

Monday, 16th February, 1925

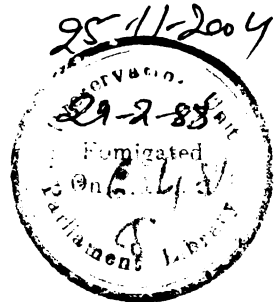
THE  
COUNCIL OF STATE DEBATES

Volume V

*(20th January to 26th March 1925)*

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FIFTH SESSION  
OF THE  
COUNCIL OF STATE, 1925



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# COUNCIL OF STATE.

Monday, 16th February, 1925.

The Council met in the Council Chamber at Eleven of the Clock, the Honourable the President in the Chair.

## QUESTIONS AND ANSWERS.

### EXCLUSION OF INDIAN HISTORY FROM THE SYLLABUS OF THE QUALIFYING EXAMINATION FOR ADMISSION TO THE ROYAL MILITARY COLLEGE, SANDHURST.

89. THE HONOURABLE MR. HAROON JAFFER: Will Government be pleased to state whether Indian History has been dropped from the syllabus of the qualifying examination for admission of Indian students to the Royal Military College, Sandhurst?

If so, why?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: The answer is in the negative. Although Indian History is no longer shown as a separate subject in the syllabus, it is included in the subject "British Imperial History", and forms an important part of the examination.

### DEPUTATION OF SIR GEOFFREY CLARKE TO THE CONGRESS OF THE POSTAL UNION AT STOCKHOLM.

90. THE HONOURABLE MR. HAROON JAFFER: Will Government be pleased to state:

- (a) whether Sir Geoffrey Clarke was an official representative of the Indian Government at the recent Congress of the Union Postale Universelle at Stockholm;
- (b) who paid his expenses;
- (c) what was the amount of those expenses;
- (d) what are the details of the "victory" said to have been gained for India at that Congress?

THE HONOURABLE MR. A. H. LEY: (a) Yes.

(b) The Government of India.

(c) A sum of Rs. 17,376-9-8 has been booked in the accounts on account of the deputation of Sir Geoffrey Clarke to the Stockholm Congress. This included his deputation pay.

(d) At the Stockholm Congress, an attempt was made to deprive India and certain other countries of their right to vote at future Congresses. It was, in the belief of the Government of India, due in no small measure

to the representations of Sir Geoffrey Clarke that British India was recognised along with Australia, New Zealand, Canada and South Africa as an independent member of the Postal Union, and her right to a separate vote was permanently assured.

91. (THE HONOURABLE MR. HAROON JAFFER: I do not propose to put the question to-day as I understand that it will be more convenient to Government if I put it at a later date.)

#### ALLEGED CORRUPTION IN THE BENGAL COUNCIL.

92. THE HONOURABLE MR. HAROON JAFFER: Will Government be pleased to state:

- (a) if they have seen the report that letters written by Ministers of the Bengal Council show the existence of corruption and jobbery in connection with the business of that Council;
- (b) if so, what action do Government intend to take?

THE HONOURABLE MR. J. CRERAR: (a) Government have seen such reports.

(b) The matter is now under the consideration of Government.

#### AGE-LIMITS FOR THE I. C. S. EXAMINATION.

93. THE HONOURABLE MR. HAROON JAFFER: (a) Will Government be pleased to state if it is a fact that the Secretary of State for India has retained the present temporary age-limits of 21 to 24 years for the open competitions for the Indian Civil Services to be held in London in 1925 and 1926, pending the decision on the recommendations on this subject made by the Royal Commission on Superior Civil Services?

(b) Did the Government of India advise on or agree with this action?

(c) Why should the decision on the Commission's recommendations be delayed until after 1926?

THE HONOURABLE MR. J. CRERAR: (a) Yes.

(b) The Government of India agreed with the action.

(c) Decisions on the recommendations will not be delayed as long as the Honourable Member suggests. It is necessary, however, in order to give candidates sufficient notice, to take the regulations into consideration a year or more before the examination is held, and it for this reason that it is thought advisable to maintain the existing age-limits for the 1926 examination.

#### WITHDRAWAL OF FIELD SERVICE CONCESSIONS FROM INDIAN TROOPS ENGAGED IN WAZIRISTAN.

94. THE HONOURABLE MR. HAROON JAFFER: (a) Will Government be pleased to state if field service concessions have been withdrawn from Indian troops engaged in Waziristan against the Mahsuds?

(b) If so, why?

(c) Do Government intend to reconsider this decision periodically?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) Yes.

(b) Field service concessions were withdrawn with effect from the 1st April, 1924, as it was considered that, in view of the diminished intensity

of the operations in Waziristan, the continuance of such concessions was not necessary.

(c) No. But the question of ameliorating the conditions of service in Waziristan is at the moment being examined by the military authorities.

**SURVEYOR GENERAL'S SPEECH ON THE PRESENT METHOD OF THE DIVISION OF THE ADMINISTRATIVE WORK OF INDIA INTO DEPARTMENTS.**

95. **THE HONOURABLE MR. HAROON JAFFER:** (a) Will Government be pleased to state if they have seen the report of the lecture of the Surveyor General stating that the present method of dividing the administrative work of India up into departments has led to fearful congestion and chaos?

(b) Was that an official utterance?

**THE HONOURABLE MR. J. CRERAR:** (a) Government have not seen a verbatim report of the speech.

(b) No.

**RADIO-TELEGRAPHIC COMMUNICATION WITH THE UNITED KINGDOM.**

96. **THE HONOURABLE MR. HAROON JAFFER:** (a) Will Government please state whether they have received from an Indian controlled company proposals for following the lead of the Dominions in connection with the installation of radio-telegraphic communication with the United Kingdom by means of the "beam" system?

(b) If so, have Government come to any decision on the matter yet?

**THE HONOURABLE MR. A. H. LEY:** (a) Yes.

(b) Government have communicated their readiness to grant a license to the Company in question, provided the Company enters into an agreement with Government. The Company has accepted this condition and it is hoped that the agreement will be signed without further delay.

**BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.**

**THE SECRETARY OF THE COUNCIL:** Sir, in accordance with rule 25 of the Indian Legislative Rules, I lay on the table a copy of the Bill further to amend the Indian Income-tax Act, 1922, which was passed by the Legislative Assembly at its meeting held on the 11th February, 1925.

**MESSAGES FROM HIS EXCELLENCY THE GOVERNOR GENERAL.**

**THE HONOURABLE THE PRESIDENT:** I have received two Messages from His Excellency the Governor General:

(The Messages were received by the Council standing.)

The first Message runs as follows:

*"In pursuance of the provisions of sub-section (3) of section 67A of the Government of India Act, I hereby direct that the heads of expenditure specified in that sub-section shall be open to discussion by the Council of State when the Budget is under consideration.*

*READING,  
Governor General."*

[The President.]

The second Message is:

"For the purposes of sub-section (1) of section 67A of the Government of India Act and in pursuance of Rules 43, 46 and 47 of the Indian Legislative Rules and Standing Order 70 of the Council of State Standing Orders, I, Rufus Daniel, Earl of Reading, hereby appoint the following days for the presentation to the Council of State and to the Legislative Assembly of the statement of the estimated annual expenditure and revenue of the Governor General in Council (in the said Rules and Standing Orders referred to as the Budget) and for the subsequent stages of the said Budget in the Council of State and in the Legislative Assembly, namely:

Friday, February, 20th		Presentation of the railway portion of the Budget, hereinafter described as Part I of the Budget, in both Chambers.
Monday, February, 23rd	...	General discussion in the Legislative Assembly of Part I of the Budget.
Tuesday, February, 24th		General discussion in the Council of State of Part I of the Budget.
Wednesday, February, 25th	...	} Voting of demands for grants under Part I of the Budget in the Legislative Assembly.
Thursday, February, 26th	...	
Friday, February, 27th	...	
Saturday, February, 28th	...	
Saturday, February, 28th, at 5 p.m.	...	Presentation of the remaining portion of the Budget, hereinafter referred to as Part II of the Budget, in both Chambers.
Tuesday, March, 3rd		} General discussion in the Legislative Assembly of Part II of the Budget.
Wednesday, March, 4th		
Thursday, March, 5th		General discussion in the Council of State of Part II of the Budget.
Friday, March, 6th	...	} Voting of demands for grants under Part II of the Budget in the Legislative Assembly.
Saturday, March, 7th	...	
Thursday, March, 12th	...	
Friday, March, 13th	...	
Saturday, March, 14th	...	

(Signed) READING,

Viceroy and Governor General."

February, 10th, 1925.

THE HONOURABLE THE PRESIDENT: With reference to the latter Message, which I have just read, Honourable Members will notice that Friday, February, the 20th, has been appointed for the presentation of the Railway portion of the Budget in this House. In view of that I think it would be convenient for Honourable Members if, instead of as usual holding a meeting on Thursday for the disposal of Government business, the Government business which would ordinarily be taken on that day be postponed till Friday, leaving Thursday a blank day.

#### AMENDMENT OF THE LAW RELATING TO INTEREST BILL.

THE HONOURABLE MR. YAMIN KHAN (United Provinces West: Muhammadan): \*I beg to move for leave to introduce a Bill to amend the Interest Act.

This Bill has once been introduced in the Legislative Assembly. Unfortunately, the Member who had introduced this Bill has not come to the present Assembly. This Bill had therefore to be stopped and no further motion could be made. The objects of this Bill are of course very limited. I only want this Bill to stop the accumulation of interest.

\* Not corrected by the Honourable Member.

