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LEGISLATIVE ASSEMBLY, 1922



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LEGISLATIVE ASSEMBLY.

Friday, the 22nd September 1922.

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

QUESTIONS AND ANSWERS.

ASSAULT AT AMBALA STATION.

344. * **Lala Girdharilal Agarwala** : (a) Will the Government be pleased to state how far is the following statement accurate, viz.—

“ That on the evening of 3rd September 1922 in the Waiting Room of Ambala Railway Station, two soldiers insulted two Indian Members of the Council of State, namely, Honourable Khan Bahadur Amin-ul-Islam, Inspector General of Registration, Bengal, and Honourable Haji Chaudhuri Mohammed Ismail Khan who were on their way to Simla to attend the Council of State, particularly at a time when the said Honourable Members were engaged in their evening prayers. His Excellency the Viceroy or His Excellency the Commander-in-Chief was wired about the occurrence and the Station Master was also informed.”

Will the Government be pleased to state the true facts relating to the incident ?

(b) What action, if any, has been taken or proposed to be taken in the matter referred to in the previous question ?

(c) What steps, if any, have the Government taken or do they propose to take to finally stop the recurrence of events like the one referred to above in future ?

Mr. E. Burdon : (a) and (b). A report of the incident was received, and an inquiry was immediately instituted by the Officer Commanding, Ambala Brigade Area. At the request of the Officer Commanding, the Honourable Chaudhri Muhammad Ismail Khan proceeded to Ambala, indentified one of the soldiers concerned, and on receiving an apology, has expressed a desire that the matter should be dropped. I have also ascertained from the Honourable Khan Bahadur Amin-ul-Islam personally that he too does not desire to pursue the matter.

(c) Instructions have been issued to all Commands, Districts and Independent Brigades to impress on all Officers Commanding, British units, the necessity of instructing their men in the proper manner of treating Indians. Lectures are given on the subject to British troops by experienced officers of the Indian Army. A pamphlet on the subject is in the possession of all British officers. In all such cases, disciplinary action is invariably taken by the military authorities unless, as often happens, the

offenders are tried by Civil Courts. In each and every case a telegraphic report is at once made to Army Headquarters.

INCOME-TAX DEPARTMENT, SIND.

345. *Mr. W. M. Hussanally : (i) (a) Is it a fact that the administration of the Income-tax Department in Sind was hitherto vested in the Commissioner in Sind ; and that since the passing of the Act last session the administration of the Income-tax Department of the whole Presidency has now been vested in the Commissioner of Income-tax with his Headquarters at Bombay ?

(b) Is it a fact that this Officer will have to tour throughout the Presidency with a large staff ?

(c) Is it a fact that under the Act he has also to hear appeals of a particular class ?

(d) Will this arrangement be more costly to Government than the old one when the Collector of each District heard appeals of that class ?

(ii) (a) Is it not a fact that the Commissioner in Sind is the Head of the Customs Department in that Province which is also an Imperial Department like the Income-tax ?

(b) Do Government propose to take any steps to re-invest the Commissioner in Sind with the power of administration of the Income-tax Department with a view to secure greater efficiency as well as economy ; and the Collectors with the power of hearing appeals which the Income-tax Commissioner has to hear ?

(c) If the answer to (ii) (b) be in the negative, do Government propose to call for the opinion of the Local Government on the subject ?

The Honourable Sir Malcolm Hailey : (i) (a). Yes. The Commissioner in Sind was the Chief Revenue Authority under the Income-tax Act, 1916. Under the Income-tax Act, 1922, the administration of the Act now vests in the Commissioner of Income-tax, Bombay Presidency.

(b) The Commissioner of Income-tax as the head of the Income-tax Department may have to tour throughout the Presidency, but I have no information as to what staff he takes with him on tour.

(c) Yes. Under section 32 of the Income-tax Act, 1922, the Commissioner has to hear appeals of assesseees against the orders of the Assistant Commissioners of Income-tax.

(d) It is not possible to say whether the new arrangement is more costly to Government as it is not possible to calculate what portion of the pay of the Collectors who used to hear income-tax appeals should be regarded as debitable to income-tax.

(ii) (a). Yes, but there is a difference between the Customs and Income-tax Departments in that the former is administered by the Provincial Governments as agents of the Government of India, while the latter is administered direct.

(b) No. Government do not consider it desirable to re-invest the Commissioner in Sind with powers under the Income-tax Act, 1922.

(c) No.

Mr. S. O. Shahani : A supplementary Question, Sir, Are Government aware that any addition to the present powers exercised by the Commissioner in Sind would be unpopular in the province ?

The Honourable Sir Malcolm Hailey : That, I take it, Sir, is a question of opinion and relates apparently to something that has not yet occurred.

CONCESSIONS AND ALLOWANCES.

846. *Mr. W. M. Hussanally : (1) Will Government be pleased to lay on the table a statement showing in respect of each Department of Government :

- (a) The special concessions (over and above pay ; ordinary T. A. ; Pension, Provident Fund) such as allowances, free passes, etc., to enable officers to take trips to hill stations, passages to foreign countries for self and family on leave and the like—
 - (i) to officers having a non-Indian domicile,
 - (ii) to officers having an Indian domicile ?
- (b) Whether these concessions are allowed by reason of being a term of the agreement or otherwise ?
- (c) The conditions, if any, on which these concessions are allowed ?
- (d) The class of officers to whom these concessions are allowed ?
- (e) The maximum pay actually drawn by these officers ?
- (f) The total cost to Government in each Department in each of the past three years, or the value thereof of such concessions ?
- (2) Will these concessions come within the purview of the Retrenchment Committee ?
- (3) If not, do Government propose to reconsider these concessions or appoint a Committee to reconsider them in view of the financial stringency ?

The Honourable Sir Malcolm Hailey : (a) to (e). I shall endeavour to collect the information as far as convenient and shall send it to the Honourable Member in due course, but I regret that I cannot undertake to distinguish between officers of Indian and non-Indian domicile.

(f) I am afraid that an inordinate amount of work would be involved in getting out figures of total cost for the last three years but I shall try to have the information collected for the last financial year.

(2) and (3). The terms of reference to the Incheape Committee being quite general, they will be free to examine this expenditure among others and make recommendations regarding it.

REPORT OF FRONTIER COMMITTEE.

347. *Mr. Jamnadas Dwarkadas : Will the Government be pleased to state whether an opportunity will be given to the Assembly to discuss and decide upon the Report of the Frontier Committee before any final action is taken thereon ?

Mr. Denys Bray : The Government are unable to commit themselves to any undertaking until the Report is in their hands and has been considered.

DISTRICT AND SESSIONS JUDGE, AGENCY DIVISION, MADRAS.

348. *Babu Braja Sundar Das : (a) Are the Government aware that the Government of Madras have sent a proposal for the creation of the post of a District and Sessions Judge in the Agency Division *in loco* of

the Judicial Assistant Commissioner, temporarily created with the sanction of Government of India and the Secretary of State ?

(b) Will the Government be pleased to state the reasons for the creation of this new post ?

(c) Will the Government be pleased to state what will be the difference in the expenditure over the proposed post of a District Judge and the present post of an Assistant Judicial Commissioner ?

(d) Have the Government inquired into the amount of judicial work done by the Agency Commissioner ?

The Honourable Sir William Vincent : (a) Yes.

(b) The appointment of a Judicial Assistant for the Agency Tracts in the Madras Presidency was sanctioned with the intention of improving the administration of justice in those tracts and at the same time to relieve the Agency Commissioner and his Sub-Divisional Officer of a substantial amount of Court work which not only handicapped them in the performance of their executive duties, but can only be done at the cost of inconvenience to parties and witnesses. After an experience of one year of this arrangement the Madras Government reported that they did not consider that the intended measure of relief to the Agency Commissioner and his Assistants could be secured by the appointment of an officer of less status than an Additional District and Sessions Judge. In fact several suits involving important issues and interests of considerable magnitude were stated to have been instituted in the Court of the Agency Commissioner and to have had to be transferred to the District Courts of the adjoining districts at the cost of heavy expense to the parties and much inconvenience to the parties and their witnesses.

(c) The estimated average increase in cost of the proposal is Rs. 1,418 a month.

(d) The Local Government has reported the amount of judicial work done by the Agency Commissioner.

INCONVENIENCE TO RAILWAY PASSENGERS IN SIND.

349. ***Mr. Harchandrai Vishindas :** (a) Will Government be pleased to state if their attention has been drawn to complaints published in the *Sind Observer*, of the residents of Kotri-Dadu-Larkana Section of the North-Western Railway against the new timings which came into force from the 1st September as depriving the travelling public of that section, of the advantages they formerly possessed for through travelling to Karachi and the considerable amount of inconvenience and detention caused to them by a long wait at the Kotri Junction, and suggestions made for making alterations ?

(b) If so, do Government propose to take any action in the matter ?

Colonel W. D. Waghorn : (a) and (b). The complaints referred to have been considered by the North-Western Railway Administration. They are aware that the new timings do not altogether suit the convenience of through travellers between Karachi and stations on the Kotri-Dadu-Ruk Section. But the number of such travellers is not large and the Railway Administration are satisfied that the present time table is in the interests of the travelling public as a whole. The Government do not propose to interfere.

ASSAM LABOUR BOARD.

350. ***Rai G. C. Nag Bahadur** : Having regard to the fact that the attention of Government was pointedly drawn during the last Budget debate (*vide* debate held on 17th March 1922 and reported on pages 3267-3276 of the Official Reports) to the absence of any member representing the interests of labour on the Assam Labour Board, do the Government of India propose to see that labour interests are adequately represented on that Board ?

Mr. A. C. Chatterjee : The constitution of the Board cannot be altered without an amendment of the Assam Labour and Emigration Act. As the question of labour in Assam has recently received special attention from a Committee, whose report is expected shortly, Government do not intend to introduce legislation at the present time.

COST OF POSTAGE STAMPS, ETC.

351. ***Dr. H. S. Gour** : (i) Will the Government be pleased to state what amount is annually paid to Messrs. Thos. De La Rue for printing—

- (a) Postage Stamps,
- (b) Post Cards,
- (c) Wrappers, and
- (d) Embossed envelopes.

(ii) Is it a fact that Messrs. Thos. De La Rue have been given a 56 per cent. increase on that previous rate since 1914 ?

(iii) Have Messrs. Thos. De La Rue been guaranteed a minimum ? If so, how much ?

Mr. A. C. Chatterjee : (i) The information is being collected and when it is available it will be sent to the Honourable Member.

(ii) On account of the increased cost of materials and labour due to the outbreak of war Messrs. De la Rue and Company are being paid an increase of 57 per cent. over and above the contract rates.

(iii) No minimum has been guaranteed, but clause (6) of our contract with Messrs. De la Rue and Company runs as follows :

“ The Secretary of State shall not be bound to Indent for any particular quantities, as the supplies are to depend upon the requirements of the Government of India, but if the total value of Adhesive Stamps Indented for or ordered in any one year shall fall below £8,700 18s. 8d., or the total value of Stamped Paper Indented for or ordered in any one year shall fall below £17,507 16s. 4d., or the total value of Post Cards Indented for or ordered in any one year shall fall below £16,935 9s. 5d., or the total value of Envelopes Indented for or ordered in any one year shall fall below £9,597 6s. 10d., the calculation being based in each case on Schedule E prices, the Secretary of State shall pay to the Contractors such reasonable compensation as may be mutually agreed upon, or in default of agreement as may be fixed by arbitration under clause 81 hereof.”

Sir Deva Prasad Sarvadhikary : Apart from the question of cost, is it not a fact that importing postage stamps and cards from abroad causes considerable delay and inconvenience including inconvenience to the Department and necessitates the stocking of large quantities in advance which takes up enormous space and is very difficult to deal with ?

Mr. A. C. Chatterjee : All those circumstances have already been taken into consideration and are still under consideration.

COST OF POSTAL AND TELEGRAPH GUIDE.

352. ***Dr. H. S. Gour** : (a) Will the Government be pleased to state in detail the cost of printing and producing the Post and Telegraph Guide ?

(b) Is it a fact that Messrs. Lal Chand and Sons offered to print and produce these Guides far cheaper than the cost incurred by the Government Central Press, Calcutta ?

Mr. A. C. Chatterjee : (a) and (b). It is regretted that the information asked for cannot be given. Messrs. Lal Chand and Sons have stated that their firm can print and produce the Post and Telegraph Guide at a less cost than the Government of India Press ; Government have supplied this firm with the necessary material enabling them to quote their price and are now awaiting the firm's estimate. It is possible too that tenders will be invited from the public generally for producing this work. In these circumstances, Government are not prepared to give their own figures of cost at present.

Mr. W. M. Hussanally : Can the Honourable Member give any idea as to the number of years for which this contract is to be given in future ?

Mr. A. C. Chatterjee : I should like notice of that question.

POSTAGE STAMPS IN INDIA.

353. ***Dr. H. S. Gour** : (a) Is the Government aware that Postage Stamps of much superior pattern and finish could be turned out more cheaply than Messrs. Thos. De La Rue by the Goebel automatic machinery ?

(b) Are Government aware that an Indian firm undertakes to instal this machinery and turn out better stamps than those produced by Messrs. Thos. De La Rue ?

Mr. A. C. Chatterjee : Government are expecting shortly a special report on the whole subject. On receipt of it the question will be examined.

Sir Deva Prasad Sarvadhikary : Is it not a fact that no Indian firm could possibly undertake to instal machinery of this description unless definite pledges are given that the contract will be for a suitable period ?

Mr. A. C. Chatterjee : That point will certainly be taken into consideration.

COST OF POSTAGE STAMPS.

354. ***Dr. H. S. Gour** : (a) Is it a fact that the paper used for printing postage stamps is supplied by a firm in Kent ? What is the name of the firm and what does the paper cost ?

(b) Has the Government ever invited tenders for the supply of this paper. If not, why not ?

(c) Is the Government aware that that paper could be purchased cheaper from other firms and countries ?

Mr. A. C. Chatterjee : (a) Government have seen a statement in an article which appeared in the public press in June last. This statement

is to the effect that a special paper with water mark made from the finest linen rags is used for stamps, and that this paper is made in Kentish Mills "which have the reputation of producing the finest papers in the world." Government have no other information on the subject.

(b) The answer is in the negative. The contract with Messrs. De La Rue and Company is a lump contract and neither paper nor any other materials are supplied by Government to the firm for the printing of postage stamps.

(c) The reply is in the negative.

Dr. H. S. Gour : May I ask if the contract that Messrs. Thos. De La Rue were given was after inviting tenders and if tenders were invited, did any other firm tender for the printing of postage stamps ?

Mr. A. C. Chatterjee : I should like notice of that question. I do not deal with this particular subject myself and I have been answering on behalf of the Commerce Member.

SUPPLY OF PAPER TO PRESSES.

355. ***Dr. H. S. Gour :** (a) Will the Government be pleased to state whether it is a fact that all paper purchased by Government from the Paper Mills is taken first to the Stationery Office, Calcutta, and thence distributed to the various presses in the country ?

(b) And why are not the Mills instructed to supply direct to the presses and thus save cost of storage and redistribution ?

(c) Is it a fact that sometimes the surplus paper returned by the presses is again returned to the Stationery Office, and redistributed ?

(d) Does not this transit to and fro add to the cost of printing and could it not be avoided by direct distribution from the Paper Mills ?

Mr. A. C. Chatterjee : (a) and (b). It is not a fact that all paper purchased by Government from the Paper Mills is taken first to the Stationery Office, Calcutta, and thence distributed to the various presses in the country. In view of the definite misstatements of fact recently made in the newspaper press and elsewhere on this and kindred subjects, it will interest Honourable Members to know exactly how inaccurate this suggestion is. In actual fact, out of 8,065 tons of country paper dealt with in 1921-22, no less than 4,826 tons, or approximately 60 per cent. were supplied direct to the consumers. The balance is delivered free of charge by the makers at the Stationery Office, whence it is retailed to the Calcutta presses and to the six or seven thousand petty consumers throughout the country.

(c) and (d). So far as Government are aware, no surplus paper has been returned from any press outside Calcutta to the Stationery Office and thence redistributed. Certain paper, however, which was supplied to the Government contractor in Calcutta for the printing of Government forms and was not utilized by the contractor was, when the facts came to light, ordered to be returned to the Stationery Office.

TRAVELLING ALLOWANCE.

356. ***Sardar Bomanji A. Dalal :** (a) Was any action taken by the Government on the suggestion made last March to the Honourable the Finance Member by Mr. J. K. N. Kabraji (then a member of this Assembly) for the alteration of the rule allowing as travelling allowance

double railway fares to Government Servants, Members of the Legislature and others ?

(b) If so, will the Government be pleased to lay on the Table the instructions issued by them ?

(c) If the rule has been modified, what approximately is the anticipated saving in (1) the Civil and (2) the Military expenditure of the Central Government in the current year in view of the enhancement of Railway Fares ?

(d) Is the modified rule applied to the Provinces ?

The Honourable Sir Malcolm Hailey : The question of modifying the travelling allowance rules is still under the consideration of Government. I may add that we have consulted the Local Governments and hope to dispose of the matter at an early date.

UNSTARRED QUESTIONS AND ANSWERS.

PARLIAMENTARY PRACTICE AND PROCEDURE.

209. Mr. Pyari Lal : Is it a fact that the Government of India intends sending a member of Legislative Assembly to England to learn Parliamentary practice and procedure there ? If so, does it propose to leave the selection of such a member to the Legislative Assembly and not make the nomination itself first and then ask the Assembly if they approve of it ?

The Honourable Dr. T. B. Sapru : The answer to the first part of the question is in the negative. The second part does not therefore arise.

COMMUNAL REPRESENTATION.

210. Mr. Pyari Lal : (a) Is the Government going to introduce the principle of Communal representation in the matter of the appointments of Standing Committees to its various departments ?

(b) If so, does it propose to allow each community in the Assembly to make its own nomination ?

The Honourable Sir William Vincent : I invite a reference by the Honourable Member to the statement which I made on the 13th September in moving the motion that this Assembly do proceed to elect the panels from which the members of the Standing Committees will be nominated. The three members of this Assembly who will be members of each Standing Committee will be nominated after a consideration of the persons elected by this Assembly to the panels. It is possible for any member to nominate any member for election to each panel and the system of election according to the principle proportionate representation by means of a single transferable vote should enable minorities in this Assembly to secure representation on the panel.

INDIAN BAR.

211. Mr. Pyari Lal : Has the Legislative Department received the opinions of the various bodies, called for in connection with Mr. S. C. Ghose's amendment *re* the creation of an Indian Bar, on 24th February 1921 ? If so, will it lay the same on the table ?

The Honourable Sir William Vincent : The replies of Local Governments to the reference made to them in May 1921 are not yet complete.

