THE

LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Vol. III

PART VII



(16th to 28th July, 1923.)

THIRD SESSION

OF THE

LEGISLATIVE ASSEMBLY, 1923.



SIMLA GOVERNMENT CENTRAL-PRESS 1922



LEGISLATIVE ASSEMBLY.

The President

The Honourable Sir Frederick Whyte, Kt.

Deputy President.

Sir Jamsetjee Jeejeebhoy, Bart., K.C.S.I., M.L.A.

Panel of Chairmen.

Maulvi ABUL KASEM, M.L.A.

Sardar Bahadur Gajjan Singh, M.L.A.

Mr. N. M. SAMARTH, M.L.A.

Colonel Sir HENRY STANYON, Kt., C.I.E., V.D., M.L.A.

Secretary.

Mr. L. GRAHAM, M.L.A., I.C.S.

Assistants of the Secretary.

Mr. W. T. M. WRIGHT, I.C.S.

Mr. S. C. GUPTA, BAR.-AT-LAW.

Mr. G. H. SPENCE, I.C.S.

Marshal.

. Captain Suraj Singh, Bahadur, I.O.M.

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LEGISLATIVE ASSEMBLY.

Saturday, 28th July, 1923.

SPEECH DELIVERED TO THE COUNCIL OF STATE AND THE LEGISLATIVE ASSEMBLY BY HIS EXCELLENCY THE VICEROY.

His Excellency the Viceroy having arrived in procession with the Presidents of the Council of State and the Legislative Assembly took his seat on the Dais at Eleven of the Clock.

His Excellency the Vicercy: I am here to-day to address you on what must be generally recognised to be a most important occasion. This is the last day of this Session of the Legislature and the last day of the last Session of the first Legislative Assembly constituted under the Jovernment of India Act of 1919. The close of this Session marks a stage in the working of those reforms. We have reached the end of a definite part or chapter in that gradual development of self-governing institutions in the Indian administration which is the declared policy of the British Parliament. We have advanced one step forward, an important step, in the progressive realisation of responsible government in British India as an integral part of the Empire. I pause to dwell on this point. I desire others to realise, as I do, what the end of this period means for India. It began by a momentous declaration of policy by His Majesty's Government who determined it to be necessary to give effect to this policy by successive stages and forthwith to take substantial steps in that direction. Since that announcement we have been travelling on that road, and we have now almost reached the halfwayhouse on that journey. We in India at this time will naturally desire to pause and appraise our achievement; but this stage holds interest not only for us—though it must have a special and intimate importance for us but for a wider public. Of necessity at the close of this Session the British Farliament, upon whom lies the responsibility for the welfare and advancement of the Indian people, must look back and take stock, in the words of the preamble of the Act, "of the co-operation received from those on whom new opportunities of service have been conferred ".

There is another aspect of the question. Our constitution enacts that on the expiration of 10 years after the passing of the Act of 1919 a Statutory Commission shall be appointed to inquire into the working of the system of government, the growth of education and the development of representative institutions in British India and all matters connected therewith, and to report thereon. In effect at the time stated the progress and achievement under the reforms are to be weighed in the balance for the purpose of determining the degree and extent of the next move forward. They are to be tested in the crucible for the alchemist to decide of what metal they consist and whether they ring true. I remind you that time is passing and that we have almost reached the moment when

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half that statutory period will have elapsed. The achievement of the Indian Legislature, and especially of the first Legislative Assembly in these circumstances, assumes a special importance. The work they have accomplished, the influence they have exercised, the example and experience they bequeath to their successors, all contribute to that atmosphere of success or failure which will surround the Reformed Constitution when the Mother of Parliaments sends her representatives to inquire into the working of the system of government.

To-day we are bringing to a conclusion the proceedings of the first Indian Parliament under the Reforms and we are assisting at the obsequies of our first Legislative Assembly; it is therefore meet and proper that we should review past action as we pronounce its funeral oration; but we are also at the stage which precedes and heralds the birth of a second Assembly; and we may for this reason also fitly assess our experience and hand on its fruits for the benefit of our successors.

I have spoken of the special interest which our proceedings to-day have for ourselves and for the British Parliament. They are also keenly watched by a larger public. No one can have failed to note the great growth of interest in the proceedings of the Indian Legislature which has been a prominent feature of the British Press in the last two years. Time was when the notices of Indian affairs in the British Press were few and intermittent. That day has passed with the reforms. Time was at the outset of the reforms, when a section of the Indian Press professed to ignore the deliberations of the Indian Legislature except for occasional and brief outbursts of malicious depreciation. days are gone. You may have your detractors; you may have your critics; but you have now everywhere created and sustained a vivid and living interest in your actions. You have made the Indian Legislature the mirror of events in India. All matters of importance to India are reflected in your questions and Resolutions. Before I pass to your achievements in the working of the reforms, I will examine the political situation regarding the reforms. Those who are opposed to the true interests of India and are blind to her position in the British Empire and to the mutual protection and strength those ties assure, have not been slow to allege that the reforms are of a transitory nature; that they were the outcome of the political complexion of a moment; that they have neither substance nor permanency; that you live in short in a fool's paradise whose palaces and gardens will vanish in the twinkling of an eye like the passing of a mirage. Nothing could be more untrue. to India immediately after the initiation of the Reformed Constitution. pledged to carry on that constitution and entrusted with special and new responsibilities by His Majesty as Governor General to that end. On me was the charge laid that it was His Majesty's will and pleasure that "the plans laid by our Parliament for the progressive realisation of responsible government in British India as an integral part of our Empire may come to fruition to the end that British India may attain its due place among our Dominions." A solemn declaration of policy had been made by His Majesty's Government to the same purport; the legislation had been passed with the assent of all political parties in England. Since then there has been to change and there will be no

change in the announced policy. It is the recognised policy of the British Government however constituted. There have been changes in Prime Ministers, changes of parties in power in England, changes in the personnel of the Secretary of State for India; but the fundamental policy as regards Indian reforms has remained unaltered; and it is the unshaken determination of the British Government to carry out those reforms not only in letter but in spirit.

There has been criticism of the illusory nature of the reforms. Those who wish to hinder the progress of India along her settled path have charged the reforms with being an empty shell without a core. They have termed them a dress giving only the trappings of reality to a dead body

which had neither life nor force.

The achievements of the Indian Legislature have been decried. position and privileges have been ridiculed; their motives have been misinterpreted. Their sincerity and patriotism have been attacked. Let history be their judge. I am confident that no difficulty will be found in sweeping aside those travesties of their earnest and constructive labours; but this is not all. The Assembly itself has been at times despondent. There have been moments in this House when voices have been uplifted crying on the Reforms as a niggardly gift and a sham. My sympathy at all times is with laudable desires for constitutional advance and longings for a wider horizon; but when I examine the position the Legislative Assembly has attained, the use it has made of its opportunities, the effect and dignity with which it conducts its debates and the broader aspect of its powers upon the policy of the Government of India, I cannot but feel that the Assembly at times takes far too narrow and restricted a view of its potentialities and real influence; and I must suspect that sentiment on occasion tends to obscure reason and dims the vision of those solemn promises of the British Government and of the Charter of Indian liberties of which the Government of India Act is the repository. Weigh for a moment the influence and power of the representative element of this House against that of its predecessor, the Imperial Legislative Council. Compare the realities of its responsibilities with pre-existing conditions. Reflect on the establishment on a firm basis in this House of Parliamentary traditions and on their incalculable effect on the future.

I do not desire to enter upon a catalogue of the legislative achievements of the Legislature or to enumerate in detail those Resolutions or questions or recall those debates which have produced material results on the executive action of the Government. I prefer to recapture for a moment the atmosphere and the state of political feeling in India when I assumed my office and to ask you to judge how far this has changed and how far your influence and action have contributed to this change. When I first came to India I was at pains to get into touch with political thought, to hear grievances and study the Press so that I might acquaint myself with those matters which appeared to be a subject of general complaint. My impressions of the burning questions of the day in Indian opinion as gathered from those sources was as follows. In the first place, there was a deep tide of resentment regarding curtailment of liberties. The more progressive considered the statutory restrictions on the freedom of the Press to be unnecessary, unduly restrictive and incompatible with the spirit of reforms. The same exception was taken to a number of special enactments restrictive of certain aspects of political agitation and known as

the Repressive Laws, and particularly included the Rowlatt Act. Strong views were expressed to me as regards the number of British troops employed in India, the strength of the Indian Army and the burden of military expenditure. The military position was represented as showing a total want of confidence in India and as strangling the material expansion of the country by weight of army expenditure. Though Indianisation had begun in the Civil Services, the absence of any regular scheme of Indianisation of the Army was quoted as a proof of the mistrust of Indians by the British element and as designed effectually to prevent the ultimate realisation of responsible self-government in India. A like suspicion was alleged to be at the root of the failure to associate elected representatives of the people in advisory capacities with the problems coming before the Departments of the Executive Government.

