

Tuesday, 24th February, 1931

THE
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume II, 1931

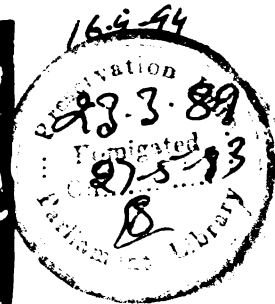
(19th February to 11th March, 1931)

FIRST SESSION

OF THE

FOURTH LEGISLATIVE ASSEMBLY,
1931

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1931

Legislative Assembly.

President :

THE HONOURABLE SIB IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E

Deputy President :

MR. R. K. SHANMUKHAM CHETTY, M.L.A.

Panel of Chairmen :

DIWAN BAHADUR T. RANGACHARIAR, C.I.E., M.L.A.

SIR HUGH COCKE, KT., M.L.A.

MAULVI MUHAMMAD YAKUB, M.L.A.

RAI SAHIB HARBILAS SARDA, M.L.A.

Secretary :

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

Assistant of the Secretary :

RAI BAHADUR D. DUTT.

Marshal :

CAPTAIN NUR AHMAD KHAN, M.C., I.O.M.

Committee on Public Petitions :

MR. R. K. SHANMUKHAM CHETTY, M.L.A., *Chairman.*

SIR HUGH COCKE, KT., M.L.A.

SIB ABDUR RAHIM, K.C.S.I., KT., M.L.A.

RAJA BAHADUR G. KRISHNAMACHARIAR, M.L.A.

MIAN MUHAMMAD SHAH NAWAZ, C.I.E., M.L.A.

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LEGISLATIVE ASSEMBLY.

Tuesday, 24th February, 1931.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

EXCLUSION OF CERTAIN RESOLUTIONS FROM THE AGENDA OF A MEETING OF THE AMBALA CANTONMENT BOARD.

683. *Mr. Jagan Nath Aggarwal: (a) Is it a fact that an adjournment motion was brought forward by the elected members of the Ambala Cantonment Board in the meeting held on the 27th January, 1931, to draw attention to the gross illegality committed by the President in not including in the agenda two resolutions sent by an elected member with due notice?

(b) Are Government aware that under the regulations framed by the Cantonment Board, Ambala, and sanctioned by the Punjab Government under section 44 of the Cantonments Act of 1924, the President is bound to include in the agenda any proposal sent by a member seven days before the date of the meeting?

(c) Is it a fact that the two proposals referred to in part (a) were sent in time for inclusion in the agenda?

(d) Is it a fact that the Government of India's circular No. 30512-3 (A.D.), dated the 29th of December, 1925, clearly lays down that the President has no power or discretion to exclude from the agenda any proposal sent by a member with due notice?

(e) Are Government aware that the President was informed by the Vice-President of his having no authority under the law or the regulations framed for the conduct of the proceedings of the Ambala Cantonment Board, to exclude the proposals from the agenda and yet he insisted upon doing so?

(f) Is it a fact that when the adjournment motion was defeated owing to its having been opposed by the official majority, the non-official members walked out as a protest?

(g) Is it a fact that the President held the meeting *in camera* without recording reasons for his doing so as required by the Cantonments Act of 1924?

(h) Is it a fact that the elected member whose proposals were excluded from the agenda has been served with an order to quit the Cantonment, under section 239 of the Cantonments Act by the General Officer Commanding the Station, who is no other than the President of the Board himself?

(i) What action, if any, do Government propose to take against the President for:

- (1) illegally excluding from the agenda, proposals sent by a member in time; and
- (2) holding the meeting *in camera* without recording reasons for his doing so?

Mr. G. M. Young: I have called for a report and will communicate with the Honourable Member when it is received.

UNSATISFACTORY WAITING ROOMS AT BHUBANESWAR.

684. ***Mr. B. N. Misra:** (1) Are Government aware:

- (a) that the third class waiting room at Bhubaneswar station is in a very insanitary condition, there being a latrine in a part of it and in its front and a drain on its southern side;
- (b) that the intermediate class waiting room is located in a very small space carved out of the third class waiting room and is detached from the main platform;
- (c) that Bhubaneswar is a holy place, a place of architectural interest; and
- (d) that numerous pilgrims frequent the place during Rath Jatra (Car festival) and during holidays and experience great hardship on account of the inconvenient waiting room?

(2) Are Government prepared to advise the railway authorities of the Bengal Nagpur Railway to remove the inconveniences and locate the intermediate class waiting room alongside the platform?

Mr. A. A. L. Parsons: The answer to part (c) is in the affirmative. Regarding the other matters referred to, the Agent of the Bengal Nagpur Railway has been addressed, and I will communicate with the Honourable Member at a later date.

ADMISSION CARDS ISSUED FOR THE INAUGURAL CEREMONIES OF NEW DELHI.

685. ***Mr. Bhuput Sing:** Will Government be pleased to state:

- (a) the number of applicants that applied for cards of invitation for the functions on the 10th and 12th of February in connection with the inauguration of New Delhi;
- (b) the number actually issued on those applications for each day;
- (c) the number of cards that were issued by way of compliment for those days;
- (d) whether cards were issued on applications made long after the date fixed therefor; if so, the number of such cards issued and the names of applicants to whom they were issued;
- (e) the capacity of seating accommodation in each block in each day's function;
- (f) whether a sufficient number of cards were issued to fill up every block;

- (g) the reason or reasons for which wives and daughters of Indian members of the Assembly were given tickets for blocks different from those of the Members;
- (h) whether cards were issued to persons living outside Delhi either on application or by way of compliment; and if so, the names and addresses of all such persons?

Mr. J. A. Shillidy: (a) About 11,000 for the two functions.

(b) 3,800 for 10th February, 1931, 4,000 for 12th February 1931.

(c) All tickets were issued on application except in the case of the State guests.

(d) Allotments were made up to the last moment as seats were found available. I regret I cannot give the information asked for as it would entail a very great deal of detailed enquiry, which would not serve any particular purpose.

(e) 3,806 for 10th February, 1931.

4,000 for 12th February, 1931.

(f) Yes.

(g) The requirements of the Honourable Members were complied with as far as possible. In the case of late applications, it was not possible in a few instances to put family members alongside the Honourable Members without dislodging other Members.

(h) Yes. I regret again that details cannot be given on account of the great clerical labour which this would involve.

STALLS AT THE PEOPLE'S FETE IN DELHI.

686. ***Mr. Bhupat Sing:** Will Government be pleased to state:

- (a) the number of applicants that applied for stalls at the Show on the Bela Road at the People's Fête;
- (b) how many of the stall-holders were (i) Hindus (ii) Mussalmans, and (iii) Europeans;
- (c) the number of stalls that were intended solely for gaming;
- (d) whether any distinctive fee was charged from those stalls that indulged in gaming; and
- (e) whether there was any difference in the fee charged from the different stall-holders?

Mr. J. A. Shillidy: (a), (b), (c), (d) and (e). As I have mentioned in reply to another question in the House, the People's Fête was managed by a Committee, which was not an official body. I regret therefore that I am not in possession of the information asked for by the Honourable Member.

[GRIEVANCES OF THE MOPLAHS.

687. ***Mr. Uppi Saheb Bahadur:** (1) Are Government aware:

- (a) that the Moplahs are different in their language, culture, customs and race from the other Muhammadans and the other peoples of India;

(b) that they form more than one-third of the entire Muslim population of the Madras Presidency;

(c) that they are very poorly represented in the Government services?

(2) Will Government be pleased to state:

(a) how many Moplahs there are in the Indian Police Service, Indian Civil Service and Postal, Income-tax and Railway superior services; and

(b) whether Government propose to take any steps to remedy this grievance?

The Honourable Sir James Crerar: 1. (a) I have no doubt that the Honourable Member is better qualified to express an opinion on these matters than I can claim to be.

(b) Yes.

(c) This is doubtless true as regards the All-India and Central Services, but I have no information as regards the Services under the control of the Madras Government.

2. (a) I have no detailed information.

(b) Government see great difficulty in treating the Moplahs as a separate entity in regard to the representation of minority communities, but otherwise the field is open to them to the same extent as to other communities.

SUGAR-CANE BREEDING STATIONS IN INDIA.

688. ***Mr. Uppi Saheb Bahadur:** Will Government be pleased to state:

(a) whether it is a fact that there is only one sugar-cane breeding station for the whole of India; and

(b) whether it is a fact that no new variety of thick cane suitable for South Indian conditions has yet been introduced?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) No. The Imperial Sugar-cane Specialist has two cane-breeding stations at Coimbatore, one of which is specially devoted to thick canes for the tropical parts of India, the other to thin and medium canes for Northern India.

(b) No. Improved varieties of thick cane were first distributed in Madras by the Department of Agriculture over a quarter of a century ago. Since then newer varieties have been introduced from time to time.

INTRODUCTION OF NEW VARIETIES OF SUGAR-CANE.

689. ***Mr. Uppi Saheb Bahadur:** Will Government be pleased to state:

(a) whether it is a fact that before new varieties of canes evolved in the Government breeding stations are popularised in the country, such varieties are tried in only Government farms;

(b) whether prominent agriculturists and agricultural organisations have been made to interest themselves in such trials by inducing them to do so with sufficient encouragement;

(c) whether there has been any instance where private individuals or organisations have intimated their willingness to do such work; and

(d) whether such requests are favourably considered?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) No; new varieties of sugarcane are tested both on Government farms and private farms before being adopted for general distribution.

(b) The introduction of new canes into cultivation is a matter for provincial Departments of Agriculture. The reports of those departments show that in the principal sugarcane growing provinces prominent agriculturists and agricultural organisations co-operate actively with the Agricultural Departments.

(c) Yes.

(d) Yes.

PRIZES FOR AGRICULTURAL IMPROVEMENT.

690. ***Mr. Uppi Saheb Bahadur:** Will Government be pleased to state:

(a) what action has been taken by them in regard to the recommendation of the Royal Commission on Agriculture to award a cash prize of Rs. 10,000 for the best agricultural improvement each year;

(b) whether it is a fact that the Imperial Council of Agricultural Research considered this recommendation and recommended the award of a medal in its stead; if so, why; and

(c) whether Government are prepared to reconsider the question of giving effect to the recommendation of the Royal Commission on Agriculture in this respect?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) This has been referred to the Imperial Council of Agricultural Research for consideration.

(b) No; the Council proposes to award a cash prize in addition to the grant of gold and silver medals after experience has been gained regarding the utility of such prizes as a result of the competition already advertised for a prize for a bone-crusher.

(c) Does not arise.

GRANT OF FACILITIES TO INDIANS VISITING SUGAR FACTORIES IN JAVA.

691. ***Mr. Uppi Saheb Bahadur:** Will Government be pleased to state:

(a) whether it is a fact that the representatives of sugar manufacturers in Java visited this country recently to study the market conditions;

(b) whether such representatives received all facilities from either the Central Government or the Local Governments in this behalf;

- (c) whether they are aware that even access to sugar factories in Java was refused to Indian; and
- (d) whether Government are in a position to secure such facilities to Indian visitors in Java in respect of the manufacture of sugar?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) Yes. A representative of the Java Sugar-cane Producers' Association recently visited India.

(b) He was given assistance by the Secretary of the Sugar Bureau in reciprocation of the assistance which had been given to the Indian Sugar Committee when they were in Java. He brought with him direct introductions to some Indian sugar factories.

(c) The facts are not quite as stated. The Indian delegates to the third Congress of the International Society held in Java in June, 1929, were given facilities for visiting the cane-breeding stations, certain sugar estates, several mills and the sugar experimental station. It is, however, true that facilities for foreigners especially those from sugar producing countries to visit Java factories are strictly limited, but there has been no discrimination against Indians.

(d) No. Proprietors of Java sugar factories and estates are not prepared to admit visitors whose object is to copy their methods, but limited facilities for scientific work can doubtless be obtained on a reciprocal basis, as in the past.

Mr. K. Ahmed: Are Government aware that there are many Indians in Java who have got relations here, and they would be valuable if some facilities were given by the Department of the Honourable Member so as to bring them over here and assimilate their ideas and experience?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: A valuable suggestion which is noted.

ENCOURAGEMENT OF *Gur* MANUFACTURE AS A COTTAGE INDUSTRY.

692. ***Mr. Uppi Saheb Bahadur:** Will Government be pleased to state:

- (a) what action they propose to take to encourage and develop the manufacture of *gur* as a cottage industry; and
- (b) whether such action will be expedited before the end of the present trade depression?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) and (b). The Imperial Council of Agricultural Research has sanctioned a scheme for work on cane-crushing and *gur* boiling plants.

IMPROVEMENTS IN THE MANUFACTURE OF *Gur*.

693. ***Mr. Uppi Saheb Bahadur:** Will Government be pleased to state:

- (a) whether the Sugar Technologist has submitted any scheme for effecting improvements in the manufacture of *gur*; and
- (b) whether the scheme will be placed on the table of the House?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) Yes.

(b) The scheme is under consideration and in Government's opinion no useful purpose would be served by placing it at this stage on the table of the House.

SUGAR-CANE CULTIVATION.

694. ***Mr. Uppi Sahab Bahadur:** Will Government be pleased to state:

(a) what portion of work in regard to sugar-cane cultivation is done by the Government of India; and

(b) what portion of work is done by the Local Governments?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) The Government of India maintain the Imperial Sugarcane Specialist and his staff at the two cane-breeding stations at Coimbatore for the production of new varieties of cane and the Sugar Bureau. They also provide for research work at Pusa on sugarcane insects and diseases. The Imperial Council of Agricultural Research now provides a Sugarcane Technologist, and has given a grant to the Sugarcane Section of the Harcourt Butler Technological Institute, Cawnpore, to provide a miniature factory for technology training and research in sugar technology. It has made grants for further work on sugarcane diseases, for a cane-breeding sub-station at Karnal, and for additional research work in the principal sugarcane provinces on the testing of new seeding canes, on the design of improved cane mills and *gur*-boiling pans.

(b) Local Governments maintain experimental farms for the testing of different varieties, the study of improved methods of cane cultivation and manuring adapted to local conditions, and also undertake sugarcane research. The distribution of improved canes is carried out by provincial Departments of Agriculture.

PROVISION OF WARM COATS, ETC., FOR TELEGRAPH AND TELEPHONE LINE STAFF IN THE BIHAR AND ORISSA CIRCLE.

695. ***Mr. Uppi Sahab Bahadur:** Will Government be pleased to state why warm coats, umbrellas and waterproofs are not provided to telegraph and telephone line staffs in the Bihar Circle? Have the postal peons and overseers in the Bihar Circle enjoyed those boons since 1929?

Mr. H. A. Sams: Under existing rules, the officials referred to are not entitled to the articles of uniform mentioned by the Honourable Member. Government have, however, generally approved of a scheme for extending this concession to them, and this will be given effect to as soon as the financial position permits.

As regards the latter part of the question, information is being collected and will be supplied to the Honourable Member in due course.

Mr. K. Ahmed: Will Government, in order to bring about uniformity as early as possible, curtail the expense in other provinces and bring in some money into the Behar circle in order to bring about equality of treatment?

(No reply was given.)

PROSPECTS OF TELEPHONE LINEMEN.

696. ***Mr. Uppi Sahab Bahadur:** Will Government be pleased to state whether there are any prospects for the telephone linemen, who are not at all times given Sub Inspectors of Telegraph's posts? Are Government prepared to open the post of Sub-Inspector, Telephones, for the telephone linemen at an early date?

Mr. H. A. Sams: Telephone linemen are eligible under the existing rules for promotion to the grade of Sub-Inspectors.

APPOINTMENT OF TELEPHONE OPERATORS.

697. ***Mr. Uppi Sahab Bahadur:** (a) Will Government be pleased to state whether their attention has been drawn to the letter entitled "Telephone Operators", published in the *Search Light* of the 25th December, 1930? If so, will Government state why the non-matriculate candidates, whose names were registered in the Patna Telephone Office for the posts of telephone operators and who have officiated for some time, are now ignored for any post in the said branch?

(b) Do Government propose to provide the said candidates with posts?

Mr. H. A. Sams: (a) and (b). Government have no information. If the individuals in question consider that they have any grievance they are at liberty to represent it through the usual channel.

ISSUE OF ADMISSION CARDS FOR THE INAUGURAL CEREMONIES OF NEW DELHI.

698. ***Rai Bahadur Sukhraj Rai:** Will Government be pleased to state:

- (a) who was the officer in charge of the ceremonies in commemoration of the inauguration of New Delhi and under what Department of Government;
- (b) who was the officer in charge of the issue of cards to the relations of the Members of the Central Legislatures who had applied for the same;
- (c) if it is a fact that some members did not get such cards for most of the functions and were not favoured even with replies in spite of several reminders;
- (d) whether it is a fact that many seats remained vacant in the ceremony for the inauguration of the Dominion Columns; and
- (e) why complimentary cards were withdrawn from the display of aeroplanes on the 14th February, 1931?

Mr. J. A. Shillidy: (a) and (b). The Officer on Special Duty in the Central Public Works Department under the direction of the Industries and Labour Department.

(c) I understand all Members received cards for themselves, and I think the Honourable Member is referring to applications which were made for cards for friends of Members of this House. I regret that it was not possible to comply with all requests. We should have been only too glad to do so had there been accommodation available.

(d) No. A few seats were vacant as persons to whom tickets were issued were unable to attend for various reasons.

(e) No complimentary cards were withdrawn after issue, so far as I am aware.

POLICE Lathis.

699. ***Rai Bahadur Sukhraj Rai:** (a) Will Government be pleased to state what is the weight of a police *lathi*?

(b) Have a number of men and women been killed by the blows of *lathis*? If so, what is the total number of such deaths?

(c) Is the *lathi* studded at both ends with brass and iron of eight inches depth?

(d) Will Government lay on the table a sample of *lathi* used by the Delhi Police?

The Honourable Sir James Crerar: (a) and (c). Each province has its own pattern, the details of which are not known to the Government of India.

(b) I have no specific information, but have no doubt that the number, if any, has been very few.

(d) No.

Mr. Gaya Prasad Singh: Is the Honourable Member prepared to give an ocular demonstration of the way in which the *lathi* is used by the police? (Laughter.)

Mr. K. Ahmed: Is it not confined to the district only from which the Honourable Member comes?

PATNA TELEPHONE ADMINISTRATION.

790. ***Rai Bahadur Sukhraj Rai:** (a) Will Government be pleased to state whether their attention has been drawn to the correspondence published under heading "Patna Telephone Administration" in the *Liberty* of the 3rd January, 1931?

(b) If so, is the post of the Telephone Inspectors pensionable and is there any allowance for working on holidays?

(c) Is there any chance for the Telephone Inspectors for promotion to the higher posts in the Department?

(d) Does the Selection Grade for Telephone Inspectors exist in Patna? If not, is there any likelihood of its being introduced in the near future?

(e) Is there any selection grade for telephone operators in India just as it exists in Postal and Telegraph Branches?

(f) Is Patna allowance given to Telephone Inspectors in Patna? If not, is there any likelihood of its being sanctioned?

(g) Are there four cadres in Patna Division of grades 35—75, 40—80, 35—135, and 40—140? Is there any truth in the rumour that these grades are being brought into one common cadre of grade 40—140?

Mr. H. A. Sams: (a) Yes.

(b) The reply to the first part is in the affirmative and to the last part in the negative.

(c) Telephone Inspectors are not ordinarily eligible for promotion to any higher post in the Department. They may, however, compete for direct recruitment to the post of Engineering Supervisor provided that they fulfil the conditions prescribed.

(d) and (e). There are no Selection Grade posts for Telephone Inspectors and telephone operators generally, and there is at present no likelihood of such being sanctioned.

(f) No. The staff of the Indian Posts and Telegraphs Department stationed in Patna do not get any local allowance. The answer to the second part of this question is in the negative.

(g) With the general revision of pay sanctioned in 1928 Telephone Inspectors and Class I operators serving in Patna City and in the mofussil of the Patna Division have been given the scales of Rs. 40—5—140 and Rs. 35—5—135, respectively, while for class II operators the scales are Rs. 40—4—80 and Rs. 35—4—75, respectively. There is no scheme under consideration of bringing these grades into one common cadre.

MOTION FOR ADJOURNMENT.

SUMMARY TRIAL AND EXECUTION OF HABIB NUR AT PESHAWAR.

Mr. President: I have received notice of a motion for the adjournment of the House from Dr. Ziauddin Ahmad, who proposes to discuss a definite matter of urgent public importance, namely, the summary trial and execution of Habib Nur at Peshawar on the 19th instant. I have to inquire whether any Honourable Member has any objection to this motion.

The Honourable Sir James Crerar (Home Member): I submit that the motion is not good on the ground of urgency for either of two alternative reasons. If the Honourable gentleman's intention is to discuss the merits of this particular case, I submit that in the circumstances of the case this cannot now be treated as a matter of urgency. If, on the other hand, the intention is to discuss the provisions of the law, then, I submit again that this is not a matter of urgency, and if, as I understand it, it is the Honourable Member's intention to discuss amendments of the law, that again cannot be regarded as a matter of urgency within the meaning of the Rules of Business relating to motions for the adjournment of the House.

Mr. President: As objection has been taken, I would request those Honourable Members who are in favour of leave being granted to rise in their places.

(Several Honourable Members rose in their places.)

Mr. President: Order, order. As not less than 25 Members have risen, I declare that leave is granted and that the motion will be taken up for discussion at 4 P.M. this afternoon.

THE RAILWAY BUDGET—LIST OF DEMANDS.

DEMAND No. 1—RAILWAY BOARD—*contd.*

Mr. President: The House will now proceed with the Railway Budget. The next motion on the Order Paper is in the name of Mr. Sitaramaraju. I should like to ask whether in view of the discussion which took place on Mr. B. Das's motion for retrenchment, the Honourable Member is still desirous of moving his motion.

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): I wish to move

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): May I rise to a point of order. Was it not decided yesterday, with the consent of the whole House, that only one motion would be taken about the substantial reduction, and that we should all vote on it, and that other cuts would be taken only regarding the policy?

Mr. President: That could only be taken as the general sense of the House, but I do not think that under the Rules and Standing Orders I can bind every Member of the House not to exercise the rights which the law and the Rules and Standing Orders give to him. If he insists upon moving it, I must in accordance with the Rules and Standing Orders permit him to do so.

Mr. Muhammad Yamin Khan: With the consent of the House, to which the Honourable Member who is now moving was also a party, you decided that there should be only one cut.

Mr. President: Order, order. The Honourable Member will recognise that the Chair has no authority to deprive an Honourable Member, even by the consent of an overwhelming majority of the House, of the rights and privileges which are conceded to him under the Rules and Standing Orders.

Retrenchment.

Mr. B. Sitaramaraju: Sir, I do realise that my task is very much lightened by the discussion which we had on the debate yesterday on a similar cut. My cut is for a lower amount. I feel that the Honourable Members of this House may be disposed to accept it, as it is for a lesser amount. In moving this cut, I do not propose to go over the ground that had been covered yesterday. My only justification for moving this cut is that it is common knowledge that the Government of India is faced with heavy deficits all round and there is a grave apprehension in the country that the Government would not be inclined to take the very bold step of making substantial reductions in expenditure on all heads, but may resort to additional taxation which I submit the country will not be willing to bear. Therefore, I feel that expenditure in every branch of the administration should be reduced, and I feel that under this head also a substantial reduction should be made. Yesterday, the Honourable the Railway Member, Sir George Rainy, spoke in justification of the expenditure, but I feel that the speech was not satisfactory from our point of view. There was one serious charge which was levelled against the Government of India by the Honourable Member, Mr. Das, and that was that a substantial increase was found for the first time under the non-voted grants, and the Honourable Sir George Rainy in his speech made no

[Mr. Sitaramaraju.]

reply to that serious charge. I was very anxious to hear what the explanation of the Government would be on that point. There was no explanation. Then there is another point which I should like to mention, and it is this. The Honourable Mr. Hayman yesterday quoted some figures to show how really substantial savings were made by the increase of the expenditure shown. Well, Sir, it was the same argument which was advanced by him at the time when the Honourable Member wanted to separate audit from accounts; but in fact the results were exactly the other way to those foreshadowed by the Honourable Member, Mr. Hayman. Therefore, I say, Sir, that we have to receive with great caution the figures quoted by the Honourable Member yesterday. There is a body like the Public Accounts Committee, which has to go into the details and scrutinize them before this House can be asked to accept the same. It is not my intention to detain the House any longer because considerable discussion has already taken place. Sir, I move.