Government are not prepared to place copies of replies received on the table. They will consider if they should be placed in the library when complete.

MILITARY DAIRY FARMS.

212. Babu Braja Sundar Das : (a) Will the Government be pleased to lay on the table a statement showing the following facts about the selection of candidates for probation in the Military Dairy Farms as Indian Supervisors :

- (i) Number of candidates approved ;
- (ii) Number placed in A, B, and C class, respectively
- (iii) Total number of posts ;
- (iv) Number of candidates already posted ;
- (v) Number of candidates likely to be posted before the end of 1922 ;
- (vi) How many of those already tried have been found fit and how many have been replaced by others on account of unfitness ?

(b) Is it a fact that the candidates approved of by the Controller of Farms have received no information as to when they are likely to be posted ?

(c) If the reply be in the affirmative, do the Government propose to see that necessary information is sent to the candidates ?

(d) What was the criterion for selecting those who have already been selected for appointment out of the list of approved candidates and when is the next selection likely to be made ?

(e) How do the Government propose to dispose of the approved candidates not selected for appointments ?

(f) How many of the approved candidates have passed the Matriculation Examination and how many of them have been tried up to 1st September 1922 ?

Mr. E. Burdon : It is presumed that Honourable Member is referring to the Indianising scheme recently introduced in the Military Farms Department. On this assumption, the replies to his question are as follows :

(a) (i) 310.

(ii) A—204 ; B—87 ; C—19.

(iii) At present, the number is 104, but this may be increased later on.

(iv) 122, including all those subsequently found unsuitable.

(v) The number will depend upon the number of vacancies that may occur and also on the efficiency displayed by the men who are now under trial.

(vi) Of the number who have, so far, been appointed, 66 have been found fit, while 18 were found unfit and have been replaced.

(b) Yes. As it is not known how many vacancies will occur, it is impossible to inform any candidate when he is likely to be appointed.

(c) In view of the reply given to part (b) this question does not arise.

(d) All the candidates were interviewed either by the Controller of Farms, Army Headquarters, or by the Assistant Controllers of Dairy Farms of the various circles. Selection is based on a candidate's general suitability for the appointment, regard being had to his standard of education, physique, agricultural and veterinary experience, personality and intelligence. The answer to the second part of this question is that as the cadre is now practically full, candidates will only be posted as vacancies occur.

(e) They will be appointed if and when vacancies occur. No other method of treatment is open to Government.

(f) Government regret they are unable to furnish the information desired by the Honourable Member as the forms of those who have been appointed have been sent to the various Assistant Controllers of Dairy Farms, under whom the men are serving. The minimum standard of education generally insisted on is the Matriculation, but for special reasons, one or two exceptions have in the public interest been made.

CANDIDATES WITH PERSONAL WAR SERVICES.

213. **Babu Braja Sundar Das :** (a) Is it a fact that there was a column as "personal war services" in the form for application prescribed by the Staff Selection Board? If so, will the Government be pleased to say in what respect preferential treatment has been accorded to those with such services?

(b) Is it a fact that the Government of India in one of their Resolutions in the Home Department in 1919, allowed some concessions for war services and has the Staff Selection Board been supplied with a copy of the Resolution?

(c) Will the Government be pleased to state the total number of candidates who appeared for the Lower Division of the Secretariat and for the Upper Division of the attached offices and how many out of each have got personal war services of about one year or more to their credit?

The Honourable Sir William Vincent : (a) The following question is asked in the application form for outside candidates prescribed by the Staff Selection Board :—"Give full information, particularly dates, as to any war services rendered by applicant."

In applying the information supplied in this respect, it is proposed to give effect to the orders in the Home Department Resolution No. 1099, dated the 8th August 1919.

(b) Yes.

(c) The information is not available and Government consider that no useful public purpose would be served by collecting it.

EMPLOYMENT OF ORIYAS.

214. **Babu Braja Sundar Das :** (a) Will the Government be pleased to state if there be any Oriya in any of the Departments of the Government of India?

(b) Will the Government be pleased to state if ever any notices regarding recruitment of services into the Government of India Departments were published in any leading papers of Orissa?

The Honourable Sir William Vincent : (a) The Honourable Member is referred to page 187 of the Legislative Assembly Debates, Volume II—

No. 3, from which he will observe that on the 1st June 1921 seven appointments on salaries of not less than Rs. 25 per mensem were held by persons belonging to the Province of Bihar and Orissa.

(b) The communiqués of 1920 and 1922 announcing that the Staff Selection Board intended holding examinations for outside candidates were published in the *Searchlight* which is issued from Patna.

PANELS OF STANDING COMMITTEES FOR DEPARTMENTS OF EDUCATION AND HEALTH AND REVENUE AND AGRICULTURE.

Mr. President : I have to acquaint the Assembly that the result of the election of members to serve on the panel of the Standing Committee for the Department of Education and Health is as follows :

Sir D. P. Sarvadhikary,
Dr. H. S. Gour,
Mr. J. P. Cotelingam,
Mr. Muhammad Yamin Khan,
Rai Bahadur Sankata Prasad Bajpai, and
Mr. K. Ahmed.

For the Department of Revenue and Agriculture the panel is as follows :

Sardar Bahadur Gajjan Singh,
Mr. Ambica Prasad Sinha,
Mr. Wali Muhammad Hussanally,
Rai Bahadur Bakhshi Sohan Lal,
Khan Bahadur Abdur Rahim Khan
Mr. K. G. Bagde,
Mr. Seshagiri Ayyar,
Mr. Jogendra Nath Mukherjee, and
Rao Bahadur P. V. Srinivasa Rao.

THE CRIMINAL TRIBES (AMENDMENT) BILL.

The Honourable Sir William Vincent (Home Member) : I beg to present the Report of the Select Committee on the Bill further to amend the Criminal Tribes Act, 1911.

RESOLUTION *RE* MOPLAH TRAIN TRAGEDY AND DIS- TURBANCES.

Khan Bahadur Sarfaraz Husain Khan (Tirhut Division : Muham-
madan) : Sir, the Resolution which I beg to move runs as follows :

“ This Assembly recommends to the Governor General in Council that he may be pleased to take suitable action against those officers who are directly or indirectly responsible for the Moplah Train tragedy at Podanur and are found guilty of meting out ill-treatment to Moplah women and children during the recent disturbances in Malabar.”

Sir, I place the facts, as I find them from the Report of the Committee, before the House and ask them to decide whether they are

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inclined to recommend to the Governor General in Council to take suitable action in the matter. Well, Sir, the facts as disclosed by the Report of the Committee appointed to inquire into the death of the Moplah prisoners who were conveyed from Tirur towards Coimbatore are these. Owing to a large number of prisoners at Mallapuram it became necessary to transfer some prisoners to the sub-jail at Tirur. Now, 182 prisoners were accordingly sent by road from Mallapuram to Tirur on the morning of the 19th November, 1921, under an escort and the sub-jail keeper at Tirur was informed of the fact by telegram. The Tirur sub-jail was over-full and was incapable of accommodating this extra number without very serious overcrowding. Then the Sub-Magistrate telegraphed to the Special Officer saying that the number was too large to be accommodated in the sub-jail and that the Coimbatore jail on the previous day had refused to take any more prisoners, and asked for orders. He received orders from Mr. Evans to despatch as many convicts as possible to Bellary. Now, the prisoners arrived at Tirur at 3 P.M. and the Sub-Magistrate of that place finding that there were among them 100 convicts eligible for transfer to Bellary decided that these should be despatched at once. Having come to this conclusion the Sub-Magistrate of Tirur communicated his decision to Sergeant Andrews. Sergeant Andrews with a small number of the Calicut Police reserve was on duty at Tirur in connection with prisoners. Now, what did Sergeant Andrews do? He went to the railway station and made inquiries as to the possibility of finding a van to take the prisoners to Bellary. He was informed by Mr. Reeve, Traffic Inspector of the South Indian Railway at Tirur, that there were two vans available, one large and one small. The larger van was a luggage van No. 1711. Now, as this van was loaded with telegraphic materials it was unloaded under the supervision of Sergeant Andrews, and an hour after the unloading was completed the evening train arrived at Tirur from Calicut and the van was attached to it. The prisoners, 97 Moplahs and three Hindus, who were also implicated in the rebellion, were brought to the station and entrained in the van. The van doors were shut and fastened with a hasp and staple, the iron wedge which held them secure being wired to keep it in place, and the train left Tirur at 7-15 P.M. It is in evidence that the condition of the prisoners at the time they were entrained was good and that they were quite all right. Now, the van was attached at the rear end of the train. Immediately in front of it was a bogie brake van occupied by the under guard. The rear portion of the brake-van consisted of a third class compartment and in this the head constable and five constables who constituted the escort travelled and were thus in the nearest possible proximity to the prisoners' van. Sergeant Andrews who was in charge of the prisoners was in a second class a little further off in the train. After stopping for about two minutes at each of the four intermediate stations the train reached Shoranur at about 8-40 P.M. Here the time for halting was half an hour and not two or three minutes.

Sir Deva Prasad Sarvadhikary (Calcutta : Non-Muhammadan Urban) : May I rise to a point of order? I do not want to interrupt

my Honourable friend. I understand that the prosecution of Sergeant Andrews has been ordered. I do not want to anticipate anything about the merits of this Resolution but should not matters relating to Sergeant Andrews be carefully kept out?

The Honourable Sir William Vincent (Home Member) : It is correct to say that Sergeant Andrews has been prosecuted.

Sir Deva Prasad Sarvadhikary : That makes the position all the more difficult for the Assembly.

Mr. President : The case of Sergeant Andrews is under adjudication by a Court and the Honourable Member will have to steer his remarks round Sergeant Andrews.

Khan Bahadur Sarfaraz Hussain Khan : After stopping at 4 other intermediate stations the train reached Olavakkot at 10-29 P.M. Here it halted for 15 minutes. The escort left their carriage and went to the prisoners' van but did not open the door. From Olavakkot a telegram was sent to Podanur ordering water to be kept ready for the prisoners at Podanur. Podanur was reached at 30 minutes after midnight. Here the water was brought but when the compartment was opened the prisoners were all found lying down in a state of collapse. Some of them were groaning and it was evident that a disaster had taken place. The other two compartments were immediately opened and disclosed the same state of affairs. The Medical Officer in charge of the Military Base Camp was on the spot a little after 1 A.M. and he did all he could to resuscitate those of the prisoners who were still alive. The District Medical Officer of the South Indian Railway arrived on the scene afterwards and he also attended to the work of resuscitation and eventually the prisoners were all removed from the van and those who were found still living were separated from the dead. The dead bodies 56 in number were replaced in the van and sent back to Tirur. It must be noted here and it is for you to consider that the train started with 100 prisoners all in good condition and travelled back to Tirur with the dead bodies of 56 of these unfortunate people—a harrowing and heart-rending and soul-stirring tale indeed ! And under what circumstances ? 100 living men huddled together in a luggage van which has been aptly described by Dr. O'Connor practically air tight and General Giffard as practically a closed box. Look at the enormity of this, which is nothing but shocking and horrible, whoever is to blame. On arrival at Tirur, the dead bodies were handed over to the Moplahs of that place for burial with the exception of those three Hindus who were buried by the police. Now of course it is for you to consider why these Hindus were buried. There is nothing in the report showing why they were buried. It is a very unusual practice. The train left Podanur at 4-30 A.M., carrying 44 survivors. Of these six died on being taken out of the train at Coimbatore. Out of the survivors, thirteen were sent to the Civil Hospital and 25 to the Central Jail Hospital. Of the 13 taken to the Civil Hospital, two died on arrival there, 4 more on the same afternoon and 2 on the 26th. The remaining 53 were transferred to the Jail Hospital. Thus it was that the total deaths amounted to 70. This is not

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a small number out of the 100 alive who were sent in good condition. It is said in the Report of the Committee that everything that was possible was done for the prisoners; but when? Not for the living who were in good condition but to the dying and the survivors. A post-mortem examination was made at Tirur on three of the dead bodies taken at random, and the cause of death was certified as asphyxia,—a medical term which means suspended animation. This evidence is supported by the evidence of Captain Mathai, Major Forest and Dr. O'Connor all of whom saw the prisoners die. The Surgeon General, who was deputed by the Government to make a special investigation, agrees in the general description of the cause of death as asphyxia but adds that heat exhaustion was probably a contributing cause. The Chemical Examiner's Report on the contents of the stomach and other portions of the body sent to him shows that there was no trace of poison of any kind. The Committee of Enquiry accepted it in its Report that when L. V. 1711 was tendered and accepted on 19th November for the carriage of 100 prisoners it was not observed that owing to the condition of the gauze and the practical absence of ventilation it was in fact unfit to carry 100 prisoners. Now, there must be somebody responsible for the tendering and accepting of this van. Here I ask the Honourable House to find out and decide for themselves as to whether the officers who accepted and arranged for the van were really responsible or not. Captain Mathai, I.M.S., declared that as a medical man his view was that the van would not be fit to carry human beings, even if the gauze linings were absent. Dr. O'Connor was also of the same opinion. Besides I find from evidence that this van was not used before. Some other and safer vans could have been procured, having regard to the number of prisoners to be carried, and it was really the duty of some men who were responsible for the looking after of the convenience and otherwise of the prisoners to see as to whether this special van was fit for 100 persons. There were many luggage vans, but the dimensions and such other things ought to have been gone into. The prisoners were not simply like luggage, to be taken from one place to another; their convenience, their safety should have been considered. These are things which require to be considered. Now, I should say as to what passed during the journey, and how the bare human wants of the poor men were supplied by the responsible officers. Instead of quoting the evidence of the independent witnesses who were examined and the evidence of the surviving prisoners, which I could not read without being shocked, I may just quote for your information some sentences from the evidence of the different surviving prisoners. And here also the Committee says that if the doors had been opened either at Shoranur or at Olavakkot where the train stopped for a considerable time, the sufferings of the dead, if not altogether relieved, would certainly have been reduced. However, to give the House some idea of the sufferings of the prisoners, I may just quote from the evidence of some surviving prisoners. They say: "We were perspiring profusely. We were so thirsty that some of us drank of the perspiration from the clothes of other persons. After two or three stations men began to fall down and lay on top of each other. Give us water or open the doors. There was no order to open, and if you go on crying out, you will be shot." A

almost all the stations they cried out for water and received the reply from outside that it could not be opened until they reached Podanur. "We had called out, that we were getting choked and that if we cannot get any water, the doors should be opened," some policeman replied, "if you make so much noise, there are troops travelling, in the train who will shoot you." Captain Mathai in his evidence states: "I saw three compartments full of prisoners, they were lying one on top of the other. Some of them were moaning and groaning." This is the evidence which was produced before the Committee, but what have they done, and what conclusion have they arrived at? They have exonerated all the officers who were responsible for the tragedy. However, in fairness I must say that it is satisfactory to note that the Government of India have instructed the Government of Madras that prosecution should be started. It is also satisfactory to note that the Government of India expressed their deep sympathy to the families and relatives of the unfortunate men who perished in this lamentable disaster. We must be very grateful for that. But, I say that having regard to the way they have acted, it seems to me to be quite incommensurate with the seriousness and gravity of the crimes committed by the officers, high or low, responsible directly or indirectly. The matter is not so simple as it may look; 70 human beings perished. Well, now please excuse me if I make a reference to another incident that took place a long time ago. Why was so much capital made of the black hole tragedy in Calcutta, which is now a matter of history. Verily, the unfortunate victims of the black hole tragedy died from suffocation and thirst. But they were shut up in a closed room meant for man. But, Sir, the poor Moplah prisoners were shut up in a closed luggage van meant only for luggage. What impression does the comparison of the two tragedies convey to your minds I need not say. It had better be realised and visualized. I am simply stating facts. I need not refer to the adverse criticism in the press; but I must say that justice and humanity demand that at least adequate compensation should be paid to the families of the victims of the Moplah tragedy. The harsh treatment of prisoners of war in Germany provoked the most scathing criticism all over the civilized world, and the Allies have extorted reparation for the outrages. In the Punjab also the victims of the martial law régime have been compensated; why is not the same thing done in this case? What are you going to do about it? Do what you think best. But in the very interest of the British Government I say that no time should be lost in taking necessary steps in the matter. No less a person than Lord Lytton, a former Viceroy of India, observed on a memorable occasion that a single act of injustice done would be more harmful to the British Raj in India than the defeat of the army on the battlefield; and justice done must include the impression produced in the mind of the people that justice has really been done.

Another fact to be considered by you, gentlemen, is that, while the catastrophe took place on the 19th of November, 1921, the Government Resolution on the subject was not published till August 1922, some nine or ten months afterwards. The laboured arguments of the Committee in order to dispose of the responsibility for the tragedy and exonerate the responsible officials are such that in my opinion even a casual and superficial reader can see through them. It has also to be considered as to who

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was responsible for the selection of Van No. 1711 for carrying the Moplah prisoners, which resulted in the horrible tragedy and the death of 70 men. Colonel Humphreys, the Military Commander, is exonerated although he was present at the discussion regarding the selection of the Van. It was, it may be argued, none of his business to see to the suitability or otherwise of the van from the point of view of sanitation or the health of the prisoners. Other officers concerned in the matter were Mr. Reeves, Mr. Hitchcock and the Constables who were in charge of the prisoners. It will appear from the reading of the report that none of the officers concerned in the matter looked to the comfort or convenience of the prisoners from a sanitary or humanitarian point of view. They considered it to be their duty simply to convey the men like so many animals or so much luggage at the owner's risk. Is that humanity? Have prisoners of war no claims upon us specially in the present age of civilization? It is for you, gentlemen, to see what should be done in the matter to avoid the repetition of such callousness and the infliction of such suffering. Even cruelty to animals is not tolerated by the civilized world. I have placed the facts before you, as I have found them, and I have done duty and it is for you to see as to what should be done.

Just a few words more about the agonies of the unfortunate men who perished. The train left Tirur at 7-15 P.M., and arrived at Podanur at 30 minutes after midnight. For over five hours they remained huddled together in a luggage van without, I understand, light, because no mention is made of it, without air and without water, groaning, screaming and struggling for their very lives, dashing their heads against the walls of the van, till death itself relieved their sufferings. Verily it was not men but death which came to their rescue. Now I have finished as regards the train tragedy.

As regards the Malabar disturbances I have not got the report, but as you are aware, after martial law was promulgated there, the Moplah men left their homes for fear of death, leaving their women folk and children to look after themselves. Well, a Committee, the Moplah Amelioration Committee, was formed to look after these women and children and other sufferers. The women made a request to be allowed to go to the Committee for relief, but they were not allowed to go there. Why so? As I understand, there was a complaint also to the District Magistrate.....

