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CONTENTS.

	PAGE
TUESDAY, 5TH SEPTEMBER, 1922	1-9
Oaths.	
His Excellency the Viceroy's Speech.	
WEDNESDAY, 6TH SEPTEMBER, 1922	11-138
Death of Sir Vithaldas Thackersey.	
Statement laid on the Table.	
Questions and Answers.	
Unstarred Questions and Answers.	
Governor General's Assent to Bills.	
Panel of Chairmen.	
Member to serve on House Committee.	
The Police (Incitement to Disaffection) Bill.	
The Cantonments (House-Accommodation) Amendment Bill.	
The Indian Official Secrets Bill.	
The Criminal Tribes (Amendment) Bill.	
The Court-fees (Amendment) Bill.	
The Parsi Marriage and Divorce Bill.	
The Negotiable Instruments (Amendment) Bill.	
The Indian Boilers Bill.	
The Official Trustees and Administrator General's Acts (Amendment) Bill.	
The Indian Transfer of Ships Restriction (Repealing) Bill.	
THURSDAY, 7TH SEPTEMBER, 1922	139-248
Questions and Answers.	
Message from the Council of State.	
The Code of Criminal Procedure (Amendment) Bill.	
Statement of Government Business.	
Resolution <i>re</i> : Votes of the Landholders' Constituencies.	
Resolution <i>re</i> : Revision of the Railway Act of 1890.	
Resolution <i>re</i> : Travelling Facilities for Third Class Railway Passengers.	
Resolution <i>re</i> : Restrictions on the Export of Wheat, Pulses and Oil-seeds.	
FRIDAY, 8TH SEPTEMBER, 1922	249-344
Member Sworn.	
Question and Answers.	
Unstarred Questions and Answers.	
Conflicts in Asia Minor between the Greeks and Turks.	
Motion for Adjournment of the House.	
The Cantonments (House-Accommodation) Amendment Bill.	
Resolution <i>re</i> : Grant of Full Dominion Self-Government to India.	
Vol. III-I-137—Pt. I.	

	PAGE
MONDAY, 11TH SEPTEMBER, 1922.	. 345-406
Questions and Answers.	
Unstarred Questions and Answers.	
Motion for Adjournment.	
The Cantonments (House-Accommodation) Amendment Bill.	
Resolution <i>re</i> : The Weekly Rest Day in Commercial Establishments.	
Resolution <i>re</i> : Hours of Work in Inland Navigation.	
Resolution <i>re</i> : Employment of Young Persons as Trimmers and Stokers.	
Resolution <i>re</i> : Emigration for the Purpose of Unskilled Work to Malaya and Ceylon.	
Resolution <i>re</i> : Recruitment to Indian Forest Service.	
TUESDAY, 12TH SEPTEMBER, 1922	. 407-466
Questions and Answers.	
Unstarred Questions and Answers.	
The Land Acquisition (Amendment) Bill.	
The Code of Civil Procedure (Amendment) Bill.	
The Civil Marriage (Amendment) Bill.	
The Criminal Tribes (Amendment) Bill.	
The Adoption (Registration) Bill.	
The Exclusion from Inheritance Bill.	
The Indian Contract (Amendment) Bill.	
The Married Women's Property (Amendment) Bill.	
The Illegitimate Sons Rights Bill.	
The Legal Practitioners (Amendment) Bill.	
WEDNESDAY, 13TH SEPTEMBER, 1922	. 467-499
The Indian Boilers Bill.	
The Workmen's Compensation Bill.	
The Court-fees (Amendment) Bill.	
The Parsi Marriage and Divorce Bill.	
The Official Trustees and Administrator Generals' Acts (Amendment) Bill.	
Election for Standing Committees.	
Resolution <i>re</i> : Committee on Electoral Rules.	
Message from the Council of State.	
THURSDAY, 14TH SEPTEMBER, 1922	. 501-566
Petition from Madras Voters <i>re</i> : Provincial Contributions.	
Riots at Multan.	
The Code of Criminal Procedure (Amendment) Bill.	
Propaganda in Chamber.	
Resolution <i>re</i> : Provincial Contributions to the Central Exchequer.	

FRIDAY, 15TH SEPTEMBER, 1922 .

PAGE
567-655

The Code of Criminal Procedure (Amendment) Bill.
Messages from the Council of State.
Questions and Answers.
Unstarred Questions and Answers.
The Negotiable Instruments (Amendment) Bill.
The Indian Mines Bill.
The Police (Incitement to Disaffection) Bill.
The Criminal Tribes (Amendment) Bill.

MONDAY, 18TH SEPTEMBER, 1922 .