India was represented as dominated in fiscal matters by the British Government and by the economic interests of Great Britain. The stores policy of India was said to be dictated to stifle the expansion of industry in India, and accusations were levelled that its main purpose was to place the maximum amount of orders with British manufacturers. Finally, the bureaucratic Government were charged with having established for the perfection of their own ends an unduly complex and expensive administrative machine and with having expanded its activities in directions not desired by the Indian public and out of proportion to India's resources.

I need hardly recall to you how the case now stands in regard to those subjects. For I know that you count the measures, which have been adopted by my Government on the strength of your representation of public opinion in those matters, among the most priceless pages in your annals; you may perhaps feel that the policies you advocated are not yet in all cases fully accepted, but when you leave this House you may assuredly point to many grievances, which were the cause of much bitterness and suspicion, checked by you in their early growth and now lying strangled on the open road you have left behind you.

These achievements arrest immediate attention; but there are other matters to be mentioned, particularly as they relate to activities of a more constructive character which will, I trust and believe, have an important and beneficial effect upon the future interests of India. In the Indian Factories Amendment Acts, the Indian Mines Act and the Workmen's Compensation Act, the Legislature has placed on the Statute-book measures destined to protect labour and has taken a progressive view of that great responsibility which rests on its shoulders as the representative of a vast labouring population. The Indian Emigration Act deals with the difficult problem of safeguarding the interests of Indians who may emigrate to find a livelihood abroad; and a striking feature of this legislation is that the final decision of measures for their protection has been vested in the Legislature itself. No measure before you was hedged about with such special difficulties as the law to abolish racial distinctions; but no rift occurred in the delicate web of compromise and good-will; and the Statute is now with us—a permanent monument of mutual design to work together

to a common understanding. In the Criminal Procedure Amendment Act the Legislature brought to a successful conclusion a task of great magnitude and complexity which had occupied the energies of our draftsmen for nearly a decade. It will fall to few Legislatures to have to dispose of a measure of such difficulty and importance in the domain of the criminal law.

While at times sentiment has run high and some event has found the Assembly and the Executive Government apparently at opposite poles, these differences have seldom been perpetuated and friendly and frank discussions have frequently led in the end to better understanding.

Some differences unfortunately have remained. It was perliaps scarcely to be expected that at the present stage of the constitution every divergence of opinion between the Government and the Legislative Assembly would be composed by discussion. Often my Government has accepted the views of the Legislature notwithstanding that these did not coincide with those of the Executive. But a special responsibility has been laid by the constitution upon the Governor General in certain cases and in my judgment special powers are essential to the discharge of the duties of the Executive in the present state of constitutional development in India. Nevertheless the occasions of the use of these special powers should be and, I am happy to observe, have been rare. The most recent and notable instance of their exercise was in connection with the necessity for balancing the budget. The reasons for the action which I felt it incumbent upon me to take at that time have been published. My action provoked criticisms; I have no intention of reopening the discussion save that I will add that in my opinion subsequent events have tended to confirm the wisdom of my original decision. responsibility was grave and the decision rested with me alone. I trust that those in the Assembly who have felt and expressed themselves strongly on the subject will leave this House without any feeling of bitterness, holding to their opinion as their consciences may dictate and acknowledging the same liberty to others who may differ from them, among whom I count myself.

My Government have to acknowledge a continuous and solid measure of support in times of disturbance and agitation from the Legislature, and in general a steady influence exerted for the maintenance of law and order. I have said enough, I trust, to establish beyond controversy the real advance accomplished and to place beyond the power of depreciation the disciplined efforts to increase the well-being of the people of India which have characterised this, the first Indian Legislature.

Before I part from the Legislative Assembly I wish to pay a tribute to Sic Frederick Whyte who, with a knowledge and experience brought from the British Parliament and imbued with the ancient traditions of that House, has presided over your deliberations. I know that you would wish to be associated with me in offering a meed of appreciation of the technical knowledge, sympathy, patience and fairness of mind which have characterised his association with your Assembly.

For me as Governor General the first Legislative Assembly under the reforms and in my term of office must necessarily hold special ties of

interest, and I must view its dissolution with no small measure of regret. My feelings on its disappearance are however tempered by the knowledge that I still retain without change the valuable services of the Council of State; and I am sustained by the thought that I can continue to rely on the sobriety of judgment of this Chamber of Elders which with this Assembly formed part of the first Indian Legislature and on their support of the best interests of India in all matters that closely touch her well-being.

I had intended to confine myself to-day to a survey of the work of the Indian Legislature over the period of the life of the first Legislative Assembly and not to dwell on matters of recent occurrence too near to us to be judged in their proper perspective; but before I pass to another part of my subject, I feel it my duty to make some observations about Kenya which is at the moment uppermost in my thoughts and yours. The news of the decision regarding Kenya came to me and to my Government no less than to you as a great and severe disappointment; for India Lad made the cause of Indians in Kenya her own. As His Majesty's Government has stated, this decision conflicts on material points with the strongly expressed views of my Government as laid before the Cabinet by the Secretary of State for India. India's representations were fully placed before His Majesty's Government and received most patient and careful consideration; but we must record our deep regret that His Majesty's Government did not feel justified in giving greater effect to We are conscious that there were important aspects, perhaps not sufficiently understood by us, which His Majesty's Government were called upon to weigh and determine, and we fully appreciate and acknowledge their whole-hearted efforts to arrive at a fair and equitable conclusion. They have announced their decision and the Government of India must consider it and arrive at its conclusions. If submission must be made, then with all due respect to His Majesty's Government it can only be under protest.

We do not fail to realise the great difficulties in which His Majesty's Government were placed. They were faced with a conflict between two powerful interests. The deputations with great vehemence urged two completely divergent points of view. Between these two there appeared to be no ground for agreement on any point; and besides there lay on His Majesty's Government the grave responsibility for considering the unchampioned and inarticulate interests of the native population which form the great majority in the Colony. It is not easy in India with strong feeling for the Indian side of the cause to appreciate with real detachment the considerations which His Majesty's Government had to bring to bear on the difficult problem. Attention in India is naturally concentrated on the rights and claims of Indians, while His Majesty's Government have a larger field to cover and wider responsibilities to exercise; and we must remember that although the decision has disappointed us, yet on some points to which we were strongly opposed, but to which the settlers party attached great weight, the decision is against them. On three important points decisions favourable to the Indians have been pronounced. Majesty's Government have declared against the grant of responsible government within any period of time which need now be taken into consideration. Further, they have refused to countenance the introduction of legislation designed to exclude from British Colony immigrants from any other part of the British Empire. In addition they have definitely rejected the principle of segregation. On the question of the future control of immigration no final conclusion has been reached. The principle stated is unexceptionable and as a declaration of policy it will be welcomed by Indians. We are, however, uncertain as to the precise method by which immigration is to be controlled, and how the control will affect Indians; but you may rest assured that I and my Government will use every effort to impress our views on this subject without delay upon His Majesty's Government.

It is unfortunate that the last days of the first Legislature should have been overclouded by events regarding the treatment of Indians overseas. Yesterday the Legislative Assembly passed a Bill enabling the Governor General in Council to frame rules, if and when he considers it desirable, to regulate the entry into and residence in British India of persons domiciled in British Dominions and Possessions other than the United Kingdom. principle of reciprocity had already been accepted by the Imperial Conference, and therefore a Bill conferring powers on the Governor General in Council in his discretion to make rules for the purpose of enforcing reciprocity is in itself unobjectionable; but the moment selected for this legislation may in some quarters be regarded as unfortunate, especially when accompanied by speeches in favour of retaliatory measures. It is but natural that there should be a desire in your mind publicly to express your determination to befriend and support Indians overseas to the best of your ability, but I must express serious doubt whether your object will be effected by these means. Will their position be improved politically and materially by steps in the nature of retaliation? May it not have an opposite effect and make their situation more difficult? Have they been consulted? Is it their wish? Apart from other considerations, will it help India? not dwell upon the subject. The Bill cannot reach the other Chamber this Session and meanwhile there will be opportunity for further information and reflection.