The Act which had been passed in 1918, called the Usurious Loans Act, No. X of 1918, gives extensive powers to the Court to curtail the rate of interest on all kinds of transactions, but one great point which has not been included in the Bill, and which is greatly wanted at present, is to stop the accumulation of interest beyond a certain limit. We find every day in the Courts that decrees are passed for sums 5, 6, 20 and sometimes even 100 times the capital amount which had been originally advanced; and although the rate of interest is very moderate, the accumulation continues and it generally affects the zamindar class of people greatly, because the zamindars are really very shy to part with their property, and once they have borrowed a sum they are always thinking that they will pay it off and they never like to pay it off by the sale of any of their property. The result is that the interest goes on accumulating and ultimately the whole property is sold instead of a portion of it. This is not the time for me to give this House specific instances which I would otherwise have quoted of decrees of different High Courts which had been passed within three or four years of the passing of the Usurious Loans Act of 1918. Before the advent of the East India Company there were two laws prevailing in the country. Muhammadans allowed no interest. Their personal law does not recognise any kind of interest at all. The Hindu law according to the Dharm Shastra limits the accumulation of interest to the amount of capital which is originally advanced. According to Hindu law no Hindu can claim higher interest than the principal amount which he has lent, and this law is prevailing at present to a certain extent in the Bombay Presidency, Berar, in the town of Calcutta and in most of the Native States, but it does not prevail in other parts of the country. A change had been brought about in the Interest Act in 1839 and then later on in 1855 when the Usury Repeal Act, XXVIII of 1855, was passed in the Council. At that time there was no Muhammadan and no Hindu in the Council. Therefore the popular views and the laws of both the communities, who are the chief communities living in India, could not be represented in the Council. The effect has been disastrous. If we take a census of the zamindars we find that the zamindari property has within 50 years passed out of the hands of the zamindars by nearly 90 per cent., and even to-day we find that the same thing is happening. Government have very wisely recognised this fact that protection should be given to those people who are zamindars and they recognise it in the shape of the Court of Wards Act. If a zamindar is not properly managing his property and the Collector of the district reports the matter to Government, the whole property is taken away from his management and placed under the management of the Court of Wards. So recognising this principle that protection is necessary to safeguard the property of the zamindars, there arises another side issue that under these circumstances even the Collector cannot take any action. In these circumstances unless there is an application made to the Local Government the authorities are absolutely powerless. So, Sir, recognizing the principle that protection is necessary I beg for leave to introduce this Bill in order to remove these defects. It might be said that if the rate of interest is one per cent. in six years it will double itself, while limitation is allowed for 12 years. This is the strong point against this measure. So it is curtailing limitation. But the real object is that, as the Courts usually pass a decree for six per cent., if the rate of interest is six per cent. then it will take exactly 12 years to accumulate up to that amount. So limitation does not operate in that respect if the rate of interest is small. But if the rate of interest is one per cent. and the debtor has not paid anything for 6 years, when the amount doubles

[Mr. Yamin Khan.]

itself, then the creditor should be obliged to bring his suit in order to recover the sum which he has advanced. This will be really forcing the creditor to sue before the expiry of his time. But if the debtor is a person who pays nothing for 6 years, then the creditor should be made to sue him. If the debtor goes on paying the interest annually then it will not accumulate to the amount of the capital sum for six years. What this Bill really desires to do is to make it impossible for the interest to accumulate to more than double the principal sum by providing that when it has reached the amount of the principal the creditor should be obliged to sue for it, and when the decree is passed then on the decretal amount it will go on accumulating at the rate of 6 per cent.; and in this way perhaps the big zamindars will be saved and also the smaller zamindars whose properties are passing away from their hands every day. The demand which is made in this Bill is not a new one to this Council. It has been proposed repeatedly in the United Provinces Council, but of course the local Councils have no power. Recently a Bill of far-reaching consequences was introduced in the Punjab Legislative Council.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : General): I rise to a point of order. I am not sure whether my Honourable friend is entitled at this stage, the introduction stage of the Bill, to discuss the merits of the Bill at such length and I solicit your ruling on that point.

THE HONOURABLE THE PRESIDENT: I think the Honourable Member in making his motion for leave to introduce is possibly going rather beyond the usual practice in this House in introducing a Bill. I was myself wondering what he was reserving for himself to say at future stages of the Bill without repeating himself. I am not sure whether the Honourable Member anticipates opposition and therefore thinks it is necessary to go into some detail. Of course he will realize that this is a purely formal stage, and that, in the absence of opposition, it is customary to use very few words indeed in asking the leave of the Council to introduce a Bill.

THE HONOURABLE MR. YAMIN KHAN: I am sorry, Sir, that my remarks have gone beyond the occasion. I only meant to say that this is not an isolated demand. It is the demand of the whole country. (*The Honourable Sir Maneckji Dadabhoy*. "Question?") Of course I have given the objects and reasons fully in the Statement of Objects and Reasons, and Honourable Members have probably read them. I beg the leave of the House to introduce the Bill.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (West Punjab : Muhammadan): Sir, on behalf of the Muhammadans, and zamindars particularly, I rise to welcome the Bill.

THE HONOURABLE THE PRESIDENT: There is no necessity for the Honourable Member to welcome this Bill at this stage. At the introduction stage, the House is well aware only one speech is allowed after the Mover and that must be a speech in opposition.

THE HONOURABLE MR. J. CRERAR (Home Secretary): Mr. President, I regret very much to be under the necessity of opposing this motion and



I shall explain my reasons for doing so as briefly as possible. The Honourable Mover has already informed the House that two measures, including provisions of the character detailed in this present Bill, have already been discussed in another place, and leave to introduce the Bill was in both cases refused. However, on the last occasion on which the matter was moved, the Government gave an engagement that they would consult Local Governments on this and one or two other connected matters. That inquiry has been carried out and the result has been that there is a preponderance of opinion on the part of Local Governments that it would be undesirable and by no means advantageous to proceed with the proposal. I have the utmost sympathy with the objects of the Honourable Member and I should be the last to deny the gravity of the evils which he desires to remedy. My only point is that his remedy is not the proper one. The rule of Damdupat is a very primitive, rough and ready rule. It may have been appropriate under primitive conditions when there was no law of insolvency, no law of limitation and no other means of controlling unconscionable usurious transactions. But as a principle of law to apply comprehensively to the whole body, with all their multiplicity and variety of loan transactions under modern conditions, it is by no means a suitable rule. It involves very serious anomalies, one of which the Honourable Member has himself pointed out. It would be possible, for instance, under the application of this rule to allow interest at the rate of 100 per cent. if the action is brought at the end of one year. On the other hand, for a loan transaction covering a long term even a very moderate rate of interest having regard to the circumstances of the transaction might be disallowed. And as a matter of fact there is no more logical or consistent ground for limiting the total amount of interest than there is for limiting the rate of interest; and the question of limiting the rate of interest, as Honourable Members are aware, has been repeatedly investigated by the highest authorities, and invariably it has been decided that such a means of dealing with usurious transactions is impracticable. Moreover, this rule is capable of the easiest evasion. If a fictitious amount is entered as the capital sum, the rule ceases to operate. If the transaction is renewed so as to incorporate in the principal sums which should have been credited to interest, once more the rule fails to operate; and whether the pressure which might be brought to bear upon creditors to bring earlier suits than they would otherwise have done would generally be advantageous to the debtor is one which, I think, is extremely open to doubt. As a matter of fact—and I will not on the present occasion attempt to go into further detail—the Honourable Member's Bill does not accurately or correctly, or in a manner at all suitable for permanent legislation, state what the rule of Damdupat is. For these reasons—and I have, naturally, only touched very summarily and briefly upon the considerations which apply; they are however in my mind conclusive—I must with the greatest regret oppose the Honourable Member's motion.

THE HONOURABLE THE PRESIDENT: The question is:

“That leave be given to introduce a Bill to amend the Interest Act.”

THE HONOURABLE SAIYID RAZA ALI (United Provinces East: Muhammadan): May I just point out, Sir, that the Honourable Member is under the rules entitled to a reply, if he wishes to avail himself of the provision.

THE HONOURABLE THE PRESIDENT: I think the Honourable Member might leave the Mover to look after his own interests. The question is:

“That leave be given to introduce a Bill to amend the Interest Act.”

The Council divided:

AYES—16.

Aftab Ahmad Khan, Sahibzada  
Amiruddeen Ahmai, Nawab Sir.  
Barua, Mr. C.  
Haroon Jaffer, Mr. Ibrahim.  
Karandikar, Mr. R. P.  
Muhammad Hussain, Mr. Ali Baksh.  
Rampal Singh, Raja Sir.  
Ray, Raja P. N.

Raza Ali, Mr.  
Sarvadhikary, Sir Deva Prasad.  
Singh, Maharaja Bahadur K. P.  
Sinha, Mr. Sukhbir.  
Umar Hayat Khan, Col. Nawab Sir.  
Vedamurti, Mr. S.  
Yamin Khan, Mr.  
Zahir-ud-din, Mr.

NOES—21.

Abbot, Mr. E. R.  
Bell, Mr. J. W. A.  
Berthoud, Mr. E. H.  
Chadwick, Mr. D. T.  
Crerar, Mr. J.  
Dadabhoy, Sir Maneckji.  
Dawn, Mr. W. A. W.  
Froom, Sir Arthur.  
Harnam Singh, Raja Sir.  
Khaparde, Mr. G. S.  
Ley, Mr. A. H.

MacWatt, Major-General Sir Robert.  
McWatters, Mr. A. C.  
Misra, Pandit S. B.  
Mitter, Mr. K. N.  
Muhammad Habibullah, Sir.  
Patterson, Lieut.-Col. S. B. A.  
Sarma, Sir Narasimha.  
Singh, Mr. Charanjit.  
Wacha, Sir Dinshaw.  
Wild, Mr. A. C.

The motion was negatived.

RESOLUTION *RE* SUPPLY OF GANGES WATER AT  
AND BELOW NARORA.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY (West Bengal: Non-Muhammadan): Sir, I beg to move the Resolution standing in my name, which runs in the following terms:

“This Council recommends to the Governor General in Council that a Committee of Members of both the Houses of the Indian Legislature and of officials be appointed at an early date to examine and report on the whole question of the supply of Ganges water at and below Narora and to advise as to the necessary quantity of unobstructed water that should be allowed to escape at Narora in order fully to meet the requirements of the situation created by the pilgrim traffic.”

Sir, I hope that I shall not be voted as a super-fossil for attempting to raise what may be deemed a fossil-like question, in a House which in a flippant and unrepentant style, that passed unrebuked, has been called a House of “fossils.” There may be an implication in that pitiful pleasantry which is not altogether dishonourable or discouraging, because I feel that in this House at least, one may with some confidence attempt to plead for a careful re-investigation of neglected causes that have been brushed aside on account of lack of organized timely and widespread protest. I am all the more encouraged because of the fairly favourable attitude taken by Government in connection with the question.

