

28th March, 1922

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---

SECOND SESSION

OF THE

LEGISLATIVE ASSEMBLY, 1922



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# LEGISLATIVE ASSEMBLY.

Tuesday, 28th March, 1922.

The Assembly met in the Assembly Chamber at Eleven of the Clock.  
Mr. President was in the Chair.

## QUESTIONS AND ANSWERS.

### EXEMPTION FROM INCOME-TAX OF CONTRIBUTIONS BY TEACHERS OF GOVERNMENT AIDED SCHOOLS TO SCHOOL PROVIDENT FUNDS.

340. \* **Bhai Man Singh**†: (a) Is the Government aware that the contributions paid by the teachers of Government Aided Schools to their School Provident Funds are not exempt from income-tax, though similar contributions by Government employees to the Government Provident Fund are exempt from the said tax?

(b) If so, will the Government be pleased to state why the teachers are treated differently from the Government servants in this respect?

(c) Is the Government considering to issue instructions to the effect that the amount paid by school teachers towards the Provident Fund of a Government Aided School be treated like the Government Provident Fund, for the purposes of income-tax?

**The Honourable Sir Malcolm Hailey**: Under sub-section (2) of section 12 of the Income-tax Act, the only Provident Funds, contributions to which are exempt from income-tax, are the Provident Funds 'to which the Provident Funds Act, 1897, applies, or any provident fund which complies with the provisions of the Provident Insurance Societies Act, 1912, or has been exempted from the provisions of that Act'. The Select Committee, which dealt with the Bill that became the Act of 1918, deliberately restricted this concession to the case of such provident funds 'as are duly constituted under or recognised by the law'.

To provide for the special case of teachers in educational institutions, the definition of a Government Provident Fund in the Provident Funds Act of 1897 was amended by Act XIV of 1919 to read as follows:

'Government Provident Fund means a fund constituted by the authority of the Government for any class or classes of its employes or for teachers in educational institutions.'

It has been left to the discretion of Local Governments to decide whether they shall require institutions which they aid to compel their teachers to contribute to a provident fund controlled by the Local Government and constituted under the rules framed by the Local Government. Where the teachers in institutions contribute to such a fund, their contributions are, under the Act, exempt from income-tax. Where, however, they contribute towards a private fund which is not recognised by the law, their contributions are not exempt. Government is not prepared to exempt contributions of employes to Provident Funds, the constitution and rules of which are not regulated by the law.

† Bhai Man Singh being absent, Questions Nos. 340, 349, 350, 351 and 352 were put by Mr. P. P. Ginwala.

## ABOLITION OF DIVISIONAL COMMISSIONERSHIPS.

341. \* **Rai G. C. Nag Bahadur**: 1. Have the Government of India seen the report of the Retrenchment Committee appointed by the Government of Assam a year ago which recommends, among others, the abolition of the posts of the Divisional Commissioners, and that while presenting the Budget Statement to the Assam Council on 6th February last, the Finance Member of that Government stated that it was not possible for the Government to give effect to some of the recommendations of the Retrenchment Committee, as it was not in the power of the Local Government to abolish the post such as those of the Divisional Commissioners?

2. Do the Government of India propose to accord their sanction to the abolition of these posts?

**The Honourable Sir William Vincent**: Government have not seen the report referred to and are only concerned with the question generally in so far as it effects the whole of India. As to that aspect of it, their attitude was stated by me in this House in the debate on Mr. P. L. Misra's Resolution on 23rd March.

## AMALGAMATION OF THE ORIYA-SPEAKING TRACTS.

342. \* **Babu Braja Sundar Das**: Has the Government received from the Government of Bihar and Orissa any communication arising out of the Resolution passed by the Bihar and Orissa Legislative Council recommending the Government of India to unite the Oriya-speaking tracts now under four provincial administrations under one administration?

**The Honourable Sir William Vincent**: The Government of Bihar and Orissa on a separate reference from the Government of India have submitted their recommendations on the subject. They have also forwarded a copy of the Resolution referred to by the Honourable Member.

## NUMBER OF ORIYAS AND ORIYA ASSIMILATING TRIBES IN BEHAR, BENGAL, CENTRAL PROVINCES AND MADRAS.

343. \* **Babu Braja Sundar Das**: Will the Government be pleased to state the number—according to the last census figures—of Oriyas and Oriya assimilating tribes under the four Provincial Governments of Bihar, Bengal, Central Provinces and Madras?

**The Honourable Sir William Vincent**: A statement is laid on the table.

*Statement.*

The number of Oriya-speaking persons in the Madras Presidency, Bihar and Orissa, Central Provinces and Berar, and Bengal, according to the latest census figures, are as follows. The figures for Bihar and Orissa are provisional.

	Persons.	Males.	Females.
Madras . . . . .	1,549,300	725,534	823,766
Bihar and Orissa . . . . .	7,760,780	3,723,116	4,037,664
Central Provinces and Berar . . . . .	308,835	149,778	159,057
Bengal . . . . .	293,372	217,999	80,376

NUMBER OF SUPERINTENDENTS OF POST OFFICES APPOINTED IN BIHAR AND ORISSA.

344. \* **Babu Braja Sundar Das** : Will the Government be pleased to state the number of Superintendents of Post Office appointed in the Province of Bihar and Orissa since the creation of the new Province? How many of them are (1) Biharis, (2) Oriyas?

**Colonel Sir Sydney Crookshank** : Five, of whom three are Biharis. There are no Oriyas.

CIRCUMSTANCES IN WHICH THE ROYAL TOUR FILM CONTRACT WAS GIVEN TO THE ANGLO-ORIENTAL FILM CORPORATION.

345. \* **Sardar Bomanji A. Dalal** : (1) Will Government be pleased to state the exact terms of undertaking given by the Anglo-Oriental Film Corporation to develop the film industry in India as is implied in answer to my starred Question No. 277, and also what were the resources of this company at the date of the contract given to them by the Government to carry out that undertaking?

(2) Is it a fact that Madan Theatres, Limited, is an Indian Company with a mixed Board of Directors consisting of Indians and Europeans, and did they in their tender point out that they employed for the production of films Englishmen, Frenchmen, and an Italian in addition to their Indian staff?

(3) Will Government be pleased to give a definite reply to clause (2) of my starred Question 277 asked during the current Session?

(4) Will Government be pleased to state whether all the tenderers for the sole rights of the Royal Tour Film were asked specifically regarding their ability to produce a colour film?

**Mr. Denys Bray** : (1) No exact terms were asked for or given beyond a definite agreement by contract to develop the film industry in India with Indian capital and talent as far as possible. Information as to the resources of the Anglo-Oriental Film Corporation, Limited, on the date of the contract is not available.

(2) It is a fact. As regards the latter part of this question, Messrs. Madan Theatres, Limited, intimated when tendering that they were employing one English, one Italian and two French operators for the production of Indian dramas.

(3) It is considered that a definite reply to clause (2) of the Honourable Member's starred Question No. 277 has already been given; since, however, the Honourable Member solicits further elucidation it may be mentioned that the giving of a contract to a firm that has been brought into existence with the distinct object of developing a certain industry with Indian capital and talent can, in no sense, be considered a deviation from the settled policy of Government on the question of encouraging Indian industries.

(4) The answer is in the negative. The Anglo-Oriental Film Corporation, Limited, was, however, the only firm that expressed ability to produce a colour film.

MEMORIAL FOR THE TRANSFER OF CERTAIN VILLAGES IN BIHAR AND ORISSA TO BENGAL.

346. \* **Manvi, Māyan, Ajjad-ul-lah** : (a) Have Government received a memorial from my Division in the month of December, 1921, praying



that the villages within police stations Rajmehal and Barharwa, within the District of Sonthal Pargannas, within the Province of Bihar and Orissa, be transferred to the District of Murshidabad, within the province of Bengal?

(b) Will Government be pleased to inform what action has been taken by it or what action is proposed to be taken by it?

**The Honourable Sir William Vincent :** The Honourable Member's attention is invited to the answer given to Mr. K. Ahmed on the 10th January, 1922, in reply to a question on the same subject. The memorial has not yet reached the Government of India.

#### GOVERNMENT CONTRACT FOR THE SUPPLY OF STAMPS AND STAMPED PAPERS.

347. \* **Munshi Mahadeo Prasad :** (1) Will the Honourable Member in charge of the department of Stamps (Demand No. 6 of the Demands for Grant, 1922-23) be pleased to lay on the table a copy of the contract for supply of stamps entered into by the Government of India with an English firm in England? If that be not possible, will the Honourable Member state the details of the said contract?

(2) Are the Local Governments bound by the said contract to purchase stamps for their use from the said firm under the Court-fees Law which they have on the anvil of their legislature?

(3) Will the said Honourable Member be pleased to state the name of the said firms, as also the name or names of Indian firms from whom paper of the value of 3 lakhs is to be purchased in India under the Demand referred to above?

**The Honourable Mr. C. A. Innes :** (1) The contract consists of 82 clauses and 7 schedules and covers 22 large pages of print. I am reluctant, therefore, to lay it on the table for that would involve the reprinting of the whole contract in the official report, and in view of the House's expressed desire for retrenchment, I am sure that they would not wish me to go to this expense. But the contract is available in my Office for inspection by the Honourable Member or any other Honourable Member of this House.

(2) I have not taken legal advice on this point, but as I read the contract, we are bound to obtain the stamps from the contractors.

(3) The English contract was concluded with Messrs. De La Rue and Company. The Indian contract for the supply of plain paper to the value of Rs. 3 lakhs during 1922-23 has been concluded with the Titaghur Paper Mills.

#### RESEARCH WORK IN THE FOREST RESEARCH INSTITUTE, DEHRA DUN, AND PERCENTAGE OF INDIANS ENGAGED ON THE WORK.

348. \* **Munshi Mahadeo Prasad :** (1) Will the Honourable Member in charge of Forest Department be pleased to state the percentage of Indians employed to make research in the Forest Research Institute?

(2) Will the said Honourable Member state what discoveries have been made by the said Institute which have added or are likely to add to the revenues of this country?

**Mr. J. Hullah :** (a) Out of 26 posts held by gazetted officers at the Forest Research Institute 8, or 31 per cent., are held by Indians who are engaged on research work.

(b) A statement giving the information required is laid on the table.

*Statement of the research operations at the Forest Research Institute, Dehra Dun.*

1. Of the industries which have been developed as a consequence of research work carried out mainly at Dehra Dun, the following are quoted as instances :

*Turpentine.*—Its manufacture and constituents, methods of standardisation.

*Essential Oils.*—The manufacture of the oil of *Skimmia aureola* as a direct result of investigations carried out at Dehra Dun.

Similar developments in the case of *Zanthoxylum acanthopodium*.

The manufacture for perfumery of the essential oils of *Z. budrunga* and *Andropogon jwarancusa*.

The substitution for caraway oil of that from *Blumea Malcolmii*.

Investigations into possibility of the growth and manufacture of camphor in India.

The exploitation of the products of *Boswellia serrata*.

A factory is now established in Gwalior.

Investigations in the field and laboratory of Rosha grass or Palmarosa oil. Improved methods of distillation leading to the manufacture on a large scale from forest supplies.

*Deodar oil* has been proved a suitable substitute for cedar wood oil.

*Fixed oils.*—The results of the preliminary investigations are about to issue, but it may be claimed that the development of the manufacture of the oils in India for use in leprosy was largely due to the results obtained at Dehra.

*Drugs.*—Two important drugs, namely, *Podophyllum* and *Santonine* have been proved to be available in India, and manufacture of these is now in progress.

*Pulp.*—Investigations into bamboo and grass pulp have been in progress over a considerable period of time and the former is now being used on an extensive scale for the manufacture of paper in India.

A new system of digestion has been devised which considerably reduces the cost of manufacture.

*Cutch.*—An improved method of manufacture was worked out which had led to the erection of an up-to-date factory.

*Tans* were the subject of an inquiry chiefly in connection with munitions, but subsequent investigations in Bengal have led to the collection of forest products for this purpose on a commercial scale.

*Timbers.*—Experiments in antiseptic treatment have been conducted for over 12 years resulting in the acceptance by railways of certain second class Indian woods after treatment for railway sleepers. It is estimated that this investigation will eventually save close on 20 lakhs of rupees annually on the purchase of foreign sleepers.

*Indian Walnut* has been substituted for foreign walnut and practically all the supplies required for Government purposes, at ordinary times, can be produced in this country.

The manufacture of three ply-wood, which is now well established in Assam, was dependent on the Research Institute for the carrying out of tests on the strength of the manufactured material and of the adhesives used.

Mechanical tests of timbers have led to the use of local timbers for new purposes and in substitution of foreign woods, for instance, boot lasts, currier cutting blocks, brush backs and to some extent bobbins are now being manufactured locally instead of being imported. Similarly axe-handles, paving blocks, aeroplane propellers, hammer shafts and timber for embossing have all been found from Indian woods which has now replaced the imported product.

*Stockholm tar* is now being manufactured in India as a result of investigations carried out in the Chemical and Economic branches of the Research Institute.

The above represent only a part of the work which can be claimed to have led to an increase of the country's revenues, the object of Forest Research being to develop the resources of the Indian forests and incidentally their revenues. Practically all the work of the Research Institute has the latter object in view. It must also be borne in mind that the Research staff takes part in forest education so that the increase of forest revenues, which are mainly dependent on a competent staff, are indirectly affected by the education available in this country.

2. Forest Research is, of necessity, slow in showing achievements. The very nature of the forest implies this. Thus, observations dealing with Silviculture, the production of timber crops, etc., must be carried over a long time in order to produce results. Important research work into all aspects of forestry has been undertaken and is still in progress, but it would be difficult to assess the financial values of the results as often these are indirect, for instance, the study of forest insects and forest fungi leading up to the institution of control measures, whereby damage may be minimised and the output increased, has an important, though obviously indirect, bearing on the revenue. The study of the ecology of a single important type of forest, such as sal, has been in progress for many years, and some important discoveries have been made, the result of which will be manifested in improved methods of treatment and management resulting in an increased output in a shorter time and therefore will be of benefit to the revenue.

3. It may be added that in the important Economic Section of the Institute, for investigations in timber-testing, artificial seasoning and wood-technology—sciences almost new to this country—it has only recently been

possible to obtain experts, and it has been necessary to obtain them from America.

RECRUITMENT BY THE NORTH-WESTERN RAILWAY OF INDIAN GRADUATES AS COMMERCIAL PROBATIONERS.

349. \* **Bhai Man Singh**: (a) Is the Government aware that 10 Indian graduates were recruited as Commercial Probationers in 1918 on Rs. 75 per mensem on the North-Western Railway?

(b) Will the Government be pleased to state if there was any understanding to make them Claim Inspector or Traffic Inspector in the near future?

**Colonel W. D. Waghorn**: (a) Seven Indian graduates, two Indian undergraduates and one European were appointed in 1918 and 1919.

(b) The reply is in the negative.

CONFIRMATION OF COMMERCIAL PROBATIONERS AS TRAFFIC CANVASSERS.

350. \* **Bhai Man Singh**: (a) Is it a fact that all of the Indian graduates taken as Commercial Probationers in 1918 on the North-Western Railway were confirmed as Traffic Canvassers on Rs. 110 per mensem in April, 1920?

(b) Is it a fact that none of these graduates has yet been promoted to the grade of a Claims Inspector or Traffic Inspector?

**Colonel W. D. Waghorn**: (a) Seven were promoted to appointments on pay varying from Rs. 95 to Rs. 150 per mensem from 1st April, 1920: The other three had resigned previously.

(b) The answer is in the affirmative.

PRESENT EMPLOYMENT OF INDIAN GRADUATES RECRUITED AS COMMERCIAL PROBATIONERS IN 1918.

351. \* **Bhai Man Singh**: (a) Is it a fact that out of the graduates recruited as Commercial Probationers in 1918 on the North-Western Railway one is working as Personal Assistant to Station Master, Amritsar, and another as Personal Assistant to Station Master, Saharanpore, on Rs. 110 per mensem, whereas one Anglo-Indian gentleman is appointed in 1920 as Personal Assistant to Station Master, Rawalpindi, on Rs. 275 per mensem?

(b) If so, will the Government be pleased to state educational and other special qualifications, if any, of this Anglo-Indian gentleman which give him a preference over those Indian graduates?

(c) Is it also a fact that another Anglo-Indian was appointed as Claims Inspector in 1920 and one Anglo-Indian as Gate Inspector in 1920?

**Colonel W. D. Waghorn**: (a) and (b) The Personal Assistants to the Station Masters at Amritsar and Saharanpore draw Rs. 115 and Rs. 120, respectively.

The Personal Assistant to the Station Superintendent, Rawalpindi, an Anglo-Indian with 13 years' previous railway experience, was appointed in 1920 on Rs. 140; an Indian was appointed in 1921 on Rs. 210. The latter has 29 years' service.

(c) No Anglo-Indian was appointed as a Claims Inspector or Rates Inspector in 1920. There is no such post as Gate Inspector.

ALLEGED DISSATISFACTION OF GRADUATES RECRUITED AS COMMERCIAL PROBATIONERS.

352. \* **Bhai Man Singh**: (a) Is the Government aware that none of the graduates who were recruited as Commercial Probationers in 1918 on the North-Western Railway having got an appointment as Claims Inspector or Traffic Inspector, there is a great dissatisfaction amongst them and 4 of them have left the department already?

(b) Does the Government intend to consider early the question of appointing them as Traffic Inspectors?

**Colonel W. D. Waghorn**: (a) The answer is in the affirmative.

It is not known that great dissatisfaction prevails amongst the graduates. Only 3 (1 European and 2 Indians) out of the 10 have resigned. The resignations took place in November, 1919, and March, 1920.

(b) The claims of the men in question will no doubt be considered by the Agent as vacancies occur but promotion to such posts goes by selection from men who possess the necessary qualifications for the post and Commercial Probationers cannot claim promotion as of right.

POSITION AS REGARDS REDUCTION OF STRENGTH OF THE MADRAS EXECUTIVE COUNCIL.

353. \* **Rao Bahadur P. V. Srinivasa Rao**: With reference to the answer given to my unstarred Question No. 225 on 31st January, 1922, will the Government be pleased to state (1) whether the proposal now under consideration is to reduce the strength of the Executive Council of the Governor of Madras to three or two, and (2) at what stage the matter stands at present?

**The Honourable Sir William Vincent**: (1) The proposal under consideration is that contained in the Resolution of the Madras Legislative Council, *viz.*, that the strength of the local Executive Council be reduced from four to three Members.

(2) The Government of India are about to address the Secretary of State on the matter.

CASE OF MR. MOHAMMAD SARWAR KHAN, EXTRA ASSISTANT COMMISSIONER, NORTH-WEST FRONTIER PROVINCE.

354. \* **Mr. S. C. Shahani**: (1) Is it a fact that the conduct of Mr. Mohammad Sarwar Khan, Extra Assistant Commissioner, North-West Frontier Province, was characterized as 'reprehensible' by the Sessions Judge, Derajat Division, in Criminal Appeal No. 219 of 1919, Lutf Ali Shah, etc., *versus* Jiwandas?

(2) Is it a fact that Mr. Mohammad Sarwar Khan borrowed Rs. 18,000 from a Contractor at Tank against the 'Rules of Conduct for Government Servants,' and was reprimanded by the Local Administration?

(3) Is it a fact that for misconduct Mr. Mohammad Sarwar Khan's services were dispensed with by the Local Administration? Is it a fact that his

conduct was subsequently condoned and he was reinstated in another district? If so, why?

**Mr. Denys Bray:** Inquiry is being made of the local Administration; information will be submitted to the Honourable Member in due course.

CASE OF MR. AHMAD KHAN, TAHSILDAR, FRONTIER PROVINCE.

355. \* **Mr. S. C. Shahani:** (1) Will the Government be pleased to lay on the table the telegraphic resignation of Mr. Ahmad Khan, Tahsildar, Frontier Province?

(2) Is it a fact, that in consequence of his threat of resignation, Mr. Ahmad Khan has been made to act as Temporary Extra Assistant Commissioner, and a qualified candidate, a B. A., LL. B., has been made to revert? What were the reasons for this supersession?

(3) Has the attention of the Government been drawn to an article in the 'Tribune', dated 22nd December last, headed 'Corruption in the Frontier Province'?

**Mr. Denys Bray:** (1) and (2). Inquiry is being made of the local Administration; information will be submitted to the Honourable Member in due course.

(3) Government have seen the article.

POSITION OF SURPLUS OFFICERS OF THE INDIAN ARMY.

356. \* **Mr. Darcy Lindsay:** Will Government be pleased to state:

(1) Is it a fact that there are a large number of officers serving in the Army in India in excess of requirements?

(2) If so, how many officers are in excess and what is the approximate total of their pay and allowances?

(3) Was not a scheme prepared some time ago for the retirement of these officers on gratuity?

(4) When was that scheme completed and despatched to the Secretary of State for India?

(5) Have any orders been received in the matter?

(6) If not, will Government be pleased to state how the proposal now stands and the reasons for the delays which are causing heavy loss to the public funds and the greatest hardship and inconvenience to individual officers?

**Sir Godfrey Fell:** (1) Yes.

(2) The number of surplus officers is estimated at between 2,000 and 2,500. In regard to their pay and allowances, I would invite the attention of the Honourable Member to the reply given on the 31st January last to Sir D. P. Sarvadhikary's unstarred Question No. 229.

(3) Yes.

(4) On the 9th August, 1921, by telegram.

(5) and (6). The final orders of the Secretary of State have not yet been received. The Government of India have been in constant correspondence with the Secretary of State regarding the scheme. Action is being taken to ascertain the wishes of the officers concerned and to obtain special reports on

them in anticipation of final orders. The chief reason for the delay is that the War Office are also concerned with the proposal, and their concurrence has not yet been obtained to the Government of India's scheme.

**Mr. Darcy Lindsay :** Should an officer, who comes within the scheme, be offered civil employment, or otherwise wants to retire before the terms are published, would he be allowed to retire on the distinct understanding that he will receive the full concession of the scheme when sanctioned ?

**Sir Godfrey Fell :** We are allowing officers to go on leave without prejudice to their benefiting by the terms to be offered, and I believe that Government are also considering granting some further concession of the nature referred to. If the Honourable Member will kindly see me afterwards, I will give him such further information as I have at my disposal. I am reluctant to answer his question off hand, since I am not quite sure of the facts.

#### PRESENT POSITION AS REGARDS BURMA REFORMS.

**Mr. P. P. Ginwala :** With your permission, Sir, I should like to put to the Honourable the Home Member a question of which I have given him private notice. The question is : Will the Honourable the Home Member be pleased to say what is the present position as regards the Burma Reforms ?

**The Honourable Sir William Vincent :** Sir, copies of the Report of the Committee, over which you presided and of which the Honourable Member was a member, were sent to the Secretary of State on the 6th January. It was then necessary to examine the proposals, and to reduce them, with such modification as were thought desirable, to the form of the rules under the Act, which will be required in order to enable the Reforms to be inaugurated in Burma. Drafts setting forth the tentative conclusions of the Government of India were ready at the beginning of this month and were sent to the Secretary of State on the 10th of March. The final recommendations of the Government of India have now been formulated. Two draft despatches, one dealing with the proposed excluded areas, and the other with the rules under the Act, have been prepared, and it is expected, or at least hoped, that they will be despatched to the Secretary of State by the ensuing mail.

I am precluded from making any definite statement as to the form which our recommendations have taken, but I think I may state that we have accepted to a great extent the proposals of the Committee.

I cannot say when the Report of the Committee and our recommendations will be published, but the Secretary of State announced in the House of Commons on the 7th March, 1922, that, as soon as possible after he had received our recommendations, he proposed to present the papers to Parliament. I will endeavour to secure that they are published simultaneously in Burma. The Government of India trust that it will now be possible to hold the first elections under the scheme in October, which, I am inclined to think, is the most convenient month for holding elections in Burma, and to introduce the Reforms from about the beginning of 1923. But it must be clearly understood, of course, that I can give no guarantee as to the latter portion of my answer.

**Mr. P. P. Ginwala:** Is the Honourable the Home Member aware that any further delay with regard to these Reforms will be very keenly resented by the people of Burma, and will he give an assurance that no further delay will take place?

**The Honourable Sir William Vincent:** I can assure the Honourable Member that we are expediting the matter as much as possible and we are well aware of the necessity for despatch.

**Mr. P. P. Ginwala:** There is the question of the Burma High Court which is also intimately connected with the Burma Reforms. Has that made any progress since I last put a question regarding it a year ago?

**The Honourable Sir William Vincent:** I think the Honourable Member might as well have had the courtesy of giving me private notice of this question. It is a little difficult for me to give answers to questions of this nature off-hand.

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UNSTARRED QUESTIONS AND ANSWERS.

TENANCY QUESTION IN MALABAR AND CAUSES OF THE MOPLAH  
OUTBREAK.

847. **Mr. K. M. Nayar:** With reference to the last few remarks of the Honourable the Home Member in this Assembly on the resolution for a committee to inquire into the causes of the Moplah outbreak on the 9th instant, will the Government be pleased to state:

- (1) If it is a fact that a short time back, during Lord Pentland's time, an exhaustive inquiry was made into the tenancy question in Malabar, and the Madras Government, according to their Administration Report, came to the conclusion that there was no necessity for any interference?
- (2) If it is a fact that according to the Tenants' Conference held in Ottapalam it was decided that bad jenmis must be boycotted and the Government must not be asked to interfere in the relations between landlords and tenants?
- (3) If the Government have been approached by any jenmis praying for interference?
- (4) If in their experience of the management of the Zamorin's Estate by the Court of Wards they (the Madras Government) found any justifiable cause for discontent among their tenants and, if so, what action they have taken?
- (5) If it is a fact that the Special Tribunal at Calicut composed of three eminent and experienced Judges have unanimously come to the conclusion that the present Moplah outbreak was not due to agrarian discontent?

**The Honourable Sir William Vincent:** (1) Such an inquiry was made and the Local Government came to the conclusion that no interference was



necessary, but no statement to this effect has appeared, so far as the Government of India can ascertain, in any administration report.

(ii) It is understood that the Ottapalam Conference passed a Resolution on the lines mentioned.

(iii) The answer is in the negative.

(iv) The Local Government report that experience of the management of the estate referred to does not suggest that tenants in Malabar are discontented or rack-rented.

(v) In their judgment, in the case of Ali Musaliar, the Special Tribunal state that it was neither fanaticism nor agrarian trouble nor destitution that worked on the minds of the people but that the rebellion was due to the influence of the Khilafat and non-co-operation movements. I am to add that this reply is given on information furnished to Government of India by the Government of Madras.

#### AMALGAMATION OF THE ORIYA-SPEAKING TRACTS.

348. **Mr. B. N. Misra :** (a) With reference to the assurance given on 20th February, 1920, by the Honourable Home Member to call for the views of the several Governments concerned on a Resolution brought by the Honourable Mr. Sachhidananda Sinha about the amalgamation of the Oriya-speaking Tracts, will the Government be pleased to state if the opinion of the several Governments concerned have been received by them ?

(b) If so, will the Government be pleased to lay the same on the table of this House ?

(c) If the reply to (a) is in the negative, do the Government propose to call for a very early reply from the several Governments or such of them as have not given their replies ?

**The Honourable Sir William Vincent :** (a) and (b). The last of the replies from the Local Governments concerned was received during this month. The information furnished by them is voluminous, and it is not yet quite complete as one of the Local Governments is making further inquiries in the matter. The Government of India will deal with the proposals as soon as practicable. It is not proposed to place the replies on the table at present.

(c) Does not arise.

#### CANDIDATES WHO HAVE PASSED THE STAFF SELECTION BOARD'S EXAMINATIONS.

349. **Babu Braja Sundar Das :** (a) Will the Government kindly reconsider the figures of the statement given in reply to my unstarred Question No. 82 on the 10th January, 1922, and state whether it is correct or otherwise ?

(b) If it is not correct, will the Government please lay on the table a correct statement and an amended reply to the other parts of the question ?

(c) If it is correct, will the Government be pleased to explain the terms 'nominated' and 'appointed' as used in the statement ?

(d) Were all those nominated actually appointed? If not, how is it that the number of those not appointed is not included in 4? (number of those not appointed)?

(e) Are all those appointed not first nominated before appointment? If so, why has a separate number of those nominated been included in the total to diminish the number of those who remain to be appointed?

(f) Will the Government kindly instruct their subordinate officers to see that the replies to questions in the Assembly are correct and clear?

**The Honourable Sir William Vincent :** (a) The figures given in the statement referred to are correct.

(b) This question does not arise.

(c) The term 'nominated' included those who were nominated but not appointed; those who resigned or declined offers of appointment were not included.

(d) and (e). The answer is in the negative. No figure in any one column of the statement is included in any other, since the total of those figures is 220, the total number of candidates who passed the Board's test.

(f) Government are unable to issue such instructions. The replies to questions, given in this House, do not represent the views of subordinate officers, but are approved by the official representative of the Departments in this House.

**TEMPORARY MEN IN SECRETARIAT WHO HAVE NOT PASSED THE STAFF SELECTION BOARD'S TEST.**

350. **Babu Braja Sundar Das :** (a) Will the Government please state the correct number of the passed candidates of the Staff Selection Board who were not in the Secretariat service on 15th March, 1922?

(b) Will the Government please also give the number of unpassed temporary and officiating men employed in the various Departments of the Government of India Secretariat (separately) on 15th March, 1922?

(c) Do the Government propose to instruct all the Departments of the Secretariat to replace their unpassed men by passed men who are waiting on the list on the Board?

**The Honourable Sir William Vincent :** (a) As the Staff Selection Board's list of candidates varies from day to day, the figures asked for are given up to the 24th March, 1922. The number of passed candidates on the Board's list who were not in employ on this date was approximately 73, of whom 53 had qualified for the Upper Division, 17 for the Lower Division and 3 as Stenographers. Most of the Lower Division candidates have been offered posts and have declined them, or have indicated that they will not accept temporary employment. There are also 49 candidates whose cases are in suspense for various reasons, such as 'employed elsewhere', 'address unknown', etc.

(b) A statement is laid on the table.

(c) The Staff Selection Board has no passed Lower Division men available for temporary employment.

*Number of unpassed temporary and officiating men employed in the various Departments of the Government of India Secretariat on 15th March, 1922.*

Name of Department.	No. of unpassed men.	REMARKS.
Army Department . . .	26	About 6 will shortly be discharged owing to the return of permanent men from leave.
Office of Financial Adviser (Military Finance).	31	Office not yet under scope of Staff Selection. These 21 men have been recruited mostly from other Government offices.
Foreign and Political Department.	13	...
Railway Department . . .	9 officiating and 7 temporary.	All officiating men and one temporary man employed before introduction of Staff Selection Board.
Commerce Department . . .	4	2 failed at examination but were permitted by the Board to continue till the next examination is held. The other two will be discharged on 3rd and 4th April, respectively, on expiry of leave vacancies.
Department of Industries . . .	22	16 have been in continuous temporary employment for a long time and were taken over from the Board of Industries and Munitions. Remaining 6 have been recruited recently and their continued employment has been approved by the Staff Selection Board till their next examination is held.
Finance Department . . .	12	Of these 4 hold permanent appointments in Accounts offices and are employed only for the Budget season. Two others are being retained with the approval of the Staff Selection Board till their next examination is held.
Public Works Department . . .	6	...
Legislative Department . . .	9 temporary 1 officiating.	6 are assistants and were recruited direct in pursuance of an arrangement made with the Staff Selection Board in connection with the reorganisation of the Department in 1920. Of the 4 remaining clerks, the Staff Selection Board have agreed to the retention of two and the other two are employed on a purely temporary footing in the Peace Treaty Branch, a temporary branch of the Department. All 4 will appear for the next examination.
Revenue and Agricultural Department.	2	Appointments will terminate on 1st April, 1922.
Education and Health Department.	1	Appointment agreed to by the Board.
Home Department . . .	11	Appointed with approval of the Board.

**SERVICE RENDERED BY PASSED CANDIDATES OF THE STAFF SELECTION BOARD.**

351. **Babu Braja Sundar Das :** (a) Is it a fact that the passed candidates of Staff Selection Board are transferred from one Department to another in temporary vacancies without any fault of theirs ?

(b) Is it a fact that the establishment lists of some of the Departments do not contain the date of the commencement of a temporary candidate's continuous service under the Board ?

(c) Do the Government propose to instruct all the Departments to obtain this information from the Staff Selection Board and include it in their establishment lists for the Session commencing from 1st April, 1922?

**The Honourable Sir William Vincent:** (a) Passed candidates of the Staff Selection Board are not 'transferred' from one Department to another in temporary vacancies.

(b) There is no such service as 'service under the Board'. All service is under Departments or attached or subordinate offices of the Government of India.

(c) In view of the replies to (a) and (b), this question does not arise.

REQUEST OF THE RECORD SORTERS OF THE GOVERNMENT OF INDIA TO BE CLASSED AS 'SUPERIOR.'

352. **Dr. Nand Lal:** (a) Is it a fact that the Hailey Committee, at page 11 of its Report, recommended that the Record Sorters should be regarded as superior servants?

(b) Is it not a fact that Record suppliers in Government service in the Bengal High Court, 'distributors' in Presses, 'attenders' in the office of the Accountant General, Madras, and other petty servants enumerated in the Record Sorters' memorial to the Viceroy of the 11th February, 1921, are classed as 'Superior' servants?

(c) Do Government propose to give a favourable consideration to this very reasonable and equitable demand of the Record Sorters whose pay ranges from Rs. 20 to Rs. 40 per month?

**The Honourable Sir William Vincent:** (a) the answer is in the affirmative, though I would remind the House that the report has never been published and is still, in theory, a confidential document.

(b) Government have no definite information.

(c) Attention is invited to the reply given in the Legislative Assembly on 11th March, 1922, to Maulvi Miyan Asjadullah's question on the same subject.

CONVERSION OF POST OF ASSISTANT SECRETARY IN THE RAILWAY BOARD INTO THAT OF JOINT SECRETARY.

353. **Rai G. C. Nag Bahadur:** With reference to the first item at page 53 of the official report of the Legislative Assembly Debates, Volume I, which shows that the post of Assistant Secretary in the Railway Board was converted into that of Joint Secretary, will the Government kindly say:

(a) Whether the incumbent of the post of Assistant Secretary could not be retained for the pay attached to that post?

(b) Whether another equally capable officer could not be found for that pay?

(c) Whether the conversion carried with it any increase in work commensurate with the increased cost, and if so, what?

(d) What were the arrangements previously in force for carrying out the duties and in what respects were they found unworkable?

