kind of opposition like the one put forward by my Honourable friend Mr. Gadgil. Well that is the kind of opposition which has been put forward for the last 12 years. My friend has been in this Assembly for the last 12 years. In his very presence here the divorce Bill was brought forward. What did Mr. Gadgil do?

Sjt. N. V. Gadgil: I was rotting in jail, while you were sitting quietly in Bombay.

Dr. G. V. Deshmukh: This Bill was brought forward before the Assembly some years ago. The same opposition was put forward. At that time the opposition said, they were for direct measure being brought forward. Yet when this Bill was brought forward, was there a single constructive criticism which I refused to adopt and modify? Not one word of constructive suggestion was put forward.

I now come to my Honourable friend Sardar Vinchoorkar. I cannot blame him in the same way, for after all he is new to this Assembly. He has also got public life behind him. Has he made any suggestions which I might incorporate in this Bill? Right up till today, I have not had any concrete suggestions from any member of the opposition which I can incorporate in this measure. Everybody gets up and says bring a direct measure and then we will support you. I do not think that is the right way of bringing about social reform.

Now, there is the third kind of opposition. I say there is direct opposition, there is subtle opposition wherein you can always keep on both sides. Because we are in the transitional times, it does not do for us either to be called reformers or conservatives or sanathanists, therefore we must behave in such a way that we are sitting on the fence and we can only talk. That type of social reformer deserves nothing else but contempt. The third kind of opposition comes from a person like my Honourable friend Mr. Karmarkar. His was a tender opposition. There was feeling behind it. He admitted that society is changing and we will have to modify. The point was whether there was any necessity about it. I say this crying injustice, this inequality of treatment between men and women in Hindu society has been going on before our very eyes for the last 2,000 years. Can there be any more urgent necessity as my Honourable friend Shrimati Aminu Swaminadhan pointed out than this spectacle of women suffering under inequality of treatment. Lakhs of women are tied down to their loathsome drunkard husbands, Their husbands may have vile disease, yet members of Hindu society would allow such women to suffer in silence without vouchsafing any redress. Why should a woman be tied down to a man, when in the case of a man, there is no bar for him to take as many women as he likes as his wives. Is there more urgent necessity for any measure other than this to remedy this state of affairs? I say it is a crying shame upon Hindu society to tolerate this state of affairs a moment longer. Why do you shut your eyes to this long standing sore in Hindu body politic. What is the use of merely taking part in politics and other things, when one section of Hindu society, namely the women are suffering under such great disabilities. There are many other good things than merely taking part in politics which we can do. There is no good being one-eyed. You all pose to be leaders of society and it is your duty to see not merely one side of the picture, it is your duty to open both your eyes and reform society if it wants to march ahead with the times.

One thing I should say about all this talk of Hindu society going to dogs and all that stuff because this Bill is brought forward. Does this Bill compel anybody to register his marriage? Nothing of the kind. I am charged for not

[Dr. G. V. Deshmukh]
 being conversant with law. I confess I have not seen law. But certainly what I have done is much better than those who oppose this measure simply for opposition sake without suggesting anything constructive. I may be excused for not referring to Colebrook or Wilson or some other legal writers. I plead guilty to the charge that I do not understand law. If I come to the House, it is my duty to this House to see at least what is before me on the table. If you have studied the Bill, you will see that it does not compel anybody. If you want to follow other ways of social system, if you do not want to register, is there anything in the Bill to compel you to register the marriage? Why all this heated argument of my Honourable friends, I do not understand. Is there not something living in Hinduism? Those who are proud of Hinduism, they can still be proud. They can carry on their Hindu methods. Nobody interferes with them. On the other hand those who do not feel comfortable about it, they should certainly be allowed to go beyond the point, I am not raising whether it is for progress or regress, whether it is good, bad or indifferent. I say if a husband and wife, both think—let me point out to those who may not have read the Bill properly that it is with the consent of both—if both think they should get their marriage registered, then this Bill enables them to do so. What is the use of keeping that uncomfortable pair in a society like this without giving them this option to register their marriage. I go a step further. I am better than many others. I say they need not give up the Hindu fold. That is another advantage of this. Therefore in these circumstances I say that there is nothing in the opposition to give rise to all these heated arguments. They have only to sit down and see things calmly; there is nothing against Hinduism and it does not force anybody to do anything. It is a permissive measure and an optional measure. But let me warn this House that the time will come when it will have to be made compulsory. We may still think it is optional and we may go on in the same old way; but the time is soon approaching—as I said in the beginning of my speech—when you will have to make it compulsory. If my information is correct, I think the Government of India have been asked by the U. N. O. as to what they are going to do about these rights of men and women. We are members of that organisation and they want that men and women of this country should have equal social and legal rights. If so, what are you going to do? Are you going to write to them that in India a Hindu can marry a hundred wives and a woman cannot give up even a vile and diseased husband because Hindu marriages are made in heaven?

Mr. P. B. Gole: May I know how all that is going to be achieved by this Bill?

Dr. G. V. Deshmukh: My friends as politicians must see to this and exercise their brains about it and they will know how to achieve this. I say you will have to give equal rights to your men and women if you are to stand before the bar of the nations of the world; and if you do not have these permissive measures now you will very soon have to have these measures compulsorily. I think those who come to this House are well conversant, if not with the social or legal or medical side, at least with the political side of things. What happened in South Africa? Your marriages were not recognised because they were not registered. Are you going to face the same situation in the world to-day? To-day travel is much faster and easier and many people are going from one place to another. Suppose any of these gentlemen, who are blind to world conditions, took his wife with him to some other country; and they ask him what the rights of the wife are. He will say that she has no right of divorce, that he can marry many wives but she cannot marry someone else. They will say, "We do not recognise her as your wedded wife; you can come in but she cannot." Therefore, whether you like it or not, things are going to be forced down your throat; and it will be wise statesmanship, discretion

and wisdom to pass these measures while the time is still there, so that we can go before these other nations and say that we are moving with the times and have modified our laws to suit modern world conditions. It is from that point of view that I press this measure before the House.