This question of the free and unrestricted flow of Ganges water from Gangotri to Ganga Sagar has long been holding the board, and Hindu public opinion, in spite of the somewhat restrained manner in which it has expressed itself, as it is accustomed to express itself in normal conditions, has been keeping itself actively to the fore. That such opinion has not been more aggressive is because of faith in the ultimate triumph of justice, and there have been indications during the past few months that justice will in the end triumph. Sir, a notable volume of literature has gathered round this question which, by itself probably might be a support of the plea of "settled fact." I submit, however, that investigation of some aspects of it will make Honourable Members hesitate as to whether the theory of "settled fact" ought to be maintained in this matter. I decline on behalf of the Hindu community of India that I seek to represent in this connection, and specially of Bengal, to accept as final the resolution of the Government of the United Provinces in August last declaring certain doles, if I may so call them, of Ganges water at Narora that are altogether insufficient to meet the purposes, certainly of Bihar and Bengal, though the United Provinces might be content with them. (*A Voice*: "No. It is not content.") That assertion of a Member from the United Provinces strengthens my position. It certainly does not meet the demands of the Northern India Hindu opinion and of the large Hindu public that flock to our places of pilgrimage from all parts of India during various festivals. That point of view throughout the controversy has strangely and regrettably been neglected, and from the all-India point of view I say the question should be examined carefully by a representative all-India committee such as this House may recommend to the Governor General in Council.

I am no very great believer in the committee procedure, unless when one wants to shelve a question, nor do I believe that a preliminary committee in regard to a question like this would be necessary merely because a volume of literature has gathered round it. I know attempts have been made in that direction in the near past but with no notably brilliant results and they are not likely to be repeated. A restricted committee of the United Provinces Government has sat and deliberated and necessarily ignored the entire question other than what affects the United Provinces problem. Even that problem, we are told, has not been fully met, and I submit that a Committee of representatives of this House, of the other House and of officials should investigate the whole of the question from the point of view of all-India Hindus.

While the rest of India had not realised and recognised what was being done and what the effect would be, the United Provinces authorities had taken drastic steps for diverting the water of the upper Ganges for irrigation purposes from below Hardwar and much later at Narora a lower Ganges diversion was made with more disastrous results from my point of view.

The controversy divides itself into three broad sections, one of which may be called the Hardwar section, with which I need not trouble the House at present. Very powerful opinion was voiced by the Princes and people of India alike in regard to this restricted question, and Lord, then Sir James Meston, Lieutenant-Governor of the United Provinces, at a conference held at Hardwar arrived at a solution that was acceptable to the sections of the public that were then represented. Sir James Meston was careful, however, to explain and declare that in that settlement was not included the controversy regarding the second outlet at Narora. The

[ Sir Deva Prasad Sarvadhikary. ]

importance of the Narora question from the Hindu point of view had however pressed itself upon Lord Hardinge, who desired that Hindu opinion should be placated as far as possible and Lord Meston was good enough to say that, although he could not deal with the matter because it had passed out of his hands into the hands of the Government of India, he would make representations on behalf of the Hindu public to the Government of India. Questions had been asked here I believe or elsewhere, which did not elicit clear information as to what was being done, excepting that a 2 feet notch or something like that was opened at Narora. The public grievance about the insufficiency of this gathered force. The question came to be ultimately decided by the Government of the United Provinces by the resolution of August last to which I have referred and which is unsatisfactory. My submission, Sir, is that having regard to the fact of the unsatisfactory nature of that decision, the Government of India have a clear duty in the matter and no amount of devolution rules or interpretations of rules about transferred subject and provincial subject machinery will help them in divesting themselves of that power, of that responsibility and that obligation, having regard to the fact that the Ganges is not the sole and exclusive property of any Government, certainly not of the United Provinces Government. At least three Governments and three Provinces including mine are interested in it, and therefore some central body will have to intervene and give its *imprimatur* regarding the requisite and necessary relief when a strong plea is put forward like this.

If I may anticipate for a moment some reference to the concessions by Sir William Marris's Government, for which we are thankful so far, one of them is an arrangement to release at Narora a slightly larger volume of water on the Amavasya, Sankranti and certain other sacrosanct days in addition to the normal supply detailed in the Resolution. Religious and other bodies have been invited to submit a list of such dates but they have not yet complied, because I believe they do not accept the principle of the doles. But supposing a list was ultimately framed which was not entirely a United Provinces Government list, but was framed in consultation with the other Provinces also, a moot question would arise as to the date on which the requisite dole would have to be released at Narora, to be ceremonially available at all the important places on the requisite days. Take for instance the distance of Benares from Narora, which I believe is 400 miles. Ganga Sagar and Kalighat which are sacred from the point of view of those who resort to them are situated at much greater distances. My knowledge of hydraulics and hydrostatics is fairly rusty, and I would not undertake to tell the House what time it would take for that released dole at Narora to reach down to Ganga Sagar, which must be long after the festival had gone by. Therefore, the fiction remains and is accentuated all the more, in that attention has been called to the state of affairs in a very pointed fashion. Of course, if according to homœopathic principles released water were to gain in efficacy and virtue according to the weakness of the dilution and the length of distance, it may be that Ganges water released at Narora and reaching Ganga Sagar 15 days after the festival would acquire greater efficacy and virtue. That is a point of view that the Hindu community is not going to accept and if the agitation to-day is not as strong as it might be it is, I repeat, because the Hindu community believe that ultimately justice will be done to their claim when matters are pointedly brought to the notice of the Central Government.

The Hardwar conference probably settled the Punjab aspect of the question. But, when Sir James Meston agreed to have released 600 cusecs of water, that means 600 c. ft. per second, for use of what happens to be the section between Hardwar and Narora it could not have been intended that this volume should be intercepted lower down, taking away with the left hand what the right had given. The 600 cusecs of water which the Princes and Peoples' conference got agreed to being released at Hardwar is not made available for more than the small section between Hardwar and Narora, and the whole of the reach below Narora is starved even under the improved arrangements that have been proposed. As soon as the Narora dam has been reached, this 2 feet notch and such other concession as have been dealt with by the resolution of August last is supposed to allow all that is to be made available for places below Narora including places like Cawnpore, Allahabad, Benares, Patna, Calcutta, Ganga Sagar, which is most unsatisfactory. Therefore the problem is entirely unsolved so far as the lower reaches are concerned, and I submit it must be solved. I cannot refuse and I do not refuse to recognise the interests that have arisen. Fully recognising them, and taking them into consideration, I believe a solution is possible and that is my object in asking that a committee such as I indicate should go into the whole question and advise Government as to what can be done without any violent prejudice to the interests that have arisen, and at the same time without prejudice to the larger interests that have been so far neglected. At the same time we must recognise that such recognition of vested interests can be only within due limits and with due regard to the other interests that I speak of. I do not want to weary this House at this stage with details of riparian law and the rights of the lower reaches. With regard to smaller streams there has been misery-making litigation and sometimes even riots have taken place. With regard to the larger streams these questions have been happily rare. Take the case of the Brahmaputra, for example, which has no sanctity except upon given dates and there questions like this cannot arise particularly having regard to the tremendous volume. Honourable Members will however notice the dispute between the Madras Government and Mysore, purely on economic grounds, about the Cauvery waters. There have been litigation and arbitrations. There have been also questions that will not to that extent arise in connection with this case, because the exigencies of the case as well as the importance of matters from the economic point of view are less. I hope therefore that owing to the comparative simplicity of the issues, the Government of India will recognise their obligations and insist on the right thing being done to the Hindu community more generously. A compromise far better than what has been arrived at by the United Provinces Government purely from the United Provinces point of view is needed and would be possible. If an inquiry is undertaken I am assured on fairly high authority that I am prepared to accept it will be demonstrated that there is a considerable amount of avoidable waste which if stopped would by itself help the lower provinces to get what they consider to be their rightful due in the matter. I shall not labour these details now because they are matters which would come within the purview of the committee if it comes to be appointed.

I submit again that matters cannot be dealt with on a narrow sectional economic basis of one particular province which happens to have so far been allowed to get the best of it. The issue is a much larger one. The matter is not merely sentimental, it is not even merely hygienic. They are

[Sir Deva Prasad Sarvadhikary.]

all that but what is more the controversy is based on religious beliefs and convictions that cannot be ignored or trifled with.

To show the gravity of the question from the Hindu point of view I need not go to witnesses other than Sir William Marris himself. Good Christians will remember the virtue and efficacy of baptism, whether by sprinkling or total immersion. The virtues of baptism were known to Hindus ages and ages ago; only their baptism has to be daily and in live waters, such as the mother Ganges provides, and that is where our difficulty comes in. Few rulers know this better than Sir William Marris, with his long experience and his fine classical tastes and training which he still keeps up. I fully trust that he will recognise the needs of the situation. I shall quote him with regard to the depth of feeling of Hindus in regard to religious questions. In August last replying to an address of the Bharat Dharma Mahamandal His Excellency was pleased to recognise that "A Hindu values religious freedom more than worldly possessions." A year before that pronouncement was the report of the committee of non-official members of the United Provinces Legislative Council and their advice was partly accepted and partly rejected on the ground of adverse representations received from people concerned in the irrigation areas, including Hindu *raises*, who objected to sacrifice of revenue to any considerable extent and to other consequences following upon shortage of water. It is notable that that committee included a Muhammadan gentleman of distinction who was prepared to concede that 300 cusecs of water should be allowed if there was no large loss of revenue and he was prepared to recommend that 200 cusecs of water should, in any case, be allowed. The apprehended loss of revenue, if the whole of the recommendations of the committee were accepted, would be according to the resolution 2 lakhs besides other consequences that would follow to the tenant. Sir William Marris is prepared to sacrifice revenue to the extent of a lakh and a quarter. The difference is therefore about three-quarters of a lakh, and I submit that for an apprehended loss of revenue of that kind and even because of apprehended loss to tenants to some extent, Hindu public opinion ought not to be antagonised and the unanimous recommendation of the committee, including a Muhammadan gentleman, should not be partially rejected. It cannot be said that the loss of revenue, in the words of that Muhammadan gentleman, is "large." And I have shown it is possible to stop a lot of wastage of water, quite apart from other remedies that have been suggested from responsible quarters. It is not necessary therefore to interfere with the irrigation schemes of the United Provinces to any considerable extent.

However, this policy of cut and clip and curtail has been adopted in this resolution which is our grievance and in regard to which we approach the Central Government which had made it clear some time ago that Hindu opinion in the matter will have to be fully taken into account. As to how far Hindu opinion has been consulted I shall let the committee speak for itself:

"The Committee are fully satisfied that the decisions of the Government of India in regard to the religious conviction of the entire Hindu community of India have not been given effect to at the Narora head-works of the Lower Ganges Canal and the arrangements there are not only not a compliance with the said decisions but may be taken by a large section of the Hindu community as an insult to their religious feeling in the matter. . . . The condition is most unsatisfactory and to the Hindu mind most distressing."