**Colonel W. D. Waghorn :** (a) and (b). There is no specific rate of pay attached to the post of Assistant Secretary in the office of the Railway Board. Officers filling these posts are selected from Railways and receive their substantive rate of pay *plus* a duty allowance.

(c) and (d). The duties of the officer filling this post include all the financial work of the Board which was previously split up between an Assistant Secretary and an Assistant Accountant General in the office of the Accountant General, Railways. This arrangement was found unsatisfactory in practice owing to the divided agency employed and the whole work has now been concentrated in the Joint Secretary, the post in the Accountant General's office being dispensed with.

#### ASSOCIATIONS OF GOVERNMENT SERVANTS.

354. **Mr. B. H. B. Jatkari :** (a) Will the Government be pleased to state what is meant by the term 'Distinct class' in rule 2 of the rules enclosed with Government of India, Home Department, No. F-39-Public, dated 13th October, 1921.

(b) Whether the non-gazetted establishment of several Accounts offices situated at one place can have one association, and

(c) Whether recognised associations can have members of the Council of State, Legislative Assembly or Council, or men of special ability as their President, Secretary or members of their Executive Committee?

**The Honourable Sir William Vincent :** (a) Government see no necessity to give any further definition of the term 'Distinct class'. The rules are supplied to associations when such associations are recognised; and if any such association is in doubt as to the meaning of this term, it will presumably approach the authority which gives recognition.

(b) This depends entirely on whether such an association could satisfy the authority empowered to recognise it that it complied with the prescribed rules.

(c) Government do not object to persons who are not in the active service of Government being office-holders of such associations, and the mere fact that any association had officers or members of their Executive Committee of the standing mentioned by the Honourable Member in his question, would not of itself involve the non-recognition of such an association. At the same time, Government have reserved to themselves the right in particular cases to refuse recognition to associations of which all the office-holders are not either in the active service of Government or honourably retired officers belonging to the same class of Government employees as the association represents. In the case of associations of the employees in the Police or Prisons Department no person, who is not in the active service of Government or an honourably retired officer, can be an office-holder.

#### CONCESSIONS REGARDING LEAVE AND PENSION IN THE FUNDAMENTAL RULES.

355. **Mr. B. H. B. Jatkari :** (a) Will the Government be pleased to state whether an officer, to be entitled to concessions granted in Government of India, Finance Department, No 1798-F. E., dated 13th October, 1919, has to put in a certain indefinite period of service or that he has to put in 3 years' service provided he has come in the substantive scale of the office;

(b) whether any provision for these concessions has been made in the Fundamental Rules; and

(c) if the reply to (b) be in the negative, do the Government propose to make such provision to give effect to the concessions hitherto allowed?

**The Honourable Sir Malcolm Hailey :** (a) In order to entitle the officer to the concessions in question, he must have held a temporary post in the office substantively for at least three years.

(b) and (c). The Fundamental Rules do not deal with pensions. So far as the leave concession is concerned, the Fundamental Rules give to the Government of India full power to make rules governing the earning of leave by temporary and officiating service. This particular concession to a single office has not been incorporated in the supplementary rules under the Fundamental Rules, but it will remain in force and will be treated as an exception to those rules.

**CALCULATION OF DATE OF INCREMENT IN CASES OF TRANSFER TO TIME-SCALE OF PAY.**

356. **Mr. B. H. R. Jatkar :** Will the Government be pleased to state from which date the next increment of an officer, brought on a time-scale of pay by grant of certain percentage of increase over previous pay irrespective of length of service, shall accrue, *viz.*, either from the next date of entry in service or a year after the introduction of revised scale?

**The Honourable Sir Malcolm Hailey :** The next increment in a case of the kind accrues ordinarily after the expiry of the full period by which it is earned, and not from the next date of entry in service.

**DISCHARGE OF BABU TINKARI MAZUMDAR, TEMPORARY 1ST CLASS AGENT, SUPPLY AND TRANSPORT CORPS.**

357. **Mr. K. C. Neogy :** (a) Has the attention of Government been drawn to the comments that have appeared in the Press in connection with the order of discharge of the services of Babu Tinkari Mazumdar, Victualling Agent, 1st Class, in the Supply and Transport Corps attached to the 3rd Worcestershire Regiment at Fyzabad? If so, will Government make a statement on the subject?

(b) Is it a fact that the said person received some 'chits' from an Army Officer for supply of some ration articles, but received no payment, and that he brought this fact to the notice of the superior authorities?

(c) Is it a fact that as a result he was placed under suspension for disobedience of order and was fined?

(d) Is it a fact that a Court of Inquiry went into the matter, and the said Babu Tinkari Mazumdar supported his contention with the help of documentary evidence?

(e) Is it a fact that the said person has not been furnished with a copy of the charge sheet together with that of documents showing the grounds on which his dismissal was ordered?

(f) Will Government place on the table all papers and documents relating to this case?

**Sir Godfrey Fell:** (a) to (e). Government have seen an article which appeared in the Press on the subject of the discharge of Babu Tinkari Mazumdar, temporary 1st class Agent, Supply and Transport Corps.

The facts of the case are as follows :

Babu Tinkari Mazumdar was discharged from the service on the following grounds :

- (a) He failed to comply with an order to attend office daily from 10 to 12-30.
- (b) He failed to attend the Station Staff Office at 3 P.M. on the 8th March, 1921, when he had been ordered to do so by the Officer Commanding, Station, and the Officer Commanding, No. 8 Divisional Troops Section.
- (c) He made a false accusation against an officer, in that he accused Lieutenant and Quartermaster C. Hodgkinson, M.C., D.C.M., 3rd Battalion, the Worcester Regiment, of taking ration articles from the ration stand without paying for them.

The charge-sheet, on which the three charges were clearly set forth, was furnished to Babu Tinkari Mazumdar in order that he might offer an explanation in defence. As his explanation was unsatisfactory, he was fined three days' pay and his services were dispensed with. He was not, therefore, summarily discharged.

The documentary evidence brought forward by Babu Mazumdar in support of his accusation against Lieutenant Hodgkinson consisted merely of chits asking for certain ration articles which Lieutenant Hodgkinson was entitled to purchase, the same chits being sent daily by every officer attached to the unit for rations. The ration returns of the unit and the Quartermaster's books showed that the articles in question had been duly accounted for.

It may be mentioned that Babu Tinkari Mazumdar's case was carefully examined by the Government of India, who saw no reason to interfere with the orders passed by the local military authorities.

(f) Government are not prepared to lay on the table the papers relating in this case.

#### IMPROVED SCALE OF PAY FOR JUNIOR CLERKS IN THE TELEGRAPH CHECK OFFICE.

358. **Mr. K. C. Neogy:** (a) Is it a fact that the importance of the work done by the Telegraph Check Office has been recognised by the present Auditor-General and the Director-General, Posts and Telegraphs, and that it has been emphasised by Mr. Cockburn of Messrs. Price and Waterhouse, Chartered Accountants of London ?

(b) Is it a fact that all junior clerks of that office are considered by Government, for purposes of classification, as having been specifically recruited for lower grade work ?

(c) Is it a fact that in November, 1919, all junior clerks of the Telegraph Check Office were put on lower division scale of pay ?

(d) Is it a fact that as a result thereof, M. A.'s and graduates with years of meritorious service in the said office were put on the lower division scale of pay till July, 1921 ?

(e) Do Government propose to consider the desirability of granting the benefit of length of service in the new scale or by suitable percentage increase in the new scale ?

**The Honourable Sir Malcolm Hailey:** (a) The importance of the work has been recognised in so far as an upper division was created in 1921. The Government of India have no knowledge that Mr. Cockburn emphasised the importance of the work done by this office.

(b) The reply is in the affirmative.

(c) In November, 1919, there was no upper division and all Check Office clerks, other than a few employed on supervising duties, were on the lower division scale.

(d) The upper division was not created till July, 1921, and consequently such graduates as were in the office remained on the only existing scale, namely, the lower.

(e) The Government of India are not satisfied that there is any justification for the grant of further concessions.

CASES OF DAMAGE ON RAILWAYS AND AMOUNTS SPENT BY RAILWAYS IN LEGAL PROCEEDINGS AND IN PAYING OFF CLAIMS, ETC.

359. **Mr. K. C. Neogy:** (a) Will the Government be pleased to state what has been the number of cases for damage fought out by the Railways in 1920 and 1921 and how many of those were lost by Railways and the approximate amounts of money spent in legal proceedings and in paying off claims along with other charges accruing, as compared to the amounts originally claimed by the claimants before going to a Court of law ?

(b) Has it been brought to the notice of the Government that in several instances Railway cash had to be attached by the Court in order to realise the decree-money, which, in spite of reminders from the decreeing Court, was not paid by the Railways concerned before receiving the attachment warrant ?

**Colonel W. D. Waghorn:** (a) The extraction of the information required would involve an expenditure of time and labour which would be incommensurate with the result to be obtained.

(b) This matter was brought to the notice of Government some time ago. On examination of the few specific cases which were cited, it was ascertained that though the suits to which they referred were lost by the railways concerned, the allegation that their earnings had been attached in order to realise the decretal amounts, was incorrect. Evidence, however, was forthcoming of the decree-money having been so realised in one isolated case, and in explanation it was stated that the plaintiff had the decree executed before a reply could be received from the Railway Company's pleader at Delhi, who had been asked to settle the case out of Court.

HOUSE ALLOWANCE FOR STAFF WORKING IN RAILWAY STATIONS AND GOODS SHEDS IN CALCUTTA.

360. **Mr. K. C. Neogy:** (1) Is it a fact that the Eastern Bengal Railway administration grants an allowance called house-allowance at the rate of 15 per cent. of the pay to its staff working in Railway stations and goods sheds in Calcutta when not provided with railway quarters ?



(2) Is this amount of 15 per cent. of their pay paid to men working in the following stations and goods sheds situated within Calcutta or Headquarters, *viz.*, (1) Sealdah passenger station, (2) Sealdah goods yard, (3) Bagbazar, (4) Ruth-Tollah, (5) Saheb-Bazar, (6) Ultadanga, (7) Chitpore goods shed, (8) Chitpore goods yard, (9) Cossipore Road, (10) Cossipore Section, (11) City Booking Offices in Calcutta ?

(3) If so, is this allowance paid to men working in the goods shed at Sealdah ? If not, why not ? Was this allowance given to them till the year 1911 and before ? Why was it stopped from 1912 for Sealdah goods shed only, while the men working in the Sealdah passenger yard and Sealdah goods yard and at other goods sheds under the one and same District Traffic Superintendent have all along been getting it ?

(4) Did the men working in the Sealdah goods shed submit petitions to their Traffic Manager and Agent and later on to the Railway Board in 1917, 1918, 1919, 1920 and 1921 ; and is it a fact that telegraphic appeals were sent for the same on the 19th January, 1921, and a second one on the 17th February, 1921 ?

(5) If so, has any action been taken thereon with a view to grant the allowance at the rate of 15 per cent. as given to the other members of the Calcutta Goods Offices ?

(6) Do these men work in sheds on Sundays and other bank holidays ? If so, is any allowance given to them for working in sheds on those days ? If not, why not ?

(7) Is any allowance given to them for working overtime ? If not, why not ?

**Colonel W. D. Waghorn:** The information asked for is being obtained and will be sent to the Honourable Member as soon as possible.

#### MOTION FOR ADJOURNMENT.

**Mr. K. B. L. Agnihotri** (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I rise to ask for your leave for moving an adjournment of the business of the Assembly to-day for the purpose of discussing a definite matter of urgent public importance, namely, the conduct of the Deputy Commissioner of Delhi in prohibiting a public open air meeting which was to have been held on the 23rd of March, 1922, to consider the Khilafat question, in relation to the Paris Conference and the Government of India's representation, dated the 28th February, 1922, to the Secretary of State for India ; and to make a representation to the British Delegates in Paris. Sir, some Honourable Members of the Indian Legislature, about 22 of them, with three or four prominent citizens of Delhi, applied to the Deputy Commissioner, Delhi, for permission to hold an open air public meeting in the Queen's Gardens. The Deputy Commissioner in his first letter to Saiyid Raza Ali—who wrote to him on behalf of the conveners of the meeting—wrote :

'Please let me know as soon as you can the exact time and place at which it is proposed to hold the meeting to consider the Khilafat question ; also under whose arrangements the meeting will be held, and who will preside. I see no *prima facie* objection to the holding of the meeting, but I cannot definitely sanction or prohibit it until I have these particulars.'

The following reply was sent to him by Saiyid Raza Ali :

'With reference to your letter of date, I am . . . . .

**Mr. President :** The Honourable Member is now dealing with the merits of the question. The request of the Honourable Member will be in order only if no objection is taken . . . . .

**The Honourable Sir William Vincent** (Home Member : May I make a few observations on this subject. I only received notice of this motion this morning, but I believe that an application was made for permission to hold a public meeting and the Deputy Commissioner considered that it would not be safe to have it in the Queen's Gardens at present, but he said at the same time that the meeting might be held in any Hall and even went so far as to suggest a suitable place for this meeting. The point which I understand he made was that it was dangerous to hold this public meeting in the Queen's Gardens. That is the only information I have at present. I will try to get further information, if necessary, later.

**Mr. K. B. L. Agnihotri :** I was just going to assure the Honourable the Home Member that, in view of the reply of the Deputy Commissioner, it was absolutely impossible for the conveners of the meeting to hold any meeting.

**Mr. President :** That again is a question of the merits. Unless objection is raised, this debate will take place this afternoon.

**Khan Bahadur Sarfaraz Hussain Khan** (Tirhut Division : Muhammadan) : I wish to ask the Honourable Member if it is a matter of urgent public importance.

**Mr. K. B. L. Agnihotri :** Yes, it is very urgent, because the Conference is still sitting and we can send our representations.

**The Honourable Sir William Vincent :** I make a formal objection merely to ascertain whether the House or a sufficient number of the Members wish to discuss it. It is merely with that object, otherwise I am quite prepared to meet the motion.

**Mr. President :** Objection having been taken, I am to request those Members who are in favour of leave being given to rise in their places. Not less than 25 Members having risen, the debate will be set down for 4 o'clock this afternoon or for any earlier hour at which our proceedings terminate.

**The Honourable Sir William Vincent :** Might I ask that it be set down for 4 o'clock, because I have not any accurate information and it will take me a few hours to get information as to the facts from the local authorities.

**Mr. President :** It will be reasonable to meet the convenience of the Honourable the Home Member in that matter.

**The Honourable Sir William Vincent :** Perhaps, Sir, I may be able to let you know later on if I can get the information before 4 P.M. I only want enough time in order to enable me to ascertain the facts.

**Mr. President :** The motion is set down for 4 o'clock this afternoon unless the Honourable the Home Member finds himself in a position to take it earlier, should business terminate at an earlier hour.

**Mr. W. M. Hussanally (Sind : Muhammadan Rural) :** Might I point out that, if the business of the day ends before 4 o'clock, we shall be here till 4 o'clock for this purpose. It is likely that the business of the day will end about 1 o'clock. If that be so, we shall have to be here for another three hours and that will not be very convenient for Honourable Members.

**The Honourable Sir William Vincent :** I will endeavour to get the information as early as I can. It does not suit me any more than it suits the Honourable Member to waste time here till 4 o'clock. All I want is reasonable time to enable me to communicate with the local authorities and ascertain in detail what the facts are.

**Mr. W. M. Hussanally :** The Deputy Commissioner's office is not very far distant, and the information can be got very easily. It will be very inconvenient for Honourable Members to be here till 4 o'clock.

**Mr. President :** As the Honourable Member will understand, the debate may be entirely infructuous unless the Honourable the Home Member were in a position to deal with the question raised.

**The Honourable Sir William Vincent :** I have to be here for two or three Bills in the meantime.

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#### THE GOVERNOR GENERAL'S ASSENT TO THE INDIAN FINANCE BILL.

**Mr. President :** I have to acquaint the Assembly that His Excellency the Governor General, under the provisions of sub-section (1) of section 68 of the Government of India Act, has been pleased to give his assent to the Indian Finance Bill, 1922, passed by both Chambers of the Indian Legislature. (Applause.)

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#### THE HINDU CEREMONIAL EMOLUMENTS BILL.

**Mr. A. B. Latthe (Bombay Southern Division : Non-Muhammadan Rural) :** Sir, I move :

'That the Report of the Select Committee on the Bill to amend the law relating to the emoluments claimable by Watandar Hindu priests be taken into consideration.'

In doing so, Sir, I do not think it is necessary that I should deal with the few changes that have been introduced in the Bill at any great length, because the changes are of a very minor nature. The first change that has been introduced into this Bill by the Select Committee is that an extent clause has been introduced, and it is numbered as clause 2. As the Bill stood originally, it applied to the whole country, but it was found that, as a matter of practical importance, this Bill would be of use only in two provinces, namely, the Bombay Presidency and certain parts of the Central Provinces. So it was thought necessary that, in the first instance, this Bill should extend only to

those two provinces, and, if need be, later on the Local Governments might introduce its provisions into their provinces by notification. As the law stands, and as the law has been accepted by the various High Courts, I do not think it will at any time be necessary to apply this Bill in any other province, and, therefore, so far as the other provinces are concerned, this Bill, I think, has no application.

The second change which has been introduced in this Bill is that the definition of the word 'Hindu' given in the original draft has been omitted. Obviously the reason for that is that the word 'Hindu', though understood by everybody, is such as cannot be defined with any kind of precision. Various attempts have been made to do so and I daresay that the many Hindu Members of this Assembly know that it is a word which, though very familiar, is impossible to define. Therefore, that impossible attempt has been given up. That is the second change which has been introduced in the Bill by the Select Committee.

Then, in order to make the meaning precise, some drafting changes have been made, but they do not make any change in the substance of the Bill and, therefore, they require no explanation whatever. This is what the Select Committee has done.

The only thing that I would like to add for the information of Honourable Members in connection with this Bill is that, though apparently to a superficial observer the Bill would seem to affect Hindu Law, as a matter of fact it has nothing to do with the Hindu religion or the Hindu Law, as it was laid down by the Scriptures. What the Bill intends to do is this. Hitherto, in the Bombay Presidency and in certain parts of the Central Provinces, the Courts have used their authority for the purpose of enforcing certain claims made by certain priests against persons who do not want those priests and who do not make use of their services. Obviously, this is unjust, and the Calcutta, Allahabad and Madras High Courts have all agreed in holding that such right cannot be recognised, that such right really does not exist, and that no Court should use its authority for the purpose of enforcing such right. If Honourable Members refer to the ancient texts on Hindu Law, they will not find a single authority for the claim which has been put forward and recognised by the Bombay High Court in this respect. All the gifts that were made to the priests were matters of charity, and you cannot find a single authority for the proposition that the person who has received those charities would be able to go to a Court of law and get a decree for those charities. Under these circumstances, it is very necessary and it is only just to those people who do not wish to employ particular priests for their spiritual welfare, that this Bill should be passed, and the law, as obtaining in the Bombay Presidency and in certain parts of the Central Provinces, should be brought into line with the law as it exists in the other Provinces of this country.

I, therefore, move that the Report of the Select Committee may be taken into consideration.

**Mr. P. E. Percival** (Bombay : Nominated Official) : Sir, as this is a Bill which affects the Bombay Presidency, I should like to say a few words in support of it. I think that Honourable Members who have read the opinions which have been kindly supplied to them by Government—they were supplied at the Simla Session—will agree that the majority of these opinions are in

[ Mr. P. E. Percival. ]

favour of the provisions of the Bill. What, however, is of special importance is to consider the opinions of those officials and non-officials who come from the particular parts of India which are chiefly affected by the Bill. In the Bombay Presidency, the parts that are most affected by the Bill are the Poona and Belgaum Divisions, which are commonly known as the Central and Southern Divisions. Now, Sir, these two divisions are represented in this Assembly by my Honourable friends, Mr. Latthe, Mr. Bagde and Mr. Kamat, who, I understand, are all in favour of the Bill. Therefore, it may fairly be taken that the non-official opinion in these two particular divisions, which are affected by the Bill, is in favour of it. If we turn to the official opinions, we find the same result. The Commissioners of Belgaum and Poona have been consulted, and they are in favour of the Bill, as also is the Commissioner of the Ahmedabad Division, which is affected by the Bill, though to a lesser extent. There is one opinion to which I should like to refer particularly, and that is the opinion of Mr. Vernon, the District Judge of Ahmednagar. He says :

'I am entirely in favour of the Bill. I am unable to see why Brahmin priests should be allowed to levy fees through the Civil Courts in cases where their services are not employed or desired.'

Then he goes on to say :

'If it is a fact that 'the principle laid down in the Bill has long been established law in all parts of British India except the Bombay Presidency' this is in my opinion an argument to which no answer has been suggested.'

This opinion of Mr. Vernon seems to me to put the whole case in a nutshell. He shows that it is not purely a matter of Hindu Law but a question of mixed Hindu Law and Civil Law, as was pointed out on the last occasion by Dr. Gour. I may remark incidentally that two of the supporters of the Bill, Dr. Gour and Mr. Samarth, are not present on this occasion ; and that is my excuse for speaking to-day. As Mr. Vernon says, the real question to decide is whether the Courts, which are already overworked, should go into these cases, and allow priests to levy fees from persons for services which those persons do not require.

On the last occasion the Honourable the Law Member stated that the Government of India would be neutral in this matter, but that, so far as other official Members were concerned, they were at liberty to take their own course. I therefore suggest to other official Members that, if they take the view, which I myself take, that the Courts should not spend their time in recovering fees from certain persons for services which those persons do not require—if they take that view, that they should support the Bill which has been introduced by Mr. Latthe.

There is only one other point to which I should like to refer, namely, the Report of the Select Committee. The Report of the Select Committee is unanimous with regard to the Bombay Presidency ; but two of the Honourable Members of the Select Committee are of opinion that the Bill should not apply at once to the Central Provinces. Now, Sir, I am not directly concerned with the Central Provinces ; but, at the same time, I should like to refer to two points which arise in this connection. The first is that, as has already been pointed out, the law on this subject in Bombay and the Central

Provinces differs from the law in the whole of the rest of India. Now, if this Bill is passed in regard to the Bombay Presidency, the anomaly will be made still worse—that is to say, there will be one law in Bombay, Bengal, Madras, etc., in fact throughout the whole of India, and a different law in one particular Province only, namely, the Central Provinces. That seems to me a strong argument for extending the law to the Central Provinces as well as to Bombay.

There is another point and it is this. The Courts in the Central Provinces have taken their law from the Bombay Presidency. It is not merely that they have adopted the same course, but they have followed the Bombay High Court. This is clear from pages 31 and 32 of the opinions. Rao Bahadur B. R. Angal, Public Prosecutor, Amraoti, says :

‘In the matter of Vatan claims also in many other respects—Berar Courts follow the law laid down by the Bombay High Court.’

Now the object of this Bill is to change the law, to change the decisions of the Bombay High Court. Therefore, it seems to me only logical that it should apply not only to districts directly under the Bombay High Court, but also to districts which, though not under the Bombay High Court, still take their law from the Bombay High Court, so far as these matters are concerned.

For these reasons I support the Bill as amended by the Select Committee, and am in favour of the opinion of the majority of that Committee.

**Mr. P. L. Misra** (Central Provinces Hindi Divisions : Non-Muhamadan) : Sir, I move :

‘That the Bill to amend the law relating to the emoluments claimable by Watandar Hindu Priests be re-circulated for eliciting public opinion.’

The House knows very well that I have been opposing this Bill from the very start. Mr. Latthe has stated that there is a strong case in the Central Provinces for applying this Bill. I am not a party to that statement at all. The House, from the opinions circulated and supplied to Honourable Members will learn that from the Central Provinces there have been only 8 or 9 opinions sent to this House. Out of these, three are from Sub-Judges and two from Additional Judicial Commissioners, all in favour of the Bill; one from the District Sessions Judge, and another from another Sub-judge. There is also one from the Public Prosecutor of Amraoti, to whom reference has been made by Mr. Percival just now. Now, those who are against the Bill are the Government of the Central Provinces. I will presently quote the opinion of the Central Provinces Government; then there is Mr. Kotwal, Additional Judicial Commissioner; Mr. Chitnavis, who is a Sub-Judge and a non-Brahmin; Mr. Pathak, Subordinate Judge of Akola: a first-grade pleader, Mr. Kathalay; the Nagpur Bar Association and the Bar Association of Amraoti. These are the opinions we have received so far from the Central Provinces, and the opinions are almost equally divided. I shall read from some of the opinions that have been received, and specially the opinion of the Central Provinces Government which will be found on page 30. It will appear from that that the Central Provinces Government is quite against the Bill :

‘Apart, however, from the question of principle, the Governor in Council does not consider that there has been a sufficient advance in public opinion in the Central Provinces and Berar to justify legislation. . . . The question has never been raised in the Central Provinces or Berar and until there is some indication that the present state of

[ Mr. P. L. Misra. ]

affairs is regarded as a hardship, His Excellency would deprecate legislation affecting a custom which has been so long established. He agrees with Sir Bipin Bose in thinking that this is a case in which 'the people may well be left to find their own salvation,' or at least as a case in which they may well be left to agitate their grievance.'

Now, Sir, I will read further from the opinion of Sir Bipin Bose. Sir Bipin Bose, perhaps the House does not know, is an eminent gentleman, both distinguished for his legal attainments as well as for his public services to the Central Provinces. He has practised for 40 years in the Nagpur Court, and, as he has been in close touch with the people, he very well understands their sentiments and feelings. He is not only a legal luminary but a social reformer, and he is a Brahma to boot. An opinion coming from such a practical reformer is worthy of attention. He says—I am reading from page 31 :

'It was said by the Mover of the Bill that the Bombay view prevailed in some parts of the Central Provinces. This is not quite accurate. In a case from Berar, one of the Judges of the Court of the Judicial Commissioner has followed the Bombay view mainly on the ground that in matters of custom the Bombay rulings must have more weight in cases arising in Berar than those of other High Courts. I am not aware of any Central Provinces case where the yajman has been held liable for not employing the village joshi.'

Then further on he says :

'In view of the circumstances set forth above, I very much doubt whether a sufficient case has been made out for legislation. The number of cases in the Bombay Presidency where the village joshi's services are not availed of and as a consequence the parties go to Court to settle their difference is not shown to be as numerous as to justify legislative interference.'

And so on. So, Sir, this is the opinion of Sir Bipin Bose, a gentleman in whom both the public and the Government have confidence.

Now this Bill, as I have just stated, was circulated to the Government, and the Government obtained the opinion of eight or nine officers. But my submission is that, apart from Berar, there are certain districts in the Central Provinces which have the institution of joshi. These districts border on Berar and they are Nagpur itself, Wardha, Chanda, and part of Bhandara district. No opinion has been elicited about these districts of the Central Provinces. Nor has any opinion been expressed with regard to joshi by these districts. Nobody has been consulted on the subject. Therefore, my submission is that this Bill has not yet been properly circulated and opinions elicited from these different districts. Joshi exists, you will notice, in every village in Berar, and so does it in some districts of the Central Provinces, and there has been no protest except one from Berar by joshis themselves.

Therefore, I am sure this House is not going to pass an *ex parte* judgment on these joshis. Joshis are, as I submitted before and as I submit now, an ancient institution and they have vested rights, and we cannot with one stroke of the pen do away with this right. Then, as I have submitted before, there are not too many cases, except one in Berar, as noticed by Sir B. K. Bose in his note of opinion. Therefore, when there have been no cases, I do not see what necessity there is for thrusting a Bill on the Central Provinces. Of course, I cannot speak for the Bombay Presidency. Let the Bill apply to the Bombay Presidency ; and then, if any necessity arises in the Central Provinces and Berar and any grievances from the yejmans come forth, then in that case the Local Government can move in the matter

and apply the Bill to those parts; but, until such necessity arises, I do not see why we should thrust this Bill on an unwilling people who have not been properly represented.

Sir B. K. Bose has made mention of another case, reported in I. L. R. 44, Bombay 733; it is the case of the barber. My friend, Mr. Joshi, has also given notice of an amendment to define the word 'priest', and from this note of Sir B. K. Bose it appears that barbers also are entitled to these gift and fees when they perform religious ceremonies. This case arose out of a tonsorial ceremony performed by one of the barbers in the Bombay Presidency at four houses in a village and then another man, the hereditary barber, came forth and filed a suit against this man and he got a decree. So my submission is that we should not confine this Bill to these joshis only, but I think there is sufficient ground for further inquiry in the case of barbers and other village officials who perform religious ceremonies at the houses of Hindus. Therefore, I submit that this Bill should be circulated again for eliciting public opinion in regard to the definition of 'priest' in view of the ruling given by the Bombay High Court, as well as in view of the fact that there has been inadequate representation of the Central Provinces and especially of the four districts bordering on Berar; and also in view of the insufficient opinion we have received from the Central Provinces, I submit this House should consider this Bill most seriously again and give consideration to the amendment which I have moved to the effect that this Bill should be circulated for further opinion.

**Mr. K. B. L. Agnihotri** (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I rise to support the amendment moved by my friend, Mr. Pyare Lal Misra. If I mistake not, the origin of joshis in Berar is similar to that of other village servants in villages of the Central Provinces. In the Central Provinces there are people appointed in each village to serve the needs of the people, for instance, the village barber, the village blacksmith, the village chaukidar and other officers. Similar, I think, might have been the origin also of the village joshis. The same practice also exists for similar purposes even now. The State provides for Churches and Padres in this country to give religious or spiritual benefit to the people. The joshis were similarly appointed in the past to give religious and spiritual benefit to the people and to perform all religious duties in the villages. Some remuneration had, therefore, to be fixed for them, whether by way of customary dues as prevails in many villages or paid by the State for the work done. It will be thus necessary to provide some other agency in place of joshis for the purpose, and it is but proper that the Bill be recirculated for public opinion and especially to the Central Provinces whose government is not in favour of introducing this measure in that province. I, therefore, have much pleasure in supporting the amendment of Mr. Pyare Lal Misra.

**Mr. N. M. Joshi** (Nominated Labour Interests): Sir, I rise to support the motion of my Honourable friend, Mr. Pyare Lal Misra, but for quite different reasons. Although I am a Joshi and hereditary priest, I have no hesitation in stating that I support the principle of Mr. Latthe's Bill wholeheartedly. The only thing that I seek by asking for recirculation is not that the Bill should be restricted to the Bombay Presidency, but that its scope should be widened somewhat. I need not go into the object of the Bill. It is clear enough, *viz.*, that there should be no compulsion upon people in engaging the services of hereditary village officers, at least in religious



[Mr. N. M. Joshi.]

matters. That, I consider, is the object of this Bill; and that object, in my humble judgment, is a very laudable object. Personally I do not believe in any hereditary offices, whether religious or civil; but I am quite sure, although the House may not accept my view, they will accept the view that, at least in religion, there should not be a hereditary officer. Having spoken so much upon the object of the Bill, I want to show that the Bill is somewhat defective inasmuch as the word 'priest' is not clearly defined. In a religious ceremony there are many people who take part and who officiate and perform different functions. There is one man who says some words which are considered to be sacred; there is another man who performs some other function . . . . .

**Mr. W. M. Hussanally** (Sind: Muhammadan Rural): I rise to a point of order. I find Mr. Joshi was a member of the Select Committee and he has signed the Report without any Minute of Dissent; and I ask, therefore, if he is now in order in speaking against the Select Committee's Report.

**Mr. President:** I am not sure that that is a point of order exactly. It seems to me to strengthen the position of gentlemen who advance arguments against Mr. Joshi to say that he contradicts himself; but I do not think I can rule him out of order in having apparently changed his mind towards certain aspects of this question.

**Mr. N. M. Joshi:** Sir, I assure my Honourable friend who raised this objection that, even if the proposal of my Honourable friend, Mr. Misra, is not accepted and even if my amendment is not accepted, I am going to support the measure; I have not changed my views. But I sought even in the Select Committee to get the word 'priest' defined with a view to remove a defect in the Bill. Unfortunately, the decision of the Select Committee went against me, and, therefore, I seek a remedy in this House. The Bill does not define the word 'priest.' As I said, there are many people who officiate in religious functions. There is one man who offers prayers, says some words which are considered to be sacred; there is another man who performs some other action which is also considered to be equally sacred. My Honourable friend, Mr. Misra, referred to barbers who shave. Shaving is also considered to be a very sacred action, as sacred as the action of the man who says some words. For this reason, if one man who utters some words during a religious ceremony is to be deprived of his hereditary right, the other man, who also performs a similar action, which is also as sacred as the former, must be deprived of his watan or his hereditary right. Sir, Mr. Misra has already referred to the case of a gentleman who claimed compensation from a person who encroached upon his right, namely, the village barber. I want to read only a sentence out of that case, from the judgment of Mr. Justice Shah:

'On the basis of this finding it is difficult to distinguish the case of a village barber from that of a village Joshi.'

The two cases, namely, the case of a village barber and the case of the village Joshi are absolutely similar, and therefore if this Bill is to be a sound Bill it must not only apply to Joshis, it must not only apply to barbers; it must apply to all those who perform some functions during religious ceremonies and claim hereditary right to be paid. During the Select Committee meeting, I raised this question, and the Honourable the Home Member said . . . . .

**The Honourable Sir William Vincent (Home Member) :** May I rise to a point of order, Sir? The Honourable Member has no right, I submit, to refer to what I said at the Select Committee meeting. I raise that as a very definite point.

**Mr. President :** The Honourable Member is aware that there is no verbatim report of what is said in Select Committees, for the reason that the Select Committee procedure is provided in order to permit of free and easy discussion, which is the best way of arriving at an agreement. Therefore, the Honourable the Home Member's point is well taken.

**Mr. N. M. Joshi :** Then, Sir, I will not say what the Honourable the Home Member said. I am sorry I referred to it, but the Select Committee decided that, if my amendment was to be approved of, the object of the Bill might be extended, and the country was not consulted on that point.

**The Honourable Sir William Vincent :** Again, I submit, Sir, the Honourable Member is out of order. He is referring to proceedings before the Select Committee, and whether he refers to a personal statement or to a general discussion, I submit that the whole discussion is confidential. No record is kept of the proceedings; different Members will give different views of what happened, and, for reasons that I gave the other day, I feel strongly the proceedings in Select Committee, if they are to be of any value, ought to be confidential, and they must be kept as such.

**Mr. N. M. Joshi :** All right, Sir, I will not also refer to that matter. I only content myself with saying that the Bill as it is drafted to-day is somewhat defective. The word 'priest' is not defined, and whether it includes all those gentlemen who officiate in the religious ceremonies is not clear. As I said, even if the amendments are not carried, I am willing to support the Bill. I am only anxious that the Bill should not be defective as it seems to be.