657-689

Bills passed by the Council of State.
Questions and Answers.
Unstarred Questions and Answers.
The Police (Incitement to Disaffection) Bill.
The Indian Boilers Bill.
The Workmen's Compensation Bill.
The Code of Criminal Procedure (Amendment) Bill.
Election of Standing Committees.
Conduct of Business.

WEDNESDAY, 20TH SEPTEMBER, 1922

691-734

Questions and Answers.
Sittings of the Assembly.
The Indian Mines Bill.
The Indian Extradition (Amendment) Bill.
The Indian Museum (Amendment) Bill.
The Indian Transfer of Ships Restriction (Repealing) Bill.
Election of Panels for Standing Committees.
The Legal Practitioners (Amendment) Bill.
The Supreme Court of British India Bill.
The Code of Civil Procedure (Amendment) Bill.
The Hindu Coparcener's Liability Bill.

FRIDAY, 22ND SEPTEMBER, 1922 .

. 735-794

Questions and Answers.
Unstarred Questions and Answers.
Panels of Standing Committees for Departments of Education and Health and Revenue and Agriculture.
The Criminal Tribes (Amendment) Bill.
Resolution *re*: Moplah Train Tragedy and Disturbances.
Resolution *re*: Establishment for Work of Legislative Assembly.
Date for Discussion of Supreme Court Resolution.

	PAGE
SATURDAY, 23RD SEPTEMBER, 1922	795-846
Questions and Answers.	
The Cotton Transport Bill.	
The Abolition of Transportation Bill.	
The Indian Penal Code (Amendment) Bill.	
The Indian States (Protection against Disaffection) Bill.	
Demands for Supplementary Grants.	
Resolution <i>re</i> : Imperial Medical Research Institute.	
Resolution <i>re</i> : Supreme Court for British India.	
Messages from the Council of State.	
Resolution <i>re</i> : Supreme Court for British India.	
MONDAY, 25TH SEPTEMBER, 1922	847-919
Statement laid on the Table.	
Questions and Answers.	
Unstarred Questions and Answers.	
Motion for Adjournment.	
Sittings of the Legislature.	
The Indian Mines Bill.	
The Indian Penal Code (Amendment) Bill.	
The Indian Naval (Armanent) Bill.	
The Criminal Tribes (Amendment) Bill.	
The Police (Incitement to Disaffection) Bill.	
The Indian Penal Code (Amendment) Bill.	
Message from the Council of State.	
The Cotton Transport Bill.	
The Indian Penal Code (Amendment) Bill.	
Demands for Supplementary Grants.	
TUESDAY, 26TH SEPTEMBER, 1922	921-951
Questions and Answers.	
Unstarred Questions and Answers.	
The Indian States (Protection against Disaffection) Bill.	
Demands for Supplementary Grants.	
Message from the Council of State.	
Adjournment of the Assembly.	
APPENDICES	1-12
Vernacular Speeches and Translations.	
INDEX	I-85

LEGISLATIVE ASSEMBLY.

Tuesday, 26th September, 1922.

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

QUESTIONS AND ANSWERS.

DEPUTY DIRECTOR OF STOCKS.

371. *Mr. K. C. Neogy : Will Government be pleased to state :

- (a) whether the Deputy Director of Stocks organisation of the Supply and Transport Corps located at Simla has been formed for administering the supply depôts and placing indents on the Controller of Contracts ;
- (b) whether the said organisation now actually consists of four officers and the requisite establishment ; and
- (c) whether the said organisation, cannot be abolished and its work done by the Director of Supplies and Transport and the Officer in charge Supply and Transport Corps Records without extra cost ?

Mr. Denys Bray (on behalf of Mr. E. Burdon) : (a) and (b). The answer to each of these questions is in the affirmative.

(c) The question of the suitability of the entire supply organization and the question whether by reforming it economies can be effected are at present being investigated by the Braithwaite Committee. I may mention, however, that the Officer in Charge, Supply and Transport Records, deals only with matters affecting personnel, and it would therefore be entirely inappropriate for this official to take over any of the work at present performed by the Deputy Director of Stocks.

CONTRACT WITH SAXBY AND FARMER.

372. *Mr. K. C. Neogy : (a) Is it a fact that a contract for 100 cast-iron battery boxes, has been recently placed by the Railway authorities with Messrs. Saxby and Farmer, Limited ?

(b) If so, what was the rate quoted by the said firm in its original tender ; and what is the rate at which the battery boxes are actually to be supplied ?

(c) Is it a fact that a lower tender made by an Indian firm—the Diamond Harbour Engineering Works—was not accepted ? If so, what was the rate quoted by it ?

(d) Is it a fact that scrap iron is supplied by the Railway authorities at a reduced rate to Messrs. Saxby and Farmer, Limited ? If so, was this contemplated in the original contract with the said firm ?