Mr. President: The question is

"That the Bill further to amend the Special Marriage Act, 1872, for certain purposes, be referred to a Select Committee consisting of the Honourable Mr. Jogendra Nath Mandal, the Honourable Sri C. Rajagopalachari, Dr. J. C. Chatterjee, Khan Mohammad Yamin Khan, Shri Sri Prakasa, Sri M. Ananthasayanam Ayyangar, Mr. Vadilal Lallubhai, Sjt. N. V. Gadgil, Pandit Balkrishna Sharma, Pundit Thakur Das Bhargava, Sardar Mangal Singh, Shrimati Ammu Swaminadhan, Sri A. K. Menon, Mr. Madandhari Singh, Mr. Leslie Gwilt, Mr. Sasanka Sekhar Sanyal, Sri Jagannathdas, Sree Satyapriya Banerjee, Sri S. T. Adityan, Mr. Krishna Chandra Sharma and the mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Pandit Balkrishna Sharma: Sir, I suggest that the name of Mr. Solanki be added to the list.

Mr. President: I am afraid it is too late now because I am proceeding to take votes,—not that, I have any objection to any other names. Those who are against the motion will rise in their places.

Sjt. N. V. Gadgil: Sir, we want to go to the lobbies and have the names recorded.

Mr. President: The division can be taken in such manner as the President directs.

Sjt. N. V. Gadgil: It cannot be different from the manner prescribed by the rules. May I know under what Standing Order the division will be taken like this?

Mr. President: I will quote a previous ruling on this point. On the 8th November 1943 the President made the following statement regarding the method of taking votes when a division is claimed:

"The question was raised again by more than one Member at the last session whether the President when he is of the opinion that the division is unnecessarily claimed and decides to take the votes by asking the Members who are for 'Aye' or for 'No' to rise in their places, should have the names recorded of those who vote one way or the other. I have therefore considered the matter once more. Standing Order No. 30(2) leaves the method of taking the votes by division to the discretion of the President and, as is usual in such cases, the Presidents of the Assembly beginning with Sir Frederick Whyte have followed closely the practice of the British House of Commons in the matter. There, if the Speaker or the Chairman is of the opinion that the division is unnecessarily claimed, he takes the vote of the House or the Committee by calling upon the members who support and who challenge his decision to rise in their places and thereupon, as he thinks fit, either declared the determination of the House," etc.

So the thing is clear.

Sjt. N. V. Gadgil: Is it the opinion of the Chair that this division is unnecessarily claimed?

Mr. President: Yes; looking to the course of the debate and the speeches on both sides, it is quite clear to the Chair that the division is unnecessarily claimed. Those who are against the motion will now rise in their places.

The following Honourable Members rose in their seats:

Sjt. N. V. Gadgil.

Mr. P. B. Gole.

Seth Sukhdev.

Mr. B. P. Jhunjhunwala.

Shri D. P. Karmarkar.

[Mr. President]

Sardar N. G. Vinchoorkar.

Chaudhri Sri Chand.

Rai Bahadur Devendra Mohan Bhattacharyya.

Srijut Dharendra Kanta Lahiri Choudhury.

Mr. President: Now 'Ayes' will rise in their places.

(After a count being taken)

Twenty-seven have risen in their places.

Shri Sri Prakasa: Our names need not be recorded.

The motion was adopted.

DELHI SIKH GURDWARAS AND RELIGIOUS ENDOWMENTS BILL

Sardar Mangal Singh (East Punjab: Sikh): Sir, I move:

"That this Assembly do recommend to the Council of State that the Bill to provide for the better administration of the Sikh Gurdwaras in the Delhi Province and their properties wheresoever situate be referred to a Joint Committee of this Assembly and of the Council of State and that the Joint Committee do consist of fourteen members."

Why I have brought forward this motion is that a similar Bill has been moved by my Honourable friend, the Honourable Sardar Sobha Singh, in the Council of State, and therefore it was agreed that a joint committee should be set up to consider this Bill.

This is a very simple Bill. It does not raise any controversial issues. Sikhs of different shades of opinion are all agreed—there may be some difference here or there about the wording of certain clauses, but as far as the principle or the object of the Bill is concerned all Sikhs are agreed. As a matter of fact this Bill does not introduce any new arrangement for the management of Gurdwaras. All the Gurdwaras which are to be affected by this Bill are already under the management of Shiromani Gurdwara Prabandhak Committee, Amritsar. This Bill simply seeks to legalize the existing position. I need not take up much time of the House. I commend the motion to the House for acceptance.

Mr. President: The question is:

"That this Assembly do recommend to the Council of State that the Bill to provide for the better administration of the Sikh Gurdwaras in the Delhi Province and their properties wheresoever situate be referred to a Joint Committee of this Assembly and of the Council of State and that the Joint Committee do consist of fourteen members."

The motion was adopted.

HINDU INTER-CASTE MARRIAGE REGULATING AND VALIDATING BILL

Shri Sri Prakasa (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): Sir, I move:

"That the Bill to regulate and validate marriages between different castes and sub-castes of Hindus, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1947."

Mr. President, Sir. In moving this Bill for the unanimous and enthusiastic acceptance of this House, I must confess that I am fully sensible of my limitations and my responsibilities. This is the only law that I have ever drafted in my life, and I must apologize for any mistakes that there may be in the drafting due to my ignorance.

Fully eight years back, in 1939, I drafted this Bill and it has been taking its chance in the ballot ever since. I am glad, Sir, that I have survived to

move the Bill in the House this afternoon. This long process reflects not very favourably on the method that the Legislature adopts for the bringing forward so social Bills by private members.

I ask for the sympathy of all communities to this Bill, and I am particularly anxious to watch the reactions of Government, for in case Government should be sympathetic towards this Bill they could easily afford some time on official days so that the Bill may go through in its further stages.