**The Honourable Sir William Vincent :** Sir, I rise now to make the Government's attitude perfectly clear as regards this Bill. Although I objected to some remarks of Mr. Joshi, I do not want to be thought for a moment that Government are taking sides in this matter. Officials, as Mr. Percival said, are perfectly free to vote as they like. But really whether a Hindu watarand or priest should be allowed to exact this money from people under him or not is a matter in which Members of this Assembly are more interested than Government.

Mr. Pyari Lal Misra, however, raised one or two points with which I must deal. In the first place, he says that this Bill has not been adequately ventilated. Now, it was introduced, if I am right, in this Assembly a year ago. It was circulated to all Local Governments. Any one and every one has had a right to express their opinion on it. It was discussed again in the Assembly in September, when copies of the opinions which had been then examined were referred to freely. It is now proposed at this stage, after the Bill has been referred to a Select Committee, and their report has been received, to recirculate it. This is a matter, Sir, I must leave to the judgment of the House, but it does seem to me there should be some limit of time for such a proposal and that a Bill should not be put off indefinitely when the public has already had ample opportunity of examining its provisions. If, however, the Assembly does not like the Bill, let them turn it down; Government has no objection whatever.

[ Sir William Vincent. ]

Another point to which Mr. Misra referred is the question of the extension of the Bill to the Central Provinces. Now, this is a matter which did cause considerable concern to the Government, because the Government of the Central Provinces, as those who have read the opinions will see, were opposed to this course and consequently we had to consider our attitude very carefully in respect of that extension. I think Mr. Percival has put before the Assembly the really cogent arguments that finally weighed with us, but there is this further point—I do not know whether it is of very great importance—namely, the Hindu Law is a personal law and not a territorial law; it would be absurd if a man on the borders of one province should be under a legal liability to pay his due to a priest and on the other side of the border the same man might be free from this liability. That is a point that seems to us worth considering in this connection. Mr. Joshi himself is one of the caste, I understand, which is affected by this measure, and he supported this measure throughout being, as he said, apparently an advanced republican. (Laughter.) He is in favour of no hereditary offices, civil or otherwise. We ourselves of course, who are servants of His Majesty, cannot take the same radical attitude Mr. Joshi takes in such matter. His proposal in connection with this Bill is to extend the principle to barbers and dhobies and people of that class. I think that is what his intention is, and he was supported by Mr. Pyari Lal Misra. Mr. Misra, I think, felt in the position of the fox which lost its tail. He thought that because the Brahmins would lose a privilege then everybody else should be put in the same position.

**Mr. Pyari Lal** (Meerut Division : Non-Muhammadan Rural) : Mr. Misra is himself a Brahmin.

**The Honourable Sir William Vincent** : It was therefore that he made the proposal. The real principle of this Bill, as it was introduced, is however whether priests were to be allowed to secure payment from non-Brahmins for services which they did not render and which the Non-Brahmins did not wish to be rendered to them, and on the merits, it does seem to me a very clear case that a person who is not a Brahmin is entitled to relief. I cannot see myself any reason why any man should pay for services which he does not want and which have not been rendered to him. It may be that this same principle ought to apply to barbers and dhobies, and I daresay to chamars and other people. But the fact is this that the public are quite able to defend themselves adequately, as a general rule, against the men of that class, whereas they have had in the past some difficulty in defending themselves against these Brahmin priests. It was for that reason that the Bill was introduced in a form which dealt with Brahmins only, and for that reason, I think it would be wise for the Assembly to confine it to Brahmins, for, if it is to be extended beyond that to other classes, then I agree with Mr. Joshi that it would be necessary to recirculate it. But it seems to me *primā facie* that it would be better for the Assembly to deal straight away with the Bill as it stands and not go on carrying a petty Bill of this character from year to year and making this Assembly really almost a laughing stock.

**Mr. Jamnadas Dwarkadas** (Bombay City : Non-Muhammadan Urban) : Sir, coming as I do from Bombay, I cannot help saying a few words in support of the Bill that has been introduced by my Honourable friend, Mr. Latthe. In spite of all that has been said here by Mr. Misra, I venture to believe

that the passing of this Bill will remove a legitimate grievance of the non-Brahmins in the Bombay Presidency, a grievance which, to a large extent, underlies the dissensions, the continuous dissensions, that we see between the two communities, dissensions which are not of any particular advantage to the progress of the country as a whole. I believe, Sir, that while Mr. Joshi may contend that, if the Bill can be applied to Brahmins, it should also be applied to barbers and other people.

I believe, Sir, and my own experience confirms this belief, that no one  
 12 Noon. cares for the privileges of lower castes like barbers and others, but the Brahmin has the tendency of insisting on his rights and has sufficient influence to get his so-called rights supported by Courts of law. I think, Sir, that we in this Assembly shall have taken a step towards a much needed social reform by passing this Bill, and it will be none too soon that this Assembly removes this long felt grievance of the non-Brahmins.

**Mr. Pyari Lal :** Sir, this Bill has my entire sympathy in so far as it attempts to remove an evil which prevails so very largely in the Bombay Presidency. One part of Mr. Pyari Lal Misra's amendment has my sympathy, and that is, why should the provisions of this Bill be extended to a province where this evil does not prevail? Other provinces of India, like the United Provinces and Bengal of course, are under the domination of Brahmins, but this evil does not prevail, and therefore those provinces have been left out from the scope of this Bill. In the same way, the provisions of this Bill should not be inflicted on the Central Provinces also.

**Rao Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urhan) :** Sir, perhaps it is right that as an orthodox Brahmin I should give my support to the principle underlying this Bill. I do not think Brahmins care for this sort of forcing their company on people who do not want them. They are not Brahmins really. No real Brahmin will care to do that, and, if this exists in the Bombay Presidency, it is due more to the ignorance of the judges who administer the law rather than to the Brahmin's obstinacy or his love of forcing himself on others. We have no such thing, Sir, in Madras.

**Mr. J. Chaudhuri (Chittagong and Rajshahi Divisions : Non-Muhammadan, Rural) :** Nor in Bengal, either.

**Rao Bahadur T. Rangachariar :** We do not visit houses where we are not welcome and I hope my Brahmin friends in Bombay are also similarly situated. If they are not, by all means let legislation go forth, that they cannot force their company or at any rate that they cannot force payment for services which are not wanted or which are not rendered.

Sir, something may be said in defence of this ancient institution. The institution is not so devoid of principle as at first sight it may appear. Sir, this is part of the old village organisation. Just as you provide a village watchman, as you provide a village temple, as you provide village accountants, as you provide various other village officials, the *Purohit* was a village official. He was recognised as part of the village organisation, and either they had grants of land or grants in the shape of bounties forced upon the subjects of the King. Such ancient institutions may well claim the presumption of a lost grant by a Royal Sovereign who then reigned. But it is hardly necessary to maintain it now. It is on that ground the judicial officers appear to have

[Rao Bahadur T. Rangachariar.]  
maintained this institution in Bombay. I do not remember any case in Madras where the village *Purohits* claimed it as of right, whether they performed the the services or not.

**Sir P. S. Sivaswamy Aiyar** (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : It has been held otherwise in Madras.

**Rao Bahadur T. Rangachariar** : On the other hand, in Madras such claims were refused to be recognised when asserted, and therefore this is a survival not of any Brahmin ascendancy but merely of the misfortune of Bombay having to be administered by Judges who were rather lenient to Brahmins. Sir, having said that, I think it is but right that, although we may accept the principle of the legislation here, the Local Governments should have the option to extend the operation of the Act within the limits of their provinces. I, therefore, welcome the suggestion made by one of the amendments on the paper that, before the Act is introduced in any province, the consent of the local Legislature should be obtained. Under the Devolution Rules, the local Legislature has no power to pass this law, and therefore the Central Legislature has to undertake this task, which I rather do not think the Central Legislature is quite qualified by its composition to undertake, having regard to our composition here. Many of us are quite unacquainted with the habits of Bombay or the Central Provinces. There are very few who represent Bombay at all, and a company consisting of Muhammadans, Christians, Parsis and South Indian Hindus and Bengal Hindus have to legislate for Bombay Hindus.

It is rather a pity that this matter has been brought up here, but I suppose my Honourable friend, Mr. Latthe, had to bring it up here in consequence of the constitutional position. But I recognise the difficulty which underlies this question and I, therefore, strongly support the suggestion that, before the Act is applied to any province, the local Legislature should give its previous consent. With this reservation, Sir, I accept the principle underlying this Bill.

**Mr. P. E. Percival** : May I point out, Sir, that the amendment in question does not apply to Bombay and the Central Provinces.

**Rao Bahadur T. Rangachariar** : They can extend it to apply.

**Mr. B. S. Kamat** (Bombay Central Division : Non-Muhammadan Rural) : Sir, with reference to the point raised by my friend, Mr. Joshi, I wish to make one remark. I am in perfect agreement with him in his desire to include barbers and other people who have to take part in the various functions of the ceremony so far as hereditary rights to emoluments are concerned. If we are going to give a sort of protection to people who want to engage the services of priests according to their choice, it stands to reason that you should give protection also in respect of services rendered by persons like barbers and others. But I am not quite sure whether in achieving this object, my friend, Mr. Joshi, is perfectly right in adopting the method which he wants to adopt. What he is trying to do is to define the word 'Hindu priest', and he wants to open the door for this definition so wide as to bring down . . . .

**The Honourable Sir William Vincent** : May I rise to a point of order Sir? The amendment has not been moved yet, I think.

**Mr. B. S. Kamat:** The method adopted by Mr. Joshi is to have a very wide definition of the term 'Hindu priest'. If that is allowed to be done, I think a priest might include anybody right from the priest down to a barber. Well, there are other functionaries at a religious ceremony. We were talking the other day of *Devadasis*, and I know that in certain parts of the country even a *Devadasi* claims to have certain emoluments. If, therefore, the method adopted by Mr. Joshi of defining the word 'Hindu priest' is allowed to be carried, we shall have to include in the word 'priest' anybody, not only barbers, but even persons lower down. I do not think that sort of definition would be proper. It would be almost ridiculous. It is therefore purely a matter of drafting. My friend, Mr. Joshi, can attain his object if he moves that the whole of this Bill should be sent again . . . .

**Mr. President:** The Honourable Member is discussing an amendment which has not yet been moved. We are now discussing the respective merits of the question that the Bill be taken into consideration, on which the principle of the Bill can be discussed, and the amendment of Mr. Pyari Lal Misra that it be re-circulated for the purpose of eliciting opinion thereon.

**Mr. B. S. Kamat:** Very well, Sir, in that case I shall take the opportunity later on of bringing out these points. That was the only point on which I wanted to speak. We cannot allow this sort of definition to go on.

**Mr. A. B. Latthe:** Sir, it is somewhat unfortunate that two or three questions have been mixed up in the speeches that have been delivered just now. These questions will have to be dealt with by this Assembly when the different amendments come up for consideration. Mr. Joshi's question, I think, will have to be dealt with in connection with the amendment which he is going to propose. At present the only question before the House is whether this Bill should be re-circulated for the purpose of eliciting opinion thereon. In addition to what the Honourable the Home Member has said in this connection, I would like to remind the House that a similar motion was brought before this Assembly at its Simla Session and my friend, the Honourable Member from the Central Provinces, himself proposed that the Bill should be circulated. At that time the Assembly rejected that proposal and the Bill was referred to a Select Committee. As the Honourable the Home Member has already told the House, this Bill has been before the House as well as before the two provinces concerned for over a year, and I do not think that it is a straight course to try to attack the Bill by bringing in motions like this. From the very speech of my Honourable friend, Mr. Misra, the House will see that he is opposed to the Bill, at least in so far as his province is concerned. There is an amendment in the name of my Honourable friend, Mr. Agnihotri, which will deal with this question. But I do not see any connection between this view, the view put forward in Mr. Misra's amendment, and the motion for re-circulating the Bill. I think that the Bill has been sufficiently considered by the public concerned. Almost every newspaper in the two provinces has expressed its opinion, and almost every association has expressed its opinion on the Bill. Numerous conferences have been held in that part of the country, which have expressed their opinion regarding the Bill, and I do not understand what would be the benefit of re-circulating it. Mr. Misra said that there is only one protest hitherto from joshis, and no other protest. It only shows that the joshis do not attach much importance to these little emoluments

[ Mr. A. B. Latthe. ]

that they get and for which they have to go to Courts of law. That may be the reason why they are not sending in protest after protest to this House. I do not think that the joshis are ignorant of the introduction of the Bill in this House. The joshis have friends like Mr. Misra and certain other gentlemen and they must have informed the joshis of the Bill that is before the House, and, if they had desired to send in any protests, they would have done that without any loss of time. The very fact that there has been only one protest sent in against this Bill shows that the joshis are not so much opposed to this Bill, and it is also very natural, because the emoluments which they claim are so trifling that no reasonable man would care to go to a Civil Court for such emoluments. Honourable Members might know that it is only a rupee or two for which they have to go to the Civil Court and the emoluments in no case amount to more than one rupee or two. It is only for the purpose of asserting their right that these joshis sometimes go to the Civil Courts and spend hundreds of rupees on litigation. They even go up to the High Court, and it is only as a matter of principle, as a matter of right, which the joshis think they have, that they sometimes do so. As a class, I do not think that the joshis would care very much about this supposed right and that is the real explanation of the fact that the joshis have not sent in many protests. I do not wish to deal with the other suggestions which have been made, namely, the suggestion of my Honourable friend, Mr. Joshi, and the suggestion about the application of the Bill to the Central Provinces, because certain amendments are going to be moved on these points. In so far as the amendment already before the House is concerned, I think it will be simply wasting our time and the time of the House if we re-circulate the Bill for eliciting further opinion thereon.

**Mr. President :** The original question was :

'That the Report of the Select Committee on the Bill to amend the law relating to the emoluments claimable by Watandar Hindu priests, be taken into consideration.'

Since which an amendment has been moved :

'That the Bill be re-circulated for the purpose of eliciting opinion thereon.'

The question that I have to put is that that amendment be made.

The motion was negatived.

**Mr. President :** The question is :

'That the Bill be taken into consideration.'

The motion was adopted.

**Mr. K. B. L. Agnihotri :** Sir, I beg to move :

'That in clause 1, sub-clause (2), the words 'and to the Central Provinces' after the word 'Bombay' be omitted.'

My object in moving this amendment is that, in the first place, the Central Provinces Government is not inclined to favour the Bill; in the second place, in the Central Provinces there are no such disputes as have been described by the Mover of the Bill; and thirdly, there are many other complications, as have been pointed out in my speech on the motion for the

re-circulation of the Bill, which will create much difficulty in my province where there are other village services which have got to be paid by the village itself whether the duties are performed or not. Therefore, Sir, I submit that when my own provincial Government is not in favour of the Bill, when there is no such dispute in the Central Provinces, when all the Members from the Central Provinces are opposing this Bill, the Bill should not be allowed to extend to the Central Provinces without the consent of the Local Government or the local Legislature. Moreover, if my motion is carried, my province will be covered by the words 'the Local Government of any other province', and it is not specifically necessary to mention the Central Provinces, against the wishes of the representatives of that province and when the representatives of that province on the Provincial Legislature have not had the chance of discussing it.

**Mr. P. L. Misra :** I strongly support the amendment of my Honourable friend, Mr. Agnihotri. One salient feature of this Bill, when it was moved by my Honourable friend, Mr. Latthe, in the Simla Session, was that there was not the slightest mention of the Central Provinces and Berar in the Statement of Objects and Reasons. Honourable Members will even now notice from the copy that has been supplied to us that there is no mention of this sort in the Statement of Objects and Reasons. That very fact shows that Mr. Latthe has no intention of including the Central Provinces and Berar in this Bill, and, as we have sufficiently spoken on this subject, I hope Mr. Latthe will reconsider the case and exclude the Central Provinces, at least for the present, until some strong case is made out in the future.

**The Honourable Sir William Vincent :** Sir, I must meet the arguments put forward by Mr. Misra at once. Any one who looks at the Bill as introduced will see that it applies to the whole of India and the opinions received from the Central Provinces which he himself cited show beyond dispute, beyond argument, that the people in the Central Provinces were well aware that, if this Bill was passed into law, it would apply to those provinces also. Mr. Pyari Lal Misra comes from the Central Provinces, is a Brahmin coming from those provinces, and naturally seeks to exclude the people of those provinces from the benefits of this Bill. That is the real reason for his proposal.

**Mr. K. B. L. Agnihotri :** What about the opinion of the Central Provinces Government on this point ?

**The Honourable Sir William Vincent :** If the Honourable Member will allow me to go on with my speech, I will go on, or if he will have the courtesy to stand up, if he wishes to interrupt me, I will sit down. I have dealt with the Central Provinces Government's opinion before, and I do not think that any Member of this House will accuse me of not giving due weight to that opinion. I have drawn pointed attention to it on two occasions in this Assembly. The arguments for including the Central Provinces in the scope of the Bill have been dealt with fully by Mr. Percival. As I said before, there is also this additional point that the Hindu Law is a personal law and not a territorial law. What you will be enacting if you accept this modification proposed by Mr. Agnihotri is that a watandar priest living on one side of the border might be in a position in the Central Provinces to realise these demands by a suit and in Bombay be prohibited from doing so. If



[ Sir William Vincent. ]

the Assembly thinks that that is a reasonable position, I have no objection. It is a matter which affects them personally very much more than myself but that any person in the Central Provinces should be compelled to pay for the services of a Brahmin at ceremonies, even when the ceremonies are not performed and when he does not want the man there, I confess, to a person who does not understand the subtlety of the Hindu religion, is really incomprehensible.

**Mr. K. G. Bagde** (Bombay Central Division : Non-Muhammadan Rural) : Sir, Honourable Members of this House have seen what a tough fight has been put in by two Brahmin gentlemen in connection with this little Bill. (Hear, hear.) I was very glad to see that Mr. Joshi supported the Bill moved by my Honourable friend. I do not blame my Brahmin friends who opposed the Bill, but I would bring to the notice of this House that their position is very peculiar. The aim of the Bill is to secure for the non-Brahmins in the Deccan freedom in matters of religion. Now, my friends, Messrs. Agnihotri and Misra are not Mahrattas, and do not belong to the Deccan, and, I submit, are, therefore, not in a position to understand the difficulties that have grown up in the Deccan. In four of the districts of the Central Provinces the Mahratta population predominates. If the Bill be not extended to the Central Provinces, the result will be that the Mahratta population in the Bombay Presidency shall have one law and those in the Central Provinces another; and hence an anomaly will occur. If a marriage is celebrated in the Bombay Presidency, the priest will not be entitled to claim the customary fees; but, if the same marriage is celebrated in the limits of the Central Provinces, then the priest will be entitled to recover his customary fees. That is the difficulty. The Honourable the Home Member has told the House that Hindu Law is a personal law, and, therefore, it will prove a great injustice to the Mahratta population if the House accepts the recommendation of Mr. Misra. I, therefore, beg to move that the proposal be rejected.

**Rao Bahadur T. Rangachariar** : So far as the Presidency of Bombay is concerned, there seems to be no difference of opinion. As regards the Central Provinces, they want to delete it altogether, but Mr. Mukundaraja Ayyangar proposes to move an amendment, which, I think, will be acceptable to the Honourable Mover of the Bill, that, with the previous consent of the local Legislature, the Local Government of any province, other than Bombay, may have it extended to that province. If this amendment is now put to the vote and lost, probably that amendment, if it applies to the Central Provinces, may be ruled out of order; therefore, Mr. Mukundaraja Ayyangar should be asked to move his amendment which may meet the objections of the Honourable Members.

**Mr. M. G. Mukundaraja Ayyangar** (Madura and Ramnad *cum* Tinnevely : Non-Muhammadan Rural) : The amendment of which I have given notice is to 'substitute the words 'with the previous consent of the local Legislature' for the words 'by notification in the local official Gazette''. Instead of that, Sir, if you will permit me, I would like to move the following amendment :

'In clause 1 (2) of the Bill as amended by the Select Committee, after the word 'Bombay', add the words, 'but the local Government of any other province may, with the previous consent of the local Legislature, extend it to that province or any part thereof' and delete the rest.'

**Mr. President:** How does the Honourable Member propose to deal with the words 'and to the Central Provinces'.

**Mr. M. G. Mukundaraja Ayyangar:** Delete those words. The clause would read thus:

'It shall extend, in the first instance, to the Presidency of Bombay, but the local Government of any other province may, with the previous consent of the local Legislature, extend it to that province or any part thereof.'

**The Honourable Sir William Vincent:** This is an amendment of which we have had no notice.

**Mr. President:** The Honourable Member proposes in any case to delete the words 'and to the Central Provinces'.

**Mr. M. G. Mukundaraja Ayyangar:** Yes. The object of this amendment has already been explained by Mr. Rangachariar. I would add only one other argument in support of this amendment. I think it is the sacred duty and right of the Legislature to legislate, and I would not surrender that right to any Local Governments and I believe all the Honourable Members

**Mr. President:** The Honourable Member is now discussing his own amendment. We must first dispose of the Central Provinces.

**Mr. M. G. Mukundaraja Ayyangar:** Very well, Sir; seeing that there has been opposition to apply the principle of this Bill to the Central Provinces, I think the Central Provinces also should be omitted from the Bill.

**Munshi Iswar Saran (Cities of the United Provinces: Non-Muhamadan Urban):** I am afraid, sufficient importance has not been attached to the remarks made by the Honourable the Home Member. As he has told the House, Hindu Law is not territorial but personal. Let me illustrate this point. Suppose there are ten families in a village in the Bombay Presidency and there is a priest who officiates for them, and who has had, so far, the right of exacting a fee. Suppose all these ten families together with the priest come into the Central Provinces. What will happen then? Will the priest be able then to say, 'This law does not apply to this place, and therefore I am entitled to demand my fees.' What I submit is this. It is a very well known maxim of Hindu Law that a Hindu carries his laws with him no matter where he goes. If I go to the province of either Madras or Bombay, by migrating to those provinces I do not adopt the laws prevailing there, but on the other hand I carry my law with me. Therefore I say that it will be wise, it will be prudent, and it will certainly obviate many difficulties and will remove many complications, if we stick to the principle underlying this measure that has now been proposed. I submit, Sir, that if you accept the principle of the measure that a priest who has not officiated, and whose services have not been requisitioned, should not have the right of claiming his fees, you cannot very well make it applicable to one province and not to another. Otherwise it comes to this, as the Honourable the Home Member has explained very clearly, that in the Bombay Presidency a priest cannot demand his fees and cannot get relief in a Court of law; but on the other side of the border at a distance of only a mile or two, the priest has got the very right of which he has been deprived in the Bombay Presidency. I submit it will not be right for us

[Munshi Iswar Saran.]

to introduce into this Act some provisions which will make its working very anomalous. Sir, I deeply regret that my Honourable friend, Mr. Bagde, has introduced into the discussion a very deplorable question. He said that Brahmins were opposed to it. Now, you find here Mr. Joshi himself—I am very sorry that he is a Joshi—who has supported it. There is Mr. Rangachariar, that great apostle of orthodoxy in this House, who has supported it. Mr. Misra, a Brahmin, has also supported it. It is really to be deplored that in all these discussions there are some people who introduce this feeling. This is a measure which we all welcome. But speaking as a non-Brahmin myself, I should be thoroughly ashamed and distressed if it is the result of any anti-Brahmin feeling. Brahmins and non-Brahmins both will equally get relief out of this measure. It ought to be considered on its own merits. The point is this. The ancient system has disappeared. Some of my Honourable friends have said that the priest is a part of the village organisation. This is not the time nor is there any necessity for me to explain, as I understand it, the basic principle of all these institutions. Why a priest had the right of demanding certain fees, as it were, from the people living in a particular locality is a question which can only be answered by carefully studying the fundamental principles of the Hindu society. But we are not concerned with it here. Now times have changed. The system has completely undergone a change. It will now be really preposterous, say, for my Honourable friend Mr. Joshi to go to his own village and say to the people round: 'It does not matter at all whether I officiated or not, but I am entitled to my fee and if you do not pay it down here I go to a Court of law and enforce my claim.' It is against this enforcement that we are raising our protest, and I therefore hope that we shall accept this principle which is sound in modern conditions. We shall accept the principle and apply it to Hindus all over the country, and that principle in a few words is this. No priests will have the right of demanding any fee from anybody who does not care for his services, who does not attach any value to his services or who, for any other reason has not availed himself of his services. That the priest in such cases should have the right of claiming his fee and of enforcing his claim in a Court of law, is, I think, intolerable. That being so, let us apply the law not only to Bombay or to the Central Provinces but to the whole of India because the principle in itself is unexceptionable. You cannot say that the principle is sound so far as Bombay is concerned but it is unsound so far as the Central Provinces or the United Provinces are concerned. Happily, in the United Provinces the Brahmins are far more reasonable and far more considerate than what the Joshis appear to be in Bombay and the Central Provinces.

**Mr. J. Chaudhuri :** Sir, I move that the question be now put.

**Mr. A. B. Latthe :** Sir, with regard to the question which has been raised regarding the motive of this Bill, I might explain immediately that, from the very beginning, this Bill has been supported by many liberal Brahmins outside this House as well as in this House. Now, with regard to the question before the House, I want to explain only one point and that is this. It has been said repeatedly that the Central Provinces Government is opposed to this Bill. Well, I do not think that this is the whole truth. In a way the Central Provinces Government say that the time is not ripe for the application of the Bill in that province. But they

also saw that the principle of the Bill is perfectly sound and they have absolutely no objection to the principle. Now the reason why they have opposed the application of the Bill in their province at this moment will be made clear to the House from paragraph 5 of their letter printed here on page 30. They say: 'The question has never been raised in the Central Provinces or Berar and until there is some indication that the present state of affairs is regarded as a hardship, His Excellency would deprecate legislation affecting a custom which has been so long established. He agrees with Sir Bipin Bose in thinking that this is a case in which 'people may be left to find their own salvation,' and so on. So, the Honourable House will see that, in the first instance, the Government of the Central Provinces thought that this question had not arisen in the Central Provinces. Basing their views upon this assumption, they said that this Bill need not apply to them. But what are the facts? The opinions from the Central Provinces which have been collected in the subsequent pages very clearly show that cases have arisen in that province and they have given rise to much friction between the priests and those who refused to have their services. For instance, on page 32 you have the statement of Rai Bahadur Angal, a lawyer of great eminence, who says that this question has been raised in Berar which this Bill affects 'more intimately than what it appears at first sight.' Then on page 35 the House will see that many more cases have been quoted—cases which arose in the Central Provinces—and Berar and they were also decided on the analogy of the law that was accepted in Bombay. I venture to submit, therefore, that the Central Provinces Government was misled into the belief that this question had not arisen in that province when they expressed this view in paragraph 5 of their letter, and probably, if they had come to know that cases of this kind had arisen in that province, their view would have been different. I think that it would be a mistake not to apply this Bill to the Central Provinces, and I, therefore, request the House to reject this amendment.

**Mr. President :** Amendment moved :

'That in clause 1, sub-clause (2), the words 'and to the Central Provinces' after the word 'Bombay' be omitted.

The question is that that amendment be made.

The motion was negatived.

**Mr. M. G. Mukundaraja Ayyangar :** Sir, I move :

'In clause 1 (2) of the Bill, as amended by the Select Committee, substitute the words 'with the previous consent of the local Legislature' for the words 'by notification in the local official Gazette'.

The objects of this amendment, as I have already stated, have been given to this House already by the Honourable Mr. Rangachariar. As I said just a while ago, there is one more argument which is in favour of this amendment, namely, that it is the sacred right of the Legislature to legislate and I for my part would not surrender that right in favour of any Government, and I believe no Member in this House would be prepared to surrender that sacred right in favour of the Government. If in any province in which this institution does not now exist, occasion should arise hereafter for extending the principles of this Bill, then the matter should be brought before the local Legislative Council where it might be discussed, and, if the local

[ Mr. M. G. Mukundaraja Ayyangar. ]

Legislative Council gives its consent to the extension of the Bill to that province or to any part of that province, then only the Bill should be extended to that province, or to that part of the province. I therefore, Sir, move my amendment.

**The Honourable Sir William Vincent :** Sir, there is little reason for this amendment because, so far as we have been able to ascertain, the provisions of this Bill will in all probability not be needed outside the Central Provinces and Bombay save in Berar for which area, of course, this Assembly has no power to legislate at all. If the Bill becomes an Act and is to be applied to Berar, then it can be done only under the executive authority of the Governor General in Council. I doubt myself really whether there is a very great necessity for the application of this Bill in other parts of India. But it might be necessary in some very unlikely contingency and so this provision has been inserted. In Bengal, Madras, or elsewhere there is certainly no evil of the kind complained of by Mr. Lattre to be remedied. My only objection to this previous consent of the Legislature is that I do not know how it is to be done. I am told that a similar provision has been inserted in another Bill ; if I had been a party to that Bill, I should have objected to it because there is no provision in the rules by which the previous consent of the Legislature can be obtained ; of course, the local Council can again legislate, but that course would be open to very great objection.

**Sir P. S. Sivaswamy Aiyer :** Would it not be possible to do this by a Resolution moved by somebody, in the Legislature, as is often done with regard to the Conventions of the Labour Conference, and so on ?

**Mr. K. B. L. Agnihotri :** The same provision appears in the Lac Cess Act.

**The Honourable Sir William Vincent :** I am informed that in certain Acts a provision of this kind has been put in. I am merely putting forward what I believe to be a practical objection to this proposal. It is, however, not a very serious one, because I do not believe the provisions of this Bill will be needed outside the Central Provinces and Bombay at all. As I have said, however, I myself do not know of any way in which you can obtain the previous consent of the Legislature except by legislation. I have not studied the provisions of the particular Act to which Mr. Agnihotri referred. If, however, the Assembly thinks that this addition would really make for good, I have no objection. I do not think myself that it will have much practical effect.

**Rao Bahadur T. Rangachariar :** Either this power to extend this Act to other local areas is needed or not needed. If it is needed, then all will agree that it should be done by the local Legislature. If the Local Government can do it, I think it is much better that the local Legislature does it. Therefore, there is every reason in favour of the amendment suggested by my Honourable friend, Mr. Mukundaraja Ayyangar.

As regards the procedure to be adopted, my Honourable friend, the Home Member, really, I think, pretends ignorance of the method by which he can obtain the consent of the Legislature. He does so every day of his life here. He brings in a Resolution recommending to the Governor General in Council that such and such a thing be done. Government Resolutions come forward

almost every week. Why could not a Resolution be moved in the local Council to the effect that 'this Council recommends to the Governor in Council to extend the Act to so and so'. I do not see the difficulty. I do not think the Honourable the Home Member is so ignorant as he pretends to be. This is the way it should be done. Therefore, I heartily support the amendment.

**Mr. President :** The question is :

'In clause 1 (2) of the Bill, as amended by the Select Committee, substitute the words 'with the previous consent of the local Legislature' for the words 'by notification in the local official Gazette'.'

The motion was adopted.

Clause I, as amended, was added to the Bill.

**Mr. N. M. Joshi :** Sir, I have no intention to move my amendment. But, at the same time, with your permission, I do want to say a few words in explanation of my amendment. Sir, my object in not moving my amendment . . . .

**Mr. W. M. Hussanally :** May I inquire, Sir, if the Honourable Member is in order. If he does not wish to move his amendment, how can he speak on it?

**Mr. President :** The question is that clause 2 stand part of the Bill. The Honourable Member is entitled to say what he likes on that.

**Mr. N. M. Joshi :** Sir, some of my friends were shocked when I defined the word 'priest' in the way in which I have done in my amendment. I do not see anything there which should give a shock to the feelings of any one. My Honourable friend, Mr. Kamat, seems to think that in the Hindu society there are some castes which are higher, some lower, and some still lower, and, therefore, if the word 'priest,' which properly in his opinion belongs to the Brahmins, is applied to some other castes, then I would be committing a great sin and the House also would be committing a great sin in approving of my course. Personally, I do not believe that there is such a thing as a higher caste and a lower caste. Even if there are to be castes, I cannot see why one particular caste is higher and the barber caste is lower. I have never thought that way and I do not believe that even my friend, Mr. Kamat, thinks that way.

**Mr. B. S. Kamat :** I never said they were higher or lower castes.

**Mr. N. M. Joshi :** You did say that I had gone down to the barber caste and you did not know to what greater length I would go.

**Mr. B. S. Kamat :** Simply as a profession, not caste.

**Mr. N. M. Joshi :** Sir, I think that the Bill as it is brought before us by the Select Committee is somewhat defective; but, as my Honourable friend the Home Member said, the barbers and other persons are not very oppressive and we need not try to protect society against the claims to be made by them. I do not wholly agree with him because barbers have gone up to the High Courts and recovered their claims. Still I would leave the barbers to enjoy their *watans* because the Honourable the Home Member has reminded me there are others in much higher positions who still enjoy their *watans*.

Clause 2 was added to the Bill.

**Mr. B. N. Misra** (Orissa Division : Non-Muhammadan) I beg to propose an amendment so far as clause 3 is concerned. I beg to propose :

'That the words 'an hereditary' should be deleted or that a proviso should be added, namely :

'Provided notice has been given to the priest dispensing with his services.'

**The Honourable Sir William Vincent** : I rise to a point of order, Sir. No notice of this amendment has been given.

**Mr. President** : The Honourable the Home Member has taken an objection to this amendment. I think I must uphold him in this case.

**The Honourable Sir William Vincent** : May I explain to the Honourable Member that the Bill will have to go later to the Council of State, and possibly he may be able to get what he wants inserted there.

**Mr. B. N. Misra** (Orissa Division : Non-Muhammadan) : If I may be permitted, I may say what my ideas are.

**Mr. President** : The Honourable Member is entitled to say what he likes, but it is against the moving of an amendment by him that the Honourable the Home Member has raised an objection.

**Mr. B. N. Misra** : Sir, my object is this. This is a very wholesome institution, to have hereditary priests. Hindus derive spiritual benefit from their priests and the family priest is much respected. It has been an immemorial custom always to get blessings from the family priests. If any person revolts from the family priest, it must be that he may have some bad ideas to revolt against social rules. For instance, a man who wants to go astray, leaves his village or his own priests or relations and goes to another person for the purpose of undergoing some ceremony. I submit that will be against the religious sentiment and the sanction of society. The society lays down that such ceremonies as marriage, upanayan, etc., when generally the priests are required, should be performed by the family priest, and it gives publicity in the village and in society. It gives also publicity in the village and in society if a man once goes astray out of society against social sanctions. For example, he may go into some village and take somebody with him to perform a marriage ceremony. If something like that was done which was not in accordance with the proper rules or observances of his society, I submit that to go astray from the hereditary priest, not to requisition the services of the hereditary priest for such purposes, require some reasons to be explained. If there is no reason, I see no reason why a man should dispense with the services of his hereditary priest.