Colonel W. D. Waghorn : (a), (b), (c) and (d). Without some indication as to the Railway Administration concerned, Government regret, they are unable to furnish the information called for. The Railway Board has no knowledge of any such contract.

Mr. K. O. Neogy : The contract, I understand, was placed on behalf of the Eastern Bengal Railway.

Colonel W. D. Waghorn : Thank you.

EASTERN BENGAL RAILWAY SETTLEMENT OF CLAIMS.

373. ***Mr. K. O. Neogy :** (a) Is it a fact that the Eastern Bengal Railway administration refuses to carry on correspondence with any Claims Settlement Agent, or anyone writing from the address of such agent, for the purpose of settling any claim against the said Railway under Section 77 of the Indian Railway Act ?

(b) If so, what is the practice in this matter in the other Railways ?

Colonel W. D. Waghorn : (a) Government believe this to be correct.

(b) The matter is one within the competence of Railway Administrations and Government do not see any grounds for interference.

CUSTOMS DUTIES ON PARCELS.

374. ***Lieutenant-Colonel H. A. J. Gidney :** (a) Is it a fact that the Customs authorities clear two annas for every parcel sent to India by post and another anna for postage ?

(b) If so, will Government be pleased to explain the necessity for these charges which appear to be levied for duties which fall within the ordinary sphere of work of the Customs Department ?

Colonel Sir Sydney Crookshank : (a) and (b). A fee of two annas is charged by the Post Office on every dutiable parcel for the performance of customs formalities such as collection of duty from the addressee and payment of the same to the Customs Department.

This fee of two annas is authorised by the Parcel Post Convention of the Universal Postal Union, which, it may be mentioned, allows a charge to be made on this account up to 50 centimes per parcel.

No information is traceable as to the additional charge of one anna referred to by the Honourable Member.

UNSTARRED QUESTIONS AND ANSWERS.

GARDENS AT EASTERN BENGAL RAILWAY STATIONS.

225. **Mr. K. O. Neogy :** (a) Is it a fact that two gardens are maintained by the Eastern Bengal Railway at Kanchrapara and at Saidpur respectively, for providing a free supply of vegetables to its European and Anglo-Indian employees ?

(b) If so, what are the reasons for denying the benefit of this arrangement to the Indian employees of the Railway ?

The Honourable Mr. C. A. Innes : The information is being obtained from the Railway Administration concerned and will be furnished to the Honourable Member when received.

CATERING SUPERINTENDENT, EASTERN BENGAL RAILWAY.

226. **Mr. K. C. Neogy** : (a) What are the functions of the Catering Superintendent of the Eastern Bengal Railway ?

(b) Has he got any medical qualifications for the examination of articles of food supplied to the passengers ?

(c) What does it cost the Railway annually to maintain this post ?

The Honourable Mr. C. A. Innes : (a) The Catering Superintendent's duties, at present, are to supervise the contractor's working of the Refreshment cars, Refreshment rooms and catering arrangements generally with a view to ensuring that good and suitable food is provided.

(b) He holds no medical qualifications but has had practical experience as a hotel manager, etc.

(c) Approximately Rs. 16,000.

SANITARY CONDITIONS ON EASTERN BENGAL RAILWAY.

227. **Mr. K. C. Neogy** : (a) Is it a fact that a large number of Indian employees in the district of Lalmanirhat of the Eastern Bengal Railway generally suffer from bad types of malaria, black water fever, etc. ?

(b) If so, what steps have the Railway authorities taken to improve the sanitary condition of the district ?

(c) Is there any system of frequent transfers from this district, in vogue, for the benefit of those Railway employees who are often on the sick list ?

The Honourable Mr. C. A. Innes : The information asked for is being obtained from the Agent, Eastern Bengal Railway, and will be sent to the Honourable Member on receipt.

REPARATION MONEY FOR SEAMEN.

228. **Mr. W. M. Hussanally** : (a) Is it a fact that £5,000,000 from German Reparation money have been sanctioned for distribution among the dependants of the British Merchant Seamen killed during the late War ?

(b) If so, what amount thereof has been allotted for the benefit of the dependants of Indian Seamen killed during the War ? If not, why ?

The Honourable Mr. C. A. Innes : The Honourable Member is referred to the answer given on the 15th September 1922 to a similar question (No. 313) asked by Mr. K. Ahmed.

CASUALTIES AMONGST INDIAN SEAMEN.

229. **Mr. W. M. Hussanally** : (a) Did any Indian Seamen serve on British troopships during the War ? If so, how many ?

(b) How many of these (if any) died during the War while on service ?

(c) How many of these have left dependants ?

(d) Has any inquiry been made how many dependants have been left by seamen killed during the War ?

(e) Have Government in any way provided for these dependants ? If not, do Government propose to provide for them ? If so, how ?