I have paused to day to examine the progress of the first Legislature and the position it has attained. In the face of vehement and sometimes bitter opposition you elected to give your services to your country and became Members of the Legislature, determined to devote your powers to attaining your aims and ideals by constitutional methods. You may not have accomplished in the short period all that you had hoped. You may perhaps find the pace of progress too slow, but can you point to greater achievements for India during so brief a period of time? Would other means have accomplished as much? There are those who have set other ideals before them. Destruction not construction is their avowed aim. They would wreck the Reforms. What have they accomplished for India? What blessings have they brought to her people? Have they brought harmony? Have they brought security? Have they brought peace? What goal have they set before them? By what road are they to attain to it?

You need not meddle with uncertainties or speculate on the unknown. You know the port to which your ship is sailing. You have set your

course; the star by which you steer shines bright before you. The first stage of your passage lies behind you in your wake. You have learnt to work your craft. Whatever storms or dangers may lie before you, you are confident in this knowledge and by the help of Providence you will bring your ship in safety to its journey's end. It is in this spirit that I ask those who have the interests of India in their hearts to use their influence in the coming elections to help India forward by the only secure road to the attainment of her cherished desires.

APPENDICES.

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RESOLUTION re SUPPLY OF FACILITIES TO ENABLE MEMBERS OF LEGISLATURES TO DISCHARGE THEIR PUBLIC DUTIES.

Maulvi Miyan Asjad-ul-lah * (Bhagalpore Division: Muhammadan):

جناب پرهسیدنت و انریبل هارس - مین ای افریبل درست رال بهادر لهمی پرشاد سفها ے رزولیوشن کی تالید کرتا ہوں ۔ آپ صاحبان کو معلوم عی که جب کبھی مببر صاحبات لیجسلیڈو اسببلی کسی معاملہ کے مقعلق معلومات جاپیل کرنا چاہتے ہیں تو ارتکو لوکل افسران سے معلومات حاصل کرئیمین سخت دشواریون کا سامنا ہوتا ہی ۔ مین خیال كرتا هون كه هر صبير لمميلي كا فرض هي كه رعايا اور كورنمنك مين جو بدكمانيات پهيلي هولي هين اونكو حالي الأمكان رفع كرنيكي كوشش كرين - لدكن مبدر صاحبات كبهي بهي أس نیک مقصد میں کامیاب نہیں ہوسکتے جب تک مقامی انسران ایسے مبران کو هر ممکن طريق سے امداد كرك الجيم هولم معاملات كو سلجه اليمين كوشان نه هون - جب كبهى ملك میں کوئی فلفه انگیز معامله ظهور پزیر هوال هی تو ارنک صعبم حالات سوالی افسران کورامنت کسی دوسرے شخص کو معلوم۔ ٹہیں۔ ھوے ۔ ھر۔ وہ۔ مبیر استبلی جو ایسے معاملات میں رعایا۔ اور کورندنت کی خدمات کو انجام دینا چاہے اوسکو پورے مالات کے واقف ہونا اشد صروری می قاکه وه هر میکن اعلاماف کا شافی جواب دیسکے اور اوسکا فرزی انسداد کرسکے یہ علاوہ برین صبران اسمبلی کے لئے یہ نہایت ضروري هی که را هر ارس معامله کے متعلق پوري پوري معلومات حاصل کریں جو کھ وقلاً فوقلاً اسمبلی میں احث رقمعیض کالئے پیش هوکے ھیں - جب کبھی۔ مببران اسببلی غربا اور کامتکارا، یے قائدہ کا کام گورنبنٹ کی امداد سے کرنا چاهاتے هين اور سرکاري دفائرے کسي قسم کي مدد چاهاتے هيں تو اونکو کوگي جواب تہين ديا جاتا -وء همارے نان افیشل ممبران کی حالت هی - همارے خیال ناقص میں جب کبھی کرگی ممبر اس قسم کی امداد افسران گورنمذی سے طلب کرے تو ارسکو بلا قامل ایسی امداد مللی چاهئے -جفاہمی یہ اسباب هیں که اسرقت آلف رمایات هذه ک دامین گرزنمات سے انصاف کی پرري پوري اميد قايم نهين هولي - موجوده ريزوليوشي صيي کولي ايسي بات کا مطالبه نهين کيا کيا جسکے منظور ارفیمن هوم صبور صاحب او کسی قسم کا قردد هو - گرامذے او ایس روزولیوشنونکی

Vide Legislative Assembly Debates, Vol. III, page 1455.

كر صحالف به درنى چاهيك - چودكه ارفيشل مبهران اسبهلي عموماً غير سراري مبهران کی قجاریز کی مخالفت کرتے رہتے ہیں اس لیائے رہ عمدہ سے عمدہ ریزولیوشن اس ہوس میں پیٹی کرنیسے گھبراتے میں اور سرکاری ممبران کے اس طرز عمل نے غیر سرکاری ممبرات کی طبایع میں ایسی افسوس نام کیفیت پیدا کردی می جو که گرزنمات و رمایا کے لیے نقصان ده می درسري بهاو كو جو مين سونجته هون كه ديهات كه افسران اب نهايت هي سختي اور نا الصانى سے كام لينا شرر ع كئے هيں - ارسكى لئے بهى اب ضروري يه بات هوني چاهئے كه جب نان آنیشل ممبران کو کرئی ایسی بات معارم هوجارے جو که خلاف قانون هی توارند وه لوگ دریافت کر معلوم کولین آنانه قانون کا پورا پورا اثر دیهات اور شهر مین برابر رها کر۔ كهمي كبهي همارے كاشت كار لوگ همت دريافت بهي كرتے هين كه كان افسر نے خلاف قانون ے مہر حکم جاري کیا هی اور بلا تصور صحرم همین ثابت کرتا هی - اگر همین اختیار رها؟ تو فوراً اوس حاكم سے دریافت كرك اوس سائل كا تشفي كردياتے - شايد كه انصاف هي كو نا إنصافي پر مبني كرلا هو - بس ايس ايس بهت سي باتين هين كه جس سے بهت سي غلط فہمیاں عام لوگوامین ہوا کوتے ہیں جنسے اکر اس اسمبلی کے ممبرات کو واقفیہ ھوٹی تو فوراً دور کرسکٹی تھے ۔ پس انہی رجوهات کے سبب سے میں آفریبل معبوان ھاؤس ع خدمت میں عرض کرتا هرن که عام رمایا که بہلري کو پیش نظر رکھلے هوے رزوليوشن هذا كي تائيد فرمارين آاده جو جو مشكلات آپ حضرات كورمايا كا خدمت كرنے مين پيش آئے هين وہ دفع هوجارين - يس مين انهين چند لفظون سے رزوليوشن هذا كى تائيدكوتا هود -

ENGLISH TRANSLATION.

Maulvi Miyan Asjad-ul-lah (Bhagalpore Division: Muhammadan): Honourable President and Honourable House, I rise to support the Rosolution moved by my Honourable friend, Rai Bahadur Lachhmi Prasad Sinha. It is a well-known fact that whenever Members of the Legislative Assembly require any information, they have to encounter great difficulties in obtaining it through local officers. I think it is the duty of every Member of the Assembly to try his level best to remove the misunderstanding that exists between the people and Government. But we cannot succeed in achieving this noble object unless the local officers render us every possible help for the solution of the difficulties. Whenever an untoward event happens, only the Government officers are in a position to have the correct information regarding it. It is absolutely necessary that the Members of the Assembly, who desire to do their duty to Government and the public, should be in full possession of all necessary facts, so that they may be in a position to meet all possible objections and remove all misunderstandings. Moreover, Members should possess full information regarding every matter that is brought up

from time to time before the Assembly for discussion and deliberation. When any assistance is required from Government officers on any matter which is for the benefit of the poor classes and the cultivators, no satisfactory reply is vouchsafed to our request. This is the plight of the non-official Members. In my humble opinion, therefore, whenever any Member requires such assistance from any Government officer, it should be readily given to him.

Sir, this is the reason why the people of India are not as yet fully convinced of the sense of justice of Government. This Resolution does not contain any demand that might prevent its being accepted by the Honourable the Home Member. Government should never oppose such Resolutions. As official Members generally oppose Resolutions of non-official Members, the latter feel much hesitation in bringing forward many a useful and important proposal before the House. And this attitude of the official Members has greatly discouraged the non-official Members—which is not a happy augury either for Government or for the public.

Another point worth considering is that some village officers have taken to injustice and oppression. It is necessary, therefore, that whenever non-official Members come to know of any such illegal act, they should be empowered to obtain every information from the officers concerned, so that justice may be well administered in towns and villages alike. Sometimes we hear of woeful tales of oppression and high-handedness perpetrated on poor cultivators. Now, had we been well posted in this matter, we could easily have answered any questions after making full inquiries. Perhaps some gross injustice may be averted in this way. Such things create misgivings in the public mind, which the Members of the Assembly can easily remove only if they be in full possession of facts.