Then, there is another point. The hereditary priest lives in expectation. He does not take to other occupations. He relies upon his yajmans. His duty is only to officiate as a priest or perform the work of a purohita. That is his means of living, and he specially qualifies himself for that purpose. I hope the House will consider the position of the priest who specially studies all the Vedas, rituals for the ceremonies with that object—say, to officiate at certain ceremonies in certain villages or for groups of people in villages. If such a man is suddenly thrown out of work, I think his disappointment must be taken into consideration. Honourable Members may think that I am a Brahmin myself, and that is why I am partial to Brahmins. But I have no such intention. What I want to say is this. Much has been said about

protecting non-Brahmins from the oppression of the Brahmins. I think that is a wrong idea, because the Brahmins themselves require a Brahmin to officiate for their ceremonies. No Brahmin can escape. The non-Hindu Members of this House may not know, but every Hindu Member knows that a Brahmin, just as much as a non-Brahmin, requires the services of the priest for ceremonies, as marriage upanayan, etc. It cannot be said that the intention of this legislation is to protect non-Brahmins from the oppression of Brahmins.

And, then, the institution of hereditary priest is associated with all our religious ideas. In fact, our Vedas always say that we must have our Kula-purohita. Without the Kula-purohita, any ceremony performed is against the religious instinct of every Hindu. As the Bill is mainly for Hindus, I appeal to this House to take this aspect into consideration, Hindus always consider that more spiritual benefit comes from a ceremony performed by a Kula-purohita than by a stranger. As I have said before, if any man wishes to dispense with the services of the hereditary priest, he ought to give reasons so that society may know why the priest was dispensed with, or why it was necessary to employ another man. Under these circumstances, I propose the amendment that the words 'an hereditary' be deleted, or these words added—'provided notice has been given to the priest dispensing with his services,' so that people may know the reason why the priest's services were dispensed with. This will serve all purposes—it will be in the interests of Hindu society and for their spiritual benefit, and it will also protect the hereditary priest who lives in expectation.

**Mr. J. Chaudhuri :** Sir, I only want to say a word or two about what the last speaker said. There is really no substance in his argument. It is well-known that in Hindu Law there is no distinction between legal obligation and moral obligation. All that a Hindu recognises in such matters is purely moral obligation. There is no provision of Hindu Law by which such claims can be enforced by suit or by any process of law. Thus the claims of this nature, are all pre-eminently moral obligations, and the last speaker, like many others who regard the Hindu Law as sacrosanct, is no less zealous in seeking to introduce into Hindu Law ideas taken from modern English jurisprudence, and to convert oriental moral obligations into occidental legal obligations. I have yet to know that the Hindu Law anywhere contemplates or requires the giving of notice to a priest or a barber, prior to one's birth, marriage or death that his services may not be required, either in this world or the next, for the performance of the many interesting ceremonies connected therewith and that in the absence of such notice, the moral obligation of engaging him will mature into a legal obligation.

I will also just remind my friend that this Bill says nothing except that a man who does not do work should not be paid. The only exception to this rule is the peculiar privilege of the members of the English Bar to which both I and my friend belong. My friend may say even when a barrister does work, he cannot sue for his fees in a Court of law. That is why, I suppose, when he gets money and does not do any work, he sticks to it all the same. The provision we are discussing is certainly not more anomalous than the practice which obtains even with regard to barristers who after doing no work are not entitled to sue for recovery of their fees marked on their briefs. There is no absurdity whatever in the provision which is before us now. It is only commonsense that a man should not be allowed to ask for payment when he has



[Mr. J. Chaudhuri.]

not done any work. That is the simple principle, and neither Hindu Law nor morality, I think, enjoins anything else. I, therefore, say there is no substance in my friend's argument and the clause should be passed.

Clause 3, the Preamble and the Title were added to the Bill.

**Mr. A. B. Latthe :** I move, Sir :

'That the Bill, as amended, be passed.'

The motion was adopted.

### THE INDIAN PENAL CODE (AMENDMENT) BILL,

**Rai Bahadur Bakshi Sohan Lal** (Jullunder Division : Non-Muhammadan) : Sir, I rise to move :

'That the Bill further to amend the Indian Penal Code (*Amendment of section 375* by substituting the word 'fourteen' for the word 'twelve' in the definition of the offence of rape) be circulated for the purpose of eliciting opinion thereon.'

I do not think that anything more at this stage is necessary.

**The Honourable Sir William Vincent** (Home Member) : Sir, I only want to warn the House once again as to the character of this Bill in order that they will realise in full what they are doing. The Government is not going to oppose the present motion and I only want to draw the attention of Honourable Members to the fact, that the Bill raises the age of consent in cases of rape from 12 to 14, not only in the case of unmarried women but, if I read the Bill aright, in the case of married women. That is, a man, who has sexual intercourse with his wife if she is under 14 years of age, will be guilty of the offence of rape, whether she consents or not. It is for Members of this Assembly who are much better acquainted with Indian customs than I am, to say, whether this is a proposal which should be circulated for public opinion under present conditions. I remember that when the age of Consent Bill was put forward—a great deal of water has passed under the bridge since then—there was a very great outcry and the age then was raised from 10 to 12 only. I do not want any Honourable Member, however, to think that, because I adopt this attitude, I am necessarily opposed to the motion. I am not, but I think that Members should understand very clearly what they are doing before they approve it.

**Rai Bahadur Bakshi Sohan Lal :** This is a matter which has already been brought by the Honourable the Home Member to the notice of the Assembly when the Bill was introduced.

**The Honourable Sir William Vincent :** But no other Member had the right of speaking then except myself.

**Rai Bahadur Bakshi Sohan Lal :** I need simply tell the House that almost all the Social Conferences, Brahmin Conferences, Hindu Conferences and other Sabhas, Samajes, etc., have already resolved that the age of marriage should be extended to the minimum of 14 years.

**Rao Bahadur T. Rangachariar** (Madras City : Non-Muhammadian Urban) : Perhaps, Sir, it is but right to indicate to my Honourable friend, Rai Bahadur Bakshi Sohan Lal, what our feeling in the matter is.

We do not want to prevent circulation of this Bill for eliciting opinion there-  
 1 P.M. on. So far as married women are concerned, it will be fraught with great danger; indeed if the principle underlying this Bill were applied to married women, it would, I am afraid, create a lot of trouble having regard to the social habits and customs prevailing in the various parts of the country. It may be right to leave it to time to eradicate this evil; no doubt the people recognise it as an evil and I know in Madras the marriageable age is being extended by public opinion. Many a community are now marrying their girls much later than they used to; in the last 10 years, I know, there has been considerable improvement in that direction. But to make the offence punishable as rape, if we are to convict a husband, when he perhaps for religious or other reasons consummates his marriage with a girl between 12 and 14, of the offence of rape, it would be a most dangerous thing to introduce such an element into the law. However, that is a matter which we will consider later. I dare say, public opinion will be roused in this matter. But by our silence our friend, Mr. Bakshi Sohan Lal, should not suppose that we are supporting this measure: we would rather extend the age by six months or a year; but even that is a doubtful matter. As regards the offence itself, probably he might create a new offence, making it punishable in the case of married women with a fine only or some such thing so as to mark the displeasure of the law; but, if he makes it an offence punishable as rape, with perhaps 10 or 14 years' imprisonment, as the case may be, he can never expect any support from the Hindus or from other communities. It is, without doubt, a very dangerous experiment that my friend is trying. I am sure many of us are anxious to force the pace of reform and I do not want to dull the enthusiasm of my Honourable friend for social reform; but I wish to give him this warning.

**Mr. President** : The question is :

'That the Bill further to amend the Indian Penal Code (*Amendment of Section 375*) be circulated for the purpose of eliciting opinion thereon.'

The Assembly then divided as follows :

AYES—34.

Abul Kasem, Maulvi.  
 Agarwala, Lala G. L.  
 Ahmed, Mr. K.  
 Aiyer, Sir P. S. Sivaswamy.  
 Asjad-ul-lah, Maulvi Miyan.  
 Bagde, Mr. K. G.  
 Bajpai, Mr. S. P.  
 Bijlikhan, Sardar G.  
 Bryant, Mr. J. F.  
 Chaudhuri, Mr. J.  
 Dalal, Sardar B. A.  
 Das, Babu B. S.  
 Dentith, Mr. A. W.  
 Gajjan Singh, Sardar Bahadur.  
 Ghulam Sarwar Khan, Chaudhuri.  
 Gulab Singh, Sardar.  
 Hussanally, Mr. W. M.

Iswar Saran, Munshi.  
 Jamnadas Dwarkadas, Mr.  
 Joshi, Mr. N. M.  
 Kabraji, Mr. J. K. N.  
 Kamat, Mr. B. S.  
 Keith, Mr. W. J.  
 Latthe, Mr. A. B.  
 Man Singh, Bhai.  
 Muhammad Hussain, Mr. T.  
 Nag, Mr. G. C.  
 Neogy, Mr. K. C.  
 Percival, Mr. P. E.  
 Sapru, the Honourable Dr. T. B.  
 Sarfaraz Hussain Khan, Mr.  
 Sohan Lal, Bakshi.  
 Spence, Mr. R. A.  
 Zahiruddin Ahmed, Mr.

## NOES—27.

Abdul Majid, Shaikh.  
 Abdul Quadir, Maulvi.  
 Agnihotri, Mr. K. B. L.  
 Akram Hussain, Prince A. M. M.  
 Ayyangar, Mr. M. G. M.  
 Barua, Mr. D. C.  
 Bhargava, Pandit J. L.  
 Bishambhar Nath, Mr.  
 Bradley-Birt, Mr. F. B.  
 Crookshank, Sir Sydney.  
 Faridoonji, Mr. R.  
 Lindsay, Mr. Darcy.  
 Mahadeo Prasad, Munshi.  
 Misra, Mr. P. L.

Misra, Mr. B. N.  
 Mitter, Mr. K. N.  
 Muhammad Ismail, Mr. S.  
 Mukherjee, Mr. J. N.  
 Mukherjee, Mr. T. P.  
 Nabi Hadi, Mr. S. M.  
 Pyari Lal, Mr.  
 Reddi, Mr. M. K.  
 Singh, Babu B. P.  
 Singh, Raja K. P.  
 Sinha, Babu Ambika Prasad.  
 Way, Mr. T. A. H.  
 Yamin Khan, Mr. M.

The motion was adopted.

### THE CHARITABLE AND RELIGIOUS TRUSTS (AMENDMENT) BILL.

**Mr. M. G. Mukundaraja Ayyangar:** (Madras and Ramnad ~~circles~~  
 Tinnevely: (Non-Muhammadan Rural): I beg to move for leave:

'To introduce a Bill to amend the Charitable and Religious Trusts Act, 1920.'

Honourable Members will remember that this Act of 1920 was passed by the old Imperial Legislative Council with a view—to borrow the words of the Honourable the Home Member—to assist those that are anxious to prevent misappropriation of trust funds. In moving for leave to introduce the Bill the Honourable the Home Member who was in charge of the Bill stated: 'We know that in many cases suits are not brought against trustees of charitable and religious trusts although there are very good grounds for doing so, because of the expense and delay involved.' From this Honourable Members will see that the main object of the Act was to provide a cheaper and speedier mode by which the assistance of the court can be obtained both by a person interested in the trust and also by a trustee; by the person interested in the trust by means of an application under section 3 of the Act and by the trustee by means of an application under section 7 of the Act. But Honourable Members will see that under the Act it is only the district court that has got jurisdiction to entertain and dispose of applications in the mofussil. District Courts are already heavy with their Sessions cases, appeals from subordinate judges and miscellaneous applications. They are situated at distances which are very far from the places where trust properties are situate, and so it is not possible for a seeker of justice to get speedier disposal of his applications under the Act so long as the jurisdiction remains exclusively in the District Court in the mofussil. The object of my Bill is to remove the difficulty felt on account of distance, cost and delay. If in the mofussil, subordinate courts are also given jurisdiction to entertain and dispose of applications under the Act, there will surely be speedier disposal of applications, and it cannot be said that subordinate judges are not competent to dispose of applications under the Act, because under the existing Act they have got more extensive jurisdiction over suits under section 92 of the Civil Procedure Code. Moreover, as Honourable Members will see, I do not want that all subordinate courts should have jurisdiction to entertain and dispose of applications, under this

Act. My Bill wants that only such of those courts as are empowered by Local Governments in this behalf should have jurisdiction under the Act. I, therefore, request this House to give me leave to introduce this Bill.

The motion was adopted.

**Mr. M. G. Mukundaraja Ayyangar:** Sir, I now introduce the Bill.

#### MESSAGE FROM THE COUNCIL OF STATE.

**Mr. President:** The Secretary will read a Message from the Council of State.

**Secretary of the Assembly:** Sir, a Message has been received from the Secretary of the Council of State, which runs as follows:

*'I am directed to inform you that the Council of State has, at its meeting of the 28th March, 1922, agreed without any amendments to the following Bills which were passed by the Legislative Assembly on the 25th March, 1922, namely:*

- (i) *A Bill to repeal the Indian Press Act, 1910, and the Newspapers (Incitements to Offences) Act, 1908, and to make certain provisions in regard to the liability of editors of newspapers, and to facilitate the registration of printers and publishers; and to provide for the seizure and disposal of certain documents.*
- (ii) *A Bill to regulate the employment of child labour in ports in British India.'*

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 was in the Chair.

#### RESOLUTION RE APPOINTMENT OF COUNCIL SECRETARIES.

**Mr. R. A. Spence** (Bombay : European) : Sir, it was a very great pleasure to me to be able to move the other day the Resolution which stood in my name, as I believe the acceptance of this by this Honourable House and by the Government will be another step forward on the road of India towards Dominion status, and Europeans in India are as keen on this as any Indian. The only difference between the European and the advanced Indian view is with regard to the speed with which we should go forward, and therefore anything which will help forward the wheel of progress must, I think, commend itself to us all.

In view, Sir, of the debate which we had at the beginning of the Session—I think the date was the 19th of January—on the question of the appointment of Committees to various Departments, I do not think that I need take up the time of the House to-day with a long speech. But, Sir, the arguments which were advanced by the Government Benches against the appointment of these Committees were very sound and valid ones to my mind. But the arguments then brought forward by Government against the appointment of these Committees seemed to me to strengthen

[ Mr. R. A. Spence. ]

the case for the appointment of Council Secretaries, and it was because of that that I put in the Resolution at the time which now stands in my name. I thought that the arguments which Government adduced against the appointment of Committees, which so many Honourable Members of this House wanted, strengthened the case for these Secretaries and I believed that I was voicing the general opinion and the general wish of this House in moving for the appointment of these Secretaries.

But, Sir, there is apparently one thing that we are a little bit divided on, and that is on the question of price. Whoever is appointed to be one of these Council or Parliamentary Secretaries has to pay a price for it and that price is that of being a Member of Government and voting for Government. Is not that a very tiny price to pay? Well, I say it is tiny. We who have accepted the principle of these Reforms,—and our very presence here in this House shows that we have accepted the principle of these Reforms—are, I maintain, a part of the Government of this country. Independent Members, like my friend, Mr. Ginwala, and others, express the views of the public to Government. Government, so far as the law of the land at present admits, concurs with the views of the majority. We are, I maintain, by being in this Assembly, part of the Government of this country and part of the machinery by which this Government is conducted. Therefore, it is surely a very small price indeed to pay. I am told, Sir, that this price that we pay means the loss of a Member's service to his Party. I maintain, Sir, that he is not a loss. 'He is not lost: he has gone before.' He has gone before to prepare the way to those Government Benches for the Democratic Party which, united with the Party behind me, will then form a real National Party. Sir, as I have said, the price is small. There is a small price paid, but how great is the reward? I would not for a minute suggest that any Member of the Legislature would accept the post of Council Secretary with any other idea than that of serving India. But what reward would he get? His opportunity for serving India would be increased by the experience that he will gain by being a Secretary and seeing the inner working of Government. Sir, I have not the qualifications which would ever permit me to become a Member of His Excellency the Governor General's Council. (*A Voice*: 'Why?') (*Mr. Jamnadas Dwarkadas*: 'You are very modest.') It may be modesty, but there are other qualifications besides that. But, if I have I know how I would have welcomed the chance of having been a Secretary before. If I may appeal to an Honourable Member opposite to me—the Honourable Mr. Sarma, if I may refer to him by name—I would ask him if he will tell this Honourable House afterwards whether, in his early days as a Member of the Council in charge of his Department, his work would not have been lightened had he for a year or so served as Council Secretary. I hope I may have him on my side, because I think that he will be a strong argument in my own favour.

Sir, I believe that the Government wish to give effect to the clause in the Government of India Act about which we have heard so much this Session. I believe the Government wish to give effect to the clause relating to the appointment of Council Secretaries but they have not been able to do so before because of certain difficulties. I ask Government to surmount those difficulties. The scheme of Council Secretaries has, I believe, been tried in certain of the provinces. I think it has been tried in my own province of Bombay,

**Mr. N. M. Joshi** (Nominated : Labour Interests) : No. There is no Council Secretary in Bombay.

**Mr. Jamnadas Dwarkadas** (Bombay City : Non-Muhammadan Urban) : Not yet. But there are Council Secretaries in the United Provinces.

**Chaudhri Shahab-ud-Din** (East Central Punjab : Muhammadan) : In the Punjab also there are Council Secretaries.

**Mr. R. A. Spence** : And where it has been tried it has not been quite a success—because the Council Secretaries were not full-time officers, but they were only appointed practically for the Session and just before. I do not want that there should be any misunderstanding about this. I want Secretaries who are going to be real Secretaries. I do not want any sham Parliamentary ones. I want Secretaries who are appointed as Secretaries, say, for the whole term the Legislative Assembly is sitting, that is to say, so long as the Secretary is a Member of the Legislature. I want him to be a full-time working Secretary who would be getting a full knowledge of the working of Government, who would be able to take the place of the Honourable Secretaries whom we see here, and enable them to get on with their work in another place. We want to be economical in our working and we do not want to pull away from their work the present Secretaries in order that they may sit here and answer our questions, which we are glad that they should, but I want to replace them by Parliamentary Secretaries. Another bit of work in addition to being in this Assembly and answering questions and keeping us informed of the working of Government which these Council Secretaries would do, would be, I believe this. There has been a charge made - I will not say by whom—but there has been a charge made that we, Members of this Assembly, have not gone in for advertising—that is not perhaps the right word,—but we have not gone to our constituents and told them enough about the work of this Assembly or the Council of State. When these Council Secretaries were not fully engaged in the working of their Departments, I think they could be well employed in touring round India and explaining to the people of India the work that this reformed Legislature was doing and how we were all striving to move on in the path of progress. Well, another argument against my proposal may be retrenchment, how you are going to help forward the cause of retrenchment by spending more money on the pay of these Secretaries? I propose that we should have these Secretaries in the cause of retrenchment. I am certain that if those who are keen on retrenchment—and from the debate on the Finance Bill we know how keen we all are in the cause of retrenchment—I say if those who are keen on retrenchment are given an opportunity of seeing the inner working of the Government Departments, they will be the better able to effect retrenchment when they are in charge of those departments if such promotion comes in their way, as no doubt it will, whenever they have been given a chance and have proved their capabilities. I think, Sir, that it is a very poor argument to say that, because you may lose the services of a man to your Party or because he may be misjudged outside this House, therefore we should not have Council Secretaries. I maintain that we want these Secretaries in order to help us on the road to which we have set our face and that those who do not approve or want these Council Secretaries are putting themselves open to the charge that they are not prepared to work these Reforms. This is down in the Act under which we are now governed. We have complained that the Government have not given effect to that Act.

[ Mr. R. A. Spence. ]

We have put forward a Resolution asking that Committees ought to be given to us. Government have given their reasons why they do not approve of those Committees. Now they come forward, and are we on our side going to say that we do not approve of the provision in the Act which permits of the appointment of these Council Secretaries? I say 'No'. We shall not be true to ourselves if we refuse to have these Secretaries. Therefore, in the cause of the greater efficiency which will come to India in the future working of these Reforms, I move this Resolution which stands in my name.

**Mr. President :** Resolution moved :

'That this Assembly recommends to the Governor General in Council that Members of the Legislative Assembly be appointed by the Governor General under section 43-A. of the Government of India Act to be associated with the Departments of the Government of India, other than the Army and Foreign and Political Departments, in order that they may be trained up in the administration of Government and relieve the Government Members and Secretaries of a part at least of the work in the Sessions of the Legislature.'

**Rao Bahadur C. S. Subrahmanayam** (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Sir, the Resolution which has been moved by my Honourable friend is to ask the Governor General to bring into force section 43-A. of the Government of India Act. One thing that strikes me, when I read the section and when I have heard all the discussion outside, is that this section might have been put into operation early last year or early this year. If it had been brought into operation then, probably there would not have been much discussion about it or much criticism as to the advisability of introducing it. As the section reads, it does not require any recommendation from this Assembly to make those appointments. The section is this :

'The Governor General may, at his discretion, appoint, from among the Members of the Legislative Assembly, Council Secretaries who shall hold office during his pleasure and discharge such duties in assisting the Members of the Executive Council as he may assign to them.'

That is the first part. This provision, we are told in the Joint Report, is based on the analogy of the system of Parliamentary Under-Secretaries. Whether in the Government of India that analogy holds good is a matter which I think will have to be considered. Parliamentary Under-Secretaries are men chosen by the Secretary of State concerned or by the Prime Minister from among men belonging to their own Party. They, by their previous political work, training and endeavour, have brought their ideas and their aims in politics in line with the aims and politics of the Party. So, when an Under-Secretary is appointed to a particular Department of Government, there is a very close union between the Chief and the Under-Secretary. That is the essence of the position of an Under-Secretary in regard to any particular Department in England. Here, at the outset, Members chosen from among the elected Members of this Assembly cannot be said to have had any political collaboration with Members of Government. No doubt, it is open to Members so chosen, to Secretaries so chosen, to mould their opinions in line with those of Government. That is one difference and a substantial one, that exists between the Secretaries proposed to be appointed here and the Under-Secretaries at Home.

There is another aspect of the matter which I wish to state as being my view of a very important character. That is, we all complain, I mean the

elected Members who have no official training, we complain of our ignorance of official methods, of the routine of work, and the intricacies of Departments. How are we to get over this ignorance, is a question which ought to be dispassionately considered by the Members of this House; and that is by the appointment of Members as Secretaries. In this direction men who look forward to a future political career, not confined to this term but to future terms whether in this Assembly or in the provinces, would get a very essential and a very valuable ground in the administration of the Departments of Government. Now that advantage which could be secured by becoming Secretaries under this provision, is not one that ought to be overlooked. It ought not to be put aside, because there are other considerations which may go against this appointment. If the Reforms develop as quickly as we all hope they should, and elected Members are to become Ministers in the Government of India, training of that kind would be of immense advantage to us.

Regarding these appointments, there is the further fact that the appointments are to be made by the Governor General, the men chosen would be competent and would probably be men who inspire confidence, respect and regard in the other Members of the Assembly. That, I consider, is a point in favour of this scheme. As against it, those who are appointed will have to give up their old career of freedom; they will have to assimilate themselves with the Members of the Government and will, on all future occasions, have to act with Government. They cannot have it both ways. Well, that does not seem to be an insuperable objection. Suppose an elected Member is taken as a Member of the Government, or a Member of the Council, or appointed straight off to some appointment under the Government of India, then also it is his own personal matter. So the question of a group of men desiring it in one way or another does not seem to me to carry much weight. It should be a matter of individual choice by men who have their own ambitions, who have marked out their own future in public life.

There is another matter. Will the Government derive any benefit by the appointment of Secretaries from among the elected Members? The underlying idea was that they would add strength to the Government by their influence among the elected Members, and, as such, they would add to the strength of the Government. That seems to me to be a remote contingency, that is, in the temper in which the House now is, probably the men who take up office are likely not to command any influence among their former colleagues. That I think we may take as an axiom, that men who are chosen by Government and appointed to some of these posts are not likely to carry with them an additional strength to Government among their old colleagues. It is a matter in which some of the opposition arguments have been anticipated by my Honourable friend, Mr. Spence. Probably he, like most of us, has heard a good deal of talk about it outside the Assembly. What most exercises the mind of the Assembly is the second clause of the section. The first is the appointment by the Governor General, and the second is: 'There shall be paid to Council Secretaries so appointed such salary as may be sanctioned by the Indian Legislature.' After the appointment the matter will have to come before the Assembly for sanction. On that depends the success or failure of this Resolution. One solution is, if no salary is asked, and no salary is paid, and if the posts are honorary then probably the Resolution will be viewed with less disfavour. Well, it may be



[ Rao Bahadur C. S. Subrahmanayam. ]  
 hard for the men who choose to take up these posts, but I think my Honourable friend, Mr. Spence, said that they must make some sacrifice, not only of opinion, but in the matter of giving up their time and knowledge. If the places are made honorary and a trial given, it will be a great step in advance. If no salary is claimed and the Assembly is not asked to vote the salary, then the matter is entirely in the hands of the Governor General and a recommendation from this Assembly is hardly necessary, because it is entirely in the hands of the Governor General to make these appointments, and it is only when the question of salary comes in that the Assembly is asked to give its sanction.

Feeling as I do that an opportunity like this should not be wasted, that ambitious men, who look forward to a long future political career, should not deprive themselves of getting associated with the Departments of the Government and obtaining inside knowledge, I think that the difficulty, at the present moment, coming as this subject comes so late, would be solved by making the posts honorary for the present. If we make a beginning with honorary appointments, then, if the Assembly is satisfied with the work, or if it changes its mind, the question of salary might be gone into. Therefore, I am in this difficult position of not being able to say that this Resolution, as it stands, does not commit the Assembly to any salary to be voted, for it does, by some kind of implication, because, if this Resolution is accepted, at a later stage, when the salary is placed before the Assembly, we will have to vote about the salary. But on the supposition that the posts are to be honorary, I am very glad to support the Resolution placed before us.

**The Honourable Sir William Vincent** (Home Member): Sir, I  
 3 P.M. want to explain the attitude of Government towards this Resolution as early as possible as I think this may assist the Members of the Assembly in discussing it. In the first place may I say that the appointment of a Council Secretary is really a matter for His Excellency. Further, as has been well put by Mr. Subrahmanayam although the Act has been in force for some time, yet up to now His Excellency has not exercised his powers under the Statute. Well, I think a little reflection will show to the Assembly that there was some reason for this abstention. It was desirable in any case to let the Members of the Assembly find their feet and to acquire some experience of the manner in which the Reforms were going to work in their essential features before taking up the question of the appointment. But His Excellency has, as a matter of fact consulted his Executive Council on this matter, though it was not necessary for His Excellency to do so; he has also authorised me to say that he is prepared to give careful and sympathetic consideration to any recommendations that the Assembly may make on this subject. (Hear, hear.) I do not wish the Assembly to build too much on that. In the first place, I must make it quite clear that any recommendation from this Assembly is only a recommendation and that His Excellency must retain an absolute power either to reject it or accept it. At the same time, I think I should be right in saying that, in allowing this Resolution to be discussed at all, His Excellency has shown his desire to consult the Assembly, because on principle, as has been said on many previous occasions, he would have been within his rights if he had disallowed this Resolution as not primarily the concern of this Assembly or of the Executive Council. I mention this as I do not want it to be understood that this discussion is to be a precedent

for similar discussions on the exercise of powers by His Excellency. He must retain absolute discretion as to allowing or disallowing Resolutions of this character.

The origin of this question of Council Secretaries really will be found in the Montagu-Chelmsford Report. Paragraph 224, I think, is the paragraph which deals with Provincial Councils. Later in paragraph 275 in discussing the question in relation to the Government of India the authors were rather impressed by the dislocation of administrative business which must occur during Sessions of the Assembly and they thought that it might be advisable to appoint Members of the Assembly, not necessarily elected or even non-officials, to positions analogous to that of Parliamentary Under-Secretaries. The differences in the proposals as regards the provinces and the Government of India are very marked in that the authors of that report did not contemplate necessarily that the Parliamentary Secretaries or Council Secretaries to the Government of India should even be non-officials. The idea was largely, I gather, to relieve the Government of India Secretariat of the extra work which the Council sittings impose upon them. Later, when the Government of India reported on this proposal, they supported it as regards the provinces on very restricted lines. But they were much more doubtful as to the wisdom of the proposition, in so far as the Government of India was concerned. Parliament however decided that such appointments might be useful and they too provided power in the Act for such appointments being made by His Excellency. The remarks of the Joint Committee on this matter are deserving of examination. The Committee say that they have inserted this provision to allow of the selection of Members of the Legislature who will be able to undertake duties similar to those of Parliamentary Under-Secretaries in this country. It should be entirely at the discretion of the Governor General to say to which Departments these officers should be attached and to define the scope of their duties and this is the provision embodied in the Statutes as passed.

Now, here I want to explain the line I am going to take in this Assembly on this question. I am going to try to place before the Assembly, as they appear to me, the advantages and the disadvantages of these appointments so that Members may judge for themselves whether they want them or not. I think this is an attitude which will commend itself to every one here.

Now, the Secretary of State commended these appointments on the three following grounds. Firstly, for their educative value. This must be apparent to every one and it is a very real advantage. Non-officials, by serving in the Secretariat as Council Secretaries undoubtedly would obtain a considerable experience of the administration which might be very useful to them in future. I know there are Members who apparently do not attach much importance to the necessity of administrative experience, but I myself, perhaps naturally on account of my position, consider it to be a matter of great importance.

The second advantage is that it would afford relief to the permanent official in the conduct of business in the Legislature. That is, we should it is hoped in this way be able to secure the support of Council Secretaries in dealing with business before the Assembly—business which at present takes up a good deal of our time.

Thirdly, there is the advantage that the appointment of Council Secretaries would necessarily bring Government into closer touch with the non-official element in the House.

[ Sir William Vincent. ]

At the same time, while there are these advantages, there are considerable and very real difficulties as regards these appointments. We have attempted to learn the results of a similar experiment in the provinces, but we cannot find much help from their experience as the appointments have been in existence for so short a time : indeed, it is hardly fair to expect this. Moreover, there are such fundamental differences between the constitutional position in the provinces and in the Government of India that it is almost a waste of time for me to dilate on them or to base any argument on the fact that Council Secretaries have been appointed in the provinces. For instance, everyone knows, in the provinces there are transferred subjects and in the Government of India there are none. The actual facts are that in certain provinces the Council Secretaries have been appointed with, I think, more or less success in different departments. I do not think I can say more than that. Another question to consider, if you want these Council Secretaries, is the duties which they will have to perform. Here it might be rather useful to consider the position of English Parliamentary Under-Secretaries and see what their duties are. In the first place, Members will have to consider, for instance, how far the Council Secretary should undertake work in the administrative side of the Department to which he belongs. In England, I understand that the position of the Parliamentary Under-Secretary varies very much in different Departments and according to the personal character of the individual who occupies the post. In some cases, for instance, I believe in the Admiralty, the Parliamentary Under-Secretary is responsible to the First Lord for the whole finance, for all proposals for new expenditure and for the purchase and sale of ships and stores. In other Departments, his responsibilities are less and are largely confined to work in the House of Commons or in the House of Lords, as the case may be. It is customary, however, to pursue this analogy between Parliamentary Secretaries in England and Council Secretaries much too far, and I feel strongly that those who advocate the appointment of such officials out here have not realised the fundamental differences that exist in the constitutional position here and in England.

Mr. Subrahmanayam has really explained it in part. I will only add one or two points to which he did not refer. In England, a Government, as long as it is in power, has always got a majority in the Commons behind it, and, the Parliamentary Under-Secretaries are chosen from the Party in power which has that majority behind it and is a Party to which they are committed by their political principles. Now, what is the position of the Government in this country ? The Government here has to depend on reasoned arguments to carry any of its measures through the Assembly. When it is not opposed by a large Party voting on a ticket, it is often successful. But when it is fighting even with the best of good arguments against a majority definitely committed to oppose it, it must lose on every occasion. I am glad to say that this has not often been the case and that we have done very well in spite of the fact that Government is in a permanent minority in the Assembly. But the position is this, that the non-official Secretaries, if the post was to have any educative value, would have to be chosen from the non-official Members of the Assembly. They would not be persons necessarily or indeed probably of the Party of the Government and the Assembly must consider what the position of such a Council Secretary, an elected Member, would be *vis-a-vis* his electorate and *vis-a-vis* the Government ?

Now, it is quite clear that, if the Government appointed a Parliamentary Secretary or a Council Secretary and put him on the Government Benches, took him into their inner Councils and showed him the papers of the Department, he would have to support the Government policy throughout. That is a first essential: no one can deny that, and then the question at once arises whether it would be possible for such a Member to discharge his responsibilities *vis-a-vis* the Government by which he is employed as well as his duty *vis-a-vis* his electorate? That is a question which Members of this Assembly will have to answer for themselves. Of course, a possible alternative would be to take an elected Member and convert him into a nominated Member, who would have no responsibility towards his electorate. I am not very sure, however, if in that way, we could secure the most suitable man for appointment to this office which the Honourable the Proposer has in view.

Now, let me take the position of the Council Secretary *vis-a-vis* the permanent Secretary in the Department, who is a Secretary not to the Member in charge, but a Secretary to the Government of India, with responsibility to the collective Government and with the right of access to the Viceroy. Would not his position *vis-a-vis* the Council Secretary be one of some difficulty? Say, we have a Council Secretary chosen from the elected Members, Mr. Ginwala, from the Democratic Party, in some particular Department, let me say for a moment in the Army Department, and the question of military expenditure comes up for discussion. Now, up to a certain point, Mr. Ginwala would be entitled to impress his views on the Government of India. But, once the Government of India had come to a decision and in the discharge of their responsibility thought another policy must be adopted, then, wise as he was, full of enthusiasm as he was, it would be his duty to support the Secretary in the Army Department and to vote with the Government, unless, having obtained inside information from the Government, he were suddenly to say: 'No, I am going to resign and I will not belong any longer to Government or support its policy'. Now, would that, or would that not, be a very great difficulty in the way of a Council Secretary anxious to discharge his duties *vis-a-vis* different authorities? That is one of the questions that appeals to me as of great weight. I put the objections perhaps a little more forcibly than some of my colleagues would, but, though others may not consider the disadvantages to be as great as I do and consider that the advantages are greater, I am quite prepared to try the experiment in the Home Department if it is recommended and is accepted by the Viceroy. There are great advantages in the proposal, but, on the other hand, as I think I have been able to explain to the Assembly, there are also difficulties of a very serious character. Now, let me suppose again that one who is a very senior influential Member of the Assembly is appointed as a Council Secretary. We will say that he differs entirely from the unfortunate Member in charge of a Department on some question, say, in the Home Department, relating to the arrest of Mr. Gandhi. Now, these matters, as every one knows, have to be kept confidential until they are actually effected. Suppose he says: 'No, I really cannot make up my mind to this, I must leave you altogether,' and he goes into the Assembly or he goes to the Viceroy and says: 'I am going right against this Member of Council in whose Department I am serving in regard to this matter and I am going to insist upon my policy being carried out.' Well, if the Council Secretary was a man of really great influence, he might well become a super-Member over the head of the responsible Member of the Executive Council, and, if he were able to carry his views with the Viceroy,

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I believe that he might make the position of a Member of the Executive Council almost impossible. That, however, probably is an argument that would appeal to Honourable Members of this Assembly in favour of the appointments. I am merely putting the point of view of a Member of Government.