When a social Bill of Dr. Deshmukh was moved earlier, in the House, my esteemed and Honourable friend, Mr. Yamin Khan, said that he was sympathetic to that Bill but being not a member of the Hindu community he could not say very much one way or the other about the Bill. I am one of those who do not think that we can afford to divide India into various communities; for I think that what affects one community inevitably affects all communities, and the wail and the woe of every community is the concern of every other community. Holding such views as I do, I think I am entitled to claim the sympathy and the support of all parties in this House and especially the party consisting of my Muslim brethren. It is a fact that though at the present moment I have no blood relative among non-Agrawal Hindus—and I am supposed to belong to the community called the Agrawal—I have actual blood relations among Muslims; and I believe many, if not most, Hindus can say the same. It is a fact that Eros comes like a thief in the dark and takes one away and so if Eros does come in the way of persons belonging to different castes among the Hindus calling them to come together, they do find methods of satisfying themselves and marrying even by leaving their ancestral faith. It did happen that a distant relative of mine married outside his community. He married a Muslim lady and became a Muslim himself. And that is how there are very dear bonds between the Muslims and myself. I am glad that despite all that has happened in recent years, when it has been claimed that the followers of the two faiths belonged to different nations, these relatives of mine still claim me as part of their own nation; and I claim that they too belong to the same nation as I do; and that just the mere accident of following one religion or another does not change the basic facts of life.

Sir, even though I have waited for nine years to move this Bill in this House. I am still willing to go slow; and instead of asking for a Select Committee I am satisfying myself for the present by asking for its circulation in order to elicit public opinion, and I do hope that public opinion will be favourable to this Bill and that I shall be able to get the Bill through the further stages and see it on the Statute Book at last before very long.

As matters stand, Sir, in Hindu Society we have two iron rings round about us in the matter of marriage. We cannot marry outside one ring and we cannot marry inside the other. The outer ring is the caste or sub caste outside which we cannot go. The inside ring has been the gotra or the pravara or both. Dr. Deshmukh's Bill has loosened this inner ring to a certain extent; but the outer ring still stands. It is a curious fact that the system of caste today is followed for just the purposes for which it was never meant, and it is not followed for the purpose that it was really meant to serve. Today we find that we follow caste only in matters of food and marriage. So far as I have been able to understand our ancient books, and so far as I have been able to interpret the stories that have come down to us through the centuries, I think that among the Hindus in the past there were no restrictions in marriage or in food on the basis of caste. In the old days when they had the system of *Swayamvara* nobody enquired what was the caste of the person who successfully went through the test that he had to go through before he could marry the lady of his choice. If there had been any restrictions of that sort you could never have found Parashu-rama, who was admittedly a Brahmana.

[Shri Sri Prakasa.]

at the *Swayamvar* of Sita the daughter of Janaka, a Kshatriya. Then there is the story of the *Swayamvara* of Draupadi, when she accepted Yudhishtira who went through successfully the test prescribed. Drupada, the father, was not sure of the caste of the person who was marrying or taking away his daughter, and anxiously enquired as to who he could have been. No enquiry of the caste of the person marrying was ever made in those days.

Again, we are now very keen in caste in matters of food. That too, was not known in the ancient days, for we have the story in the *Mahabharata*, of Bhima as cook in the year he spent in *ajnana-vasa*, in hiding under the terms of the contract with his cousin. He went to the Court of Virata and declared himself as a *Sudra*, adept in cooking. He did not say that he was a Kshatriya, as he was and as Virata was. That shows that a Kshatriya had no objection to take food cooked by the *Sudra* those days. Caste was meant to help in the elimination of economic competition from life. It assured a calling. It prescribed ones calling and gave one a status from birth. It was no criterion for food or marriage within a particular set of people. But at the present moment it so happens that if a person of one caste wants to marry a person of another caste, all other persons who may be entirely unconcerned in the affair, take umbrage at it and feel that some wrong is being perpetrated, some violence is being done to society. Every one expects every one else to marry only within his caste. And if today a father wants to hand over his own profession to his son or give employment to a near relative in his own calling, he is blamed for being partial or indulging in nepotism or patronage. Caste should, if properly worked, ordinarily entail upon a person, the duty of helping his relatives to get suitable professions, but if one were to do that duty today, one is blamed for and dubbed as partial and undesirable.

All this I am saying in order to show how far we seem to have travelled from the ancient ideal and it is but right that we should come back to the old notion and right the wrongs that have been and are being perpetrated. We really have to be very careful in the matter of marriage. How very very careful we are when we have to mate animals. How careful we are to make sure that we have a proper mate for dogs, for horses, for cattle. How careful we are to cultivate flowers properly. But when it comes to our own children we are absolutely careless. We are careless about human beings; and unless we change our mentality in this direction and are careful to make proper marriages, the human race is going to suffer and our future is going to be blasted. Therefore, we have to be most careful in the matter of marriage. After all, Sir, religion is for keeping society together. It is not meant to split up and destroy society. It is a pity, Sir, that whenever anyone talks of any reform, a cry is raised that religion is in danger. But if religion always gets in danger when any good is to be done, then I think human beings will soon have no need for religion at all.

I should at this stage, Sir, like to explain in detail the exact purpose of my Bill. I want to validate intercaste marriages. I want registration of marriages. I want registration of marriages is essential. It is a pity that though we have no objection to registering births and deaths, we have a most curious and mysterious sort of objection to getting marriages registered. This has entailed a great deal of hardship among the humbler members of our society. Very often boys and girls are married very early in villages; and despite the laws against early marriages that exist on our Statute Book, the fact remains that such early marriages are still plentiful. Then if the husband goes off to distant places for his livelihood and is absent for many years from his home, he is really forgotten, and when he comes back there is a great deal of trouble as to whether he was or was not married to the person whom he claims as wife or who

claims him as husband. Magistrates know that hundreds of cases of disputed marriages like this come before the courts of law. If we had a system of registration, all these difficulties would be avoided. When a person is rich and powerful and is well known, he gets hundreds of persons to attend wedding ceremonies and wedding processions, and so has many witnesses; but if the person is humble there are very few present to bear witness to the marriage. While not much trouble has been experienced in the upper reaches of society, I know for a fact that among the humbler folk, there has been a great deal of disturbance and trouble which should be avoided, if it could be avoided.