Mr. President: The question is:

“That the Demand under the head ‘Railway Board’ be reduced by Rs. 1,00,000.”

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, there can be no doubt that there is extravagance in the Railway Board, and that there is full room for making retrenchments. Last evening certain instances of extravagance were quoted by the Honourable Members who spoke yesterday on my friend, Mr. B. Das's motion, and I entirely agree with them that some of those instances were quite correct; for instance, there can be no doubt that certain branches of the Railway Department are over-staffed and that certain posts, some of which were enumerated by my esteemed friend, Dr. Ziauddin Ahmad, could very well be abolished. But it is not in this direction alone that extravagance is rampant. I would draw the attention of the House to another direction in which the Railway Department is most extravagant, I mean in the matter of the expenditure on the houses and other luxuries which are provided for the Agents and Divisional Superintendents on the different lines. Sir, if you go to a district, you will find that the luxuriant and costly buildings, electric installations and big gardens which are provided for the Divisional Superintendents are such as even the representative of the King-Emperor in that district does not enjoy—and this is all at the expense of the Railway Department. You will also find, Sir, that ballrooms, institutes and other arrangements by way of recreation are provided for the railway people at the expense of the Indian tax-payer. (“Hear, hear.”) I say, Sir, that this is very objectionable. And here no question of efficiency nor any other thing can come in the way of making drastic retrenchments in this direction. I hope therefore that the Railway Department will take serious notice of these observations. So, while I concede that there are these cases of extravagance, I must submit that the charges which were levelled against the appointment of Mr. Hayman by certain of my friends yesterday were not at all justified. Sir, we all know that the Railway Department is the largest employing agency in the country, perhaps with the exception of the Army, and if one officer is appointed to look after the grievances of the employees and the methods of their employment—one officer in the country, from Peshawar right down to Cape Comorin—you cannot say

that that appointment is not justified. We know it from our personal experience that Mr. Hayman comes to his office every morning at about 8-30, and never returns to his house before 7 or 8 p.m. Well, I think, he is the most over-worked officer in the Government of India. (Applause.) I do not say that all his activities are in the right direction (Laughter); I do not say that whatever he does at his desk in his office is what it should be, but this much I can say, that one cannot criticise the appointment of a Member who does all this work.

There were one or two other points which were raised yesterday by some of my Honourable friends; for instance, Professor Shahani said that some portion of the staff of the Railway Board should be kept in Delhi while a small portion thereof should go up to Simla. Well, if the entire staff of the Government of India or of the Railway Board is made to stay in Delhi, I will not object to it, but, Sir, does my Honourable friend, Professor Shahani, want that the Indian Members of the Railway Board should be kept in Delhi in the scorching sun of May and June and the malarious months of September and October while all the European officers should go to Simla and enjoy themselves? If this suggestion is accepted, it will come to this, that the high European officers will go to Simla and the poor low-paid Indian officers will have to stay in Delhi to suffer the inclemencies of the climate. So I submit I cannot agree with him in the remarks which he made.

An Honourable Member: That is a minor point.

Maulvi Muhammad Yakub: Sir, I do not want to take up much time in support of this motion, and with these remarks I commend the motion which has been moved by my friend, Mr. Raju.

Mr. B. N. Misra (Orissa Division: Non-Muhammadan): Sir, I rise to support the motion. Unfortunately we lost yesterday the bigger cut. Sir, the Budget shows a very gloomy feature, and that is that we have to appropriate Rs. 10 crores from the Reserve Fund and so on. We are thus in a difficulty, and no one will deny that. The real point, however, is how to meet it instead of drawing from the Reserve Fund this Rs. 10 crores which we have to draw. The position is otherwise. The Honourable Member said that if we propose any cut of even 5 or 4½ per cent. or any per cent. in the salaries of the highly-paid men, they will find it very difficult; and so also if we cut from the salaries of the lower-paid men, that is of those on Rs. 30 and upwards, they will also feel it much. No doubt everybody would feel it. It would touch his pocket, but we have to see, Sir, who can bear it—from which source we have to retrench. It is not by retrenching so many officers or so many men, but the retrenchment must be confined to those who can bear the loss. It is surely not reasonable to ask that those who cannot bear the brunt, namely, the poorly paid men, should have a reduction in their salaries. The Railway Member said yesterday that the salaries of the highly paid men should not be touched because they have to provide for so many luxuries and comforts and there are so many demands on their purse to meet the amenities of life. But one thing is clear. Whatever it may have been in the past, and whatever hopes and expectations may have been formed, let us all understand now that these high salaries should not be paid in future and hereafter. Sir, it may not be this year that we shall succeed

[Mr. B. N. Misra.]

in effecting retrenchment of 5 or 10 per cent. but let it be clearly understood that reduction must henceforward begin and that it must continue. It may not be done in one or two years, but it must be done sooner or later. It must be treated as a commercial concern. In business and commerce everybody makes a profit. Even an oil seller who invests one rupee in a tin of oil sells that tin for Rs. 1-4-0 or Rs. 1-6-0, making a profit of 4 or 6 annas. But why cannot these railways, which have a capital of hundreds of crores, make any profit at all? It is a shame. From the layman's point of view one cannot believe that such a commercial concern cannot earn anything and cannot show any profit. Whether it is to their credit or their discredit it is for them to consider. Not to speak of respectable people, they cannot even go to an ordinary man in the street and convince him. We are not experts; we are poor people who do not even deal in hundreds. But here they are dealing in crores and I find it a little difficult to understand myself how these crores are made up. For Repairs they have 37 crores, for Inspection they have so many crores, for the Railway Board they have so many crores. They are always dealing in crores which I find it somewhat difficult to understand. But to come back to the main point, there must be retrenchment. I have got a motion for a cut of Rs. 100 to discuss the policy. I think I shall speak a few words on that too. But retrenchment must begin. The Honourable the Railway Member said that he will not think of reducing the salaries of those who draw salaries up to Rs. 30. I thank him for his kindness and mercy, but I think it is very grudging mercy, a stinting mercy and a very miserly mercy that he has shown. I say and I maintain that those who draw salaries up to Rs. 100, i.e., junior servants, clerks, etc., should not be touched. They must not have an eye upon these poorly paid men. They must think of the men above that, and as regards that, many of my friends have said that there must be a sliding scale. I think for people drawing from Rs. 100 to Rs. 500 there should be a reduction of 5 per cent.; for people who draw a salary of Rs. 500 to Rs. 1,000 there should be a reduction of 10 per cent.; and those who draw a salary of Rs. 1,000 and upwards should have their pay reduced by 20 per cent. It will not be a great loss to them. Supposing there is a man who gets Rs. 2,000 and his salary is reduced by 20 per cent., he will get Rs. 1,600, and it will not be a great loss to him. They should think of the fate of their many unfortunate brethren who are serving in the same line who are equally educated, equally competent, equally fit and are drawing a much smaller pay either in the railway service or in the other services. If they kill the goose that lays the golden eggs how can they live themselves? If the railways become bankrupt in a few years what will be their position and how can they maintain themselves? If a man begins on a low salary, and then after some years is fortunate enough to get Rs. 2,000 or more, he should think of his less fortunate brethren and try to live on a lower salary so that he may not feel it. It is only greed that makes a man love these fat salaries. Who does not wish to get more money? If I get Rs. 2,000 I shall wish to get Rs. 4,000, and if I get Rs. 4,000, I shall try for Rs. 10,000. But we must now make up our mind to cut our coat according to the cloth that we have, and must practise simple living, as Mahatma Gandhi said the other day. No man is a *Ravana* with 10

mouths and 20 bellies. If one man can live on Rs. 100, there is no reason why another should want Rs. 5,000. Therefore I say to the Railway Member that this will not at all be a hard thing. You have only to make up your minds. If a man makes up his mind that he will be satisfied with Rs. 1,000, certainly he will be satisfied and that will suffice for his requirements. You can also get good service and contented men. There are thousands of people who get much lower salaries, but they are contented, honest and competent men and they are as hard-working as men in any other service. Therefore I appeal to the Honourable the Railway Member and the Railway Board that they must make up their minds to have retrenchment. If they do not want to have it all at once it may be done gradually so that the men may get used to it. What cannot be cured must be endured, and therefore the men must consent to retrenchment and get used to it. The retrenchment must be not only on this item but on every item.

This is about retrenchment. I have one other question to deal with. It is neither a communal question nor a racial one. I do not plead for any community on the ground of race or caste or religion. I am simply urging my case on the ground of convenience and facilities to the passengers and travellers. Sir, the Bengal Nagpur Railway runs over the whole Oriya-speaking country over 800 miles.

Maulvi Muhammad Yakub: Sir, is the Honourable Member relevant in talking about the Oriyas on this motion?

Mr. President: The Honourable Member must restrict his observations only to retrenchment.

Mr. B. N. Misra: Very well, Sir. Then I have nothing more to say.

Mr. A. A. L. Parsons (Financial Commissioner, Railways): Sir, I am glad of this *rechauffee* of yesterday's debate because it will enable me to deal with one or two points which were raised by Honourable Members who spoke yesterday and to which I think a reply has not yet been given. I do not propose to deal with subjects which were discussed and to which a reply was given yesterday and my Honourable friend, Mr. Misra, will therefore forgive me if I do not again go over the ground with regard to a reduction of salaries. The question was raised yesterday and again today why our non-voted expenditure shows a considerable increase, and I think there was a suggestion that there was some sinister motive underlying the alteration. I can assure Honourable Members that there was no such motive on the part of the Railway Board. What happened was this. Up to last year, under a provision of the Government of India Act, the salaries and pensions of officers appointed by the Secretary of State were treated as non-votable. An alteration was made in the Act, I think, in 1925, whereby, instead of the salaries and pensions of officers appointed by the Secretary of State being non-votable, the salaries and pensions of officers appointed by the Governor-General in Council or by the Local Governments before the 1st of April 1924 to certain services or posts specified under the Act were declared to be non-votable. What then became necessary was to prepare a list of those services and posts, and this was not a matter which was a particular concern of the Railway Department or the Railway Board. But last October the Governor-General in Council, with the approval of the Secretary of State, issued

[Mr. A. A. L. Parsons.]

a list of such services and posts, and in consequence of those orders we have had to treat a certain number of officers as non-voted, who before were treated as voted. You may ask why the Railway Board did this. I can only answer that, as usual, we did what we were told.

I would now like to turn to the steps which we have actually taken to reduce our expenditure in the Railway Board, excluding any question of a reduction of salaries. There is not actually very much in the Railway Board's expenditure which is capable of reduction apart from establishment charges. Take contingencies, for example. Our total contingent grant for next year is about 2½ lakhs. Over a half of that is for rent which, as was explained by the Honourable the Railway Member yesterday, we cannot reduce. If we reduce it, it would merely mean a smaller receipt by the Public Works Department and the Government as a whole would not be benefited a penny. The allotment for liveries is a very small one and it cannot probably be cut down. Stationery and Printing, we are taking steps to reduce and we think we can bring down the expenditure there by considerably more than the 10 per cent. which has been so generally mentioned. As regards telephones, we have withdrawn house telephones from most officers and a very considerable number of office telephones too. I may say that at present I myself have not got a house telephone. The savings in this direction will be more than 10 per cent. With regard to the move to Simla, which I think Mr. Shahani mentioned, I have not got actual figures here, but I am satisfied that, unless the whole office remains in Delhi all the year or remains in Simla all the year, there will be no saving at all. If some portion remains down here and some portion goes to Simla and comes down to Delhi, you cannot get a saving. My friend, Maulvi Muhammad Yakub, mentioned as an item of saving the expenditure on houses for officers. As a matter of fact I think he will find that there is no such expenditure proposed in next year's Budget, but I do not think a charge can reasonably be levelled against us that we have incurred extravagant expenditure on houses during the last four or five years. We have laid down scales of accommodation and the amounts which can be spent on officers' houses.

Maulvi Muhammad Yakub: But that scale is very high.

Mr. A. A. L. Parsons: I do not think so, but I should be perfectly prepared to examine it and see if it can be reduced; and I should like to know any specific instance in which he considers that a house recently built has been on too grandiose a scale. I daresay some of the older houses built at a time when building was much cheaper than now, might be described, as miniature palaces, but I have not myself had the good fortune to reside in any of them. We have, as I have said, laid down scales of accommodation and the limits of expenditure for each class of officer, and on the whole I do not think we build houses for officers except where accommodation cannot be obtained at a reasonable rent, for instance, in places like Bombay and Calcutta or in places such as a new railway colony—Dohad for instance—where otherwise there would be no place for them to live in.

I will mention one further item to show that the Railway Board are attempting to reduce their own expenditure just as they are pressing on Agents and all subordinate officers to reduce their expenditure. There is an appointment on the Railway Board on the engineering side becoming vacant in the next six weeks or so.

Maulvi Muhammad Yakub: Is it not a fact that special trains are run for the children of the railway employees for taking them to schools and from schools during the summer vacation?

Mr. A. A. L. Parsons: Perhaps the Honourable Member will let me first finish the point on which I am now talking. There is an appointment becoming vacant in the Railway Board in about six weeks' time or two months' time—the post of a Director. As the House knows from a study of the Budget papers, actually there will be very little new engineering work to be done. Therefore there is some reason to believe that, on that side, we may be able to do without a Director at any rate for some months. We propose at present not to fill that appointment. I cannot say how long the present state of affairs will last, but during this temporary vacancy it is our intention to save the pay of one Director.

As regards the point just raised by my friend, Maulvi Muhammad Yakub, Mr. Hayman informs me that when there is a sufficient number of children of railway employees or others to fill up a train, going to school, we run a special train.

Maulvi Muhammad Yakub: Will this concession be allowed to students of the Muslim University or the Benares University during their vacations?

Mr. A. A. L. Parsons: I do not know that it is a concession. If the number is sufficient to pay us to put on a special train, I do not think there would be any hesitation.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhamadan Rural): Will that be allowed to the children of the Butler School that moves between Delhi and Simla?

Mr. A. A. L. Parsons: I cannot give a categorical reply with regard to a particular school, which I did not even know of until the Honourable Member mentioned it, but I am perfectly certain that any Railway Administration would be prepared to run a special train whenever the applications for seats in it are sufficient to justify its being run.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): Will the Honourable Member be pleased to consider the advisability of running special trains both to Benares and Aligarh—at any rate to Aligarh—if an application is made in time and the requisite number of passengers are available?

Mr. A. A. L. Parsons: I am perfectly certain that the Agent of the Railway concerned would do so, but I doubt if it is necessary to get to him through the Railway Board. May I resume the thread of my remarks? I think I have now dealt with all the main points raised by Honourable Members. I wish only to make one further general remark on this question of reducing establishment. It is my opinion, and I believe it is shared by my colleagues on the Railway Board, that our establishment in the Railway Board could be reduced if further powers were

[Mr. A. A. L. Parsons.]

delegated to Agents. But it must be recognised that then the control over Agents will be lessened. I do not say that that would be a bad thing; but the choice lies between a reduction of the Railway Board's establishment with wider powers exercised by the general managers of our railways, and the continuance of the existing control over Agents and of the existing staff by which that control is exercised. It is impossible for the Railway Board to exercise that control over the management of railways which has so often been pressed upon them in this House unless there are instruments in their hands through which to exercise it.

Dr. Ziauddin Ahmad: Sir, I do not want to inflict another speech today

An Honourable Member: Why not?

Dr. Ziauddin Ahmad: I have said quite enough yesterday. But I do request the Members on the Treasury Benches to sympathise with our difficulties. We are responsible to the taxpayers who are our electors, for the wise administration of this Department, along with the administration of other Departments. I have got two difficulties, and I wish that the Member in charge of Railways would express some sympathy with me in my difficulties. My first difficulty is that we have just passed a budget for the current year with a deficit of about 11 crores. A Budget has now been presented before us where it is said there will be a deficit of Rs. 4½ crores: but what it will ultimately be about the end of the year we do not know, because from our experience last year we found that we were promised a saving of about one crore, but instead of getting that surplus we had a deficit of about 11 crores. Now, the deficits are sure to lead to some kind of taxation in some form or other; and we are responsible to our taxpayers who will ask us, "If you could have avoided fresh taxation by economising expenditure on the railways, why did you not do so?" I think that is a task which will fall on every one of us who is an elected Member of this House, who is responsible to the taxpayers, and the charge will be laid against us that if we did not help in this matter of economy we would be helping indirectly in imposing further taxation.

My second difficulty—and I hope that the Railway Member will kindly express some sympathy over this matter also—is that we have got two different administrations: five first class lines are administered directly by the Railway Board and the other five first class lines are administered by the Companies; and we find in the books supplied to us that the net income of those railways which are run by the Railway Board is less than 4 per cent., while the income of those lines which are managed by the Companies is over 5½ per cent. The circumstances are the same; all the railways are run under the same conditions; if there is trade depression, it affects all the railways equally; if there are some political troubles, they affect all the railways equally. But the fact remains that the net profit of the Company-managed railways is over 5½ per cent., while that of the State-managed lines is less than 4 per cent. and the average works out to something like 4.6 per cent. This is our difficulty; and as representatives of the taxpayers it will be asked of us, "While you were in the Assembly why did you not raise any objection on our behalf and why did you not allow this state of affairs to be brought

to the notice of the public?" This is the point to which I would like to draw attention.

There are various other matters. One case to which I have referred and for which I have not been given a proper reply, is that out of 21 officers, only 5 are permanent and the rest are holding temporary appointments. If they are to administer such a big concern involving the income and expenditure of about a hundred crores of rupees

Mr. President: Order, order. May I request the Honourable Member not to repeat the arguments that he used yesterday? The two arguments that he has already advanced are a repetition of what he said yesterday, to which the Honourable the Railway Member did try to give a reply. Honourable Members are aware that the time limit of four days is getting on and I hope they will avoid repetition.

Dr. Ziauddin Ahmad: All right, Sir. I shall just mention one or two points raised by Mr. Parsons just now in reply to the previous speech. With reference to a remark made by Mr. B. Das and myself, he mentioned that the non-voted amount has been more than doubled. He said it was due to the action of the Governor General in Council with the permission of the Secretary of State. Of course we are not blaming the Members of the Railway Board for it; but we are blaming the Government as a whole; and if it is done either by one part of the Government or the other, the facts remain the same—that the amount of non-voted expenditure is increasing, which is a very objectionable feature.

During the war, the Railway Board along with other Departments carried on retrenchment—so much so that they used the back side of papers already used and also the halves of papers of which one half had already been used. So, if they are determined to economise, the example of the war time shows that they can do so if they simply want to do it. If the will is there, I am sure they will find out the ways and means of executing it. As regards the maintenance of houses, a point which was raised by my friend, Maulvi Muhammad Yakub, I may just mention one thing, that in going over the maintenance of the Viceroy's House here in Delhi, the Finance Committee spent about half an hour and then wanted a memorandum from the Military Secretary and they retrenched the expenditure on the Viceroy's garden. If the expenditure on the Viceroy's House could be scrutinised by the Finance Committee and expenditure actually curtailed, I say, is it fair that the houses belonging to these railway officers on which large sums of money have been spent, should not be scrutinised by any public authority or by any authoritative persons?

In conclusion I say again that we are responsible to the voters and most of us who are here are not likely to return again during the next election

An Honourable Member: Why not?

Mr. C. S. Ranga Iyer: Why are you so pessimistic?

Dr. Ziauddin Ahmad: Let me finish the sentence.

An Honourable Member: Congressmen will come in.

Dr. Ziauddin Ahmad: We are not likely to return again during the next election unless we show to the public that we have faithfully discharged the trust imposed upon us. ("Hear, hear" from the Opposition Benches.)

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, I only wish to say a very few words in reply to what has fallen from my Honourable friend, Dr. Ziauddin.

Mian Muhammad Shah Nawaz (West Central Punjab: Muhammadan): Before the Honourable the Leader of the House begins to speak, may I ask whether he is prepared to appoint a Retrenchment Committee in respect of the expenditure on railways?

The Honourable Sir George Rainy: I think I mentioned that in my Budget speech, and I mentioned it again yesterday. I am quite willing to say it again. I said very distinctly yesterday that I regarded that as a possibility, that it may be a useful thing later on—to appoint a committee consisting mainly of experts. But also I said that I regarded it as all important that, for the next five or six months, the attention of the Agents should be concentrated in securing economies on the lines on which we have already started. I was afraid that if a Retrenchment Committee was appointed now, the effect might be, in the first place, that the Committee would make considerable demands for information from Agents which would take up their time and that of their officers, and in the second place, that Agents would feel that they were relieved of all responsibility and might leave retrenchment to the Committee. I want them to get on with economies just now without waiting for a Committee. That is the substance of what I said in introducing the Budget and the substance of what I said yesterday.

Then, Sir, with regard to what my Honourable friend Dr. Ziauddin Ahmad said, I did not find anything very new in his speech, but I should like to say a word about what he said as to the difference between the financial results on the Company-managed railways and on the State-managed railways. So far as the State-managed railways are concerned, I can remember during the years I have held the post of Railway Member that considerable pressure has been put upon us from time to time to reduce rates and fares and on the State-managed railways, when we believed that the financial position was sufficiently sound, we have done what we could to meet that demand. We have not the same control over the Company-managed railways as we have over the State-managed railways, and that is a point which must be remembered when you are comparing the results on the State-managed railways on the one hand and the Company-managed railways on the other.

Then my Honourable friend said that during the war a great deal of money was saved by using a very indifferent quality of paper. Those who were in India during the war remember that very well. But I should like to remind my Honourable friend that Mr. Parsons specially mentioned in his speech that the Railway Board were taking special steps to reduce expenditure on printing and stationery, and it is expected that a substantial saving will be effected. It is exactly that kind of thing that I regard as very important, and it will certainly not be overlooked.

I do not think, Sir, that it is necessary for me to take up the time of the House further, and I will therefore bring my remarks to a close.

Mr. B. Sitaramaraju: Sir, in replying to the debate, I feel I should state that, while thanking the Honourable the Railway Member for the

promise of the possibility for the appointment of a Retrenchment Committee even though it were to be at a somewhat distant date (*Honourable Members*: "He has not given any definite promise"), I hope that such a retrenchment committee in order to gain the confidence of this House will consist largely of members representing the people of this country.

Mr. President: The question is:

"That the Demand under the head 'Railway Board' be reduced by Rs. 1,00,000 "

The Assembly divided:

AYES—51.

Abdur Rahim, Sir.
 Aggarwal, Mr. Jagan Nath.
 Azhar Ali, Mr. Muhammad.
 Bhuput Sing, Mr.
 Chand;—Mal Gola, Bhagat.
 Chetty, Mr. R. K. Shanmukham.
 Das, Mr. A.
 Das, Mr. B.
 Dudhoria, Mr. Nabakumar Sing.
 Fazal Haq Piracha, Shaikh.
 Gour, Sir Hari Singh.
 Harbans Singh Brar, Sirdar.
 Hari Raj Swarup, Lala.
 Ibrahim Ali Khan, Lt. Nawab
 Muhammad.
 Ishwarsingji, Nawab Naharsingji.
 Isra, Chaudhri.
 Jha, Pandit Ram Krishna.
 Jog, Mr. S. G.
 Krishnamachariar, Raja Bahadur G.
 Maswood Ahmad, Mr. M.
 Misra, Mr. B. N.
 Mitra, Mr. S. C.
 Mujumdar, Sardar G. N.
 Neogy, Mr. K. C.
 Pandian, Mr. B. Rajaram.