Mr. B. Burdon : (a)—(d). Indian seamen served on such troop-ships. Records of their numbers, etc., have been kept by Local Governments, but detailed figures would necessitate a reference to them, and the Government of India regret that they are unable to undertake the task of inquiry and compilation as it would involve an expenditure of time and labour which would not be commensurate with the result.

(e) The dependants were paid on the scales sanctioned by the Board of Trade for merchant seamen. In this connection, the Honourable Member's attention is invited to the reply of the Honourable Mr. Innes to Mr. Ahmed's question No. 313 of the 15th September.

RECRUITMENT OF INDIAN SEAMEN.

230. **Mr. W. M. Hussanally :** (i) (a) Is it a fact that Indian Seamen are recruited through Burkers and Ghat Serangs ?

(b) Has Government received any representations that the system of recruitment through Burkers and Ghat Serangs be abolished forthwith ?

(c) If so, has Government taken any steps in that direction ? If not, do Government propose to take any steps ?

(ii) (a) Is it a fact that the Bengal Government have recently appointed an additional Burker for the purpose ?

(b) If so, is it a fact that the ' Indian Seamen's Union ' have protested against such action ?

(c) Do the Government of India propose to take any action in the matter ? If so, what ?

(iii) (a) What are the emoluments paid to these Burkers and by whom ?

(b) Do they receive anything from seamen recruited ?

(iv) If it be a fact that the ' Indian Seamen's Union ' have protested against recruitment through Burkers, what are their grounds for such objection ?

The Honourable Mr. C. A. Innes : As regards parts (i) and (iii) of the Honourable Member's question, a copy of the Commerce Department's Resolution No. 2663, dated 25th May 1922 is being sent to him. This Resolution gives him full information as to the points raised in his question.

As regards part (ii) it is a fact that the Government of Bengal issued in April last licenses to two new brokers, and this was done in order to break an existing monopoly. The new licensees were informed that the whole system of recruiting was under the consideration of the Government of India and that the licenses were liable to withdrawal at any time if important modifications were made in the present arrangements for the recruitment of seamen.

(iv) The objections of the Union are based on considerations which have been fully brought out in the Resolution referred to above.

THE INDIAN STATES (PROTECTION AGAINST DISAFFECTION) BILL.

Mr. President : I think the House will desire to know if the Honourable the Home Member is in a position to make a statement regarding the position in which the Princes Protection Bill now stands.

The Honourable Sir William Vincent (Home Member) : Sir, I regret to say that in spite of our utmost efforts it has been found impossible to arrive at any satisfactory solution of this difficult question. I desire however to make it plain that this failure is not due to any lack of endeavour on the part of the Government or on the part of those non-official Members with whom I have been in contact attempting to find some solution of it. It is due to circumstances beyond our control. I may say that both the Members of the Government and those non-officials whom I met showed every desire to find a way out of the embarrassing *impasse* in which we are situated, but we found it impossible to arrive at any satisfactory solution.

Sir Deva Prasad Sarvadhikary (Calcutta : Non-Muhammadian Urban) : If I may just add one word, Sir, on behalf of those who have been in contact with the Honourable Sir William Vincent, as he calls it and those that they represent, we entirely dissociate ourselves from any desire to place His Excellency the Viceroy in an embarrassing position with regard to what was done in the Assembly in regard to the refusal by the Assembly to give leave. Every effort has been made by non-official Members after the Home Member's statement yesterday to bring about a state of things that would allow a re-examination of the question on further materials and on a proper basis. That unfortunately has failed.

DEMANDS FOR SUPPLEMENTARY GRANTS—*concl'd.*

Mr. President : The Assembly will now resume discussion on the motion moved by the Honourable the Finance Member relating to Supplementary Grants. The first motion* on the paper is not in order as under Item 28 (Agriculture) the Government is not asking for any supplementary grant.

The same applies to the second motion :

Item No. 30 :

“ That the savings amount of Rs. 21,000 under the head ‘ Industries ’ be increased by Rs. 1,000.”

Mr. P. P. Ginwala (Burma : Non-European) : Sir, I do not wish to move :

“ That the grant under the head ‘ Industries ’ be reduced by Rs. 100.”

Mr. S. C. Shahani (Sind Jagirdars and Zamindars : Landholders) : Sir, I do not wish to move :

“ That the savings amount of Rs. 68,000 under the head ‘ Stationery and Printing ’ be increased by Rs. 1,000.”

RETRENCHMENT COMMITTEE.

Mr. P. P. Ginwala : Sir, I beg to move :

“ That the grant of Rs. 48,000 ‘ Expenditure on the Retrenchment Committee ’ be reduced by Rs. 100.”