Now, Sir, may I draw attention to the extraordinary temptation to which a Member of the Legislative Assembly appointed Council Secretary would be subject. He would often be torn in two directions by what he conceived to be his duty to the electorate and by what he conceived was demanded of him by loyalty to the Government. I fear indeed that his position would often be one of very great difficulty.

If, therefore, such Secretaries are appointed, and there are many advantages in making these appointments, I myself think that a Member who was taken in that position would do well to abandon his responsibility to his electorate, whose behests he could not or may not be able to carry out, and accept nomination; but, although that is my own view, I have no authority to say that that is the view of the Government.

Now, let me turn to another question, namely, the question how long a Council Secretary if appointed would have to remain at headquarters. I have heard it suggested that such Secretaries should attend only during the legislative Session for the purpose of doing Parliamentary work. That, I conceive—again I am speaking personally—would be a great mistake. No real administrative work can now-a-days be done during these legislative Sessions. It would of course suit us very well to have an eloquent Secretary to prepare cases, to speak on them in the Assembly and to help us in answering questions. But that is not administrative work nor would the Secretary learn how administrative work is carried out. I therefore think that any Member who did become Council Secretary would have to be in attendance on the Government of India for a considerable portion of the year if he was really to learn what administration means. Here again is a matter for the Assembly to consider, namely, whether the services of the best men would be available for prolonged periods and whether they would sacrifice their private careers and business to work in a Government office. Mr. Subrahmanayam suggested that, if these officers were appointed, then they should be honorary and—I believe I am citing him correctly—that no pay should be attached to the post. I am entirely opposed to that myself. If you are to have men who are to be attached to Government for long periods and to do useful service, you will have to make it worth their while to serve. There is a limit beyond which men cannot be expected to go in the public service. As it is, I know that attending in this Assembly places a very great strain on many Members who sacrifice a great deal not only of time but money by their attendance. Now, how could you expect a man to attend office for greater part of the year as a Council Secretary and go through the ordinary office drudgery for nothing. It is all very well to rely on patriotic sentiment; but a demand of such a sacrifice must be fortified with something more material, namely, a reasonable salary. I have had cited to me a passage from Burke which I think put the position very clearly. He says :

‘ In all offices of duty there is almost necessarily a great neglect of all domestic affairs. A person in high office can rarely take a view of his family house. If he sees that the State takes no detriment the State must see that his affairs should take as little. I will even go

so far as to affirm that if men were willing to serve in such stations without salaries they ought not to be permitted to do it. Ordinary service must be secured by the motives to ordinary integrity; I do not hesitate to say that that State which lays its foundation in rare and heroic virtues will be sure to have its superstructure in the basest profligacy and corruption. An honourable and fair profit is the best security against avarice and rapacity. As in all things else a lawful and regulated enjoyment is the best security against debauchery and excess'.

Now, no words that I could use would convey the arguments that I seek, to put forward as well as those words which I have cited from Burke; all I can say is that I myself feel that, if we are to have these Council Secretaries, they ought to receive adequate remuneration for the great labour and loss of time and money which they will incur by accepting these appointments.

I have now said enough, I think, to show some of the difficulties of the proposals. In particular may I again say that such appointments will mean that the Council Secretary will have to sacrifice his independence. He will have to sever himself from the Party to which he belongs. How great a sacrifice that is I cannot say, but I think that, in the case of those most deserving of this appointment and most likely to fill it with credit, the sacrifice will be very considerable. On the other hand, there are advantages in such appointments—very great advantages—to which the Secretary of State has alluded; the advantage of education in administrative work, the advantage, not to be overestimated, of bringing official and non-official into close contact in the conduct of administrative business; and, lastly, the relief which it would give to Government Members in the discharge of their work, particularly during the Session; though, I am bound to say, at the beginning with inexperienced, Council Secretaries I am doubtful if the time of the Secretariat staff will be much saved. Well, I have now attempted, as I said, to put the advantages and disadvantages, I hope, fairly before the Assembly. (Hear, hear.) If I have coloured one side more than the other, it has been unintentional. I can only say that any conclusion which this Assembly may reach will be conveyed to His Excellency the Governor General, and, as I have said, he has undertaken to give it his most careful and sympathetic consideration.

**Sir P. S. Sivaswamy Aiyer** (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I have been opposed to this Resolution ever since I saw it on the notice paper, but, in view of the remarks which have fallen from the Honourable Sir William Vincent, I do not think it necessary to set forth my objections at any length. Let me first express my appreciation of the motive which has led the Honourable Mr. Spence to move this proposition. (Hear, hear.) It is most creditable to him that he should desire to have this provision of the Government of India Act carried into effect. He went the length of saying that those who are not in favour of utilising this provision could not be said really to believe in the Reforms. I do not think I can go so far with him. Though the Government of India Act does contain this provision, it does not say anything as to the time at which this provision is to be carried into effect. It seems to me that the Resolution is premature at this time, and that we ought to allow some time more to pass before we think of giving effect to this provision in the Government of India Act. I do not consider it necessary to traverse the ground which has been already covered by the Honourable Sir William Vincent. He set forth the *pros and cons* exhaustively and with great fairness. It will have been obvious to the Honourable Members who have heard his speech that the disadvantages far outweigh the advantages of this provision. I should, therefore, like to refer only to one or two

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additional arguments against the expediency of adopting the Resolution. Some non-official Members may perhaps be labouring under the impression that an Under Secretary or a Council Secretary may have the opportunity of influencing the decisions of Government. Let me say that I doubt that very much indeed. If I may judge from such short official experience as I have had, the Council Secretaries, who are likely at best to occupy the position of Under Secretaries, are not likely to have any voice at all in the decisions which will be arrived at by the Government.

It may perhaps be open to them to note upon a question which may be brought before the Cabinet for decision; but their notes will have to go up to the permanent Secretaries, to the Members and then before the Cabinet. No Under Secretary is ever called up before the Cabinet during its deliberations; not even Secretaries are called up, except when some question affecting their Department is deliberated upon. The extent to which any Under Secretary can possibly influence the Government is practically nil. It comes, therefore, to this, that the person who is chosen as Council Secretary will have to voice the decision of the collective Cabinet, to defend it against hostile criticism and to support it, very often it may be, against his own convictions. Would any person, any politician who cares for his future career, be willing to subordinate his convictions to those of the collective Cabinet? Such a thing does happen where the Party to which you belong is in power. But that is not the case with us, where a system of an irremovable executive prevails, where no Party has any chance of coming into power. Is it worth the while of any budding politician who cares for his future career to subordinate his private convictions and to undertake to be the mouthpiece and the champion of the collective decision of the Government? It may perhaps be said that in such a case he may resign. But, as pointed out by Sir William Vincent, is it desirable that you should send in your politicians of ability into the Government for them to learn all about a particular question and then turn round and desert the Government at the moment when that particular policy or question has to be defended? Then again there is another practical difficulty which I may point out. It might be easy to choose a Council Secretary from the Party in power, for it is the predominant Party. But where there are more Parties than one and no Party can be said to be in power, what is the course which the Government is likely to adopt? Is it likely to appoint its Council Secretary or Council Secretaries solely from the Party with a majority, or is it likely to distribute its favours proportionately to the strength of the different Parties? Supposing it chooses, say two Secretaries from the Democratic Party and one Secretary from the National Party; one Council Secretary pulling one way and another Council Secretary pulling another way, assuming that it is open to the Secretary to exercise any pulling influence at all, it will certainly not be conducive to the smooth working of the business of the Government. And last, but not least, at a time when our Parties are far from being consolidated remember the dangers of the apple of discord being thrown among the Parties by appointments like these. I do not think it necessary to refer to the other objections which have all been very exhaustively and fully pointed out by the Honourable Sir William Vincent. I think the Resolution, well-meant as it is and displaying as it does every sympathy with the non-official side of the House and with our desire to work out the Reforms, is premature at this juncture.

**Mr. P. P. Ginwala** (Burma : Non-European) : Sir, we have already found ourselves rather in a peculiar position. The Honourable the Home Member, speaking from the Government Benches, made an opposition speech ; and my Honourable friend, Mr. Spence, though speaking as a friend of the Indians, appeared to make a speech from the Government side. I do not mean any personal reflection on Mr. Spence but it looked as if the Honourable the Home Member was all along opposing a speech which he would ordinarily be expected to support ; and he has demolished practically every argument that was brought forward in support of Mr. Spence's Resolution. I will add only one or two more to the objections raised by the Honourable the Home Member. The greatest objection to my mind is in the small price that Mr. Spence says we have to pay for this experiment—the transfer of six votes from this side of the House to that side—that is what he really meant by his small price. But if Mr. Spence remembers, here the Government is always in a minority—they are only represented by 25 Members ; and, if you transfer these six votes from this side of the House to the other side of the House, not only may the Government gradually get a majority, but the advantage that we have got, and the advantage that the framers of the constitution intended that we should get, would gradually tend to disappear. The chances of our making further progress depend on the Government continuously remaining in a minority and not in their getting their minority developed into a majority. That, I submit, Sir, is the most serious objection to the proposition of Mr. Spence. It is not a small price. It is the heaviest price that any reformed Parliament can pay—the transference of a vote from one side of the House to the other.

Then, again, it must necessarily have a very demoralising influence on some of the younger Members of the House, on myself for instance ; I may look forward to one of these Council Secretaryships and I may vote with the Government and go into the same lobby as the Honourable the Home Member sometimes ; and there may be others who might like to follow my example and do the same thing. Some of them may actually get transferred to the other side of the House and others may expect to do so ; and, on the whole, the Honourable the Home Member has himself admitted that it is not a very moral principle to work upon afterwards ; because it really must have that effect. It is no use the Honourable the Home Member shaking his head—it must have that effect. He sees a promising young man and he tells him : ' Here you are ; I will appoint you as Council Secretary ; you will have to work in the office.' The young man says : ' All right ; is there going to be any pay ? ' ' Not good pay, but there is a good prospect ' he tells him. Another man, sitting on this side of the House, might think : ' I am left out in the cold ; it is no good voting with the Democratic Party or the National Party. I think I shall see which way the Honourable the Home Member goes and I shall follow him.' And he probably will. So it will go on for ever and, in course of time, Sir, I should not at all be surprised if thorough demoralisation set in all round. I beg the Honourable the Home Member to say here and now that he will not accept this Resolution only on that ground ; though he has opposed it, he has said that he would put it to His Excellency the Viceroy. . . .

**The Honourable Sir William Vincent** : May I rise, Sir, to say a word in explanation ? I did not intend either to oppose or commend the Resolution. I tried to put both sides of the question to the Assembly, in any case the



[ Sir William Vincent. ]

matter is one not for the Government of India, but for His Excellency the Viceroy.

**Mr. P. P. Ginwala :** I am glad if the Honourable the Home Member for the first time has done a thing without meaning it ; he has opposed it all the same.

**The Honourable Sir William Vincent :** I went far beyond my instructions, if I did.

**Mr. P. P. Ginwala :** Now, Sir, there are some advantages to which reference has been made ; one of them is that it will give a chance of obtaining administrative experience. I deny it. You have twenty-five machines in those Benches already automatons, tongue-tied, tape-bound, and you want to add five or six more to those. I do not think that any administrative experience will be gained by sitting on that side of the House. If, on the other hand, the Honourable the Home Member and other Honourable Members on the Government Benches came and sat on this side of the House, they would gain some Parliamentary experience. That is far more important in a Parliamentary form of Government than mere administrative office experience. If administrative experience has to be got, Sir, put more Indians on those Benches, but for goodness' sake get them from outside this House and train them, and don't take them from inside the House, because, once you take any one from here and put him there, he is annihilated ; he will have no support, I am sure, from this side of the House ; nor, if he went to the country, will he carry any influence with the people or get re-elected, so far as I understand the people at present. His life on the Government Benches will be very short if merry, and his experience will not help the Government for more than a short time, and I doubt whether the Government will find him as useful as when he was outside the Government, because the moment he goes there, we shall wonder whether he has the same views which he had when he was with us and so on, and rather than facilitate the work of Government, I am afraid the Government work will be still more handicapped. I am sorry, Sir, I have spoken so plainly, but we are not in a ladies' drawing room to exchange after-dinner pleasantries ; we are in a businesslike Assembly where plain speaking is necessary. My Honourable friend, Mr. Spence, has acted in the interests of Indians, and his view is that this Resolution should be accepted by this House, but, if it is carried, I think he will be doing us a great disservice, which I do not think he ever intends to do. I trust, Sir, that, before we proceed any further, Mr. Spence will see his way to withdraw his Resolution.

**Mr. Abdur Rahim** (North-West Frontier Province: Nominated Non-Official) : Sir, I find from the discussion that so far many of the Members who have spoken already on the subject seem to have made up their minds to oppose this Resolution, so I have also made up my mind to support this Resolution. (Laughter.) I am surprised, Sir, to see the tone of this Assembly. Is it right to stand by one's Party blindly in order to oppose the Government Members ? Have we made up our minds to be guided by this principle only ? Is it right that we should oppose each and every proposal of Government ? Are we not part and parcel of the Government ? Are we not going to have sympathy, goodwill and self-respect towards each other ? Do the Honourable

Members who have opposed this Resolution mean to suggest that what is proposed by the Government Members is against Indian interests ?

Another factor which compels me to support this Resolution is this. Only a few days ago, when the Honourable Members of this House were criticising the Budget, their cry was that the services were not Indianised, and now when the appointment is going to be Indianised, they want to oppose the proposal. Why? Because the temptation is too strong, they cannot resist it. I can ask the Honourable gentlemen who have spoken, and who represent themselves as the leaders of their Party—we know each other very well—how long will these Parties go on? (Laughter.)

I can say this much, Sir, the proposal for the appointment of Council Secretaries, if carried, will afford a good training ground for Indians, and I am sure a good many Members will try to qualify themselves for these posts; they need not accept them if they do not like to, but these posts will afford them a good training, which will do them no end of good in this respect.

Another strong ground which impels me to support this Resolution is this. If the seats on the Executive Benches are desirable, I do not see why the seats for the Council Secretaryships should not be desirable too. Therefore, I would ask the Honourable gentlemen who have opposed this Resolution to drop the idea once for all that this is a Party question. Let us look at it from a broader point of view, and let us try to work with the idea that this is for the good of India, that it is for the good of the country and that it is for the good of the Government. With these remarks, Sir, I support this Resolution.

**Mr. R. A. Spence :** Sir, as the House is being adjourned at 4 O'clock, I should like to get my Resolution finished, and I trust that Honourable Members who wish to speak in support of my Resolution will not mind if I conclude the debate now, and I hope, though they may not be able to speak in support of my Resolution, they will vote in support of it.

I have to thank the Members of the House for the kind expressions they have made in regard to the reasons which I had for bringing forward this motion, and I would particularly express my thanks in this matter to my Honourable friend, Sir Sivaswamy Aiyer.

It seems to me, Sir, that my Resolution has been damned with faint praise, but, although it has been damned with faint praise, I consider there is sufficient in my Resolution to allow me to stand up against that damning. As the last speaker has just said, this question of Council Secretaryship should not be looked upon by Members of this House as a Party question. I did not bring it forward to make it a Party question, and I am sorry, Sir, that it has been made one. (Cries from the Democratic Benches 'No. no'.)

My friend, Mr. Ginwala, said: 'A small price! Not a bit of it. It means the transference of 6 votes'. What an enormous price? What would 6 votes have done? Would it have saved the Honourable the Finance Member's Budget from the Democratic axe by the transference of 6 votes? Not a bit of it!

**Rao Bahadur T. Rangachariar** (Madras City: Non-Muhammadian Urban): Even two votes have saved us many a time.

**Mr. R. A. Spence :** It would not have saved the customs! The first speaker, Mr. Subrahmanyam, who seemed to be in favour of my Resolution,

[ Mr. R. A. Spence. ]

said that the Members here cannot be said to have had any collaboration with the Government. Well, Sir, my Resolution was proposed in order to obviate that difficulty. He referred to the loss of freedom of Members. I wonder why the shibboleth of 'loss of freedom' should be brought in. I wonder why a man should lose his influence because he has shown his ability to serve India. If a man is a good man and is serving India, surely he is not going to lose his influence outside this House. I do not believe it.

The Honourable the Home Member has answered Mr. Subrahmanayam's objection regarding the salary of the post, and I need not say anything more. I honestly do hold that the labourer is worthy of his hire.

I too rather wondered when Mr. Ginwala asked whether the Honourable Sir William Vincent was opposing or supporting me, but I made up my mind that he was supporting me (Laughter), because he balanced his arguments, the *pros* and *cons* of his arguments with the 'super-Member', and, if we had the 'super-Member' on our side, it would be a very good balance.

Sir, Mr. Ginwala said that he was certain that in bringing forward this Resolution I had the idea of serving the Reforms. I thank him, Sir, and I can assure him that it was with that reason that I brought forward this motion. But agreeing with him as I do in that, I regret I must disagree with him when he considers that I should be doing a disservice in pressing my Resolution to a vote. Sir, I agree with the last speaker. I do not think I shall be doing a disservice if we have these Council Secretaries, and, therefore, Sir, I once more submit my Resolution to the support of this House.

**The Honourable Sir William Vincent:** Sir, I do not wish to detain the House for more than a couple of minutes. I want in the first place to explain that official Members other than Members of the Executive Council are free to vote in this matter as they like.

The Members of Government will not vote.

I want also to dissociate myself very emphatically from certain arguments put forward by my friend, Mr. Ginwala. Those arguments were based on the demoralisation of the non-official if he came over to this side of the House. I can assure Honourable Members that there is nothing inherently bad or contaminating in these Benches. We have perfectly good and perfectly honest Indians, men of capacity, sitting here—Mr. Sarma, Mr. Aiyar, and just now I see even Mr. Yamin Khan who, I believe, belongs to the Party, of which the Honourable Member is not the Leader but the Chief Whip. Surely also, Sir, it would be wrong for any Member of Government to allow to pass unchallenged the suggestion that non-official Members of the Legislative Assembly are so liable to succumb to temptation, so ready to sacrifice their principles, that they could not come and do official work or be exposed to the temptation even of the offer of a post of Council Secretary without having been ready and willing to sacrifice political principles they hold so high. I am glad, Sir, that it was a non-official Member who made such a suggestion, and I wish to assure the Assembly that his fears, his apprehensions are not shared by the officials on this side of the House. Sir, I have often wondered at the lack of cohesion in the political Parties in this House, and in particular at the lack of cohesion in one Party. Sir, when I hear these sentiments, these insinuations expressed by the Chief Whip of that Party, I am no longer surprised. I hope that the Members of this House

set a greater value on the principles to which I have referred, a steadfast compliance which is essential for all political righteousness.

I have only one thing more to say, and that is to refute an argument which seemed to me of very little weight. It was suggested that the appointment of Council Secretaries would necessarily mean the transfer of 6 Members to this side. That would be, I suppose, 12 votes in a division. That is not necessarily accurate. Even if Council Secretaries were appointed, they would be taken for selected Departments only at first, I suppose. Further, the Honourable Member has assumed that the gentleman selected for Council Secretary would necessarily be a Member who would ordinarily vote against the Government. I do not think our experience in the Home Department justifies this. If we can put forward a good case, I am glad to say that we have generally been able to meet with considerable support from non-official Members.

**Mr. President :** The question is :

'This Assembly recommends to the Governor General in Council that Members of the Legislative Assembly be appointed by the Governor General under section 43-A. of the Government of India Act to be associated with the Departments of the Government of India, other than the Army and Foreign and Political Departments, in order that they may be trained up in the administration of Government and relieve the Government Members and Secretaries of a part at least of the work in the Sessions of the Legislature.'

The Assembly then divided as follows :

**AYES—22.**

Abdul Majid, Shaikh.  
Abdul Quadir, Maulvi.  
Abdul Rahim Khan, Mr.  
Akram Hussain, Prince A. M. M.  
Barua, Mr. D. C.  
Bijlikhan, Sardar G.  
Bray, Mr. Denys.  
Bryant, Mr. J. F.  
Fell, Sir Godfrey.  
Gulab Singh, Sardar.  
Kabraji, Mr. J. K. N.

Latthe, Mr. A. B.  
Lindsay, Mr. Darcy.  
Muhammad Ismail, Mr. S.  
Nabi Hadi, Mr. S. M.  
Percival, Mr. P. E.  
Reddi, Mr. M. K.  
Schammad, Mr. Mahmood.  
Spence, Mr. R. A.  
Waghora, Colonel W. D.  
Way, Mr. T. A. H.  
Yamin Khan, Mr. M.

**NOES—38.**

Abul Kasem, Maulvi.  
Agarwala, Lala G. L.  
Agnihotri, Mr. K. B. L.  
Aiyer, Sir P. S. Sivaswamy.  
Asjad-ul-lah, Maulvi Miyan.  
Ayyangar, Mr. M. G. M.  
Bagde, Mr. K. G.  
Bajpai, Mr. S. P.  
Bhargava, Pandit J. L.  
Bradley-Birt, Mr. F. B.  
Chatterjee, Mr. A. C.  
Chaudhuri, Mr. J.  
Crookshank, Sir Sydney.  
Dalal, Sardar B. A.  
Dentith, Mr. A. W.  
Ginwala, Mr. P. P.  
Hussanally, Mr. W. M.  
Iswar Saran, Munshi.  
Jamnadas Dwarkadas, Mr.

Joahi, Mr. N. M.  
Kamat, Mr. B. S.  
Misra, Mr. P. L.  
Mitter, Mr. K. N.  
Muhammad Hussain, Mr. T.  
Mukherjee, Mr. J. N.  
Mukherjee, Mr. T. P.  
Neogy, Mr. K. C.  
Rangachariar, Mr. T.  
Sarfaraz Hussain Khan, Mr.  
Shahab-ud-Din, Chaudhri  
Shahani, Mr. S. C.  
Sharp, Mr. H.  
Singh, Raja K. P.  
Sinha, Babu Ambika Prasad.  
Sohan Lal, Bakshi.  
Subrahmanayam, Mr. C. S.  
Vishindas, Mr. H.  
Zahiruddin Ahmed, Mr.

The motion was negatived.

## MOTION FOR ADJOURNMENT.

PROHIBITION OF A PUBLIC OPEN-AIR MEETING ON THE 23RD MARCH TO CONSIDER THE KHILAFAT QUESTION.

**Mr. K. B. L. Agnihotri** (Central Provinces Hindi Divisions : Non-Muhammadan): I want to move for an adjournment of the business of the Assembly for the purpose of considering a definite matter of urgent public importance, namely, the conduct of the Deputy Commissioner of Delhi in prohibiting a public open-air meeting, which was to have been held on the 23rd March, and was convened by prominent gentlemen of Delhi along with 22 Members of the Indian Legislature, to consider the Khilafat question in relation to the Paris Conference and the Government of India's representation of the 20th February, 1922, to the Secretary of State for India; and to make representations to the British Delegates in Paris.

4 p.m.

Sir, the province of Delhi is under the direct control of the Government of India and it was but quite natural that the Seditious Meetings Act should have been extended to this province, when other provinces have also had some towns to which the Seditious Meetings Act was extended. The Khilafat question, as has been admitted by all, even the Government of India, is a matter of unquestionable importance to this country, to all sections of the community, Hindus, Muhammadans, Parsis or others. Under the circumstances, when the Paris Conference was sitting, it was but natural that the people of Delhi, especially the Members of the Legislature who have come here from different parts of the country to support the Government in their demands and their representations, should hold a meeting and make representations to the British Delegates in Paris. With this object in view, certain responsible members of the Delhi town along with 22 responsible Members of the Indian Legislature, including the Gallant Knight of Tiwana, the Honourable Sir Zulfiqar Ali Khan, Raja Ikramulla Khan, and many Rao Bahadurs and Khan Bahadurs, requisitioned and made an application to the Deputy Commissioner for permission to have that meeting held in the Queen's Garden in Delhi. It would not be improper for me and will be but fair to the Deputy Commissioner if I read the correspondence that passed between the Deputy Commissioner of Delhi and the Honourable Saiyid Raza Ali on this point. The Deputy Commissioner wrote a letter to the Honourable Saiyid Raza Ali in these terms :

' Dear Sir, please let me know as soon as you can the exact time and place at which it is proposed to hold the meeting to consider the Khilafat question and also under whose arrangements the meeting will be held and who will preside. I see no *prima facie* objection to the holding of the meeting, but I cannot definitely sanction or prohibit it until I have particulars.'

The Deputy Commissioner wanted to have replies on three particulars only. The Honourable Saiyid Raza Ali wrote in reply :

' Sir, with reference to your letter of date I am to inform you that the requisition for the meeting has been signed by about 25 Indian Mussalman gentlemen, 21 of whom are Members of the Council of State and the Legislative Assembly, the rest being local gentlemen. Mr. T. V. Seshagiri Ayyar, M.L.A., a retired Judge of the Madras High Court, is going to preside. The meeting is to be held on Thursday, the 23rd March, 1922, at 7 p.m. I shall be obliged if you will allow us to hold the meeting at the Queen's Garden as it will be

convenient to Members of the Legislature. As soon as permission is received from you, notices will be printed and published. I am making the arrangements for the meeting, assisted by Khan Bahadur Pir Zada Mahomed Hus.sain and some other local gentlemen.'

To which the Deputy Commissioner was pleased to reply as follows :

'Dear Sir, a mass open-air meeting in the Queen's Garden would be difficult to control and may be overwhelmed by undesirable elements, especially as the proposal to hold it is on the evening immediately preceding the municipal elections. I am afraid I cannot give sanction to such a meeting under the Prevention of Seditious Meetings Act. If, however, the meeting can be held in a suitable building, I shall have no objection. Please inform me as soon as possible if you desire to hold the meeting in some building, and, if so, in which.'

A reply to this was given by the Honourable Saiyid Raza Ali in the following terms :

'I got your letter about 12-30 P.M. to-day. I am really sorry that in spite of the fact that among the conveners of the meeting are about two dozen leading Members of the Council of State and the Legislative Assembly including gentlemen like the Honourable Colonel Sir Umar Hyat Khan and the Honourable Sir Zaifur Ali Khan, and the President is a well-known public man of moderate views, namely, Mr. T. V. Seshagiri Ayyar, M.L.A., a retired Judge of the Madras High Court, you still object to our holding the meeting in the Queen's Garden. In your letter yesterday you desired to know who was responsible for the arrangements, and I informed you yesterday evening, in replying to your letter, that I was myself making the necessary arrangements with the help of Khan Bahadur Pir Zada Mahomed Hus.sain and other local influential gentlemen. The municipal elections have nothing to do with the object in furtherance of which this meeting is to be held. No building in the town is big enough to accommodate several thousands of people. As to the objection that an open-air meeting might be overwhelmed by undesirable elements, I fail to see how the holding of the meeting in a building can remove that objection. It will, of course, be open to any person to attend as long as the meeting remains a public meeting. The conveners had not the slightest doubt that they would be able to see everything through, in fact, to remove their doubts I personally undertook the responsibility for the arrangements, but, in view of the attitude taken up by you, the conveners have reluctantly come to the conclusion that the only course open to them is to cancel the meeting as it is not possible to hold it elsewhere. I would like to inform you that I propose to send to the papers a copy of the correspondence which passed between us.'

In the further correspondence that followed between the Deputy Commissioner and the Honourable Saiyid Raza Ali, the Deputy Commissioner wanted the latter to publish also the substance of the conversation that passed between them on the phone, which the Honourable Saiyid Raza Ali accepted.

Sir, the reasons for holding the meeting and for disallowing it have been given in this correspondence. The Seditious Meetings Act authorises the District Magistrate to prohibit a meeting when there is a fear of sedition or of a disturbance of public tranquillity, and on no other ground can the Deputy Commissioner prohibit a meeting under that Act. Here the Deputy Commissioner does not prohibit the holding of the public meeting, which is a thing which he can do under the Seditious Meetings Act. But here he prohibits an open-air meeting on the ground that it would be difficult to control the meeting and that it might create excitement as it was to be held on a day previous to the day of election. I may inform the Honourable Members of this House that the Queen's Garden is a place which is surrounded by high railings and has openings only at certain places having gates which are also iron barred. There is practically no difference between a building and the Queen's Garden, excepting that the Queen's Garden has no roof overhead while a public building would have it. The Queen's Garden is a bigger place where any number of people can collect while in the case of a building so many people could not collect. This I find the only difference between a building and the Queen's Garden. But the Deputy Commissioner of Delhi

[ Mr. K. B. L. Agnihotri. ]

thought that he was the only responsible person to maintain law and order and on that assumption he disallowed the meeting. He forgot for a moment that the gentlemen who convened the meeting are equally responsible men and have as much regard for law and order as he himself has. He should have taken these facts into consideration before he thought it wise to prohibit such a meeting. From time to time the Honourable the Home Member from his seat in this Assembly has declared that in all the policies that the Government carry out they always consult the wishes of this Assembly. Is this an instance of the regard that is paid to the wishes of 22 Honourable Members of the Legislature, to the wishes of responsible persons who have been co-operating with the Government? Is this the way in which their wishes should have been met? Were they not responsible enough to see whether they could control the meeting after the undertaking that had been given by the Honourable Saiyid Raza Ali? My submission therefore is that the action of the Deputy Commissioner was not only irresponsible but also tactless and provoking in the extreme and I, therefore, propose that the House will support me and pass a vote of censure against the action and conduct of the Deputy Commissioner of Delhi.

**Maulvi Abul Kasem** (Dacca Division : Muhammadan Rural) : A great statesman has said that good measures of a Government rob agitators and adventurers of their work, and bad measures drive peaceful citizens into the ranks of agitators. (Hear, hear.) I think I can very well characterise the conduct of the Deputy Commissioner as in the latter category. Here were some men with equal responsibilities—if not more—as the Deputy Commissioner of Delhi, who wanted to convene a meeting to express the deliberate opinion of the people of this country on the great question of the Treaty of Sevres; and the Deputy Commissioner of Delhi, by his conduct, has sat on the safety valve and not allowed the people to express their opinion and to communicate that opinion to the British delegates who are at present sitting at Paris. There is a question, as explained by Mr. Agnihotri, that he could only prohibit the meeting on the ground of sedition being taught, and what does sedition mean? Speaking against the established Government of the country. But on this matter of the Khilafat, from the public records as well as from my private knowledge, we know fully well that the people of this country and the Government of this country are at one, and there is no difference of opinion. (Hear, hear.)

There is another aspect of the question which strikes me, and that is that a good deal of misrepresentation has been made to the masses of this country about the attitude of the Government of India and the Secretary of State on the question of the Khilafat. Here was an opportunity offered to a Member of the Government to have a public meeting of the masses of this Imperial City of Delhi, and to explain to them the attitude of the Government, to discuss it and, at the same time, to support it by the voice of the people. The very fact that a person of the great capacity and moderation of Mr. Seshagiri Ayyar was to take the Chair, was a guarantee that order would be maintained at the public meeting. Sir, if Mr. Seshagiri Ayyar, if the Honourable Saiyid Raza Ali, the Honourable Colonel Sir Umar Hayat Khan, and the Honourable Sir Zulfiqar Ali Khan, and the others who convened the meeting, if they cannot keep in order a public meeting of the citizens of Delhi, I want to know who else can. (Hear, hear.) It is no use talking

of bullets and Maxim guns. If such people, gathered together, standing on a platform, cannot keep the people of this city in proper order, when talking about a solemn matter, I think nobody in this country can. I think Government has lost an opportunity of conciliating the people on this great important point, and the blunder committed by the Deputy Commissioner of Delhi is practically irreparable.

Sir, we in this House, when we asked for an adjournment on the question of Mr. Montagu's resignation, were not allowed to discuss the question of the Treaty of Sévres as it affected the foreign relations of His Majesty's Government, and therefore the only legitimate course open to us was to express approval of the Government of India's attitude in this matter and to support it by a public meeting; and this we wanted to do, but the opportunity was denied to us, and by whom? one of the subordinate officials of the Government. This is the sort of thing that upsets the minds of many a sober man, and, as I said in the beginning, a bad measure drives peaceful citizens into the ranks of agitators, and I think great mischief has been done by the conduct of the Deputy Commissioner of Delhi. He ought to have recognised that his responsibility ceased as soon as the conveners of the meeting undertook themselves to be responsible to the public and Government for the meeting itself. He had no business to interfere and absolutely no justification. By doing so he has exceeded his powers and sat on the safety valve, and the result has been very bad. I am grateful to Mr. Agnihotri for having promptly brought it to notice. He has said, and the correspondence which he has read stated, that 22 Members of the two Legislatures had signed the requisition for the meeting. I might add that those who did not sign it did not do so because they knew nothing about it, and, if the notice had been properly circulated, I believe that every non-official Member of this House and the other House would have subscribed to it. With these few words, I beg to support the motion of Mr. Agnihotri, and hope it will be carried unanimously by the House, as an expression of our disapproval of the conduct of the Deputy Commissioner of Delhi. I also hope, Sir, that the Government will also sympathise with us and support us in this matter, and take proper notice not only of the error of judgment but of the conduct of the Deputy Commissioner of Delhi.

**The Honourable Sir William Vincent (Home Member) :** Sir, if this morning, when the motion for adjournment was made, I had known of the date on which this interference with the right to hold a public meeting took place, I should have objected at once to the present motion, for the order was passed on the 22nd, and the meeting was to have been held on the 23rd. Sir, since then this House has met on various occasions, and the matter was not brought before us at the earliest opportunity.

**Mr. K. B. L. Agnihotri :** May I explain? This fact was brought to our notice only by the Associated Press telegram last night, and we did not know it before.