Puri, Mr. Goswami M. R.
 Raghbir Singh, Kunwar.
 Rajah, Raja Sir Vasudeva.
 Ranga Iyer, Mr. C. S.
 Rao, Mr. M. N.
 Reddi, Mr. P. G.
 Reddi, Mr. T. N. Ramakrishna.
 Sadiq Hasan, Shaikh.
 Sant Singh, Sardar.
 Sarda, Rai Sahib Harbilas.
 Sen, Pandit S. N.
 Shafee Daodi, Maulvi Muhammad.
 Shah Nawaz, Mian Muhammad.
 Shahani, Mr. S. C.
 Singh, Kumar Gupteshwar Prasad.
 Singh, Mr. Gaya Prasad.
 Sitaramaraju, Mr. B.
 Sohan Singh, Sirdar.
 Suhrawardy, Dr. A.
 Sukhraj Rai, Rai Bahadur.
 Thampan, Mr. K. P.
 Tun Aung, U.
 Uppi Saheb Bahadur, Mr.
 Walayatullah, Khan Bahadur H. M.
 Yakub, Maulvi Muhammad.
 Ziauddin Ahmad, Dr.

NOES—44.

Acheson, Mr. J. G.
 Ahmed, Mr. K.
 Alexander, Mr. W.
 Allah Baksh Khan Tiwana, Khan
 Bahadur Malik.
 Anklesaria, Mr. N. N.
 Ayyangar, Diwan Bahadur V.
 Bhashyam.
 Bajpai, Mr. R. S.
 Banarji, Mr. Rajnarayan.
 Baum, Mr. E. F.
 Bhargava, Rai Bahadur Pandit T. N.
 Boag, Mr. G. T.
 Chatterjee, The Revd. J. C.
 Cocke, Sir Hugh.
 Crerar, The Honourable Sir James.
 Dalal, Dr. R. D.
 Fazl-i-Husain, The Honourable Khan
 Bahadur Mian Sir.
 Fox, Mr. S. B.
 French, Mr. J. C.
 Graham, Sir Lancelot.
 Gwynne, Mr. C. W.
 Hamilton, Mr. K. B. L.
 Hayman, Mr. A. M.

Heathcote, Mr. L. V.
 Hezlett, Mr. J.
 Jawahar Singh, Sardar Bahadur
 Sardar.
 Montgomery, Mr. H.
 Moore, Mr. Arthur.
 Morgan, Mr. G.
 Mukherjee, Rai Bahadur S. C.
 Parsons, Mr. A. A. L.
 Rafiuddin Ahmad, Khan Bahadur
 Maulvi.
 Rainy, The Honourable Sir George.
 Rajah, Rao Bahadur M. C.
 Roy, Mr. K. C.
 Sahi, Mr. Ram Prashad Narayan.
 Sams, Mr. H. A.
 Schuster, The Honourable Sir George.
 Scott, Mr. J. Ramsay.
 Shillidy, Mr. J. A.
 Studd, Mr. E.
 Sykes, Mr. E. F.
 Tin Tüt, Mr.
 Yamin Khan, Mr. Muhammad.
 Young, Mr. G. M.

The motion was adopted.

Representation of Muslims in Railway Services.

Mr. Muhammad Anwar-ul-Azim (Chittagong Division: Muhammadan Rural): Mr. President, I beg to move:

"That the Demand under the head 'Railway Board' be reduced by Rs. 100."

Mr. President: Order, order. I should like to know from the Honourable Member whether he wishes to move this token cut in regard to Indianisation and representation of Muslims as one issue, or as two issues, namely, one, representation of Muslims, and two, Indianisation.

Mr. Muhammad Anwar-ul-Azim: I will mostly deal with the representation of Muslims.

Mr. President: The difficulty is this, that unless each is put forward as a separate issue, it may be difficult to arrange the voting.

Mr. Muhammad Anwar-ul-Azim: I will give up Indianisation.

Mr. President: Then your motion will deal only with the representation of Muslims.

Sardar Sant Singh (West Punjab: Sikh): Sir, I rise to a point of order. About this representation there are several cuts proposed by several Honourable Members. The present one is No. 7. Further down, you will find No. 18, which is a similar motion, in the name of Dr. A. Suhrawardy; under No. 19 Maulvi Muhammad Yakub raises the same question. Under No. 20 Mr. Ranga Iyer raises the question of communal representation in railway service, and under No. 40 I have a motion dealing with the representation of the Sikhs in the railway service. May I know if all these motions can be taken together?

Sir Hari Singh Gour (Central Provinces Hindi Divisions. Non-Muhammadan): How can they be taken together? This applies to Muslim representation.

Mr. President: The point the Honourable Member is raising is a very simple one. The Rules and Standing Orders provide that if one motion has been debated, other motions of an identical character lapse. If the Honourable Member (Mr. Anwar-ul-Azim) moves the token cut to ventilate the question of representation of Muslims in the railway services, then all the other motions dealing with that particular subject will not come up for discussion, but those Members who have given notice of such motions will have an opportunity of taking part in this debate; they will not be allowed to move their motions separately.

Sardar Sant Singh: May I know whether my motion dealing with the representation of the Sikhs will be considered as a separate issue from the present motion which deals with Muslims?

Mr. President: Certainly. It would be a separate motion, because this one deals with the Muslims and the other one deals with the Sikhs.

Mr. S. G. Jog (Berar Representative): On a point of order, Sir. Muslim representation and Indianisation are two distinct issues to my mind and I think those two issues

Mr. President: The Honourable Member has not followed what has taken place. The Honourable Member (Mr. Anwar-ul-Azim) is restricting himself to one issue only, namely, the representation of Muslims.

Mr. B. Das (Orissa Division: Non-Muhammadan): On a point of information, Sir. It has been the practice hitherto, in arranging token cuts, to put those first which embrace the whole railway management, and then the smaller cuts. This time I find that it has been arranged in the way as it has been received by the Department. I only want to point out that this year it has not been done in the same way as it has been done in past years.

Mr. President: The procedure followed by the office is exactly what was followed before. The point that the Honourable Member has raised deals with retrenchment motions, and if he will observe the Order Paper, he will find that because his motion of retrenchment was for Rs. 1,15,000 it was put above the one for a lakh of rupees. As regards token cuts, they are arranged in the order in which they are received, and it would be extremely difficult for the office to follow the procedure that the Honourable Member suggests. It is easy to determine precedence in regard to amounts, but it is very difficult to determine the relative precedence as regards the subject matter dealt with in a particular token cut.

Mr. B. Das: May I submit, Sir, this? I have not got that in mind. I had in mind Mr. Neogy's motion for a cut which deals with the future constitution of the Railway Board, and which I think is a more comprehensive token cut than the smaller issues which are raised in some of the other motions.

Mr. President: That will come in due course. It can only be dealt with in the order in which it appears on Order Paper, and I hold that the Order Paper has been correctly prepared.

Mr. Muhammad Anwar-ul-Azim: I am indeed very sorry that this task, this heavy task of representing our side of the case for the consideration of the Assembly, should fall upon my slender shoulders. I do really wish that the task had fallen on the shoulders of some soldier-knights, the Nawab following my faith—but as it has fallen to my lot, I will not shirk my responsibility. At the outset I should like to impress on my Honourable friends to my right and to my left that it is not my purpose at all to bring in any controversy by which my purpose might be misunderstood. I am not here going to say what other people living in this country should or should not have, so far as the consideration of this motion is concerned, but I should like, Sir, as far as I can, to represent our side of the story. I should also make it clear, Mr. President, that if this motion, this small humble motion of mine is carried, it is not likely to bring in the Moghul Empire again or deprive the equanimity or balance of mind of anybody in any part of the House. You know, Mr. President, this is a token cut. Even if it is carried, it will not touch one hair of the Railway Board. That being the case, I will now proceed with the subject matter of my cut. It will be within the recollection of my colleagues in the Assembly that a few days ago a memorandum was supplied to all Members of this House concerning the Moslem representation and there the Railway Board have tried, most feebly, if I may say so, to justify their conduct, rather the breach of faith with the Moslems, so far as the representation of Mussalmans in the railway services are concerned. Now, the first page starts with the memorable Resolution passed on the 10th March, 1923, in a

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modified way at the instance of Sir Devaprasad Sarvadhikary, and little farther on what the late lamented Sir Alexander Muddiman as Home Member said with regard to our representation generally in all spheres. It will be within the recollection of senior Members and others that some sort of systematic treatment by the way of a Report of the Railway Board as a whole dates perhaps from the beginning of the present reforms. The reforms under the ægis of the Government of India Act, 1919, started from 1921. If one happens to look at the earlier volumes, one will find that not only the Railway Board have tried to hoodwink and do all sorts of juggleries with our representation, but they have also at the same time tried to mislead, if I may say so, without prejudice to anybody, with regard to the actual strength of the people of all communities in this country, so far as the railway services are concerned. Mr. President, of course I am not going to blame the Railway Board on that score, but if you look at the pages of the Report of 1920-21, you will find one or two sentences only are alone mentioned in this connection. On this they speak of the total number of people serving the railways "belonging to all races". That is the description they gave so far as the employment of Indians was concerned at that time. There they are absolutely silent not only with regard to the representation of Mussalmans, but also with regard to other nationalities living in this country, and by the method of not classifying clearly to what class of people these servants of the railway belong, they perhaps thought in their wisdom that they would be able to keep off from the gaze of the public what was the state of affairs then so far as Indians were concerned, and that system, Mr. President, was allowed to continue up to the end of the first Assembly, that is up to the year 1923. Then in 1923, some better brains were introduced into the Railway Board. They thought as there was clamour from all sides about the preponderance of one class or other in the railway service something new was needed. They then changed the classification. They classified the servants in this way—"Europeans, Anglo-Indians and Indians". Perhaps the clamour at that time was that the Anglo-Indians were preponderating. So the Railway Board was forced to give one figure so far as the position of Anglo-Indians was concerned. Even up to that year we were nowhere. You know this is a vast continent and in this wonderful country there are 320 millions of people and what sort of people were in this category "Indian" nobody knew. Later on from 1924 onwards, up to 1926, this classification was changed into "Europeans, Anglo-Indians, Muslims and Non-Muslims". Now, Mr. President, I do not know what was the result of thus honouring the Mussalmans by finding a place for them in the Administration Report of the Railway Board. They now give this classification of Europeans, Anglo-Indians, Muslims and Non-Muslims. Now, this is really an enigma to me. I certainly do not know, but other friends will know better, what was the meaning of this division. Up to the year 1926, Mr. President, though Mussalmans got one column, their representation in the so-called Imperial services, the gazetted posts, was *nil*. Later on, from 1926, perhaps as a result of the clamourings, as the Treasury Benches are so apt to call them, again there was a division, and the division ran like this: "Europeans, and Statutory Indians", and under the latter head came Hindus, Mussalmans, Anglo-Indians and others. So on an analysis of this classification of the railway services from the very beginning you will find that only from the year 1924 in their wisdom, Government found a column to show what was the strength of Mussalmans. So far as the railway services are concerned,

you must have heard, Sir, quite often Mr. K. Ahmed and others raising the point on the floor of the House and asking the Treasury Benches whether it was not a fact that Lord Reading or somebody in Belvedere or somewhere made some promises in this direction; and it occurs to me that that might be the genesis, because at the beginning of the second Assembly, so far as our representation in the railway services was concerned, as a result of that perhaps, Mr. President, this one column for the Mussalmans was introduced. And what is their strength there, Sir, so far as the gazetted or the Imperial services are concerned? Sir, there the position has been miserable. Now from 1924 onwards up to now, this classification has been going on—"Europeans and Statutory Indians", and under the latter head comes Hindus, Mussalmans, Anglo-Indians and others. Sir, it will be in the recollection of my Honourable friends here who have been listening to the debates, that many of us on the floor of the House wanted to know the meaning of this enigma "Others", because perhaps the Railway Board, being afraid that a certain class of people might enjoy a bigger percentage or bigger representation in any of these columns, have taken to this camouflage of "Others" and by not bringing out their true colour. I venture to suggest to the Railway Board that they have created many of the suspicions which lurk in the minds of sober-minded citizens. If this column "Others" were explained fully in the Report, Sir, if that had been done, lots of misunderstanding might have been removed. There, in the figures which they have supplied in that pink book, they have a story of two classes of people only. They give figures with regard to the Imperial services, the gazetted posts and what they call the "Upper Subordinate class". This latter class starts on a salary of Rs. 250 and upwards. And of course with regard to the covenanted services, they have got their various grades. While giving figures for the former class of appointments, invariably it would appear from the Memorandum supplied by the Railway Board that those wage-earners who get even six annas a day are also classed here, and in that way perhaps the Mussalmans are shown to have some percentage on paper. I say to the Railway Board, Sir, that that is a very unsatisfactory state of affairs, because if it were possible for the Railway Board to say in their Memorandum, supplied to the Members, the number of people who were drawing certain scales of salaries—for instance it has been stated that they have information with regard to people drawing salaries of less than Rs. 30 a month, those drawing Rs. 30—59 per mensem, those drawing Rs. 60—99, those drawing Rs. 100—249 and those drawing Rs. 250 and upwards—if it was possible, Mr. President, to get these things themselves in their own office, well, it would not have hurt them if they had put them in in their Report. The only conclusion to which I can come therefore with regard to the absence of this description in the Report is this that, perhaps, there could not be any percentage made of people serving in the railways belonging to the Muhammadan community. ("Hear, hear".) That is the only answer which suggests itself to me. Mr. President. Sir, in their memorable Memorandum published for our consideration on page 9, at the top, the Railway Department say: "Comparing the figures of 1929 and 1930, the Mussalman element in the superior grades has fallen by one officer"—because I do not know that it is not possible for the Railway Administration to do jugglery with figures,—and a little further off they have admitted, Mr. President, that in arriving at the percentage of Muhammadan representation, they have counted hundreds of thousands of coolies and other such men who follow the Muhammadan faith! Sir, if this is the state of affairs, I do not know on

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which side to look for help, to the Treasury Benches or to my friends on the right . . .

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Certainly you will get all this put right in time.

Mr. Muhammad Anwar-ul-Azim: Sir, it is a great shame, indeed it reflects a very great discredit on the administration of the Government of India and of the Railway Board in particular that this sorry state of affairs has been allowed to continue right up to 1931. Sir, what is the justification for this meagre representation of our people on this side of the administration? It will be within your knowledge, Sir, that from the very beginning, from the inception of Railway Administration in this country in 1845, four or five railways have been under the direct control and administration of the Government of India, and it does not lie in their mouth to say that the major portion, the larger part, of the railway lines is managed by others. What about these important railway lines which are under your direct administration—the North-Western Railway, the Eastern Bengal Railway and some other railways which have been under your direct control? Sir, the North-Western Railway passes through one of the richest provinces, where the Muhammadan population is more than 56 per cent., and yet the Railway Board come here and tell us that no suitable Muhammadan can be found to fill up the position even of a clerk! Sir, that is an Administration which has been under the direct control of the Government for so many years. Then the Eastern Bengal Railway, Mr. President, you know, passes through the whole of Eastern Bengal and part of Assam; and what is the percentage of Muhammadans there? It will not, Sir, lie in the mouth of the Railway Board to come and blurt out that suitable Muhammadans are not available. Sir, there have been hundreds and thousands of Muhammadans who come out from institutions—first-class people who are fit for any appointment if only that is open to them. So, Sir, if in those Administrations which are under the direct control of Government matters have not proved satisfactory, I am not in a position to blame those Railway Administrations which are managed by others. And of course they could not escape the guilt of not taking our people in sufficient numbers in their services. I have got first-hand information so far as the Assam Bengal Railway is concerned which is a Railway managed by a company. If a Muhammadan graduate is introduced to the Agent, 101 kinds of excuses are hurled at him. It is perhaps natural and I do not blame him. There are lots of obstructions through which he has to pass. If this is the position, how does it lie with the Railway Board to come out with this Blue Book and tell us of so many things which they are going to do and which they could not do for reasons over which they say they have no control?

I will now refer, Sir, to one other aspect of this matter. You will remember that the Railway Board have been in existence, I think since the beginning of 1905. The Railway Board are responsible for all that has happened since then. Here in this Blue Book not finding what to say to the Mussalmans, they have taken shelter behind that blessed body known as the Public Service Commission. But that body is only of recent origin. The Public Service Commission came into being only the other day. What about the recruitment of Mussalmans during those years before the Public Service Commission came into being? What answer can the Railway Board give for this breach of faith, if I may put it mildly, with regard to

our representation in their service? They have been talking from the house-tops about the loyalty of the community and tons of other things we hear in this country so far as the Mussalmans are concerned. Sir, I will read one passage from the book of Lord Ronaldshay. It is a passage which I quoted once before. I will ask Honourable gentlemen of the Railway Board, not to be afraid of past histories and I will submit this for the consideration of the Honourable the Finance Member who is very much afraid of past histories. Because history repeats itself, and if there is no meaning in history, life will be intolerable and there will be no civilisation whatsoever. This is what Lord Ronaldshay said:

“It was from a Muhammadan sovereign that the East India Company acquired their rights in three of the richest provinces of India, and it was a Muhammadan sovereign whose paramount position was recognised by them when they inscribed his name and insignia upon their coins.”

I place this before the Treasury Benches. If Jehangir had not allowed facilities to the East India Company, where would your trade be and your factory at Surat and this Eastern Empire?

Mr. C. S. Ranga Iyer: Was there communal representation in the time of Jehangir?

Maulvi Muhammad Yakub: There was very strong communal representation in the time of Jehangir.

Mr. Muhammad Anwar-ul-Az'm: Then Lord Ronaldshay continues.

“The Muhammadans, in other words, were the ruling race from whom Mahratta and other Hindu chiefs were proud to accept their titles. Their historical importance cannot, indeed, be gain-said, and their political importance is equally well founded. No more loyal community is to be found in the Empire today; no community in India has provided more or better fighting material for the forces of the Crown. But beyond all this it must always be borne in mind that the followers of Islam extend far beyond the confines of the Indian Continent. The Muhammadans of India are connected by ties of religion, tradition, and race with the whole of Western Asia and Northern Africa, right away to the Atlantic—countries where the prestige of England stands high now, and where England is recognised as the champion of justice and fairplay.”

I make a present of this to my Honourable friends on the Treasury Benches. If there is any meaning in these words “justice and fair-play”, may I not ask them how it is that even during the period of the existence of the Railway Board, leaving aside the years before, up to now the Muhammadans have been brought to such a pass? Perhaps the misfortune has been that the Mussalmans have trusted them rather too much. The Marquis of Ronaldshay in another passage says this:

“The numerical test as between Muhammadans and Hindus is not a fair one, for the simple reason that in the census returns immense numbers of people are classed as Hindus who, for electoral purposes, cannot fairly be counted as Hindus at all.”

The Railway Board have always tried to class us with the minorities, and if Government, as represented by the Railway Board, were true to their professions, they would not have taken shelter under so many camouflages, if I may say so.

Sir, if one reads carefully these 12 printed pages, it strikes one that perhaps there is an underlying notion that the minority communities, specially the Mussalmans, are inefficient. If anything has been done for the Muhammadans, perhaps that has been done as an act of grace or favour. I most emphatically repudiate the charge that the Muhammadans are inefficient. The Mussalmans could not be inefficient in any way. They ruled this country for more than one thousand years and carried on the administration. One hundred and one kinds of people were pleased to call them even Gods, if I remember history. If this race of people

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could be rulers for more than a thousand years, how could they in the lapse of such a short time, have become inefficient in the eyes of the Treasury Benches? One can hardly find any reason. Sir, as I suggested a little while ago, the remedy is not far to seek. Perhaps the Government of India, represented by the Railway Member, have been sleeping, actually thinking that the Mussalmans are a contented race of people and there will not be any trouble on their side. But I can assure him, within the limits of constitutional agitation, that if the legitimate claims of the Muslims are not respected, they will not keep any thing untried. That is certainly to be harassing to Government. In the blessed Memorandum they have given us, they have given the percentages. It is very difficult to gauge one's situation by those percentages. Presently I will just show what are really the numbers of people of the various communities in the railway service from year to year. If we start definitely from 1924, the year from which we are given a place in the Railway Administration Report, the figures are like this. On the 1st of April 1924, *the total of gazetted ranks*, Imperial Service, were 1,888, and they were divided like this: Muslims 44; Anglo-Indians 89; Europeans 1,516; Non-Muslims 245. I do not know what this "non-Muslims" means. They might be anybody. They might be Indian Christians or they might be anybody. But here from an analysis of these figures you can easily understand that perhaps they are afraid of coming out in their true colours as to who these non-Muslims are. Now with regard to the *Upper Subordinate Grade*, that is not far better. There was a total of 7,004, out of which there were 1,584 non-Muslims; 216 Muslims; 2,786 Anglo-Indians, 2,818 Europeans.

On the 1st April 1925 in the *gazetted ranks* the total was 1,931; non-Muslims 283; Muslims 45, Europeans 1,516; Anglo-Indians 87. In the *Upper Subordinate Grade*: Europeans 2,810, non-Muslims 1,822. Muslims 259, Anglo-Indians 2,949. In these two years you will find that the percentage of Muslims is about 2 per cent. in the gazetted ranks and in the subordinate ranks a little over 2.2 per cent.

When we proceed to 1925-26 we find that there were:

Gazetted ranks on 1st April, 1926: European 1,496, Hindus 294, Moslems 56, Anglo-Indians 152, other classes 47. *Upper Subordinates* on 1st April, 1926: Europeans 2,126, Hindus 1,572, Moslems 247, Anglo-Indians 3,809, "others" 419 = Total 6,047.

Who are holding a monopoly, Mr. President, one can easily see.

On 1st April, 1927—*Gazetted ranks*: Europeans 1,520, Hindus 342, Moslems 58, Anglo-Indians 169, others 54. In *Upper Subordinate Grades*: Europeans 2,076, Others 476, Hindus 1,693, Moslems 285, Anglo-Indians 3,765.

1st April, 1928—*Gazetted ranks*: Europeans 1,485, Hindus 384, Moslems 65, Anglo-Indians 182, Others 62. *Upper Subordinates*: Europeans 2,042, Hindus 1,919, Moslems 327, Anglo-Indians 3,792, Others 526 = Total 8,606. Moslem percentage is 3.51 in 1927 and 3.80 in 1928. This is certainly very bad.

1st April, 1929—*Gazetted ranks*: Europeans 1,469, Hindus 403, Moslems 73, Anglo-Indians 169, Others 69. *Upper Subordinate Grades*: Europeans 2,051, Hindus 2,068, Moslems 360, Anglo-Indians 3,800, Others 662. Total 8,941.

1st April, 1930—Gazetted ranks: Europeans 1,415, Hindus 428, Moslems 71, Anglo-Indians 156, Others 77. The percentage of Moslems in Gazetted ranks in 1929 was 3·4 and in 1930, 3·3 what an increase!! Upper Subordinates: Total 9,252, Europeans 2,005, Hindus 2,260, Moslems 393, Anglo-Indians 3,889, Others 735.