The Honourable Sir Malcolm Hailey (Finance Member) : Sir, I rise to a point of order. I am very loath to interrupt the Honourable gentleman, but I would ask your ruling, Sir, as to whether references to an extraneous matter are within order in dealing with the definite matter of what is known as the train tragedy? It is necessary in a case of this kind that Government should know exactly what charge it has to meet.

Mr. President : I understood from the Honourable Member that he was referring to the second part of his Resolution. I may warn him that he has very nearly exhausted his allotted time.

Khan Bahadur Sarfaraz Hussain Khan : Very well, Sir, if the House desires I may delete that portion and not say anything.

The first part of my Resolution says :

" This Assembly recommends to the Governor General in Council that he may be pleased to take suitable action against those officers who are directly or indirectly responsible for the Moplah train tragedy at Podanur "

and the second part says :

" and are found guilty of meting out ill-treatment to Moplah women and children during the recent disturbances in Malabar."

I wish to know as to what is the wish of the House so far as the second part of the Resolution is concerned. With regard to the train tragedy I have said what I had to say, and I have got to say nothing more. It is for the House to say whether it wants me to go on with the second part. If the House wishes me to drop or delete that portion, I shall do so.

Mr. President : The Resolution has been admitted in the form in which it stands on paper. But the Honourable Member has already exceeded his time in discussing the first half of the Resolution and therefore he will not have time to deal with the second part.

Khan Bahadur Sarfaraz Hussain Khan : I will conclude in a few minutes. The District Magistrate was referred to regarding this ill-treatment meted out to the Moplah women and children. They were not only badly treated, but they were not allowed to take protection. That is all that happened. My whole Resolution is that suitable action should be taken against the officers who are directly or indirectly responsible for the Moplah train tragedy and who are responsible for the ill-treatment meted out to Moplah women and children. With these words, I commend my Resolution to the acceptance of the House.

Maulvi Miyan Asjad-ul-lah (Bhagalpore Division : Muhammadan) : *(The Honourable Member spoke in the Vernacular.*)*

The Honourable Sir William Vincent (Home Member) : Sir, in the opening words of our Resolution dealing with this Train tragedy we began with an expression of our regret and horror at the loss of life that occurred, and it is only right and fitting that I should place in the forefront of my speech to-day a further statement of our great sorrow on this terrible loss of life. Indeed, the very thought of the tragedy fills the mind of anyone with any imagination at all with a great sense of horror. The facts have been fully depicted by the Mover of the Resolution. But I cannot go further with the Honourable Member and accept the suggestion that the Government have treated this matter lightly. I can assure every Member of this House that there is no foundation for this assertion at all. Government have throughout been much perturbed and exercised over the whole question and have had the greatest desire to mete out impartial justice. But I do not want the Assembly—I am sure really this warning is unnecessary—to let the horrors of this occurrence cloud their judgment for one moment in assessing the guilt or innocence of persons who are really in a manner now on their trial. The facts are these. In August last year there was a sudden

* The original speech and a translation of it will be printed in a later issue of these Debates.

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outbreak amongst the Moplahs in Malabar. I believe it was largely unexpected. For a short time the Moplahs attained some degree of success and, I regret to say, murdered a few Europeans and many more Hindus. For some time the lives and honour of unfortunate persons in the locality were not safe, property was looted, houses were burnt and much suffering was inflicted. This outbreak began on the 20th of August; on the 31st of August, one of their leaders, Ali Musaliar, and some 30 others were captured at a place some distance from the railway. They were moved down to Tirur, which is the nearest station to the place where they were arrested. And the question of transporting them from there by rail to safe custody had to be considered; on the 2nd of September they were sent from Tirur in a luggage van. The selection of luggage vans for the conveyance of prisoners was decided on after consultation, as the evidence shows, between Mr. Evans and other officers, including Mr. Hitchcock and some Military officers. But it is uncertain whether Colonel Humphreys, the Military Commander, was there at the time. Here I want to correct a statement made under a misapprehension by the Mover, viz., that the Military Commander was responsible for the selection of the particular van in which this tragedy occurred. That is not so. He was not at Tirur on that occasion at all. Well, Sir, after the 2nd September luggage vans were used regularly for the transport of these prisoners; in all 2,549 prisoners were so conveyed, and we have evidence to show that they suffered no harm, save on this one occasion, from this method of conveyance. On the 10th of November, a hundred prisoners arrived at Tirur and were placed in Van Number L. V. 1711 for conveyance to Coimbatore. The circumstances have been fully described by the Mover of the Resolution and I do not want to repeat what he has said. I will only add that the prisoners were in charge of Sergeant Andrews, and the railway officer in charge of the traffic arrangements at Tirur was one Mr. Reeve. These officers after selecting the van had it cleaned and disinfected. They were not negligent in their duties in that respect, but most unfortunately to their great regret and to our great regret, they did not examine the ventilation of that van.

It appears that in this particular van over the venetians which stretched across a great part of the side some
 12 noon. wire gauze of very small mesh had been fixed which destroyed all ventilation. Honourable Members have heard the story from the Honourable the Mover. The prisoners were put into the van and they were conveyed to Podanur. There the van was opened and it was found that 56 of them were already dead. I should add that an additional 14 died later. All medical aid was given to them at Podanur and it will be admitted that the authorities did everything possible for them. Sir, I do not want to dwell on the horrors of this part of the story. They have been fully placed before you by the Mover. There is an additional reason for my pursuing this course, and for omitting reference to it, namely, that of the men directly responsible in our judgment in this affair, one is dead and one is under trial, and it would be unfair to him, I think, if we pursued that subject here. Sir, there followed a prolonged investigation into this matter by

a Committee appointed by the Madras Government ; that Committee included three non-official gentlemen, all, I believe,—I speak subject to correction—Members of the local Council. I am told that they are men of undoubted ability and character ; one of them indeed is a man noted for his independence of judgment. They made detailed inquiries into the whole of this case and submitted a unanimous report. That was examined by the Government of Madras, re-examined by the Government of India, and, finally, our conclusions were reported to and accepted by the Secretary of State. Our conclusions are contained in the Resolution which has been placed before all Honourable Members. The Mover of this Resolution, to-day, demands, as I understand it, that further action should be taken against those who are directly or indirectly responsible for this occurrence. I have said that of the persons directly responsible, if we exclude subordinate officials, persons like constables, one, Mr. Reeves, is dead. From information I have received I believe it is possible that his feeling of responsibility for this occurrence and the strain, the anxiety of the investigation were a contributory factor to his death. I have not heard that officially but I have been told it by persons from Madras. At any rate, there is one thing certain, namely, that the measure of his guilt or innocence has now been assessed by a higher Tribunal than this Assembly or than any Court of justice on earth. No censure of this Chamber, nothing that any man may say here, can touch him, but, the good name of this Assembly, its reputation and its dignity demand, I think, that we should treat the memory of a man now dead with reasonable consideration. (Hear, hear.) The other person, Sergeant Andrews, is being prosecuted now before the Court. I said that he is being prosecuted. I hope I have not misled the Chair in this matter. Orders for his prosecution were issued many days ago, and I have no doubt that proceedings have already been instituted against him. Here again, I am quite sure that this House will not commit itself to any statement which would prejudice the fair trial of a person who must have already suffered and be suffering a great deal of mental anxiety. Indeed, in this case we have received official information as to the serious effect which the suspense and the anxiety have had upon the health of this officer.

Sir, of the officers and authorities who, it may be alleged, are indirectly responsible for this occurrence, I will eliminate the railway for one moment, because the general responsibility of the railway is a complicated matter which is under separate examination. As to Colonel Humphreys, the Military Commander, I can add nothing to what we have said in the Resolution, and I believe that this Assembly will endorse the view, that a Military Commander, engaged in serious operations of this kind, engaged in protecting the lives of innocent men, cannot be held, either technically, or in any sense, responsible for the loss of the lives of these prisoners. Mr. Hitchcock was exonerated by this Committee on which the non-official element was very strong and while I am speaking of the Committee I should be glad if Members from Madras would consider in particular the name of one gentleman, Mr. Manjeri Ramaler, who is, as I have said, according to my information, a singularly independent person of great capacity. (Hear, hear.) To return to the report, Mr. Evans was not absolved by the Committee, but perhaps before

[Sir William Vincent.]

I deal with Mr. Evans I ought to say one word more in regard to Mr. Hitchcock. Sir, though the Committee did not consider him blame-worthy the Madras Government found that a measure of responsibility must attach to all the officers who first passed the first van used. We came to the conclusion also though not for the same reasons exactly that Mr. Hitchcock was responsible in part for the failure to regulate the use of these vans, though in a lesser degree, than Mr. Evans. As to Mr. Evans, we have not absolved him from blame, but we have not overlooked the fact that throughout this rebellion his services have been almost invaluable. (Hear, hear.) All the same he was the Chief Civil Adviser to Colonel Humphreys and we thought that, though the use of the vans in an emergency was not, *per se*, objectionable, he ought to have taken care to see that their use was regulated in such a way as to secure that the prisoners were conveyed in reasonable comfort without danger to their lives and that the space and ventilation in the conveyance were adequate. Those Members who have read General Giffard's evidence on this point will find that he agreed with the Committee in thinking that the use of the van in an emergency was not open to objection. He said that, during the Great War in Europe, similar vans were used, though, of course, he did not suggest, they were crowded to the same extent.

The Committee, however, thought that the use of these vans might have been abandoned earlier. We examined that point carefully and came to the conclusion, that, having regard to the large number of prisoners to be conveyed and the small police force available, the continued use of these vans was justifiable if their use had been regulated to ensure that there was adequate ventilation and space in each particular van for the number of prisoners conveyed in it. One of our reasons for this conclusion was that with the small number of police available it was impossible to say that these police were not better employed in saving the lives and the property of Hindu victims than they would have been in the escort of the prisoners.

As a matter of fact the prisoners did not suffer from the use of these vans save on this occasion, and I believe myself that had it not been for this one tragic event, for the fact, that this particular unsuitable van was used on this occasion, and such a large number of prisoners put into it, we should never have heard anything more about the use of these vans at all. At the same time the failure to regulate the use of these vans was a regrettable omission. Here I want to pause for a moment to ask the House to consider what Mr. Evans' duties were and how they were performed. I was in Malabar myself for a very short time; I saw his work which seemed to end neither by day nor night, and I can assure this Assembly that his duties were of a most difficult and multifarious character. He was everywhere now assisting the military, now attempting to restore law and order, now endeavouring to protect unfortunate residents and refugees; he was the authority to whom everyone looked for assistance. May I add that there was scarcely a day on which he did not risk his life in the performance of his duty? And, here, I want to read an extract from a speech which was made by a Hindu Member of this Assembly—I wish

he was here to-day—who spoke on this subject last Sessions. He said :

“ Lastly, but first in importance, I must mention the hero of the situation, Mr. Evans, who, at imminent risk of his life and not caring for his health, has continuously been going about with the military to help them with his wide knowledge of the district, and to dilute any individual case of harshness on their part. He has gone almost alone into risky tracts for the purpose of inspiring confidence and of bringing round the rebellious. I wish to take this opportunity to mention how sorry I am (and I know I am speaking for the district) to see him blamed for that regrettable incident, the train tragedy. Injustice and ingratitude, in my opinion, can go no further.”

He goes on in similar language. Again, Sir, may I tell the House there was a meeting of ten thousand people, in Calicut in February last to consider the work done by Mr. Evans and other officers and the administration during the rising. The Conference passed the following Resolution :—

“ This Conference thanks the several officers who have helped in upholding the reign of law and order, and particularly thanks Messrs. Austin, Evans, Hitchcock and Tottenham (?).”

In another place they say that the administration of martial law was just humane and successful, and if martial law was to be withdrawn the Local Government should be given additional powers. I have mentioned this, because I want the House to know that this is no case of Government whitewashing an officer at all. If this loss of lives had been the result of inhumanity, cruelty or deliberate severity, the position would have been entirely different. At most here there was however an error of omission. I want Members of this Assembly to judge others as they would be judged themselves. Let each Member here ask himself whether, if he were placed in the difficult position Mr. Evans was in, he would have done as well as Mr. Evans, and whether he might not have been guilty of much more culpable omissions than that. Meritorious work must be considered when judging of any mistakes that an officer has made, and I am glad on this occasion to be able to testify to the extremely valuable work that was done by Mr. Evans in this Malabar rising. I much regret indeed that as Members of the Government we had to blame an officer who has performed services of such conspicuous merit. Indeed I cannot say myself that, if I had been down in Malabar doing half the work that he did, I should not have made the same mistake. Think of this officer moving all over the country with the troops, endeavouring to protect the people who were rendered homeless, many of whose lives and property he saved and then consider if it is fair to treat him with severity on the ground that he forgot to regulate the transfer of prisoners. It is quite true ; but one would have never heard of it at all but for this terrible occurrence, and yet now it is suggested that punishment should be meted out to him.

I have so far spoken of Mr. Evans ; but I believe those who know him better than I do will say that Mr. Hitchcock's services were certainly of equal value. His knowledge of Malabar has been of the greatest service throughout the troublous time. Sir, I believe, that in such circumstances this Assembly will act with justice and impartiality in this matter and that it will not give any support to the impression that sometimes erroneously

[Sir William Vincent.]

prevails that there is an under-current of hostility in the Legislature toward executive officers performing unpleasant duties. I believe that to-day any who takes this view will be disabused of it by the vote of this Assembly. I am confident in a matter of this kind that the Assembly is only anxious to do justice ; I believe that the Assembly will give an impartial and just verdict, and will not fail to recognize the services of the officer in assessing the blame to be attached to him. I have indeed every hope that I shall secure the support of the Assembly in this Resolution. We have been attacked, as usual, on two sides on this question. We are told by certain papers that we have arrived at an unjust decision and that the punishment is inadequate. We have been criticized on the other hand as it is said that we have been much too severe. I repudiate the one suggestion as much as the other ; I believe we have come to a perfectly reasonable and fair decision.

It is true that there was a great deal of delay in dealing with this case. No one regrets it more than we do. The reasons are as follows : we received the conclusions of the Government of Madras on this report at the beginning of April. In May we telegraphed our conclusions to the Secretary of State requesting him to take Mr. Evans' explanation which every one will see was necessary. In June, on the 29th June we got the explanation. During the early part of July we consulted Madras on certain additional points and on the 16th August finally we received the Secretary of State's orders in this matter. There has been great delay, but it was in large degree inevitable.

Now, I want to turn to the second part of the Resolution before this Council. Really so little has been said on it that it scarcely deserves any serious consideration. So far as I know we have had no specific complaints of ill-treatment of these Moplah women. If they have been received, the Madras Government have doubtless inquired into them ; it is not true to say that Moplah women were driven out of their homes. When I was in Malabar, I saw evidence to the contrary in some places ; the Moplah women were mostly left in the houses above because, the men were out fighting ; those who were peaceably inclined, peaceably disposed—and there were such—I saw them myself—were standing outside their houses when we passed along the roads. It has been suggested that in the measures for the relief of the inhabitants Moplah women and children have been neglected. I made special inquiries from Madras about this matter in January and I do not think there is any foundation for the suggestion. There was, as everybody knows, a Central Relief Committee to superintend relief operation and in the hands of that Committee the arrangements were largely placed, and they were always ready, as I am assured, to give relief to Moplah women and children equally with Hindu refugees. There was a relief camp open at Quilandy but it was not patronized to any extent by the Moplah women and children. Moplah women in the martial law areas were not prevented from leaving their homes ; but they preferred not to do so.

As a matter of fact, I suspect, they lived largely on grain looted from the unfortunate Hindus, of which they had very large stores. And they were as I am informed better clad than they had been before the rising.

To be on the safe side, however, as I mentioned last time, the Special Commissioner laid on the Moplah leaders the obligation to report to the authorities any cases of real distress with which they could not deal ; and he also arranged for a Committee of Muhammadan gentlemen to go into the disturbed taluks and to suggest measures for dealing with any distress that existed. Among the gentlemen invited to join this Committee three were Moplahs.

These facts are enough to show that the measures taken for the relief of these Moplahs were ample and sufficient. In addition to these measures the work of Mr. Devadhar and his co-helpers has been of the greatest value. The Servants of India Society collected considerable sums of money for the relief of sufferers generally. Many in this Assembly, I daresay, have contributed towards the relief not only of distressed Hindus but of the Moplahs also ; and I honestly believe that there is no foundation whatever for the allegation that in administering these measures of relief Moplah women or men who were in distress were neglected. At any rate in all that I have heard, there is nothing whatever to support that allegation. As to ill-treatment my opinion, as far as I have been able to ascertain the facts, is that when there was any ill-treatment, it was not of the Moplahs, honestly speaking, but by the Moplahs. I have had occasion to see many records of cases in which Moplahs have been sentenced to death and other penalties for murders and similar atrocities ; and I have seldom if ever read such revolting stories of cruelty in all my life. I have also been unable to find any ground at all for the suggestion that the Moplahs were treated with undue severity in the suppression of the rising and here I would refer the Assembly again to the Resolution of the meeting held at Calicut in February, 1922, finding that the administration of martial law was just, humane and successful. Another statement made then by one who addressed the meeting was that the speaker felt sure that martial law could not be administered more humanely than it was in Malabar. The constant endeavour of the Government of India was, in fact, to secure that the administration of martial law should be fair and humane, and I think I can say that we succeeded in attaining this object. Of course Moplahs who were out to murder could not be dealt with otherwise than forcibly and severely. They had to be taken very seriously, and if they chose to attack people they had to take the chance of getting shot.

Sir, in the course of the last two years I have often had to address this Assembly, but I can say frankly that I have seldom if ever felt that I had a stronger case than to-day ; and I appeal with confidence to the sense of justice of this Assembly in asking it to reject this Resolution.

Mr. B. Venkatapatiraju (Ganjam *cum* Vizagapatam : Non-Muhamadan Rural) : Sir, the Honourable the Home Member has fairly stated that the horrors of the tragedy should not cloud our judgment with reference to the action taken or with reference to the guilt or innocence of the persons concerned. But I am sorry, Sir, that in the same breath the Honourable Sir William Vincent went on to describe the atrocities committed by the prisoners. I think that to be fair in arriving at the conclusion we ought not to take into consideration either the horrors of the tragedy or the atrocities committed by the prisoners. The simple question is whether the authorities were justified in sending people

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in this luggage van where 70 people suffered death from suffocation. We have it stated in the report of the Surgeon-General that this luggage van was not fit to carry a single man under the circumstances, and the three other doctors said not only this wagon but none of the other four or 11 wagons were at all fit to use to carry passengers at all. But in this case, Sir, we have to visualise the scene that at night without any lights a hundred people were "cabined, cribbed, and confined" within a space of 122 feet in close space with a height of six or seven feet. Of course the Military Commander might say, "I am only responsible for the security of the wagon," and the Civil officers might say, "I am only responsible for carrying out the instructions of the Military Commander." The Railway authorities might turn round and say, "We are only carrying out the instructions of the military officers." Mr. Hitchcock might say, "We are very busy with military operations and we cannot attend to these petty points." And, as the Committee observed, the other persons were of a low status who cannot be expected to realise the situation. I do not propose to say anything about Sergeant Andrews, because his case is *sub judice*. But what I respectfully submit is, can the Government of India escape all blame in this matter. The Railway Rules, sections 62 and 63, say that no vehicle should be used for carrying passengers unless certain conditions have been observed. Now, it is true that martial law had been declared; but that does not absolve the railway authorities from following the instructions given without complying the provisions of the Railway Act. Then who is responsible? May I ask the Assembly who is responsible, if none of them is responsible. Don't go for the smaller fry. In judging this matter you should not pay any regard to the merits of individuals. They may be great men; but when we are judging the case we do not say, "He is a great man." If a man commits an error, he must suffer the consequences. In this case we have to consider that these 100 people were taken over a long distance, walking from the morning and arriving at the place at 3 or 4 P.M., and as a result of their confinement in this wagon some of them died on account of suffocation.