**The Honourable Sir William Vincent :** Yet there were 22 Members of the Legislature who took part in convening the meeting! Surely they were aware of the order before?

**Mr. W. M. Hussanally (Sind : Muhammadan Rural) :** I was not aware of it.



**The Honourable Sir William Vincent :** The Honourable Member may not have been aware of it, but those who were in charge must have been.

**Mr. K. B. L. Agnihotri :** No, Sir, they were not.

**The Honourable Sir William Vincent :** Well, Sir, I will now deal with the conduct of the Deputy Commissioner in this matter. The first point I wish to make clear is that the Deputy Commissioner acted in the exercise of a statutory discretion. The responsibility for any breach of the peace, or any disorder was his. I heard Mr. Abul Kasem say that this responsibility was affected by the action of certain Members of this Assembly and other respectable gentlemen, who gave an undertaking that there would be no disturbance. That is a position I deny and entirely disclaim. The Deputy Commissioner of Delhi is responsible to Government for the peace and good government of this City and he cannot be relieved of that responsibility by any non-official undertaking of this kind. In any case I myself doubt very much the power of these gentlemen to preserve the peace, if a mob in the City wanted to cause trouble. Why, the greatest, at any rate the most popular leader in this country, Mr. Gandhi, had a meeting in Bombay when the Prince arrived. One would have thought that his influence with the mob was as great as that of Mr. Seshagiri Ayyar. But was he able to prevent a breach of the peace following on that meeting? What value was there in the undertaking of Saiyid Raza Ali or any one else who has no force behind him to support him that the public peace would not be broken; and how was the Deputy Commissioner to avoid his responsibility at the bidding of Members of this Assembly or of anybody else? But I think that Mr. Agnihotri did Mr. Young a service in reading out his letters, for it is quite clear, when one hears the contents of those letters, that he was anxious, if possible, to allow the meeting to be held. Take the first letter. He says: 'I see no *prima facie* objection to the meeting'. In fact, he wanted it to be held if possible and inquired 'when are you going to hold it and where are you going to hold it?' The answer was in the Queen's Garden and at 7 o'clock at night when it is getting dark. Now that was the real thing that the Deputy Commissioner was afraid of. He suggested that the meeting might be held at some other place. He was anxious to give the residents of Delhi an opportunity of expressing Indian Moslem feeling about this Treaty. He went further and himself suggested a place which would be convenient for the meeting. He knew a building that would have been suitable for this purpose. He communicated that fact to the person who wanted to convene the meeting. Now is that the attitude of an officer who really is out to obstruct a public meeting and to thwart the public in the exercise of their legitimate political privileges? Indeed, I believe that if the meeting had been held at some different place or even at a different hour, the Deputy Commissioner, although the Seditious Meetings Act is in force, would have taken the risk and would have allowed the meeting to take place. But when it was proposed to collect in the Queen's Garden at night a large number of people, including the Muhammadan rabble of the town, of whose excesses we have had experience on previous occasions, surely the Deputy Commissioner was right in saying: 'For goodness' sake, have your meeting somewhere else. Have it in the day time. But if you cannot arrange that, then, with due regard to my responsibilities I cannot allow you to have it at night and in a place of this kind.' Only ten days or a fortnight ago, Pandit Madan Mohan Malaviya had a public meeting here. I think about a fortnight ago Mrs. Besant had another meeting.

Was there any obstruction to holding of these meetings? None. There is not, and there never has been, any desire on the part of Government to stand in the way of public meetings for legitimate purposes on occasions of this kind. But, when a meeting is proposed in Delhi in the Queen's Garden at night on a religious question, over which men's minds are much disturbed, then officers have to be careful as they can foresee the consequences from their experience of similar meetings in the past. No doubt, the conveners of the meeting had nothing of this kind in view. I know that they are men of very good character. But the point is that the meeting was open to the public and Mr. Raza Ali in one of his letters said that it was probable that the non-co-operators would attend it.

Now, let us see what happened on previous occasions. In August, 1920, the Seditious Meetings Act was in force exactly as it is now in Delhi and there was a meeting held in the Queen's Garden by permission. It was a meeting to deplore the death of Mr. Tilak. What happened then? The extremists broke up the meeting on the ground that the conveners of the meeting had sought the permission of the authorities and serious disorders resulted. What guarantee had the Deputy Commissioner that this would not occur again? In these circumstances, can it be said that his action was as unreasonable as has been propounded by the Honourable Mover? We must remember also when we consider the propriety of his order, that the City of Delhi was at the time in a state of considerable excitement over the municipal election, which took place on the 24th, that is, a day after the date fixed for this meeting. There was high feeling over it and Khilafat agitators were taking strong objections to certain Muhammadan candidates on religious grounds. The volunteer associations, although they have been proclaimed as unlawful, had been carefully organised for electioneering purposes. They were available at a moment's notice in the event of their services being needed. If Members will consider the facts while at the same time remembering the history of Delhi in the last year or two, I think that they will agree with me that it would be most unfair for this House to pass what would really be a vote of censure on the Deputy Commissioner. The Seditious Meetings Act was first introduced in April, 1919, after the disorder which took place in the spring of that year. It expired in October of that year and we were very unwilling to reimpose it. It was, however, re-introduced in 1920, when an immense amount of inflammatory speech-making was going on which was likely to lead to serious disorder. Indeed, during 1919-20, the treatment of the various religious leaders and of various moderate leaders in this City of Delhi was little short of a disgrace to the Government of India. I have mentioned the cases before this Assembly on previous occasions. I will cite one instance. The Imam of Jama Masjid was, as I am told, dragged out of the pulpit of the mosque here because of his loyalty. The Honourable Members will remember the disgraceful scenes on the occasion of the burial of a very respectable and prominent citizen here. I have mentioned all these facts before and I do not want to speak of them again. Well, Sir, when the Act expired in October, 1920, Delhi was at once again treated with inflammatory oratory. Torrents of abuse were poured on every official and indeed on every non-official who dared to assert his loyalty to the Government. The non-co-operators intimidated and abused in a scandalous way candidates who were standing for the membership of the Legislative Assembly. This was intimidation of a disgraceful character. Consequently, later in that year, we had to take measures to re-introduce the Seditious

[ Sir William Vincent. ]

Meetings Act. We had tried to do without it. Again, in September, 1921, the Chief Commissioner reported to us that a state of ill-feeling had been seriously working up among the lower classes of Muhammadans over what is commonly called the Fatwa case. A large number of political meetings at which violent speeches were made were held and there was a great deal of propaganda in favour of civil disobedience. The local authorities were also in fear of outbreaks, or explosions of an anti-European or racial character, and the whole of the agitation then took a definitely religious turn. And now let me come to later times. I think some Honourable Members will remember what happened here on the 17th of November; when the Prince of Wales arrived in Bombay there was a complete *kartal* here and there was systematic intimidation of persons who went to bazaar for their purchases, particularly those who sought to buy foreign goods. Again, when the Prince of Wales visited Delhi, there was the same difficulty. Members of this Assembly themselves complained to me that the drivers were being intimidated, and asked for the police to protect them in order that they could go to attend the various functions during the Prince's visit. I was glad to meet their wishes. Now I mention these facts merely to show what this population of Delhi is like. We have frequently had disorders and troubles of a similar kind in the past. Here was a meeting proposed on a religious question, over which there is the most intense feeling, to be held at night time and at a place which is the centre of the City. In these circumstances I must say that I think that the Deputy Commissioner was right in refusing to accord permission, unrestricted permission, for the meeting. He knew that the lower class of Muhammadans would come in to attend the meeting and he was afraid of the consequences which even the conveners of the meeting themselves could not have foreseen. On religious questions of this kind, at a time of great excitement, it would have been dangerous to allow a meeting after dark and in the centre of the City of Delhi. I really do not think that there is anything more that I can say except to remind the Honourable Members again that the Deputy Commissioner was responsible for the peace of the City and had before him the instances of previous occasions when meetings had been held by permission and were broken up by disreputable rowdies. He, therefore, thought it necessary to prohibit this meeting though he was prepared to do all he could to help the conveners in holding a meeting either in the day time or at some other place.

Finally, I want the Assembly to consider for one moment, if they will, the position of an executive officer on such an occasion. I want to ask them whether they will not now, as they have done in the past, show the same consideration to our officers, who have to struggle, and struggle very hard, in this unpleasant duty of maintaining the public peace. If Members pass this vote of censure in the Assembly to-day, how do they expect the Deputy Commissioner to preserve order or maintain his authority in future? What fault has he committed? He has acted according to the best of his judgment in prohibiting a meeting in a turbulent Muhammadan centre, because he thought it was likely to lead to acts of violence. I hope that our officers will receive consideration and support from the Members of this Assembly in the discharge of their duty. (Hear, hear.)

**Mr. W. M. Hussanally :** Sir, I have only to add a few words to the discussion which has taken place to-day.

The first point that I want to make is that I, as one of the signatories to the requisition, never knew anything about this matter until to-day and very probably the other gentlemen, who also signed the same, knew nothing about the prohibition until the whole matter was brought to notice by Mr. Agnihotri. I quite admit that the responsibility for maintaining law and order and tranquillity in the town vests in the District Magistrate. I do believe that the District Magistrate would be entitled to stop any meeting of this kind if he had reasonable apprehension of a breach of the peace occurring, or if there was any fear of sedition being talked. But the meeting was organised by responsible persons of both the Houses and that should have led the District Magistrate to the belief that every effort would be made by them to preserve order at a meeting of this kind. The only objection he took to the meeting being convened was that, instead of the Garden, the meeting should be held in a building. Now, supposing that a building could be had of such dimensions as to contain the large audience that was expected, which I am told could not be had, what would be the result? The meeting was a public meeting, *i.e.*, open to the public, therefore, even in that building no one could have been prevented from attending; so that it made no difference whatever if the meeting was held in an open garden or within a building. All that might have been reasonably done by the District Magistrate was to post a *posse* of policemen to preserve order.

The second thing that ought to have been considered by the District Magistrate was what was the object of the meeting. Was the object of the meeting anything in the shape of disloyalty? I think that should not have entered his head at all, because the position and status of the signatories to the requisition ought to have led him to believe in the strict loyalty of all of us who signed the requisition. The object was to place before the Paris Conference which was sitting at Paris the Mussalman demands, so far as the Treaty of Sevres is concerned, and also to strengthen the hands of the Government of India, so far as their despatch is concerned, which was published a few days ago and on account of which the unfortunate resignation of Mr. Montagu took place.

Now, I quite admit that the Mussalman population of Delhi is excitable, but what I ask is, was there any danger of any excitement at this time in a matter like this, when the object of the meeting was to support the action of the Government of India and to let the people know what the Government of India had been doing for the Khilafat question? I think, as soon as the Mussalmans of Delhi would have known at the meeting what the Government of India had done for them in this particular matter, which has excited the whole of India for a considerable time past, I think there would not have been the slightest danger of any breach of the peace. On the contrary, all the Mussalmans assembled there would have expressed their gratitude both to the Government of India and to the Secretary of State. Therefore, I say there was absolutely no danger of any breach of the peace, so far as this meeting was concerned, and the District Magistrate could have easily allowed this meeting to be held. But, if he thought that there was the slightest danger, what he should have done was to instruct the District Superintendent of Police to place a sufficient number of policemen to keep and preserve order. If he had taken that precaution, all this trouble would not have arisen.

[ Mr. W. M. Hussanally. ]

It is said that the non-co-operators would have attended this meeting and perhaps created trouble. I consider, Sir, that that was only a fear for which there was absolutely no foundation at all. Even supposing the non-co-operators had attended, what would they have done? If they had learnt that the Government of India had been supporting the Mussalman demand, so far as the amendment of the Treaty of Sevres was concerned, and that they had represented very strongly the Muhammadan view of the case to the British Cabinet, I do not think they had any reason to say anything disloyal or to create any disturbance of the peace: but, if they had done it, there were responsible people there who would have shut them up, and, if they had done anything beyond that, they could have even been withdrawn from the Garden by the police. Therefore, there was absolutely no danger in allowing the meeting to go on. On the contrary, the act of the Deputy Commissioner has wounded the feelings of the Mussalmans of the whole country and lost them an opportunity of placing their views before the Conference which is now sitting at Paris and which was a very important matter, so far as the Mussalmans of India are concerned.

**Munshi Iswar Saran** (Cities of the United Provinces: Non-Muhammadan Urban): Sir, I entirely agree with the Honourable the Home Member that the responsibility for maintaining peace and order in this City lies on the Deputy Commissioner and not on any Member of either this House or of the other House. I do concede at once that even if this notice had been signed by still more distinguished people, it would not have relieved the Deputy Commissioner of his responsibility to Government for the maintenance of order in the City. There has been a great deal of talk, Sir, about this notice having been signed by 22 Members of both the Houses. I am reminded of what I heard some time ago about a big landholder, a wealthy and prosperous zamindar living in a village, said to a friend of his: 'I see so many British soldiers in the Army, but I can never distinguish one from the other; they all look alike.' His friend said: 'But have you not seen hundreds of them going about and cannot you find any difference between them?' The zamindar said: 'No, unfortunately not.' Might I say that the Deputy Commissioner of Delhi seems to be in the same position. He does not make any difference between a Member of either House and between the man in the street. Apparently, he does not recognise any difference between one Indian and another. All to him presumably are alike. Time alone will change this mentality. Sir, I am rather surprised that the Honourable Sir William Vincent should first of all have raised the objection that this was a belated motion. What we have got to see is this: has discretion been properly exercised in this case or not? Has permission been withheld on sufficient or insufficient grounds? We have been told that Delhi is a very objectionable sort of place, where we have got non-co-operators, where we have got the Muhammadan rabble, and we have further been told the history of Delhi during the last two or three years, how one meeting after another has been broken up and how there has been disorder and so on. There would have been some force in this kind of argument if the Deputy Commissioner had arrived at the conclusion that no meeting at all should be held in Delhi. He does not say that. What he says is this. Hold a meeting, but do not hold it in the Queen's Garden. We have been told that Mrs. Besant addressed a meeting in Delhi. We have been told that Pandit Madan

Mohan Malaviya addressed a meeting in Delhi. That, I submit, goes against the position of the Honourable the Home Member. We are all aware that Mrs. Besant is utterly, uncompromisingly, opposed to the non-co-operation movement, and anybody who knows anything about Mrs. Besant knows that if she speaks on any question she speaks out with her characteristic force. What was the result? That meeting was held, and there, I understand, she spoke against civil disobedience. I ask, were any heads broken? Was the meeting broken up by these non-co-operators?

**The Honourable Sir William Vincent:** Was the meeting at the Queen's Garden after nightfall? I thought it was held in a building.

**Munshi Iswar Saran:** If the Honourable Member would only be pleased to allow me to go on, I shall develop this point. Unless there is something very peculiar about the Queen's Garden, I do not see the force of this argument. These were public meetings. I shall ask the House to remember that anybody and everybody was perfectly entitled to attend these meetings. Co-operators and non-co-operators were free to go. And what was the result? The result was that a public meeting, free and open to the public, addressed by a person who spoke with force and strength against civil disobedience, was brought to a peaceful termination. I say, if that be so, then it goes to show that this unfortunate Muhammadan rabble of Delhi and these non-co-operators are not half as black as they are painted. A great deal has been made of the fact that this meeting was proposed to be held at night. I speak very much subject to correction, but in this correspondence no stress is laid on the fact of the meeting having been proposed to be held at night. There is nothing,—I shall be very glad indeed if the Honourable the Home Member corrects me as far as I am able to see which goes to shew that any stress was laid on that. The only stress that was laid was on the fact that this meeting should not be held in the Queen's Garden but should be held in a public building. I ask in all seriousness, where is the difference between a public meeting in a garden and a public meeting in a building? The meeting in a building is as much open to the public as the meeting in a park.

Then, Sir, it is rather significant that the gentleman in charge of this meeting told the Deputy Commissioner that no suitable building could be obtained for the purpose of holding this meeting. I do venture to think that the Deputy Commissioner knows the City of Delhi as do very many Honourable Members here, or perhaps he knows it better. Is there any public building here which can accommodate 5,000 or 10,000 people? (Cries of 'No, no'.) Some of my friends say 'No'. I cannot say so with the same authority; but I do venture to think that a very large public meeting cannot be conveniently held in any building in the City itself. What is the good of a permission which cannot be availed of? To lay down an impossible condition is as good as refusing permission.

Then we are told that this meeting was to be held on the day preceding the municipal elections. So would have been held a meeting in a building. As far as these questions are concerned, I submit they are perfectly irrelevant to the issue which we are considering.

Sir, it is not given to anyone, certainly it is not given to me, to read the mind of anybody, be he a Deputy Commissioner or be he any other official or non-official. We have got the letter in which the Deputy Commissioner said—that *prima facie* there was no objection to the holding of the meeting;

[ Munshi Iswar Saran. ]

and, subsequently, I think he for some reasons changed his mind. What are those reasons, I ask ?

Sir, we have been asked to extend our sympathy to officials. Most certainly I am ready to extend all legitimate sympathy to them. I should be the last man to ask this House to unjustly condemn any official; but I shall ask the Honourable Sir William Vincent and the gentlemen who are occupying the Government Benches to have some sympathy with the public. (Hear, hear.) Are the officials alone entitled to sympathy, and is the public entitled to none? I say this. I do not go into the question of motives, but I do say, and say most emphatically, that the Deputy Commissioner has been guilty of a very grave and very serious indiscretion, and, this being the case, it is up to us to express our disapprobation of his action. In expressing that disapprobation, we do not withhold our sympathy from him. We might perhaps extend our sympathy to him, that the gentlemen could not and did not exercise the discretion which his office as Deputy Commissioner called upon him to exercise. I do not wish to ask the House to commit itself to any other position. I say this: Here is a proposal made by responsible men to the Deputy Commissioner, and his disregard of a request emanating from so many responsible people is certainly a gross breach of his discretion. I, therefore, disapprove of it and I shall ask the House to join with me in expressing its most emphatic disapproval of it.

**The Honourable Sir Malcolm Hailey** (Finance Member): The House, Sir, is, I think, under a distinct obligation to Mr. Iswar Saran, for, if I mistake not, he has greatly restricted the scope of the matter which the House now has to consider. When the matter was first brought before the House, it was represented to us that the Deputy Commissioner had made far more than a mere mistake in the exercise of his discretion. He had vetoed a meeting which was put forward by 22 Members of this Legislature. He had refused to take their guarantee that they would preserve law and order. He had applied the Seditious Meetings Act in a case in which there was no possibility of seditious views being expressed. He had by implication pronounced a disapproval of the object of the meeting. That then was the aspect of the case that was first put forward to us. That presentation of the case we felt on our side to be entirely unjustifiable, and our view gains strength from the manner in which Mr. Iswar Saran has now narrowed the issue. He now—and very rightly if I may say so—says that it is merely a question whether the Deputy Commissioner exercised a proper discretion in saying that the meeting ought to be held in a building and not in an open place. That is a matter of far less importance; the issue is a far smaller one and I propose to argue the matter on that issue.

Those who know Delhi probably know the Queen's Garden well. It is a large area surrounded for the one side by buildings; it has four gates and railings which offer no serious obstacle to any one who wishes to make an entrance. It is cut up into a very large number of garden plots and it is badly lighted. It is the traditional place for public meetings in Delhi; but, as Sir William Vincent has said, those public meetings have in the past been liable to disturbance by the large crowds of people who collect, not necessarily for the purpose of that meeting, but collect merely to look on, or merely in some cases for the purpose of making a disturbance. Every one who knows Delhi knows how large is the number of people of distinctly a low class,

who have during the political disturbances that have taken place in Delhi in the past, showed a sense of utter irresponsibility where law and order are concerned; every one who knows Delhi and its public meetings knows that such people are bound to gather and are frequently exceedingly turbulent. It always has been a task of the very greatest difficulty for the police to keep order in such meetings. Highly respectable people convene meetings; they convene for all manner of purposes; highly respectable people come forward to speak and do their best to control the audience. But there is always that large fringe of riff raff which is liable to disturb the most serious meetings. Now, just at present, when feelings are running high, when feelings on the particular question which was to be debated are very acute indeed, was it unreasonable on the part of the Deputy Commissioner to suppose that the ordinary crowds of sight-seers would be augmented by a large number of people who were likely to disturb a meeting of this kind? We know what non-co-operators have done in regard to disturbing meetings in Delhi. We know what they have done in Bombay. Was it unreasonable that an officer whose primary duty is to preserve law and order should say that it would be dangerous that a meeting should be held in such a place and especially after nightfall? 'I accept fully' he might say 'what you tell me on the subject of your own motives; they are beyond cavil, or criticism. I accept fully what you say about your endeavours to see that there is no breach of the peace. But I have had cases before of disturbances; I have had cases in which excited people have attacked and have maimed my police. You are asking me to take responsibility more than I think I ought to bear.' Now, Sir, if that meeting had been held in a building, a far different series of questions would have arisen. Mr. Iswar Saran has quoted meetings that have been addressed by Mrs. Besant, and by Pandit Madan Mohan Malaviya. But those were held in buildings where control was easy. You could find a building in Delhi that can hold a thousand people or perhaps more. It would not be an insufficient testimony of public feeling if a thousand responsible people were to give their united voices on this question. Is it also necessary, Sir, in order to impress those who are responsible for the revision of the Treaty of Sevres, was it necessary also to impress the Cabinet at home, that beyond the responsible people who, we may ordinarily expect, might attend such meetings, provision should be made also for the attendance of large crowds of the general population of the town? The task of the police is always a difficult one; and if you are to ask them to take complete responsibility for meetings held late in the evening in a place badly lighted, in a large space cut up with flower-beds and trees, a meeting that has to deal with a question that has been much agitated at the time, if you ask them to do that, they might very reasonably take an entirely different view of the question to what they would if you ask them merely to protect the speakers and the responsible audience assembled in a building. I say myself that the gentlemen who convened this meeting, possibly not knowing Delhi, ran a distinct risk; they ran a distinct risk that their own meeting which started out with motives which nobody can criticise, would end in riot and disorder.

Now, Sir, as to the functions of the Deputy Commissioner. The functions of the Deputy Commissioner in this case are not, as one speaker suggested, merely confined to preventing any meeting in which sedition might be taught. Let me read out the Act:

'No public meeting for the furtherance or discussion of any subject likely to cause disturbance or public excitement, or for the exhibition or distribution of any writing or



[ Sir Malcolm Hailey. ]

printed matter relating to any such subject, shall be held in any proclaimed area . . . . . unless permission to hold such meeting has been obtained in writing from the District Magistrate or the Commissioner of Police, as the case may be.'

That is to say, it is his duty to see that no meeting should be held which was likely to cause public excitement or disturbance. Now, Sir, I have dealt with some of the main criticisms which have been brought against the action of the Deputy Commissioner this evening. I hope that I have convinced the House that if he exercised his discretion he made a very reasonable use of his judgment on the occasion. He had a difficult problem to face ; he had to be answerable to Government and to the law-abiding citizens of Delhi for the maintenance of order ; and in the decision he gave he was, and he could be, actuated by no other feeling whatever than a desire to maintain order. His action did not in any sense imply a criticism of the motives of the promoters of the meeting. It did not imply in any way a suspicion that they themselves were actuated, as has been suggested to-day, and wrongly suggested, by any seditious motive. And now, Sir, one matter in conclusion. Mr. Abul Kasem, when he addressed the House, spoke in the strongest language of the action of the Deputy Commissioner. Here, he said, was a time when India was moved by the strongest feelings. Here was a time when every Mussalman in India desired to give expression to his feelings on the subject of the Treaty of Sevres ; and what has this official done ? He has sat on the safety valve ; he has created a situation in which the Mussalmans of India have been stopped from giving rightful expression to their views. Has he, Sir ? Has this great disaster really supervened ? Why, more than one of our Honourable friends have confessed to us that they had never even heard of the deplorable action of the Deputy Commissioner until it was brought to their notice by Mr. Agnihotri this morning !

**Mr. Muhammad Yamin Khan** (Meerut Division : Muhammadan Rural) : Sir, the present action of the Deputy Commissioner of Delhi is one of those deplorable instances in which sometimes the British official has shown an amazing ignorance of the feelings of India. A good case, of course, has been made out by the Honourable Sir William Vincent in defending the Deputy Commissioner for his indiscreet act, by appealing to this Assembly that the duty of every Honourable Member of this House is to support the official when he is facing difficult problems. I quite agree with the Honourable Member when he asks for the support of the Assembly on this occasion. I think there is no Member in this House who will not support to his utmost any official whenever he is faced with any difficulty or whenever any breach of the peace is threatened. But here, again, they have been wrongly judging Indian and Muhammadan feelings, especially when they think that any breach of the peace might have ensued by holding such a meeting as was thought of.

Muhammadan feeling is undoubtedly very excitable, and it has been excited to a great extent during the past two or three years by a long history of events which has been narrated by the Honourable the Home Member. But he is forgetting one great thing, and it is this. It is one thing to excite the feelings of the people to the highest pitch, and it is quite another thing to extinguish their feelings in a moment. You can

5 P.M.

make a blaze by blowing in a hysterical manner, but, if you pour water on it, it can be put out easily. Such had been the feeling of the Muhammadans in this country. All this time, they thought that the Indian Government was not supporting the cause of the Mussalmans of India, that they had not been rightly representing the view of the Muhammadan public, but, as soon as the telegram of the 23rd February was published in the papers here on the 9th of this month, all of a sudden a great change was brought about in the minds of a good many people; and, if this factor had been taken into consideration by the Honourable the Home Member or by the Deputy Commissioner of Delhi, they would have soon found out how to control the feelings of the people even at a meeting in a disturbed City like Delhi. Some of the Members of this Legislature might have expected that they had no influence on the non-co-operating people, but that was only as long as some of the Members were co-operating with the Government against the interests of the country. In this case, the Muhammadan feeling was against the Government to this extent only, that it was not representing the views of the Indian Mussalmans, but, since it was made known that the Government have been doing their best in the interests of the Indian Mussalmans, no Muhammadan would have disturbed the meeting or would have taken mean advantage at the meeting to disturb it. They would have all quietly heard the various Resolutions and speeches passed at the meeting and supported Mr. Montagu as also the Government of India who were representing the views of the Indian Mussalmans to the British Cabinet and were ultimately endeavouring to bring about a treaty for which they had been looking forward for a long time in order to pacify the masses in this country. The error of judgment in the present instance is due to a great lack of knowledge, as I have said, on the part of the administrator, and, while I think that, under ordinary circumstances, we might support every administrator and every official in this country, such a man, who has not even the slightest hesitation in making use of his powers in cases like the present, does not deserve any sympathy from this House. I support heartily the motion for adjournment which has been brought forward by Mr. Agnihotri, and I think he has very rightly stated that this is a matter which requires very serious consideration, because the Deputy Commissioner of Delhi has produced by his action one of the worst effects on the minds of Muhammadans in this City. Some people are thinking that this officer belongs to the class of one of those reactionaries who have been hampering our efforts to bring about a peaceful treaty up till now, and this officer is working merely because of his impression that, on account of the change in Ministry, his action will be justified by the higher officers. Sir, I think this official has been very indiscreet—I won't go beyond that—he has been guilty of a very indiscreet action.

(*Mr. K. Ahmed and several other Honourable Members: 'I move, Sir, that the question be now put.'*)

Sir P. S. Sivaswamy Aiyer (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, knowing as we do the extent to which the feelings of the Muhammadan community have been stirred, and knowing as we also do the extent to which the feelings of a number of Members of this Assembly have been stirred, I rise with some amount of hesitation. I do not wish to record a silent vote upon this question. (Hear, hear.) I have endeavoured to view the question somewhat dispassionately and arrive at a calm judgment, if I

[ Sir P. S. Sivaswamy Aiyer. ]

may say so. Now, what is the effect of this motion? If we carry it, it amounts to a censure upon the Government or perhaps upon the Deputy Commissioner or upon both. Let us first look upon it in its aspect of a motion intended to convey censure upon the Government. Now, so far as the motives of the gentlemen who are responsible for the convening of the public meeting are concerned, there can be no question, that they were quite lawful, they were perfectly unobjectionable, but that is not the issue before us. The question is, are you prepared or do you feel it right or just to pronounce your censure upon the Government? Now, upon this Khilafat question, we have all expressed our approval of the strong attitude taken by the Government of India, of the strong attitude taken by His Excellency the Viceroy and by the Right Honourable Mr. Montagu, the late Secretary of State. It is the strength of their championship of the cause of the Muhammadans that has cost Mr. Montagu his office. Perhaps that may not be strictly correct. It may be said that that is due not so much to his advocacy of the Khilafat as to his breach of constitutional decorum. We, in India, at any rate, are rather inclined to attribute it more to the warmth of his advocacy of the Muhammadan cause than to the breach of constitutional propriety. Knowing, then, as we do, the extent to which the Government of India and the Secretary of State have all stood by the side of Muhammadans, that they have all advocated the cause of the Khilafat, is this how we are going to pay the Government, to pronounce our censure upon the Government? Now it may be said that, because they have championed the cause of Muhammadans, it does not absolve them from the duty of right conduct in other matters and in other spheres, that if they interfere with personal freedom or with the right of holding meetings, they should not be held absolved because they have dealt nobly or stoutly by the interests of the Muhammadans in another matter. But I ask, are the two matters so entirely separate that you ought to take no notice of the fact that they have sympathised with you, that they have advocated your interests and that they have stood by you boldly? It is all in connection with this very same Khilafat matter that we are asked to condemn the Government. Now surely, in a matter like this, we ought to bear in mind the fact that the Government have throughout espoused the cause of the Muhammadans. I for one am not prepared to condemn the Government because one of their subordinates has been guilty, according to one of my friends, of a grave indiscretion. Assume that for the moment. Now, if the Government is to be made responsible for every act of wrong of its subordinates, legally I can assure you it cannot, if the Government is to be made responsible for the wrongs of its subordinates, which Government is there that can escape censure every minute of its life? Are not subordinates liable to error of judgment just as much as we are liable? And, if the Government is to be condemned for each and every act of its subordinates, I can tell you that this is not the only Government that will not escape censure, but no Government will escape censure. That, I think, is an impossible position to take.

Then, Sir, I come to the other question, *viz.*, the conduct of the Deputy Commissioner. It has been said that, if the Deputy Commissioner had prohibited the holding of any meeting at all, his position might be intelligible. He had no objection to the holding of a meeting in an enclosed building, but he objected only to the holding of a meeting in the open air. That seems to me to prove his *bonâ fides*. It shows that he had no feeling

of antipathy towards those who were in charge of this meeting. His object was to allow as much liberty as possible to those who wished to move in this matter, but he thought, you may say wrongly and he may consider himself rightly that, with the responsibility of keeping the peace, he could not afford to take the risk of allowing the meeting to be held in the open air. He may be right or he may be wrong. I do not now go into that question. But, does his conduct show any wanton or arbitrary interference with our liberties? Is it at the worst anything more than a *bona fide* error of judgment? It may be an error of judgment. Men do not always arrive at the same view with regard to a particular situation. Men may arrive at different conclusions. One man may think that he may safely take the risk while another man may think that he cannot afford to take the risk. These are matters upon which differences of opinion are perfectly natural and reasonable. Now, are you entitled to say, looking at the conduct of the Deputy Commissioner and at the circumstances and at the previous history of public meetings in Delhi as disclosed by the Honourable Sir William Vincent, that he exercised his judgment in a manner so arbitrary, so unreasonable, that no person gifted with ordinary common sense would have come to that conclusion or that he acted otherwise than *bona fide*, that his object was to interfere with the liberties of the people, and that he did not intend to preserve the peace. For my part, Sir, whatever error of judgment the Deputy Commissioner may have been guilty of, I am not holding any brief for him, I am inclined to hold that it certainly is not a case of a wanton, and deliberate disregard of rights, or conduct which would amount to *mala fides* on his part. If a public servant acts to the best of his lights in an honest manner, are you to censure him for having made a mistake? If that is the principle on which you are going to deal with public servants, then I am afraid the position of public servants will become intolerable. By all means, let us come down upon them with a heavy hand, whenever we find that they are guilty not merely of errors of judgment but of conduct which shows a callous disregard for the rights of the people, as the conduct of the officials in the Punjab showed during the year 1919. I would go the whole length with you in condemning the conduct of the Punjab officials and I was not satisfied with the way in which Government dealt with the officials during the Punjab occurrences. But here in the present case, where the Deputy Commissioner thinks that he will be taking a risk which it will not be safe for him to take, if you are going to condemn him for that, then, I submit, it must make it very difficult indeed for public servants to discharge their duties. These are the aspects which occur to my mind and this is the reason why I find it not possible for me to record a vote of censure either upon the Government or upon the Deputy Commissioner. Far be it from me to say that the conduct of the Deputy Commissioner on this particular occasion was perfectly justified, and that no other conclusion could have been come to. That is far from my purpose. My purpose is simply to say that a motion of censure is not justified.

(Several Honourable Members: 'I move, Sir, that the question be now put.')

Mr. President: The question is:

'That this House do now adjourn'.

The Assembly then divided as follows :

AYES—29.

Abdul Majid, Shaikh.  
Abdul Rahim Khan, Mr.  
Abul Kasem, Maulvi.  
Agarwala, Lala G. L.  
Agnihotri, Mr. K. B. L.  
Ahmed, Mr. K.  
Akram Hussain, Prince A. M. M.  
Asjad-ul-lah, Maulvi Miyan.  
Ayyangar, Mr. M. G. M.  
Bajpai, Mr. S. P.  
Bhargava, Pandit J. L.  
Bijlikhan, Sardar G.  
Chaudhuri, Mr. J.  
Das, Babu B. S.  
Gulab Singh, Sardar.

Hussanally, Mr. W. M.  
Ibrahim Ali Khan, Lieut.-Nawab M.  
Iswar Saran, Munshi.  
Man Singh, Bhai.  
Misra, Mr. B. N.  
Misra, Mr. P. L.  
Neogy, Mr. K. C.  
Rangachariar, Mr. T.  
Reddi, Mr. M. K.  
Shahab-ud-Din, Chaudhri  
Shahani, Mr. S. C.  
Sinha, Babu Ambika Prasad.  
Sohan Lal, Bakshi.  
Yamin Khan, Mr. M.

NOES—34.