That was the finding of the committee in 1923 and one of the members Mr. Parameshvari Dayal gave it as his opinion that there would be no great loss to the Irrigation Department. That that is so we have seen from the figures.

The committee has shown, and that verdict has not been challenged in any way by the resolution of the United Provinces Government, that what has been done there does not meet with the requirements of the Hindu community. I submit that in this matter the United Provinces Government have failed as trustees of the Government of India and the residuary obligations of the latter have still to be discharged.

With regard to the constitutional aspect of the question I do not think much need be said, because having regard to the all-India character of the Ganges the United Provinces Government are not the sole arbiter of the situation. A short quotation from Sir James Meston's speech will show that the outstanding matter was, and I believe still is, in the hands of the Government of India. Sir James said :

“ I wish to bring to your notice that all reference to Narora has been omitted from settlement, the reason being that the question of Narora has passed out of my hands and gone into those of the Government of India. But I will undertake that the wishes of the All-India Hindu Sabha are placed before the Government for their consideration.”

Regarding the all-India aspect of the question I could not do better than to read an extract from one of the circulars of Mehta Buldeodas Vyas on behalf of the Bharat Dharma Mahamandal issued not long ago.

“ The ordinary people cannot understand the hard technicalities and the terms of the canal department. Even the word ‘ Fishladder ’ is misunderstood by many unless explained. But their religious sentiment is deeply touched when they do not get the holy Ganges water for bathing and drinking. They understand so far that they have been deprived of their sacred water owing to irrigation canals. Against this comes the question of the loss of irrigation revenue of the Government of the United Provinces. Should the benign Imperial Government neglect the claim of the entire Hindu community of the whole of India in enjoying their sacred Ganges water for purification of their body and soul for a loss of little revenue of the Local Government of the United Provinces? Should the sacred property of the whole of the Hindu community of India be utilised by one Local Government for its little prosperity by wounding the religious feeling of the vast Hindu community? The irrigation question even if it proves some loss, touches a limited number of people who are insignificant as compared with the vast majority of the Hindus living in India or outside and even to the dear respected souls of those that are no more with us in this world.”

I do not want to identify myself with the estimate of these interests being insignificant. No interests are insignificant and due care has to be taken to see that as far as possible and within due limitation what is possible is done to meet them.

Babu Buldeodas was not content with being merely sentimental and did not conclude without making some concrete suggestions as to how the difficulties of the situation may be met and some of the remedies are as follows :

“ The Irrigation Department can remedy this first by controlling and regulating the waste of canal water near Cawnpore and Aligarh districts and, secondly, by making arrangements to feed the lower Ganges canal by Sarda canal if necessary, or thirdly, by closing some of the feeding channels temporarily, or fourthly, by arranging the supply of water from some of the big reservoirs of water in the Himalayan range and lastly, by making such arrangements for damming the minor tributary rivers in the Himalayas for a certain period and then opening them one by one during irrigation season.”

[Sir Deva Prasad Sarvadhikary.]

That was at the end of 1922. Since then I am told the Sarda Canal has been so constructed that the possibility suggested above is now somewhat remote. But this suggestion was before the Government at the time and the Sardar Canal might have been so designed as to afford a remedy. However, Sir, it is not possible for us to suggest in this Council as to what should be done. If a Committee is appointed it will go into these things and see how the requirements of the Hindu public and the United Provinces Government can be met without derogation and prejudice to the one or the other.

We hear a great deal now-a-days of the need for improving our waterways and our water power. I do not know that we can come back to the days of old when the Ganges was a main stream of communications. People still live who saw steamers come up to Mirzapore, Allahabad and Benares and other places. One does not know how the diversion of water at Hardwar and Narora and construction of various bridges, had a deleterious effect on such communications. This is no place or time to go into those questions, unless to show that there have been factors and interests with which the engineers of the Irrigation Department did not reckon. There are important economic aspects in connection with the shrinkage of this water route which cannot be ignored and my object is to draw attention to this.

To the Hindu mind what the Ganges is or was is depicted in the beautiful odes of Sankaracharya, Valmiki and Kalidasa who have immortalized her glories in never-dying poetry and her daily need to the Hindu in his ablutions and adorations. Even Bishop Heber sang of such glories. All that is now reduced to more or less a fiction and instead of proclaiming those uplifting and beautiful traditions, the latter day propagandist poetasters are permitted now to effuse:

“ Along the Ganges Rank on Rank .  
The opium poppies flame  
Six hundred miles on either bank  
Red with a nation's shame.”

This is indeed rank and the critic's comment about the Indian poppy not being of the flaming Flanders' kind and about the poppy not being largely cultivated on the river banks may or may not be *apropos*; but effusions like this bring us back and down from the ideals of our great poets and sages; the latter day poetaster shows what in public eye the Mother Ganges has come to. Those who attempt to take liberties with the holy mother will remember the short shrift accorded to amative *Airavat* of old in his attempts to be familiar. The recent flood devastations in the upper reaches of the river may make engineers pause and think as to what the consequences of undue interference with her natural course may some day be.

We may well refrain from rhapsodies now and I invite this Council to help in restoring some of the Ganges' pristine glories and virtues once more. The Bhagarit of a later day will have to be more than a sentimentalist bent on the salvation of the ashes of King *Sagars'* hapless sons, who were sixty thousand in number and were his forefathers. He will have to be an engineer and a scientist. He will have to consider and combat materialistic people who want to monopolise the waters of the



Ganges for irrigation and such other purposes and plead vested interests; he will have also to make these materials realize that there are, as there ever have been, other purposes for which that holy water is needed. And I say it is possible to do this. If Honourable Members will take their minds back to what eminent Scientists like Professors Haffkine and Hanniken said regarding the virtues of the Ganges water after experiments which they carefully carried on during a dire cholera epidemic at Benares, there is something in the virtues of the Ganges water that baffles scientists, that unaccountably purifies all that it comes in contact with. But in order to be able to do that this river must have that free unimpaired flow without which the Ganges water does lose much of its virtue. Canals will not be able to do the duty which a free flow is said to achieve. In my callow days I remember six months storage of water was possible in Calcutta, water kept in large earthen jars. But now you dare not let the Ganges water stand for six hours. Microbes of a terrible kind infest it. Probably our septic tanks have partially contributed to that state of affairs, but restriction of flow is the chief factor.

I would not complain of the existing state of things only on the ground of sentiment, or even of religious belief, but I do so from the point of view of health also. The lower provinces have suffered much in this direction because what we have now as the Ganges water is a collection of ditch water and tributary water into which a small dole of the Ganges water may have been put in and which it is hoped will attain virtue and potency as it travels from its source.

THE HONOURABLE THE PRESIDENT: The Honourable Member has reached his time-limit.

THE HONOURABLE SIR DEVA PRASAD SARVADHIKARY: I am looking at the clock, Sir, and I am coming to a close. I have not much more to add except to put in a powerful plea, as powerful as I can, on behalf of the Hindu public, particularly that of Bihar and Bengal, and to request that a committee such as I have suggested should be appointed to go into the question from all points of view and see how all interests can be reconciled.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (West Punjab: Muhammadan): Sir, being a representative of the Muhammadans of the Punjab, I support the Resolution whole-heartedly. Though it is only a Hindu question, the Hindu community is our brother community and we ought to help them as much as we can.

THE HONOURABLE MR. R. P. KARANDIKAR (Bombay: Non-Muhammadan): Sir, I rise to support the Resolution before the House. I came across certain references in the admirable compilation just brought out by Professor Rushbrook Williams. The reference to the canal appears on pages 161 and 162 of "India in 1923-24". I tried to understand the situation. There is an upper Ganges canal at Hardwar, and I have come to know from the details supplied that a certain quantity is allowed to escape at Hardwar. I wanted to know the reason why that quantity was allowed to escape. Perhaps from the reply we might get from the Government side we will be in a better position to judge the whole situation, but coming nearer to the question of the lower Ganges canal at Narora I find from the references which I have just quoted that an additional supply of water is diverted by another construction which supplies

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the lower Ganges canal. That may be a reason for the Irrigation Department of the Government concerned to control the flow of water at Narora, and in view of the difficulties thus caused it was I think reasonable on the part of those immediately interested in maintaining the supply of water to form a Committee as advised by His Excellency the Governor of the United Provinces and to come to a certain decision. The recommendations of the Committee so formed were dissented from by that Local Government. A Muhammadan member and another gentleman belonging to this Council also gave their own opinions. The Government, it seems, were forced by the exigencies of the irrigation requirements to reduce the flow of water to more than what was recommended by these gentlemen. Hence I think the people have a real grievance. On the one hand we have to consider the Hindu sentiment supported by spiritualism, and on the other hand we have to consider the temporal advantages. It may perhaps be out of regard for irrigation schemes that Government are forced to ignore the kind of sentiment that has been expressed by the Hindu community generally. But there is a relieving feature in that an Honourable Member belonging to this House, belonging to the Muhammadan faith, has seen it reasonable to give his whole-hearted support to this Resolution. While there is a great deal of sentiment which centres round Hindu opinion on this question, it is also a question that has to be considered by the whole House, and I do really think that this is the House which can conveniently consider this question, where there is a difference between the public of a province and the official head of that province in regard to a certain measure. Under these circumstances I think it is but a modest request made by this Resolution to appoint a Committee. We do not ignore the existence of the other House, though perhaps the other House at times may think it reasonable to ignore this House. It is therefore proposed that Members of both Houses as well as officials, which latter will represent the views of the Irrigation Department also, should confer together in coming to a certain conclusion. With these few remarks I do hope that this House will accept this Resolution.