My object in moving this reduction is to bring to the notice of Government one or two points in connection with the appointment of the Retrenchment Committee. There is a feeling abroad, that, though of

* “ That the savings amount of Rs. 42,000 under the head ‘ Agriculture ’ be increased by Rs. 1,000.”

[Mr. P. P. Ginwala.]

course in the personnel of the Committee there are distinguished men, there is no Member of either House on that Committee (Mr. K. C. Neogy : " Sir Alexander Murray ")—with the exception of Sir Alexander Murray. But there is no Member of the Assembly as far as I remember ; and considering that the appointment of this Committee originated in this Assembly, we feel that it would have been proper if at least one Member of this House had been nominated upon it. After all, Sir, this Assembly, which is more or less the custodian of the purse of India, has got a right to say something with regard to the proposal, that may be made by this Committee, and so far that right does not appear to have been recognized.

Secondly, there is a feeling that the procedure which it is announced that this Committee will follow is not satisfactory. Apparently they are going to rely merely on written statements received from the public and there will be no oral statements taken. Now whatever the value of the written statement may be, it is a fact which I do not think any one will dispute that there is in oral evidence a certain guarantee of truth, a certain sanction, which is not possessed by documentary evidence, especially if it is admitted *in camera*. There may be occasions on which oral evidence may be taken *in camera* or documentary evidence read *in camera*. But if the proceedings of this Committee are to command public confidence, some evidence must be taken in public. A man who goes and gives evidence *in camera* may make any inaccurate statement he likes. I do not say there are many men who will do so ; but it is not impossible ; whereas if a statement is made in public, a witness thinks twice before he makes it, because somebody else who reads that statement may come forward and contradict him. No doubt if the procedure I suggest is followed, it will mean that more time will be taken ; but if the findings of this Committee are to be made acceptable to the public they must be based on such evidence as the public have had an opportunity of examining and contradicting, if necessary (Hear, hear.)

There is one other point and that is this.—I don't know, Sir, who is going to prepare these statements and who is going to give evidence before this Committee. No doubt, it will be Heads of Departments and Secretaries to Government and various other high officials who are expected to know what they are talking about. But my own belief is that in matters specially of office procedure and working of offices the Superintendent or the Registrar of an office may throw much greater light if he is allowed to have his say, than either the Finance Member or any Secretary to Government whose evidence on these matters must more or less be hearsay : whereas a Superintendent or a Registrar knows from personal knowledge where retrenchment is possible. That is the only exception I would make in the way of taking evidence *in camera*.

These men should be given an opportunity of giving evidence *in camera* and pointing out to the Committee where retrenchment is possible.

Sir Deva Prasad Sarvadhikary (Calcutta : Non-Muhammadan Urban) : And an assured pension.

Mr. P. P. Ginwala : I do not suppose that they would run any risk by giving evidence, and they must be encouraged to give it if economy is

expected to be effected in the internal working of departments. Then, with regard to military expenditure also the highest officials in the Army would come forward no doubt and give evidence, but then there may be others of lesser degree who may be able to throw considerable light upon military matters, but who will, I submit, be excluded if this procedure that is foreshadowed is persisted in by the Inchcape Committee. There is one other matter and that is this ; that some of us personally are not in favour of having a Session of the Assembly in November but we feel on public grounds that the Assembly ought to have met in November and that it is a pity that the Inchcape Committee will sit in Delhi while it is not in Session. There are many Members of this Assembly no doubt who, if the Assembly were in Session, would have been able to assist the Committee by coming forward to give evidence and placing their views before that Committee and in many other ways. That, I understand, is now out of the question. We have heard nothing to the contrary to suggest that there will be a Delhi Session and I take it that while the Inchcape Committee is sitting in Delhi, the Assembly will not meet. I would like the Honourable the Finance Member to give us some assurance that some of the points that I have stated will be examined and that some consideration will be given to them before the Inchcape Committee begin its deliberations in Delhi.

Dr. Nand Lal (West Punjab : Non-Muhammadan) : Sir, I wholeheartedly endorse the views of my learned friend, Mr. Ginwala. I differ from him however in this circumstance, *viz.*, when he says that some of us are not in favour of a November Session at Delhi. My view is that most of us are in favour of a November Session at Delhi. It is our keen desire that this Assembly may have its Session at Delhi, especially when the Retrenchment Committee is sitting there, so that we may not only assist that Committee, but we may help that Committee. When I say we shall help, I mean to say we, as their equals and co-workers, shall tell them what otherwise they, possibly, may not be able to know. Sir, it is necessary that at least two elected Members of this Honourable Assembly should be on that Committee, and it is also necessary that the evidence should not be taken *in camera*, as it has already been discussed by my learned friend. The report of the Retrenchment Committee will not be appreciated so much if the evidence were taken in the manner in which it is proposed to be taken. The real evidence means that the witness comes before the Committee and every man has got a right to go there and hear what is said. The witness will then understand the weight of responsibility, and, therefore, that witness will be more straightforward and more candid in giving his statement. The general opinion, about evidence being taken *in camera*, is this, that the witness, as a matter of fact, would say what he would like to say with a view to please the officials, and therefore, on these grounds I support the amendment which speaks for itself.