So you will find, Mr. President, that till 1930 the position has not improved at all in spite of so much saying by the Railway Administration that they are so soficitous for us, and especially for the minority communities, though we refuse to be classed as a minority. The Memorandum which has been supplied to us also mentions one important fact from which one can judge that perhaps our case was not of sufficient importance before their eyes to be considered by them. If that is the idea, I do not know what to say to that. Now, one or two words in passing with regard to our position here generally. One feels rather diffident to speak out now-a-days with all the coquetting, flirting and so on with all sorts of ideals around. My friends will remember that as far back as the year 1925 there was a pact with the Leader of the Swaraj Party, the late Desabandhu Das, whom we all liked and whom everybody on my right liked. He was willing to concede to us our demand according to our numerical strength. But they are past stories. Things have been allowed to drag on and they have come to this. Now it might be said that the Mussalmans are very clamorous, but it is not right for us to be told so. I say this to the Railway Administration. It will be a sort of encouragement if they act up to what they have professed to do here in this Blue Book. Of course, the misdeeds of past years might be forgotten and the past may also be conveniently forgotten. But I doubt very much indeed whether the methods and ways they have suggested will bring out anything good. Yesterday one word perhaps slipped from my esteemed friend, Dr. Ziauddin Ahmad, and he complained that some junior members of the Railway Board superseded some senior members. I personally know Mr. P. R. Rau, who has been the Secretary of the Railway Finance Committee. He is a very good gentleman and a very great financier. I am sure my friend, Dr. Ziauddin Ahmad, did not mean any harm to him. He is a very brilliant man. If he got his promotion by dint of merit it is well and good. In this connection I submit for the consideration of the Railway Board that cases of efficiency of popular and tactful officers like Mr. Ghulam Muhammad and others should also be considered. If the Railway Administration is carried on now tactfully, in years to come with the administrative changes we might expect to have very good results. With these few words I commend my motion for the consideration of this House.

Mr. C. S. Ranga Iyer: Sir, I rise, not to oppose the motion, though I do not support the Honourable gentleman's arguments. I have already stated, and very clearly stated, that I do not believe in communal representation, including Muslim representation; but if the Government have made up their mind about it, if we are to be faced with a *fait accompli*, I am not one of those who is going to go mad over first principles. In politics we must be prepared for the second best. It is in that light that I approach this motion, and speaking from this side and on behalf of the party to which I have the honour to belong I may say straightaway that the Muhammadans may have all the representation that the Anglo-Indians have in the railways (*An Honourable*

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Member: "Even more.") My friend here belonging to the Independent Party, Mr. Lahiri Chaudhury, says "Even more": I have not the privilege of speaking for the Independent Party, but I understand the spirit in which he puts it. It shows that both the Nationalists and the Independents do not want to stand in the way not only of the Government having given the Muhammadans what they have got, but also in the way of what my Honourable predecessor has put before this House. I have carefully gone through this Muslim representation Memorandum and we cannot improve, so far as the facts and details in regard to it are concerned, upon what the previous speaker has said. Though personally I would have liked to adhere to the original view taken by no less an authority than Sir Abdur Rahim in his Minute to the Report of the Royal Commission on Public Services, the Islington Commission, in which he enunciated two principles, one with regard to the superior services and another with regard to the subordinate services, I am prepared in the light of the Government's taking a step in the direction of Muslim representation, that they should go forward. This is what Sir Abdur Rahim said—(he was then Mr. Abdur Rahim):

"Stress has also been laid on the fact that in the present circumstances of India, when the spread of education amongst the different communities and in different provinces is uneven, the drawback of the competition system is that the successful candidates are likely to be drawn largely, if not entirely, from some particular classes and localities. The fact is not disputed, but it is important to appreciate its proper bearing on the question as it affects the different services. Generally speaking, the principle which has commended itself to me, and which is in accord with practically unanimous opinion of representative Indians of all communities and provinces, is that it is inadvisable as it is unsound and unnecessary to emphasise the question of communal or provincial representation in the superior services. The personnel required for these services must be possessed of the highest qualification available and any narrow contraction of the area of recruitment should be avoided."

That was said years ago. Much water has flown down the Jumna since, and many Muhammadans have qualified themselves and there is a legitimate grievance among the Muhammadans, as there is among the Indians, that the services on the railways are dominated by Anglo-Indians. Sir, the Muslim representation Memorandum that the Honourable the Commerce Member or the Railway Board, whosoever be responsible for it, have communicated to us is, what I may call, very very clumsy camouflage. They have not told us, as they were bound to tell us, how many Anglo-Indians are in the service, how many Muhammadans are in the service. I am not going at present into the question of other communities like the Sikhs or the depressed classes, as I find my friend, Mr. Sant Singh, has given notice of a cut in relation to Sikh representation. But the whole point is this: if the Government want to throw memorandum after memorandum upon us, they ought also to give us the facts about them. For instance, they have prepared a Racial Discrimination Memorandum, making a few quotations from past statements; but they have omitted to include a speech, a really magnificent speech, though I was not quite in agreement with him at the time, made by Mr. Fazl Rahimtulla on Muslim representation in connection with Indianisation. All these important logical statements have been omitted: they have just made a hotch potch preparation of a memorandum containing certain statements by certain people, and if you carefully look through the Memorandum yourself, you will find that it is prepared by a third rate publicity officer

of the Railway Department. Whatever that may be, it was their business to tell us very clearly how many Anglo-Indians there are and how many Europeans there are who are getting, say, more than Rs. 1,000 a month; and how many Europeans and Anglo-Indians get more than Rs. 250 a month; and how many get more than Rs. 100 a month. Then we can know whether really it is dominated by Anglo-Indians and Europeans or not.

In another memorandum, which I do not wish to refer to in more detail now, I mean the Memorandum on Racial discrimination, they are simply trying to throw a mask over the whole thing by describing them as statutory Indians. My objection there too is that they are not giving any facts or details in regard to the communities. If the Government have committed the country through their action to communal representation, they ought to be fair and square about the whole business. They ought not to be so niggardly in their attitude: they ought not to create an atmosphere of suspicion or anything of the kind. The perfectly frank thing for the Government to do if they mean communal representation, as they no doubt mean it, is to place before us all the facts; and if they prepare any memoranda in future; and I think they will have to prepare memoranda, because now that the Government have committed the people of this country through their action to communal representation and now that educated people in India among the Muhammadans and also among the Hindus are clamouring for posts, they will have to give us information as to how much the railways are dominated by Anglo-Indians. At present possibly 75 per cent. of the superior officers are Europeans or Anglo-Indians. In the Railway Board, for instance, there is no Muslim representation, and I do not see why the Memorandum should have omitted any statement in regard to that fact. Are the Government of the opinion that there are no Muhammadans living in the country who are fit to be Members of the Railway Board? The Railway Board at present has only representation of a statutory Indian. I am not for a moment questioning his ability, for the very simple reason that when the House was enraged with that Department, I, from the no-man's land where I was staying when I was ploughing a lonely furrow in politics both in this House and outside, voted for the additional appointment on the ground that I do not at any rate want to vote for racialism. But how many Muhammadans are there in the Railway Board? Are not the Muhammadans entitled to some share? My friend over there was very modest; I do not think he wanted to go so far as certain others wanted him to go; but if there is to be communal representation, if there is to be Muslim representation, what the Government have to do is one practical thing. I believe an attempt was made to dig up the Bengal pact with regard to communal representation at a certain time. With reference to the complaint from the Muslims in Bengal, a suggestion was made and perhaps it was adopted, that there should be for a certain period a stoppage of recruitment from the predominant community to the services, until the minority community was able to secure this percentage. If, therefore, the Government are honest, they ought to follow up their Memorandum by a declaration of a stoppage of all European and Anglo-Indian recruitment to the railway services until and unless all the minorities, including Muslims, have had their chance first, and secondly the majorities; and after that representation is so classed, then I say that they may throw memorandum after memorandum upon us, not with a view to mislead

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us, not with a view to hoodwink us, not with a view to side-track the issue, but to meet the grievances which they pretend they are anxious to meet.

Mr. President: I think it will be best to adjourn for Lunch now and resume the debate afterwards.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President in the Chair.

Maulvi Muhammad Yakub: Sir, in supporting the motion which has been proposed by my friend, Mr. Anwar-ul-Azim, I will not traverse the ground which he has already covered, nor do I want to go into the facts and figures which he has quoted. I shall merely content myself with repeating what the Honourable the Railway Member himself admitted in his speech when he said that "Adequate steps have not yet been taken to give effect to the policy of the Government of India and that further measures are necessary and must be introduced at a very early date." I will add nothing to what the Honourable Sir George Rainy has said, and I hope and trust that adequate steps will be taken at a very early date. I understand that the Railway Board have accepted one of the suggestions which I made to them the other day, that two Muslim officers not below the rank of a Divisional Superintendent should be placed on special duty, for not less than five years, to make inspection of offices and supervise the recruitment. I hope and trust that these two officers will be men of experience and men in whom Mussalmans will have confidence. I also hope and trust that their term of office will not be less than five years, because a huge problem like the representation of Muslims in a huge service like the Railway service cannot be finished in one or two years. The other day, Mr. Hayman himself told us that he had been a Member of the Railway Board now for about two years, and still he has not yet been able to go through all the files and handle the situation. If it has taken Mr. Hayman two years to go through the files and handle the situation, I think these two special officers will not be able to do anything unless they are given a lease of life of at least five years.

Then I would suggest that the supervision of these two officers should not be confined only to the Traffic Branch of the Railway Administration or to the offices of the Divisional Superintendents and the Agents, but their supervision should be extended to the Finance Departments also, including the Railway Clearing Accounts Office, of which the renowned head is Lala Faqir Chand. I hope, Sir, that the supervision of these two special officers will extend to this Department also.

Then I hope and trust that the Government will see their way to accept my other recommendations, and I would repeat them on the floor of the House to extract a categorical reply from the Honourable the Railway Member on the floor of the House. My first recommendation is, and that, I think, is the most important one, that the term "minority community" be definitely abandoned, and that the representation of Mussalmans should be treated separately from the other minorities in India. What I mean to say is that Mussalmans have immensely suffered on account of their being placed in the same level as the other small minorities in the country. Supposing there are three

vacancies, reserved for minority communities, mostly it happens, if it is in the Department, say of my friend Mr. Shillidy, one of the vacancies will go to a Sikh, the other will go to an Indian Christian, and the third to a member of the community of my friend, Colonel Gidney, and then it will be said that they have complied with the provisions of the Government communiqué, there were three appointments and the minority community has been provided for and that no suitable Mussalman candidate was available and so forth. But even if consideration is given to the case of Mussalmans, then out of the three vacancies, one of them would have been given to a Muslim candidate. That would mean that from one-third the Mussalman representation is reduced to one-ninth. So I submit that it is absurd to include the Mussalmans in the same category as the other minority communities, and as I have said in this House several times, which I would repeat again and again, we might be smaller in numbers as compared to the other communities in India, but we are a community consisting of seven crores, with a historical record behind us, and as such we cannot be treated as a small minority community. Therefore I say that this absurd term "minority community" should not be applied to Mussalmans in future. They should be treated according to their own status and as a separate community.

Sardar Sant Singh: Certainly as a majority, provided you qualify yourself.

Maulvi Muhammad Yakub: Then you are likely to be out of jobs. Of course, we do not want to be bats like the Sikhs who, when it comes to a question of census, say that they should be included among the Hindus. They are both a bird as well as a beast, but when it comes to separate representation, they say they are a separate community and they do not want to be included among the Hindus. Sir, we do not want to be included among the other minority communities; we want to keep our Mussalman community as a separate entity as Mussalmans and nothing else.

My second suggestion was that the reservation of one-third appointments for Mussalmans should be so arranged that their percentage should be fixed higher in those provinces in which they are numerically larger and educationally superior. For instance, the Punjab, Bengal and the United Provinces should be able to contribute a larger quota than other provinces. What I mean to say is, that in distributing this one-third number among the Mussalmans, it should be so arranged that a larger number should be allotted to the provinces in which the Mussalmans are larger in population or educationally stronger. For instance, the Punjab can supply any number of educated Mussalmans. With regard to the U. P. although we are not in a majority there, still educationally we, I think, are quite strong and we can supply quite a large number of young men possessing the requisite qualifications for any posts that are required for the railway services. If you give an equal number to Madras and Bombay and the C. P., naturally you cannot find a sufficient number of capable Mussalmans in those Provinces and then you will say that capable Mussalmans are not available there.

Another suggestion of mine was that at least two Mussalmans of proved merit and strong character should be appointed as Deputy Agents on State-managed railways like the N. W. R. and the E. I. R. I think, Sir, this is very important, because although there will be two special officers, they cannot all the time remain in the office. Of course they will be travelling

[Maulvi Muhammad Yakub.]

throughout the whole country, but there should be a sympathetic head in the Department, without which no justice can be expected. Therefore, I submit that two Muslim Deputy Agents should be appointed.

Another suggestion of mine is that efforts should be made to place Muslims in the posts of Office Superintendents and Head Clerks in the offices of the Divisional Superintendents as far as possible. I can not lay too much stress on this point. I have already explained it to Mr. Hayman, and I submit that, Muslims can never get their proper representation in the lower grades of service, unless you put Muslims as the heads of the offices. It is impossible to do anything unless you accept this suggestion of mine.

Then, Sir, I would draw attention to another valuable suggestion which was made by my friend the Honourable Mr. Husain Imam of the Council of State, that provincial Muslim Committees with each Railway Administration should be appointed to assist them in protecting the interests of the Muslim community in matters of recruitment and promotion. I think that this is a very valuable suggestion and there is no reason why the Railway Board should not agree to it. Just as they have their Railway Advisory Councils, which, however, never meet, in the same way they should appoint these provincial Muslim Committees with each Railway, who would assist the Divisional Superintendents and other officers in advertising for the posts, and who would sit with the Selection Boards at the time of making selections and see that no injustice is done to the Muslims when the Selection Boards make their selections. These are the only important points to which I wanted to draw the attention of the Railway Board.

But, Sir, before I conclude, I would like to refer to the two speeches which my Honourable friend, Mr. Ranga Iyer, has made on this subject. In his speech which he made the other day, he accused the Honourable the Railway Member of inaugurating communal representation in the services. I say that it is not the Honourable Sir George Rainy who wanted to inaugurate it, but it is our friend, Mr. Ranga Iyer, who, by making the speech which he did, wanted to perpetuate communal representation in the services. •Probably, my Honourable friend did not realise the magnitude of the mischief which he committed that day by making the speech which he did. Several Muslim friends of mine came to me. They were very much agitated and they said, "Now we are on the threshold of Swaraj, and with such a speech what would be our fate at the hands of the majority community?" They told me that the fear of the Muslims that their interests would be swallowed by the majority community was not baseless, if people had such a mentality as was shown by my Honourable friend, Mr. Ranga Iyer. I told them, "Don't be agitated. Don't take Mr. Ranga Iyer seriously. I know him very well". I said, "He is a weather cock. He changes with every season. I remember him very well when in 1924 he entered this Assembly and everybody thought that a wild animal had come from the wilderness of the Himalayas. In those days he was a staunch supporter of our late lamented leader Pandit Motilal Nehru. But after two years or three years, when he was flying on the wings of a certain deposed Maharaja, what do we find? Mr. Ranga Iyer filing a suit against that very revered leader in the Madras High Court. Would you believe such a man? What is his character?"

Mr. C. S. Ranga Iyer: On a point of order, Sir. The last statement that the Honourable gentleman has made is a damnable lie.

Mr. President: Order, order. I hope that Honourable Members will not give expression to such a language in this House.

(Cries of "Withdraw, withdraw".)

Mr. C. S. Ranga Iyer: I shall withdraw if the Honourable gentleman withdraws his last sentence which is not true.

Maulvi Muhammad Yakub: I will withdraw any statement if it were a lie, if my Honourable friend will point out to me which sentence that I have used is a lie.

Mr. C. S. Ranga Iyer: I do not want to repeat it. The last sentence of his last statement is not correct. I hope he will withdraw that statement because I do not call him a liar.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): What is that statement?

Maulvi Muhammad Yakub: I would like to know what is that statement.

The Honourable Sir George Rainy (Member for Commerce and Railways): May I appeal to the Honourable Mr. Ranga Iyer purely on the question of respect to the Chair. . . (The rest of the sentence was drowned in the cries of "Withdraw, withdraw" from some Honourable Members.)

Mr. C. S. Ranga Iyer: Yes, I withdraw.

Maulvi Muhammad Yakub: I should be very sorry if I have used any sentence which is incorrect, and if my Honourable friend will point it out to me, I should be the first to withdraw.

Mr. C. S. Ranga Iyer: In the last sentence he mentioned one deposed Maharaja, a departed Leader and a libel suit. Both those statements convey an insinuation which has no foundation in fact, which is absolutely untrue, and which is unworthy of the man who made it.

Maulvi Muhammad Yakub: My statement only was that my Honourable friend, Mr. Ranga Iyer, filed a suit in Madras against the late lamented Pandit Motilal Nehru, and I hope that that statement is not incorrect.

Mr. C. S. Ranga Iyer: Sir, the statement that he made was that I was associated with a particular Maharaja and that I filed a suit. The facts of the case are that, when Pandit Motilal Nehru purchased a particular newspaper and when the proprietorship of that particular newspaper changed, when the brother of a particular Maharaja had shares in it, I resigned the editorship of that paper because I had to fight my election and could not carry on the late Pandit's election propaganda from the editorial chair. And, therefore, the Honourable gentleman was grossly misrepresenting me and indulging in an insinuation like a "wild animal" that he is. (Laughter.)

Mr. President: I do not think such language is befitting the House. It may be perfectly parliamentary, but I do not think that it shows good taste.

Mr. C. S. Ranga Iyer: I quite agree with you. I used those words, wild animal, in quotations because he called me a wild animal. (Laughter.)

Mr. President: I am not raising that question. I trust that Honourable Members in taking part in this debate will bear in mind the dignity and the good name of the Assembly.

Maulvi Muhammad Yakub: It is my misfortune or good fortune—I do not know what it is—that I come from the same constituency to which my Honourable friend, Mr. Ranga Iyer, belongs, and if that constituency produces only wild animals (Laughter), I think I will have to submit to what he says. We finish with that incident of our friend, Mr. Ranga Iyer. I told my friends, "Don't take him seriously. It was only in my own town, Moradabad, in 1926 that he was addressing a public meeting which was presided over by the late Pandit Motilal Nehru, and in that meeting he was opposing the communalism of our esteemed leader, Pandit Madan Mohan Malaviya. There was an uproar of opposition against him. The people were so much enraged at his conduct in that meeting that it was very difficult to bring him out of that meeting. And today what do we find?"

Mr. C. S. Ranga Iyer: That statement is again untrue. I won the election against Malaviyaji and Lala Lajpat Rai in spite of their combined opposition.

Mr. President: May I ask Maulvi Muhammad Yakub to leave that subject alone and to concentrate on the issue that is before the House now? These personal remarks do not add to the dignity of the House.

Maulvi Muhammad Yakub: I bow to your ruling, Sir, and I leave it at that, and I hope that my Muslim friends who were agitated by the speech of my Honourable friend, Mr. Ranga Iyer, made the other day, will not take him seriously. Today, of course, he tried to make amends for that. . . .

Mr. C. S. Ranga Iyer: I was making no amends whatever. I was faced with a *fait accompli*. . . .

Mr. President: I wish the Honourable Member (Maulvi Muhammad Yakub) to deal with the issue before the House. The kind of exchange of remarks which we have had till now are very undesirable. The Honourable Member may continue to express all that he has got to say on the motion before the House.

Maulvi Muhammad Yakub: Then I finish. I leave my Honourable friend Mr. Ranga Iyer because the less said about him the better.

Dr. A. Suhrawardy (Burdwan and Presidency Divisions: Muhammadan Rural): I regret the breeze which has ruffled the even tenor of the debate, and the passage-at-arms between the non-Muhammadan representative of Kumaon and the Muhammadan representative of the same constituency. I am afraid I have lost the thread of my arguments. (*An Honourable Member*: "Then sit down.") I am, however, relieved by the fact that the Honourable the Mover of the motion, Mr. Anwar-ul-Azim, and the other speakers who followed him have dealt with the question of Moslem representation so exhaustively of the necessity of dwelling at any length on the subject. My task is also considerably lightened by the fact that I noticed this morning, in the speech of my friend, Mr. Ranga Iyer, a

change in the angle of his vision and it has resulted in his discovery today that the fourth face of the Railway Member, in which he saw some resemblance to the Hindu God Brahma, was nothing but a camouflage or a mask of communal sympathy. Mr. Ranga Iyer has abnormal psychio powers. He may sometimes discover the face of a God and sometimes the mask of a camouflage, but the only face which we people who are endowed with ordinary faculties of vision notice in this House during the railway debate is the old familiar face of my friend, Mr. Hayman, the old smiling sweet face which generally manages to carry the House against us. I am also glad that my friend, Mr. Ranga Iyer, now realises that the policy of Muslim representation is a second principle, which is the logical outcome of the first principle of Indianisation. Sir, I do not propose to detain the House long. I will simply place before it a few facts and figures in the hope and belief that the cold logic of facts and figures will calm and allay the apprehensions of those who imagine that any increase in the representation of Muslims would constitute a menace to the monopoly of vested interests. Sir, before I do so I shall quote for the benefit of new Members a passage during the debate last year in which my friend, Mr. Hayman, gave a solemn undertaking that he would do his level best for advancing the cause of Muslim representation. He said, before concluding his reply to the debate:

"I am still not satisfied with the representation which the Muslims have in the upper subordinate posts on our railways. But I give my solemn undertaking that I have this question at heart and I will push it forward with all the energy that I can command. I will be the driving force in this question."

Now, let us examine the facts and figures and see what the result of the application of his energy and his driving force has been. I had a statement prepared and I find on comparison that the figures are as follows:

In 1929, the total number of Statutory Indians of gazetted rank on Class I Railways was 710, which included 399 Hindus, 73 Muslims, 169 Anglo-Indians and 69 other classes. In 1930, this number increased by 22, i.e., the total was 732. Out of this number the Hindus were 428, an increase of 29, Muslims 71, a decrease of 2, Anglo-Indians 156, a decrease of 13, and other classes 77, an increase of 8. In the subordinate service among employees drawing Rs. 250 and above the total number of Statutory Indians in 1929 was 6,963, out of which Hindus were 2,107, Muslims 368, Anglo-Indians 3,814 and other classes 674. In 1930, the total was 7,277, an increase of 314, which included 2,260 Hindus, an increase of 153, Muslims 393, an increase of 25, Anglo-Indians 3,889, an increase of 75 and other classes 735, an increase of 61. So, in the former the percentage of Muslims has gone down from 3.4 per cent. to 3.3 per cent., whereas in the latter they have increased from 4.1 per cent. to 4.2 per cent. Now, dealing with the appointments made in the gazetted rank of officers shown on page 54 of Vol. I of the Railway Board's Report, we find that the total number of permanent vacancies actually filled during the year on State Railways was 41. Out of this Europeans were 12, Hindus 19, Muslims 4, Anglo-Indians 3 and other classes 3. On the Company-managed Railways, the total number of appointments in the same rank was 59. This included Europeans 30, Hindus 22, Muslims Nil, Anglo-Indians 4 and other classes 3. It means that out of 100 permanent appointments of gazetted rank on both State and company-managed railways only four were Muslims.

[Dr. A. Suhrawardy.]

Now, coming to the statement of the number of servants of all races employed on each railway system including coolies, sweepers and scavengers we find the following results. In 1928-29, the total number of Muslims was 7,746. In 1929-30, it was 7,281. This was in the B. N. Railway. In the E. B. Railway in 1928-29, it was 17,336 and in 1929-30 it was 14,856. In the E. I. R., in 1928-29 it was 31,513 and in 1929-30 it was 30,970. In the S. I. R. it was 2,116 in 1928-29 and 2,219 in 1929-30. In the B. L. R., it was 226 in 1928-29 and 190 in 1929-30. In the Bhavnagar State Railway, it was 250 in 1928-29 and 242 in 1929-30.

Then we find that on the B. N. Railway the total decrease in the staff has been 384, but the number of Muslims has gone down by 465.