THE HONOURABLE MR. A. H. LEY (Secretary, Department of Industries and Labour): Sir, I am afraid it is my duty to oppose the Resolution and to oppose it as emphatically as I can. Sir, I listened with care and with a great deal of attention to what my Honourable friend, Sir Deva Prasad Sarvadhikary, urged. I do not want to go into the constitutional question for more than a minute or so, because I want to deal with the question on rather wider lines. The constitutional issue was raised by the Honourable Sir Deva Prasad Sarvadhikary. It is not of course a question between one province and another, and I cannot see that that question arises at all. It is not a question between the United Provinces and Bengal or Bihar. I do not suppose my Honourable friend means to suggest that there is not enough water in the Ganges when it leaves the United Provinces to provide for all the necessary purposes—for the pilgrim traffic or other ceremonial and religious purposes. Whatever you do at Narora can make no difference to that. If there was no Lower Ganges Canal at all and no dam across the river at Narora, the volume of water which passes down when the river leaves the United Provinces would not be materially affected in any way, nor even the proportion of that water which has flowed unfettered from the source of the river. The total volume

of water at Narora in an average year is very considerably below 2,000 cusecs, whereas there are large tributaries which join the river lower down, and the Gogra itself, which joins the river just after it passes out of the United Provinces, has a discharge of well over 20,000 cusecs itself. Numerous other tributaries join the river in the interval; they are of course very large streams, so that the proportion is not affected. It is not therefore an inter-provincial question. But I quite realize that the only question which concerns the Government of India or this Council in this matter at all is the question of Hindu religious sentiment. That is a matter which concerns everyone and it is only that portion of the question which can be discussed, and I shall try and devote my whole attention to proving, in I can, to this Council that the requirements of Hindu religious sentiment in this matter have been as fully met as they can be in the circumstances of the case. Now let me give as briefly as I can the history of this question. I want to go a little further back than my Honourable friend did, because there are two or three points in the previous history of the question which I think will emphasize my argument that the requirements of religious sentiment have been met as adequately as possible. There are four dates in connection with this question which I should like this Council to bear in mind: 1878, 1914, 1916 and 1923. The dam across the river at Narora was constructed in 1878 to divert the waters of the Ganges into the Lower Ganges Canal. That canal and that dam performed their functions for nearly 40 years without any opposition, without any question having been raised by the Hindu community. It was not until 1914—that is my second date—that any question was raised in this matter at all. It was raised, when a somewhat similar question was under discussion about the new headworks of the Upper Ganges canal at Hardwar at the conference to which my Honourable friend referred. The Hardwar question does not enter into this controversy at all. That has been settled. But the question of Narora was then raised for the first time by the leaders of Hindu opinion, who said that it was objectionable to their religious sentiment that lower down the river, where the Lower Ganges Canal takes off, there should be a complete fettering of the water. I mention 1914 and what was said then particularly for one purpose; that it was then very definitely stated by the leaders of Hindu opinion that their objection to the arrangements at Narora was aimed at the intervention of gates or moveable sluices right across the river bed, and it was then definitely stated by the leaders of Hindu opinion that however small the flow of water, if an opening could be made in the dam, however small, to pass water down unfettered, their objection would be removed. The Local Government realising fully the genuineness of this sentiment did in 1916 meet it by creating what my Honourable friend calls the Narora notch, which was a 2 feet opening allowing for a free, uninterrupted flow of water calculated to pass down 24 cusecs. That was in 1916, and I think the Local Government then thought that they had come to a final conclusion of this very troublesome question. Later on, about 2 or 3 years later, the Hindu community desired this matter to be re-opened and what they then asked for was quite a new demand, it was no longer a demand for a portion, however small, of the sacred river being allowed to pass down untouched or unfettered by the hand of man from the source to the sea. That had already been met. The new demand was for something much bigger; it was for a full fledged stream sufficient to provide for wholesale bathing just below Narora, sufficient to provide for the carrying away of ashes and so on.\* Whatever may have been the case at Hardwar, this new demand, whether considered from

[Mr. A. H. Ley.]

a practical or a sentimental point of view, was a little difficult to substantiate. Narora itself is a place of no importance whatsoever except as the headworks of the Lower Ganges Canal, but a little lower down, four miles lower down, there is a little place called Ramghat which has from time immemorial been a centre of pilgrim traffic. But I want to say in passing that the popularity of Ramghat, which has really given rise to this trouble, as a pilgrim centre has considerably diminished of recent years mainly owing to the opening of the railway above Narora at Rajghat, which is a much more convenient place for bathing and more easily accessible. So that even from the sentimental point of view the grounds for asking for a further revision of the question were not so strong as otherwise they would have been. The Local Government, however, fully realised the force of Hindu opinion and the genuineness of the sentiments it had expressed and appointed a committee of their Council to which my Honourable friend referred, and that Committee, as I think he explained, proposed as a compromise that the opening at Narora should be enlarged so as to be able to pass down 300 c.ft. a second throughout the year. When they got the report of this Committee, the Local Government sat down to work out what the effect of it would be, and it was soon apparent that it was a serious matter. If the recommendations of the Committee had been accepted as they stood, it would have meant depriving 30,000 to 40,000 acres of *rabi* land of canal water and 15,000 to 20,000 acres of sugar-cane. That is no light matter. The figures are really serious, and they were so serious that the Local Government thought that it was necessary to invite public opinion on the proposals of the Committee. They would not accept them as they stood without having the matter fully investigated and having the opinion of all parties. I should like to give my Honourable friend some more details of this and I proceed to enlighten the Council on the subject. 431 opinions were received. 81 of those opinions, mainly from Hindu religious societies, endorsed and accepted the proposals of the Committee to pass down 300 cusecs of water. 351 opinions were very definitely opposed—very many of them from the Hindu community itself. There was one opinion which bore 18,000 signatures—you will find this in the Resolution of the Local Government—many of them were those of Hindu *raies* and cultivators.

THE HONOURABLE LALA SUKHBIR SINHA (United Provinces Northern: Non-Muhammadan): May I ask the Honourable Member from what districts these opinions and signatures were received?

THE HONOURABLE MR. A. H. LEY: I have not got the particulars of the districts, but I have no doubt that they were from districts cultivated by the canal. It is all detailed in the Local Government's resolution. It does not affect my argument, because I am trying to show what would be the result of accepting the report of that Committee *in toto*. I was referring to the opinions which were sent in by those who were definitely opposed to the above recommendation and they said that what was necessary was only to increase the amount of water, which was passed down the canal at Narora, during bathing festivals to a certain extent. The Local Government, when they received these opinions, obviously considered that the recommendations of the Committee had such an extremely serious effect that enormous damage would be done by accepting the recommendations of the Committee in full and they thought that they must

find some *via media*. The *via media* which they arrived at was published in their resolution of August 1923, namely, that 300 cusecs should be passed down free and uninterrupted at Narora for nine months in the year from the 15th March to 15th December, and during the three months from the 15th December to 15th March, which are of course the important months from the point of view of the *rabi* cultivators, there should be a minimum supply of 150 cusecs as against the 24 cusecs which the notch at Narora was designed to pass down. There will be a minimum supply of 150 cusecs even during the important irrigation months and that supply was to be increased to 600 cusecs during *purnamasi* festivals and other occasions when it was necessary for religious purposes to increase the supply, and to 1,000 cusecs for the four big bathing days at Ramghat and places down below. That was the solution. My Honourable friend did not suggest how many cusecs he would like to pass down. He might urge that after all one cusec here and there is not very much. One cusec sounds a very little, but one cusec alone on the Lower Ganges Canal is capable of irrigating 180 acres in a year, which would not be irrigated without that cusec, and of course, the effect is very much multiplied when you multiply the number of cusecs which you wish to take away. That was the solution which the Local Government reached, and it was a solution which Hindu opinion generally accepted at that time, at any rate in the United Provinces.

THE HONOURABLE LALA SUKHBIR SINHA: Not at all.

THE HONOURABLE MR. A. H. LEY: My Honourable friend, I know, never accepted it, but I say it was generally accepted by the Hindu Community.

THE HONOURABLE LALA SUKHBIR SINHA: No, never. It was never accepted.

THE HONOURABLE MR. A. H. LEY: It was not a solution which was reached without very material loss and sacrifice on the part of all concerned. That I need hardly say. It meant a loss of revenue to the Local Government—I do not think my Honourable friend was quite correct in his figures—of about 1½ lakhs a year. That is a matter, perhaps he may think, which is not of very great importance. But there is something more which is much more important. It means an annual loss to the cultivators, to the poor *rayats* who have to live on the canal and who get their living out of the canal, of 12 lakhs of rupees a year. That is the solution; and that is the price which the Local Government were willing to pay for a solution of this very difficult, troublesome and long-standing question. And I only wish to say this in conclusion, that it is a solution in regard to which the Government of India have no intention whatever of interfering with the discretion of the Local Government. They have not only no intention of interfering with the discretion of the Local Government, but they are in complete agreement with the Local Government that it is a solution which provides adequately, and not only adequately, but generously, for Hindu religious sentiment and that it gives the utmost to that sentiment which can be given without ruining, or at any rate bringing into serious distress, a large part of the population of the United Provinces for whose welfare the Local Government are responsible. I wish to make it

[Mr. A. H. Ley.]

perfectly clear that the Government of India have no intention whatsoever of reopening this question or having it re-examined by yet another committee.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces: General): If I rise at this stage to support this Resolution it is not because I challenge the conclusions which have been arrived at by Government or that I want to challenge any part of the most lucid and instructive statement made by the Honourable Mr. Ley. I look upon this problem from a different standpoint. Personally, I am not at all conversant with the literature on the subject. I do not know anything of the merits of the case and I am not in a position to discuss the pros and cons of this question. My inability on this point is evident and I shall not go into the merits of the question. My Honourable friend Mr. Ley has pointed out with much force the various stages of this unfortunate controversy and has stated that in 1914 a new demand was made by Hindu sentiment and Hindu opinion, which the Provincial Government was unable to comply with. The result of the arguments advanced on behalf of Government is that the matter has been decided by the Provincial Government, and as such it is conclusive. I quite agree with the general proposition that in all provincial matters the Local Government should have the paramount voice and its decision should be final and ought not to be otherwise impeached, but, Sir, when in a controversy, religious feeling, religious enthusiasm and sentiment have been invoked, I think it is the duty of Government to move very cautiously and with prudence and, as far as possible, see that they adopt no action which would be likely to cause or give any offence or at any rate is likely to be misunderstood. There is no doubt that whatever may be the decision which the Local Government have arrived at on this matter there is a large volume of Hindu public opinion against it. I am not, at all, personally concerned in this question because I am a Parsi. I look upon it from a neutral and impartial standpoint. Whether the reversal of the policy of the Provincial Government is likely to cause financial loss or is adversely going to affect the people having the benefit of this canal water is another point altogether, but when my Honourable friend Dr. Sarvadhikary concluded his speech I was wavering, I was hesitating whether I should vote for it, but having heard the Honourable Mr. Ley's sentiments on this subject and the reasons which have prompted the Local Government to come to a final decision, I have no hesitation in supporting this Resolution. I request Government in this matter to take a wider and a more sympathetic outlook of the question. What is asked for by this Resolution? And if this Resolution is accepted by Government, what is going to happen? My Honourable friend has only asked for the appointment of a committee of both the Houses which have come into existence since the Reforms. (*A Voice*: "Officials also.") He wants the whole question to be thoroughly and impartially re-examined. Whether the Local Government ultimately accepts or rejects the decision of this committee or whether the Government of India accept it is another question. This is, however, not a question to be summarily dismissed. A large body of religious opinion is concerned and there is a feeling of enthusiasm and sentiment over the matter. Why ignore it? What are you going to lose by the appointment of a committee on this question? A few thousand rupees after all. Even the expenditure of a few thousand rupees will not be grudged.

by the country, if at any rate it secures a trustworthy and acceptable final decision which will convince the opponents of the case like Dr. Sarvadhikary and others." I therefore believe that the Government will not be acting discreetly in rejecting this Resolution.