The Honourable Sir Malcolm Hailey (Finance Member) : I am well aware from previous observations which have fallen from Members of this Assembly of their feeling on the subject of the constitution of the Retrenchment Committee. They have more than once told us that they consider that Committee incomplete without a substantial representation of this Assembly, and knowing this feeling, may I pay

[Sir Malcolm Hailey.]

a tribute to the very moderate manner, if he will allow me to say so, in which Mr. Ginwala has now voiced his sentiments on the subject? I am sure the House will accept my statement when I say that there was no deliberate intention on the part of Government to exclude any Member of this Assembly as such from representation on that Committee. But may I point out the manner in which the Committee was originally constituted? Throughout the discussions on the subject of retrenchment the one model which was held up to us was the Geddes Committee, which at the time was just reporting to the British Government, and the result of whose report was a reduction of many million pounds of expenditure in England. Now, in England, when it was found that ordinary departmental committees could not effect as much as the Treasury desired, when it was also found that criticisms in the House itself were insufficient to produce the reductions which the British public were demanding, the Cabinet decided to appoint a Committee which would consist as far as possible of business men outside politics. Our object was also retrenchment, substantial retrenchment, and we followed therefore as far as possible the method adopted by the British Government both in the appointment of the Committee and in the terms of reference to it. May I point out to the House that this Committee will have a very wide purview? It may possibly as a result of its recommendations have a great effect not only on our finances, but on our administrative arrangements. We consequently needed a Committee which would carry the utmost weight not only in India, but in England, and we considered that in order to obtain that weight it was advisable to follow as far as possible the procedure adopted in England in regard to the constitution of the Committee. That is the sole reason, why the Committee was constituted in its present form. It had to be a small one; it had to be one which would be able to get through its work as speedily as possible if the results of its deliberations were to have any effect on next year's budget. That Members of the Assembly would be able to assist the Committee in many ways, or to help the Committee as Dr. Nand Lal with a somewhat subtle distinction said, I have no doubt, for our experiences on the Standing Finance Committee have shown how keen a grasp many Members of this Committee have obtained of our administrative workings. It may be open to regret for that reason that we could not find room for any large representation of the Assembly on the Committee, but I have given the precise reasons which influenced Government in putting forward the *personnel* now announced, and I hope that the House will consider that explanation as satisfactory.

As regards the procedure, Mr. Ginwala referred to the fact that the Committee has announced that it will take written but not oral evidence. Now there again, we have regarded ourselves as standing somewhat outside the operations of the Committee. We have not tried to influence it in any way or prescribe any particular method of inquiry. An influential body of this nature should be allowed to arrange its own procedure, especially in view of the experience which has been gained in England on similar operations. It is the Committee itself,

and not Government, which has decided that it shall take written and not oral evidence. However, I am quite prepared to lay before the Committee the sentiments expressed, no doubt on behalf of the House, by Mr. Ginwala in this respect. He has further suggested that in matters of office procedure it would be well that oral evidence should be given and *in camera* by Registrars and Assistants of the Government of India. Office procedure will of course be but a small part of the investigations of the Committee; but should they desire to see any members of our establishments they will be at perfect liberty to do so; and I need not say that any member of our establishment who may give evidence before them need be under any apprehensions whatever as to the result of any evidence that he may give. We are not on such terms with our establishments that they need have any fear with regard to giving the frankest evidence before the Committee. But I think it fair to add that when previously we have sought to make reductions in office establishments or contingencies the opposition has not come from the officers in charge but mainly from the Registrars and the establishments themselves. I am confident however that should their evidence be called for by the Committee—and it is evidence of value no doubt on the purely technical matters of office procedure,—I am sure that they will do their loyal best to assist the Committee in their deliberations.

As to a November Session, that, I understand, is still *sub judice*; but I may point out another aspect of the question to that placed before us by Mr. Ginwala. It is true that if the Committee were sitting during a Session of the House they would be able to learn at first hand the feelings of many Members of the Assembly on the subject of retrenchment; they might perhaps be influenced by the atmosphere of the House itself. It would at the same time create considerable difficulties for us, since they will be inquiring into every aspect of our administration, and those who have read the Welby Commission Report,—now perhaps somewhat out of date but still a standard work,—will realise how laborious a searching inquiry of that nature can be, and what immense work it must involve on the officers of every department. I will not say that it would be impossible, but it would at all events be exceedingly difficult for us to carry on the work of the Assembly while our heads of departments and Secretaries were under constant examination and cross-examination by the Incheapē Committee. I hope that in view of the explanation I have given, Mr. Ginwala will not still think of reducing the small sum which we have placed on the Supplementary Grants for the expenditure of the Committee.