Now, Sir, though three centuries have passed we still hear people complaining of the Black Hole of Calcutta, though some Indian historians condemn it as a myth. But we are still told with horror how certain Englishmen and women were placed in a room—we don't know the dimensions of the room or the actual number of people that were confined in it; but 300 years have not helped to efface the effect of that tragedy. Historians recall it to us with horror. Why should we go to Suraj-ud-daulah to find out a parallel? Now in the case of the Moplah train tragedy there is none here who is responsible. But the fact remains that a number of people died. I do not say that any person who was responsible was aware of the consequences, any more than Suraj-ud-daulah was aware of the action of his subordinates. None of them were aware. But there was something wrong somewhere. To put it in mild language, the incident betrays callousness on the part of those responsible for human sufferings. If instead of these poor Moplahs, the victims had been Europeans, the whole world would have thrilled with horror, and we would have heard a lot from several

quarters. Only the other day we heard of certain soldiers who, while travelling from Karachi to some place, were not provided with electric punkhas, and on account of the heat of the day, a few of them died of sunstroke. Then we had so much comment and so many steps were taken, and the matter ended by the resignation of the Secretary of State.

Now we hear such expressions from the Government of India that it is horrible, tragic, culpable negligence; but is there any intention of paying any compensation to these unfortunate families of 70 persons who have died, who, I say, were administratively murdered? My submission is that it is not satisfactory to say, we sympathise with them. Show it materially by providing for all these families. These things would not happen if the Government of India were to insist that the rules of the Railway Act are strictly to be enforced, and vans that are intended to carry luggage should not be used to carry human beings. It was said by Mr. Browne, the guard, that the persons in question made some noise, and were asked to keep quiet by the Sergeant; and that another waggon attached to the train, a covered van, contains mules, and that they made no noise. Is that the way to look at things? Is that the way to treat human beings? These poor unfortunates made a noise for air and water. That is just this callous spirit we have to suppress. We want that human beings whether murderers or Indians or Europeans must be looked after as human beings. According to the three doctors, all I.M.S. men, these luggage vans were unfit to carry human beings. The only authority the Honourable Home Member cited was Major General Giffard, who said that similar vans were used to carry prisoners. (*Sir William Vincent* : "Used for carrying troops.") Would any civilized nation tolerate it for a single moment? I do not think that even Major-General Giffard would have said so if he had compared both minutely. Luggage vans are made to carry luggage and luggage does not need ventilation, and so ventilation is not provided, and the Government of India thought that the mistake in regard to ventilation must be due to the faulty construction of the luggage vans, and therefore the proper thing would be to punish the carpenter who made those luggage vans. My submission is that the Government of India have done their level best, but have not done what they ought to have done with reference to the various matters I have mentioned. I do not see why such a mild Resolution should have been opposed, when the Government were asked only to take suitable action against the officials found guilty concerning various matters. I therefore appeal to all the Members of the Assembly, if we have sympathy for human sufferings, to insist that punishment should be awarded to those who deserve it. I do not think that anyone, in spite of the eloquent appeal made by Sir William Vincent, would stand in the way of punishment being meted out to those who deserve it.

Mr. S. C. Shahani (Sind : Jagirdars and Zemindars) : Sir, I have no information with regard to the second part of the Resolution, but so far as my information in regard to the first part goes, I feel inclined to wholeheartedly support the Resolution put forward by my Honourable friend, Khan Bahadur Sarfaraz Hussain Khan. I have listened very carefully to what has been said by the Honourable the Home Member. I should

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have liked him very much to explain how 100 prisoners came to be pressed into such a small van. Someone must have issued the order and therefore someone must be responsible for it. He has exonerated every individual officer.....

The Honourable Sir William Vincent : May I rise to correct the Honourable Member. His statement is incorrect. I have not exonerated every individual officer. One unfortunate officer is being prosecuted and another is dead.

Mr. Shahani : We have undoubtedly heard of two officers being blamed, not once but ten times ; but these two comparatively small officers could not have been the only officials responsible for the order. The people have felt aggrieved. Public opinion has been outraged ; and it is no use flouting public opinion further. It is no use saying that one officer is being prosecuted, and therefore no further inquiry should be made. Reference has been made to the investigation done by a committee appointed by the Government of Madras. So far as I see, everyone is agreed that the findings of this committee have not been right and just. In no manner have they proved satisfactory. The procedure of the appointment of this committee was faulty. The people believe that a certain share of responsibility for the tragedy was devolved upon Mr. Knapp—a point which should have been investigated by the committee. Nevertheless Mr. Knapp was appointed President of the Committee. Surely that was not a procedure that would command the confidence of the people. The Honourable the Home Member has eulogized the fearlessness of the other three non-official members appointed to this committee. There are several who would say that these men should not have been appointed to the committee. If this is the feeling of the people, should not a new inquiry be instituted ? What objection could there be to a committee appointed from among the non-official Members of this House to investigate the affair ? The affair has created a lot of unpleasantness in the country. I think this unpleasantness would be next only to the unpleasantness created by the Dyer butchery, which was styled an "error of judgment". Now, this tragedy is styled a mere accidental fault. I earnestly request the Members of this House to insist upon the appointment of a committee, so that people's feelings may not be flouted in the manner proposed.

The Honourable Mr. C. A. Innes (Commerce and Industries Member) : I think the House will give me credit for the fact that it is not often that I intervene in a debate of this kind : in fact, as far as I know, it is the first time I have intervened in a debate with which my Department is not directly concerned. I am intervening because I think I can with justice say that I know more of Malabar than any other Member of this House. I served there for 11 years. I was District Magistrate for 5 years, and it fell to my lot to suppress one of these Moplah outrages. Above all, I know personally every single member of this Committee, a Committee upon which Mr. Shahani has poured such scorn. That, Sir, is why I have risen now. I have risen to protest, on behalf of the members of that Committee against the insinuation made by Mr. Shahani and the other Members of this House. (Hear, hear.) It has been said, Sir,—the whole

tenour of the speeches made up to now—is to the effect that the orders passed by the Government of India were white-washing orders. I desire to point out that those orders have followed closely the report of this Committee. Where they have differed from that Committee, they have differed by going further. The Committee exonerated Mr. Hitchcock, but the Government of India have imputed some blame to him. If, therefore, the orders of the Government of India are white-washing orders, it means that the report of the Committee was a white-washing report. I should like the House to consider what that accusation means. It means that the Government of Madras, in order to protect its own officers, appointed a Committee so composed that it could be relied upon to make the sort of report that was required. That sort of charge fills me with indignation. (Hear, hear.) I know all these gentlemen. Mr. Krishna Varma Raja is a member of the Walavanad Raja's family, a man who, to my certain knowledge, for the last 12 years has associated himself with the public work of the Malabar district, and who has devoted himself to it, in spite of being a member of the Raja's family, with great self-sacrificing zeal. I could answer for it that Mr. Krishna Varma Raja is not the sort of man who would submit any report at the dictation of any one. (Hear, hear.) Then again, Sir, there is Mr. Kalladi Moideen. Do the Members of this House realise that Mr. Kalladi Moideen is himself a Muhammadan, one of our most enlightened and leading Muhammadans in the Malabar district? And finally, let me take Mr. Manjeri Rama Aiyar. I have known him for years. When I was Collector of Malabar he was one of the leaders of the Calicut Bar. He was a disciple of Mrs. Besant. (*Mr. Jamnadas Dwarkadas* : "He is still.") He is a disciple of Mrs. Besant and he was always a critic of the Government, though always an honest critic. And, Sir, I know no Indian with more moral courage and more independent views than Mr. Manjeri Rama Aiyar. Let me give one example of that. In 1912 Mr. Manjeri Rama Aiyar, a Brahmin in the most caste-ridden district of the Madras Presidency, for conscience sake, discarded caste and invited the low caste people in Calicut to dine with him, and thereby voluntarily excommunicated himself. When you have a gentleman doing that, is he the sort of man who is going to submit to the dictation of Mr. Knapp or anybody else and put his name to a report which he does not conscientiously believe in? I am perfectly sure that I will have the House with me when I resent on Mr. Manjeri Rama Aiyar's behalf that imputation. (Hear, hear.)

Now, Sir, let me take another point. It has been said that this is a white-washing order and that this was a white-washing Committee. What are the Services likely to say in this matter? What is the construction the Services will put upon this matter? The Services will say, "The Government of Madras appointed a Committee composed mainly of representative non-officials of the Malabar District. That Committee inquired into this matter on the spot. They took evidence; they had full knowledge of all the circumstances of that unhappy time and they deliberately put in a report in which they exonerated Mr. Hitchcock, and though they have imputed blame to Mr. Evans, they desired expressly that too much importance might not be attached to that blame. They have dealt with Mr. Evans' exceptional services and his multifarious and exacting duties. The report was put in. It was most carefully considered by the Govern-

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ment of India and the Government of India arrived at much the same conclusions." And yet, Sir, if this House is to follow Mr. Shahani, Mr. Raju and the Honourable Mover, if this House will discard the report of that Committee, discard the considered opinion of the Government of Madras and of the Government of India and will raise what I might call the cry of *Christiani ad leones*, the officer to the wolves, would not the Services feel that they cannot expect justice from an Assembly of this kind? But, Sir, I am perfectly sure that the Assembly will not take that view, but that the Assembly will be guided in this matter by the report of this Committee. I can assure the Assembly that those three gentlemen, all of whom are my own personal friends, are gentlemen whose opinion can be relied upon as much as the opinion of any other Member of this House, and I am quite sure, Sir, that the Assembly will not follow Mr. Shahani or Mr. Raju or the Mover, and that they will reject this Resolution.

Mr. Muhammad Yamin Khan (Meerut Division : Muhammadan Rural) : Sir, I am not personally acquainted with the members of the Enquiry Committee as my Honourable friend, Mr. Innes, seems to be. Their views have got great weight in his opinion, but I find from his own expression that their opinion was not unchallenged in the minds of the Government of India. The Honourable Mr. Innes has said here that the gentlemen of the Committee exonerated Mr. Hitchcock, but the Government of India attached some blame to Mr. Hitchcock as well. This shows that their views were not accepted by the Government of India. Therefore, the inquiry must have been failing in certain points. Besides this, Sir, I am not going to say anything about those gentlemen who sat on the Committee. I may however remind this Honourable House that last Session, Raja Mohammad Ikramulla Khan moved a Resolution in this House asking for the appointment of a Commission to go about and make an inquiry into this unfortunate incident, and at that time the Government of India did not accept that Resolution.

The Honourable Sir William Vincent : May I correct the Honourable Member? The motion of Raja Mohammad Ikramulla Khan was for an inquiry into the causes of the Moplah outbreak.

Mr. Muhammad Yamin Khan : I thank the Honourable Sir William Vincent for correcting me on this point, but if the Honourable Member will look into the speeches made on that motion, he will find that those speeches referred to this matter, and the Honourable Member gave an assurance at that time that soon afterwards an inquiry would be held, and the report of the Committee would be placed before this House. It was open at that time for the Government of India to put one or two Members of this Honourable House on that Committee, and had they done so, they would not have found themselves in this difficulty in which they are finding themselves to-day. The question is—and it is a very simple one—whether the Government of India propose to mete out justice to the persons who are found guilty? The recommendation does not go beyond that. That Honourable Mover has not attached any particular blame to any particular individual. What he is asking for is this, that anybody who is found to be guilty in this connection should be dealt with

according to law. I think this Honourable House will not refuse to adopt this Resolution which is asking for nothing more than justice. If the Honourable Members say, "We are responsible people, we come here to safeguard the interests of the whole of India" and yet do not allow proper justice to be meted out to guilty persons, I think the claim made will be only in name. This Honourable House should ignore the facts about individual officers and see to the wording of the Resolution itself. What does the Resolution ask for? We are not saying either that Sergeant Andrews is responsible or that Mr. Evans is responsible. But what we want is that whoever is responsible should be brought to justice, and that is a very simple matter.

If we reject this Resolution what will be the effect produced? It means that you do not want these people to be brought to justice. Does this Honourable House want this effect to be created? Does this Honourable House wish that justice should not be brought home to the guilty persons? Well, if Honourable Members want guilty persons to be brought to justice—I am not referring to individual persons—it must adopt this Resolution. I am not in any way concerned with and I do not want to remind the House of the tragedy of the Black Hole of Calcutta or of anything else which happened in the past: I am not concerned with past history at this moment. India is a totally different India to-day from what it was 300 years ago. We are not going to repeat what the historians of that tragedy have said, or, that, because certain Englishmen were put into the Black Hole of Calcutta, and some historian embellished the story with elaborations, therefore we must also see that a similar embellished story of what has happened should be told as regards this Moplah train tragedy. That should not be the spirit of the Indians to-day. What I want Honourable Members to see to is that at the present day under the present Government we expect justice, we want every guilty person, whether he be a highly placed man, whether he be a big landlord of a big estate, or whether he be the poorest cooly or menial in the street, to be brought to justice, according to law if he has committed any outrage on law. This is an important principle, and on this principle only do I support this Resolution very strongly. If we reject this Resolution we shall be liable to the charge that this House does not want to do justice, that this Indian Legislature, which is the maker of law for the sake of meting out even-handed justice, is denying justice to poor people who have no voice, simply because certain offenders happened to be highly placed persons. I am not speaking of individual cases, —they may be Indians, they may be Englishmen, they may belong to any nationality, that is a small matter to me. The matter of importance, and of foremost importance to me is that the Indian Legislature should not in any way reject any Resolution which is asking for nothing more than bare justice. When certain acts which were not justifiable had been committed in the Punjab, people from Bengal, from the United Provinces, from Madras, and in fact, from all over India, came forward and asked that injustice should not be done. I am sure that the people of the United Provinces, Bengal, and other places will realise that there are people who are living remote in Madras,—in Malabar—who have got no representatives, properly speaking, at the present day—I see the Moplah member also is absent—and that we should espouse their cause. Whatever may be the real facts I do not know. On the Resolution which my friend Mr. Ikramulla Khan brought forward, I said that unless and until persons of

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character and position who are known to the whole of India were appointed to make inquiries, the House would never be satisfied with its report. I quite accept whatever Mr. Innes says that those people who constituted the Committee are of unquestionable conduct, but unless we know them what is their importance to us? The whole of India does not know them, people have not heard of their names, and the Government of India does not agree with their views. So, what else remains to us? We must not deny justice which is all that this Resolution asks for.

Mr. Saiyid Muhammad Ismail (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I move that the question be now put, as we have had enough of discussion on both sides.

Mr. B. S. Kamat (Bombay Central Division : Non-Muhammadan Rural) : Sir, I believe that my friend, Mr. Yamin Khan, has introduced unnecessary warmth in his speech. When the Government of India issued this Resolution at the end of August last, I very carefully read each and every paragraph thereof and also looked into the merits of the whole question as dispassionately as I possibly could, and I must frankly confess that the impression left on my mind after reading that Resolution was that on the whole the orders issued by the Government of India were fair, sympathetic, reasonable and just as far as they were able to deal with this tragic case. (Hear, hear.) There was one lurking suspicion in my mind when I read the Government Resolution and that was regarding the decision of the Government of India with reference to one individual in this tragedy, namely, Mr. Evans. I thought even according to the opinion of the Government of India as contained in a certain paragraph of this Resolution, Mr. Evans should have been blamed and censured by the Government, as he was the principal Civil Officer responsible for the transport of prisoners. It was his duty to distribute prisoners, and even the Government of India have said in this report as follows :

“As between Mr. Hitchcock and Mr. Evans the Government of India think that the larger share of responsibility attaches to Mr. Evans.”

I therefore at that time, at any rate, was under the belief that with reference to Mr. Evans the Government of India were erring more or less on the side of leniency. But, this morning I carefully listened to Sir William Vincent when he gave the other side with reference to the general conduct of Mr. Evans, his meritorious work in other directions—also the multifarious duties he had to do; above all, I heard carefully the two opinions which Sir William Vincent quoted, namely, the opinion of the meeting of the leading men of Calicut and the personal opinion of one of the Members of this Assembly coming from Malabar about Mr. Evans. After taking into consideration both the *pros* and *cons* of the question with reference to the conduct of Mr. Evans, I come to think that after all there were extenuating circumstances in the whole of this affair and Mr. Evans also must be exonerated from blame in this matter.

Having said this much, there are two observations which I wish to make with reference to the general questions which emerge from this incident. The first observation that I wish to make is, although the Government of India in this Resolution have justified the use of luggage

vans, and the continuance of the system in cases of emergency, I do think that they ought to go further and lay down certain rules and regulations for the use of such vans even in such emergencies. I agree that whenever there are emergencies these vans have necessarily to be used for the transport of prisoners, but there are vans and vans. As Mr. Manjeri Rama Aiyar himself in his note attached to the Report observes, as regards this particular van, I mean luggage van No. 1711,—the officer who looked after the transport of prisoners never looked to the floor space per man, never looked to the ventilation space, never looked into the cubic space, but issued one general order that the prisoners should be sent out in batches of 100. Now, this van was only 26 feet long and about 8 feet broad, and the height at the walls—not at the centre—was 6 feet 11 inches, not even 7 feet, so that a tall man when he stood could not leave 4 or 5 inches above his head. The general rule that any van can accommodate 100 prisoners is absurd on the face of it and while I agree that such vans may have to be used in cases of emergency, I believe it is incumbent on the Government, and on the Railway Board particularly, to lay down general rules for future guidance that according to the floor space such and such a van should carry so many persons. Mr. Manjeri Rama Aiyar himself pointed out that if 100 persons were packed in a van 26 feet long each man could get only about 2 square feet of seating or standing space. We know that in ships or in railway compartments the space allotted for a man is much more than that. Now, we know that on ships and on ordinary railway

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compartments the space allowed per man is much more than that. I do not think that you can expect a man to be in a standing position from evening to midnight on two square feet of space. If Government are at all serious in preventing occurrences of this kind in future, I believe it is necessary that they should lay down specific standards that each and every man should have so much minimum sitting space, floor space and so much of ventilation space. Mr. Manjeri Rama Aiyar, who is, as has been explained, an able man, has pointed out that the ventilation space per man in this luggage van was only 15 square inches, whereas ordinarily in normal cases I believe the floor space requisite for each man is something like 164 square inches, so that in this particular case there was not one-eleventh part of the ventilation necessary in normal cases. That is a serious state of things and Government ought to lay down for the guidance of railways rules that no luggage van even in emergencies should be allowed unless it conforms to these standards.