THE HONOURABLE LALA SUKHBIR SINHA (United Provinces Northern Non-Muhammadan): Sir, I expected confidently that the Government of India would not oppose this Resolution as they were fully aware of the controversy in this matter and that for a long time. I thought that the moderate request contained in the Resolution for the appointment of a Committee would be gladly accepted by the Government to put a stop to the controversy in the future, but I regret, Sir, that they have not seen their way even to accept this moderate request for the appointment of a Committee. I thought that I would not have much to say on this subject; but, Sir, as one who knows a good deal about it from its inception, who was Honorary General Secretary to the Hindu Sabha, for about 8 years, who submitted all the memorials to the Local Government and the Government of India, I think I should be failing in my duty if I did not put forward before this Honourable Council a few facts about this matter. It was in 1914 that the United Provinces Government was advised by engineers to make a change at the headworks at Hardwar, *i.e.*, the headworks of the Upper Ganges Canal. Till that time the previous arrangement had been in existence for about 60 years, I think since 1858 when Colonel Courtney first made a cut in the Ganges at Hardwar. At that time he made an arrangement with which the Hindus were quite satisfied while sufficient water for the canal was obtained. He allowed sufficient water to flow into the Ganges from Hardwar down to Sagar. But it was in 1914 that engineers advised the United Provinces Government to make drastic changes at the headworks at Narora. Till that time the Hindus knew nothing about it. When inquiries were made we found that the proposal was to put a masonry band instead of a boulder band at Hardwar. The result of that was to put a full stop to the flow of water at Hardwar and any water allowed to flow was under the sluices which Hindus did not regard as pure and free (Avachinnadhara) for their sacred religious purposes. The result was that a special committee was constituted by the then Lieutenant-Governor, now Lord Meston. We discussed the question of Hardwar alone in that committee and some settlement was made. I was also present at that meeting, but that settlement was not acceptable to the Hindus of the whole country. The Maharaja of Jaipur and others intervened and the matter was brought to the notice of the Government of India. The result was that a very big conference was called at Hardwar in 1916, when about seven Ruling Princes, namely, Bikaner, Alwar, Gwalior, Jaipur, Kashmir and others, together with all-India Hindu representatives, were present. In that conference, Sir, it was decided that at least 600 cusecs of water should be allowed to escape down the Hardwar dam. At that time also the revenue and religious questions were fully considered by the Hindu representatives of all-India and by engineers of the Government of India and the United Provinces Government and many others. They considered all these questions.

THE HONOURABLE THE PRESIDENT: I hope the Honourable Member will soon start his journey down the river and reach Narora, which is the place the Resolution deals with.

THE HONOURABLE LALA SUKHBIR SINHA: I beg the leave of the Council to allow me a few minutes in order to explain the whole thing. It

[Lala Sukhbir Sinha.]

is a very important religious question and I should like to mention some details so that the Members may form a correct opinion. But I will be as brief as possible. In that conference, about Narora the Lieutenant-Governor said that the matter was in the hands of the Government of India and that he would settle nothing about Narora in that conference. Later on Lord Hardinge asked the United Provinces Government to do something at Narora. The then Lieutenant-Governor asked the Irrigation Department to make some arrangement. They opened a notch of only two feet over the crest to allow the water to pass below Narora. About this arrangement it is stated in the Government Resolution of August 1923 as follows:—

“In normal years the volume of water passing through this notch is 40 cusecs up to the end of November, gradually dropping to 10 cusecs by the end of December and to 4 cusecs by the middle of January. It remains at 4 cusecs from the middle of January to the end of April when it begins to increase with the advent of the snow water and attains a maximum of 40 feet in the middle of May.”

With this arrangement no Hindu was satisfied. Representations were made to the Government of India and again the matter was referred to the Local Government. His Excellency the Governor, Sir Harcourt Butler, appointed a committee of Members of the Legislative Council to make a report in this matter. I was also invited to attend that meeting. The committee reported that at least 300 cusecs of water should be allowed to pass. They also at that time considered the revenue question fully and in detail, and after that consideration they came to the conclusion that 300 cusecs at least should be allowed to pass below Narora. That Committee's report was never allowed to be discussed in the Council. The Governor passed orders on that report without any discussion by the Council and without taking the opinion of any public bodies and depended too much on Rai Jawalaprasad Sarma, Superintending Engineer, Narora Division, who being an Arya Samajist had no religious sentiments about the Mother Ganges. In some districts, as Mr. Ley has pointed out, some cultivators were asked to express an opinion.

THE HONOURABLE MR. A. H. LEY. Opinions were publicly called for from all public bodies and everybody else.

THE HONOURABLE LALA SUKHBIR SINHA. Only in some districts on the Upper Ganges Canal some cultivators were asked to express an opinion. I think it was only in one district, Muzaffarnagar, that cultivators generally signed that memorial. I need not detain this Council by telling them of the way in which those signatures were obtained, but anyhow some signatures were obtained and submitted to the Local Government. Sir, the Hindus expressed their view in the press and from platforms that full consideration should be given to the report. But the Local Government passed a resolution in August 1923 to the effect that only 80 cusecs of free unfettered water would be allowed to pass through the notch and 70 through sluices, *i.e.*, 150 feet, and the rest only on festival days. Instead of the 600 that we had settled at Hardwar only 150 were to be allowed to pass below Narora continuously and 150 more on festival days, the total of which is half of what was settled at Hardwar to be the minimum quantity required for Hindu religious purposes. That is the reason for the present agitation amongst the Hindus, for it is an arrangement with which no Hindu is satisfied.

Sir, the Resolution requests the appointment of an all-India committee to consider this question. I think the Honourable Mover has placed the



whole Hindu community under a great obligation by putting forward this Resolution, which has been brought forward not a day too soon. He has fully demonstrated the sanctity of the river in his speech. I need not say any more on that point. The Ganges belongs to the whole of the Hindu community of the country—the Punjab, Rajputana, Sind, Guzerat, Bengal, Bihar, and so forth. Pilgrims from all those places flock to the banks of the Ganges for bathing as well as for the purpose of religious ablutions, and therefore the Government of India should intervene and should appoint a Committee, as has been asked for in this Resolution, to settle the question once for all. I am afraid if this question is not settled, it will lead to agitation in the whole country; it is a very important religious question with which every Hindu is concerned, and I hope and trust that Muhammadans as well as Christians also will support us in this matter. If Hindu religious feeling is not respected to-day, the other religions will be affected to-morrow, and therefore in cases of religious questions we should all combine and see what can be done to meet the demand of the public as well as to protect the public revenues. Why should not the Government have the same respect for our religious sentiment and religious feelings as we have? That is my submission, Sir. If it is a question between a revenue of one or two lakhs out of seven crores of land revenue, and about one crore revenue from irrigation, and the religious feelings of so many millions of Hindus, I submit that that small sum should be sacrificed. We can also look for other sources of income which can make up this loss. Therefore I submit that this revenue question should not be made so important as to overlook the religious aspect of the case. I therefore strongly support this Resolution, and I appeal again, to the Honourable Mr. Ley to reconsider his decision and accept this Resolution. It only asks for the appointment of a committee which will go into the details of the whole question, and I am sure the report of such a committee will not overlook the revenue question. I am a zamindar myself and would not like to see any loss to my lands or to my cultivators but we should not neglect the religious aspect of the question. It will therefore be the duty of the committee to consider all these questions and frame their recommendations.

THE HONOURABLE SIR NARASIMHA SARMA (Law Member): Sir, if I rise at this stage, it is only with a view to impress on Honourable Members that the Government are as anxious as any one here to take the religious feelings of the Hindu community into consideration and to do nothing which would offend their religious susceptibilities even though it be at some sacrifice. I appeal especially to educated gentlemen representing the various constituencies to do nothing by way of speech or otherwise which is likely to arouse fanaticism abroad, because it is easy to rouse fanaticism and religious consciousness in a community, whether Hindu or Muhammadan, for it is recognized that Indians generally are deeply susceptible to religious influences. I am anxious that the educated community should do nothing to arouse this consciousness except after the most careful consideration as to whether there is anything in the attitude of the Government of India either at present or in the past which has run counter to their wishes. In 1878 a dam was built right across the Ganges which stopped or impeded the flow in low water. For 40 years no objection has been raised, as has been pointed out by the Honourable Mr. Ley. The Hindu community did not feel that their religion was being interfered with in any slightest degree, and the Government were not aware that in building that anicut across the river they were doing anything which was calculated to wound the religious feelings of the Hindu community, for

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they would not have done it, they would not have dreamt of doing it, if they had thought that that would have been the result of their action. Time passed. The Hindu masses neither of the United Provinces nor elsewhere took any the slightest objection to the construction of an anicut . . .

THE HONOURABLE LALA SUKHBIR SINHA: Because no one knew of it before 1914.