On the E. B. Railway there was a decrease of 2,692 which was all made up from the Muslims. On the E. I. Railway, though there was an increase of 1,749, the number of Muslims decreased by 543. On the South Indian Railway, out of the total increase of 2,468 the Muslims increased only by 103. On the B. L. Railway there was an increase of 88 but the Muslims decreased by 8.

Now, Sir, turning to the Memorandum on the representation of Muslims in the Railway services, what do we find? We find a most disappointing document which discloses a story of broken promises, unredeemed pledges, pious hopes, benevolent intentions, infructuous efforts and frustrated endeavours of the Members of the Railway Board. We find of course traces of the instructions they have issued to the Agents of the Railways and the circulars they have issued. But their instructions remain dead letters and their circulars are treated as mere scraps of paper. We find that large promises are made to be immediately followed by smooth excuses. I have already quoted figures from which it must have been noticed that, in spite of the driving force of my friend, Mr. Hayman, which is well nigh exhausted, the Mussalmans remain and stand where they stood. I will quote a few passages for the benefit of the Honourable Members as some of them may not have had the time to read them. I find it stated on page 6 of the Memorandum :

"In the course of the debate on the Railway Budget last year Mr. Hayman observed that he intended to have a proper proportion of Muslims as Staff Officers as quickly as possible."

Then in the next paragraph we find this :

"The Railway Board regret that owing to the unavoidable delay which has occurred in giving effect to the reorganisation of superior cadres, it has not been possible to take any further steps in this direction."

Then we find on page 8 "The proportion is meagre!" After giving the figures which I need not repeat we have the following remark :

"The proportion is meagre, but improvements may be expected."

So we have only expectations and hopes. Then again after the presentation of certain figures we have got the statement :

"The progress is manifestly slow, due to the following causes."

Then the causes are enumerated.

Then again we have the final paragraph, paragraph 25 :

"The statements received in response to this request do not reveal an appreciable increase in the Moslem element in the higher-paid group."

And so the Report goes on till it comes to the conclusion where it is said that, "It is hoped that this Memorandum will bear some testimony to the efforts made by the Railway Board, more particularly during the last two years." No doubt this Memorandum bears some testimony to the efforts made, but what, alas, is the testimony as to the results of those efforts which I have described as infructuous and frustrated endeavours? Now the House will realise that we have got just cause for wonder as to when at this snail's pace of progress—and in some cases there has been a progressive decrease—the goal intended by my Honourable friend, Mr. Hayman, will be reached. The other day the question was asked as to whether it would take 500 years to reach the goal of Muslim representation or not. I do not know whether my Honourable friend, Dr. Ziauddin Ahmad, will oblige us by calculating whether, at the pace revealed in this document, it would take 500 or 5,000 years to reach the goal. No calculation, however, is necessary to predict that before that goal is reached, well, we will all be overtaken by the Millennium, the coming shadow of which seems to threaten, to shatter the four-headed gods of the Railway Board and their eight hands and to paralyse their activities. Now this Memorandum has also got at the end, a copy of the proceedings of a meeting between Sir George Rainy and the deputation of Muslim Members of the Legislative Assembly and the Council of State. Sir, I should have thought that in these days the days of deputation were over and the age of dictatorship had begun. I should have thought that my friends, the Muslim members of the deputation, had been cured of this weakness of their own, but they still have this pathetic faith in deputations which by force of habit seems to be a regular prelude to the railway debate. I find that the deputation opens with thanks to the Railway Member, and ends with thanks—and I find two members also expressing their indebtedness and thanks to the Railway Member. I wonder whether, because of the supposed four faces of the Railway gods, these quadrupled thanks have been mentioned in the proceedings (Laughter). Anyway, it has served some useful purpose beyond the exchange of compliments and thanks, because I find there many useful suggestions discussed, and also the admission of Mr. Hayman in one passage as to the justice of the Muslim cause. On page 25 I find it stated:

"Mr. Hayman was of opinion that more should have been done and he felt that by the issue of the revised rules already referred to it would be possible to take a definite step forward to redress many of the complaints made, some of which he felt were true, of the unjust treatment of Muslim candidates for employment."

And also at page 27 I find the substance of Sir George Rainy's remarks:

"He agreed with what Mr. Hayman had said and would not cover the same ground. He would first like to say that he had read the Memorandum drawn up by the Railway Board with disappointment, for although he was convinced that the Railway Board had done all that was possible, the Railway Administrations themselves had not given practical effect in anything like a satisfactory degree to the wishes of the Government of India and of the Railway Board."

That, Sir, is exactly the feeling of Mussalmans. But what we cannot understand is the helplessness of these four-headed gods of the Railway Department who seem to be all-powerful when other people are concerned, but who seem to be helpless when it is a question of Muslim representation. Sir, when Mr. Hayman feels disappointed and the Honourable the Railway Member expresses his disappointment, it is no wonder that the Muslim dupes of yesterday should feel disappointed, keenly disappointed and refuse to be the dupes of tomorrow.

[Dr. A. Suhrawardy.]

Before I conclude, I should like to draw the attention of the House, and would specially invite the attention of the Honourable the Railway Member and of the Members of the Railway Board to two instances of ill-treatment of Muslim candidates which have come to my own personal knowledge. It is generally said that they cannot find qualified Muslims coming forward for appointments in the lower grades. Sir, this is a myth. Only the other day a few vacancies had occurred in Iraq and the Agent of the North Western Railway advertised for a few appointments to be filled in Iraq. Within a week the office was flooded with thousands of applicants—and the applicants were confined to Muslims as Iraq is a Muslim country—so much so that the Agent had to issue orders that no further applications would be received. Well, this is second-hand information, but I may now go on to refer to two cases which are within my own personal knowledge. The Agent of the Eastern Bengal Railway, which traverses Western and Eastern Bengal with a predominantly Muslim population, had written in reply to the inquiries made by Mr. Hayman in a passage quoted by Mr. Hayman during the last debate :

“We have difficulty in getting first-class apprentices and train examiners who are Muhammadan. I may say that while I have many letters from Hindu gentlemen asking for jobs for their relatives I have not had one single letter from a Muhammadan—a direct application to myself I mean.”

I do not know what this soft impeachment means, for we Muslims have not as yet cultivated the virtue of nepotism. Any way after reading that passage I summoned up courage and I personally interviewed the Agent of the Eastern Bengal Railway on behalf of a highly-qualified Muslim graduate, a graduate in mathematics, a member of a historic family, and I drew the personal attention of the Agent to his application for a post. I must say that the Agent gave me a most patient and sympathetic hearing. His application was sent to the Selection Board on which there was not a single Muslim. He however ran successfully the gauntlet of the Selection Board and survived its ordeal, and he was summoned by means of a letter to appear before a certain official of the Eastern Bengal Railway. For days he had to dance attendance at the office waiting for an interview. He was driven from pillar to post and from post to pillar and he could hardly get an interview with the great man. At last on a lucky day before Christmas or shortly after the New Year's day—I do not remember exactly which—this gentleman granted him an interview and he told him that he was too late and that he had given the appointment to another Muslim. On inquiry I found out the name of this Muhammadan gentleman. The name of the Muhammadan to whom the appointment was given was Mr. Khosla. I for the life of me never thought that Khosla could be the name of a Muslim, although of course to a certain extent I now hesitate to make that statement because I find that in the Assembly itself there is an Honourable Member of the name of Naharsingji Ishwarsingji, who is a devout Muslim. Anyway I pursued my inquiry further and I discovered that this Mr. Khosla is related to a certain Mr. Singh who holds a high appointment in the Eastern Bengal Railway office. Therefore it could not be a mistake. If the Special Marriage Bill of my friend, Sir Hari Singh Gour, had not met with an ignominious fate the other day, and if such a thing had been possible, a relation by marriage of Mr. Singh might be a Mussalman. Now, this is adding insult to injury. This young man is no other person than a close relation, a first cousin, of the Nawab Bahadur

of Murshidabad, and a graduate in mathematics of the Calcutta University. After this experience of insult being added to injury I can sympathise with the feelings of my Honourable friend, Mr. Amar Nath Dutt, who more than once exclaimed in this House that Bengal has to expiate for the sins of Plassey. Surely the descendants of Mir Jafar and the Mussalman community have yet to atone for the sins of Plassey. In that passage to which I referred just now I find a remark that, —

“The Chief Medical Officer of the Eastern Bengal Railway who is a Muslim had the greatest difficulty in finding one Muslim Assistant Surgeon to accept appointment on the Railway.”

For the life of me I cannot understand the meaning of this passage either, because I am daily and weekly being besieged by highly qualified medical graduates of the Calcutta University. The second case to which I wish to draw attention is the case of a medical graduate who had appeared before the Selection Board appointed by Government and who had been selected for appointment as Assistant Surgeon by the Government of Bengal, but unfortunately on account of financial stringency, as his name stands third on the list—the first two have been appointed—his name is still on the waiting list. A vacancy has occurred on the Eastern Bengal Railway or a new post has been created, I cannot be quite sure of that. Anyway the Eastern Bengal Railway advertised for a qualified medical graduate. Many applications were sent by qualified Muslim candidates. This Muslim candidate—the Bengal Muslim I have in view—was an applicant. There were highly qualified Bachelors in Surgery and Medicine from the province of Bihar as well as from the Punjab. The Selection Board sat, and as usual it had no Muslim on it. They selected certain names, but not the names of the Muslims who were excluded. I am glad, however, to state that, on representation being made to the Agent, the matter is receiving further consideration. All the applications, so far as my information goes, have now been sent to the Principal of the Medical College of Calcutta who is not a Muslim gentleman—I need not say that—for him to make a selection. We are awaiting the result of that selection. I daresay the Principal of the Medical College would select a Muslim for the simple reason that he was a member of the Selection Board which selected three Muslims for appointment by the Government of Bengal, and amongst the applicants for the post in the Eastern Bengal Railway are Muslim graduates in Medicine and Surgery who have been considered fit and qualified for posts by the Selection Board of the Government of Bengal. If a Mussalman is selected by the Principal of the Medical College that would strengthen our case for the appointment of a Muslim on the Railway Selection Boards. When highly qualified Muslims are available they are excluded for one reason or the other and the blame is thrown on the community or the individual. In conclusion I have to make an appeal to my friends on my right. We Muslims are in a minority. Those who are in a minority alone know what it is to be in a minority. We are between the devil and the deep sea, the Government on the one hand and my friends to my right on the other.

Mr. B. Das: Don't include me. (Laughter.)

Dr. A. Suhrawardy: There are honourable exceptions, and I hope that in this question they will apply their mind not to the personalities
 3 P.M. or to the personal or communal issues but to the principle and vote in support of the motion which has been so ably and eloquently moved by my Honourable friend from Chittagong.

Mr. A. M. Hayman (Government of India: Nominated Official): Sir, Honourable Members on the other side of the House, who spoke on this question, have divided their remarks into two broad categories, namely, one part which touches broader questions of policy and the other which deals with facts, and particularly the facts as relating to the period since I last dealt with this subject in this House. Sir, I do not propose to say anything on the broader questions of policy,—these will be dealt with by my Honourable friend, Sir George Rainy. But I do wish to place before the House facts and figures to enable the House, to arrive at a proper appreciation of the situation. I will begin, Sir, by thanking my Honourable friend, Mr. Anwar-ul-Azim, for the moderation with which he presented the case of the Mussalmans. To begin with, he was dissatisfied with the position. Every one of the other Muslim Members, who has spoken on the subject, is dissatisfied with the present position. I am even dissatisfied, and I am dissatisfied because the figures show that in the superior services and in the upper subordinate services the Muslims are very inadequately represented; and I think, Sir, it is the duty of Government to see that the declared policy is given effect to and it is the duty also of the Railway Board, to see that nothing is omitted to be done to give the Muslims proper and adequate representation in consonance with the declared policy.

Sir, when I last spoke in this House on the subject last year, I did use some words which may be described as strong language. My only excuse for doing so was that I meant it, and all through the year I have been hammering at this question, with a view primarily to find out what are the real facts. Now, I put it to Honourable Members of the House that it is very necessary, in dealing with this subject as well as with any other subject, to deal with it in such a way that, while we endeavour to give the Mussalmans adequate representation, we do nothing unjust to other communities. Therefore, Sir, it was necessary for me, in the first place, to find out all the necessary facts.

Maulvi Muhammad Yakub: But what have you done since last year? You have broken the ribs of the question by hammering and hammering.

Mr. A. M. Hayman: I hope, Sir, when I have proceeded a little further with my speech, I shall have given a reply to my Honourable friend, Maulvi Muhammad Yakub. Now, Sir, I want to explain that the organisation of the Railway Department at the headquarters is such that we cannot get without enquiry, detailed facts and figures relating to each office of our vast railway organisation. It is therefore necessary for us either to call for information from the Railway Administrations when we want information in greater detail than we have, or to send our own officers out to collect what we want. One of the first things that I did soon after I made that speech last year, was to get two or three of my officers working under me to go out and get all the facts that I wanted for a proper consideration of this question and also to investigate certain allegations that had been made in certain Muslim papers, and which had been brought to the notice of Government by Muslim representatives in this House. Now, Sir, I only wish to put this point to this House, that in sending one of my officers away from time to time to get figures from one of our biggest Administrations, the N. W. Railway, I had to do his work in addition and thus contribute in this way to the speedy investigation of the question.

That was at least one of the contributions that I made in my earnestness to bring this question of Muslim representation to that stage where you can pass to the next stage and take definite action.

Now, Sir, I quite agree with the Muslim representatives of this House who are dissatisfied with the figures of the past; but I want the House clearly to realise certain important aspects of the question. There are three features of this question. The first, the recruitment to the superior services; the second is getting a larger number of Muslims into the upper subordinate grades; and the third is the recruitment to the lower rungs of the ladder. Now in respect to the recruitment to the superior services; what is the position during the year 1929-30? The position is, Sir, that we took on into our service every Muslim that was qualified in accordance with our recruitment rules. In one particular service the Indian Railway Service of Engineers there was no qualified Muslim. Nobody regretted that more than the Government, and we attempted to find a means by which we could at least take one or two Muslims in and among our temporary engineers we found a qualified Muslim and we appointed him. May I repeat that fact again that every qualified Muslim according to our rules was during the year 1929-30 taken into our superior service in accordance with our recruitment rules, and we also made a special appointment to the Engineering Service because no Muslim was among the best of candidates who qualified at the competitive examination.

Mr. B. Sitaramaraju: Did you advertise?

Mr. A. M. Hayman: The Public Service Commission make these appointments for us and I am quite sure that they have done all that is necessary in this respect. Now, Sir, I must however say that I was also disappointed in another matter which affected our superior service. As the Honourable Sir George Rainy stated the other day, we went out of our way to get Indians, even though they were not fully qualified at that time, into our Transportation, Power and Mechanical Engineering Departments in order not only to get Indians into that Department but to help to work up to 75 per cent. recruitment of Indians. Unhappily there was not one single Muhammadan among the candidates recommended by the Public Service Commission. The position this year, however, is a little different. We have had the recommendations from the High Commissioner and he has recommended two candidates definitely one of whom is a Muslim and we have telegraphed that he should be appointed. The recommendation of the Public Service Commission, we have not yet had, but I do hope that they will be able to find some qualified Muslims for these important branches of the service.

I pass on to the upper subordinate service. Here I quite realise that the Muslim representatives of this House are keenly disappointed at the low figure, just over 4 per cent., which the Muslims occupy in the upper subordinate service.

(At this stage Mr. President vacated the Chair, which was taken by Mr. Deputy President.)

But, Sir, the Railway Board is confronted with a very serious difficulty when it faces this question. The difficulty is just this. The posts in our upper subordinate service are filled by promotion from the grades ~~next~~.

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below, and since the grades next below are at the moment held in a majority by members of other communities, it follows that it is very difficult to increase the number in the upper subordinate grades rapidly by Muslims unless one makes unmerited supersessions. That, Sir, the Railway Board are not prepared to do. But the Railway Board are not prepared to set aside this question entirely and to say, "Well, because we cannot make these unmerited supersessions, the Muslims must wait until the posts can be gradually filled in the ordinary way". We have under consideration a proposal which was put before us by one of the members of the Muslim deputation that waited on my Honourable friend, Sir George Rainy, which proposal reflects in a way what we ourselves thought of doing when we recently drafted recruitment rules for our subordinate service. It is just this, that we ought to take in, in some of the intermediate grades educated young men by direct appointment to those grades. That seems to offer a possible solution, but the question has not yet been fully thrashed out whether that expedient could be taken without leading to injustice to other communities. But it is a definite suggestion, Sir, which we are at present considering and on which we shall take a decision very quickly.

Mr. K. Ahmed: What about the false name of Khosla that he was a Muhammadan?

Mr. A. M. Hayman: Sir, I think I owe it to my Honourable friend, Maulvi Muhammad Yakub, to say a few words about the definite suggestions which he put before the Honourable Sir George Rainy when the latter met the deputation a few days ago. Let me say, Sir, that this is what we really want. We want definite suggestions which will help us to secure what we have in view and I have personally, Sir, considered these suggestions and will, soon after the Budget is over, when my Honourable friend, Mr. Parsons, is less engaged, put forward for final consideration by the Railway Board and Government these suggestions and the other suggestions that have been made by speakers in this House, and I hope also other suggestions that will be made when the deputation sends a reply as it stated it would at the time the deputation was received by Sir George Rainy. The suggestions of my friend, Maulvi Muhammad Yakub, are contained in paragraph 7 of the blue pamphlet. The first suggestion, Sir, is one of broader policy which the Honourable Sir George Rainy will no doubt answer. So also, Sir, the second, except to the extent that a reply has already been given when the Honourable Sir George Rainy met the deputation, and made the following observation:

"that the representation of Muslims on particular railways must necessarily vary in degree for a percentage that was suitable, for instance, on the South Indian Railway, could not possibly be adequate for a railway such as the North Western where, in a large part of the area served, Muslims were not a minority community but constituted the majority of the population."

That answers a part of the observations made by my Honourable friend, Maulvi Muhammad Yakub.

The next suggestion was that two Muslim officers of senior rank should be placed on special duty to look after the interests of the representation of Muslims, and I think the Maulvi made it a very particular point that these officers should continue on special duty for a period of not less than

five years. My Honourable friend, Mr. Parsons, informed the House a day or two ago that the Railway Board had decided to place two officers on special duty for one year for the purpose in view. That does not mean that we limit ourselves to keeping them on special duty for a year only, but we will review the position again about this time next year and decide whether it is necessary to continue their special duty

Maulvi Muhammad Yakub: In one year they will not be able even to learn their alphabet.

Mr. A. M. Hayman: I am sure, Sir, that the Members of this House will be given an opportunity next year of expressing an opinion on the point as to whether they have done something or if they are to do much more, whether their special duty should be extended.

Mr. K. Ahmed: But you said the same thing last year and a year has gone by. You are here by the votes of the Muhammadans.

Mr. A. M. Hayman: I claim that we have done a great deal during the past year. If we had not, you would not have had all these facts brought out before you and you would not have reached the stage that we have reached.

Mr. K. Ahmed: What is the use of speaking so much if it is not going to do any good at all?

Mr. A. M. Hayman: There is another point which was made by Mr. Yakub and one of the other speakers, that is, that they would like to see on our Selection Boards for our subordinate services a Muslim officer. We have not yet issued definite orders on that subject, but that suggestion will be considered when dealing with the rules for the recruitment of the subordinate services which are shortly to be placed by the Honourable Sir George Rainy before the Central Advisory Council for Railways. I shall make a definite suggestion to the Honourable Sir George Rainy and that is that. We circulate to the Central Advisory Council with these rules of recruitment memorandum summarising the main suggestions that have been made in this House on the question of Muslim representation so that Honourable Members of this House and of the Council of State who are on the Central Advisory Council, when they sit down to examine our recruitment rules, may take into full consideration all that has been said here and may come to a decision as to what alterations they will advise should be made in the draft rules in order to secure adequate representation of Muslims. I may at once say there is one particular direction in those rules which have been drawn up by the Railway Board which secures better opportunity for the Muslims to be taken into the service and that is, firstly, we have definite rules laid down as to how recruitment is to be made. They are to be made in the main by Selection Boards presided over by a minimum number of officers, and now since an officer has been placed on special duty for the purpose of looking after the interests of Muslims, the Railway Board will instruct all our State Railway Agents that where it is not possible to obtain a Muslim officer of the railway to sit as a member of these Boards, to co-opt one of the officers on special duty who might be a Muslim, to sit on this Board, we will do this because we are very anxious to see that the omissions of the past are not repeated and that Muslim interests receive adequate representation.

Mr. K. Ahmed: That is not genuine. It is by our vote that you make that statement. I have grown gray, Sir (Laughter), and I know the Government much more than anybody. With four votes of the Muhammadans you were appointed when the Hindus kicked you out, and the whole Demand for your salary was about to be rejected.

Mr. A. M. Hayman: Even so, we shall certainly watch the interests of other communities as well . . .

Mr. K. Ahmed: That is again another misinterpretation.

Mr. A. M. Hayman: I think I need only add a word or two about the remarks which fell from my Honourable friend, Dr. Suhrawardy. It is that the definite instances which he has quoted, in which he thinks there has been injustice done, will be immediately and carefully examined by the Railway Board. In this matter, as in all other matters, we in the Railway Board wish to have definite facts and figures, and we undertake to have them examined and see that proper action is taken.

Before I sit down, I wish to appeal to my Muslim friends in this House to consider this question in a way that would appreciate our difficulties. The difficulties are that we have taken up a position where there has in the past been inadequate recruitment in the superior and subordinate services of Muslims. If Honourable Members feel that the arrangements for the recruitment of superior services under our recruitment rules are such that qualified Muslims do not get in in proper numbers, Government I am sure, Sir, will be ready to consider definite suggestions that are made for any alteration of those rules.

Maulvi Muhammad Yakub: You have said nothing about the other suggestions of mine.

Mr. A. M. Hayman: I will just reply to the suggestion that there should be provincial or local committees. . . .

Maulvi Muhammad Yakub: I want a reply to No. 4 and No. 5.

Mr. A. M. Hayman: I will take No. 5 first and say at once that a definite reply is already contained in the Memorandum. Firstly, it is shown in that Memorandum that we attach importance to posting Muslim officers, who are already in our service, for staff duties. I am very anxious to have an adequate number of Muslim officers employed on staff duties. I am also anxious to see that senior subordinates, who are Muslims, are put in as Head Clerks and Superintendents of offices when qualified and senior enough. But as I have said earlier in my speech, it is not just for us to supersede the claims of other communities only to put in a Muslim. At the same time care is exercised to see that Muslim subordinates are not superseded without justification. If such an employee has not got all the experience and training which is necessary to fill a higher post, we endeavour to give him the necessary training . . .

Maulvi Muhammad Yakub: But do you not supersede Indians in favour of Anglo-Indians?

Mr. K. Ahmed: He himself has superseded others: he has himself set the example.

Mr. A. M. Hayman: I hope that Railway Administrations do not supersede any employee without good reason. I am sure the Railway Board do not do it; their eyes are blind to communal considerations, in dealing with such questions they only select the best qualified officials when promotions are made for selection posts on the basis of merit.

Maulvi Muhammad Yakub: It is time they opened their eyes.

Mr. A. M. Hayman: About the Committees which are to help the Railway Administrations in the selection of candidates, it has been stated in the Memorandum that Government will consider this suggestion, and it is my intention to place before my colleagues on the Board the definite suggestion that this matter should be placed on the agenda paper when the Agents of Railways are here next March to discuss important problems which affect Railway Administrations as a whole. I think we must hear what the Agents have to say on the subject. It is an important suggestion and it is one to which Government attach importance and we propose to deal with it as quickly as we can. Instead of writing to Railway Administrations asking for their views, I propose that the Railway Board should discuss it in March with them so as to take an early decision.