My third object is to raise the age of marriage. My fourth object is to prevent polygamy and my fifth object is to give a sacramental status to our marriages. Among the Hindus we have more than 4,000 castes as stated in the latest books on "India's Census"; and there are conflicting rulings of various high courts as to whether intercaste marriages are or are not valid. There is a general ruling, so far as I know, that marriages between sub-castes are valid; but one does not know which sub-caste belongs to which major caste. Originally we were supposed to have four castes. Out of these four castes have sprung more than 4,000 castes or sub-castes or sub-sub-castes; and marriages, as convention or custom goes, are confined to these sub-sub-castes alone. The high court ruling, so far as I know, is that marriages between various sub-castes of the same primal caste, are valid; but there is a difficulty about various sub-castes being docketed under the different primal castes. For instance, we have the Bhargavas who claim to be *Brahmas*. Then we have the *Khatris* who claim to be *kshatriyas*. On examination of both the domestic culture as well as the professions hereditarily followed by the *Bhargavas* and the *Khatris*, make many people think that they are really *Vaishyas*. Then there are the *Kayasthas*. The *Kayasths* of the U.P. claim to be *Kshatriyas*, though I doubt if they have any record of the sword behind them. When I ask them to regard themselves as Brahmins because they have hereditarily worked with their brains—and their brains are so subtle that non-*kayasths* very often tremble before them—they say that they are *kshatriyas* and not *Brahmanas*. In Bengal, *Kayasthas* regard themselves as *Sudras*, and even the late great *Kayastha* Law Member, Sir Nripendra Sircar, who had a most proposed and capacious brain, regarded himself as a *Sudra* to the last.

Then there are the *Jayasawals*, the hereditary sellers of wine, who regard themselves as *Kshatriyas*. Then, Sir, there are the barbers *Napitas* who regard themselves as *Brahmanas*. Who is going to decide as to which sub-caste belongs to which particular major or primal caste? And therefore despite the ruling of the High Courts that marriages among sub-castes are valid, we would never be able to know which sub-castes are under the same major caste, so that we may regard marriages among them as valid. I therefore think that we must have some definite law in order that all this confusion might be set at rest.

We also know that there are conflicting rulings of High Courts regarding marriages between one caste and another. One High Court thinks that what is called an *Anuloma* marriage, that is the marriage of a higher caste man to a lower caste woman, is valid; while another High Court thinks that that too is invalid. The *Pratiloma* marriage, that is the marriage of a lower caste man with a higher caste woman, is regarded generally as invalid. If we go into details we should land ourselves in many difficulties; but there is no doubt that the whole situation, despite every attempt that has so far been made by the law courts in this behalf, still remains vague and uncertain.

The processes that I propose in the course of this Bill for the elimination of the difficulties which I have attempted to point out, are that the parties who want to marry and who belong to different castes or being of the same

[Shri Sri Prakasa.]

caste want to take advantage of this law, should give notice of their intention to the Registrar. *viz.*, that they want to marry each other according to the religious rites of their respective communities. The civil law as it stands is a purely secular law; and merely going before the Registrar and signing some documents does not give the spiritual satisfaction that one likes to have in a solemn ceremony like that of marriage. I therefore propose that the parties who want to marry should give notice to the Registrar that they are going to marry on a particular day according to the religious rites of the community or communities to which they belong.

As the civil law stands you have to declare that you are not married at the time that you are signing the Registrar's documents. If you have already undergone a valid sacramental marriage you cannot conscientiously declare before the Registrar that you were not married, even if the other marriage took place only in the morning and later in the day you went before the Registrar and no night had intervened to help the consummation of that marriage. Even in circumstances like that, you cannot make the declaration that you are not married, if you have already undergone a sacramental marriage. Therefore I say that the parties should inform the Registrar that on a particular day they are going to marry according to the religious rites of their communities and their families, and then after this marriage, within a few days, they go to the Registrar and declare before him that they were actually married according to the sacramental rites of their communities and their families on that particular day. Then the Registrar would register this marriage and it would be a perfectly legal and binding marriage. This will give safety and legal security to both parties concerned. As the law is today, when two persons go through a ceremony of a civil marriage and if they are not satisfied with the bare signature that they make before the Registrar, they undergo some religious ceremonies. Very often religious ceremonies follow a civil marriage, for, there is no bar to a sacramental marriage after a civil marriage. But that looks to be in the nature of a farce. It is best that we should not be hypocritical in such matters. We should be able to say that we have satisfied ourselves in every possible way when we have entered into wedlock.

Then, Sir, as the civil law stands, the person who performs his marriage according to it, is cut away from his joint family. A joint family is a very old institution. It clutches most people by the heart. One may or may not like it, but one is very averse to be sundered from the joint family. According to the Civil Marriage Act as it stands, the man who performs his marriage under that law is *ipso facto* sundered from his family. He is no more a member of that family, and if he happens to be the only son of his father, the father has a right to adopt unto himself another son. According to my Bill such a procedure would not be necessary, and the person concerned would continue to be a member of his family. Under the Civil marriage act, he also comes under a new Succession Act and the Divorce Act. According to my Bill he does not come under these Acts at all. He continues to inherit his property as if he had married in an orthodox manner and he is not worried about laws of divorce etc. And as he is not worried on that ground I hope I shall have the support of my esteemed and Honourable friend, Mr. Gole, in this Bill.

[At this stage Mr. President vacated the Chair which was then occupied by Mr. Deputy President (Khan Mohammad Yamin Khan)].

But this Bill certainly insists on monogamy. It will not have polygamy, and I am sure even Mr. Gole will not support the system of polygamous marriages. I may be told that Dr. Deshmukh's Bill which we have just referred to a Select Committee, covers practically the same ground and that my Bill is not necessary. That is not a fact. What Dr. Deshmukh's Bill aims at is to

enable persons who are already married, to take advantage of the existing civil law to get their marriage registered; and then as soon as they get their marriage registered they come within the mischief,—if that is the proper word,—of the Civil Marriage law and begin to suffer all the disabilities and acquire all the rights of that law. In other words they acquire the same status as married people that they would have done if they had married originally according to the civil law.

But that is not what my Bill aims at. It permits the marrying couples to maintain their own traditions and everything they hold dear, intact. It enables them to follow their ancient systems in every possible way, and still it registers their marriage; it permits them to marry outside their caste, and it gives them perfect legal security. I may say, Sir, that this Bill too, like the other social Bills that have come before this House, is a purely permissive measure. It compels no one to act according to it; but if any person should like to take advantage of it then he is perfectly free to do so. It gives freedom, but it does not interfere with the structure of society. It certainly abolishes hypocrisy, misconduct; and permits people to remain in their own faith. It does not compel them to be converted to another faith in order to get married. I think that the passing of this Bill will help in the ushering of other reforms and social adjustments that are so needed for our ancient society. To be indifferent to marriage is to be indifferent to social welfare and to go against the wellbeing of future generations.