Now, the second question which emerges out of this question is regarding some measure of justice to the survivors and sufferers in this train tragedy. I said that the Government of India have issued their orders with a certain amount of fairness and justice. The same sense of justice further compels me to say that they should very seriously consider the question of compensation for the sufferers. It is not enough to say that this man is to be prosecuted and that man is not to be prosecuted. That does not meet the case. We are not going to be vindictive towards persons who neglected their duties unfortunately in the hurry of the moment and in the hurry of pressing work. We are all of us more or less negligent at times, but the real question is this: Are the Government prepared to consider the question of compensation

[Mr. B. S. Kamat.]

for the families of those people who unfortunately lost their heads of families in the train tragedy? I personally think that if there is any recommendation which this Assembly can seriously make and make with justice, it should be a recommendation that compensation to the families of these men who lost their lives in this train tragedy should be seriously considered and generously given either by the Government of India or the Government of Madras; and I suggest, Sir, that this is the most sensible and the most reasonable recommendation which might be made by this Assembly as a question arising out of this unfortunate disaster.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : The mournful picture of the 70 persons who were dead and gone is now before the Honourable Members of this Assembly. Everybody is aware how those 100 persons were forced into the van. The only thing, Sir, which this Assembly is to ask the Honourable the Home Member to hand over the Indian Penal Code and try all those men who were responsible for this; and we do not want anything more than that. The law of this country is that when a person is killed and some culprit has committed a certain offence, he must be tried by that law (of this country). Here, we have got the Overseer of the luggage van. We have got Mr. Hitchcock and Mr. Evans; and we have got the Sub-Magistrate and a number of railway police and the escort who were next to the van in which 100 prisoners were kept shut up. There were stations after stations and in none of the 7 stations that I see mentioned in this Report of the Government, dated the 30th August, published in the *Gazette of India*, was water supplied. They shouted bitterly. The railway officers said we are very sorry. We have not got power to give you water because you have been shut up in the luggage van. There is no room for us to hand you the water in order that you may drink. According to the rules, if prisoners are to be transmitted from one station to another they must be treated like human beings. They must be put in third class carriages at least. That was not done and yet the Honourable Member in charge of the Railway and his forerunner the Honourable the President of the Railway Board were clapping their hands saying that these persons have not been found fault with. Is this the way to mete out justice to these unfortunate people? Is this the way to treat these poor Moplahs, whatever faults they have done? The Honourable the Home Member said that some Europeans were killed and that is why all these people came forward to treat these people in this way. No water was supplied to them and there was no air to breathe. Is that the treatment expected? The head of the military ordered that because there was not sufficient room in the local jail all these Moplah prisoners were to be sent to some other jail and it appears, as the time table will show, stations after stations were passed and no water was supplied to these people by the railway. If I bring to my Honourable friend, the Member in charge of Railways, the Railway Act of 1890, Sections 93 and 94, he will find that the railway people are also guilty. All the railway officers in charge of those stations were guilty and a question of even morality comes in when a passenger is going to die on account of thirst. Let us then charge the railway officers of murder under section 302, Indian Penal Code.

These railway officers, these military men, the Sub-Magistrate and Joint Magistrate are the persons responsible because they should have looked into this matter and they should have made sufficient allowance for all these prisoners when they are carried to a distant destination. I charge them for murder under section 302 and I charge them for culpable homicide. I charge them for aiding and abetting because it was the duty of these people to see that some people were going to die for want of water. So many people were pressed into the luggage van, they were suffocated. They had no water to drink and they were going to die. It is the duty of every railway officer to come to their rescue. When these 56 dead bodies were taken out, the civil surgeons and other officers came forward to help. Out of those 100 prisoners 56 persons died and their bodies were separated. Then out of the remainder 14 expired in the hospital. I think, Sir, a strong case has been made out and there is no defence whatever.

I have heard the Honourable speakers in defence, that is to say, the Honourable the Home Member and my Honourable friend, Mr. Innes. None of them, Sir, have stated anything which will prevent the prosecution of these persons. After all, Sir, it appears from this Resolution that there is nothing objectionable either from the point of view of the Honourable Members who have spoken in defence nor in the view of my Honourable friend, Mr. Kamat. Sir, I find that these persons have all been directly or indirectly responsible; I suppose that is accepted by all of us and by the Government benches. If they are responsible, I think then I am quite right and there is nothing to be said from the other side at all and that the law must take its course. If they are charged, Sir, and the defence will show that they are not to be found guilty because they have done some meritorious act, because they have helped the Government, and therefore the order of prosecution especially in the Malabar district was improper; well, Sir, my Honourable friend, Mr. Innes, who was the District Magistrate for five years, I am sure would have instructed the Public Prosecutor,—that that was his defence, and the Sessions Judge probably would have acquitted these culprits. I think, Sir, without entering into the further matter, of these persons, that is to say, the Inspector of the van, who is dead and gone. He made an attempt to go to England, it appears, and it has not been found out,—where he is; nobody can trace his whereabouts,—I do not think the Government have any information with regard to that. We have got some experience, Sir, in regard to the Munitions Board case recently, how one of the culprits—I do not know about the merits of the case now,—never wanted to come from England to India to take his trial because there was no chance of his life!—the doctor certified, Sir, and the medical officer signed it, and the Magistrate had to adjourn the case *sine die*. But in this case I believe, the Honourable the Home Member must have some authentic information, and I shall be glad to hear from him. But, Sir, certainly, this Sub-Magistrate, the District Magistrate, the Joint Magistrate, the Station Master, the Assistant Station Master, and all those officers in the intervening stations, about 7 or 8 in number, they should be prosecuted. It is not an easy thing, Sir, that 70 persons are killed, and Government is sitting here very easy,—at the same time submitting report after report to show that, these persons should not be prosecuted.

[Mr. K. Ahmed.]

The Government of India, Sir, ordered an inquiry; the inquiry was finished a long, long time ago, probably last year, and Sir, the report, though not published in India, was published in the House of Commons in England last February. The curious part of it, Sir, is that some unknown force is acting in order to throw dust in the eyes of the public and thereby 'longer-ing' and lingering the date of the punishment that these persons should get. Sir, it is no use in the matter of the administration of justice waiting any longer, and the sooner the trial of these people takes place, it is better both for the Government and for the country. I hope, Sir, in the wording of the Resolution there is nothing improper, and these persons may take their trial; and I think His Excellency the Viceroy, who was himself both a lawyer and a Judge will not disagree, and I therefore, Sir, support the Resolution.

Khan Bahadur Sarfaraz Hussain Khan : Well, Sir, I have heard the speeches. I have also heard the Honourable the Home Member, and if my Resolution is read, it will be found that it is not in the least based on any desire to harm any person; the simple desire underlying this Resolution is :

"This Assembly recommends to the Governor General in Council that he may be pleased to take suitable action against those Officers who are directly or indirectly responsible for the Moplah Train tragedy at Podanur and are found guilty of meting out ill-treatment to Moplah women and children during the recent disturbances in Malabar."

I do not name any person, and in my speech I also stated that some compensation should be given to the families of the deceased; and if Government make some announcement, or say something to that effect, I do not think anything further need be said. I have said so in the Resolution; the Government have expressed their views, but there is no mention whatsoever that compensation should be given to the families of the perished men. My friend, Mr. Kamat, very aptly said that that would be very suitable; so, if I just get the assurance of the Honourable the Home Member that Government takes upon itself to punish the men responsible and to award compensation, then it would be all right, and I shall be satisfied.

The Honourable Sir William Vincent : Sir, I want in my reply to deal first with the aspersion made by Mr. Shahani on the Committee of inquiry; as, I think that they deserve the condemnation of this House. (Hear, hear.) Mr. Shahani has not, from his remarks it appears, even read the papers; he did not know the number even of prisoners who were carried in this van and has not taken the trouble to ascertain the elementary facts about the case; yet he attacks in a public Assembly of this kind—the respectable men from Madras, gentlemen of very independent character and of great judgment who sat on this Committee—and here I would ask this Assembly to notice that not one single Member from Madras,—from Mr. Cotelingam to Mr. Rangachariar—got up to support him in a word that he said.

Mr. K. Ahmed : Mr. Rangachariar did not get up.

The Honourable Sir William Vincent : That is exactly what I say,—Mr. Rangachariar knew he could not support Mr. Shahani in his

allegations against the Members of this Committee. I want to expose the absolute injustice of these allegations. What does Mr. Shahani suggest? A new inquiry. Does anyone believe that a new inquiry now into the details of this tragic business would elicit any new information or be of any value? I suggest that the Honourable Member, before talking about a new inquiry, might have taken greater trouble to ascertain the facts of the inquiry on record. (Hear, hear.)

Mr. Yamin Khan said that the Government had promised, on a Resolution moved by Raja Muhammad Ikramullah Khan, to take up this question of the train tragedy and that in addition to making that promise they said that they would appoint a Member of this Assembly to serve on the Committee of Inquiry. Now, may I tell the Assembly that that Resolution related to an entirely different subject.

Mr. Muhammad Yamin Khan: I never said that the Government promised to put a Member of this Assembly on that Committee. I said the Government would not have found itself in the difficulty in which it is now finding itself if they had put a Member of this House on that Committee.

The Honourable Sir William Vincent: I am afraid the Honourable Member cannot get out of the difficulty in that way. In the first place, the Resolution had nothing to do with this particular tragedy,—in the whole debate I can find only one sentence referring to it,—I read the report myself last night and I will hand it over to him. The Honourable Member himself spoke, and I do not think that he said one word about the train tragedy and in the second place, as to the suggestion that the Government of India should have, on that occasion, added a Member of this Assembly to the Committee of Inquiry, I may point out that the debate took place in March and the inquiry of the Committee under discussion was completed, as you have already heard, before the end of February. (Laughter.) Now, was there ever a suggestion of so little value made in this House? Such a statement would not have been made had the gentleman taken the trouble to look up the facts of the case.

Another speaker, Mr. Venkatapatiraju, dealt with some details, tragic details, of the occurrence to which I purposely did not refer. It was not because I was callous to the sufferings of these men; it was not because the Government of India did not feel great regret. It was for another reason which he would have done well to remember, and that is because the man who is accused of improper conduct is unfortunately under trial at this moment, and I believe that remarks such as the Honourable Member has made cannot but prejudice the trial of a man who is already surely in a precarious situation.

Now, as to the reference to the responsibility of the railway to which Mr. Raju referred, what is the penalty for neglect of the maximum load of a wagon or the maximum number of passengers in a compartment? The punishment is a fine of Rs. 20 a day to the Government, and what good is that kind of punishment or action under that section in an affair like the present? Sir, it has been suggested throughout this debate, and I wish to be very clear on this point, that Mr. Evans and Mr. Hitchcock were in some way personally and directly responsible for the conveyance of a large number of men in this particular van. Now, I want to assure the House

[Sir William Vincent.]

that there is no foundation for that suggestion at all. They were responsible in some degree for the general use of the vans and in so far as they did not regulate the use of these vans ; that is they did not issue instructions for the inspection of these vans to ensure that they were properly ventilated, and they did not limit the number of prisoners to be put into any one van ; but that is all. Indeed the capacity and size of the vans varies very greatly. Mr. Kamat read a portion of the report of Mr. Manjeri Ram Aiyar. I find that in one of the vans used the floor space for one man was 4.466 square feet, as against 3.735 in a third-class compartment, and the cubic space 34.62 cubic feet as against 24.594 cubic feet. These vans may not be suitable for other reasons, but there was ample ventilation in many of them and the proof of that is found in the fact that prisoners were conveyed in them without inconvenience. But I quite admit that, where it is necessary to use these vans, even in an emergency, instructions should be issued to regulate their use and care should be taken to ensure adequate ventilation and floor space. As a matter of fact, these vans are not used save in a case of great emergency, and I think the Honourable Member will appreciate the difficulty of ensuring these precautions at a time such as the Malabar rising.

I do not think that I need really refer very seriously to the remarks of Mr. Kabeeruddin Ahmed. I do not think that they carry much weight in this House. (Laughter.) I am not sure even that the Honourable Member himself expects me to take him seriously. It is an amusing interlude to hear him, perhaps hardly suitable to an occasion of this kind, when the reputation of senior officers, and indeed the safety and liberty of others, is to some extent at stake. I should like to have seen this critic of Mr. Evans and of Mr. Hitchcock in their place. I put it to this Assembly that if Mr. Kabeeruddin Ahmed had done the work that they did or anything like it and incurred the danger which Mr. Evans and Mr. Hitchcock incurred, he would not be talking so lightly here to-day. The Honourable Member sits there and abuses officers who have risked their lives for others. When has he ever done the half of what they have done ? What use would he be on an occasion of that kind ? Is he the man to get up and criticise better men, greater men, men who have risked their lives, who have done more for this country than he ever has done or ever will do.

Mr. K. Ahmed : Is my Honourable friend in order in referring to me in this manner right and left ? Perhaps when I get the opportunity I shall be able to do later on what Mr. Evans and Mr. Hitchcock have done.

Mr. President : I do not know what the Honourable Member's point of order is. I have not heard anything fall from the Honourable the Home Member that is not strictly relevant.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Is personal abuse relevant ?

Mr. President : What complaint does the Honourable Member make ?

Mr. K. C. Neogy : Is personal abuse of any Honourable Member relevant to the discussion of this Resolution ?

Mr. President : If the Honourable Member will wait and read the rest of this debate, he will see that comparisons have been made between the public services of different persons. The Home Member is perfectly entitled to pursue the line of argument he is adopting.

The Honourable Sir William Vincent : Sir, I do not want to prolong this particular point ; there is little in it. In conclusion I maintain that we have adopted a very impartial and just view of this case ; we have blamed where blame is due ; we have directed prosecutions where necessary in the cause of justice, and I ask this Assembly to support the Government in what they have done.

Sir, I have only to add a word about the question of compensation. I believe the Madras Government have given some compensation already. I will make further inquiries and make efforts to see that the views of Members of this Assembly on this subject are conveyed to the Local Government. (Hear, hear.)

Mr. President : Resolution moved :

“ This Assembly recommends to the Governor General in Council that he may be pleased to take suitable action against those officers who are directly or indirectly responsible for the Moplah Train tragedy at Podanur and are found guilty of meeting out ill-treatment to Moplah women and children during the recent disturbances in Malabar.”

Mr. Harchandrai Vishindas (Sind : Non-Muhammadian Rural) : On a point of order, I want to know if the Chair will kindly divide the Resolution into two parts or put the whole Resolution as one, because so far as the latter part of the Resolution is concerned, there have been no observations in the speeches of the Honourable Members, nor even in the speech of the Honourable the Mover of the Resolution. It may be that it may go out altogether.

The Honourable Sir William Vincent : I replied to the second part also.

Mr. Harchandrai Vishindas : The Honourable the Home Member did, but no other Members did.

Mr. President : Resolution moved :

“ This Assembly recommends to the Governor General in Council that he may be pleased to take suitable action against those officers who are directly or indirectly responsible for the Moplah train tragedy at Podanur.”

The Assembly then divided as follows :

AYES—25.

Abdul Quadir, Maulvi.
Abdulla, Mr. S. M.
Abul Kaseem, Maulvi.
Agarwala, Lala Girdharilal.
Agnihotri, Mr. K. B. L.
Ahmed, Mr. K.
Amjad Ali, Maulvi.
Asjad-ul-lah, Maulvi Miyan.
Bagde, Mr. K. G.
Bajpai, Mr. S. P.
Chaudhuri, Mr. J.
Faiyaz Khan, Mr. M.

Ibrahim Ali Khan, Lieut. Nawab M.
Jatkar, Mr. B. H. R.
Lakshmi Narayan Lal, Mr.
Man Singh, Bhai.
Neogy, Mr. K. C.
Reddi, Mr. M. K.
Sarfaraz Hussain Khan, Mr.
Shahani, Mr. S. C.
Sohan Lal, Bakhshi.
Subzposh, Mr. S. M. Z. A.
Venkatapatiraju, Mr. B.
Yamin Khan, Mr. M.

Zahiruddin Ahmed, Mr.

NOES—62.

Abdul Rahim Khan, Mr.
Akram Hussain, Prince A. M. M.
Allen, Mr. B. C.
Arbuthnot, Mr. R. E. V.
Barua, Mr. D. C.
Bhanja Deo, Raja R. N.
Bradley-Birt, Mr. F. B.
Bray, Mr. Denys.
Bridge, Mr. G.
Burdon, Mr. E.
Butler, Mr. M. S. D.
Chatterjee, Mr. A. C.
Clarke, Mr. G. R.
Cotelingam, Mr. J. P.
Crookshank, Sir Sydney.
Dalal, Sardar B. A.
Davies, Mr. R. W.
Gajjan Singh, Sardar Bahadur.
Ghose, Mr. S. C.
Gidney, Lieutenant-Colonel H. A. J.
Ginwala, Mr. P. P.
Hailey, the Honourable Sir Malcolm.
Hajeebhoy, Mr. Mahomed.
Hudson, Mr. W. F.
Hullah, Mr. J.
Hussanally, Mr. W. M.

Innes, the Honourable Mr. C. A.
Jainnadas Dwardkadas, Mr.
Kamat, Mr. B. S.
Lindsay, Mr. Darcy.
Mitter, Mr. K. N.
Moir, Mr. T. E.
Mudaliar, Mr. S.
Muhammad Ismail, Mr. S.
Mukherjee, Mr. J. N.
Mukherjee, Mr. T. P.
Nand Lal, Dr.
Percival, Mr. P. E.
Rangachariar, Mr. T.
Sakklatvala, Mr. N. B.
Samarth, N. M.
Sapru, the Honourable Dr. T. B.
Sarvadhikary, Sir Deva Prasad
Singh, Mr. S. N.
Slocock, Mr. F. S. A.
Srinivasa Rao, Mr. P. V.
Subrahmanayam, Mr. C. S.
Tollinton, Mr. H. P.
Vincent, the Honourable Sir William.
Vishindas, Mr. H.
Waghorn, Colonel W. D.
Way, Mr. T. A. H.

The motion was negatived.