Maulvi Muhammad Yakub: Will the Honourable Member invite some Muslim Members to join in their conference with the Agents when they are here?

Mr. A. M. Hayman: That suggestion will receive careful consideration from the Railway Board and will be placed before the Honourable Sir George Rainy for his orders.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, at the very outset let me make it clear, that I do not grudge anybody having his proper share in the administration of the country and that I will be the last person to advocate that efficiency should in any way suffer because of communal claims, but the speech of my Honourable friend, Mr. Ranga Iyer, on the general discussion of the Railway Budget was the cause of a very great disappointment to every Muslim Member of this House. I am very glad to hear him today and to know that my Honourable friend, Mr. Ranga Iyer, has also more than one face like the Honourable the Railway Member. We know him at that Bench as the Deputy Leader of a party; we knew him as a communalist on the 19th February, and we know him today as a nationalist speaker. He also is the Brahma, Vishnu and Siva of this House. (Laughter.)

Mr. B. Das: Are you not?

Mr. M. Maswood Ahmad: I am not, Sir.

Dr. A. Suhrawardy: You are not a God?

Mr. M. Maswood Ahmad: Certainly not.

While his speech of the 19th, condemning every kind of "ism" was full of "isms", the worst type of "ism" the mischievous type of "ism" the vicious type of "ism" the pernicious type of "ism", i.e., communalism, today's speech is a kind of redressing speech. a pleasing speech, an

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encouraging speech, a speech in which my Honourable friend himself does not believe.

Efficiency has become a byword and it is used at every place whether proper or improper. If the demand of rights, if the demand of justice affects efficiency, why do you ask for Indianisation? Why do you object to the I. C. S. examination being held in England? Why do you grudge the Anglo-Indians getting some jobs? Why do you complain about it? If Indianisation is not going to strike at the root of efficiency, why should it strike at the root of efficiency if Mussalmans are given their due share?

I am not ready even for a moment to accept that Muslims are in any way inferior to any community in India, but it is on account of some internal clique that they are deprived of their legitimate and just rights. The thing is that the party which is in power opens the door for its own party men only, and the door remains closed for all others. It is that party which does not care either for Sir George Rainy or Mr. Hayman and their circulars are trampled under their feet. They do as they like. It is rather difficult to understand the mentality of such persons.

Then with regard to the remedy, what is said on behalf of the Railway Board is not actually desired by Members. Had it been so desired, then the Muslim percentage would not have been so low in the railway services. Sir, nobody denies that efficiency is absolutely necessary for every responsible post, rather for every post, but what I want is that, subject to such efficiency, the representation of each community should be proportionate. There is a paucity of Mussalmans in railway services but there is no dearth of efficiency in Mussalmans. I very much doubt if Mussalmans are in any way inferior or inefficient. If any one wants to test the efficiency of Muslims, let him come forward and suggest that all the employees be examined by a committee of impartial persons, not belonging to any of the communities concerned. The Committee should set the question papers, examine the answer books, publish the result, and in short, they should do everything themselves. Then and only then the merits of the Mussalmans can be found out, and I say with all the emphasis at my command that Muslims will be successful to an extent of 60 per cent. in such a test. The thing is that when a post falls vacant Muslims do not get a chance; they do not get proper information about the vacancy, and generally the applications of suitable Muslims are misplaced on such occasions. It is an irony of fate that such things should happen only in regard to Muslims; slip of pen is always against them. At the time of retrenchment it affects Muslims more than others.

These are hard facts, Sir, and the question of efficiency does not come in at all. Mussalmans are not given a chance to show their merits. Does any one want that the public services should be the monopoly of any one particular community? I ask the commercial men of the European community here who are sitting on these Benches whether it is a sound policy to adopt in any firm? They, the majority community, should come forward and say that justice should be administered without fear or favour.

Sir, we are not begging favours either from the majority or from the Government. We want our rights as citizens of this vast country to be recognised. Will you deny us our rights and privileges, I ask every Member of this House? We want our rights, the rights for which we fight, and

we are right. I find that, after 150 years, the Honourable the Railway Member has opened his lips and admitted our rights and grievances. Although this admission is limited to words only, even that cannot be tolerated by some friends here. I hope the Railway Member will not care for any vicious speech, any wicked speech, any dangerous speech any poisonous speech, a speech which is going to be condemned by generations unborn, a speech which denies justice.

Sir, I may most emphatically tell the Government Benches and the Railway Board that there is nothing in their speeches which inspires hope in us. If their attitude and their policy remain unchanged, as was apparent from the speech of the Honourable the Railway Member, then he must be certain that all his circulars and instructions will be treated as mere scraps of paper and will find their way into the waste-paper basket, and in this way the Mussalmans will be deprived of their just and legitimate rights. The result of such an attitude is that there is a very low percentage of Muslims in the superior railway services. They must know that the hold of a certain community cannot be of any utility to them. Railways are business concerns in which the safeguarding of the rights of all their customers is the primary duty of the manager of the firm. The Government should be prepared to face the consequences that will follow on account of the preponderance of one community at the cost of others. I do not wish to say anything more than this. Besides this, the Government should also take notice that dissatisfaction is increasing in the minds of Mussalmans and they are now doubtful whether such speeches and promises are made to pacify them and that the sympathy of the Government is with others. The result of all the efforts of the Government is that amongst gazetted rank officers in 1925, the percentage of Mussalmans was 2.31 and in 1930, it was 3.31; amongst subordinates, I mean people getting Rs. 250 a month and above, I find in 1925, the percentage was 3.5, and in 1930 it was 4.23. The percentage of recruitment for permanent posts of gazetted rank officers in 1926-27 was 10.4 per cent., and in 1929-30, it was 9.75. Is that a fact or not, Sir, I ask? (*Several Muslim Members*: "Yes, that is correct".) If this is the result of their efforts, I ask them to judge their success. Sir, the great difficulty is that Mussalmans are everywhere handicapped. I want to quote a few lines. I find on page 9 of the Memorandum that "The higher subordinate posts are as a rule filled by promotion from lower grades where Muslim recruitment has been poor in the past". Then at page 10 what do I find? I find "that while there is no dearth of Muslim candidates with suitable qualifications, no special steps have been taken by the Welfare Department of the North Western Railway for Muslim recruitment, and that vacancies in certain classes of posts are not advertised".

Again I find, Sir, "preference is given to the relatives of railway employees, and in view of the preponderance of the Hindus, most of these appointments generally go to the relatives and friends of the Hindus in the railway services".

(At this stage, Mr. President resumed the Chair.)

Sir, what remedy, has been suggested? I find here "that the staff and welfare officers should, among other duties, be specially charged to watch the interests of the railway staff as a whole and to take steps to ensure that injustice or anything underhand does not creep in, in particular, in matters relating to recruitment". But when 51 clerks were

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recruited for the Welfare Department of the North Western Railway, for the Department which has been specially charged to watch their interests, *only one Muslim clerk* has been appointed. Sir, there is a saying:

*“Hamne mana ke taghaful na karoge lekin,
Khak hojaingen ham tum ko khaider hone tak.”*

Which means “I admit you will not be guilty of taking care of us, but we would be reduced to ashes before you turn your attention towards us”.

It will, I have not the slightest doubt, in this way, take at least a century to get our due share in the administration of the country. It is on account of such things that the boldness of other persons is increasing; otherwise, it was impossible that the demands of Muslims would have been turned down so lightly. The consequences will be very serious if the grievances of the Muslims are not redressed, and the responsibility will rest on the shoulders of the Government. That is why I ask that the Railway Board should change their policy and should not remain content only with the issue of circulars. They must get quarterly reports from the different Railway Administrations to see how far effect has been given to their instructions. All new posts or those falling vacant should be advertised in the Muslim papers, both English and the vernaculars, and the Muslim Members of this House and of the Council of State should also be informed. As the percentage of Muslims is very low in comparison with others, they should be recruited at a higher percentage. The Government are in a better position to satisfy our legitimate and honest demands, and I appeal to them that, instead of making speeches and giving arguments, they should honestly and earnestly do their best to remove our grievances.

Before I sit down, I will appeal to my Hindu brethren that they must on this occasion show by their attitude that they can be safely entrusted with the interests of other people, and if they do not show that attitude, I can say, without any fear of being contradicted, that India's aspirations will never materialise.

With these words, Sir, I resume my seat.

Mr. B. Sitaramaraju: I rise to support this motion, and, in doing so, I regret the import of heat into this debate earlier this afternoon, but fortunately with the sun, we are getting cooler. In supporting this motion I wish to congratulate my Honourable friend, Mr. Anwar-ul-Azim, and his friends for the extraordinary patience with which, day in and day out, they have been applying themselves to the task of securing for their community its due place in these services. From the very large number of interpellations that have been asked and from the number of deputations that were waiting on the Honourable Member, one would think that the Muslim community was indeed very lucky; that they must really be getting something and yet they were asking for more. But, fortunately for us, we have before us the very official records which show that their representation in the services is very low indeed. Would you believe it if I were to tell you that, in the superior and in the higher subordinate services their percentage would come to only 3.75, that is, even less than 4 per cent.? To suggest that a community, which has given an eminent man to preside over our deliberations, a community which is 70 millions

strong in this country, a community which has produced brilliant men in every walk of life, could not find more than 4 per cent. to serve on such an important key service as the Railways, is very absurd on the face of it. If pious declarations of policy and kind words were to satisfy us, not only the Muslims but every minority in this country are satisfied, because so long ago as 1925 the Government of India declared that their policy would be to reserve one-third of the services to redress communal inequalities and two-thirds of the services would be set apart for merit. But what do we find now? I have the figures. Even if you were to take the Hindus and the Muslims together, they are not more than 25 per cent., while we find that something like 70 per cent. are manned by Europeans and Anglo-Indians. The remaining 5 per cent. would go to other classes, which, according to the definition given to the term, statutory Indian, might include even a European domicile in this country. However that be, as the larger question of Indianization will be discussed hereafter, I would like to confine myself now to the question of Muslims. In doing so, I wish to say that this deplorable state of the Muslims in these services could not be tolerated. They petitioned; they supplicated; and they remonstrated. Their petitions were ignored, their supplications were disregarded, and their remonstrances were set at naught. After this, I wonder whether Mr. Anwar-ul-Azim and his friends would not think, as once Cardinal Wolsey thought, that if they had served their country with half the zeal with which they served the Government of India, they would not be in the sorry plight in which they are today.

This time, last year, when I entered this House for the first time, this was the very subject that was then being discussed. On that occasion, Mr. Jinnah thought, very boldly thought, it impressed me very much when he thus thought, that there might be a policy underlying all this. When a large part of the Moslem community were clamouring for these positions in the services, that it should go on unredressed, might be a part and parcel of the policy of the Government to take advantage thereby of the sentiment which is cherished by some Indians, who feel that the claim of the Moslems is an invasion upon their cherished doctrine, the survival of the fittest. In order to take advantage of that sentiment, Mr. Jinnah thought, that it might be possible that the Government were thinking it right to keep those grievances unredressed. But I must admit that on that occasion the Honourable Sir George Rainy hastened to assure the House that there was no motive underlying the Government's policy in this matter. However that be, the effect of this unredressed grievance on the communal harmony in this country has been very disastrous. I can very well understand my Honourable friend, Mr. Ranga Iyer, being rather vehement on the question of communal representation. I can very well understand his position, but before I wish to say anything on that, I would like to ask what is exactly this communalism he denounces. In a country like ours, which is divided into so many watertight compartments, divided into so many castes, and creeds it is impossible, at any rate, at this stage, to think beyond the compartments into which these people are divided for ages all at once. It is quite proper for them to think for themselves in the narrower field before they can think on the broader aspect of the whole problem. Therefore, I feel that there is no harm for any one now to feel that common interest which long association in compartments would give to each other. But I would certainly object to that form of communalism, whether it be that of the Hindu, or of the Moslem, or of the

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Sikh, or of the Parsi,—that form of communalism which denies, and seeks to exclude other communities from the privileges which one would like to have for his own.

Mr. C. S. Ranga Iyer: Hear, hear.

Mr. B. Sitaramaraju: It is that form of communalism, I understand, that Mr. Ranga Iyer would like to oppose.

Mr. C. S. Ranga Iyer: Yes. Why leave out the Sikhs and other communities? That is exactly the point.

Mr. B. Sitaramaraju: Therefore, Sir, I was very much surprised when the Honourable Sir George Rainy in his speech made no mention of the other communities which also ought to derive the benefit out of the Government's policy of keeping one-third for the minority communities. He was thinking of Muslims alone, but let that pass for the present. All that I do want to say at this stage is that there is no denying the fact that the Muslims have been done a great injury, in that they could not be given more than 4 per cent. I heartily support this proposition and would like to tell the Government that there is no use of pious words and soft promises that they would do this thing and that thing. If they really mean to do anything for the Mussalmans let them do it now.

Mr. C. S. Ranga Iyer: The Muslims must be prepared to concede the claims of other communities also. There is no use in their shouting and losing their head over it.

Shaikh Sadiq Hasan (East Central Punjab: Muhammadan): I rise to support the cut moved by my friend Mr. Anwar-ul-Azim. In the statistics for 1928-29 it was admitted on all sides of the House that the condition of Muslims was extremely deplorable and that the Government were not doing anything in the matter. I am afraid the Report of 1930 is no better than the previous one. In the case of the superior officers the position of the Muslims is extremely unsatisfactory. However, if taken as it is, the latest figure given by the Railway Board's Report is 4·33 per cent. The progress made during the year 1929-30 shows that, while the ratio of Muslim superior officers rose from 4·28 to 4·33 on State railways, it came down from 1·95 to 1·83 on Company railways. The small rise in the State railways is more than counterbalanced by the fall in the Company railways. Last year we had the prospect of making up the 22 per cent. in hundreds of years, but this year the conditions are much worse. Sir, I crave the indulgence of the House for giving them a few more figures about the class of staff called the subordinate grade services. On State railways the Muslims are 5·09 per cent. at present and in 1929 they were 5·02 per cent. That is, there has been an increase of ·07 per cent. during one year and at present on Company-managed railways our percentage is 2·33 per cent. and it was 2·0 in 1929, which means an increase of ·33 per cent. God alone knows how many centuries it will take to achieve a reasonable percentage for Muslims at this speed. The experience of the last five years has proved beyond doubt that the Government have done practically nothing in this respect. I wish to make it clear that I have nothing to say against any particular member or officer of the Railway Board. There was some mention

made about Mr. Rau. I have known him for a few years, and I think he is as good as any one or as bad as any one. This policy of drift on the part of the Government has created a feeling of mistrust among the Muslims, and in order to remove it Government should fix a definite percentage for the recruitment of Muslims to be achieved in all grades, and lay down a definite percentage for the recruitment of Muslims, which would result in reaching the ratio laid down for all services in a maximum of five or ten years. The present policy of Government to give 33 per cent. of posts to minorities in order that they may have adequate representation in the services has not proved of any practical benefit to the Muslims, who get in fact not much out of this. Now, Sir, from the facts that I have placed before the House, it is quite evident that the condition of Muslims in the railway service is extremely deplorable. It does not require the eyes of a communalist alone to see the injustice to the Muslim community in this respect. I am glad that the Government have after all realised their duty, and I am grateful to Sir George Rainy for having given an assurance to do something in this matter. Unfortunately we have had a rather bad experience of Government promises and assurances in this behalf. For a number of years we have been getting very generous promises, but all to no purpose. Let us hope that the Government really mean business this time, and if any thing substantial is done this year then the Government surely deserves the thanks of the community and of all just and reasonable people. The Government should particularly see that the Agents carry out their orders and do not ignore them as they have been doing in the past.

Now, Sir, a word to my Hindu friends outside this House. I am very thankful to the members of the Opposition for not opposing this motion, but you see there are other people who are outside the House and who wield also a great deal of influence. I must say that I am not a communalist, at least as it is understood by my Madras friends. I was told by my friend Mr. Raju that in Madras a communalist is described as one who wants everything for his community and nothing for others. Happily this definition does not apply to me, as I do not believe in having everything for my community but what I want are the barest rights, while the word communalist correctly applies to those who want to keep down the minority communities under the cloak of a false nationalism. Some people say that the Muslims always clamour for the loaves and fishes of the services. To them my reply is that they do so because they must have their proper share in the administration of the country. To my mind it appears that, for a long time in this country, a good deal of political power will rest in the hands of the Bureaucracy. Governments may come and go, but the Bureaucracy will go on for ever. The Bureaucracy will always be a power to reckon with, whether it is a fat salaried officer of today or half starved Swarajist of tomorrow. Even in England it wields a considerable amount of power. It will be much more so in India, where democracy is just now taking its birth. Let me, Sir, give a word of warning to such communalist friends who still believe that the Muslim demands should be treated with indifference, that this game has never paid in the long run. This is what the British have done in India for the last 50 years, we all know with what consequences. If a reasonable, just and accommodating policy had been introduced in the beginning, I am sure the present crisis would never have occurred. A word more and I have done. Much capital is made out of

[Shaikh Sadiq Hasan]

simple words like merit and efficiency. I for one do not hold that minorities should be represented in services even at the cost of efficiency, but this does not mean that a fetish should be made of efficiency and under its garb minorities should be deprived of their due share. It is generally admitted that competition is not the only test of efficiency. There are examples of illustrious persons having failed in examinations, but having proved later to be head and shoulders above their compeers, who somehow managed to secure more marks than they could in the examinations. In case a minimum standard of efficiency is fixed, I think all communities can reasonably hope to get their proper share without any loss of efficiency of the administration.

There are also some people who, in order to throw cold water on our efforts as regards getting a share in the services for our community, raise the cry that the Government of India are behind the scenes, and that in order to create a split amongst the peoples of India, the Government throw these bones of contention among them. I must tell them plainly, Sir, that it is not just to accuse the Government of it. If there is anyone to blame, it is we who should be accused, because we earnestly desire that our co-religionists should have their proper share in the services and thus enhance the influence of the community and also try to relieve to some extent the economic struggle which is going on. Sir, at the present moment, I do not want to mince matters, and would like to say a few words in favour of other communities as well—the depressed classes, the untouchables, the sweepers and chamars who are still looked down on by society. Why should they be kept in this state? It is, Sir, against the interests of democracy to keep them so, and I would certainly give them also their due share. My theory is that a large number of the Muslims in India belong to the Dravidian classes, and their conversion to Islam has given them a status, which should not be denied to untouchables, if they retain their identity and do not want to become Hindus, Mussalmans or Christians. They should also be given a share in the services, and then you will see, Sir, in what a marvellous way the line of untouchability would disappear. (Applause.) So my plea is not for Muslims alone, but for untouchables, and other minority communities such as Sikhs and Christians as well, who are all deprived of their just share in the administration of this country. Sir, I would once more thank Sir George Rainy for his promise and also my friends of the Opposition for not opposing this motion.

Dr. Ziauddin Ahmad: Sir, in view of the assurance given by the Government, and in view of the fact that this motion is not opposed at all, may I request the Honourable the Mover not to press it but to withdraw the motion?

Mr. President: What does the Honourable Member mean? Probably the Honourable Member does not know that it is very nearly time when the House will take up his adjournment motion for consideration.

An Honourable Member: The Honourable Member is not the Leader of the Party.

Mr. President: The consideration of this motion will have to stand over till to-morrow. Order, order. The House will now proceed to discuss the motion for adjournment by Dr. Ziauddin Ahmad.

MOTION FOR ADJOURNMENT.

SUMMARY TRIAL AND EXECUTION OF HABIB NUR AT PESHAWAR.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, my Honourable friend, Mr. Shafee Daoodi, moved an adjournment motion in July last at Simla on a similar question, but on account of a suggestion that a conference between the Treasury Benches and the representatives of the Assembly would serve a more useful purpose than a discussion in the House, that discussion was postponed. This conference was held at Simla, and with very good results.

An Honourable Member: First move the motion.

Dr. Ziauddin Ahmad: We had a very good conference, and as a result of this conference, Mr. Pears, the Chief Commissioner of the North-West Frontier Province was also requested to have a talk with the representatives of the Assembly.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Sir, this is not an urgent matter of a definite issue, which my friend is moving. That is what my friend must move. Otherwise he need not move.

An Honourable Member: An adjournment motion must be moved according to the rules and the Standing Orders.

Mr. President: Will the Honourable Member move that the House do now adjourn, and then proceed with the remarks which he may wish to make on the motion.

Dr. Ziauddin Ahmad: I beg to move, Sir, that the House do now adjourn in order to discuss a matter of public importance in connection with the execution of Habib Nur in Peshawar. That is my motion, and I just want to trace a little history about it. When we left Simla, at any rate I and other Members who took part in the discussion, we hoped that in future everything would be all right, but to our great surprise we found that, instead of everything being all right, martial law was proclaimed and things went from bad to worse. I put a question here a few weeks ago as to whether there was any part of India where martial law was proclaimed for a longer period, and, Sir, as if by way of adding insult to injury I was told, "Yes, in the case of the Moplahs of Madras it was really enforced for a longer period". Now this time we have had occasion to read several pamphlets describing the atrocities in the North-West Frontier Province. I confess that I read the book that is called "The Frontier Tragedy", before that book was proscribed. I also had the opportunity to read Mr. Patel's Enquiry Committee's Report, again fortunately before it was proscribed, and I also read several other pamphlets which were written on the subject, and I think, Sir, any man who read the literature on the subject could not but feel strongly about the unhappy position in that particular province. The one thing which I do not really understand.

Mr. K. Ahmed: Are you opposing the motion?

Dr. Ziauddin Ahmad: I am moving the motion.

Mr. K. Ahmed: Again he is rambling.

Mr. President: Order, order. The Honourable Member ought to know that he has obtained the permission of the House to deal with a definite matter of urgent public importance, and that is the summary trial and execution of Habib Nur in Peshawar. The Honourable Member is talking of various things which do not appear to me to bear on the specific and the definite issue for which he has asked the House to adjourn. I wish he would confine himself to that issue and that issue alone.

Dr. Ziauddin Ahmad: Very well, Sir, I will come to this particular affair. Habib Nur, a Pathan, of the Mohmand tribe, was charged with having committed a murderous assault on the Assistant Commissioner of Charsadda and was committed to the Sessions on February 17th. The trial concluded *in camera* on February 18th, and from its conclusion *in camera* we might also in good faith infer that the whole trial was conducted *in camera*. The accused was sentenced to death and was hanged the following day.

Now, three important questions arise out of this. Firstly, it should be noticed that the Assistant Commissioner had not been murdered. He had only been assaulted with intent to murder, but this intention was not actually carried out. Had it come to fulfilment and the Assistant Commissioner been actually murdered, we wonder what punishment would have been meted out to the culprit seeing that he has suffered the highest penalty that can be inflicted on a person for an intention that was not accomplished. This is a question which I will leave to my Honourable friend Sir Hari Singh Gour to discuss as he will probably ask the Members of Treasury Benches to devise a form of punishment more severe than what has been already inflicted, probably some kind of infliction on the soul of the individual. Secondly, the trial was held *in camera* so that the public could know nothing as to whether the accused was given a fair trial or not. Thirdly, the sentence was executed the very next day and no chance was given for an appeal.

Mian Muhammad Shah Nawaz (West Central Punjab: Muhammadan): There is no appeal.

Dr. Ziauddin Ahmad: I should like to leave it to Sir Hari Singh Gour to discuss this particular law under which this unfortunate man was hanged, and I would ask, and he would also ask, the Members on the Treasury Benches how far the enforcement of a Regulation of this kind under which such a trial could take place is justifiable. We know, and I have personal experience of the fact, that the Foreign Secretary, the Honourable the Home Member, the Honourable Member for Education and above all His Excellency the Viceroy, take a very genuine interest in the welfare of the province, and are anxious for the prosperity of the people. I have full reasons to believe that the Chief Commissioner also takes a very sympathetic interest in these things; but in spite of the interest of all these persons on the top, I cannot realise how these atrocities could continue in that place, in spite of the good wishes and the serious efforts of all these gentlemen at the top. There must be something seriously wrong in the whole administration, the personnel of the subordinate offices and I think it is now time that the whole question should be carefully looked into and the wrongs which the people of that province have so long suffered should seriously be redressed.