Nature as it is will compel most human beings to marry. However much you may like celibacy, however much celibacy may be praised, still, as facts are, most men and women will marry; and therefore we must eliminate bad laws and bad customs that come in the way of proper marriages. Whenever we talk of marriages we cannot forget the fruits of marriage, namely the children. If the parties alone were concerned, we need not have worried about them; and we could have let them do whatever they liked or behave exactly as they pleased. But each passing generation has a responsibility for the children of the next generation, and as children are involved we have to be careful with our marriage laws and our marriage customs. After all, Sir, all political movements and the mighty efforts that people make for political progress and political freedom, are just for the simple purpose of having happy men and women, of having good families, of having a stream of children generation after generation that bring lustre to mankind. If that is not our purpose, then politics is a game not worth playing; and freedom is something not worth having. After all we want freedom in order that we may be able to take our society as such to higher and still higher heights of progress and happiness. I hope and pray that we shall today take a step in the right direction and be an example for the whole world. If we are able to solve the intricate and complicated problem of marriage in India I have no doubt that we should be showing a good way for the rest of mankind to follow; and though we are a disunited, a dissipated and an unhappy people to day, I hope that
 4 P. M. with the help of legislation such as this, we shall be able to rise like a phoenix from its ashes and prove ourselves not only to be the light of Asia but also the light of the world.

Mr. Deputy President: Motion moved:

“That the Bill to regulate and validate marriages between different castes and sub-castes of Hindus, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1947.”

Sjt. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural):
 Sir, I have very great pleasure in supporting the principles which underlie this Bill. Dr. Deshmukh who showed more heat than light should have known that right from the year 1935 up to 1940, whatever Bills of social legislation were introduced either by him or by others were always supported by me. If

[Sjt. N. V. Gadgil.]

in this particular Bill I could not see eye to eye with him the reasons, if he had taken care to ascertain them, were entirely different. After all marriage is an institution which has come into existence after the experience of ages. It is the greatest contribution of social thinkers for the security and wellbeing of life in an organised community. Therefore it behoves us all the more, as responsible legislators, to move cautiously on sound lines and where change becomes necessary, to effect that change in the most approved manner with a view that the change will secure the objective which is contemplated. Now, it may interest Dr. Deshmukh who is not present in the House, to know that my own daughters were married under the provisions of the Special Marriage Act and that will be enough for the House to know whether I am a reformer who merely talks or who really does something tangible.

Mr. Deputy President: The Bill before the House is Mr. Sri Prakasa's Bill.

Sjt. N. V. Gadgil: The subject matter of Dr. Deshmukh's Bill is marriage and the subject matter of this Bill is also marriage. The point that I want to urge on the consideration of this House is that this is a matter in which we ought to move cautiously because the consequences of marriage are not confined to the parties thereto but they are social. Therefore I welcome this Bill because it is in the progressive direction, although, if I were to say, that it is not precisely drafted I am sure my friend Mr. Sri Prakasa will not misunderstand me. Now, in the Statement of Objects and Reasons, he says he wants to secure certain objectives. One is to validate marriage between persons belonging to different castes or sub-castes. He also wants to secure that such marriages shall be performed according to the religious rites of the Hindus. He wants also that there should be registration and certain other advantages which flow from registration of the marriage. In so far as the marriages between persons belonging to different sub-castes are concerned, I think the present law is that such marriages are held valid. According to legislation recently passed, marriage between persons belonging to the same *gotra* or persons belonging to different sub-castes is already validated. Assuming that it is necessary that marriage between persons belonging to different castes should be validated, I submit that this can be done by a very simple method. It is not necessary that it should be tacked up with the provision of registration and I submit that this provision of registration may be made optional. After all what is the function of registration except to prove evidence of marriage and that is exactly what I understood him to mean.

I do not want to criticise the various clauses at this stage because the Bill is to be circulated for the purpose of eliciting public opinion. I want to tell him that it would be enough and I think it would be in the right direction to say that marriage between persons proclaiming that they belong to Hinduism should be held valid. That should be enough. If the object, as I understand from his speech, is that such marriages should be encouraged, the background behind is that the existence of various castes and sub-castes in the Hindu religion or Hindu society is no longer valid. In fact it is a hindrance to the progress of the community. I entirely agree with him. Therefore I would ask him to consider whether in the Declaration form he has suggested the word 'caste' should appear. You will find in the second Schedule where the declaration is to be made the form is given. It says "I am a Hindu of.....caste." The caste is to be shown there. We should say that persons who are Hindus or claim to be Hindus, if they marry, that marriage should be considered valid and no further formality should be necessary. Now, that will do away with what I consider to be an impediment to the solidarity of the Hindu community. I can tell you, Mr. Deputy President, an incident which happened. I was invited in one of the civil courts in Poona as a witness. When the

Judge asked me, I gave my name, my father's name. Then he asked my religion. I said—I am a Hindu. Then he asked my sub-caste. I said—I am Hindu. He said—you must state your sub-caste. I said—I do not believe in caste or sub-caste. He said—No. I must write down that you are a Brahmin. I said—you are not under oath to give evidence. I am under oath to give evidence and if you write 'Brahmin' you will be abdicating your function and doing something which you are not entitled to do. This happened 18 years ago and I have preached since then and I have practised in my life in my own humble way that castes must go and therefore I would very much like to request my friend Mr. Sri Prakasa to agree not now but when the relevant occasion comes to do away with this and have one section whereby we can validate marriages between persons who declare that they are Hindus and no mention should be made of caste. Now, the moment we make mention of caste, all sorts of things happen. If you want to completely eliminate the psychology relevant and resultings from caste and sub-caste we must first think in higher terms and in order to enable us to do that we must use appropriate phraseology. I, therefore, very much like to see that all these things go and we simply confine ourselves to the broader category which will, I think, be acceptable to most of us who really have that viewpoint.