Mr. President : Resolution moved :

" This Assembly recommends to the Governor General in Council that he may be pleased to take suitable action against those officers who are found guilty of meting out ill-treatment to Moplah women and children during the recent disturbances in Malabar."

The motion was negatived.

The Assembly then adjourned for Lunch till Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at Quarter to Three of the Clock. Mr. President was in the Chair.

RESOLUTION RE ESTABLISHMENT FOR WORK OF LEGISLATIVE ASSEMBLY.

Rao Bahadur C. S. Subrahmanayam (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Sir, the Resolution that I move runs as follows :

" This Assembly recommends to the Governor General in Council that he may be pleased to allot at a very early date, an establishment consisting of a Secretary and the necessary staff of clerks under the Honourable the President for the purpose of carrying on the work connected with the Assembly."

- Sir, the predecessor of this Assembly was the Imperial Legislative Council. Its powers, responsibilities and duties, however, are much wider, and it is, as we all hope, the starting point of a Parliament for India with very wide powers, eventually leading to the proportions of a Parliament on self-governing lines. Therefore, the Members of this Assembly ought to feel likewise their own position, which is entirely different from that of their predecessors. Though we are large in number, and vary in our

occupations and other things, as an entity this Assembly is a very important institution, not to say more, in this country. My object in moving this Resolution is, so far as the work of this Assembly inside its four walls is concerned, to obtain for it arrangements which may be self-contained. I may refer to the fact that those great men who constituted this Assembly intended it to be so, and therefore it was that they provided us with a President who is to be our guide, philosopher and friend, in the progress which we all hope this Assembly will make.

In choosing the President they entirely left India out of account ; they went outside India and brought in a personage who has been trained and attuned to the independent atmosphere of the Mother of Parliaments. (Hear, hear.) So far as India is concerned, it is my earnest hope, and I have no doubt it is the hope of every Member here that this Assembly will be the Mother of Parliaments for this country. Well, I am not one of those who, for a moment, belittle the importance of this Assembly or belittle the importance of its individual Members. I think it is a great privilege to be a Member of this Assembly, and I think a good many who are here are here not by chance, are here not by the sweet will of this individual or of that individual. They are here because early in their lives they abandoned those avenues of Government preference and Government appointments. There is no one here who says it is not so, or that he is here by some chance. If there is such an one I say I am not with him. Therefore, it is time that we should set about arranging something in our own House, which will make us look decent, self-respecting and dignified in the eyes of the world. Now, Sir, what is the position of the Mother of Parliaments, the House of Commons. It has its permanent official staff corresponding to the official staff of the departments of the Executive Government, that is it does not depend on any branch or any side of the Executive Government. It has got its own staff. At the head of the staff of clerks is the Clerk of the House. He has not got any dignified designation ; he is simply the Clerk of the House, mark that. The Clerk of the House of Commons is appointed by the Crown (there are two clerks called clerks assistants appointed by the Crown on the recommendation of the Speaker) ; and he is removable only on an Address of the Commons. They receive notice of questions and amendments and all other motions on matters that have to be entered on the notice paper and prepare the notice paper which shows the agenda for each day. That is the constitution there. In this Assembly, so far as the work which I have now described is concerned, it must be in all reason purely self-contained and we should have no occasion to go and borrow from other departments. Now, at present, our position is this. We are linked to the Legislative Department. The Legislative Department is an administrative department ; it is an executive department. It has many functions which are outside the scope of the work of this Assembly. Now it will be interesting to know what its functions are. They are the examination of provincial Bills, publication work, whatever that may mean, administrative work in connection with peace treaties, League of Nations, trading by foreigners, etc., the advising of other departments of the Government of India on cases in which the interpretation of Acts is involved, the drafting of Bills and amendments. Lastly, work connected with the legislative bodies. The work connected with the legislative bodies is described in detail in the words of the official

[Rao Bahadur C. S. Subrahmanayam.]

scribe. "During the Session of the Legislature, throughout the sitting of each of the Chambers, the presence of two

3 P.M.

senior officers is essential. The Secretary in the Legislative Department is a Member of the Council of State and has to attend meetings of that Chamber in that capacity. At the same time the duties of Secretary to the Chamber have to be performed by another officer. In practice, therefore, there must be an Additional Joint Secretary who has to be in attendance on the President throughout every sitting of the Council. In the Legislative Assembly the President expects the attendance of the Secretary at the table on every occasion when he can possibly be present. Ordinarily, therefore, the Deputy Secretary attends for this purpose being relieved at such times as the Secretary can himself attend. The Deputy Secretary, whether he is in the Chamber or not, is invariably overwhelmed with Council work and finds no time to attend to his other duties, to which reference will be made later. Nor can one officer, single-handed, attend to all the various duties which have to be performed by the Secretary of the Chamber, during its actual sittings. It frequently happens, therefore, that the Additional Deputy Secretary has to sit in the Assembly Chamber during long periods. Thus, while both Chambers are sitting, it is generally the case that the Secretary, the Additional Joint Secretary, the Deputy Secretary and the Additional Deputy Secretary are required to be present throughout. When only one Chamber is sitting, the services of two senior officers are monopolised. In addition to this call upon the time of the officers there is a constant stream of questions and Resolutions coming from Members of both Chambers to be dealt with, which begins to attain volume fully a month before the commencement of the Session. Each question and Resolution has to be separately and carefully examined in the first instance by a Deputy Secretary and thereafter by the Secretary in the light of the Rules and the Standing Orders relating to the respective Chamber before submission to the President, together with a great deal of miscellaneous work such as the housing and travelling allowances of Members, interviews with Members, conferences with members of Government in regard to the details of procedure and arrangements for the disposal of business entail a very heavy strain more especially upon the Secretary and the Deputy Secretary which leaves them little if any time during the Session and during at least one month previous thereto for the disposal of the ordinary work of the department which falls to their share. Nor is this work by any means in abeyance during the remainder of the year. Questions are continually arising regarding the election eligibility of non-officials, etc." Well, that describes to you in detail the work which has to be done by the officers who have to do the work particularly connected with the Assembly. Now I say that this work which I have described certainly cannot be done by one man, and it is not done by one man at the head. It is done by a number of men whom I shall presently describe. That is, you have got a Secretary, a Joint Secretary, an Additional Joint Secretary, a Deputy Secretary and an Additional Deputy Secretary, and a host of other persons, Superintendents, clerks, and so forth.

And when you come to consider the numbers employed and the amount of expenditure, you find all these are jumbled together. The work of the Legislative Department may have increased. I am not dealing with that subject now. The work of the Legislative Department is

there, and the work of the Legislative Department, so far as it relates to the Legislative Chambers, could be separated, and some of these officers—one or two or as many more as you like—together with a set of clerks could be separated from that group and handed over to the legislative bodies.

In making this proposal, I would earnestly ask my Honourable friends in this Assembly to remember that there is no question of adding to the cost. The cost is there, already, and the men are there. But only they are crowded pellmell. At any rate whether they are pellmell or whether they are sorted out, so far as you and I are concerned, we do not know who is the officer responsible for any particular piece of work. The only officer who stands before us in theory is the Secretary of the Legislative Assembly, and as the duties of the Secretary are described, he is the Secretary of the Legislative Assembly, he is the Secretary of the Council of State, he is the Secretary of the Legislative Department. He has to handle everything, look at everything, pass everything. And then he is a Member of the Council of State. How can you expect an officer burdened with so much work to attend to your work? you are not *Raïses*, you are not aristocrats; you are all commoners; and how can you expect an officer of such high rank, burdened with all these duties, to attend to your work in the manner in which you would like it to be attended to? Now that is the point.

There are two other points about which I want to dispel certain doubts and objections. First, as regards additional expenditure. There is no additional expenditure involved. You are already incurring the expenditure. What I ask for is merely a division of staff. No additional staff is necessary so far as this Assembly is concerned. One other point was that during the sitting of the Session, there is a rush of work and any extra establishment you may appoint would be idle during the off season. Now as a man who has been connected with official work but unpaid for fifteen years, I know what it means. I say you may employ establishment in order to deal with the work on an average standard. During the rush season you may take on two more clerks, just to help to pass the correspondence and to send out notices and do the extra copying and extra printing. That is what every Department does. You have a minimum of establishment to carry on the average amount of work during the ordinary season, and for the rush season you can employ a few clerks more. That is one of the objections put forward, and I answer it in that way.

Well, this question of a separate establishment was raised by my Honourable friend Dr. Gour. This is one of his omnivorous activities as a Member of this House. Early last year he asked the Government whether it did not intend to appoint a whole-time Secretary of the Assembly. Whether it is whole-time for this Assembly or for both Chambers I do not concern myself with here. I do not concern myself about the details. All that I say, and that I have said more than once, is let us know who is responsible for the work of these Assemblies and let it not be a 'pluralist.' You know there are gentlemen in the Provincial Governments, men who hold three or four appointments at the same time. It may add to their emoluments there, but it does not add to the emoluments of the Secretary here. Now in reply to the question put by Dr. Gour, the Honourable the Law Member said:

"There are at present four Assistants and a Secretary whose power is subject to the control of the President."

[Rao Bahadur C. S. Subrahmanayam.]

which with all deference is of a very visionary character ; it cannot but be so.

" He can delegate to them such of his duties as he thinks fit, and this power is freely used."

" The matter is under consideration " ;—

mark the words, gentlemen ; I propose to take it step by step ;

" but no decision has been come to."

Well, that was early last year in answer to a question. Later on, I believe in the Delhi Session of this year, my Honourable friend Mr. Ginwala, who has got the virus of constitutional law, very seriously injected into him, started this question and said :

" We would then feel (that is, if we had a separate establishment) that we were at last placed in the only place where our rights were not interfered with by anybody else and where we had our own way in the conduct of the business of this House."

That is what he said ; and my friend Dr. Gour said :

" At present we borrow everything from the Legislative Department "

and so on. To that the Honourable the Law Member replied

" It would be a relief."

I am only quoting the relevant portion ;

" It would be a relief to some of the officers of my Department."

I have heard it very often said in regard to another question, with which the Honourable the Law Member is very familiar, namely the separation of judicial and executive functions : but it never is done. You can fairly take it that that relief will never be given, however much they may desire to give it.

" It would be a relief to some of the officers of my Department "

that is, if a whole-time Secretary were appointed.

Well, the President also had something to say but that I need not read it out here. So the matter, it has been said more than once on behalf of Government, will be considered, but it has not been considered, as far as I know, up to this moment.

Now in the extracts I read there are one or two points I would draw the attention of the Assembly to. There is no doubt that the Secretary is an overworked individual. That we may concede at once, and it is impossible for any one man to attend to all these things and to keep that control over his subordinates which we all desire ought to be kept. This overworking an officer is after all very bad economy. It does not make for economy, or for smoothness, and it is no advantage either to the Assembly or to the taxpayer. Well, being overworked, one cannot help it if the drafting is sometimes somewhat elusive. Take for instance the following sentence. " The Legislative Department is responsible for the working of the legislative bodies." My mother tongue is not English and I have not been anywhere near a college or university in England but I would ask what is the meaning of that sentence—" the Legislative Department is responsible for the working of the legislative bodies." I thought the responsibility for the working of the legislative bodies lay with the Presidents of the respective Chambers and the

Members. I never thought that the Department over which my Honourable friend Dr. Sapru presides was responsible for our working—working this morning, working a few days ago, or working a few days later. Then, another thing. Who do you think is the head of this Legislative Department? Can anyone tell me? (A Voice: "The Law Member.") The Honourable "the Law Member," says one of my colleagues. I rather doubt it.

"The superior staff of the Legislative Department consists of a Member, a Secretary, a Deputy Secretary and so on." It is a great honour to my Honourable friend the Law Member to have himself during the short period he has been here described as one of the staff of the Legislative Department of the Government of India, and when he retires—which retirement we all sincerely deplore—he will go back to his numerous friends and in one of those reminiscent moods which always come to lawyers, he will say "I have had the honour of being on the staff of the Legislative Department of the Government of India." I take it, therefore, that the Legislative Department is not under the Law Member; he is only a member of the staff. According to this description the staff of the Government of India would consist of a Viceroy, some Members, some Secretaries and so on; the staff of the military department of the Government of India would consist of a Commander-in-Chief and some officers below him. That shows the mentality of the department. It has begun to think that the Law Member is of the superior staff of the Legislative Department, a great compliment no doubt to the Honourable Dr. Tej Bahadur Sapru. When it begins to think and write like that, it shows how it would deal with the commonalty of Members here. Now I say on the ground of self-respect, if Honourable Members want to carry on the work of this Assembly with dignity, with fairness and to be as far as possible, as my friend Mr. Ginwala said, masters somewhat in our own house, we ought to have a staff allotted to the legislative bodies, fixed as belonging to the Legislature definitely. It is a matter of indifference under whom that staff is placed—I do not care whether it works under the President of this Assembly or under the Law Member or even under the Military Member or the Finance Member. But let us know who is responsible for the working of this Assembly, who it is to whom one could point out not to be rude, not to be silly and not to be arrogant. It is that which I want this Assembly now to declare. You want each individual to go into these interviews, to go into these levees in one of the rooms in Gorton Castle and degrade yourself and then say that you claim all kinds of rights and privileges which Parliament has, that it is independent and all that sort of thing. Stand on your dignity; say that in your house you are able to conduct your affairs with decency, with ordinary courtesy, with ordinary politeness. There is no question of cost, no question of division, no question of whom the staff is going to work under; all these things I do not want to touch. I only want to separate from this large crowd of employees who are brought under this head "Legislative Department" the staff proper of the Assembly. Put them under the power of the Legislative Assembly—that is quite enough for my purpose. The time that I have taken up is a waste; Government should have done it long long ago, and not have waited until this question was brought up in this House; it should have done this, if not in the

[Rai Bahadur C. S. Subrahmanayam.]

first Session of the Assembly, during the Simla Session of last year. Not having done that, if time is wasted, if money is wasted by the Assembly sitting here for one day to discuss this matter, Government has to thank itself for abetting this waste.

Mr. J. N. Mukherjee (Calcutta Suburbs : Non-Muhammadan Urban) : Sir, I have with the permission of the Honourable the President ventured to move an amendment to the Resolution which has just been moved by my Honourable friend, Mr. Subrahmanayam. The amendment is worded thus :

“ That for all the words after the expression ‘ be pleased ’ down to the end of the Resolution, the following be substituted :

‘ to appoint a committee of five Members consisting of the Honourable the Finance Member, the Honourable the Law Member and three elected Members of the Legislative Assembly to inquire into and report on the question of an establishment consisting of a Secretary and a staff of clerks under the Honourable the President for the purpose of carrying on the work connected with the Assembly ’.”

Now, Sir, when I first read the Resolution of my Honourable friend, I thought there was going to be some fresh financial commitments in connection with it. I am happy to be told that no additional expenditure is in contemplation, but that the same staff which at present carries on the work of the Legislative Department in connection with the Legislative Assembly should be separated and allotted to the work of the Legislative Assembly, and the remaining portion to that of the Legislative Department proper. But, it strikes me at the same time that such an arrangement as that would also involve the question of cost, because as it has been read out by my Honourable friend from the office note from which he has just quoted passages, and of which I have got a copy also, there is a slack season as also a busy season in connection with the business of the Legislative Department, and that this department has been utilising its slack season for disposing of work which it was unable to dispose of during its busy season. So that, in order that a line may be drawn between the two sections, some consideration is necessary as to whether that would involve any extra expenditure or not, as also as to how Government work would be carried on without loss of efficiency in two separate water-tight compartments. Therefore, Sir, it seems to me that the question, although it may look quite simple and innocent at first sight, is not quite so simple as it seems. Then, Sir, there is the question of the division of departments. Now, who is to draw the line and where, and what are the Legislative Assembly functions which are to be delegated to the Secretary and his staff in connection with the Legislative Assembly business ? That is a matter of technical inquiry. It is impossible to say at the first blush that any class of work is work legitimately belonging to the Legislative Department proper and not to the Legislative Assembly, because we all know how a Government Bill or a private Bill originates, and passes through different departments and how other things are brought forward through the Legislative Department and in due course placed before the Assembly. Therefore, Sir, that is another point which has to be considered also. There are other questions which I might submit to the consideration of the House, such as the question of how such an arrangement as the one proposed by my

Honourable friend will affect the administrative aspect of the question apart from its legislative aspect.

That has got to be considered also. I do not take that, as a point upon which the dignity of this Assembly is at stake. It is purely a business question. The work has, to my mind, been carried on so far, efficiently, and although in my own case there may have been some irregularities in the distribution of notices and things like that,—the post might have gone wrong, or the peon might have left a packet or notice in some odd place and a Member might not have got it, for that reason—apart from small incidents like that, I myself have not felt any difficulty in getting my business with the Legislative Department done in a satisfactory manner and I have got replies whenever I thought it necessary to address that department; and personally I have had no cause for complaint. The point now before the House therefore is this. The whole question is a very complicated one. The Honourable the Law Member on a previous occasion said that the question was under consideration. My Honourable friend the Mover of the Resolution might think that Government has taken a long time to think over the matter and that it was time that the matter was clinched. If that was his intention, Sir, my amendment would be a definite step forward in that direction. Of course, if the Resolution is dropped, I have nothing to say. But if it is put to the vote, I should like to put my amendment before the House, that is to say, I would ask the House “to appoint a Committee consisting of five Members, etc.” to consider the whole question. It is not a small question. It has its different aspects to be seriously considered. It has details to be examined. But the Resolution which has been moved wants that the Governor General in Council should at once allot an establishment consisting of a Secretary and the necessary staff of clerks, under the Honourable the President for the transaction of the business of the Legislative Assembly. How can the Governor General in Council do that without a preliminary inquiry? If my Honourable friend has any grievance to ventilate on behalf of ourselves, that is to say, on behalf of us as Members of the Assembly, the constitution of the Committee which has been proposed by me will sufficiently meet this purpose. I have laid down in the amendment that three elected Members of this Assembly should be put on the Committee; and as regards the technical aspects of the question, the Honourable the Finance Member and the Honourable the Law Member being on the Committee, would guide its deliberations, from the official side. I think, Sir, such a Committee would be successful in bringing the matter to a satisfactory conclusion. With these words, Sir, I recommend my amendment to the consideration of the Assembly.

Mr. President : Amendment moved :

“That for all the words after the expression ‘be pleased’ down to the end of the Resolution, the following be substituted :

‘to appoint a Committee of five Members consisting of the Honourable the Finance Member and the Honourable the Law Member and three elected Members of the Legislative Assembly to inquire into and report on the question of an establishment consisting of a Secretary and staff of clerks under the Honourable the President for the purpose of carrying on the work connected with the Assembly.’”