THE HONOURABLE SIR NARASIMHA SARMA: That shows clearly that there was nothing done in the blocking of that river in 1878 which aroused the apprehensions, directly or indirectly, of the Hindu community. There was nothing which was done which offended their religious susceptibilities and impeded the exercise of their religious functions. In 1914—I will just briefly refer to it—an attempt was made to construct an anicut across the river Ganges at Hardwar. There was a controversy raised at the time. The Government officials naturally told the community: "Now, look here, in 1878 in the interests of the public we built a dam right across the river. No objection was raised at that time. Why should you raise any objection now? We are doing it for the benefit of the people." Then it was felt—I am not accusing any party of any weakness—it was recognized that in allowing that dam to be built at Narora in the manner in which it has been, the continuous, free flow of the water of the Ganges was to a certain extent interrupted, and the Hindu community represented that that was against what they conceived to be their religious injunctions. Government recognized that there was force in that objection and immediately altered their plans with regard to Hardwar, although such alteration caused considerable inconvenience from the irrigation point of view and continues to cause inconvenience even now, because when I was in charge of Public Works and this question was raised, I paid a visit more than once to Hardwar and the Public Works officials showed me the plans and the site and how by reason of acceding to the demands of the Hindu community the river was throwing up sand continuously against the channels which prevented irrigation supplies at a critical time reaching the fields in the Upper Ganges Canal. Labour was insufficient, labour had to be assembled, even the sappers and miners had to be requisitioned, in order that the proper supply, at any rate a sufficient portion of the proper supply, might reach the fields under the Upper Ganges Canal. I am only mentioning this for the purpose of showing that the Government then attempted to do everything that they could, even at great inconvenience to themselves, even at a considerable sacrifice of revenue, even at great sacrifice of the interests of irrigation, in order that they may not be considered to be trifling in any way with the religious feelings of the Hindu community. It was agreed that the Narora question also should be taken into consideration on its merits. Fears were expressed by the engineers that if any large notch was opened in the anicut, the whole structure might be washed away because, as the construction was originally designed, there was no intention of placing any notch there. That was one of the objections that was taken originally to any very large notch being opened in the dam at Narora. It was also urged, as the Honourable Mr. Ley pointed out, that that was not a place of pilgrimage and that the Hindu sentiment was being met inasmuch as a certain quantity of water was allowed to flow freely from the source to the Gangá Sagar. The Government of India felt that more perhaps might be done and asked the United Provinces Government to see whether Hindu

sentiment could not be appeased and met to a larger extent than was considered possible at that stage. The United Provinces Government went fully into the question and enlarged the limits so that now more water flows unimpeded down the river past the anicut than was customary heretofore. Therefore, the objection raised by the Hindu community that the water should not be stopped at any place but that there should be a continuous, uninterrupted flow of water from the source to the end, has been met by the Government (*A Voice*: "No") With regard to the uninterrupted flow of water it has been met. It may be urged that when the water is very low in the river there is not enough water flowing through the sluice (*The Honourable Lala Sukhbir Sinha*: "Only four feet") so as to enable people to bathe freely at some distance from this dam. That is the reason why the United Provinces Government have promised that in times of pilgrim season, when there are a large number of pilgrims, they would send down sufficient quantities in order to enable pilgrims to bathe conveniently and perform their religious rites. Therefore, they have

1 P.M. tried to minimise the disadvantages as far as possible while not interfering in any way whatsoever with the religious usages of the Hindu community. If the United Provinces Government have not been able to comply fully with the suggestions of the Committee, it was with great reluctance that they had been forced to that conclusion because they felt that they were doing all that could be reasonably urged on behalf of the Hindu community by way of allowing water to flow down the river uninterruptedly, by way of allowing such water as was necessary for ablutions, especially during times of pilgrim congestion, and that even if a little more water were let down it would be to the detriment of irrigation projects and the water would not suffice in times of drought to reach very far but would sink into the sands of the river without doing anybody any good. Therefore, I think that the solution that has been arrived at—whether any better solution could be reached is a matter which might perhaps be urged in the local Council—cannot be characterised as one which defies the sentiments of the Hindu community. I am trying to meet the statement that the United Provinces Government have neglected to take into consideration the wider aspects of this controversy, have not been able to comply with the wishes of the Hindu community as a whole and have looked at it narrowly from the rigid standpoint of revenue. I think Honourable Members were a little perturbed by the Honourable Mr. Ley's advocacy of the case of the raiyat and his placing a little more stress upon that aspect of the question than was perhaps necessary. He felt, and everybody feels I think in this House, especially in dealing with a province like the United Provinces where the food question is of paramount importance, where the population is very much larger, according to many, than the existing resources can support, that it is a matter of very considerable importance whether you can safely reduce in any way whatsoever the food resources of the province, and that is the reason why the Honourable Mr. Ley, in charge as he is of the Irrigation Department's activities, rightly laid stress on the point and asked you to bear in mind how far you are justified in asking cultivators, Hindu as well as Muhammadan, to give up their rights unnecessarily, and that really, for nobody's advantage. The point I am trying to urge is that the Government of India as well as the United Provinces Government will never do anything which will wound the religious feelings of the Hindu community or of any community. The Government have always had before them this paramount consideration that they can secure the contentment of the vast masses of the Hindu population only if they

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feel that their religion is safe in the hands of Government. The Government realise that, they know that, and they appeal to the educated Indians who represent them here and in the other House to look at this question from that standpoint and do nothing which would embarrass Government in their endeavour to meet the wishes of the Hindu community from the religious point of view and to meet the agriculturists' point of view. I ask you to reconsider your decision and see whether there is anything unreasonable in what the Honourable Mr. Ley has put forward, namely, that the Government are doing their level best to satisfy both the irrigational wants of the province, as well as the religious needs of the Hindu community.

THE HONOURABLE SIR MANECKJI DADABHOY: Will the Honourable Member tell us what is the revenue from the canal irrigation?

THE HONOURABLE SIR NARASIMHA SARMA: You mean the sacrifice to which the Honourable Mr. Ley referred? I think it is about 12 to 15 lakhs of rupees worth of produce.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Three quarters of a lakh or a lakh of revenue.

THE HONOURABLE SIR NARASIMHA SARMA: We need not take into consideration so very much the revenue. It is just possible that the Assembly and the Council will vote the money if it is necessary. But that is a constitutional point that I would not enter into. It is a question as to what extent you would be diminishing the food supply of the country and whether there is anything to be set on the other side as a compensation for this sacrifice.

THE HONOURABLE LALA SUKHBIR SINHA: May I ask who found out that there would be a diminution in the food supply; either the Committee or the Local Government in their Resolution?

THE HONOURABLE THE PRESIDENT: Order, order. The Honourable Member is trying by his question to introduce new arguments which he should have advanced in his speech.

THE HONOURABLE MR. YAMIN KHAN\* (United Provinces West: Muhammadan): Sir, the Ganges is a sacred river for the Hindus and they want a certain amount of water to flow constantly in that river in order to enable them to perform their religious duties, and I as a Muhammadan have got every sympathy with them. Apparently there is discontent among the Hindu community and they are not satisfied with the solution that has been arrived at by Government. In this Resolution the Hindu community and the Honourable Mover do not demand anything more than a committee which will go thoroughly into this question and advise Government in their report. If the solution arrived at by Government is found by the committee to be correct, there will be no dispute about it and the Hindu community will be quite satisfied. I think the demand of the Hindu community in this Resolution is a moderate one. The committee will not be a packed one. It will consist of some non-official Members of both Houses and of officials, and therefore there is a safeguard that it will not be guided merely by sentiment or by one point of view only. They will look into the

\* Not corrected by the Honourable Member.

grievances and to the point of view of the cultivators as well. I represent a constituency of the United Provinces and I belong to the zamindar class of people too. I know there will be some hardship to the tenants as well as the zamindars by stopping a sufficient amount of water running in the canals. Zamindars cannot afford at present to leave their areas unirrigated. This committee is supported by the Honourable Lala Sukhbir Sinha who has been for many years Secretary to the Zamindars' Association and he can safeguard the interests of the zamindar community better. He is supporting this Resolution. He is voicing the feelings of the Hindu community on the other side. If you put men like him, who have got the confidence of the agriculturists and of the community itself on the committee there will be no fear, and I think Government will be well advised if they accept this Resolution and appoint a committee to go thoroughly into this matter and not to let this controversy be constantly hanging fire in the country.

THE HONOURABLE MR. G. A. NATESAN (Madras: Nominated Non-Official): As the only Hindu occupying the empty benches of Madras I feel it my duty to urge Government to reconsider their decision and not to oppose this proposition. I must remind the Honourable Mr. Ley and the Honourable the Leader of the House particularly of the wording of this Resolution. It does not ask the Government to commit themselves to anything. It simply appeals to them to appoint a committee of non-officials and officials to examine and report on the whole question of the supply of Ganges water and the latter portion of the Resolution is very carefully worded:

"To advise as to the necessary quantity of unobstructed water that should be allowed to escape at Narora."

It is obvious from what has been said from the official and the non-official benches that this question has two sides and the Honourable Mr. Ley very fairly stated that even the Government of the United Provinces recognised the genuineness of the grievance; and after listening to the whole debate I do feel that it is the bounden duty of Government.

THE HONOURABLE SIR NARASIMHA SARMA: They wanted to comply with a sentiment.

THE HONOURABLE MR. G. A. NATESAN: I was quoting the language of the Honourable Mr. Ley who said that the Local Government recognised the genuineness of the grievance. I hope my notes are not wrong and that I heard him correctly.

THE HONOURABLE MR. A. H. LEY: I said "genuineness of the sentiment."

THE HONOURABLE MR. G. A. NATESAN: Even granting that, it was something very tangible.

THE HONOURABLE MR. A. H. LEY: Certainly. I quite admit it.

THE HONOURABLE MR. G. A. NATESAN: I am now appealing to the Honourable the Leader of the House, who opposed this motion, to consider it from a different point of view. As is admitted, there is a genuine feeling in regard to this question. More than once the authorities have been asked to consider it and the Local Government had appointed a committee. That committee had more or less presented

[Mr. G. A. Natesan.]

a unanimous report, but the Government for some consideration or other were not able to satisfy all the demands. Now there is a persistent demand and agitation for it. Will it not be wise for Government to consider the balance of advantages and disadvantages before finally resolving to oppose it? I would consider that it will be part of good statesmanship to recognise that in the end, when you weigh the balance of advantages and disadvantages, you will find it disadvantageous to oppose a Resolution of this kind. Having stated my view, I appeal to Government not to press the House to a division because it seems to me that a sufficiently good case has been made out for the appointment of a committee not charged specifically to report one way or the other, but only to examine the question and to advise upon the necessary steps to be taken. It will be perfectly within the province of the committee, composed as it will be of officials and non-officials, to invite evidence and to weigh all the evidence. On the other hand it is equally possible that a feeling of compromise may prevail and the committee may be induced to adopt some steps which will settle this controversy. I hope Government will not persist in its opposition and at any rate will not press this question to a division.