It is on these considerations that I commend this Resolution to the Honourable Members of the House who, I fully hope, will support it in view of its usefulness to the public, so that any difficulty they may meet with in properly performing their duties may be removed. With these few words I support this Resolution.

THE MUSSALMAN WAKES REGISTRATION BILL.

Maulvi Miyan Asjad-ul-lah * (Bhagalpore Division: Muhammadan):

آئريبل پريسيڌلٿ ر آئريبل مببران هاڙس - اسلامي اوقاف ک متعلق خلامان اسلام غ بسا اوقات اوقاف کي ناگفته به حالت اور ناجائز مصرف و بد انتظامي ک طرف مسلبانان هند کو توجهه دلائي هي ليان شومي مقدر سے مسلبان بدسٽور اس اهم معاملے کي طرف مٽوجهه نهين هوے اور مسلم اصلاح اوقاف هيشه ابتدائي حالت مين رها - کسي اسلامي انجس يا کانفرنس نے اپنے صوبوت کے اوقاف کو سلک انتظام مين لاکر - اونکي آمدني کو بهٽرين صرف مين لائيکي کوشش نهين کي اور نه هي وقف کونيواليکي اغراض کو مدنظر وکهکر متوليون نے ارسکي هدايات کے مطابق آمدني وقف کو صرف کيا هي معزز - محرف بل نے اس معامله مين عملي قدم اوٽها کر اپني همدودي کا ثبوت ديا هي جسکے لئے تمام مسلبانان هند اونکي مشکور هين - اور کسي مسلبان کو اصول بل سے کسي قسم کا اختلاف نهين هي - اگر همارے اوقاف کا انتظامات واصلاح کے لئے جو مالي مشکلات پيش آئي هين وہ بچشم زدن دور هوجائينگی آور همارے تمام مذهبي اور تعليمي آغراض بآسائي پوري هونگي اور وہ نمايان قوم کو عظيم الشان تول سرمايه هملوک کے مذهبي کامونهي فراهمي سرماية کے لئے سردودي نکوئي پوبگي اور بهت بهتودار رسيد کا مضمون مادق هملوک کے مذهبي کامونهي واسط هانهه آجاريکا ، اور حق بحقدار رسيد کا مضمون صادق هوگا

اس تائيدي تميد كه بعد مين معزز صعرك كي توجه اون نقايص كي طرف دلانا چاهئا هون جلكي وجه عندوستانك مسلمانونكا تعليم يافته گروه مسودة هذا كو اشتباه ك نظر سے ديكهكا هى - اور وہ دفعه سوله كي رو سے جو اختيارات حاكم ضلع كو دائ كلكے هيں وہ گورمنگ اور مسلمانان هودو ك لكے مضرت رصان خيال كوتا هي ملك كي موجوده سياسي حالت كو مد نظر ركهتے هوئي ميں گورمنگ هند كو هركز هركز يه مشورة نہيں ديسكتا كه وہ اپني پراني عرف انبدارانه طريق مَمل سے انسراف كرك مذهبي معاملات ميں دخيل هون اگرچه ميں جانتا هوں كه صاحب ضاع كا قسائركگ كميتي ميں موجود هونا كسي حد تك مفيد هوكا ليكن اونكي شداخلت سے جو نقصان عام مسلمانان ميں بدگما كے بيدا هوئے سے

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^{*}Vide Legislative Assembly Debates, Volume III, page 2813.

ظهرر پذیر هوکا ره اسقدر زیاده هی که مین ارسکے لئے مسلمانونکے ذاتی فائدہ کو قربان کرنیکے لئے طيار هون مين بخوبي جانگا هون که مسودا زير بسمت کا يد حصه جس مين. سرکاري مداخلت کا عنصر موجود هی مسلمانوندين علم قبوليت حاصل نهين کويگا -اور مخالف پارٹی کے لئے مزید شورش کا ایك جدید آله ثابت هوگا لهذا میری ناقص راے میں گورمنگ مالیه کو ایس خالص مذہبی معاملات میں الح قابل سالیش غیر جانبدارانه حکمت مملی پر کاربند هول هوال ایسے امور سے 4 تعلق رمنا زیاده مفید هوگا اگر صوبه ک گورمنگ یا ضلع ک حکام کو مرکزی یا مقامی کمیڈی ے معبررنکي تقرروا ارتکي برطوفي کا کوئي اختیار بھي دیا گيا تو آے دی گورمنگ اور مسلمانونمين غير ضروري جهكورنكا انديشه هي - ايسي صورت مين مسودة إصلام ارقاف مفید هونیکے بجاے گورمنگ اور مسلمان دونونی لیگ لہایت نقصان دہ اور پریشان کی۔ ثابت هوگا - اور کورمنگ بہار ایند اوریسه اور دیگر سرکاري اعلی حکام نے اس خطرہ كو بغوبي معسوس كيا هي لهذا مين أميد كرتا هون كه همارے أنوببل هوم ممبر صاحب اوربالخصوص لوممبر صاحب ارن معزر اعلى افسران ك مشورة كو مدنظر ركهتم هوسه مناسب ترمیمات تجویز کرینگه - اور حاکم ضلع اور صوبه کا گورمنگ کو جو عملی دقلین اور تکالیف مسوده کو موجوده حالت مین پاس کونیس هونگی اونکو بهی مدنظر رکهنگے م اور مسلهٔ تقرر کمینی صوبه اور کمینی ضلع مسلمانونیر چهورنا چاهیا تاکه هر مسلمان اچے طرحت سمجهد ہوجهه کر اپذا مذہبی آدمیونکو کمیٹی مین مقرر کرین کیولکہ حاکم ضلع کو مذهبی آدمیوں سے ملنے کا کم موقعہ خالہہ آتا ہی اور هر مذهبی آدمی کسی ساکم ضلع سے هوگؤ ملاقات کا خواهش نہیں رکھٹا هی

علاوة ازین ایك اور امر جو که یاد رکهنی کے قابلہ هی وہ یه هی که عموماً سجاده نشین اور متولی لوگون نے جالداد هاے موقوده کو کاغذات سرکاری میں یعنی مثله حقیت میں اپنا نام بحیثیت مالک درج کرایا هوا هی یعنی بجاے اسک که جمعبندی میں یون اندراج هو (خانقاه مالک زبر تولیت زید) خود زید مالک لکها کیا هی کاغذات مال میں اسکا صحیح اندراج هونا چاهیئے تاکه متولی جالداد موقوده کو یا ارسک کسی حصه کو رهن یا بیع نہیں کرسکیں - جیساکه آجتک هزارون جگه عمل میں آچکے هیں - دفعه ۱۳ ضمن (۲) میں رضاحت کے ساتهه ماف طور پر پهه درج هونا چاهیئے که حسابات خورضت کے آمدنی رقف فند میں جمع هوئی - اور علاوه گزت سرکاریکی جو عموماً لوگولکی نظرت نہیں گذرتا هی اسلامی اخبارات میں حسابات شایع هونا چاهیئے - ناکه لهم لوگولکے نظرت نہیں گذرتا هی اسلامی اخبارات میں حسابات شایع هونا چاهیئے - ناکه لهم لوگولکے

نظر سے افارے اورعام لوگ اور اپنے والے ظاہر کولیکی موقع ملے اور وہ لوگ ہرچھوٹے و بوی باتوائو اخبار میں بھاور اطلاع یا نوٹس کے درج کواسکیں تاکہ عام لوگونکا حق اچھ طرحسے آدا ہوستے ۔

اسکے علاوہ ہمکو مسودہ پاس کرنے سے تبل اوں مقدس ہستھوںکے احترام اور برزگی کو معفوظ راینے کا پروا پروا انتظام راینا چاہیئے ایسا نہر که وہ برزگان دیں جنکو لاکھوں مسلمان عوت و احترام کے نظر سے دیکھتے ہوں اور اونکو اپنا ورحانی و مذہبی پیشوا خیال کو جو کسی وہ میران کمیٹی یا حاکم ضلع کے ماتعدس رکے جارین کوئی مسلمان ایسے مسودہ کو جو کسی مسلمان ایسے مسودہ کو جو کسی مسلم یا غیر مسلم کو ایسے برزگونپر کسی قسم کا اختیار دیکا ہرگز قبولیت عامہ ماصل نہیں کرسکتا ہی اور مسلمانونکا وہ خاص طبقہ جو ایسے بزرگونکے لیئے جان و مال قربان کرنیکے لیئے طیار ہی سیست مخالفت علیہ مسودہ کی کویکا ۔ مثال کے طور پر میں بیش کرنا ہردی حضرت خواجگان حضرت خواجگان

ENGLISH TRANSLATION..