Sir Deva Prasad Sarvadhikary (Calcutta : Non-Muhammadian Urban) : Sir, I share the regrets of Mr. Subrahmanayam that no

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constructive proposals should have been brought by the Government before us in connection with this somewhat long pending matter. I am rather afraid, however, that the pending Retrenchment Committee may have been in its way, and possibly the Honourable the Law Member feels that if he is not quite sure of the position of his staff, an appointment to which Mr. Subrahmanayam has honoured him with. Future arrangements must depend on what the strength of that Department is going to be in future, and I do not think that at a time like this, we cannot well expect that an imperative Resolution should now be accepted or acted upon by the Government. I quite agree that the time has come, or at least will soon come, when in a matter of this kind we ought to be entirely independent in the House. At the same time it is not difficult to see the Government point of view, and I do not quite understand why the Resolution should in its present shape be now pressed on the House. I have been wondering what the immediate occasion may be. I think even the concluding portion of the Honourable Mr. Subrahmanayam's speech does not quite furnish a cue. If there be any questions of discourtesy or want of politeness, I think the Honourable the Law Member would be the first to put it down with a strong hand, if it was brought to his notice. (Hear, hear.) Phrases have however been used in the course of that speech which should make one think that there is much more behind the Resolution than meets the eye. Questions of decency, ordinary courtesy, ordinary politeness, interviews at the Gorton Castle and a variety of things of that description have been brought in and characterisation like "some one being rude, silly and arrogant" has not been spared. I am sure the Honourable Member has not spoken.....

Rao Bahadur C. S. Subrahmanayam : I am sorry I cannot catch you.

Sir Deva Prasad Sarvadhikary : The Honourable Member will never do that.

Rao Bahadur C. S. Subrahmanayam : Don't be so rude as that.

Sir Deva Prasad Sarvadhikary : I have to address the Chair. I am sure that the Honourable Member whom we know very well would not have allowed himself to make use of expressions like those that I have drawn attention to unless there were good and substantial reasons behind. He has told us that we are not aristocratic enough for some officials and that we are mere commoners, and that a highly paid Secretary with many burdens in the nature of a pluralist could not be approached by mere commoners. I am sure that the Honourable Mr. Moncrieff Smith will himself be ready to refute such a suggestion. There is no commoner, Sir, in this House to whom any Member of the Government, let alone a Secretary, has any right to be anything like what has been suggested in the course of this speech, and if there is anything of the kind we all unite in demanding of the Honourable the Law Member that that shall be put down and that your power need not yet come into exercise. My Honourable friend, Mr. Mukherjee, has said that he has had no occasion to complain. I think many Members will join him and say that they have had no occasion to complain. For myself, I have not had the honour of any of the classical interviews in the Gorton Castle to which

my friend refers or had any occasion to be subjected to treatment of the kind that has been suggested. But there is every reason why if there is any substance in the complaint voiced here to-day that should certainly be immediately looked into, letting alone the question of the constitution of a separate Secretariat—that should be looked into at once and put down with a strong hand. Mr. Subrahmanayam has attempted to answer the question as to what a self-contained staff will do during the slack season. There will be some work no doubt, but a whole time Secretary and a permanent staff, minimum as it may be, will be sure to be a financial burden. I do not say that that burden should stand in the way of our doing it in time, but whether this is the time, this is the method in which it should be done seems to be more than open to doubt. I should think, therefore, that if the Honourable the Law Member should favour the House with a statement as to what he proposes to do in the matter, and if that statement should prove to be satisfactory, if you are assured that the complaints of the Members, spoken or unspoken, will be attended to and put right, I do not think that without an inquiry of the kind that Mr. Mukherjee suggests, or an inquiry that the Honourable the Law Member may himself have to suggest, we should press this motion to a division. We ought to give some consideration to other matters sure to arise. There is the Council of State, they will want their own Secretariat. We want one ourselves and the Legislative Department will certainly want its Secretariat to go on. As it is, with the crowd as Mr. Subrahmanayam calls it, the Department finds it difficult to cope with its work, and even if no fresh financial obligations are incurred of which I am not at all sure, I do not think that matters will improve when we have our own self-contained Secretariat. I should have understood if increase in financial obligations was suggested because, then, I should have been sure that the normal work of that Department will not be interfered with. There are these various complex phases of the question that we must go into before one can expect that at a very early date a self-contained Secretariat can be provided. Whether carved out of the present Department or otherwise, a self-contained Secretariat must mean more cost. I do not think that in the present circumstances it will be possible to go into the whole question and without due inquiry to evolve three Secretariats in the place of one that now exists.

Mr. Jamnadas Dwarkadas (Bombay City : Non-Muhammadan : Urban) : I shall be glad to be permitted to say only a few words on the Resolution moved by my Honourable friend, Mr. Subrahmanayam. If I may say so, I believe my Honourable friend, Mr. Subrahmanayam, who is known as a very sober and cautious Member of this House and for whom we have all got the greatest respect, has gone a little off the mark, if I may say so, this occasion. My Honourable friend has the reputation of weighing both sides of the question before he expressed his opinion on any question that comes for discussion before the Legislative Assembly. I want it to be clearly understood that I do not stand up here to defend the Legislative Department. I have not entered into any sort of family arrangement with the Legislative Department in order to stand up and defend them. I think that without introducing any heat into the discussion we could have very easily discussed this question on its own merits. We could have easily discussed the question as to whether the time has come or has

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not come when we shall want a separate establishment under our own control or under the control of our President for coping with the work, which is enormously growing, of the Legislative Assembly. Now, my Honourable friend has thought it proper to attack the staff of the Legislative Department. As I have already made it clear, I am not standing here to defend them but I do want my Honourable friend, and those who think with him, to also consider the question from the point of view of those whom we are attacking. Remember the work of the Legislative Department. To collect questions, to collect Resolutions, to be constantly receiving letters, questions, notices of Resolutions, Bills and sometimes these Bills are sent on post cards in writing which is hardly readable. To be constantly receiving all these to arrange all these and to despatch them to Members in all parts of the country mean a good deal of work placed on their shoulders. I know that some Members may have some justification for complaining. Mr. Moneriff-Smith is unfortunately not a Member of this Assembly and if we expect Mr. Moneriff-Smith for instance to do all kinds of work which the Members want to be done, then I beg to differ from those who think so. For instance is it the business of the Secretary of the Legislative Department to see that the water tap of a particular Honourable Member in the house in which he lives at Raisina is in order or that the bulb of the electric lamp which has gone wrong the previous night should be set in order? Surely we must have, if I may say so, some sense of proportion. We cannot expect the Secretary of the Legislative Department or my Honourable friend, Dr. Sapru, to do this work for the Members of the Legislative Assembly.

Sir Deva Prasad Sarvadhikary : Somebody must do it.

Mr. Jamnadas Dwarkadas : I admit that somebody must do it. I do not for a moment deny that the question must be discussed on its own merits, but to attack the members of the staff of the Legislative Department on the ground that they have practically been indifferent to our comforts and that they have not acted in a way which is compatible with our dignity is a thing which I do not think it is proper for any Honourable Member to do.

Rao Bahadur C. S. Subrahmanayam : I am glad the suggestion which I did not want to make has been made. The Lord has delivered them into my hands. I shall deal with it in my reply.

Mr. Jamnadas Dwarkadas : It was said that Dr. Sapru has been referred to as belonging to the staff of the Legislative Department. I think my Honourable friends here know in what esteem, in what high esteem I hold my Honourable friend, Dr. Sapru. But that cannot prevent us from accepting the fact that he is certainly the head of the staff of the Legislative Department. I do not think there is any shame in being the head of a staff. He presides over the Legislative Department, and he is the head of the staff of the Legislative Department. I do not think any insult was meant to Dr. Sapru when it was said in a letter that so many belonged to the staff of the Legislative Department. However, I do not want to further enter into all these points that have been, I think, unnecessarily raised by the Honourable Mover. Let us

discuss the question on its own merits, and I think a case has been made out that, with the growing work of the Legislative Assembly, it would not be out of place to think of having a staff of our own, considering the importance of having a few men under the control of the President. But it is a matter which cannot be decided off-hand without giving a consideration to the various points, financial and other, which would arise out of this question. I therefore support the amendment moved by my Honourable friend, Mr. Mukherjee.

Mr. S. C. Shahani (Sind Jagirdars and Zamindars : Landholders) : Sir, I rise to point out that my Honourable friend, Mr. Subrahmanayam, never intended a personal character for the remarks he made in moving this Resolution. It is not on personal grounds, I am sure, that he has proposed a separate Secretariat for the Legislative Assembly. He thinks, and rightly, that a separate Secretariat would distinctly be a step forward, in the organization of the affairs of the Legislative Assembly. He made it very clear that the Secretary had a lot to do, and that he was not able to devote that care to the work of the Assembly which might be deemed desirable. I for one have never experienced any arrogance from anyone of the Legislative Department. (Hear, hear.) As a matter of fact, I feel that the work of the Legislative Department is fairly well done. My only complaint is that in my studies I am not helped to the extent to which I might be ; but then that probably is due to press of work in the Legislative Department, and due to the fact that I have not represented my difficulties to the authorities who are presiding over that Department. I do not know that, under the change proposed, we would be necessarily better off in practice. Probably not, I should think ; but in theory, certainly, yes. I, a brown man, I have found, I have had to get up 10 times in the Assembly in order to be able to speak, whereas a white man like Sir Montagu Webb, who hails from my province, has not, I think, had ever to rise more than twice to be permitted to speak. I am very doubtful if we would in practice be really better off at once, but in theory, we certainly would be so ; and I should trust, that hereafter in practice too we might soon enough find it possible to do better with our own Secretariat. I am assured by the Honourable Mover that there would be no additional cost, and I have therefore no hesitation in supporting him. Mere division of present establishment could be easily arranged. My Honourable friend, Mr. Mukherjee, has just now proposed as an amendment that a Committee from this House should be appointed to distribute the work that at present devolves upon the Legislative Department to make it possible for the Legislative Assembly to have a separate Secretariat. I think this amendment would serve our purposes very well.

Mr. P. P. Ginwala (Burma : Non-European) : Sir, I am glad to see that in this House there are a few Honourable Members sitting on my right who have at last found in one at least of the departments of the Government of India, an Arcadia where they are quite happy and where there is nothing against which they have had reason to complain. I do not think that my Honourable friend, Mr. Subrahmanayam, intended to cast any aspersion on any particular member of any department of the Government of India. I see no reason whatsoever for the

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amount of heated insinuation and suggestion which have been imported into the debate to-day. Of course, with regard to my friend, Mr. Jamnadas Dwarkadas I am not surprised at all. He is one of the youngest Members of this House who, by some accident swallowed Socrates as a child and is, therefore, qualified to advise men very much older than himself on occasions. I have no doubt that my friend Mr. Subrahmanayam will take Mr. Dwarkadas' advice with tolerant amusement.

The question we have got to decide is a very simple one. When I raised this point during the Budget discussion, if I remember rightly, Sir, you agreed that on the question of principle there was much to be said for my contention. You also promised that, in consultation with the Honourable the Law Member, during this summer you would go into the question and make proposals. Therefore personally I welcome this Resolution, as it will be the means of eliciting information both from yourself and from the Honourable the Law Member. The first question in connection with this proposal that I would ask the House is : does the House consider itself a non-official body representing non-official opinion in India, or not ? If it does, then it is perfectly clear that it must have its own officers responsible to itself for everything that they do. Drawing analogies between Parliamentary practice and our Assembly is not always helpful, for a question like this cannot arise at all in Parliament. On no occasion can the Government, as such, come into conflict with Parliament as such on constitutional issues ; for, whatever the Government does, for the time being it represents the whole Parliament, or at any rate a majority of its Members. Here, however, the position is different. The Government is not responsible to Parliament, that is, to this Assembly ; and the Government does not always represent the opinion of this Assembly. When any constitutional conflict arises between the Government on the one side and us on the other, we look to you, Sir, to advise us and to represent our point of view. I will give one instance. The other day with regard to Dr. Gour's Supreme Court Bill, as it happened, you gave a decision which has met with general approval. (*Dr. H. S. Gour* : "What?") General approval. (*Dr. H. S. Gour* : "No, no.") (*Mr. N. M. Samarth* : "Yes, it has.") I repeat it happened to be a decision which met with general approval. But supposing, Sir, before giving that decision you had required independent legal advice on the important constitutional issue involved in that decision, who would have advised you ? Your general position as it appears to me may perhaps be thus described. The Legislative Department are the legal advisers of the Government. Some question of unusual constitutional importance is brought before the House and you have to give a decision. I understand, that you have not the honour to belong to the learned profession of which Dr. Gour claims to be an eminent member. If you wanted to take advice, naturally you would look to your Secretary to advise you. Now, I do not say that the present Secretary of the Legislative Department will not be in a position to give you sound advice ; but as I have assumed, he has already advised the Executive Government from point of view of the Government ; having done so he will be called

upon by you to advise you from our and a different point of view. I submit that no officer ought to be placed in that position. On that ground alone, I would submit that it would be to the advantage of the House to have its own establishment strictly responsible to itself and to yourself.

Much has been made of the question of cost. It is a well known fact that reforms not only mean additional expenditure, but some times they lead to bankruptcy. We have seen this result in most of the Provincial Governments, who with the advent of the reforms, have been budgeting for deficits. In my province we are still able to show a surplus, because we are still unreformed. It is inevitable that whenever you want reforms you have to incur additional expenditure. But as my friend, Mr. Subrahmanayam has pointed out, it is not necessary that there should be much additional expenditure or that the expenditure should be prohibitive. It all depends upon what view you take of this question of principle as to whether we are going to remain part of a department of the Government of India or we are going to be separated from the executive department of the Government of India, be independent of them and be masters in our own house. That is the simple issue. If we are not prepared to be masters in our own house, we shall be entitled to throw out this Resolution, otherwise not.

There is one other aspect of the question I should like to deal with. I am a man who will make complaints, when necessary. I have made many complaints before, but this is not the place where I should like to make them. One thing however I will say, and that is that whatever the business capacity of some departments of the Government of India may be, I do not think that in the art of hotel management or of catering, the Legislative Department have done very well. It is too much to ask this or any other department of the Government of India to be able to do it. It is not respectable work first of all, not considered to be respectable work, and it requires a kind of training which I do not think any officers of the Government of India have received. There have been occasions on which Honourable Members have felt that proper arrangements are not made and also that they cannot be made. But, on the other hand, if you had your own Secretary, who will be entirely responsible not only for the business of the Assembly but for the creature comforts of the Members of the Assembly, much more attention will be paid, and I think in the earlier part of the day, you will not have so many unpleasant speeches that you sometimes have in consequence of the inadequacy of the arrangements, as to food and accommodation. There are some ascetics no doubt, among Honourable Members who have not worldly wants, but there are many of us here who would like to be a bit comfortable, and I feel, Sir, that we are not asking too much in giving you power to appoint particular officers who will not only be responsible for the business of the House but also for looking after the comforts of the Members who have got to come from such long distances at considerable cost and considerable amount of personal discomfort. It is for these two reasons, that I say that a separate establishment should be appointed, viz., first to facilitate the business of the House, and secondly looking after the arrangement for Honourable Members who come here ; and I submit, Sir, even if

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the proposal involves a certain amount of further expenditure, that expenditure ought to be incurred by the House.

Dr. H. S. Gour (Nagpur Division : Non-Muhammadan) : I move that the question be now put.

The Honourable Dr. T. B. Sapru (Law Member) : Sir, I do not propose to introduce into the discussion of this subject, which I recognise, is a very legitimate subject for discussion, any heat, nor do I propose to indulge in insinuations, innuendoes and suggestions, such as those in which my friend Mr. Subrahmanayam, to my surprise, did indulge.

I am one of those who like a direct attack. I do not believe in flank movements. (Hear, hear.) I have been reading some very amusing literature in the way of correspondence which has passed between certain officers of my Department and certain Honourable Members of this House. I will not trouble the House with that literature ; it would be unseemly, unedifying, to trouble the House with that literature. I therefore propose to discuss this question irrespective of any basis that there may be for any grievances with regard to this officer or that officer. One thing I will say definitely and that is this ; that if there have been many instances of rudeness or discourtesy which have come to the notice of the Honourable Member, I should have thought that in common courtesy he would have brought those instances to my notice (Hear, hear) and would have given me a chance of going into the matter. Therefore, so far as there may have been any implication of any discourtesy or rudeness or inattention on the part of anyone of the officers belonging to my Department, I must strongly repudiate such suggestions. Beyond this, I will not take any notice of the personal element in some of the speeches, which has unfortunately come to the surface this afternoon. I will, therefore, at once go to the main issue which has been raised.

As the House is undoubtedly aware, and several Honourable Members have referred to it to-day, the question of a separate Secretariat for the Assembly was raised at a very early stage of its existence. I think my Honourable friend, Mr. Subrahmanayam, was quite right in reminding the House of the Resolution moved, or of the question put, by my friend, Dr. Gour, on this subject. He wondered whether the Government had given any attention to this question, or whether the Government had been sleeping over it. I can assure him that we have not been sleeping over it : on the contrary, we have been very much alive to it. We have been considering it and I will show presently to the House the difficulties that we feel in giving effect to the wish which has been expressed this afternoon by some Honourable Members.

Now, if you were to ask my opinion candidly, on the question whether in theory I am at one with you or I differ from you as to whether the House should have a separate staff of its own, I would say that in theory it is the right thing to do. (Hear, hear.) There is no dispute, and there can be no dispute, so far as theory is concerned. The whole question is one of practical politics. Is it the right moment,

has the moment arrived when this Assembly should undertake to bring into existence a separate staff? That is how I would formulate the issue before the House. My Honourable friend, Sir Deva Prasad Sarvadhikary, in the course of his speech, gently referred to the forthcoming Committee, over which Lord Inchcape is going to preside. Let me tell the House that we ourselves have been waiting for the examination of the whole position with regard to the necessities of my Department and with regard to the necessities of the Assembly by that Committee, and I personally think that it would be rather hasty, if not unfortunate, on our part to anticipate their decision in a matter of this character. (Hear, hear.) On the one hand, my Honourable friends here remind us and the Government, day in and day out, of the supreme virtue and necessity of retrenchment and economy. On the other hand, a proposal like this is made, which, in spite of some of the *obiter dicta* of my friend, Mr. Subrahmanayam, I am bound to say will lead to further expenditure.

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expenditure.