Then, with respect to registration, I am glad that he has made a very constructive suggestion. He has not brought in all other things which come when a marriage is registered under the Special Marriage Act. His object is that that marriage should be evidenced. With respect to this, I would like to suggest to him that it may be made optional. The man and woman may come together and go through the religious ceremonies of marriage. That is quite enough. But if they want that there must be some evidence, they can go before the Registrar, make a declaration and get the necessary certificate. But we should not make it compulsory. Otherwise I think some people will object to it because you are introducing something to which a certain section of the people will object. There are people who would like only secular marriage form to be made compulsory. Some would have it because in some far off land Hindu marriage is not recognised unless it is registered. Some people may like it on the ground that people move from place to place and in modern times it is necessary to have evidence of everything. You must register as a citizen; you must marry before a Registrar; there must be registration for this and that: that is another matter. But so far as the Hindu society is concerned, as I prefaced my remarks, we must not deal lightly with the institution of marriage, which represents the highest contribution of social thought for the security of society. Let us provide for the validity of marriage. This in itself is a very big jump and your purpose is served if registration is made optional. I would, therefore, request my friend Mr. Sri Prakasa not to insist on making the declaration before the Registrar as compulsory. I know he has genuinely expressed the fear that the Hindu society, as it stands today, does not look favourably on marriages between persons belonging to different castes, and it may be that on some future occasion the validity of such marriages may be challenged. To avoid this resort to the Special Marriage Act is becoming more and more common. I do not know what is the position in other parts of the country, but so far as the district of Poona is concerned in the year 1945 about 185 marriages were registered by the District Registrar of Poona. Ten years ago the number was hardly 15. I have no doubt that more and more young men and women are taking to this form of marriage for many reasons. One of those reasons is to avoid any doubt about the validity of the marriage if they belonged to different castes or sub-castes. Another reason is that it means less expense for their parents. The third reason is that divorce is possible in case at some future date the two young people cannot pull on with one another. As I said on a former occasion, marriage must not be a

[Sjt. N. V. Gadgil.]

life sentence. After all, marriage is coming together for certain objectives and the very basis of it must be consent and voluntary association. Here is a definition of marriage:

“Marriage may be defined to be the voluntary social union of a man and a woman for an unlimited time which is evidenced by some legal form or ceremony, and is incapable of being dissolved at the mere will of the parties.”

Therefore, those who don't like or don't prefer religious marriage may have secular one. Mr. Sri Prakasa's main object is that the marriages of persons belonging to different castes must be held valid. That purpose is served if he accepts my humble suggestion.

Now, in the several clauses which are embodied in this Bill, he has tried his hand to become, if I may say so, a *Rishi*. In clause 12 he says:

“The issue of marriages performed under this Act shall, for the purposes of this Act, be deemed to be of the caste of their fathers.”

Now, this is something which does not fit in with the social ideal with which this legislation is sought to be introduced. I know why he has put it. I know that his fears are genuine. But if you have taken a bold step, then all these things are really immaterial. As the Sanskrit proverb says: When you have sold the elephant, why naggle about the *ankush*. When you have taken this bold step with which most of us agree, then why have the caste fixed. You are again paying a tribute to a system which you have condemned. There is a sort of an ideological contradiction in this. I am sure with his keen appreciation of facts Mr. Sri Prakasa will agree with me that all references to caste wherever they occur in the various clauses of this Bill ought to go.

I do not want to say further than this. I know that this also is a piecemeal legislation. I believe that just as freedom broadens from precedent to precedent, a good society progresses from precedent to precedent and a good law also progresses from amendments to amendments. Nobody is so wise as to visualise what will happen 30 years hence, nor those who sit on the left or on the right, much less who is in the centre. Therefore law, as it represents and ought to represent public opinion or, what is technically called in the science of jurisprudence as positive morality, must be in line with it. Law, instead of being a hindrance, must be a progressive agency which will secure progress on condition that it should be in an orderly manner. On the one hand, it will not violate even the prejudices of the old order and, at the same time will not expedite matters so much that instead of good coming out, probably something worse may happen. And while I am on this theme, may I say that if any one of us, who is a responsible legislator, goes slowly and makes some honest constructive suggestion, it should not be construed as an attempt to obstruct nor it should be equated with unreasonable opposition. After all a good principle may be worked to bad effects, if put in a bad law or bad form; both form and content must subserve each other effectively in such a manner that the requisite result which we contemplate must come forth. Otherwise without good form, the contents however good vanish and good contents are lost by bad form. If I have opposed certain measure because of its bad form and if I had expressed my complete agreement with the contents thereof, it would be very unkind to charge me with hypocrisy or anything of that character. This Bill is now moved for circulation. It is at the first stage. Let us ascertain public opinion. But at the same time even if public opinion expresses itself against validating marriages of persons belonging to different castes, I, for one, will stand by this. I have been preaching this for many many long years. I therefore submit that this Bill should proceed. In fact I should have been very glad if the motion was for referring the Bill to Select

Committee. After all public opinion is public opinion. I do not want to analyse it. It can be made, manufactured or doctored or derided. There are certain groups with whom argument does not weigh. There are certain groups with whom reason is out of order. There are certain groups with whom everything that smacks of progress is always welcome. With the Sanathanists, even if I were to argue with my usual reasonableness or Dr. Deshmukh with his usual heat, they will not change this side of the grave. That is certain.

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): I agree.

Sjt. N. V. Gadgil: Therefore the opposition of the Sanathanists is bound to be there. Now what section of public opinion really counts. That section which is thoughtful, that section which represents the progressive element in the community. If that is so, I know my Honourable friend Shri Sri Prakasa must have seen in the course of the last 20 years that in several social conferences, Resolutions supporting inter-caste marriages have been passed, in several conferences which were open exclusively to the fair sex, such Resolutions have been passed. If he has contacts with the student world, he must have found that the student world is always progressive in all matters including social reform. Therefore in regard to this Bill if there had been no motion for circulation, much harm would not have been caused. I would have very gladly proceeded with the reference to Select Committee. But I appreciate the caution shown by my Honourable friend Shri Sri Prakasa. Therefore I support him in this motion and I do hope that when it comes next time, it will be gone through all the stages without further delay. Sir, I support the Bill.