Sir, I move.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I hope Honourable Members of this House will dismiss from their minds the question that Habib Nur belonged to any particular community. They will look at the question from the broad humanitarian point of view, and if they look at the question from that point of view, I am quite certain that there will be nobody in this House, including the Honourable Members on the Treasury Benches, who will not be morally conscious of the wrong that has been committed and is being committed in the guise of British justice. In order to point out to Honourable Members the law under which this unfortunate individual was presumably tried and executed, let me point out that Act XXIII of 1867 was passed as far back as 1867 and its primary purpose is clear from the Preamble of the Act:

“Whereas in certain districts of the Punjab fanatics have frequently murdered or attempted to murder servants of the Crown and other persons and whereas the general law of the country is not adequate to suppress such occurrences, it is hereby enacted as follows :” etc.

This was the Act that was passed in 1867 to suppress what was then known as Ghazi-ism, or religious fanaticism. Now, Honourable Members will remember that this Act had a life of ten years and consequently in the ordinary course it would have expired in 1877. But in that year another Act was passed, Act IX of 1877 and it is provided in that Act that:

“The said Act” (i.e., the Act of 1867) “shall be revived and shall remain in force until the Governor General in Council otherwise directs.”

Consequently, this Act is now in force and will remain in force until the Governor General in Council otherwise directs; and if I understand aright, the Honourable the Mover of this motion is bringing pressure through the instrumentality of this House upon the Governor General in Council to use their good offices and to see that this ancient law is immediately repealed.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): It was repealed in 1891.

Several Honourable Members: Re-enacted as a Regulation.

Sir Hari Singh Gour: Let me briefly give to the Honourable Members the reasons why the House should support this motion. As I have pointed out to Honourable Members, under this old Act of 1867 there was only a mockery of a trial. The Act itself provides, and very clearly provides, that as soon as a man is apprehended of committing murder or attempting to commit murder—and I shall deal with this point later on—he shall be tried by the Sessions Judge or by the Commissioner, who may examine witnesses if they choose to do so. But if they find that the witnesses are cited for the purpose of causing delay, then those witnesses need not be examined. But now comes the most important point, that after the examination of the witnesses, the Court is not to record any judgment at all, and all that the Court is called upon to do is to specify the offence for which the accused is convicted; and then the sentence of death is passed and it is not open to appeal. And what is more, that sentence is immediately executed. I shall be perfectly frank with the occupants of the Treasury Benches. If they really want to suppress

[Sir Hari Singh Gour.]

crimes of this character, let them hang people without a trial. But I strongly object to this mockery of justice in the name of a regular trial. You examine witnesses; the non-examination of witnesses is at your discretion; you write no judgment at all and you immediately hand over the accused to the hangman and he hangs him. Honourable Members will bear with me when I say that in this case the facts do not appear to have justified even a recourse to the law. If I take the newspaper report as correct, all that has been said in this case is that he aimed at Captain Barnes and fired a shot, but evidently the cartridge did not explode and consequently Captain Barnes was not hurt at all. Even in spite of this, he was tried under section 307 and sentenced to death. Now, I think Honourable Members belonging to my profession will have no hesitation in condemning this procedure as it was condemned by the Chief Justice and the associated Judges of the Bombay High Court in the case of Cassidy, a very similar case. What happened in that case was that he also wanted to fire and kill the Major of his regiment, but the gun failed to discharge. And thereafter the question arose whether Cassidy could be prosecuted and convicted under section 307 of the Indian Penal Code; and the Judges determined that because it was not an act within the meaning of section 307, which could be described as an attempt to commit murder, Cassidy could not be convicted under section 307. That is the view which the Bombay High Court took as far back as the seventies. and the case is reported in 4 Bombay High Court, page 17. Now I wish to ask Honourable Members this question. Here is a man who intended to kill another person and fired a shot.

Mr. Arthur Moore (Bengal: European): Two shots.

Sir Hari Singh Gour: My point is that the shot did not hit.

Nawab Sir Sahibzada Abdul Qaiyum (Nominated Non-Official): It is a case of misfire. No shots were fired.

Sir Hari Singh Gour: The fire did not take effect and no harm in the slightest degree was caused to the victim. That is the point I am making. Could the man in these circumstances be convicted under section 307?

Mr. L. V. Heathcote (Nominated Non-Official): Was not the man a fanatic?

Mian Muhammad Shah Nawaz: How would you define a fanatic?

An Honourable Member: He called himself a Ghazi.

Sir Hari Singh Gour: The Judges of the Bombay High Court laid down half a century ago that a man in these circumstances could not be convicted under section 307, though he might be proceeded against under section 511, which is an attempt of a different character. Now, the point I wish to make, and the point upon which I wish to lay some emphasis is this. If the case does not fall under section 307 and falls under the general tenor of section 511 which deals with attempts to commit other offences, the other offences mean other than murders, then I submit the case was not triable under the provisions of the Murderous Outrages Act of 1867. Now, I beg to ask, when you have got a case on the border line— I will grant for the sake of argument that this is a case on the border

line—it is a case in which the High Court may have justifiably held that this was not a case covered by section 307 but is covered by the more general section 511, in that case would it have been right to treat the man under the Act of 1867 and execute him forthwith? Now, I submit, Sir, the man is dead. But what my Honourable friend, the Mover of this motion, wants is that there should be no recurrence of a similar miscarriage of justice, and he therefore wants that the House should adjourn so that the Governor General may be advised to use his power to put an end to this obnoxious provision of the criminal law, which violates every known principle of justice and equity. Even under the very recent Criminal Procedure (Punjab) Amendment Act, a very drastic provision, which provides for the punishment of persons committing offences, political and otherwise, involving loss of life, even in those cases, under the emergency provisions of the Act, this House only recently, at the instance of the Honourable the Home Member, provided for an appeal to the High Court. That I submit is a sound principle, that every convicted person is entitled to have his case decided by a court of appeal. Now, in this case, the man was tried for his life, and I think the least the statute must provide for, is that the accused should have the right of appeal. It is one of the principles of criminal jurisprudence—one of the principles for which my friends, the Europeans on the other side of this House have been struggling—that no man should be tried for an offence unless there is a *prima facie* case against him, and that is indicated by the commitment proceedings before the Magistrate, and then the next stage is that if he is tried in the Court of Sessions and convicted, the Sessions Judge is incompetent to execute the sentence and in the technical language of law he only passes the sentence of death subject to confirmation by the High Court, and Honourable Members will remember that when the case goes to the High Court, not less than two Judges must agree in the recommendation of the Sessions Court before the man's life is taken away in due course of law. Now, I submit if we were to take this ordinary procedure which applies to cases of ordinary offenders, is there any reason why an exceptional procedure should be resorted to in the case of offenders in the Punjab or in Peshawar? Honourable Members may say, we want to suppress organised crime. Honourable Members cannot forget that under the Act of 1867 a fanatic is not defined. Supposing one man wishes to wreak vengeance upon another person and attempts to kill him, would he be regarded as a fanatic and tried under this Act? Now, in the present case, let us see what the facts are. The facts as reported in the papers are as follows:

“The accused is understood to have admitted his guilt and confessed that he committed the act to revenge the blood of his grandfather and uncle, who were killed by the British in punitive operations against the Mohmands some 30 or 40 years ago.”

It was a case of pure vendetta; it was revenge. A man comes out and says, you killed my grandfather and I will kill you. The question is, is he a fanatic?

Mr. Arthur Moore: What do you mean by saying “you”? It was not that man who killed his grandfather. He was not born at that time.

Sir Hari Singh Gour: I wish to ask Honourable Members one question. You cannot characterise a man as a fanatic if he wishes to take revenge upon a person whom he supposes to be his enemy. He must be tried under the ordinary law and the penalty of death will be imposed in his

[Sir Hari Singh Gour.]

case provided he is convicted under the ordinary law. But you cannot get hold of a man under an extraordinary provision of law and apply it for the purpose of suppressing religious fanaticism under a law passed as far back as 1867. I submit that with the growth and development of national consciousness in this country, and with the growing responsiveness, if not responsibility, on the part of the Executive Government, it is necessary that all these repressive laws should be humanised and made as far as possible subservient to the primary principles of justice. (Hear, hear.) I therefore submit that upon that ground alone this House would be well justified in acceding to the motion of my Honourable friend.

Maulvi Muhammad Shafee Daoodi (Tirhut Division: Muhammadan): On a point of order. As there seems to be some confusion of facts, as the incident relates to a province where strict censorship prevails, I think the Government should lay their facts before the House.

Mr. President: How could that be a point of order?

The Honourable Sir James Crerar (Home Member): Mr. President, I am very glad to accede to the suggestion made by my Honourable friend opposite. It is a very opportune suggestion, because I feel that the speeches of the two Honourable gentlemen who have spoken on this motion have already raised, about what I understand to be the particular subject for debate, a cloud of misapprehension which it will be my first purpose to endeavour to remove. Dr. Ziauddin Ahmad, in the preamble to his speech, which, I think, impressed the House as being vague, of an indefinite character, apparently suggested that the judicial action taken under the Regulation in this case has some kind of connection with matters extraneous to the facts of the case itself. Now, in what I have to say to this House, that is a particular and preliminary contention which I wish to contest and propose to establish as being incorrect. With the other misapprehensions which have been imported into the case by the speech of my Honourable and learned friend both on points of law, if I may say so with the utmost respect, and on points of fact, I shall deal at a somewhat later period. The House, I think, will best be placed in possession of the Material facts of the case if I read out the judgment of the Sessions Judge in the case which recites the matters which are material. The following is the text of the judgment of the Sessions Judge

Sir Hari Singh Gour: Is he the Sessions Judge or the Assistant Sessions Judge? The newspapers say he is the Assistant Sessions Judge.

The Honourable Sir James Crerar: The Sessions Judge.

“Habib Nur, son of Maji Muhammad Ajab, 25, a Mohmand of Transborder territory has stood his trial in this court for an offence under section 2 of Regulation 4 of 1901. The facts alleged against him are that yesterday he was standing outside the garden compound of Captain Barnes, the Assistant Commissioner of Charsadda, when the latter was returning to his court from lunch. The accused advanced towards Captain Barnes. He was offering him a piece of paper which Captain Barnes took to be a petition; when the accused, however, had got near to him he took out a revolver which he had concealed under his sheet, and fired twice at Captain Barnes. Fortunately both shots misfired. Captain Barnes attacked him and got him down and his two orderlies, Mir Alam and Muhabat, came to his assistance and got the revolver from the accused. It was then found that the revolver was fully loaded; that two of the cartridges immediately near the hammer had misfired and the other four were fully loaded. On a further search of the accused person twelve other revolver cartridges

and three charms "Tawiz" were recovered. The witnesses to these facts are Captain Barnes himself, his two orderlies, Habibullah Khan Sub-Inspector, Inayat Khan a Pleader and Ashraf a Zamindar. The accused himself in his statement—(*this is important*)—admits that he fired at Captain Barnes with intent to kill him and that he did it as an act of *ghaza*—(*that is very well known to anyone with experience of the frontier*). When the charge was formally read out to him, he answered that he considered himself to be innocent and added that he did not desire to produce any defence evidence. In the course of his statement he said that his father and uncle had been killed in operations against the British Government. He also said that his brother had formerly come down to British territory to commit an outrage of a similar nature but had returned without committing it; and he adds that even if he himself is hanged his other relatives will come and commit similar outrages. Accused is clearly guilty on his own statement of the offence with which he is charged, and the four assessors who heard the accused are unanimously of the opinion that the accused is guilty. For these reasons I convict the accused of an offence under section 2 of the Regulation 4 of 1901 and sentence him to be hanged by the neck till dead.

I direct that the sentence be carried out in the Peshawar Jail tomorrow morning i.e., the 19th of February, 1931, at the time which is fixed for the execution of such sentences by the Jail Manual. . . I direct under section 7 of the Regulation that after the sentence has been executed the body of the offender shall be buried within the precincts of the jail according to Muhammadan rites."

Mian Muhammad Shah Nawaz : Did he report the proceedings to the Local Government?

The Honourable Sir James Orerar : Yes. I shall pass more broadly on to the case, but there are two points which I wish to emphasise at this stage. There are two points which I think Sir Hari Singh Gour endeavoured to make: firstly that possibly there may be some doubt as to what the actual intention of the accused person in this case was, whether it was an attempt to commit murder or not

Sir Hari Singh Gour : Not the intention, but the act, Sir.

The Honourable Sir James Orerar : Whether it was an attempt: the second was, whether in any event, it could be regarded as coming within the category with which the Regulation deals, that is to say, a fanatical act. Now, both of these contentions are I think entirely exploded by the admission frankly made by the accused person himself. I should like to impress upon the House, in order to remove some misconception which I think these errors have tended to raise, that the proceedings throughout were entirely regular and entirely legal. As the judgment recites, the four assessors who sat with the Judge in the case unanimously found the accused guilty. The trial was not, as has been alleged, held *in camera*; it was held in open Court. And as regards the expeditious manner in which the sentence was carried out, the Judge was only acting in accordance with the prescription of the Regulation, which in section 6 prescribes that the Court shall immediately issue a warrant that the accused's sentence should be carried into execution unless, under the proviso to that section, he finds that there are public interests that require postponement. My point therefore is that the proceedings were entirely regular and that any suggestion that the Sessions Judge had

Sardar Sant Singh. (West Punjab: Sikh): Will you kindly read the proviso to it?

The Honourable Sir James Orerar : Provided that the Court may, if it seems to it that the public interest so requires, extend the days fixed for the execution.

[Sir James Crerar.]

Now, Sir, my purpose on that point was to make it perfectly clear that the proceedings were in every respect in accordance with the law.

I will now say one or two words with regard to the genesis of the Regulation. The Honourable and learned gentleman opposite was apparently under the impression that the proceedings took place under the old Punjab Act III of 1867. That is an error. The actual fact of the case is that in 1901, when the North-West Frontier Province was separated from the Punjab, a Regulation, which incorporated some of the provisions of the old Act and modified and amplified it in some respects, was applied to the North-West Frontier Province; but the Punjab Act III of 1867 was at that time expressly repealed in the area to which the Regulation applied. Since that period, the necessity for applying the Regulation has unfortunately arisen on several occasions, and my information, which will perhaps be amplified to some extent by my Honourable colleague who has greater personal acquaintance with its administration, is that it has been applied fourteen times since the year 1909. But I should like to remind the House that the Punjab Act to which the Honourable Member opposite, though on an erroneous assumption, referred in the course of this discussion, and the whole question, including the cognate Regulations which embody the same principle, were debated in 1925 in this House, and an Honourable and learned Member, who very recently sat opposite himself, moved the motion by which the repeal of the Punjab Act of 1867 was expressly removed from the Bill for the repeal of certain Acts at that time before the House. Dewan Bahadur Rangachariar himself went so far as to say that in his opinion the repeal of that Act, in all the circumstances of the case, considering the type of offence against which it was directed, considering the continuance of the circumstances necessitating a provision of that character, would be a crime. I would add further that the Committee which sat to consider certain special laws and which examined every law on the Statute-book, which members of that Committee regarded as being extraordinarily repressive in character, made no recommendation whatsoever for the repeal of this Regulation or of the Punjab Act, or of the corresponding Baluchistan Regulation. On the contrary

Sir Hari Singh Gour: May I point out to the Honourable Member that it was never brought to our notice?

The Honourable Sir James Crerar: I understood that the Honourable Members who were members of that Committee were presumed to have a complete knowledge of the criminal law of India. Apart however from that, there was in point of fact a provision of a precisely similar character, which is now in force in the Madras Presidency, which was particularly noticed in the Report of that Committee and that reference to it, though it is not very specific, goes rather to suggest that so far from any recommendation that that Act should be repealed, it might perhaps be expedient that it should in some respects be extended. Well, Sir, I think that this House would not be acting very wisely if it departed in this respect from the very considered judgment of its predecessor.

Now, Sir, I have briefly put before the House what the actual history of this measure was. I have explained to them concisely what the actual and material facts of the case are. I think I have done enough, at least I hope I have done enough, to assure the House that any misapprehension,

such as that which is voiced by the Mover of this motion, that the judicial action taken in this case had reference to anything else than the intrinsic merits of this particular case, I trust I have succeeded entirely in removing that misapprehension. I trust also that the facts on which the Sessions Judge has proceeded and the fact that the statement made by the accused himself did not disavow the offence, will convince the House that Dr. Gour was entirely wrong in the suggestion that there was no deliberate and resolute attempt to commit a murder in this case, and that it is not perfectly clear that the offence comes directly and specifically within the terms of the Regulation

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Can you execute a man on his admission only? Is that the law?

The Honourable Sir James Orerar: That is a perfectly legal procedure. But as a matter of fact, in this case several witnesses for the prosecution were cited, and the accused himself was given an opportunity of calling defence witnesses which he said he had no desire to do, and that disposes of the point raised by Dr. Gour in which he suggested that the Judge might have and possibly did exercise a wrong discretion in not calling witnesses for the defence.

Having said so much, Sir, I want to say a very few words in conclusion on the broad aspect of the question. As my time is short, I will leave it to be developed more fully to my Honourable colleague Mr. Acheson. The persons who have been most frequently the victims of outrages of this character are officers, political and military, serving on the frontier, in all ranks, who are devoted servants, who have consecrated their career and their services to India; and there is no class of officer to whom I would more willingly pay homage and to whom, I think, all persons with a just appreciation of the facts would more willingly pay homage and respect than to that very gallant band of officers. (Applause from the Official Benches.) In discharging their duty of protecting the frontiers of India from violation, from disorder and from hostilities from day to day, they very literally take their lives in their hands. It is not much which we as a legislature can do to assure them of our confidence and support, but such little as we can do either in the way of moral assurance and support, or in the way of taking such legislative measures as are possible to mitigate at any rate those day to day dangers which they incur, that little, I say, we must do, and I trust that this House will reflect very deeply before they take any course of action which might be interpreted as lending in any way countenance or condonation to murderous outrages of this kind.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Sir, the facts of the case which have given rise to this motion are quite simple and are before the House. One Habib Nur, a Mohmand, belonging to a transborder tribe, made an attempt, as we take it from the finding of the Sessions Judge who tried this case, on the life of one Captain Barnes. The attempt failed, and in fact the revolver misfired twice. He was apparently apprehended by Captain Barnes himself and was made over to the police. He was tried—if you call it a trial—by the Sessions Judge, at Peshawar, on the same day the evidence is alleged to have been taken, the judgment was written, and the sentence of death was passed, and he was executed the very next day. The Honourable the Home Member has justified this procedure. Sir, I have all my life dealt with cases of

[Sir Abdur Rahim.]

criminal charges against persons, at the Bar, as a Magistrate and as a Judge. I have read hundreds of cases reported in books, and I assure this House that I have not come across a single case of this kind of administration of justice, as it is called. Sir, if that man had been shot or killed by Captain Barnes then and there, I could have understood it, and it might have been said it was natural justice. But to take him before a Judge, and for that Judge to sentence him there and then to be hanged on the next day without giving him the least opportunity to consult his friends or relatives to consider his situation and advise him

Mr. Arthur Moore: He had the opportunity of defending himself.

Sir Abdur Rahim: is what I may call a mockery of trial.

The Honourable Sir James Orerar: He was asked whether he had any desire to call witnesses, and he was given every opportunity.

Sir Abdur Rahim: I do not call it an opportunity. Can any one point out in the whole record of criminal trials a single case in which a man is taken to the Judge, and there and then evidence is taken and judgment is passed? Do you call that an opportunity? In every case of a serious charge, whether it is murder or something less, the man is remanded, so that he may have time to consider what his position is, to take advice from his friends and legal advisers, and then to determine whether he should take any steps or not. For all that he might be a lunatic. Surely, his friends ought to know what the charge is; they should have time to find out from him what actually occurred so that they might take such steps as might be considered necessary to put the whole case before the Court. The Court ought also to record evidence, and properly consider the evidence, giving the accused and his legal advisers a chance to cross-examine witnesses and then consider what action should be taken in the matter. It ought to hear arguments. If the accused is not represented by any counsel, the Judge ought to hear his arguments and consider what he has to say in defence. Even if he admitted his guilt, there is still the question of sentence, and even on that his legal advisers ought to be heard. I submit to the House a case of this nature is unprecedented. It may not be unprecedented in that unfortunate province, the North West Frontier Province, but surely elsewhere it is wholly unprecedented. I challenge every one on the opposite side to produce a single case like this. I pause for a reply from the gentlemen on the Treasury Benches whether there has ever been a case of this nature. Sir, I take this case as a typical case of the North West Frontier Province. From the time I came to this Assembly, I have been hearing all sorts of things. Questions have been put to the Government Benches regarding the atrocities that are being committed there in the name of law, in the name of law and order, in the name of keeping the peace in the province. But, Sir, until this case was reported, I was really half inclined to discount a great portion of what had been told to me. But after this, it is impossible for any one to believe that in the North West Frontier Province there is anything like humane law or in fact any sort of law properly so called. The officers there, whatever their responsibilities or duties, have been given apparently an absolute discretion to do whatever they like in order to enforce whatever they consider to be necessary in the so-called interests of peace.

Sir, the North West Frontier people, the Government must be aware, are sick of the whole situation. Now, let us take this Regulation. The Honourable the Home Member has argued and tried to impress upon the House that it is absolutely necessary to maintain this Regulation for the Frontier Province. The Regulation is directed against murderous outrages committed by fanatics. That word "fanatic" has not been defined. What is the meaning of that? A man may be a religious fanatic, he may be a political fanatic; or he may be a fanatic of a different character. That has not been defined. There is nothing even in the judgment, there is no evidence to show what was the motive or the intention which brought him within the category of a fanatic.

The Honourable Sir James Crerar: The accused himself said that he committed the act as an act of *ghaza*.

Mr. K. Ahmed: *Ghaza* means revenge.

Sir Abdur Rahim: If *ghaza* means revenge, is that fanaticism? Are not many acts committed for revenge?

Mr. Arthur Moore: He goes to paradise if he commits murder as an act of *ghaza*.

Mian Muhammad Shah Nawaz: Nothing of the kind. The Honourable Member is abusing the meaning of that word.

(At this stage the Honourable Member—Sir Abdur Rahim—said something which could not be heard as there were interruptions directed against Mr. Arthur Moore.)

Sir Abdur Rahim: Sir, the word "fanatic" is not defined. It is not known how this man came to be branded as a fanatic. The Honourable the Home Member himself said that because some of his relatives—his grandfather or father—were killed in some expedition, he wanted to take revenge. This is a state of things not unknown in the other provinces, or in other parts of the world. But, surely, is that any ground, any justification for treating acts of this nature on a footing different from the ordinary crimes? Murders are committed in British India for revenge, but those men are tried, are given a hearing, evidence is recorded, there is a proper procedure observed, and then if the man is found guilty, he is sentenced to be hanged. But, here, in this case the matter goes further. The man upon whom the assault was made was not hurt. He was not hurt at all, but the man who committed the assault was sentenced to be hanged. He was to be hanged for a mere infructuous, futile attempt—even supposing it was an attempt within the meaning of the law, of which I am extremely doubtful! Now, Sir, is there any provision in any law that a man, simply because he wanted to kill another but did not—the man attacked escaped unhurt—is to be hanged, that he is to suffer the extreme penalty of the law? I am not aware of any system of jurisprudence under which such a sentence can be passed. It is only in Peshawar in the North West Frontier Province that such a state of things can prevail. I think the world should know how this Frontier Province is being treated by its Administration. It is a sort of administration which is unique; I venture to think it is unique in the present day; it is unparalleled even in the history of many a barbarous nation. (Hear, hear.) Sir, Government will be well advised to take steps to see that administrative acts of this nature are not possible under any sort of law or Regulation, or whatever you may call it, and that any officer, whether he is a

[Sir Abdur Rahim.]

judge or a military officer, if he is guilty of what I call a crime, is properly and adequately punished. (*An Honourable Member*: "It was a judicial murder.")