Now, Mr. Subrahmanayam undertook to tell the House and to tell me also what the duties of the Legislative Department were. I hope the House will give me the credit of at least knowing or having come to know during the last 18 or 19 months that I have been connected with the Department what the duties of this Department are and what the duties of the various officers in that Department are. He seems to think that you have only to transfer one or two men from the Legislative Department to the Legislative Assembly and put those men in charge of the work connected with this Assembly, and then the whole problem will be solved. Nothing of the kind, I can assure the House. Now, so far as my Department is concerned, I think I can claim in all modesty more knowledge of its working than Mr. Subrahmanayam has. So far as I am concerned, I can say absolutely conscientiously without any desire on my part to support the officers in my Department that there is no room for reduction in the regular branch of my Department. There may have been happier days, when the Legislative Department could dispose of its work within two, three or four hours. (*The Honourable Sir William Vincent* : "Not in my time.") That is not the position now. I have been told that the Law Member of a former generation, I will not precisely fix the time limit, could certainly leave his office at two o'clock and that the Secretaries could leave at 3 o'clock. (*The Honourable Sir William Vincent* : "Never.") Well, at any rate there is at least one colleague of mine present in this House whose experience of the Legislative Department goes back to something like 12 years. If 12 years ago, Sir William Vincent, when he was Secretary of the Department, could not leave office at 3 o'clock, I can assure the House that I have seen officers of my Department working till late in the evening, not merely in the busy season but also in what has been described by Mr. Mukherjee as the slack season; and, so far as my humble self is concerned, all I can say is that the office of Law Member does not impose less of a strain than the professional business or occupation of a successful Advocate in any Court.

[Dr. T. B. Saprú.]

Will then Mr. Subrahmanayam kindly tell me and the House which of the five or six officers who are in my Department he proposes to transfer, and what are the functions he is going to ascribe to that officer? Does he realise that when he or any other Honourable Member of this Assembly sends to us a Bill, however innocent-looking it may be, howsoever simple it may be, or even sends to us a question, that my Department has got to note upon it probably half a dozen times, and has got to consult half a dozen Departments. Who is going to do all this under his new arrangement? Does he also realise that, even though he may have a Secretary of the Assembly, still certain duties, which the Statute or rules cast on my Department and on myself, will have all the same to be discharged by that Department? The examination of Bills, the recommendation to His Excellency the Governor General in Council as to whether sanction should be granted or not, the compliance with certain Statutory rules, all these are duties which are cast on my Department. His arrangement will not relieve my Department substantially of the work that it has got to do in behalf of this Assembly and for this Assembly.

Then again, may I, in all humility ask Mr. Subrahmanayam, who has been finding fault with the drafting in this Department merely because an unfortunate word was used in a memorandum which was furnished to him and not in a Statute, who is going to do the drafting for this Assembly? Is it his suggestion that the Assembly should have its own Law Officers? I am told that was Mr. Ginnwala's suggestion. (Mr. F. P. Ginnwala : "No, that was not my suggestion.") If that is so, I am glad. I thought my Honourable friend could not have made a suggestion like that.

Then those of you who have served on Select Committees must have noticed that one officer of this Department is always present at the Select Committees, and when amendments or verbal changes are made and it becomes necessary that the Bill should be accordingly revised, it is the duty of that officer to see that all that is done. Now I should like to know who is going to do it under the arrangement suggested by Mr. Subrahmanayam?

Rao Bahadur C. S. Subrahmanayam : I will tell you presently.

The Honourable Dr. T. B. Saprú : As regards the work of the Assembly it must also be borne in mind that under Standing Order 7 the Secretary arranges the business on Government days in such order as the Governor General in Council may direct. In practice, he really does much more than this. It is not a mere matter of the order of the business. It is a question as to what business is to be taken on what day, and this is only decided in consultation with all the Departments concerned. It will thus appear that the Secretary of the Legislative Department, who has also to carry on the duties of the Secretary of this Assembly, is really a Liaison Officer, and that inasmuch as he is in direct touch with the other Departments, the work of this Assembly is carried on with greater facility.

I do not say for a moment that when you have a separate Secretariat staff of your own you may not be able to solve many, or at any rate some

of those difficulties ; but you must at the same time remember that if this House is going to have a separate staff of its own, there is every likelihood of a demand of the same character being made by the other House also, for it would be impossible to expect that one Secretary and a few clerks, not Deputy Secretaries, Joint Secretaries, or Assistant Secretaries, but a few clerks,—could carry on efficiently and satisfactorily the work connected with both the Houses. Therefore, if you will accept what I have said now with regard to the strength of my Department, namely, that I am not prepared to part with a single officer of my Department, it follows as a matter of logic and necessity that you must have separate officers and a separate set of assistants or clerks. Are you going, in anticipation of the recommendations of the Incheape Committee, therefore to impose further expenditure ? It is undoubtedly for this House to find the funds. I do not for a moment question its right. I do not challenge its freedom in that way. But it is really a question for the House to decide whether it is going to find more funds for this separate staff, because I will beg the House to approach the question, not on the footing on which Mr. Subrahmanayam put it, namely, that you have only got to transfer some men from the Legislative Department to this Assembly and then there will be an end of the trouble, but on the footing that you will not be able to dispense with the services of a single man in the Legislative Department and you will have to find additional officers for the work.

Mr. S. C. Shahani : Let the Assembly be represented on the Incheape Committee.

The Honourable Dr. T. B. Sapru : That is a question which I am not here to answer and that might have been raised on a suitable occasion. (*Mr. N. M. Samarth :* " For which we had no opportunity"). Then, so far as this Department is concerned it has got directly to look after some of the arrangements connected with the arrival and stay of Honourable Members here, and I know that at least three or four gentlemen have written to my Department expressing their dissatisfaction that they did not get certain quarters. I do not wish to go into that question at all, because I have gone through the whole file and I may say plainly that some one or other out of the applicants for those particular quarters had got to be disappointed. It would be impossible for any Department, even though it might have been your own Department, to give the same quarters to all the applicants. Therefore, if there has been dissatisfaction on the part of some, I have a feeling that there has been satisfaction on the part of others. I do not wish to go into the details of the duties of the various officers and I do not wish to go into any question of personal grievance because that would be strictly speaking not relevant to an issue of this character. I would ask the House to judge the question on its own merits and to consider whether you should not wait until the Incheape Committee has come and reported as to the possible sources of retrenchment and whether you should not then raise this question at a later stage on some suitable occasion. You will probably have many opportunities and it may be that after the recommendations of the Incheape Committee you may find yourself in a stronger and in a better position to urge a claim of this character. At the present moment in view of all that I have said I do not think that I am prepared on behalf of the Government to accept a Resolution of this character. As I have said already there is no quarrel with the theory ;

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the only question is one of when and how ; and that is a question which I will beg the House not to undertake to decide at the present moment. I can only assure the House again that the question has not been absent from the mind of the Government, that they are giving constant attention to it and that, if they have not been able to give effect to the wishes of the Members of this House, it is because certain practical difficulties have been felt and because also it has been realised that it would not be the right thing for the Government to establish a separate staff when within the next few weeks the Inchcape Committee will be sitting and discharging its function in this country. On those grounds I will oppose this motion.

Rao Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : After what has fallen from the Honourable the Law Member I think it is but right that we should adjourn the consideration of this question in this Assembly. We are agreed in theory as to the right course to adopt. We differ only as to the time when it should be done and how it should be done. There is a great deal in what the Honourable the Law Member has said as to what the Inchcape Committee might be able to do in this matter. No doubt the Honourable the Law Member has given us his personal assurance that he may not be able to part with a single officer ; but I have hope that the Inchcape Committee will not accept that assurance at its face value. The Inchcape Committee will go into every Department of the Government of India and find it is over-manned at the top, at the bottom and in the middle. I daresay they will be able to effect considerable retrenchment. Therefore I do hope for a considerable saving from the Legislative Department from which we can provide you, Sir, with this establishment which is yours by right and which any delay on the part of this House to recognise will be suicidal. It is not consistent with the dignity of this House to depend upon the Executive for its officers. The Executive must be at the mercy of the Legislature in these matters, not the Legislature at the mercy of the Executive. Therefore, Sir, I will not pursue the matter further, because we are all agreed in theory—all of us and the Honourable the Law Member are agreed in theory. Perhaps I may make one suggestion. If this attendance to creature comforts can be separated from the Legislative Department and entrusted to a Committee of this House, I think we will all be the better for it. But, as I said already, it is not necessary to go into that matter in this connection. I am sorry that any references have been made on either side. If any casual reference had been made, it might well have been ignored rather than be commented upon. Sir, having regard to an innocent proposition like this, I do not wish that we should go to a division on this matter where we are agreed, and it will not serve any useful purpose, because the discussion has taken a turn when a vote one way or the other might mean many things. I, therefore, Sir, commend the adjournment of this consideration in order to save the proposition, so that we may consider it again after the Inchcape Committee has reported. I propose, therefore, that this discussion be adjourned until after the Inchcape Committee have reported.

The Honourable Dr. T. B. Saprū : May I rise to a point of order, Sir ? Does Mr. Rangachariar suggest by his motion that this motion will

be withdrawn and that a similar motion will be brought up again, or does he simply want the discussion to be adjourned?

Rao Bahadur T. Rangachariar : I want to save the proposition, because, if it is withdrawn, under the rules we cannot bring it up again for one year. I want the matter to be discussed again, and I therefore definitely propose that the matter be taken up after the Inchcape Committee have reported on the Legislative Department.

Mr. President : The question is that further consideration of the Resolution and the amendment be postponed until after the report of the Inchcape Committee on Retrenchment has been received.

Dr. H. S. Gour (Nagpur Division : Non-Muhammadan) : Sir, I did not intend to intervene in this debate, but I find the Honourable Mover of this Resolution has embellished his speech with remarks made in connection with the conduct of the Legislative Department which I feel I cannot allow to go unchallenged. My learned and Honourable friend spoke of the Legislative Department, or at any rate of some of its officers as rude, silly and undignified (*An Honourable Member* : "And arrogant"), and arrogant. Now, Sir, my friend has complimented me by what he calls the omnivorous activities of Dr. Gour. Well, Sir, if this was even partially true (*An Honourable Member* : "Or even fully true") or as my Honourable friend says, even fully true, it must have brought me in very close contact.....

Rao Bahadur T. Rangachariar : May I rise to a point of order, Sir? Is this observation relevant on the motion for adjournment which I understand is now before the House?

Dr. H. S. Gour : If my learned friend had paused to hear me, he could have seen the relevancy of it instead of asking the Chair to give him a ruling.

Now, Sir, I beg to testify from my personal observation that during my long and intimate intercourse with all the staff, as my friend the Mover of the Resolution said, from the distinguished head of the Department, the Law Member, down to the clerks whose duty it is to lend us books, files and papers, I have never experienced anything which would savour of discourtesy or arrogance (Applause) and I am sure that my experience will be testified to by the other Honourable Members of this House. (Applause.) It is up to us as Members of this Assembly to recognise the courtesy which we have received at their hands. Place yourself in the position in which these over-worked officers are placed. Place yourself in the position of a person who has to answer numerous queries hurled at him at one time, various requests made, papers indented for, and all miscellaneous inquiries addressed, and I think you can visualise to yourself the patience and care, the toleration and sufferance which members of the Legislative Department have shown to the numerous Members of this Assembly. (Applause.) Well, Sir, I am perfectly certain from what the Honourable Members in this House feel that the remarks of the Honourable Mover of this Resolution were not intended to be seriously taken (Hear, hear) and I think the Honourable Mover of the Resolution will be well advised to withdraw those remarks made against members of that Department. (Hear, hear.)

Then, Sir, the other question which the Honourable Mover of the Resolution raised, namely, the question that the Legislative Assembly must

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have an office of its own, is a question upon which there cannot be no two opinions. The Honourable the Law Member has himself conceded that. In happier circumstances such a proposition would not have been an impracticable one, but one which would have been acceded to without any opposition. But are we not suffering from deficits, and the Honourable Member in charge of that Department—has he not assured you that so far as his Department is concerned, there is no room for economy? We cannot sit in judgment over his decision. (Hear, hear.) The only Committee that can sit in judgment over his decision is the Inchcape Committee. (Hear, hear.) Therefore, if we are to pass this Resolution which the Honourable Mover of this Resolution is asking you to pass or even accept the modified terms embodied in the amendment of the Honourable Mr. Mukherjee, we shall be hypothecating the national finances to an additional expenditure in anticipation of the decisions of the Inchcape Committee, and when we, with our unanimous voices, are crying out for economy. (Hear, hear.) The Honourable Mover of this Resolution did make some complaints. Then the Honourable the Law Member, while deprecating insinuations and inuendos, I am afraid indulged himself in one or two by way of illustration.

Mr. President : I will allow the Honourable Member to address himself to the general subject. It seems to me that he has had reasonable latitude for personal explanation. He must now strictly adhere to the motion for postponement.

Dr. H. S. Gour : I am giving the House reasons why this motion should be postponed, and the best reason I can give, the best argument I can advance is to the Honourable Mover of the Resolution. If he is convinced he will himself move for the postponement of his Resolution, and unless he is satisfied he is not going to accede to my request. My remarks are generally addressed to this House, but are also in particular addressed to the Honourable Mover of this Resolution, and in doing so, I do adopt the figure of speech of addressing all my remarks to you. If I have anything to hurl against any member, that is invariably hurled at your head and you have to receive it.

Now, the reason why I say there should be an adjournment of this motion is this. My friend, Mr. Rangachariar, who came with an olive branch stood up. He said some Members have grievances as to the catering department of the Legislative Department. They have not been comfortable and have not got the accommodation which they wanted and he suggested, if I understand him aright, that the matter might be referred to a Committee. I think my friend remembers that there is such a thing as a House Committee, but whether it is moribund or somnolent is a matter for the members of the House Committee to explain. I think the time has come when that Committee should be revived, resuscitated and galvanised into active life, so that it may discharge the duties committed to its care. Now, Sir, I have great pleasure in supporting the motion moved by Mr. Rangachariar and I appeal to my esteemed friend the Mover of this Resolution not to be on the war path but to give us a little respite and accede to the motion for adjournment till the next Session.

Rao Bahadur C. S. Subrahmanayam : I will just answer one or two personal matters. My Honourable friend, Mr. Jamnadas, started the

personal element in the discussion. I can only say, as has been already pointed out by several Members of this House, his inexperience of the world, his inexperience of debate, except for the fact that he is a Member of this Honourable Assembly, has led him, in the absence of anything better to say, to suggest a personal motive. I repudiate with scorn the suggestion of a personal motive, whether it comes from Mr. Jamnadas Dwarkadas or a higher individual. It is a low style of advocacy to impute a personal motive to a man who has tabled a Resolution on a public question which has agitated the minds of Members of this Assembly as well as of the President of this Assembly. I know what the lower arts of the Advocate are. I have been 30 years in the profession. When you can not attack a thing directly you do not do so. You impute personal motives; you have not a good case, you abuse your opponent.

That is the baser art of the Advocate. I never dreamt that such a suggestion could be made and those indirect, anonymous communications referred to by my Honourable friend, Dr. Tej Bahadur Sapru, I am entirely sorry for. I never thought that in a matter like this he without reading them would refer to them—I challenge him to publish them.

The Honourable Dr. T. B. Sapru : I rise to a point of personal explanation. When I made reference to that correspondence I had in view the expressions used by my Honourable friend, namely, arrogant, discourteous and silly. They could only have application to my Department and I am, as head of the Department, bound to protect the officers under me and I can do so with reference to those letters. I am not sorry that I can withdraw nothing unless my friend withdraws his words.

Rao Bahadur C. S. Subrahmanayam : That Dr. Sapru, whom I look to for advice and guidance, should make an attack of that kind nearly takes my breath away. I could have stood that insinuation from Mr. Jamnadas or Sir Deva Prasad Sarvadhikary, a leading Attorney.

Sir Deva Prasad Sarvadhikary : I never insinuated.

Rao Bahadur C. S. Subrahmanayam : When I saw such an attack made, I thought it was a very bad time I started this discussion. Well, Sir, about this 'arrogance' and other things, how can any reasonable man pass a judgment on who is arrogant or who is not arrogant? I ask my Honourable friend, the Law Member, if he sits in judgment, can he say, 'yes, he was not arrogant'? It is a matter of personal opinion. (Laughter.) To base his attack against me on the word 'arrogance,' well—where is the Secretariat which is not arrogant, I ask? (Laughter.)

The Honourable Sir William Vincent : The Home Department.

Rao Bahadur C. S. Subrahmanayam : Now, for you, to whom we have been looking up for advice and guidance, to base your attack on me, well, that simply shows that to-day we are not in your good books. Yesterday was the solar eclipse day,—and we must have been affected, some of us,—well, for some days, we have not been in good condition, we did not know what we were doing. To-day, I am so sorry that the leader, I may say, should have also lost his balance. Well, Sir, there is really one matter. The Legislative Department should have nothing to do with this wretched business—of catering to us and providing quarters. It is not to the dignity of their office—and then, the Honour-

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able the Law Member says, "if you have a complaint you have my Honourable friend, why not go to him." I may say, that is a ridiculous suggestion to make—for our petty purposes, to go to him and disturb him, I never think of doing such a thing.

Mr. President : I would ask the Honourable Member in his turn to keep in order.

Rao Bahadur C. S. Subrahmanayam : I shall stop here for the present. Well, I have no objection to my Honourable friend, Mr. Rangachariar's suggestion, to adjourn the debate.

Mr. President : Before I put the motion of Mr. Rangachariar for postponement, there are only two things I need say as regards the debate, as it concerns my Department. I should have been glad to have on the records of the Assembly the explicit judgment of the House in favour of a separate establishment (Hear, hear) ; but the reasons given by the Honourable the Law Member for the postponement of the consideration of that proposal seem to me to be cogent, and, therefore, I think the course which Mr. Rangachariar proposes is reasonable and proper. The only thing that makes me regret that we should have to adopt that course is that the next time we take up this subject we may have to deal with a different Law Member.

Had Honourable Members of this House been in a position to offer me the services of the Law Member as the first Speaker's Counsel in India, then I should have been most happy to accept the offer. But I am afraid, from what I know of my Honourable colleague that even the dignity of a Speaker's Counsel's shoes would not outweigh in his mind the superior attractions of his own beloved Allahabad. I should like to take this opportunity of paying my tribute to the unfailing good-humour, patience and great ability with which he has always met any small demand which I have had to make. (Applause.) And though perhaps the time has not yet come for us to say farewell to him, because we all hope that he will return to this Chamber in a position of greater freedom and less responsibility, none the less I take this opportunity of paying the tribute which I now offer him. (Applause.)

The question is that further consideration of this Resolution and the amendment be postponed until after the report of the Inchcape Committee on retrenchment has been received.

The motion was adopted.

DATE FOR DISCUSSION OF SUPREME COURT RESOLUTION.

The Honourable Sir William Vincent (Home Member) : There is another Resolution of Dr. Gour's regarding a Supreme Court set down for to-day. I do not know whether the Mover wishes to begin the discussion of such a Resolution now. (*Cries of 'No, no.'*) If not. I will have it put down from day to day, on official and non-official days, so that we may discuss it if possible during this Session. I propose, therefore, with your leave, Sir, to put it down at the end of the list of business for to-morrow.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 23rd September, 1922.