Pandit Balkrishna Sharma (Cities of the United Provinces: Non-Muhammadan Urban): Sir, I beg to offer my support to the principles that are involved in the Bill which has been moved by my Honourable friend Shri Sri Prakasa for public opinion. As a matter of fact, I would not have taken up any time of the House if the idea were not behind my mind that by exhausting the time up to five of the clock today, I may have an opportunity of moving an amendment on the next non-official day that the Bill should go, not into circulation, but to the Select Committee. It is for that reason, Sir, that, with your permission, I want to kill time till time kills me. As a matter of fact, before my Honourable friend Mr. Gadgil made this suggestion, I had asked my friend the Mover, why he at all put the motion for sending the Bill into circulation for eliciting public opinion. His answer was that at the time when he moved this Bill a foreign government was in office and therefore he could not feel sure of his ground and naturally he wanted to move for circulation. I quite appreciate that caution. So far as the main principles of the Bill are concerned, no intelligent section in Hindu society today will take exception to them. This is not the time when I would like to go into the details of the Bill. I would certainly like that we should do away, as far as possible, with the various provisions which concern castes and sub-castes and that sort of thing. For instance, we can at once, in the very first clause, define as to who a Hindu is and in that definition we can clearly say, anybody who claims to be a Hindu shall be deemed to be a Hindu for the purposes of this Act. And then marriages between such people shall be valid for all purposes. By some such clause like this, we can get over many difficulties which have been pointed out by my Honourable friend Mr. Gadgil. So far as the principles of the Bill are concerned, as I said, there is nobody who will take exception to them. Everybody who has read something of ancient Indian history knows that castes and sub-castes, as they are known today, never existed in ancient India. Even when ancient *Rishis* tried to divide human society, particularly Indian society into four sections, *Brahmans*, *Kshatriyas*, *Vaisyas* and *Sudras*, they took particular care that nothing in that division would act as

[Pandit Balkrishna Sharma.]

an insurmountable barrier to anybody wishing to cross from one section to another. For this very reason many of the makers of *Smritis* put it down that castes shall be considered not because a man is born in a particular family but according to actions and p̄redilections. It is for that reason that the great teacher Lord Sri Krishna said in his *Bhagavat Gita*:

“*chaturvarṇam mayasriṣṭam guna karma vibhagashah*”

I have created the four Varnas in accordance with the division of Guna and Karma. So that ancient Indian society did not know of the distinctions in the way in which we have come to know of them today. Therefore if today my Honourable friend Shri Sri Prakasa brings before this Honourable House a Bill to validate marriages between different sections of Hindu society, he is only trying, in his own humble way, to make the Hindu society realise that the position in which it finds itself today has absolutely no sanction in its history. Let me be very candid about one thing. The various ills which the Hindu society is seen suffering from today owe their origin to the historical effects of mediaeval period of our Hindu society. At that time a great democratic force in the form of Islam came into conflict with the ancient Indian society which was in its period of decadence. As a result of the impact of that force the Hindu society naturally tried to protect itself by creating all sorts and manners of barriers. It is as a result of that we have today inherited this incubus of caste and creed and the various sub-communities and Hindu society today has become like a house divided against itself. Whereas as a result of the impact of Islamic culture on Hindu society these barriers had to be created, it is also true that as a result of that impact of new ideas the present day Hindu society was forced to see and examine all the old customs in their proper perspective and find out whether they were working to the good of society as a whole. We find today that these barriers are a hindrance and are not creating a healthy atmosphere in the body politic known as Hindu society; they have created a situation and a mentality which has given rise to a great problem for us. But for this caste and sub-caste business, the Hindu Muslim problem that we find in this country today would not be there. I have often asked my Hindu friends how it is that when Islam comes to India it assumes an anti-Indian form whereas when it goes to any other country like Iran, Egypt, Indonesia or China, it does not become anti-Iranian, anti-Egyptian, anti-Indonesian or anti-Chinese. I put it to my Hindu friends that the responsibility is ours and that our manners and customs and the way we presented ourselves to others who came to our door have created this problem for us. That is how I put things. I admit that all these problems would not be before us today if we had risen to the occasion and had stuck to the old ideals which were handed down to us from Vedic times and if we had not created those barriers. And howsoever small an attempt my Honourable friend Mr. Sri Prakasa makes today by way of pulling down those barriers he deserves the good wishes of all progressive elements in Indian society. Sir, during the last one thousand years of our history Hindu society has received many shocks, but the biggest shock has been that today we find ourselves in a situation when this hatred of one community by another is sinking into our very souls.

An Honourable Member: Sir, there is no quorum in the House.

(The bell was rung and the quorum obtained.)

Mr. P. B. Gole (Berar: Non-Muhammadan): Sir, this Bill has come as a surprise and we are not prepared to discuss it properly. I therefore request that the House may now be adjourned.

Mr. Deputy President: If there is a general desire to postpone the consideration of this Bill a formal motion may be made to that effect, and the other Bills may be proceeded with.

Sjt. N. V. Gadgil: Then this Bill will be shut out and the other Bills will come up for discussion. The general desire is that the House should be adjourned now.

Shri Sri Prakasa: If the other Bills are introduced now and my Bill is taken up first on the next non-official day, we will agree.

Mr. Deputy President: I am afraid I cannot alter the Standing Orders. The Chair can only accommodate Honourable Members if they desire. I will point out that on a motion for circulation there can be no amendment for reference to Select Committee, for which Pandit Balkrishna Sharma wants to get time. That will not be in order and so it will serve no useful purpose in carrying this debate to the next day. And the other Bills which are down below will be obstructed.

Shri D. P. Karmarkar (Bombay Southern Division: Non-Muhammadan Rural): If the House unanimously desires, is it not open to you to suspend the progress of this Bill and let the other Bills come up?

Mr. Deputy President: That can be done if a formal amendment is moved for postponing consideration of this Bill. But it cannot be said that consideration should be taken up on the next day because it will then be taken up after the other Bills are all exhausted.

Shri Sri Prakasa: Then let us pass the motion as it stands, and take up other items.

Pandit Balkrishna Sharma: Sir, I did not want to prolong my speech. I was only banking upon the suggestion I made that it would be acceptable to the Chair. But since it is out of order, I do not wish to take up the time of the House, and I only support the Bill, and its underlying principles, and resume my seat.