THE HONOURABLE MAHARAJA BAHADUR KESHAVA PRASAD SINGH (Bihar and Orissa: Non-Muhammadan): \*I do not want to take up much of the time of the House. I only want to say that in our part of Bihar and Orissa the water is very low and the Hindus in plague and cholera time take the dead bodies and burn them on the banks of the Ganges. This is a matter which affects the health of the people and, as this point was not put forward, I have mentioned it. I hope Government will not object to the supply of water.

THE HONOURABLE NAWAB SIR AMIRUDDEEN AHMAD (Punjab: Nominated Non-Official): Sir, I heartily support this Resolution. The Ganges is a sacred river, not only for the Hindus of the United Provinces alone but for all India. The committee in my opinion also should be appointed at once by the Government of India to consider this question and report as to what should be done. The public are not satisfied with the United Provinces Government Resolution as to the quantity of water to pass below Narora, and therefore the appointment of this committee is necessary. The question of religion is far more important than that of revenue and it should be respected.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Whatever the fate of the Resolution may be, and in this House it is difficult to be a prophet, it will be a supreme consolation to me and to my Hindu friends that it has been so largely, and so cordially, supported in the House, by non-Hindu Members, Muslims and Parsis. I have no doubt that in the matter of voting, though not in the matter of speech, we shall not be devoid of christian support as well. I hope, Sir, Government will see their way, at all events, to release its Hindu official members to vote as they think fit in the matter.

I do not think I need seriously say in answer to the Honourable the Leader of the House that I did not for a moment mean to impeach the good faith of the Government in the matter or not to recognise that they have been doing all they can according to their light. Only that light

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\* Not corrected by the Honourable Member.

is defective, and in the light of popular and widespread Hindu demand we appeal to the Government to reconsider their decision. Sir, the forty-year rule of limitation was quoted by the Government Members. It is a sort of rejoinder that the Eel accustomed to skinning is supposed ever to receive. Forty years indeed! How long have our people begun to know about these things, to think about these things and to combine to express their feelings? I appeal to Government not to let things go further and compel the Hindus to express their opinion more strongly than they have been doing. My Honourable friend the Leader of the House has appealed to us, educated members of the Hindu community, to do nothing, except after careful consideration, that is likely to arouse feelings amongst the community. Does my friend seriously mean to say that I am or my friends are capable of any course of the kind except after careful and prayerful consideration of the whole question? It is because this point of view has been pressed upon me year after year by individuals and organizations, that I respect, that I have taken up the matter. 81 religious and other public bodies, which the Honourable Mr. Ley tried lightly to brush aside, have spoken in vain. These bodies are tremendously backed by Hindus in all parts of the country and it would be a blunder to ignore this, which would be to court trouble that may be avoided. These bodies have been pressing upon me the need of inviting the attention of the Government of India to this enormous question. It is the Central Government which has seized of the whole case legally, morally and otherwise; because the Ganges is an all-India question and I have felt it my duty to bring the matter before this House in the hope that the Government will realize the "genuineness of the grievance," as Mr. Ley stated, or did not mean to state—I have made notes of his speech. A mosaic of his speech and the speech of the Honourable the Leader of the House regarding the "troublesome and difficult question" regarding the "genuineness of the grievance" and the "depth of sentiment" and, "the prevailing opinion of the Hindus," is a complete answer to the Government case and a complete vindication of the position I desire to take in the matter. Well, Sir, Narora is a difficult part of the country to get to. I tried to go but did not succeed, and I may remind my friend the Honourable the Leader of the House that I invited and pressed upon him to go and visit it. He could not and preferred to take the more agreeable route to Hardwar.

THE HONOURABLE SIR NARASIMHA SARMA: No, Sir. May I say that at the time the committee reported I had ceased to be the Public Works Member.

THE HONOURABLE SIR DEVA PRASAD SARVADHIKARY: Now that the committee have reported, other people who have taken up my friend's burden will have to face the problem. The agreeable route to Hardwar took me also there. And there in the midst of those picturesque, solemn and sacred surroundings I began to realize the depth of the feeling of my co-religionists and I had but a dim vision of what the holy Himalayan Ganges was in the past, that made my grandfather travel to its source on foot. And I realized how much interference had wantonly reduced her to what she now is in the lower reaches. And in these surroundings my resolve was taken.

We have been told that this is not an all-India question and the other provinces have no say in the matter. I question that entirely. Supposing our friends in the Punjab were able by some great engineering feat

[Sir Deva Prasad Sarvadhikary.]

to divert a portion of the Ganges for the better irrigation of the Punjab, what would the United Provinces say in the matter I wonder? Somewhat like what, Bihar and Bengal are now beginning to say. Sir, things like that do not answer any useful purpose, and speeches that require corrections and emendations and commentaries within a quarter of an hour from delivery are best left to speak for themselves. My friend Mr. Natesan and others have appealed to the Government of India to reconsider the position, and if the Government think that it would serve any useful purpose to adjourn this debate in order that the Government might take counsel in the matter and try to meet Hindu public opinion here, so thoroughly supported by non-Hindu public opinion, I am sure the Honourable Member in charge will make such a suggestion and nothing will please me better than to have that opportunity given.

Sir, the red herring of the growing unpopularity of Ramghat as a bathing centre has been attempted to be drawn across the trail of the debate. It has been stated that Ramghat is no longer a popular place of pilgrimage and Ramghat a little above is more popular. Naturally it would be so for there is more water and better water there; but is that any answer to my position that the whole of the lower reaches below Narora have a genuine grievance which will not stop till Government meet Hindu opinion more than half-way? I do admit that the Government have attempted to do what they had not done before and I am free to give my thanks for that. But a great deal remains to be done, and in spite of the appeal of my friend the Honourable the Leader of the House for caution and restraint, this volume of grievance will go on growing and growing till justice has been done to the Hindu community.

And, Sir, the practical part of the question demands careful consideration. I began by saying and I conclude that it is far from my intention to brush aside ideas of growth and development or to ignore interests that have arisen. We must reconcile the spiritual needs of a great community and the material needs of their neighbours as far as possible. I have positive information that Government engineers or at least some of them—one of them is away unfortunately, Mr. Lawrie is, I believe, his name—were of opinion that by careful handling of the situation, by husbanding resources, by stopping waste and by stopping the spoilt-child system of meeting demands, which probably helps malaria it will be possible to do a great deal. The rest will have to be done by auxiliary methods which 40 years' experience of irrigation have now taught. All this would be one of the objectives of the committee which I propose. My friend the Leader of the House has referred to the growing difficulties in Hardwar after the settlement. I heard something of them. Those also are matters that may well be gone into by the Committee I suggest. I am told, Sir, that those who got the Hardwar concession are now seeking to stick to it too literally and they refuse to allow engineering interference in the slightest degree. Even for purposes of improvement, I cannot say that that is right, Sir, from the engineering point of view if a good committee might ensure sweet reasonableness.

From all these points of view, Sir, and from the much larger and basic point of view examination by an all-India committee at the instance of the Government of India with their primary and residuary obligations in the matter, would assuage aggrieved Hindu opinion; the whole question can be impartially and carefully gone into after which Hindu opinion



is not likely to be so unreasonable as to object to what a committee like that may recommend and to the decision to which the Government may come on such recommendations.

THE HONOURABLE MR. A. H. LEY: I am afraid I am still unconvinced of the necessity for a committee or that the committee would be able to come to any more satisfactory conclusion than that which has been arrived at. I said in my opening speech that the Government of the United Provinces and the Government of India have both paid every possible attention they can to the claims of religious sentiment in this matter. I may have used the word "grievance." I do not know whether I did or did not. The point is that it is a question which could only be settled by a compromise. Even the committee appointed by the United Provinces recognized that it must be a compromise between the claims of religious sentiment—which I suppose if carried to a logical conclusion would require that the whole of the water of the Ganges should be passed down unfettered—and the claims of irrigation. They themselves recognized that. They say:

"It appears to the committee that the solution of these difficulties lies in a reasonable compromise of diverse interests."

And further it suggested—and I should like to read this to the House:

"The Lower Ganges Canal has been running ever since its opening in 1878 and in the area through which it passes conditions have been created which cannot be ignored. The canal is, as for many past years, a source of respectable income. The owners and tillers of the soil fertilised by the canal water have acquired rights and privileges and have accepted liabilities which should not easily be disturbed."

My Honourable friend said that the compromise was not satisfactory. I know that they feel that it is not satisfactory. But whatever compromise you get, however, much water you pass down from Narora cannot make any appreciable difference, as I stated by saying, to the amount of water that passes down the river, or to the proportion which passes down the river unfettered by the hand of men from Gangotri to the sea. You may say that the United Provinces Committee's recommendation of 300 cusecs should be accepted. It has very nearly been accepted by the Local Government, except for three months in the year when the water passed down is 150 cusecs. If you add on another 150 cusecs that is not going to make any appreciable difference in the situation. Therefore I do think that the appeal which the Honourable Sir Narasimha Sarma made should be accepted. I say that it is a compromise which must be accepted as far as possible between these two diverse interests. I think a Committee would do more harm than good because it would reopen a very difficult question, and it can never come to a conclusion which is satisfactory to both parties. I am afraid, Sir, I cannot agree even to a Committee to reconsider the matter.

THE HONOURABLE THE PRESIDENT: The question is that the following Resolution be adopted:

"This Council recommends to the Governor General in Council that a Committee of Members of both the Houses of the Indian Legislature and of officials be appointed at an early date to examine and report on the whole question of the supply of Ganges water at and below Narora and to advise as to the necessary quantity of unobstructed water that should be allowed to escape at Narora in order fully to meet the requirements of the situation created by the pilgrim traffic."

The motion was adopted.

**THE HONOURABLE THE PRESIDENT:** The Honourable Mr. Haroon Jaffer, in whose name the second Resolution stands, has made a tentative suggestion that his Resolution should be taken up to-morrow at the close of Government business. That is a course to which I personally have no objection, but it is really a matter solely for the Governor General in Council without whose consent non-official business cannot be taken up on a Government day. I should therefore like the Honourable the Leader of the House to say what he thinks of the suggestion.

**THE HONOURABLE SIR NARASIMHA SARMA (Law Member):** We have no objection to its being taken up to-morrow after the official work is over.

**THE HONOURABLE THE PRESIDENT:** Certainly, after the official work is over.

The Honourable Mr. Haroon Jaffer's Resolution will be taken to-morrow at the close of official business.

The Council then adjourned till Eleven of the Clock on Tuesday the 17th February, 1925.