Dr. H. S. Gour (Nagpur Division : Non-Muhammadan) : Sir, after hearing the Honourable the Finance Member I do not think there will be any desire in this House to cavil at the constitution of the Incheape Committee, but I am sure the Honourable the Finance Member will recognise that while following the example of the Geddes Committee, the Incheape Committee will not overlook, what the Geddes Committee did not overlook, namely, the mandate which they got from the House of Commons that the national expenditure which then stood at twelve hundred million pounds was to be cut down to a definite sum of nine hundred million pounds. If I remember aright, the House of Commons

[Dr. H. S. Gour.]

gave a clear indication to the Geddes Committee that the national expenditure must be reduced by 25 per cent., and acting upon that mandate of the House of Commons, the Geddes Committee sat to work with the result—I speak subject to correction—that they cut down the expenditure to, I think, nine hundred and fifty million pounds. Now if that example is followed and the Inchcape Committee are told that the national expenditure must be reduced by, say, 25 or 30 or 40 per cent. as may be necessary in view of the present financial condition of this country, then I think the Inchcape Committee will have something to go upon, but to merely ask the Inchcape Committee to examine our balance sheets and to see whether there is not room for retrenchment is to place the Inchcape Committee in a difficult position. I think the Honourable the Finance Member should have consulted this House as to what they want in the way of national retrenchment, and if this House had followed the practice of the House of Commons and after discussion given a mandate to the Inchcape Committee that the national expenditure should be reduced by a certain percentage, we should have had no ground for complaint and the analogy of the Geddes Committee to which the Honourable the Finance Member has referred would have been closer. That has not been done. I don't think that it is too late to do it now.

Then, Sir, as regards associating Members of this House with the Inchcape Committee, the Honourable the Finance Member has told us that the primary object of appointing the Inchcape Committee was to bring together a number of representative businessmen so that they may examine the situation in which the Government of India is placed and to suggest remedies. I also discerned an undertone in the Honourable the Finance Member's statement, namely, that the Inchcape Committee will deal also with the military expenditure, and it may be that the Government of India thought that by placing a representative of this House on the Inchcape Committee they would be conferring upon this House a power as regards the control of military expenditure which this House under the Statute does not possess.

The Honourable Sir Malcolm Hailey : No.

Dr. H. S. Gour : If that was not the object, then I say there is no legal impediment to associating one or two Members of this House with the Inchcape Committee. The fact that it consists of businessmen admits of no doubt, but the fact that it also should consist of one or two accredited representatives of the people who are responsible and in whom this House has confidence and who will be able to place before this House the results of the Inchcape Committee and to vindicate and justify those results are, I think, strong and weighty reasons why this House should be represented on the Inchcape Committee.

I submit, Sir, that the mere fact that some Members of this House will be examined as witnesses or may be examined as witnesses, as the Honourable the Finance Member has foreshadowed, does not, I submit, do away with the objection raised by my friend, Mr. Ginwala,—an objection which this House has, ever since the appointment of the Inchcape Committee, reiterated as is well known to the Honourable

the Finance Member and to the Members occupying the Treasury Benches. (Hear, hear.) These, I submit, are reasons which cannot be overlooked. The Honourable the Finance Member could not be oblivious of the fact that the Inchcape Committee's recommendations would neither be binding upon the Government of India or this House, and we shall have to re-examine the whole situation with a view to arrive at an independent conclusion. Does he not think that that process will be facilitated if a few Members of this House are associated with the Inchcape Committee? Does he not think that matters which may take time to examine and upon which this House may feel differently would be very greatly facilitated if it is directly represented upon the Inchcape Committee? Then, Sir, it has been said that the Registrars and the Superintendents of the various Departments should be examined by the Retrenchment Committee. Well, Sir, I have been told—and Honourable Members from Bengal will contradict me if I am wrong,—that in the Bengal Retrenchment Committee a large number of officials were examined *in camera* and because they were examined *in camera* they gave information which would not have been placed at the disposal of that Committee if the examination had been made in a public manner. I, therefore, submit that, if the examination of departmental heads and subordinates is to bear fruit, they must be assured of absolute confidence and secrecy and that any information they give to the Inchcape Committee will not be used to their future detriment.