Maulvi Miyan Asjad-ul-lah (Bhagalpore Division: Muhammadan): Honourable President and Honourable Members of the House, devoted servants of Islam have frequently invited the attention of the Mussalmans of India to the mal-administration, mis-use and the wretched condition of the Muslim endowments (aukaf) in India. But unfortunately the Mussalmans have always turned a deaf ear to these proposals, and the question of the reform of Muhammadan endowments has never been taken up in right earnest. No Muslim association or conference has ever attempted the re-organisation of the endowments of their province and to utilise their income for really benevolent objects. Nor have the trustees cared to spend the large incomes of such endowments in strict conformity to the wishes and intention of the pions donors.

The Honourable Mover of the Bill has now taken up this noble work in hand, for which the thanks of all the Mussalmans of India are due to him. No Mussalman can have any objection to the principles of the Bill. If our endowments be properly managed in accordance with the provisions of the Bill, the pecuniary difficulties that invariably beset all our schemes of educational and social reform and progress will at once disappear, our religious and educational objects could be more easily achieved, and our leaders will not be confronted with difficulties so often met with in collecting the necessary funds for their social and educational schemes. There will then always be an ample fund at our disposal for our religious and charitable purposes and the case of "the deserving receiving their rights" will then come true.

After these preliminary remarks in support of the Bill, I would like to draw the attention of the Honourable Mover to certain defects in it which have raised suspicions in the minds of the educated Muhammadans of India. They consider that the powers proposed to be given to the District Officers under section 16 may be harmful to both the Government and the Muhammadan public. Considering the present political situation of the country, I shall never advise the Government of India to abandon its time-honoured policy of non-interference in religious matters. Although I think that the

presence of the District Officer on the District Committee may be useful in a way, the harm caused by his unwelcome presence there in creating bad feeling and mistrust in the minds of the Mussalmans in general will, in my opinion, be so great that I would willingly forego even some of he Muhammadan interests. I am perfectly sure that that portion of the Bill which relates to the official interference can never be appreciated by the Muhammadans and will rather afford a strong handle to the opposite party to stir up further agitation. In my humble opinion, therefore, Government should strictly adhere to its old praiseworthy policy of non-intervention in religious affairs.

If the Provincial Governments or the District Officers would be empowered to appoint and dismiss the members of central and local Committees, there is a risk of constant friction between the Government and the Mussalmans. The Bill, under these circumstances, instead of proving a boon to the public, may be very injurious and trouble-giving to both. The Government of Bihar and Orissa and other high officials have realised this danger. I trust, therefore, that in view of the strong recommendations of several high officials the Honourable the Home Member and, especially, the Honourable the Law Member will introduce the necessary amendments, and will keep in view the practical difficulties and troubles with which District Officers and Provincial Governments will be confronted if the Bill was passed into law in its present form.

The formation of Provincial and District Committees should be left entirely in the hands of the Mussalmans themselves who will have the best opportunity of judging the merits and demerits of those whom they would select for trusteeship. The District Officers can seldom have such a chance,

as truly pious persons never-court their interviews.

There is another point worth considering. Generally Sajjada Nashins and Mulwillis of Waqf properties have got their own names entered in the official records. In Jamabandis, instead of the name of such and such Khankah, the name of such and such Mulwalli appears as the proprietor. This practice should be stopped and correct entries made, so that the Mulwallis may not be able to sell or mortgage the Wakf property or any portion thereof, as has been done in very many cases.

In section 13(2), it should be made clear that the sale-proceeds of the accounts shall be deposited in the Wakf fund. The accounts should be published in Muhammadan newspapers besides the Government official Gazettes, which are not perused by the people in general, so that a greater number of people may have an opportunity of going through them and of expressing their views in the matter, and may also be able to make announcements in the form of notices, etc., about anything big or small for the public good.

Before the Bill is passed into law, we must, however, be very careful in making every provision in it to safeguard the honour and exalted position of those holy saints who are looked upon, with the greatest reverence, by thousands of Mussalmans and are considered as their holiest spiritual and religious guides. These must not be placed under any control whatsoever of a Committee or District Officers. No Mussalman can ever approve of a measure which would place these holy personages under the tutelage of Muslim or non-Muslim trustees. It can never be a popular measure. There are some Muhammadans who have a special regard for these saints for whom they will readily sacrifice everything, even their lives; to these will surely such a Bill be very objectionable, e.g., the Sajjada Nashin and Mutwalli of the holy shrine at Ajmere Sharif.

THE LEGAL PRACTITIONERS (AMENDMENT) BILL.

Maulvi Miyan Asjad-ul-lah * (Bhagalpore Division: Muhammadan):

آنربیل پریسیدنت و آنربیل مارس - مین مخالفت کرتا هون ایج آنربیل دوست داکثر گور کرد که کا جسین وه چاهلی هین که عورتونکو مداللونیین احیثیت وکیلون کے پیش هونیکا حق دیا جارے مجھے افسوس هی که آبایت اهم و ضروری واز جو که اس بل مین پوشیده هین اوسکی بنا پر هدین اس معامله مین پهر مخالفت کا لیا کهوا هونا پوا - همارت اکتا خیال سے اگر ایسے اختیارات انماف کا باره مین عورتونکے هاتهه مین سونیا گیا تو همیشه انصاف کا خون هوتا وهیا

کوئی عدالت کیساهی انصاف کرنیمین کامل هو لیکن جب عورترنکا وجود درمیاس مین رهیکا تو کبهی وه سیدها راه نهین چل سکتا - گمان غالب هی که چب صود پیروکار ایخ منوکل کے طرف سے پیروکار هوگا اور هوسري جانب سے ایك نوجوان عورت پیروي کریگي تو صحیح کبهي بهروسه نهین هی که وه عورت ناکام هوجارت کیونکه اوسمین حسب دیل ک انصافي هونیکا اندیشه هی - ایس هی خیال کو همارت پثنه هائیکورت کے صحسوس کرتے هوئے مورتراکو وکالت کے ناتابل مانا هی جو که بل مین درج هی

اول هوسکلا هی که عدالت خود هسب قانون قدرت عوراتون که باتهای طرف زیاده راغب هو

دوساري يه کمان هي که جب کواهون پر ره جرح کرے کي تو حسب منشلے السانين کواهان عدالت عورتون کـ باتون مين آکر يا معو هوکر الج بيانات کو سچه نوکهسکين

تیسرے یہ مشکل کا سامنا ہی کہ درسری فریق کے مرد رکیل آیسا نہر کہ عررآونکے احت و شیریں تقریر و ناز ادا جو کہ قانوں قدرت لے مردونکے دل لبھائے کے لئے ارنہیں عطا کیا ہی ماکل ہوکر اپنا اصل عطاب ہاتھہ سے کہوبیٹھیں اور پرزا فرض اپنا ادا نکرسکیں - چونکہ رکیل صاحبان نے اپنا یہ طریقہ عام جاری کر رکھا دی کہ کل عجندانہ پیشگی وصول کرلیتے ہیں تو اب اونہیں کیا پروا ہی کہ اونکا فریق جیتے یا ھارے -

نیز مداللونکا شیرهٔ انصاف و ترازل هونیکا اندیشه هی کیونکه ایك صرد وکیل نه اگر بهت و کوشک و جانفشانی سے مدالت کے خیال کو چند گهنگوندین آئے فریق کے طرف مائل کرلیا هو

^{*}Vide Legislative Assembly Debates, Volume III, page 2581.