This question of the North West Frontier Province has, I find, assumed a very acute form, and it has to be solved, I venture to submit, at once. It cannot be continued; the Frontier Province cannot be continued in this state any longer. The people there have been simply asking for their just rights; they want to be placed under a proper form of Government; they only want that the rule of law should be established there, for that is the province where for a long time there has been no rule of law at all. They are, according to information that one receives from every source,—they are being treated as if they were so many wild animals . . .

Mr. Arthur Moore: Is the Honourable Member suggesting occupation of trans-border territory?

Sir Abdur Rahim: What I am suggesting and what I am urging upon the House is that the rule of law should be established in the North West Frontier Province. I am not talking of the tribes, of the independent tribes.

Mr. Arthur Moore: This was a tribesman.

Sir Abdur Rahim: True, but, the act was committed within British territory and the man ought to be tried according to British law. (*Hear, hear.*) There is not the slightest doubt that if a man, whether he be a Frenchman or a German or whether he belongs to any other nationality, commits murder, he has to be tried, if he is to be tried here, according to the law and procedure prevailing in British India. Because the man belonged to a frontier tribe, is that an excuse for you not to try him properly?

Mawab Sir Sahibzada Abdul Qaiyum: May I ask my Honourable friend Mr. Arthur Moore whether he has been to the trans-border area, and, if so, whether he has found the people there different from the rest of India?

Sir Abdur Rahim: Even the men of the frontier or the tribal area are human beings I take it. I myself have been through a portion of that territory. I have been in Peshawar, and I know what sort of men they are. They may be excitable, but they are brave and fine men, and they are not people who should be treated in this fashion. Peace can never be secured until the frontier question, the problem of the Frontier Province, is properly settled, and the Government should lose no time in establishing proper administration—an administration such as prevails in the Punjab, in the United Provinces and in Bengal—in the North West Frontier Province. I am absolutely sure that there will be no difficulty in establishing a proper administration there, and there ought to be no distinction made between the North West Frontier Province and any other province of India. (*Applause.*)

Mr. J. G. Acheson (Foreign Secretary): Sir, the last speaker has attempted in some way to confuse the motion before the House with the general question of the present administration of the North West Frontier Province. That question of the general administration of the North West Frontier Province may be discussed, but I submit, Sir, not on this

motion. This particular judicial proceeding, which is the subject of the motion, has no connection whatever with the general administration of the North West Frontier Province, whatever may be the rights and wrongs of the animadversions passed by the Honourable Member who has just spoken on that administration.

Maulvi Muhammad Yakub: This was an act of administration.

Mr. J. G. Acheson: This was an act of justice. This was an act of a judicial court, executed under the provisions of the existing law of India, as applicable to that portion of British India and to certain portions of the Punjab.

(Interruptions from several Honourable Members.)

Mr. President: Order, order. Let the gentleman go on please.

Mr. J. G. Acheson: Before I proceed further, there is one other point which I should like to deal with and that is that I have been challenged by the Honourable Member, who has just spoken, to refer to other cases of the same kind in other parts of India. The same Act does not apply to other parts of India, except to portions of the Punjab. Now, Sir, there are one or two special aspects of this case and of the facts which lie behind this legislation which I do not think are generally appreciated. Sir Denys Bray, in his speech on this subject when it was last debated in 1925, referred to the grim roll of his British official and non-official friends who had fallen victims to this ghastly crime. I have had special experience of the North West Frontier Province and I yield to no Member of this House in my appreciation of the qualities of the inhabitants of that province. Nor do I for one moment admit that the inhabitants of the North West Frontier Province as a whole are in any way inferior to the inhabitants in any other part of India. I wish there to be no misunderstanding on that point.

But, Sir, perhaps I may be excused if I refer to the list referred to by Sir Denys Bray in his speech to which I have referred. I find from a list here, that since the year 1921, 14 British officers and two ladies have been murdered in cold blood in the North West Frontier Province, in the discharge of their duties.

An Honourable Member: How many in Bengal?

Mr. J. G. Acheson: I am not dealing with Bengal at present. I venture to say, Sir, that that terrible list will be very hard to equal in any part of India. Indeed, I will go so far as to doubt whether that record will be equalled by the whole of the rest of India. So you have got to face this state of affairs. It is quite impossible for any Government to allow its officers to be subjected to this daily risk and terrible peril to their lives, without taking, if necessary, special measures to protect them. The problem before the Government in the past, the problem which it must face now and will continue to face in the future, is what is to be the best and the justest means of assuring that protection. I realise, Sir, that this Act which it has been necessary to enforce in this case—and no one regrets the necessity for having recourse to that Act and enforcing it more than the Government—is a stern Act. I quoted the figures only for the last decade, which amounted to 14 murders of officers, apart from others. Honourable

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Members are aware that the condition of affairs which necessitated the Act, and which I still maintain necessitates the existence of that Act, goes far back into the past. As Sir Hari Singh Gour pointed out, the original Act was passed in 1867. The necessity for special legislation was felt as early as that and it has continued ever since. When the province was separated in 1901, it was realised that it was necessary to continue this special legislation to protect the officers of Government in the discharge of their duties on the frontier. From time to time since then, it has been necessary to use the Act to deal with flagrant cases of fanatical outrages on the lives of officers in the discharge of their duties. This is no rusty weapon, which has been produced from a mediæval armoury, but has perforce been kept bright from time to time by use which has been forced upon the Government. The fact is that this menace, which takes its heavy toll of innocent lives, is due to peculiar conditions, which I am afraid are not fully understood and appreciated by Honourable Members opposite, who if they did appreciate them would view this matter in a different light. Year in and year out, our officers have to work across the border, or close to the border within reach of large numbers of fanatically minded persons, with arms ready to their hands and with a ready refuge to escape from the consequences of their crimes. I maintain, Sir, that there is upon the Government a strong obligation and a permanent obligation to take special measures to protect the lives of its own officers. That obligation it cannot escape. We may hope that in time conditions across the border will so improve—they have improved very greatly in Waziristan under the North West Frontier Province Administration in the last ten years—as to obviate the necessity for an Act of this kind. They may improve on the rest of the border in time. I personally am an optimist, but, Sir, the condition of these poor, ignorant people has not yet sufficiently progressed as to render it possible for Government to dispense with this protective legislation. Special measures are necessary for Government to afford this protection to their officers, which I maintain is their clear duty. What are those measures? Experience is the only guide, and experience has proved, since 1867, that justice should be swift and that there should be a minimum of publicity of the kind attaching to long drawn out judicial proceedings, which may be admirably adapted to more settled conditions than we find on the border. That is the lesson of hard experience, and I maintain that it holds good. The law, as I said, is admittedly stern, but the conditions which have necessitated it and still necessitate it are no less stern and harsh. I maintain, Sir, it is no lawless law, as has been said. It is administered by experienced regular courts, aided by assessors, and it is in the nature of the offence that there is no doubt as to the guilt of the accused person. The most sinister feature of this form of crime is that it is committed under the influence of a species of frenzy. The criminal murderer or the would-be murderer glories in his act, and it may be taken that in nine cases out of ten tried under this Act, there has not been the faintest shadow of doubt as to the guilt of the accused and I maintain, Sir, that however repugnant this Act may be to trained lawyers—and I can understand its repugnance to them—that in no case of this character has a miscarriage of justice actually occurred.

An Honourable Member: Why don't you have a trial?

Mr. J. G. Acheson: I have explained that. The fanatics acting under the influence of this form of frenzy, this contagious disease, are generally caught red-handed and should be promptly dealt with, as there is no room for doubt as to their guilt. I hope I have said enough to convince the House that though the law is a stern one, it is not an unjust law and it is not a lawless law.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadian Urban): I really do wish that the debate which we have heard up to now had taken place in the West and was heard by men, who, though they may be ignorant of conditions in the East, would have been able to realise what sometimes does take place in this unhappy land. We know that this Act does exist. Nobody has contested the theory propounded by the Honourable the Home Member that the Act was legally put into force. But the fact remains, Sir, that in this year of grace, 1931, a man accused of murder

Some Honourable Members: Attempt at murder .

Sir Cowasji Jehangir: Can be tried on the day of the murder.

An Honourable Member: Attempt at murder.

Sir Cowasji Jehangir: And executed on the next day.

An Honourable Member: Early in the morning.

Sir Cowasji Jehangir: That fact remains, and the fact also remains that such execution can take place under a statute which has still not been repealed. (Hear, hear.) We are fully aware—I am fully aware—of the dangers that our officers encounter in the North West Frontier Province. I am also fully aware—and it has been my painful lot to be made more fully aware within the last two or three months—of the conditions that prevail in the North West Frontier Province; and I firmly believe that those conditions are aggravated by acts of the kind that my Honourable friend, the Home Member, has tried to justify (Loud applause *from the non-official Benches*). Sir, I have had talks with men born and brought up in the North West Frontier Province, and if my Honourable friends opposite believe that the influences of the West are not being felt in that province, well, they are mistaken. I have heard many Englishmen express considerable surprise at what is going on in that province. All evidence tends to show that a change is required; and if that change does not take place immediately, then in the very near future the position in the North West Frontier Province will be of a character which neither my Honourable friends opposite nor we on this side shall be able to cope with, (Hear, hear.) and therefore it is time we all woke up to the circumstances that prevail today and give up trying to justify the statutes and constitution that may have been justified.

Mr. J. G. Acheson: On a point of order, Sir,—the constitutional issue does not arise.

Sir Cowasji Jehangir: It does arise, Sir. Here is an adjournment of the House moved on action which admittedly has been taken under the protection of a law that exists today; and I am in order in discussing that statute which has been justified by the Honourable Members opposite. Sir, I therefore contend that if this adjournment motion is carried, it is not a censure against the Sessions Judge, who may have done his duty and put the Act into execution, but it is a strong expression

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of opinion from this part of the House (Hear, hear.) that these laws shall no longer exist. (Hear, hear.) Murder shall be punished by capital punishment. I am not one of those who have yet come to the conclusion that capital punishment should be abolished.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhamadan): You will have to change your opinion when you come across more incidents like this.

Sir Cowasji Jehangir: Murder shall be punished by capital punishment, but let that capital punishment take place after the accused has had reasonable time not only to defend himself but to consider and take advice. Who has ever contended that this man, who had been accused, should not have been punished or should not have been executed? I would like to see any Englishman in England stand up and justify execution on the day after the crime was committed; and if any Englishman would try and justify that act in England, nothing will surprise me more than if he succeeds; and it is only in the atmosphere of this country that we can, coolly and impartially, discuss such a question. If, Sir, it were in the West, the discussion would be stopped by the angry demonstrations and protestations of those before whom we discussed it. Sir, it is time that the North West Frontier Province was treated like every other part of India. My Honourable friend opposite has told us of the list of ghastly murders which were committed in the North West Frontier Province. Has he not heard of the ghastly murders committed in many parts of Europe? Does any Government, except Russia, try to justify execution the day after the crime has been committed? That Russia alone may try to justify. Are we here to justify the administration of justice in a way that Russia alone may try to justify today? Are we to place ourselves in the same position as Russia? Sir, in the South of Europe, crimes are committed on less, far less provocation than this. I have never heard yet in Southern Europe of any Government trying to justify execution on the day after the crime was committed. All I say is, "It may have been justified in the past; I am not here to deny or to approve it." All I say is, "Let it not continue in the future", and I would beg of Honourable Members opposite to change that mentality, of which we have seen some exhibitions today, and to realize that men in the North West Frontier Province are men of flesh and blood like the men in any other part of India; and that today they are feeling and thinking more acutely of their own position and their methods of government even than we in India; and if we have cause for dissatisfaction, we must fully realize that they have greater cause, and if we are here to protest and ask for reforms, who are we that we shall deny it to our friends in the North? I will therefore vote for this motion of adjournment as a protest against the continuance of a statute that will hang a man the next day after the crime has been committed.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa: Muhamadan): Sir, I move that the question be now put.

Mr. President: I will consider it after Mr. Arthur Moore has spoken.

Mr. Arthur Moore: Sir, I listened very attentively to what my friend Sir Cowasji Jehangir had to say. I come from the West, and he told

me that if this happened in the West, the arguments put forward would not be listened to. Well, Sir, what I have been asking myself during this debate is what is the purpose of it. Who is it that we are sympathising with? Now, as regards this *Ghazi* who has been executed, I have seen something of the blood feud in various parts of the world, and I will say this that I think my sympathies with the executed man are at least as real as my friend Sir Cowasji Jehangir's, who said that he did not complain of his being executed but he would like it to have been done more slowly. As I understand him, the real grievance is that some elaborate process of law with the employment of lawyers, fees, a great rigmarole, and columns in the newspapers, was not gone through, and that then the man should have been executed at the end of a month or two months, or whatever it might be. I do not believe for one moment, Sir, that if it were possible to appeal to the executed man himself, this argument would make the slightest appeal to him. He immediately confessed his attempt to murder and said that he had nothing to plead; it was part of a blood feud which started, I think, 30 or 40 years ago, and had no reference whatever to Captain Barnes; he was prepared to pay the penalty, and he was quite certain that the blood feud would be carried on by his relations. Now, Sir, except in the case of the Camorra, and the Mafia, and the blood feud in Albania, which is exactly like the blood feud amongst the Pathans, no such custom or possibility exists ordinarily in Western Europe today. If it did exist, there would undoubtedly be special legislation to deal with it.

Sir Cowasji Jehangir: Did you say Western Europe?

Mr. Arthur Moore: Yes. In dealing with the blood feud where it exists in Europe—and it does exist in Albania—there is no question of employing the ordinary methods of law. Justice is summary; and it seems to me that the whole of this debate turns upon a distinction between elaborate forms of law and justice. No doubt it does not appear to us to be a very noble way of attempting to commit a crime, to come up with what is apparently a petition and then pull out a revolver at close quarters. But still in the case of the blood feud that is not considered a dishonourable proceeding, and this is part of the ordinary operation of a blood feud on the frontier. As I say, it is not a personal blood feud, and had nothing to do with Captain Barnes at all. Merely because the man's relatives had been killed in a former frontier war, it is considered an obligation of honour that he should come in and murder somebody. Now, Sir, how are you going to meet that by the ordinary forms of law? Personally, I do not believe it can be done, and I am not at all convinced that it is a passion for justice that has inspired some of the arguments today.

Several Honourable Members: The question may be now put.

Mr. President: I think I should allow a speech from Sir Abdul Qayyum.

Nawab Sir Sahibzada Abdul Qayyum: Sir, as I come from that unfortunate province in which the occurrence has taken place, I feel bound to say a few words on this matter. I am not going into the merits of the case, i.e., whether the man deserved death or transportation for life. I have

[Nawab Sir Sahibzada Abdul Qaiyum.]

no sympathy with criminals. I am only going to touch upon one aspect of the case about which I have been fighting for the last ten years or more, and that is, the differential treatment meted out to the North West Frontier Province in every respect except where some concession or boons are to be expected. Sir, the law, as passed in 1804, was based on quite a different aspect of the circumstances then prevailing then on the frontier. The country had been recently annexed and people used to come forward and claim Heaven for the murder of an innocent unbeliever. The word "fanatic" used in the enactment really applied to such religious fanatics, viz., men who claimed to go to Heaven for the murder of an innocent unbeliever. But those days have passed long ago. During the last 30 years of my experience of that province very few cases, if any, of such religious fanaticism, pure and simple, have taken place there. The cases to which my Honourable friend the Foreign Secretary has referred are chiefly cases of a different nature; either an orderly for instance has quarrelled with his officer and killed him or some other dispute has arisen; or a search was probably made in a house to the disgrace of the women folk and a revenge was taken. Such cases have certainly taken place during the last 30 years, but to my knowledge no case of real religious fanaticism has taken place for a long time past. Well, Sir, fanaticism, as one of the speakers said, may be either of a political nature or of a religious nature. What we have to see to is that fanaticism of a political nature is very prevalent in the country nowadays and that we should guard against that kind of fanaticism rather than against the religious one, which is fast disappearing. The principle underlying the latter was to go to Heaven, which according to the religious fanatic was worth sacrificing one's life for, but the present day fanatic is going in for murder, cold-blooded murder, for a little worldly gain or loss, and this is the worst kind of fanaticism which must be checked. If the North West Frontier Province were to be on the same level with the rest of India, in every respect I should have had no grievance even if a little more severe punishment was inflicted on the inhabitants; that is, if instead of beating a man with four sticks, a dozen sticks were used, I would not mind it because we are fighting for equality of rights, so far denied to us and must make some sacrifice for it. But what surprises me in this, that punishments inflicted on us are out of all proportion to the treatment of offenders more violent and expert in the use of arms in other parts of India for similar and even graver offences. In this particular case too, Sir, there is a proviso in that Act according to which the execution of the man could have been postponed and I am one of those who would have advised taking advantage of that proviso so as to give the man an opportunity of thinking over the consequences of his misdeed and of impressing upon others that such acts are not very paying and sometimes cost one's life.

Maulvi Muhammad Yakub: Or his relations could have had an opportunity to apply for clemency.

Nawab Sir Sahibzada Abdul Qaiyum: The word "ghazi" is no doubt used there in the judgment to which our Honourable friend, the Home Member, has referred. But I would beg to point out that the word as

used by the man himself was explained by him in his statement when he said that he had come to take revenge for the life of his grandfather. That was his explanation of the word "ghaza" it was a religious "ghaza" for which the Regulation was originally enacted. To my mind anything which is in the form of a revenge of that kind could be termed as *ghaza* by an uneducated man from the trans-border area. What astonishes me most is that even the officer attacked according to the newspaper in my hands, the *Frontier Advocate*, which is the chief paper of the North West Frontier Province, was surprised when he learnt of the sentence passed in his case, and he is said to have sympathised with the man, and it is for such sportsman-like spirit that we must admire the frontier officer. I do not think that a convicted man can ordinarily expect any sympathy from the man whom he wanted to kill for no fault of his and yet the sentence passed seemed surprising even to the complainant.

Mr. Muhammad Yamin Khan: He could have been given transportation for life under section 2.

Nawab Sir Sahibzada Abdul Qaiyum: Yes. I think in a case like that transportation for life would have served the deterrent purpose much better.

Mr. Muhammad Yamin Khan: And it is allowed under the law.

Nawab Sir Sahibzada Abdul Qaiyum: Well, Sir, if the East is to be East and the West is to be the West and my friend Mr. Arthur Moore would like special laws to be retained for that unfortunate province, because people are taking their revenge for deeds done 30 or 40 years before, then I would have advised the Judge to put the man in a cage and hang the cage somewhere in a public place so that people might take a lesson from his plight to their advantage. To be brief, Sir, I am afraid that the law, as it is, is most unbecoming in the year of grace 1931 and should disappear from the statute-book, or be applied to the rest of India too, to give us the right of equality.

Several Honourable Members: The question may now be put.

Mr. President: I accept the closure and ask the House to vote on the question that the question be now put.

The motion was adopted.

Mr. President: The question that I have now to put is that the House do now adjourn.

The Assembly divided:

(While the division was proceeding it was observed that an Honourable Member—Mr. N. N. Anklesaria—was being drawn by the hand by some Honourable Members for the purpose of going to vote.)

Mr. President: Order, order. The Honourable Members cannot do that.

AYES 56.

Abdul Qaiyum, Nawab Sir Sahibzada.	Muazzam Sahib Bahadur, Mr. Muhammad.
Abdur Rahim, Sir.	Mujumdar, Sardar G. N.
Aggarwal, Mr. Jagan Nath.	Neogy, Mr. K. C.
Anklesaria, Mr. N. N.	Pandian, Mr. B. Rajaram.
Anwar-ul-Azim, Mr. Muhammad.	Pandit, Rao Bahadur S. R.
Azhar Ali, Mr. Muhammad.	Ranga Iyer, Mr. C. S.
Chand; Mal Gola, Bhagat.	Rao, Mr. M. N.
Chetty, Mr. R. K. Shanmukham.	Reddi, Mr. P. G.
Das, Mr. A.	Reddi, Mr. T. N. Ramakrishna.
Das, Mr. B.	Sadiq Hasan, Shaikh.
Dudhoria, Mr. Nabakumar Sing.	Sant Singh, Sardar.
Dumasia, Mr. N. M.	Sarda, Rai Sahib Harbilas.
Fazal Haq Piracha, Shaikh.	Sen, Pandit S. N.
Ghuznavi, Mr. A. H.	Shafee Daoodi, Maulvi Muhammad.
Gour, Sir Hari Singh.	Shah Nawaz, Mian Muhammad.
Harbans Singh Brar, Sirdar.	Shahani, Mr. S. C.
Hari Raj Swarup, Lala.	Singh, Kumar Gupteshwar Prasad.
Ibrahim Ali Khan, Lt. Nawab Muhammad.	Singh, Mr. Gaya Prasad.
Ismail Ali Khan, Kunwar Hajee.	Sitaramaraju, Mr. B.
Isra, Chaudhri.	Sohan Singh, Sirdar.
Jadhav, Mr. B. V.	Suhrawardy, Dr. A.
Jehangir, Sir Cowasji.	Thampan, Mr. K. P.
Jog, Mr. S. G.	Tun Aung, U.
Krishnamachariar, Raja Bahadur G.	Uppi Saheb Bahadur, Mr.
Lahiri Chaudhury, Mr. D. K.	Walayatullah, Khan Bahadur H. M.
Maswood Ahmad, Mr. M.	Yakub, Maulvi Muhammad.
Misra, Mr. B. N.	Yamin Khan, Mr. Muhammad.
Mitra, Mr. S. C.	Ziauddin Ahmad, Dr.

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Acheson, Mr. J. G.	Hezlett, Mr. J.
Ahmed, Mr. K.	Jawahar Singh, Sardar Bahadur Sardar.
Alexander, Mr. W.	Montgomery, Mr. H.
Allah Baksh Khan Tiwana, Khan Bahadur Maljk.	Moore, Mr. Arthur.
Ayyangar, Diwan Bahadur V. Bhashyam.	Morgan, Mr. G.
Bajpai, Mr. R. S.	Mukherjee, Rai Bahadur S. C.
Banarji, Mr. Rajnarayan.	Parsons, Mr. A. A. L.
Baum, Mr. E. F.	Rafuddin Ahmad, Khan Bahadur Maulvi.
Boag, Mr. G. T.	Rainy, The Honourable Sir George.
Chatterjee, The Revd. J. C.	Rajah, Rao Bahadur M. C.
Cocke, Sir Hugh.	Roy, Mr. K. C.
Crerar, The Honourable Sir James.	Sahi, Mr. Ram Prashad Narayan.
Dalal, Dr. R. D.	Sams, Mr. H. A.
Fazl-i-Husain, The Honourable Khan Bahadur Mian Sir.	Schuster, The Honourable Sir George.
Fox, Mr. H. B.	Scott, Mr. J. Ramsay.
French, Mr. J. C.	Sher Muhammad Khan Gakhar, Captain.
Graham, Sir Lancelot.	Shillidy, Mr. J. A.
Gwynne, Mr. C. W.	Studd, Mr. E.
Hamilton, Mr. K. B. L.	Sykes, Mr. E. F.
Hayman, Mr. A. M.	Tin Tüt, Mr.
Heathcote, Mr. L. V.	Young, Mr. G. M.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 25th February, 1931.