Mr. Deputy President: The question is:

"That the Bill to regulate and validate marriages between different castes and sub-castes of Hindus, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1947."

The motion was adopted.

INDIAN COMPANIES (AMENDMENT) BILL

(AMENDMENT OF SECTION 86F)

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): Sir, I move:

"That the Bill further to amend the Indian Companies Act, 1913 (amendment) of section 86F) be taken into consideration."

Mr. Deputy President: Motion moved:

"That the Bill further to amend the Indian Companies Act, 1913 (amendment of section 86F) be taken into consideration."

Mr. Shavax A. Lal (Government of India: Nominated Official): With your permission I beg to move the amendment standing in the name of the Honourable Mr. I. I. Chundrigar who is unavoidably absent because he had to attend an important meeting.

Sir, I move:

"That the Bill be referred to a Select Committee consisting of the Honourable Mr. I. I. Chundrigar, Mr. Geoffrey W. Tyson, Sardar Mangal Singh, Sri T. V. Satakopachari, Mr. K. C. Neogy, Mr. Muhammad Nauman, Mr. Krishna Chandra Sharma, Mr. Habibur Rahman, Sardar N. G. Vinchoorkar, and Dr. G. V. Deshmukh, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. Deputy President: Amendment moved:

"That the Bill be referred to a Select Committee consisting of the Honourable Mr. I. I. Chundrigar, Mr. Geoffrey W. Tyson, Sardar Mangal Singh, Sri T. V. Satakopachari, Mr. K. O. Neogy, Mr. Muhammad Nauman, Mr. Krishna Chandra Sharma, Mr. Habibur Rahman, Sardar N. G. Vinchoorkar, and Dr. G. V. Deshmukh, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Dr. G. V. Deshmukh: I really do not see any necessity of sending this Bill to the Select Committee, because we have actually a law which is being contravened every day and I would have told the House my experience with regard to how this takes place. However, as the Government is keen that it should go to the Select Committee, I have no objection. I think I could tell my views in the Select Committee, and I have no doubt that the Bill will come out as it is drafted. Sir, I agree to the amendment proposed.

Mr. Deputy President: The question is:

"That the Bill be referred to a Select Committee consisting of the Honourable Mr. I. I. Chundrigar, Mr. Geoffrey W. Tyson, Sardar Mangal Singh, Sri T. V. Satakopachari, Mr. K. O. Neogy, Mr. Muhammad Nauman, Mr. Krishna Chandra Sharma, Mr. Habibur Rahman, Sardar N. G. Vinchoorkar, and Dr. G. V. Deshmukh, 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.

DELHI MUSLIM WAKFS (AMENDMENT) BILL

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): Sir, I move for leave to introduce a Bill further to amend the Delhi Muslim Wakfs Act, 1943, for certain purposes.

Mr. Deputy President: The question is:

"That leave be granted to introduce a Bill further to amend the Delhi Muslim Wakfs Act, 1943, for certain purposes."

The motion was adopted.

Syed Ghulam Bhik Nairang: Sir, I introduce the Bill.

CRIMINAL TRIBES (REPEAL) BILL

Sri E. Venkatasubba Reddiar (South Arcot *cum* Chingleput: Non-Muhammadan Rural): Sir, I move for leave to introduce a Bill to repeal the Criminal Tribes Act, 1924.

Mr. Deputy President: The question is:

"That leave be granted to introduce a Bill to repeal the Criminal Tribes Act, 1924."

The motion was adopted.

Sri E. Venkatasubba Reddiar: Sir, I introduce the Bill.

INDIAN EVIDENCE (AMENDMENT) BILL

Sri S. T. Adityan (Madras and Ramnad *cum* Tinnevely: Non-Muhammadan Rural): Sir, I move for leave to introduce a Bill further to amend the Indian Evidence Act, 1872.

Mr. Deputy President: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Evidence Act, 1872."

The motion was adopted.

Sri S. T. Adityan: Sir, I introduce the Bill.

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

(AMENDMENT OF SECTIONS 161 AND 162)

Sri T. V. Satakopachari (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898.

Mr. Deputy President: The question is:

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

The motion was adopted.

Sri T. V. Satakopachari: Sir, I introduce the Bill.

INDIAN BAR COUNCILS AND THE LEGAL PRACTITIONERS (AMENDMENT) BILL

Sri T. V. Satakopachari (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I move for leave to introduce a Bill further to amend the Indian Bar Councils Act, 1926, and the Legal Practitioners Act, 1879.

Mr. Deputy President: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Bar Councils Act, 1926, and the Legal Practitioners Act, 1879."

The motion was adopted.

Sri T. V. Satakopachari: Sir, I introduce the Bill.

CRIMINAL TRIBES (AMENDMENT) BILL

Sri R. Venkatasubba Reddiar (South Arcot *cum* Chingleput: Non-Muhammadan Rural): Sir, I move for leave to introduce a Bill to amend the Criminal Tribes Act, 1924.

Mr. Deputy President: The question is:

"That leave be granted to introduce a Bill to amend the Criminal Tribes Act, 1924."

The motion was adopted.

Sri R. Venkatasubba Reddiar: Sir, I introduce the Bill.

INDIAN COMPANIES (AMENDMENT) BILL

(AMENDMENT OF SECTIONS 25, 31, 32, ETC.).

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): Sir, I move for leave to introduce a Bill further to amend the Indian Companies Act, 1913 (Amendment of sections 25, 31, 32, etc.)

Mr. Deputy President: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Companies Act, 1913."

The motion was adopted.

Dr. G. V. Deshmukh: Sir, I introduce the Bill.

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

(AMENDMENT OF SECTION 250 ETC.)

Mr. Ahmed E. H. Jaffer (Bombay Southern Division: Muhammadan Rural):
I want to move No. 13.

Mr. Deputy President: All right. But what about No. 4?

Mr. Ahmed E. H. Jaffer: I am not moving it.

Sir, I beg for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898.

Mr. Deputy President: The question is:

“That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1898.”

The motion was adopted.

Mr. Ahmed E. H. Jaffer: Sir, I introduce the Bill.

The Assembly then adjourned Till Eleven of the Clock on Friday, the 7th February 1947.