تو درسري طرف سے مورت رکيله چند مظرفين مدالت كو ان طرف مالل كرليكي يه إمان غالب هي

بالفرض اگر هارے دائٹر موصوف یه جواب دین که اگر ایسا واقع، هوگا تو هر دور جانب سے وکیله مورتین مقرر هونگی تر پهر هارے مود وکیلونکو سخمی نقصان کا سامنا هوگا مورتین چونکه خاص کر نازک مزاج هیں اور عموماً ایسے واقعات اونیان پیش آئے وہتے هیں جن وقلوندین وہ کام کرنے کے قابل نہیں هوتین اون موقعونیر وہ حاضری عدالت سے احذور وهینگے تو ایسے حالت میں دوکلوں کا بہت نقصان هواکریگا - اور عدالتونکے کام دبن بهی ها ج واقع هوگا که اون نازف اندامونکے خاص سے حقدمات کو ماتری کرنا پویگا اور کام دین در ج

اگر حاکم عدالت کوئي رشوت رفيره ليکر کسيکاه قدمه خراب کرديدا هي تر ارسکي لئم قانونميني سرائين مقرر هين - اب مين الخ آنريبل داکٽر سے په مرض کرتا هون که اول ره په بدائين که اوس حکلم که تدارك کرنيکا کون سا آله هوگا جو ان عورات که فعل رعمل سے حداثر هوکر خلاف آئين و قوانين عدالت موجودة فيصله کيا کرينگي - "سه په بهي انديشه هي که عام لوگونکو زياده نقصان پهونچيکا اور اونکا بهت سا روپيه بيکار صوف هوگا - اول تو عموه آوکيله صاحبه مودون سے زياده ابدا فيس رکهينگي - دوسري په که نوجوان لوگ بلا رجه صوف وکيله صاحبه ک خدمت مين بارياب هونيکا موقعه نکالنے کا لئے جهوئے دعوي اور جهوئي جوابدهياس کيا کرينگي مگر وکيله صاحبه ک هان قو روپ کي خوب پيچ بهيگي - اب په سب باتونکو مدنظر رکهتے هوے مين نهين آتا - ايس بل ک قاکٹر گور نے کس تکته خيال سے په بل پيش کيا هي همارے سعجهه مين نهين آتا - ايس بل ک پيش هونيپر مين يقين کرتا هون که آئريبل پيش کيا هي همارے سعجهه مين نهين آتا - ايس بل ک هماري ماک کي حالت اور انگلستانکي حالت مين بهت فرق هي جو بات وهاکل لئے مفيد هماري ماک کي حالت اور انگلستانکي حالت مين بهت فرق هي جو بات وهاکل لئے مفيد هماري ماک کي حالت اور انگلستانکي حالت مين بهت فرق هي جو بات وهاکل لئے مفيد هماري ماک کي حالت اور انگلستانکي حالت مين بهت فرق هي جو بات وهاکل لئے مفيد هماري ماک کي حالت اور انگلستانکي حالت مين بهت فرق هي جو بات وهاکل مخيد هماري ماک کي حالت اور انگلستانکي حالت مين بهت فرق هي جو بات وهاکل مؤيد هماري ماک کي حالت اور انگلستانکي حالت اور کرتا هي پس ان وجوهات پر مين بل هذا کي مخالفت گورتا هون

ENGLISH TRANSLATION.

Maulvi Miyan Asjad-ul-lah (Bhagalpore Division: Muhammadan): Honourable President and Honourable House, I rise to oppose my Honourable friend, Dr. Gour's Bill which proposes to confer rights on women to appear as legal practitioners in the Courts. I regret I have to oppose this Bill again as it involves some very important principles. I am afraid if women were allowed this privilege justice will always be miscarried.

No Court of Justice, however perfect it may be, can deal justly and impartially where women are engaged in pleading cases before it. When a case will be conducted on one side by a man and on the other side by a woman,

she chances are that the latter will carry the day. The following reasons, amongst others, may be mentioned that injustice will likely result if women be allowed to plead in Courts. And it is mainly these considerations which have led the Patna High Court to refuse the special privilege to women. First, the Judge himself may very naturally have a leaning towards the sweet words of women lawyers. Secondly, witnesses, when cross-examined by them, may very likely be duped and captivated by their charms and thus may not give accurate replies to questions put to them. Thirdly, the male pleaders of the opposite party may very naturally be captivated by the sweet words and blandishments of their fair opponents (women being naturally very attractive) and thus fail in the performance of their duty to their clients. As lawyers generally take their fees beforehand, the result of the case is of little concern to them. Moreover the administration of justice will be seriously affected in view of the fact that while a male lawyer can bring home a certain point to the Court in his client's favour in several hours, a female lawyer will, by her sweet arguments, achieve her object in so many minutes.

If Dr. Gour holds that in these circumstances both parties will be at liberty to engage female lawyers, then the male lawyers' practice will surely suffer. Women being of delicate constitution will often be unable to perform their professional duties and to appear before the Court much to the detriment of their client's interests, as also of the work of the Court, which will have to be occasionally interrupted merely in deference to the convenience of the fair pleaders.

If a Judge spoils a case by accepting a bribe, he is generally punished for this act. What will be the punishment of those Judges, I ask Dr. Gour, who will allow their judgments to be biassed by the charms and blandishments of fair lawyers and to go against the established laws and usages of the country.

I am afraid that a good deal of money will have to be sacrificed at the alter of beauty and fashion as our new lawyers will demand higher fees than their male colleagues. And many a young man will go to the length of bringing false suits and making sham defences simply to ingratiate themselves into the good graces of a pretty Vakil, and, as a consequence, fat fees will flow to her.

Considering all this I am at a loss to understand what particular object Dr. Gour had in view in bringing forward this measure before the Assembly. I daresay he may have the English practice in his mind. But the circumstances of our country are quite different from those of England; and what is good for them may not be suitable for our country. On these grounds, therefore, I oppose the Bill.

GENERAL DISCUSSION ON THE BUDGET.

Maulvi Miyan Asjad-ul-lah* (Bhagalpore Division: Muhammadan):

آنوایبل پریسیدنت و معبران هو می - همارے دوست اونوایبل فنانس معبر نے بجت زیر بھمت میں نبک پر ٹکمی لگائر رزیبه کی کئی کو پورا کرنیکی جو نجویز پیش کی هی رہ بظاهر حصول مقصد کے لیئے نہایت عبدہ اور آساس معلوم هوتی هی - لیکن جب میں دیکھٹا هون که هند کی کثیر آبادی نمك کو کثرت سے استعمال کرتی هی - اور نمك پر ٹکس لگانیسے اونکی مالی حالت اور صحت پر بہت بوا اثر پویگا تو مجمع سواے اس کے کوئی چارہ نظر نہیں آتا که میں نمك کے ٹکس کی مخالفت کے لیئے کہوا هون اور اونوایبل فنانس معبر کی خدمتین دیگر معبر صاحبان کے هنزیان هوکر عوض کرون که وہ اس نا مبارك تجویز کو واپس لیکر اونوایبل معبوان هوس و اهالیان هند سے خواج تحسین حاصل کرین -

اوتواییل فنانس صبر صاحب کی تقریر سے صاف ظاهر هوتا هی که نبک پر آئس لگانا اشد ضروری هی - اس غلط راح قایم کرنیبین ره ایک صربی فلطی کے مرتکب هوے هیں اور رة یه هی که اونہوں نے هندوستان اور انگلستان میں نبک کے خرج کا توازن کرتے هوے هندوستان اور انگلستان کے لوگون کی حالت کو مساوی تصور کیا هی - حالاتکه یه حقیقت سے بہت بعید هی - اول تو کهائیکا نبک انگلستان میں بمقابله هندوستان کم صرف هوتا هی کیونکه انگلستان کے لوگ اکثر کهائونکو بلا نبک تیار کرتے هیں اور جن کهائونیو بنا نبک تیار کرتے هیں اور جن کهائونیین نبک قالا جاتا هی ره بهی بمنزله نه هوئیئے هوتا هی - برخلاف اس کی هندوستان میں بلانبک کوئی کهانا تیار هی نہین هوسکتا - اور غربا نبک کے بغیر هندوستان میں بلانبک کوئی کهانا تیار هی نہین هوسکتا - اور غربا نبک کے بغیر کوئے هیں اور غربا نبک کا جونکه غربا بوجه صحنیت و مشقس کهانا زیادہ چونیکا استعمال کوئے هیں اور اوسکو هضم کوئیکہ لیئے نبک زیادہ استعمال کوئے هیں - اونوایبل ممہر صاحبان اور اوسکو هضم کوئیکہ لیئے نبک زیادہ استعمال کوئے هیں - اونوایبل ممہر صاحبان استعمال کو یه بات بھوبی معلوم هی که دیہاتی لوگ جسوتی صبح کو کام پر اسبلی کو یه بات بھوبی معلوم هی که دیہاتی لوگ جسوتی صبح کو کام پر جولگ هیں تو چاول کهائیوالے بهات پر نباک چهوب صبح کو نبک صرح کی چانی کوئے جولگ کہا کہا کہا کہا کہا کہا کوئی کوئی کوئیک کوئیک کوئی کوئیک کوئیگ کوئیک ک

^{*}Vide Legislative Assembly Debates, Vol. III, page 2984.