Abdul Quadir, Maulvi.  
Aiyar, Mr. A. V. V.  
Aiyer, Sir P. S. Sivaswamy.  
Barua, Mr. D. C.  
Bradley-Birt, Mr. F. B.  
Bray, Mr. Denys.  
Bryant, Mr. J. F.  
Crookshank, Sir Sydney.  
Dalal, Sardar B. A.  
Dentith, Mr. A. W.  
Faridoonji, Mr. R.  
Fell, Sir Godfrey.  
Gajjan Singh, Sardar Bahadur.  
Habibullah, Mr. Muhammad.  
Hailey, the Honourable Sir Malcolm.  
Jamnadas Dwarkadas, Mr.  
Keith, Mr. W. J.

Lindsay, Mr. Darcy.  
Mitter, Mr. K. N.  
—Muhammad Hussain, Mr. T.  
—Muhammad Ismail, Mr. S.  
Mukherjee, Mr. J. N.  
Mukherjee, Mr. T. P.  
Percival, Mr. P. E.  
Sapru, the Honourable Dr. T. B.  
—Sarfaraz Hussain Khan, Mr.  
—Schamnad, Mr. Mahmood.  
Sharp, Mr. H.  
Spence, Mr. R. A.  
Vincent, the Honourable Sir William.  
Vishindas, Mr. H.  
Waghorn, Colonel W. D.  
Way, Mr. T. A. H.  
Zahiruddin Ahmed, Mr.

The motion was negatived.

PROROGATION OF THE SESSION.

Mr. President : I have to read the following Message from His Excellency the Governor General :

*'In pursuance of sub-section (2) of section 63-D of the Government of India Act. I. Rufus Daniel, Earl of Reading, hereby prorogue the Session of the Legislative Assembly on the conclusion of its business on Tuesday, the 28th March, 1922.*

READING,

*Viceroy and Governor General.'*

DELHI ;  
The 27th March, 1922.

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

آئرپیل پرسیڈنٹ اور آئرپیل ممبران ہوس۔ میں مخالفت کرتا ہوں ہمارے دوست مسرس این۔ ایم۔ جوشی۔ کی رزلوشن کا۔ اور چند الفاظ عرض کرنا ضروری سمجھتا ہوں۔ ہمارے آئرپیل دوست نے جو ترمیم قانون انتضاب لیجس لیٹب اسمبلی میں پیش کیا ہے۔ وہ ہمارے مذہبی نکتہ خیال سے یکدم ناممکن ہے ہمارے پاک اسلام کی کتاب نے عورتوں کی پردہ کی واسطے بہت سخت ہدایت فرمائی ہے چنانچہ یہ آیت موجود ہے کہ (قرنا فی بیوت من ولا نبرجنا نبرجل الجاہلیت الاولی) یعنی عورتیں اپنے گھروں میں بیٹھی رہیں اور ایسا علانیہ نہ پہرا کریں جیسا کہ اسلام لانے سے قبل پہرا کرتی تھی •

پس جب ہندوستان میں یہ اسمبلی ہم مسلمان و ہندو صاحبان کا مشترکہ مجلس ہے تو میں کس طرح سے راضی ہوسکتا ہوں کہ ایک ایسا قانون بنایا جاوے جس سے اسلام کا پردہ معرض خطر میں آجاوے اس نئے روشنی کے زمانہ میں جسکو دیکھتا ہوں وہ نشہ آزادی میں سرشار ہوکر وہ وہ باتیں کرنیکو طیار ہوجاتے ہیں جس سے ہمارے مذہبی فرقوںکو خواہ وہ ہندو ہوں یا مسلمان عدمہ پہونچتا ہے۔ ہمارے فہم ناقص میں تو ابھی ہم مرد صاحبان جو ممبران اسمبلی ہیں آج تک کوئی ایسا فائدہ رساں کام غریبوں اور دیہاتیوں کے فائدہ کے واسطے انجام ندیسکے ہیں کہ قابلِ نظر ہو •

مثال کے طور پر میں یہ پیش کرنا مناسب سمجھتا ہوں۔ کہ میں اپنے لایق جہاندیدہ تعلیم یافتہ ہم عصروں کی بابت بتاؤں کہ وہ کیسے کام کر رہے ہیں۔ اور وہ یہ ہے کہ ابھی ۳۱ تاریخ جنوری کو ایک بل پیش ہونا تھا۔ جس سے کہ عام لوگوںکو ایک بہت بڑا فائدہ پہونچ سکتا تھا۔ مگر ہمارے آئرپیل ممبر نے جنکو

\* Vide Legislative Assembly Debates, Volume II, page 3087.

کے اپنے فرائض کے ذمہ دار ہونکا پورا احساس کا دعویٰ ہے اور مغربی تعلیم سے فیضیاب  
 ہیں ایسے ضروری بل کے پیش کرنے کے وقت بھی نہایت خوبصورتی کے ساتھ غائب  
 رہے اور اونکی غیرحاضری کے سبب جو مایوسی ہاؤس اور پبلک کو ہوئی اوسکا  
 اندازہ آپ حضرات خود کر سکتے ہیں - جب ہمارے سالہا سال کی تعلیمی جد  
 و جہد ہمارے نوجوانوںمیں شہریت کی صحیح جذبات پیدا نکر سکی - اور ہمارے  
 تعلیم یافتہ نوجوانوںمیں وہ ابتدائی صفات بھی پیدا نہیں کر سکی جو کہ نظام مملکت  
 میں حکومت اور رعایا کی خدمات کماحقہ انجام دینے کے لئے ضروری ہیں - تو  
 میں کس طرح آپ صاحبان سے یہ استدعا کروں کہ آپ اس تحریک کی تائید کریں  
 جسکا کہ مقصد فرقہ اناس کے لئے پولیٹکل حقوق حاصل کرنا ہے - پیشتر اسکے کہ آپ  
 صاحبان اس کے حق میں رائے دین آپ صاحبان کو اوس سالہا سال کی تعلیم  
 و تربیت کو ملحوظ رکھنا ہوگا جو کہ ہمارے مغربی بہنوں نے میدان عمل میں  
 انیسے پلے حاصل کی ہیں - ہندوستانکی تمام عورتیں بلحاظ تعلیم اپنے مغربی  
 بہنوں سے بہت پیچھے ہیں - اور جب ہمارے مرد بھی اپنے پبلک خدمات کی  
 ذمہ داریوںکی احساس میں قاصر نظر آتے ہیں تو عورتوں سے اُمید رکھنا کہ ان  
 فرایضونکو اچھی طرح سے ادا کر سکیںگی ایک خیال مرہوم ہے - ہمارے نوجوانوںکے  
 خیال جو کہ احکامات مذہبی کی تعمیل سے اپنے کو آزاد تصور فرماتے ہیں - اونکے  
 خیال کے موافق یہ کلام اکبر - مناسب ہے :

ترقی کی نئی راہیں جو زیر آسمان نکلیں

میان مسجد سے نکلے اور حرم سے بیہیاں نکلیں

تو پھر عورتونکو روٹ کا حق دینا اوسکا مطلب یہہ ہوا کہ اونکو کونسلوں میں  
 بیجیدئے جائیں - جس سرزمین کے مردوں نے کوئی ایسا انتظام کافی نکر سکے  
 جس سے ہندوستان کی سرزمین سے یہہ موجودہ شور و ہنگامہ دفع ہو جاتا - اور  
 ہزاروں امیرو غریب جیل خانہ جانے اور بیجا ہلاک ہونے سے محفوظ ہو جاتے  
 تو اونکی عورتیں کیا کر لینگی میں نہایت ادب سے اپنے نئے روشنی کے دلدادہ اصحاب  
 کی خدمت میں عرض کرتا ہوں کہ وہ حضرات اپنے دماغی خیالات پر یکدم کاربند  
 نہوجاویں جب کوئی کام کرنا چاہیں تو عام لوگونکی جوش و خیال کا ہر دم

و ہر لحظہ خیال رکھا کریں - کیونکہ قانون کا بنانا تو سہل ہے لیکن جو جو لوگ اوسپر عمل کرنے کے اونکی تکلیف اور آرام کا اسیوقت خیال رکھنا ہوگا - اگر عورتوںکو ورت کی حق دئے گئے تو پردہ نشین عورتیں کس طرح سے ورت دینگی - اگر یہ خیال کر لیا جاوے کہ جنکو ضرورت ہو ورت دیں اور جنکو ضرورت نہو ندیں - تو ایسی صورتوںمیں بھی ہمارے اسلامی فرقے کو سخت نقصان پہونچنے کا احتمال ہے - اور میں خیال کرتا ہوں کہ اس موجودہ اسمبلی میں ایسے ہندو صاحبان پابند مذہب موجود ہیں کہ وہ کبھی ایسے قوانین بنانیکی طرفدار نہونگے - پس میں نہایت ہمت کے ساتھ ہمارے آنریبل ممبران ہاؤس کی خدمت میں عرض کرتا ہوں کہ اس رزلوشن کی مخالفت کر کے مذہبی آدمیوںکے دلونکو مسرور فرمائیں •

#### ENGLISH TRANSLATION.

**Maulvi Miyan Aajud-ul-lah** (Bhagalpore Division : Muhammadan) : Hon'ble President and Hon'ble Members of the House, I oppose my friend Mr. N. M. Joshi's Resolution and think it necessary to say a few words on it. The amendment to the Electoral Rules of the Legislative Assembly as proposed by our Hon'ble friend is, from our religious point of view, absolutely impossible to consider. There are very strict injunctions regarding the Purdah of the females in the Holy Book of the Muhammadans. There is a verse which says.—

'Let the women remain in their homes and they should not go about openly as they used to do before accepting Islam.'

Therefore, when this Assembly is a joint meeting place of the Hindus and Muhammadans, how can I agree to the framing of such legislation which will place the Muhammadan Purdah system in jeopardy ?

In these days of the New Light I see people under the influence of the Wine of Liberty ready to do such things which are harmful to our religious sects, whether Hindus or Muhammadans.

In my humble opinion we, the male Members of this Assembly, have not, so far, been able to do anything good for the poor and the villagers to be proud of.

I think it proper to give an example to show how, (some of) my able, experienced and educated colleagues do the work—only on the 31st January last a Bill was to be introduced (the passing of) which would have benefited a great deal the people in general—but our Hon'ble Member, who claims to feel his duties and responsibilities quite keenly, and who has also received Western education, very nicely absented himself at the time of the introduction of such an important Bill. The disappointment which his absence caused the House and the public can well be imagined by you all.

When years of education and endeavours could not create the correct spirit of citizenship in our young men and our educated young men could not acquire even the preliminary qualifications which are necessary for the carrying on of the onerous governmental and public duties in the adminis-



tration of a country, how then can I ask you to support a motion the object of which is for the women to receive Political Rights ?

Before you express an opinion on this matter you will have to keep in view the education and the training which our Western sisters attained before coming into the field of action. The women of India are far behind their sisters in the West as regards education. When our men fail to have a keen sense of responsibility of their public duties to expect that women will perform the same any better is to expect an impossibility. The ideas of our young men who consider themselves free from all fetters of Religion have been aptly described by the Poet Akbar :—

*Taraqi ki nai rāhen jo zer-i-āsmān niklīn—*

*Miān Masjid se nikle aur haram se bibtān niklīn.*

New roads of Progress which opened under the Heavens—  
Brought men out of the mosques and women from Harems.

Therefore, to give women the right of voting is to send them to the Councils. When the men of this land have not been able to devise any means to effectively free this land of India from the present confusion and unrest and to prevent thousands of people rich and poor from going to jails and giving up their lives uselessly—what can our women do ?

With due respect I approach the gentlemen who are followers of the New Light and request them not to be carried away by their ideas and that when they wish to do anything they should always keep in view the ideas and the sentiments of the people in general, because it is easy to legislate, but the trouble and inconvenience caused to the people should be kept in mind at the same time.

If the women are granted the right to vote—how will the Purdah nashin women give their votes ? If we presume that those who want to vote may do so and those who do not need not—even then the Muhammadan section will have a great harm done to it, and I think there are religiously inclined Hindu gentlemen present here in this Assembly who will never be a party to any such legislation. Therefore, I most emphatically ask the Hon'ble Members of this House to oppose this Resolution and to put the minds of the religiously inclined people at rest.

آنریبل پریسیڈنٹ و آنریبل ممبران موجودہ بچت جو کہ اسوقت ہمارے سامنے موجود ہے اور اوسکی زیادتی ٹکس پر عذر ہو رہی ہے اوسکے بارے میں چند ضروری باتیں جو کہ میرے خیال ناقص میں ہے عرض کرتا ہوں - ہمیں بہت افسوس ہے کہ موجودہ ٹکس سے تمام ہندوستان کے غریب باشندوں کو سخت تکلیف و مصیبت کا سامنا کرنا ہوگا - کیونکہ بعد جنگ جرمنی کے گل چیزیں کہانے و پہنے کی گران ہو گئی ہیں - اور اوس سے غریبوں کی جان و عزت و آبرو پر حرف آ رہا ہے \*

اکثر بلکہ کثرت سے ایسے غریب اسوقت ہندوستانی دہیات میں پائے جائینگے کہ اونکے اور اونکے خاندان کے ہر ممبرونکے پاس صرف ایک ہی جوڑے کپڑے کے موجود ہونگے - اور اوسکی بھی یہ حالت ہوگی کہ بائیس پورا نا ہونیکے اکثر جگہ پیوند لگی ہوگی - بلکہ بعض تو غیروںکے دئے ہوئے ہونگے - اور انہی غریبوں کی خوراک کا اگر معائنہ کیا جاوے تو سوائے اوبلی ہوئی اناج و ساگ و پات کے اور کچھ نہیں ہوتے - طرفہ تو اوسپر یہ مشکل کہ دو وقت کا کھانا بھی گھر میں موجود نہیں - اگر مزدوری کیا تو کھایا ورنہ نوبت فاقہ کی درپیش - پس ایسے غریبوں پر بنی نوع انسان کی انسانیت و ہمت سے بعید ہے کہ ٹکس وغیرہ سے تکلیف دیا جاوے اور یہ مصرعہ موزون نہو :

\* مصرع \*

بُرد مرغ در دانه از پیش مور

سلطنت کا پہلا فرض ہے کہ وہ اپنے غریب رعایا کو زندہ رکھے - رعایا کی بہبودی اور ترقی کا خیال رکھے اور اوسپر کیا کیا تکلیفیں گذر رہے ہیں اوسکی دور کرنیکی کوشش کرے - ریفرم اسکیم ملنے سے معجز خیال کمال پیدا ہو گیا تھا کہ اب کل دور دور دہیات سے ممبران طلب ہو کر غریبوں کی آرام و آسائش کا سامان گورنمنٹ کریگی - لیکن یہ معلوم نہ تھا کہ جو مشکلات و تکلیفیں قبل ریفرم ملنے کے موجود تھے وہ دو گنی سے گونی ہو جائیگی - نائداد ٹکس و کمی بیشی پر اوس کے

کل کے دن پوری طرح سے بحث ہو چکی ہے اب اوسمیں کوئی کثر و کوئی بات باقی نہیں ہے کہ بتلایا جاوے۔ سال گذشتہ ڈاکخانہ کی بجٹ میں اضافہ ہونے سے تمام ہندوستان کے غربا میں ایک ہل چل سی مچ گئی تھی خیر خدا خدا کر کے کچھہ وزن وغیرہ میں تغیر کر دی گئی اور قیمت لفافہ و کارڈ سابق رہا۔ ابھی سال پہر اوسی مصیبت کا سامنا ہو گیا ہے۔ میرا دل میرا ایمان کبھی یہہ اجازت نہیں دیتا کہ ٹکارڈ اور لفافہ جسکا وزن  $\frac{1}{4}$  آدھا تولہ ہو اوسکی قیمت بڑھائی جاوے کیونکہ یہہ دونو چیزیں ہمارے ہندوستان کے غربا کے استعمال میں آتے ہیں۔ غربا کی توحثیت ہی لفافہ استعمال کی اجازت نہیں دیتی ہے اوو نہ وہ لفافے استعمال کرتے ہیں۔ صرف اوسی موقعنپر استعمال کرتے ہیں کہ جب اونکو اپنی مصیبت و سخت سے سخت تکلیف کا اظہار کسی ہمدرد سے کرنا ہوتا ہے اور اوسکا ظاہر ہونا بہت شرمناک بات ہوتی ہے تو ایسی حالت میں وہ لفافہ لکھتے ہیں۔ اور میں فخر سے یہہ بات ظاہر کرتا ہوں کہ میں ایک در دراز دیہات کا رہنے والا ہوں۔ اور میری تمام عمر دیہات اور اُسکی سیر میں گذرتی ہے میں نے یہہ خیال کیا تھا کہ بہار کے غریب لوگونکی حالت سب سے خراب ہے لیکن جب میں ہندوستان میں آیا اور اکثر دیہات میں گیا تو معلوم ہوا کہ تمام ہندوستان کے باشندگان ایک غربت اور شرمناک زندگی بسر کرتے ہیں۔ آنریبل فیڈائٹس ممبر جو کہ ٹکس لگاتے ہیں۔ لیکن بہت انسوس ہے کہ اونکو گورنمنٹ دیہات کے معائنہ سے محروم رکھا ہے \*

(At this stage the Deputy President took the chair.)

پس ایسے حالت میں اونکا ٹکس لگانا بیجا نہیں ہے کیونکہ اونکے سامنے ممالک یورپ کا نقشہ ہر وقت موجود رہتا ہے۔ اور کبھی بھولے سے بھی غرباے ہندوستان کی حالت اونکی آنکھوںکے سامنے نہیں آتی ہے۔ اگلے بادشاہان کا یہہ دستور تھا کہ خود وہ تمام غریبوں اور ناداروں میں اپنا بھیس بدل کر پھرا کرتے تھے اور اونکی حالت کا معائنہ کر کر۔ اونکی آرام و آسائش کا طریقہ نکال لیتے تھے اب تو وہ طریقہ یکدم معدوم ہے بلکہ اونکے بڑے بڑے عہدہ داران بھی کبھی غربا کے معائنہ کیواسطے تشریف نہیں لیجاتے۔ اگر سرسری طور پر کوئی بڑا افسر کسی دیہات میں گیا تو وہ

حضرت بڑے بڑے رئیس و زمیندار ہی کے ملاقات میں اپنا قیمتی وقت صرف کردالتے ہیں۔ بیچارے غربا اونکی خدمت میں حاضر ہونہیں سکتے نہ اونکو غریبونکی تلاش ہوتی ہے \*

اب اس اضافہ ٹکس کے مضمون سے صاف ہمکو معلوم ہو رہا ہے کہ موجودہ غریب جو کہ اپنا پیٹ چانول و سوکھی روٹی سے بھی تو نہیں بھر سکتے صرف چنے پر گزارا کرتے ہیں اونسے بھی ایک مٹھی چنے چبینے کی تجویز پاس ہونے والی ہے۔ میری اس تقریر سے کوئی صاحب بھی غریبونکی ہمدردی سے خالی نہیں ہو سکتے بشرطیکہ اونکے دلونمیں غریبونکی ہمدردی موجود ہو۔ اکثر صاحبان کا یہ خیال میں دیکھتا ہوں کہ زیادہ ٹکس غربا پر لگانا گورنمنٹ کی ظاہری ہمدردی تصور فرماتے ہیں۔ میں نہایت سختی و ہمت سے اون حضرات کی توجہ اسطرف لانا چاہتا ہوں کہ تمام گورنمنٹیں دنیا کی غریبونکی بہبودی و آرام سے قائم رہتی ہے جب غریبونکی حالت ناگفتہ بہ ہو جاتی ہے تو وہ لوگ مجبور ہوکر گورنمنٹ کے برخلاف ہو جاتے ہیں۔ جیسا کہ موجودہ حالت میں ہندوستان پہنچ چکا ہے یہ صرف اون حضرات کی ناعاقبت اندیشی کا ثمرہ ہے کہ اسوقت گورنمنٹ کو جبیلنا پڑتا ہے کیونکہ تہذیبی سی بھی ماگ کی بے امنیت گورنمنٹ کو پریشان اور بہت زہر بار کر دیتی ہے تو ہمارے خیال میں وہ گورنمنٹ کی ہمدردی نہیں بلکہ نقصانی کا باعث ہو جاتا ہے جسکو تفصیل سے دکھلانا سوائے وقت برباد کرنے کے کوئی حاصل نہیں دیکھتا ہوں۔ سلطنت رعایا سے قائم ہوتی ہے اگر رعایا نہوں یا کہ وہ بے دل ہو جاویں تو اوس سلطنت کی بنیاد هل جاتی ہے۔ میں نہایت اُمید و ہمت کے ساتھ اسوقت کہہ رہا ہوں کہ تمام غرباے ہندوستانکی فکر و بہبودی صرف کہانے و پہننے کی گورنمنٹ کو کرنا ضروری بات ہے۔ میں زیادہ دولت و ثروت کا خواہاں غربا کیواسطے سلطنت سے نہیں ہوں۔ اچنک جو تعلیم میں ہزاروں روپیہ گورنمنٹ کا خرچ ہو رہا ہے وہ ہماری غربائے ہندوستانکے لئے کوئی وقعت نہیں رکھتی ہے۔ کیونکہ اوسکی یہ مثال ہے کہ ایک بادشاہ نے ایک فقیر کی حالت پر رحم کھا کر فرمایا کہ دامن لاؤ ابے فقیر کہ میں روپیہ

دیدوں - اوسکے جواب میں اوس غریب نے کہا ”کہ دامن از کجا آرم کہ جامہ  
 ندازہ“ کہ دامن کہاں سے لاؤں کہ میں بیبرهن یعنی قمیض ہی نہیں رکھتا ہوں -  
 پس اے ہمارے حضرات ممبران ہوس آپ حضرات اسوقت ہندوستان کی بہبودی  
 اور بہتری کے لئے اچھے گھر بار چھوڑ کر یہاں رونق افروز ہیں ہرگز ہرگز غریبوں پر ظلم  
 روا نہ رکھئے گا کیونکہ یہ مشہور شعر ہے کہ :

\* شعر \*

بہ ترس از آہ مظلومان کہ ہنگام دعا کردن

إجابت از درحق بہر استقبال می آید

مجھے بہت خطرہ کا سامنا معلوم ہوتا ہے کہ جب ملک میں یہ خبر  
 معلوم ہو جائیگی - کہ گورنمنٹ نے ایسا بہاری ٹکس ہملوگرن پر لگایا ہے تو وہ رعایا  
 جو کہ گورنمنٹ کی طرفدار ہے یکدم بد دل ہو جائیگی - اور مجبور ہو کر  
 دوسروں کو اپنا مددگار تلاش کریگی - کیونکہ جب ایسی تنگدستی پر بھی  
 ارن لوگوں کی رحم نکیا جائیگا - تو وہ لوگ کس بہروسہ پر اس موجودہ گورنمنٹ کی  
 طرفدار رہینگے - اب اختیار ہے آئریل فیفانس ممبر کا کہ اس ناچیز کے عرض  
 کو قبول کرے یا نہ کرے •

\* شعر \*

مانو نہ مانو جان جہاں اختیار ہے ہم نیک و بد جذباکو سمجھائے جائینگے

#### ENGLISH TRANSLATION.

**Maulvi Miyan Asjad-ul-lah** (Bhagalpore Division : Muhammadan) :  
 Hon'ble President and Hon'ble Members, I wish to say a few words on  
 the present Budget, which is before us now and which is being objected to  
 on account of the enhanced taxes. I am very sorry to say that the poor  
 inhabitants of India will have to face a great deal of troubles and hardships  
 on account of the proposed taxes, because after the German War all food  
 and clothing have become very dear and hence the life, honour and self-  
 respect of the poor are at stake.

In the villages of India, many, in fact most, of the people will be found  
 to possess only the scantiest clothing and that too, on account of its being very  
 old, is patched up in many places, and very often has been begged for from  
 others. If we look at the food of the poor people there is nothing but boiled  
 corn and vegetable leaves and there is no provision in the house for even  
 this kind of fare to be had twice a day.

If there is no work there is starvation to face. Therefore, to tax such  
 poor people is beyond the humanity and dignity of human beings and would  
 amount to this:—

“Barad murgh do dāna az peah-i-moor”

The rooster picked up the two grains from in front of the ant.

Government's first duty is to keep its subjects alive and to have a thought for their welfare and progress, and try to remove the troubles which face them.

With the grant of the Reforms Scheme I had a big idea—I thought that now members will be called up from distant villages and Government will provide some ease and comfort for the poor—I did not know that their pre-Reform troubles will be doubled and trebled. The amount of taxation, its increase and decrease, were all fully discussed yesterday and there is nothing left for me to point out. The proposal to increase the Postal rates last year had sent a thrill of anxiety through the poor of India, but thank God anyhow the price of the postcard and the  $\frac{1}{2}$  anna envelope remained the same after making some changes in the weight of letters etc. We have to face the same trouble this year. My conscience and my faith do not allow that the price of a post card or of a  $\frac{1}{2}$  tolah letter be increased, because both these things are used by our poor people. In fact, the means of the poor do not allow them to use the envelopes and neither do they use them—the envelopes are used only on those occasions when they (the poor) are compelled to tell their troubles and great hardships to some sympathiser and the disclosure of which (if a post card were used) would bring disgrace.

I am proud to say that I am an inhabitant of a distant village and my whole life has been spent in and about the villages. I used to think that the condition of the poor people of Bihar was the worst of all, but when I came to (the other Provinces of) India I found that the inhabitants of the whole of India were leading a life of abject poverty and misery. It is a pity that the Government does not send the Hon'ble the Finance Member, who imposes the taxes, to inspect the villages—(at this stage the Deputy President took the chair) hence under the circumstances it is natural that he should levy the taxes because he has always before his mind the (comparatively better) condition of the countries in Europe but never even by mistake does he look at the condition of the poor in India. It was usual with the kings of Old to go about disguised amongst the poor and the needy to inspect their condition and to devise means for their comfort, and welfare. This practice has disappeared now and the King's High Officers never even go to see the poor. If any big officer goes to a village he simply wastes his valuable time in seeing some Rais or Zamindar, the helpless poor cannot approach the officer and neither are they wanted.

This increase in taxation clearly shows that, while the poor people cannot get a bellyful of rice or dry bread, and live on only a little gram—it is now proposed to snatch away even the handful of gram from them. No one who hears me will be void of sympathy for the poor provided he has any tender feelings in his heart for them. Some gentlemen think that to impose a tax on the poor is a visible sign of sympathy on the part of the Government. I strongly and boldly draw their attention to the fact that all Governments of the World are based on the welfare and the ease of the poor people—when the condition of the poor becomes unspeakably bad they cannot help but turn against the Government; and India has reached this condition. This is only the fruit of those gentlemen's shortsightedness which the Government is reaping now, because unrest even in a small portion of the country causes any amount of trouble and expense to the Government. Hence in my opinion it is not sympathising with the Government but causing loss to it and to dilate on this matter will mean loss of time and nothing else.

Government is founded on the subjects—if there are no subjects or

they lose faith (in the Government), the very foundations of the Government are shaken. With great hopes and strength I say that it is the duty of the Government to see to the food and clothing of the poor people of India—I do not want riches and honours for them from the Government. Up to now the thousands of rupees spent on education mean nothing for the poor.—It reminds me of a story—a king took pity on a beggar's condition and said "Spread thy cloth O beggar that I may give thee money." The beggar replied "Dáman az kuja áram ki jáma na dáram," *i.e.* How am I to spread my cloth when I have nothing on.

Therefore, my fellow Members of this House, who have left your homes and have come here to work for the welfare of India, do not allow *Zulam* to be carried on on the poor. This is a well-known couplet:—

*"Be tars az áh-i-mazlúmán ki hangám-i-dúá kardan  
Ijábát az dare Haq bahr-i-istaqbál mí áyad."*

(Beware of the sigh of the down-trodden because at the time of their prayer—acceptance comes to meet it from the door of the Truth).

I am afraid that when the news reaches the country that Government has taxed the people so heavily even those who were on the side of the Government will now turn against it and they will be compelled to look to others to help them, because when even in such a distressful condition no pity was shown to them, how can they be expected to side with the present Government?

Now it remains with the Hon'ble the Finance Member to accept my humble request or not:—

*"Máno na máno ján-i-jahán ikhtiyar hai ;  
Ham nek-o-bad janáb ko samjháe, jáenge."*  
Listen to me or not, O Life of the World ;  
I'll go on telling thee the good and the bad of it.

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

آئریبل پریسیڈنٹ و آئریبل ممبران ہاؤس! جو ریزولیوشن کہ میرے محترم دوست بابا اوجاگر سنگھ بیدی صاحب نے اسوقت ہوس میں پیش کیا ہے میں اسکی تائید کرتا ہوں۔ اور چند ضروری باتیں عرض کرتا ہوں سنہ ۱۹۲۰ میں جو قانون اسلحہ جاری ہوا ہے وہ قابل اعتراض ہے ہمیں بہت تعجب آتا ہے جب دیکھتا ہوں کہ ایک سشن جج جسکی قلم میں انسانی حیات و موت کا فتویٰ سونپا گیا ہے وہ ایک چہرہ کے کارتوس خریدنے سے معذور ہے \*

وہ دسترکت مجسٹریٹ جسکی قبضہ قدرت میں لائسنس لوگوںکو دینا اور ندینا سونپا گیا ہے۔ اور سیکڑوں ہتھیار سال میں لوگوںکو دینا ہے ایک بندوق خریدنے سے معذور ہے۔ والنٹیر اصحاب جوکہ یورپین ہیں اور بلا معاوضہ میدان جنگ میں جانیکے لئے ہر وقت طیارہیں اورں پر بھی لائسنس عائد کر دیا گیا ہے \*

دوسری طرف جب لائسنس حاصل کرنے کے قواعد کو دیکھتا ہوں تو اسمیں فیس لائسنس اسقدر زائد کر دیا گیا ہے کہ جسکا ہر ایک شخص متحمل نہیں ہوسکتا ہے اگر کوئی اس فیس کے متحمل ہونیکا ارادہ بھی کرے تو اسکے لئے وہ وہ دشواریاں پیش آتے ہیں کہ وہ بھی مجبور ہوکر لائسنس حاصل کرنیکا ارادہ ہی ترک کردیتا ہے۔ ریوالور جو کہ بہت تحقیقات کے بعد نہایت وفادار اشخاص کو دئے جاتے ہیں اس پر مبلغ دس روپیہ فیس لائسنس عائد کرنا نہایت غیر ضروری ہے اور وفاکیش اصحاب کے لئے نہایت تکلیف دہ ہے اور اسکے یہہ معنی ہیں کہ ہم مسلمہ طور پر وفادار اصحاب کو بھی ایسے اسلحہ رکھنیکي اجازت نہیں دیسکتے جو اونکي حفاظت جان کے لئے اشد ضروری ہے اور یہہ سمجھہ میں نہیں آتا کہ وفاداری کے اس غیر ضروری جرمانہ کے کیا معنی۔ علاوہ بریں یہہ امر بھی ظاہر کرنا ضروری ہے کہ جو اصحاب قانون مجربہ کے مطابق درخواست دیکر اسلحہ حاصل کرنہکے مجاز ہیں اونکو بھی درخواست پیش کرنے پر اسلحہ رکھنے کی اجازت نہیں ملتی۔ اور اونکو بھی بہت سی دشواریاں پیش آتی ہیں \*

\* Vide Legislative Assembly Debates, Volume II, page 2255.



اسوقت میں اس کل مسئلہ پر زیادہ بحث نہیں کرنا چاہتا - اور امید کرتا ہوں کہ جو نقایص قانون اسلحہ میرے آنریبل دوست بابا اوجاگر سنگھ بیدے صاحب نے اپنی نہایت مفصل تقریر میں ظاہر کئے ہیں اونپر اور اسی قسم کے دیگر نقایص پر جو کہ اس قانون میں موجود ہیں غور کرینگے اور ضروری ترمیمات کی سفارش کے لئے کمیٹی مقرر کرنیکی تائید فرمائینگے - اور مجھے قوی امید ہے کہ ایسی کمیٹی جسکا کہ بیدے صاحب نے مطالبہ کیا ہے موجودہ قانون اسلحہ کے نقایص کو ہر پہلو سے دیکھنے اور اُس میں مناسب ترمیمات تجویز کرنے میں کامیاب ہوگی \*

#### ENGLISH TRANSLATION.

**Maulvi Miyan Asjad-ul-lah** (Bhagalpore Division: Muhammadan): Hon'ble President and Hon'ble Members of the House, I support the Resolution which my Hon'ble friend Baba Ojagar Singh Bedi has introduced and I wish to say a few words on it.

The Arms Act passed in 1920 is open to objections. We are surprised to see that a Sessions Judge, whose pen is charged with the life and death of a human being, has not the power to purchase shot cartridges (for himself). Then a District Magistrate, who has in his power to grant or not to grant a License, and who issues (Licenses for) hundreds of arms in a year, cannot purchase a gun (for himself). Then again Volunteers who are Europeans and are ready to be called up for Active Service at any time and without compensation, they too have to obtain the necessary Licenses (for their fire arms).

On the other hand, when I see the Rules under which Licenses are granted I find that the fees have been enhanced to such an extent as to be almost prohibitive, and if any one makes up his mind to pay the fees, he has to face many other difficulties in obtaining a License which make him change his mind. To levy a fee of Rs. 10 on a Revolver, which is given after considerable inquiries to very loyal persons only, is absolutely unnecessary and falls very hard on the loyal persons. In fact, it comes to this that we totally refuse the permission even to the loyal persons to keep these arms which are absolutely necessary for the protection of their lives and we cannot understand why this unnecessary fine has been levied on loyalty. Apart from this I wish to point out that even those persons who, under the Rules in force, are entitled to keep fire arms are not granted the permission when they apply for them and they have to face many other difficulties.

I do not wish to discuss this matter at length here and I hope that the defects in the Arms Act Rules, as pointed out by my Hon'ble friend Baba Ujagar Singh Bedi in his lucid speech, will be duly considered together with many other defects which appear in the Rules referred to, and that a committee will be appointed to recommend the necessary amendments (in the rules). I strongly hope that a Committee, as the Bedi Sahib has asked for, will consider the defects of the present Arms Act from all sides and will be successful in making proper amendments therein.