ارسي سے روتي کهاليتے هيں اور پهر کهيتوں ميں کام کرنے کو چلے جاتے هيں - اور فرپهر کے بعد کا کهانا سبزی ترکاري اور نملک کے سہارے سے کهايا جاتا هی - مزدرروں کے قلیل محلقانه کو مدنظر رکھتے هوے جسکی تعداد ۳ یا ۳ آنه یومیه سے کبھی زبادہ نہیں: هوتی میں کبھی گوارا نہیں کوسکتا که اس غربا کے اس واحد شے خوردنی کو اس سختی سے تکس کیا جارے - جیسا که همارے اونراپبل فنانس معبر نے تجریز فرمایا هی - سختی سے تکس کیا جارے - جیسا که اس گرانی کے زمانے میں ۱ آنے کے مزدروی میں درنو رقع آپ ذرا غور فرماریں که اس گرانی کے زمانے میں ۱ آنے کے مزدروی میں درنو رقع تو ایک آدمیکا کهانا مشکل سے ملسکتا هی چه جاے که اوس غریبوں کا درنوی کا ذریعه کچهه همارے سبجهه میں نہیں آنا هی

اونرببل فنانس مببر نے نبك ك تكس كي تجويز كو پيشى كر ك هوے اس امر كو نظر انداز كوديا هى كه هلموستان زراعتي ملك هى اور ملك كي كثير آبادي. وزاعت پر كذر كرتي هى اور هندوستان مين واحد ذريعه كشاورزي فرگاوان رغيرة هى هين جنكي ليئي نبك كا استعبال ضروري هى - اور يه بات بهي ظاهر هى كه زراعتي بيلون اور گهورون رغيرة كي خوراك مين جو نبك استعبال هواا هى اومكي مقدار اوس نبك سے كهين زياده هى جو انسان ك خوراك مين استعبال هوا هى لهذا نبك پر تكس لكانيكي يه معني هوائي كه هم غربا اور زراعتي حيوانات كو اونكي ضروريات زندگي سے محروم كردينگي - اور نبك پر تكس لكانيمي وه لوك مجبوراً نبك كا استعبال كم كردينگي اور اس كمي استعبال نبك سے اونكي صحب بهي قايم نه وسكيكي - لهذا مين اميد كرتا هون كه اور يس كمي استعبال نبك سے اونكي صحب بهي قايم نه وسكيكي - لهذا مين اميد كرتا هون كه اور يسلم كردينگي -

ایک اور تعجب انگیز اور ضروری امریه هی که باوجودیکه هدوستان میں بمقابله انگلستان نمک زیاده طریقونے استعمال کیا جاتا هی اور علاوه انساس کے استعمال کے عیوانات کے استعمال میں بہت آتا هی تاهم هندوستان میں نمك کا خرچ انگلستان کے خرج سے بدرجہا کم هی - بالفاظ دیگر میں یه کہونکا که هندوستان بوجه غربت نمک جیسی ضروری چیز کو بھی بوجه موجوده تکس کے حسب ضرورت استعمال نہیں کرسکتا - اور یہی سبب هی که انگلستان میں نسبتاً نمك بهت زیادہ استعمال هوتا هی - انگلستان کے مودور پیشه لوگ بہت محمول گھیں اور یہاں کے غربا کا دھاں کے غربا طبقہ سے مقابلہ هی کرنا فضول بات هی

جب هندرستان کے فریا موجودہ ٹئس کے متعمل نہیں هوسکتے جیسا که ارائے نمک جیسی ضروری ضرورت زندگی کے کم استعمال سے ظاهر هوتا هی تو نمک پر ٹکس کو درچند کرنا ارنکی بربادی کا مرادف نہیں تو اور کیا هی -

مجيع بخربى ياد هىكه شهذشاه ايدرارة هفتم جب سرير أرالي لخب الكاسلان اور هندرسدان هول تو رزوال سلطنت نه نهایت دانالی اور رسعت نظری سے محصول نمک خندوستان پر ایکدم معاف کردیا اور اس خسروانه فیاضی سے هندوستان کے هر گهر میں خوشی کے شادیائے ہجنے لگے - برخلاف اس کے میں نہایت افسوس کے ساتھہ دیکھا ہوں که همارے صحفرم مشیران سلطنت اب نمک کے ٹکس می پر سلطنت کا دار و مدار تصور کرتے هیں اور نبک کے ٹکس کے سوائے اونہیں کمی آمدنی کو پورا کرنیکا کوئی ڈریعہ نظر انہیں آنا -اس کوتہ نظری سے غربا پر جو موجودہ تکسوں سے چور ہور نے ہیں۔ مزیدہ ٹکس کی ^تجویز کرنا غلطی نہیں تو اور کیا ھی - حضرات السبلی اور خاصکر ممبران گورمنٹ ک خدمت میں گذارش کرتا ہوں کہ ہندوستانمیں ایسا انتظام محصول کا کرنا چاهیئے که جس سے بوت لركونير تكس عائد هو - نه كه غربا ير- اے همارے مهربانو خيال تو فرمار كه جو فريب لوگ نمك اور بهات کِهاوین اونیر تکس لگانا کبهی حمیت قبول نهین کریگی اسکے لگے تو یہ شعر فارسی کی حسب حال معلوم هوتے هی -- جور خودرا پر غربهان آزماید روز کار * تيغ را دائم براے استحان بر موزنند * حيف مجم اس نمك ك تكس سے وہ قول نوشيرواس عادل كا ياد أقا هي كه جسے ١٣٠٠ سال كذر كيا - جب ره ايك شكاركاه مين تها تو اوسكم واسط ايك شكار كو كباب كرره تم ليكس نمك نه تها . شخص را برود لما دوانيدند تا نمك أرد - نرشيروات مادل كفت بقيمت بستان تا رسم نكردد و ده خراب نشود تفت ازین قدر چه خال زاید گفت بنیاد ظلم در جهان ارل اندف بوده است ر مرکه آهد بران مزید کرد -

ارس زمانے میں جبته ذبک پر ٹرئي قانون اور رکارٹ نہیں تھا تر بادشاہ تھوڑا نمک
 ایذا الج رعیت سے منظور نکیا تو اسوقت موجودہ قیمت پر اگر ایسا ڈکس لگایا
 گیا تو یقین ھی کہ ضرور غریبرئیر تکلیف عظیم ہوگا

ارر آئریبل مستر شاھائی جو کپورنپر ٹکس لگائے کے طرفدار ھیں تو اوسکا بھی ضرورت غریبوں کو زیادہ ھوتا ھی میں راضی ھوسکتا ھوں اون کپوراپر "حصول زیادہ کرنپپر جسکو امیر لوگ استعمال کرتے ھیں لیکی غریبوں کے کپوراپر ٹکس بوھانا بہسامتکھیفوردہ بات

ثابت موكي يه مين ايك سچ طريقة سے اپني رائے ظاهر كرتا هون كه آن كيورئير تكس نہونا چاهيئے جو كپوے كه غربائے هذه استعمال كرتے هين - هان اختيار باقي هى كه اميرون كو استعمال ك كپورئير خاص خاص تكس لگایا جارے یا نہان ارسمان كوئي ترده كي بات نہين هى - پس مين غرباے هندرستان ك خيالات پر اسوقت آلريبل هارس مين كذارش كرتا هون كه نك پر محصول مقرر نكيا جارے اور نه غرببونكے استعمالي كپورنير -

ماسیوا می آدمیون کے هندوسقانمین زیاده جانورین نمک کهایا کرتے هیں - ارسکے لئے نمک کا بہم پہونچانا ضروری هوتا هی اگر نمک ایسا گران هملوک نے کردیا تو حیوانات کو جب نمك نہیں ملیکا تو ارسکا عذاب بهی همارے هی سر رفع کا کیونکه جانور به زبان هیں حیوان کوئی عذار همارے ساملے قہین کرسکتے هیں ارسکی حسب حال یه شعر هی شفیوان کوئی عذار همارہ و مور و هوان شود تنگ روزی زفعل بدان

اس شعر کا حاصل مطلب یه هی که آدمیوں کے فعل کے رجهه سے حیوانات پر روزی کی تنگیر موتی هی جو مانی هوئی بات هی - پڈرول جو که برما سے برآمد هوتا هی اوسپر تکسی کیوں نہیں لگایا جاتا هی کیونکه وہ تو هبیشه امیروں اور مائداردکی استعبال میں آتا هی اونکو تو معلوم بھی نہیں هوگا اور گورمنٹ کا مطلب بھی حاصل هو جائیگا اور انتظام سلطنت میں دقاس نہوگی - اور دوسری چیز شراب هی جسکو اکثر امیر اور فارخ البال آدمی استعبال کرتے هیں اوسپر محصول کیوں نہیں ہوهائی جاتی هی ۔

ال ک سواے چاتھی و سونا جو که امراول ک جیش و حشم میں استعمال معرف عمی استعمال میں ارسی کری مشکلات کا معرف عمی ارسی غریبوں پر کرئی مشکلات کا حمله کائین فوٹا - ماسیواے سکے جواهرات هیں جو که همیشه اعلی طبقه راجه و نواب

و امراء هذه کے استعمال میں آئے هیں اور معصول بوهانا کوئی مشکل همیں نظر نہیں آتا۔
ایسے چیزرنکو چھرڑکر صرف نمک هی پر صحصول زیادہ کردینا غریبرنپر ایک تکلیف شدید پہیلانا هی ۔ پس میں اب کسی طرحسے اپنے ناقصرا ۔ میں نمک کے محصول کو قبول نہیں کوسکتا هوں اور سفارش کرتا هوں انریبل معبران هارئس سے که اس امر کو اچیے طرحسے سونے سمجهه کر اپنا اپنا راے ظاهر فرماویں تاکه کوئی غلطی گورمذے ک معبرونکا اس بارے میں نہو ۔ صرف اس چند لفظری سے میں نمک کے قبوتی پر ناراضگی ظاهر کرتا ہیں ۔

ENGLISH TRANSLATION.