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

آنریبل پریسیڈنٹ و آنریبل ممبران ہاؤس یہہ خطرناک حالت جو اسوقت ہمارے ہندوستانکی ہوگئی ہے اوسپر ہمکو سخت افسوس و خطرہ رہا کرتا ہے یہ بات تمام دنیا میں ظاہر ہوگئی ہے کہ اس تحریک میں ہندوستانکی قریب قریب کل گروہ کم و بیش شامل ہیں میں کہی کہ نہیں سکتا ہوں کہ یہہ فرقہ ٹھیک راہ پر چل رہا ہے۔ لیکن خلافت و سواج کا معاملہ ایک ساتھ ملاکر تمام ہندوستان میں یہہ خیال پھیلایا گیا ہے۔ اور اوسکی نتائج بہانتک پہنچ چکی ہیں کہ ہم وفاداران گورنمنٹ کو مشکلات کا سامنا ہوگیا ہے۔ اکثر عام لوگ کہتے ہیں کہ گورنمنٹ انصاف چہوڑ چکی ہے۔ میں اوسکے یکدم خلاف ہوں کیونکہ موجودہ تحریک سے نفع کی امید کم اور نقصان کا گمان زائد۔

جناب عالی! یہہ بات بيموقع نہ ہوگی کہ ہماری سرکار انصاف کا سرچشمہ ہے اور جو احکامات اوس سے جاری ہوتے ہیں اونکو ہم بالکل ٹھیک سمجھتے ہیں۔ تمام ممالک مہذب میں رعایا کی رائے سے قانون طیار کیا جاتا ہے لیکن جناب جو واقعہ کرائچی کے مقدمہ میں ہوا اوسنے پبلک کی رائے عامہ کو سخت صدمہ پہنچایا ہے اور اب یہہ ایک سوال پیدا ہوگیا ہے کہ کرائچی کی تمام تحقیقات کیا بالکل ٹھیک ہے؟ جناب آجکل سیاسی معاملات میں جبکہ ہندوستانکے تمام لوگ زیادہ تر اقتصادی دباؤ سے اپنے حقوق کو سمجھ رہے ہیں اور سلطنت کے سامنے پیش کر رہے ہیں۔ اسبات کا مان لینا بہت مشکل ہے کہ تمام ہندوستانکی رہبری صرف ایک آدمی کر رہا ہے چاہے اوسکو مہاتما گاندھی مانئے یا محمد علی۔ یہہ بھی ایک غلطی ہوگی اگر یہ خیال کر لیا جائے کہ اسکی رہبری چند لوگ کر رہے ہیں۔ ہندوستانکی موجودہ بیچینی کیوجہ یہ ہے کہ ہندوستانکے لوگ جو کہ پہلے اپنے حقوق سے بالکل بیخبر تھے اب وہ اپنے حقوق کو بخوبی سمجھتے جاتے ہیں اور اپنے فرائض سے واقف ہوتے جاتے ہیں۔ اور اس بلکی کوشش کر رہے ہیں کہ دنیا کی مادی ترقی کردہ ملکوںکے ساتھ

قدم بقدم چلیں - چونکہ گورنمنٹ نے گذشتہ دہرہ صدی تک ہندوستان کے عوام الناس کو بالکل تاریکی میں رکھا ہے اسلئے انکا اعتبار گورنمنٹ سے بالکل کم ہو گیا ہے۔ اور ایسی کشمکش کی حالت میں اگر کوئی آدمی بھی گورنمنٹ کے خلاف ایک معمولی سی تقریر کرتا ہے تو فوراً اس کے سر عوام الناس زہری کا سہرا باندھ دیتے ہیں اسلئے جناب بہا فرض کرنا ایک اہم غلطی ہوگی کہ ہندوستانی موجودہ بے امنی اور بیچینی کسی لیڈر کی وجہ سے ہے۔ یہ بات پوشیدہ نہیں ہے کہ موجودہ تحریک کے لیڈروں کی جو سزا ہوئی ہے اس نے انگریزی اور ہندوستانی قوم کے درمیان ایک فاصلہ ہائل کر دیا ہے۔ جسکو گورنمنٹ اپنے تقریروں کی ذریعہ سے ہرگز ہرگز دور نہیں کرسکتی اسلئے جناب عالی یہ بات بالکل مناسب ہے کہ علی برادران مع دیگر سیاسی قیدیوں کے جو کہ خلافت کی تحریک کے بظاہر قید کئے گئے ہیں فوراً رہا کر دئے جائیں۔ اور یہی ایک صورت ہے کہ جس سے ہندوستانیوں میں امن قائم ہونیکا یقین ہوسکتا ہے۔ گورنمنٹ کی ایسی کارروائی سے تمام پبلک کے اوپر نہایت ہی اچھا اثر قائم ہوگا اور وہ یہ سمجھیں گے کہ اب گورنمنٹ بالکل انصاف کرنا چاہتی ہے اور اسلئے ہمیں اوسکا ہاتھ بٹانا چاہیے۔ جناب! شاہی اعلان کا یہی مقصد تھا اور ہے جب کبھی بادشاہ چاہے وہ معاف کرسکتا ہے اور گذشتہ باتوں کو فراموش کرسکتا ہے اور جب بادشاہ ایسا کرتا ہے تو رعایا اوسکو نہایت ہی اچھا اور نیک نیت خیال کرتی ہے۔ عوام الناس بادشاہ کا بیحد اقتدار کرتی ہے۔ اور جب کبھی بادشاہ کسی کو رہا کردیتا ہے تو وہ بہت بڑا مہربی و منصف تصور کیا جاتا ہے۔ جناب! ہندوستان کے عام آدمیوں کی حالت بالکل بچوں کی سی ہے اگر آپ کسی بچے کو ماریں تو یاد رکھیے کہ ہرگز وہ بچہ ماریوالے کو نہیں بھولتا ہے اور ہمیشہ مارنے والے سے بدلہ لینے کا خیال اوسکے دلمیں قائم رہتا ہے۔ ظاہراً اگر وہ بدلہ لینے کے قابل نہیں ہے لیکن اوسکے دلمیں یہ خیال ہمیشہ قائم رہتا ہے اور بڑھتا رہتا ہے۔ جناب! ہندوستانی یہ حالت ہے اونکو یہ خیال ہے کہ اونکی بیحد سزا کی گئی ہے اور اگر اس کے بعد پبلک کی رائے کے موافق اگر جایز طور سے اپنی کارروائی کو گورنمنٹ بدل دے اور انکی سزا کو معاف کر دے تو جناب ایسی حالت میں ہندوستانی تمام پبلک آپ کے تابعدار ہو جائے اور موجودہ تحریک میں کوئی حصہ نلے۔ جناب! ملک کی

بہتری اور گورنمنٹ کی بہتری کے لئے میرے خیال میں علی برادران وغیرہ کو فوراً رہا کر دیا جاوے اور یہ بالکل شاہی اعلان کے منشا کے موافق ہوگا اور ملک میں ایک امن و آمان کی صورت قائم کر دیا۔ اسکا تمام ملک نہایت خوشی سے خیر مقدم کریگی اور یہ خیال کریگی کہ گورنمنٹ کی سختی کی پالیسی تبدیل ہوگئی۔ جناب عالی! لیجس لیٹب اسمبلی کے تمام ممبروں نے شہزادہ پرنس آف ویلز صاحب کی نہایت خوشی سے استقبال کیا۔ اور اپنا یہ فرض سمجھا کہ آئندہ اونکے لئے ہر طریقہ سے جان نثاری کا ثبوت دیں۔ نہایت ہی عاجزی کے ساتھ ہم عرض کرتے ہیں کہ ہم اپنا فرض ادا کر رہے ہیں لیکن گورنمنٹ اپنی پالیسی سے ہمارے مقصد پر صدمہ پہنچا رہی ہے۔ جناب عالی! آپ بالکل ٹھیک سمجھئے کہ ہندوستان کی تمام پبلک گورنمنٹ کی موجودہ پالیسی سے بالکل ناامید اور ایک طرح سے گورنمنٹ سے علیحدہ ہوئی جاتی ہے اسلئے جناب وہ ایسی ترکیب نکالنے کی کوشش کر رہی ہے کہ اپنے تمام دے ہوئے جذبات کا اظہار کرے اور پرجوش تقریریں حصہ لے۔ جس سے قطعی ایک بدامنی کی صورت کے پیدا ہونیکا اندیشہ ہے اسلئے میری رائے میں جناب کوئی ایسی کارروائی کرنی چاہیے کہ جس سے ہندوستان کا موجودہ جوش ٹھنڈا ہووے۔ میری رائے میں یہ موقع ہے کہ علی برادران کو رہا کر دیا جاوے اور گورنمنٹ اپنی مہربانی ان لوگوں پر کرے اور پبلک کا اعتماد و بہروسہ گورنمنٹ پر پوری پوری قائم ہو جاوے۔ ہندوستان کے عوام الناس کا خیال ہے کہ شہنشاہ معظم مہربانی اور رحم بے انتہا کر سکتے ہیں اور اسلئے جناب عالی پبلک کو انتظار ہے کہ وہ اپنے ان ہر دو خوبیوں کا اظہار کریں۔ جناب! صحیح صاف بات کہنے میں کوئی رکاوٹ نہیں ہے اور یہ میں نہایت بیباکی کے ساتھ کہوں گا کہ دنیا میں رحم و ہمدردی نے جتنے دوست بنائے ہیں وہ سزا اور سختی سے نہیں بن سکتے۔ رحم و ہمدردی کا نہایت ہی اچھا اثر ہوتا ہے۔ یہ بڑے سے بڑے دشمنوں کا منہ بند کر دیتی ہے اور سرکار کے طرفداروں کو یہ کہنے کا موقع ملتا ہے کہ گورنمنٹ تمہاری بالکل ہمدرد ہے۔ لیکن تم گورنمنٹ کے خلاف بیجا اور پرجوش تحریکوں میں حصہ لیتے ہو۔ اسلئے جناب نہایت ہی مودبانہ میری یہ التجا ہے کہ علی برادران اور دیگر سیاسی قیدیوں کو جتنی

گرفتاری سے ہلہ بڑھ گیا ہے اور جو کہ فوجداری قانون کی غلط استعمال سے گرفتار کئے گئے ہیں وہ فوراً رہا کر دئے جائیں اور گورنمنٹ کی موجودہ پالیسی فوراً تبدیل کر دی جائے تاکہ ملک میں امن اور اطمینان کی صورت قائم ہو جاوے۔ اب اخیر میں آرڈینل محمود شمد کی رزلوشن کی تائید کرتا ہوں •

#### ENGLISH TRANSLATION.

**Maulvi Miyan Asjad-ul-lah** (Bhagalpore Division : Muhammadan) : Hon'ble President and Hon'ble Members of the House, I am extremely sorry for and afraid of the dangerous condition which India has been dragged to at present. It is known throughout the world that more or less almost all the parties of India have joined this movement. I can never say that this party is moving in the right direction. But the Khilafat and Swaraj questions have been joined together, and this idea has been propagated throughout the length and breadth of India. The results thereof have been that we, the loyalists, have had to face difficulties. It is often said by the people that the Government has given up doing justice; but I am entirely opposed to that view, because from the present movement more harm is expected than any good.

Sir, It will not be out of place to say that the Government is the fountain-head of justice, and whatever orders are passed by it are taken by us to be entirely correct. In all the civilized countries laws are made with the concurrence of the governed. But, Sir, whatever happened during the Karachi trial has deeply injured the public feeling. And now a question has arisen whether all the findings of the Karachi trial are entirely correct.

Sir, when, mostly on account of the economic strain, the Indians are understanding their rights and putting them before the Government, it is very difficult to accept that, as regards political matters, only one man—be he Mahatma Gandhi or Muhammad Ali—is leading the whole of India at present. It will also be a mistake to suppose that it is being led by several persons. The cause of the present Indian unrest is that the Indians, who had formerly been unaware of their rights, are now fully realizing them, are beginning to know their duties, and are trying to keep pace with the other materially progressive countries of the world. As the Government has kept the Indian public entirely in the dark for the last century and a half, its faith in the Government is shaken. In such a condition of perplexity, whosoever makes a quite ordinary speech against the Government is forthwith crowned by the public as a leader. Therefore, Sir, it will be a grave mistake to suppose that the present Indian unrest is due to any particular leader.

It is not a secret that the punishments awarded to the leaders of the present movement have created a gulf between the English and the Indian nations; and it can by no means be bridged over by the Government through speeches. Therefore, Sir, it is quite becoming that the Ali Brothers should be released at once together with the other political prisoners, who have been imprisoned on account of the Khilafat movement. This is the only course which may ensure peace in India. Such a step, if taken by the Government, will produce a very good effect on the public mind. The public will realize that the Government now wants to do bare justice, and so it should help the Government. Sir, the object of the Royal Proclamation has

been and is that the King may forgive and may forget past events, whenever he pleases. When a king does so, his subjects consider him to be very gracious and good-intentioned, and the public holds him in high respect. Whenever a king releases anybody, he is taken to be a great friend and a good judge.

Sir, the condition of the Indian public is like that of a child. Remember that if you chastise a child, he never forgets it, and the thought of retaliation always haunts him. Though apparently unable to retaliate, yet the thought of retaliation always remains with him and goes on increasing. Sir, such is the condition of India. The people think that the leaders have been punished very severely. If after this, in conformity with public opinion, the Government changes its policy legally and condones their punishments, then, Sir, the Indian public will be loyal to the Government and will not take any part in the present movement. Sir, for the welfare of the country as well as for that of the Government, the Ali Brothers and others should, in my opinion, be released forthwith. This will be quite in keeping with the Royal Proclamation, and will restore peace and order in the country. The entire country will hail this very gladly and will think that the Government has changed its policy of repression.

Sir, all the Members of the Legislative Assembly welcomed H.R.H. the Prince of Wales very enthusiastically and thought it to be their duty to prove their devotion to him in every way in future. I submit very humbly that we are discharging our duties, but the Government is injuring our aim through its policy.

Sir, you may take it that the Indian public has entirely despaired of the present policy of the Government, and is, in a way, dissociating itself from it. Therefore, Sir, the people are trying to devise means to give vent to all their suppressed feelings and to indulge in exciting speeches, which are absolutely calculated to create unrest. Therefore, Sir, I am of opinion that some such thing must be done as may allay the present Indian excitement. In my opinion, this is an opportune moment for the Government to release the Ali Brothers and to show favour towards them; and thus the faith of the public in the Government may be fully restored. The Indian public thinks that His Imperial Majesty the King Emperor may show unbounded kindness and compassion. Therefore, Sir, the public is waiting to see both these attributes shown by His Majesty.

Sir, nothing can hinder me from telling the truth; and I say this quite frankly that the number of friends won in the world through compassion and sympathy could never have been won through punishment and oppression. Compassion and sympathy produce a very good effect, and even silence the biggest foe. Thus the supporters of the Government will get an opportunity of telling the people that the Government is considerate towards them even though they take part in improper and exciting movements against the Government. Therefore, Sir, I submit very respectfully that the Ali Brothers and other political prisoners, through whose arrest the excitement has much increased, and who have been arrested through the wrong use of the Criminal Law, should be released forthwith, and the present policy of the Government be changed at once, so that peace and contentment may reign in the country.

In conclusion, I support the Resolution brought forward by the Hon'ble Mr. Mahmood Schamnad.

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

جنابمیں میں نہایت حسرت و افسوس سے مخالفت کرتا ہوں غریبوں کے خیال کو محسوس کرتے ہوئے۔ ہندوستانی بنی ہوئی کپڑوں پر محصول بڑھانے پر جو کہ گذشتہ سال سے اس سال دونی کر دی گئی ہے ہمارے خیال میں تمام ہندوستانیوں کے باشندوں کے لئے کیا غریب اور کیا امیر سخت مصیبت کا سامنا معلوم ہو رہا ہے۔ میرے پیارے ہندوستانیوں کے باشندوں کے گذشتہ زمانیکو جب خیال کرتا ہوں تو صاف طور سے ظاہر ہوتا ہے کہ ہمارے پیارے ملک میں بیس سال قبل ایسے سستے کھانے و پہننے کی چیزیں ملا کرتے تھے کہ دیسی کپڑا پہنا غریب سے غریب آدمی بھی پسند نہیں کرتا تھا۔ افسوس اب وہ وقت آگئی ہے کہ باعث گران ہونے کھانے و پہننے کے چیزوں کے وہ حضرات ہندوستانی جو کہ دوسرے ممالک کے دلفریب کپڑوں اور چیزوں کی انتظار میں ہر وقت رہا کرتے تھے باعث مفلسی و محتاجی پھر اپنے ملک کی بنی ہوئی کپڑوں اور چیزوں پر اپنے خیال کو واپس لچکے ہیں \*

اگر موجودہ تحریک کو خیال کر کر یہ کہا جاوے کہ اس تحریک کے سبب باشندگان ہندوستان دیسی کپڑوں اور ہندوستانی چیزوں کے طرف خواہش کر رہے ہیں تو موزوں اور مناسب نہوگا کیونکہ ہمارے ملک کے اصحاب ایسے نہیں ہیں کہ اپنے کفایت اور نفع کے خیال سے اس طرف رغبت کر رہے ہیں بلکہ اوسکا بڑا سبب مفلسی و مجبوری ہے کہ ناچار و مجبور ہو کر اب دیسی کپڑوں و چیزوں کا خیال محسوس کر رہے ہیں۔ اسباب کو میں اچھی طرح سے جانتا ہوں کہ ہمارے ملک میں اب ہر چیزوں کی قیمت گران ہو گئی ہے حتیٰ کہ تعلیم و ملازم کی خرچ اس قدر بڑھ گئے ہیں کہ گذشتہ چند سالوں کے حساب دیکھنے و مقابلہ کرنے سے قریب قریب دونی ہوگی۔ میں نہایت ہمت کے ساتھ ممبران ہاؤس کی خدمت گذارش کرتا ہوں کہ کپڑوں پر ہندوستانی بنے ہوئے کے محصول یکدم بڑھائی نہ جاوے بلکہ گذشتہ سال سے بھی کچھ کم کر دینا مناسب و مصلحت

معلوم دیتی ہے جبکہ موجودہ حالت میں تو اکثر غریب آدمیوں کو اپنے اور اپنے خاندان کے ہر آدمیوں کے واسطے کپڑا بہم پہنچانا مشکل و مصیبت کا سامنا ہو گیا ہے تو ہمارے خیال میں اب جو محصول دہنی کر دی گئی ہے تو یقینی بات معلوم ہو رہی ہے کہ غریبوں کے بدن پر اب کپڑے نظر نہ آئیں گے۔ اے ہمارے مہربان ممبران ہاؤس ہرگز ہرگز آپ حضرات اپنے غریب ہندوستان کے باشندہ لوگوں کی تکلیف و مصیبت اور ناداری کا خیال اپنے اپنے دلوں سے فراموش فرمائیں۔ کیونکہ آپ حضرات ریفرم اسکیم کے ممبر ہو کر تشریف لائے ہیں اور ریفرم اسکیم کے معنی ملک میں آسانی پہیلانا ہے نہ کہ مشکلات کا سامنا کر لینا۔ کیا ہم ہندوستان کے باشندوں کی نصیب میں ہر نفع رسان خیال نقصان دہ ثابت ہوتا ہے۔ میں اس ریفرم اسکیم کی عزت کا خیال کرتے ہوئے عرض کرتا ہوں کہ گذشتہ سال کی دیوٹی سے بھی کچھ کم محصول دیسی کپڑوں پر لگائی جاوے تو عین مناسب و بہتر معلوم ہوگی اور ریفرم اسکیم کا مفہوم جو کہ ہمارے وفاداران ہندوستان کے خیال میں موجود ہے صحیح و درست ہو جاوے پس میں ان چند الفاظوں کے ساتھ موجودہ لگائے ہوئے دیوٹی پر کپڑوں کی ناراضگی ظاہر کرتا ہوں اور امید کرتا ہوں کہ ہمارے ممبران ہاؤس گذشتہ سال سے بھی کم محصول ہونیکے طرفداری فرمائیں گے \*

#### ENGLISH TRANSLATION.

**Maulvi Miyan Asjad-ul-lah** (Bhagalpore Division: Muhammadan): Sir, Feeling for the poor, it is with great regret and sorrow that I oppose this increased duty on Indian made cloth, by doubling it this year to what it was last year, I think, the inhabitants of the whole of India, whether rich or poor, will have to face terrible privations. When I think of the olden days of the people of my beloved India, I recall that twenty years ago in our beloved country food stuffs and cloth were so cheap that even the poorest of the poor did not care to put on country-made cloth. Alas! the time has now come that, on account of the dearness of food stuffs and clothing, those people who always used to be looking for the delightful foreign cloths and articles have now been compelled on account of the prices to turn their thoughts to country-made things and cloth.

If we take the present movement into consideration and say that it is on account of the movement that Indians are turning their thoughts towards country-made cloth and things, it will be neither just nor proper, because my countrymen are not such that they would side with the movement on account of economy or profit, but their main reason lies in their poverty



and helplessness so that they are now obliged to turn their thoughts to country-made cloth and things. I know it fully well that in our country everything has become dear, so much so that the expenses for education and servants have gone up so much that comparing the accounts of the last few years they are nearly double now. I very strongly appeal to the Members of this House that there should be no increase of duty whatever on the Indian made cloth. In fact it seems to me expedient and proper that last year's duty should be decreased somewhat—because, as it is, to provide clothes for themselves and members of their family many poor people have to face troubles and privations. Hence in my opinion when the duty is doubled, it will be a matter of certainty now that no clothes will be seen on the persons of the poor people. Kind Members of this House—please always keep in mind the thought of the troubles, trials and poverty of your poor India's inhabitants because you have come here to represent the Reforms Scheme and the Reforms Scheme is meant to ease off the situation and not to enhance its present troubles.

Are we, the people of India, destined to find every profitable scheme prove abortive in our case? With due respect to the Reforms Scheme—I say that it will be absolutely fit and proper that the duty on country-made cloth ought to be less than that of last year's. The idea of the Reforms Scheme which our loyal Indians entertain in their minds will then be a correct and proper idea. With these few words, I express my unwillingness to increase the duty on cloth and I trust the Members of this House will side with me for a decrease in the duty imposed last year.

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

جناب من میں اسوقت چند ضروری الفاظ عرض کرنیکے لئے کہتا ہوں - کراسن تیل پر ڈیوٹی لگانے کے لئے کسیصورت سے میں راضی نہیں ہوسکتا کیونکہ پہلے کراسن تیل کا استعمال آمیر و غریب ہر چھوٹے و بڑے کیا کرتے تھے - لیکن چند دنوں سے جبکہ گیس اور بجلی کی روشنی شروع ہوئی ہے تو امرا اور بڑے لوگوں نے اسے استعمال کو کم کر دیا ہے بلکہ بڑے بڑے شہروں میں تو درمیانی درجہ کے لوگوں نے بھی کراسن تیل کا استعمال بند کر دیا ہے جسکو کہ ہر آدمی اچھی طرح سمجھ سکتا ہے ۔

جب یہ ظاہر ہو گیا کہ کراسن تیل صرف غریبوں اور کاشت کاروں کے صرف میں آتا ہے تو اس کے لئے یہ ضرور ہے کہ اوسکی نشیب و فراز کو اچھی طرح سوچ لیا جاوے - گذشتہ سال کراسن تیل پر محصول کچھ بھی نہ تھا اور امسال اوسپر ڈیوٹی یعنی محصول لگانا اس بات کی دلالت کرتی ہے کہ یا تو اوسکی استعمال کرنے والے بڑے لوگ ہیں - یا جن غریبوں نے پر سال اسکو استعمال کیا تھا وہ لوگ اب آمیر یا فارغ البال بن گئے ہیں - اس بات کی دریافت و ظاہر کرنے کے لئے مجھے دیہاتی زندگی اور اوسکے طرز معاشرت اور کراسن تیل کے استعمال کی حالت کو ظاہر کرنا ضروری اور لازمی ہو گیا - اے ہمارے مہربان ممبران اسمبلی مجھے یہ علم و یقین ہے کہ اسوقت ہندوستان کے دیہات میں استعمال کراسن غریب لوگ کثرت سے کیا کرتے ہیں - اور اونکی استعمال کی یہ حالت ہے کہ بیچارے مزدور لوگ صرف مغرب یعنی آفتاب ڈوبنے کے ساتھ لمپ روشن کرتے ہیں اور بعد کھانے کے اوسکو اپنے ناداری کی وجہ کر گل کر دیتے ہیں -

کاول شب می کشد مسکین چراغ خویش را

اور نادارونکی یہ حالت ہے کہ تمام گھر میں صرف ایک ہی چراغ ہوتا ہے اور جب اونکو اپنے دوسرے گھروں میں جانا ہوتا ہے تو وہی چراغ اپنے شامل لیا جاتے ہیں - اور پہلا مکان یا کمرہ بے چراغ رہا کرتا ہے یہ کیسی حسرت و افسوس

\* Vide Legislative Assembly Debates, Volume II, page 3562.

کی بات ہے کہ ہم تو ہر کمروں میں بجلی کی روشنی استعمال کیا کریں اور دوسرے غریب لوگ اپنے کسی ایک کمرے کو بھی کراسن تیل کی گرانی کی وجہ سے روشن نہ کر سکیں دنیا میں جتنے بڑے لوگ گذرے یا بڑے ہونیکا اسوقت جنکو دعویٰ ہے وہ حضرات ہمیشہ غریبوں اور ناداروں کی آرام و آسائش کے فکر میں رہتے ہیں۔ تو اب ہم اسمبلی کے ممبر صاحبان جنپر بڑے بڑے حلقہ کی ذمہ داری عاید کی گئی تھیں۔ اور حضرات کا فرض ہے کہ وہ اس معاملہ نازک کو سونچ سمجھکر اسے دیویں کیا حضرات اب آپکو یہ منظور ہوسکتا ہے کہ کراسن تیل گران کر کر غریب اور مزدور اور نادار لوگوں کے گھروں کو ہمیشہ بے چراغ رکھیں؟ کبھی نہیں ہرگز نہیں۔ کوئی ہندوستانی ہو یا یورپین کبھی یہ گواہ نہیں کر سکتا کہ اپنے ہی کمرے کو بجلی کی روشنی سے روشن رکھے اور غریبوں کو ایک لمپ بھی سر شام جلانے کو نہ ملے۔

دوسرے پہلو سے یہ گورنمنٹ کے واسطے بہت مشکل کا سامنا ہوگا کہ جب دیہات میں روشنی کی کمی ہوگی تو چورونکو مرقع اور لوٹیروںکو لوٹ کا سامان خود بخود ملجائیکا۔ اور غریب لوگ کے گھر میں جو معمولی سامان خور و پوش رہا کرتے ہیں غائب ہونا شروع ہوگا تو پھر چوری کے مقدمات زاید پیش ہوا کریں اور چھوٹے افسروں سے لیکر بڑے افسروں تک کو مشکل و محنت کا سامنا کرنا ہوگا چونکہ میں واقعی بات بتانیکے لئے مستعد رہا کرتا ہوں اسلئے مجھے یقین ہے کہ کوئی سمجھہ دار آدمی میری رائے سے اختلاف نہیں کر سکتا ہے جنکو غریبوں کی حالت سے واقفیت ہو اور مفلس لوگوں کی محبت ذرہ بھی اون کے دلوں میں ہو۔

دوسری یہ بات کیسی ناموزون و نامناسب ہے کہ ہم بڑے لوگ تو چین و آرام سے رات کو روشنی میں گزارا کریں اور غربا لوگوں کو صرف مہتاب کی روشنی پر چھوڑ دیں۔ اس لئے روشنی کے زمانے میں لوگوں کے گھروں کو بے چراغ کرنے کا کوشش کرنا میرے خیال میں نہیں آتا کہ اسکا نتیجہ کیا نکلیگا۔ اسے صاحبو ہم جیسے انسان ہیں قلی مزدور بھی ویسے ہی انسان ہیں۔ ہم تو محلوں میں بجلی کے روشنی میں رہا کریں۔ اور دیہات و غریب لوگ اپنے گھر میں چراغ

بھی روشن نکر سیں تو ہمارے لئے کیسی شرم کی بات ہوگی - چونکہ مجھے اس اسمبلی کی قیمتی وقت برباد کرنا منظور نہیں ہے اب میں سفارش کرتا ہوں کہ کراسن تیل پر سے محصول یکدم ہٹا لینا بہتر ہے تاکہ ہندوستان کے ہر گوشہ و نگلی میں چراغ کی روشنی باقی رہے - گورنمنٹ کا ممبر جو یہ بتاتے ہیں کہ کراسن کی قیمت خود کم ہوگی لیکن اگر تھوڑا سا بھی محصول کراسن پر مقرر کیا جاوے تو دوکانداروں کو موقع ہات آئیگا - کہ بجائے تھوڑے ٹکس کی تعداد کے مطابق قیمت بڑھانیکے وہ لوگ بہت قیمت گران کر لینگے - بڑے لوگوں کو محسوس نہوگی لیکن غریب لوگ کو سخت مصیبت کا سامنا ہوگا اسلئے اب آنریبل ممبران ہاؤس کے خدمت میں عرض کرتا ہوں کہ کراسن تیل کے اوپر سے محصول ڈیوٹی ہٹانیکی راے دیویں \*

#### ENGLISH TRANSLATION.

**Maulvi Miyan Ajjad-ul-lah** (Bhagalpore Division : Muhammadan) : Sir, I rise to submit a few important points. I can, by no means, agree to the imposition of a duty on kerosene. Formerly kerosene was used by every one, rich and poor, high and low; but since the introduction of gas and electric lights, the rich and wealthy people have curtailed its use. In large cities, even the middle class people have given up the use of kerosene as is patent to all.

When it is evident that kerosine is used by the poor and the cultivators only, it is necessary that its ins and outs should be fully considered. Last year kerosene was exempted from duty. Thus imposing a duty thereon this year shows that either its consumers are the rich or the people who used it last year have grown rich or have been placed in affluent circumstances. To make this point explicit, it is necessary and unavoidable for me to give a true account of the village social life and of the circumstances of the use of kerosene.

My colleagues in the Assembly, I know and believe that at the present time kerosene is used mostly in the Indian villages by the poor; and the manner in which it is used is this that the poor labourers light their lamps just after sunset and put them out on account of their poverty just after taking their meals.

“ *Ki awal Shab mikushad miskin chiraq-i kheeh ra’* ”.

(The poor put out their lamps in the early part of the night.)

The poor have been reduced to this condition that they can just barely afford to have a single light for the whole house; and when they have to go to other rooms or houses, they have to take the same light with them, and thus the former house or room remains in darkness. How pitiable and regrettable it is that, while we may use electric lights in each and all of our rooms, the poor may not, on account of the dearth of kerosene light even one of their rooms? All the great men that the world has produced,

or those who claim to be great men at present, have always been anxious for the comfort and welfare of the poor and the destitute.

Now it is the duty of all the Members of the Assembly, who are responsible to their constituencies, to give their opinion after a full consideration of this delicate matter.

Gentlemen, will it be acceptable to you that kerosene may be made dearer so that the houses of the poor, the destitute and the labourers may remain without a light permanently? No, never! No one, be he an Indian or a European, can bear to light his rooms with electric light while the poor may not get even a single lamp to light at dusk.

Taking another point of view, the Government will have to face difficulties when, on account of the number of lights in the villages becoming less, the thieves and robbers will get an opportunity of carrying on their depredations freely. And when the bare necessities of the poor will be carried away, the cases of theft will multiply, and the officers of the Government, from top to bottom, will have to face difficulties and hardships.

As I am ever ready to give out the real facts, I believe that no sensible man, who is aware of the condition of the poor and has got even a little love for them in his heart, can disagree with me.

Secondly, how improper and unsuitable it is that we, the well-to-do people, should pass our nights in ease and comfort in the light and compel the poor to receive light from the moon only? Therefore, I cannot make out what will be the result of trying to have people's houses without a light in these days of light (civilization).

Gentlemen, the labourers and coolies are as much human beings as we are. How shameful it is for us that we may live in palaces under electric lights while the villagers and the poor are not able to light even a single lamp in their houses.

As I do not want to waste the valuable time of the Assembly, I recommend that it will be better to remove the duty on kerosene altogether, so that in every corner and lane of India the light may continue.

The official Member has said that the price of kerosene will go down by itself. But to this I may reply that, even if a small duty is imposed on kerosene the shopkeepers will get a good opportunity, and instead of increasing the price in proportion to the tax will increase it heavily. The rich will not feel it, but the poor shall have to face extreme difficulties. Therefore, I request the Hon'ble Members of the House to vote for removing the duty on kerosene.

**Mukhdum Sayed Rajan Bakhsh Shah** (South West Punjab : Muham-

madan) : انریبل پریزیڈنٹ ! صاحب وزیر ہند کے مستعفی ہونے کا انڈین کو سخت افسوس ہے ۔ صاحب وزیر ہند کو ہندوستانیوں کی بہتری اور ترقی کے خیالات ہر وقت دامنگیر رہتے تھے ۔ ہر ایک ہندوستانی ہر ملت و مذہب کا انریبل مسٹر مانتیگو وزیر ہند کے بہت ہی شکرگزار ہیں ۔ اور جو مقامات مقدسہ کے واگذار کرانے کے بارے میں وہ پورے کوشاں رہے ہیں ۔ ہم ہندوستانی مسلم صدق دل سے اور کے ممانوں و مشکور ہیں ۔ عرصہ قریباً چار برس کا ہوا ہے جبکہ صاحب وزیر ہند دہلی میں تشریف فرما ہوئے تھے ۔ علاوہ اور ڈیپوٹیشنوں کے ایک ڈیپوٹیشن اعلیٰ پیمانہ کا جو ہندوستانیوں کے مطالبات لیکر پیش ہوا تھا اور میں مجھے ہی ایڈرس پیش کرنے کا فخر بخشا گیا تھا ۔ مسٹر مانتیگو نہ صرف ہندوستانیوں کو حقوق دلانے کی کوشش میں رہتے تھے بلکہ سلطنت برطانیہ کے اصلی خیرخواہ اور اعلیٰ درجے کے مدبر تھے ۔ غرضکہ ایسے وقت میں مسٹر مانتیگو کے مستعفی ہوتے پر ہندوستانیوں کو بیحد افسوس ہے ۔ میں اس ریزولیشن کی زور سے تائید کرتا ہوں •

**Mukhdum Sayed Rajan Bakhsh Shah** (South West Punjab : Muham-  
madan) : Hon'ble President, the Indians are very sorry at the resignation  
of the Secretary of State for India. He always had at heart the welfare  
and the progress of the Indians, and every Indian of whatever caste or creed  
is very thankful to the Hon'ble Mr. Montagu, and for his efforts towards  
the recovery of their Holy Places, we Indian Muhammadans in particular  
feel moved to heart felt gratitude.

About four years ago, when the Secretary of State for India visited  
Delhi, among other deputations a deputation on a big scale waited on him  
with Indian demands. I was one of them and had the honour of present-  
ing the address.

Mr. Montagu was not only trying to get the Indians their rights, but he  
was England's real well-wisher and a statesman of the highest class. In  
short, the Indians feel untold sorrow at his resignation at a time like this.  
I strongly support this Resolution.

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