Maulvi Miyan Asjad-ul-lah (Bhagalpore Division: Muhammadan): Honourable President and Honourable House, the proposal of the Honourable Finance Member to impose a duty on salt in order to make up the deficit in the Budget appears, at first eight, to be a very reasonable and easy method of gaining the object in view. But when we take into consideration the fact that the vast population of this country consumes salt in large quantities, and that in consequence a duty on this article of every-day consumption will surely affect their purse as well as their health, I confess, I have no other alternative but to oppose the proposed taxation and to request, with the other Honourable Members of the House, the Honourable Finance Member to withdraw this unfortunate proposal and thereby earn the gratitude of the House and of the people in general.

It is evident from the Honourable Finance Member's speech that he considers the imposition of such a tax to be absolutely necessary. I beg to point out, however, that he has overlooked an important point in this matter. While considering the comparative consumption of salt by the people of India and of England, he seems to imagine that the conditions of the two countries are alike. But this is not actually the case. First, eating salt is much less used in England than in India, as most English dishes are prepared without or with a very little admixture of salt in them; whereas it is a sine qua non of almost every Indian dish and, for the poor, it is an absolute necessity. have a proverb that lime is the rich man's thing and salt that of the poor man. This is undoubtedly the case, because poor people have to do hard manual work and eat coarse food and therefore they require a good dose of salt to help digestion. We must have all seen village labourers, before starting for their day's work, eat their morning meals of rice or bread with a good pinch of salt aprinkled over it or mixed with a savoury chatney. And their midday meals also consist of nothing but some vegetable and salt. Now, considering the low wages of these poor people, which seldom exceed three or four annas a day, I cannot bear for a moment that their one article of diet should be singled out for taxation, as has been proposed. Gentlemen, just think for a moment, how very difficult it is during these hard times to have two meals on four annas a day and these poor creatures have to support themselves and their families on this pittance. This is surely the work of Providence beyond our understanding.

In proposing a duty on salt the fact that India is mainly an agricultural country and a very large proportion of its population is engaged in agricultural pursuits, has been overlooked. Bullocks are the principal means of our agricultural operations and for them also salt is very necessary. And it may be noted that the quantity used for the food of cattle and horses is much larger than that used for human consumption. Therefore a tax on this article of every-day use would mean to deprive the poorer classes and the cattle of their very necessaries of life, for owing to heavy duty its consumption will surely be reduced and their health will consequently suffer. I hope, therefore, that in view of these important facts Honourable Members will reject the proposed taxation.

Another very strange and important point worth considering is that although India consumes salt in many more ways than England, as in India besides human beings it is largely used by animals also, yet its consumption here is comparatively smaller than in England. The reason is not far to seek. Poor India cannot afford to consume sufficiently even this one article of necessity owing to its present duty. On the other hand, there is a much greater consumption of it in England, as the labouring classes there are pretty well-to-de, and there can be no comparison whatever between the poor of the two countries. When we see that the present duty is not free from hardship on the poor classes, as is evident from the small consumption of salt in India, it would be nothing short of disaster should this duty be doubled.

I well remember when King Edward VII became our King-Emperor, the Ministers of State very wisely abolished the salt-tax and this act of royal favour was acclaimed with the greatest joy in every Indian household. I am much grieved to see now that our noble advisers of Government consider such a tax to be an absolute necessity, as if this was the only means of filling up the empty coffers of the State. To inflict further taxes on poor India, which is already groaning under a heavy burden would be nothing short of gross blunder. I request the Members of the Assembly, and especially the Government Members, to levy taxes in such a way that the rich and not the poor bear the brunt.

Gentlemen, just think how shameful it would be to tax those who subsist on rice and salt alone. A Persian couplet is very appropriate here:

Jouri khud ta bar gariban ázmayad rozgar-Teghra doyum barác intihan bar mu zanand.

Time tries experiments of oppression on the weak—the keen edge of the sword is always tested on a hair.

This salt-tax reminds me of a well-known story about Noushirwan the Just, king of Persia, who lived more than 1400 years ago. Once when he was out on a hunting expedition meat was being roasted for him. The rest of the story may be heard from Sádi himself:

"Shakkse ra barusta dawanidand ta namak arad. Noushirwan-i Adil guft ba kimat bistau ta rasme na gardad wa dih kharab na shawad. Guft azin qadar chi khalal zayad. Guft bunyadi zulm dar jahan awwal andak buda ast wa har ki amad baran mazid kard".

"Some one was sent to a village to get some salt. Noushirwan the Just said: "Be careful to pay for it lest it be a custom and prove the ruin of the village". It was pointed out to him that a little salt won't matter much, but Noushirwan replied: "Oppression had a very small beginning, every one who came afterwards added to it."

In those days when there were no restrictions and duty upon salt the king did not like to take even a small quantity of it without paying for it. Now, if any more tax was added to the present duty, it will really be a very great hardship on the poor.

The Honourable Mr. Shahani has proposed a tax on cloth. But this article also is of great usefulness to the poor. You may tax the rich man's cloth, but save the poor man's cloth from taxation, for it will entail a great hardship upon him. It is my confirmed opinion that the cloth used by poor people should not be taxed. Of course we are at perfect liberty to propose special taxes for the cloth worn by the rich; there will be no hardship caused by such a tax. But considering the circumstances of the poorer classes I strongly protest against the tax on salt as well as on the poor peoples' cloth.

I remember very well that in the first year of the Council elections in my native province of Bihar and Orissa, a certain person asked me how I would be able to do any good service to the masses when Government had passed a law incriminating any person who will prepare salt from the sea-water. I fully remember these words now, but as Government, during the last two years, had been confronted with special difficulties, I had no opportunity of moving any Resolution in that respect. I don't know, I am sure, what answer I should give to that man, if I unfortunately met him again at the next election, when, instead of freeing the sea-water for the use of salt, we are placing a heavy tax upon salt itself.

(As already said) salt is used by cattle also in this country. We have to provide it for them. Now if we made it so dear by heavy taxation, how shall we then provide it for our "dumb driven cattle", and of course this sin will be upon our shoulders, for the poor creatures cannot speak out their grievances. A poet has truly said:

"Shunidam ki bar murgho moro dadan, Shawad tang rozi ze fele badan."

"It is said that quadrupeds, birds and even insects suffer on account of the evil actions of man."

This is undoubtedly true. I would leave salt and cloth alone and would suggest an import tax on (1) petrol, (2) wines, (3) gold and silver and, (4) precious stones. All these are the rich man's luxuries and can easily and safely bear taxation. Nos. 3 and 4 are things of pomp and splendour and the latter can be used by the Rajas and Nawabs and other rich people only. Any tax on them will be free from hardship. Leaving all these suitable items and taxing the very necessaries of life will involve a very great hardship on the poor.

I cannot, therefore, agree to any tax on salt and request the Honourable Members to pause before accepting the tax, so that Government Members may not be misled. With these few words I oppose the proposed tax on salt.

UNSTABLED QUESTION AND ANSWER.

- 244. Lala Girdharilal Agarwala: (a) Is it a fact that motor car owners who purchase a car for Rs. 4,000 have to pay taxes on it in the first year amounting to Rs. 1,297 and thereafter nearly 10 per cont. of the initial cost every year subsequently as printed in the *Pioneer* of Allahabad, dated 8th March, 1923, at page 14?
- (b) Are the Government aware that the United Provinces Government proposes to impose a further tax of Rs. 180 yearly on each motor car?
- (c) If the reply be in the affirmative, do the Government propose to do anything in the matter?

The Honourable Sir Basil Plackett: (a) The Government of India have seen the correspondence in question appearing in the *Pioneer* of the 8th March, 1923, but are not in a position to endorse the calculations given therein which are based on several hypothetical data.

- (b) Yes.
- (c) No.

^{*} Vide Legislative Assembly Debates, Vol. III, page 3731.

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