Then, Sir, it has been suggested in certain quarters that we should be in Session in Delhi when the Inchcape Committee meets. The Honourable the Finance Member has pointed out that that would be an advantage, but I am afraid that, if the Inchcape Committee is to do its work, it will engross all the attention of the various Departments of Government and I am quite sure that, if this Assembly is to do any serious work in Delhi, the Departments would not be able to serve the two masters they will have there—the Inchcape Committee and the Legislative Assembly. Therefore, I think I am not in favour of the November Session and I would rather give the Departments of Government free time and leisure to devote to the service of the Inchcape Committee.

Lastly, as regards the expenditure of the Inchcape Committee, the amount we are voting is a trifle, but the result that we expect from the Inchcape Committee must not be commensurate with the small expenditure we are voting to-day. I hope the Honourable the Finance Member will realise in what financial straits this country is and will place before the Inchcape Committee the considered view of this House that both civil and military (and I emphasise the word "military") expenditure shall be drastically cut. That, I submit, is the situation in which this country at present is placed. The Assembly cannot afford to vote the large sum of money which the Honourable the Finance Member has been asking for the upkeep of the military in this country.

These are, therefore, the general views of this House and I think I am voicing not only my own particular views but those of friends who sit around me when I say that, whatever may be the constitution

[Dr. H. S. Gour.]

of the Inchcape Committee, whatever may be its procedure, we shall judge it by its results.

Sir Deva Prasad Sarvadhikary : Sir, the more one hears about it and thinks about the matter, the more is one unable to share in the regret that this House is not going to be represented on the Inchcape Committee. If Government had thought that we should be associated and invited us to be associated, it should have been our duty to respond. If, for reasons that the Honourable the Finance Member has adduced, that is not to be, I do not think the Assembly need break its heart over the matter. In fact, the omission will have its advantages in more than one way. The Committee is the outcome of a Resolution of this House. The Government is no doubt responsible for the appointment of the Committee but its report will be to this House through the Government. The Government is responsible for suggesting retrenchment and it is calling in a Committee to advise it before it lays its scheme before us. I view it from that point of view. I do not apprehend if we had representatives that some Member would rise in his place in the Treasury Benches and remind this House that it had better not criticise, or refuse to accept, the recommendations of the Inchcape Committee because one or two of our Members happen to be associated with it. I do not think that is the sort of proposition that would then have been urged. I am not saying this from the point of view of wanting to take no responsibilities in the matter. As I said at the outset, if we had been invited to be associated it would be our duty to assist. If the Government choose to take the whole responsibility it is welcome to do so, we can wait and watch.

Sir, I do also believe that this will make the work of the Inchcape Committee easier from the point of view of examining the military expenses. In fact, from the terms of appointment, there is indication that they are to have this liberty though in a modified form. If the Inchcape Committee approaches its business in a proper spirit—and I have no doubt that it will do so—it cannot possibly dissociate the biggest part of the country's expenditure from the purview of their examination. However much they may cut and clip, I am afraid—very much afraid—they will not be able to achieve much more than what the Finance Member, at the instance of this House, has already achieved in the Civil Departments. A little more may be possible but not much more. If this is to be so, the Inchcape Committee had better not sit at all. When Government in all seriousness has invited it to survey the position and advise it, and through it the Assembly, I am in more than hopes that the military expenditure is bound to engage as much attention as possible, no matter what mandates may come from England—telegraphic or otherwise.

I am glad to be assured, Sir, by the Honourable the Finance Member that the cordial relations between this Department and other Departments and their subordinates are not likely to be disturbed by outspoken criticism of the existing state of things. I hope they will be invited to say their say and, if they do say their say, a great deal will be known to the Committee and, through the Committee, to the Assembly, of which we have no idea now. I do not see the Honourable

the Law Member now in his place. I am sure he can tell us a great many things about the directions in which expenditure in that Department could be curtailed. That applies also to other Departments.

Sir, it has been correctly observed that we cannot impose a procedure on a Committee like that. They will have all public criticism before them and they will evolve their own course. The Government is having them as expert advisers at our instance and it is up to us to wait and see what is done.

Sir, I do not think that we ought to let this opportunity go without expressing our admiration for the President of that Committee in refusing to accept any remuneration from the Government. We cannot have everything for nothing, not even retrenchment, and some expenditure has to be incurred, and Rs. 100 less will not probably affect the work of the Committee. But that is not the point involved in the matter. We have to recognise that a great deal will have to be done which will involve some expenditure, and that expenditure, this House, at whose instance really this Committee has been appointed, ought not to grudge. I do not think Mr. Ginwala seriously intends to press this matter to a division and I am sure he will in the usual way withdraw it. But it is well that we have had our say and the Committee will have all this before them and know what is needed. We gave our mandate when we carried the Resolution for the Committee. Dr. Gour has enunciated quite an original proposition that the Government of India Departments are so weak kneed that they are not likely to be able to take care of the Incheapa Committee and of the formidable Legislative Assembly at one and the same time. I share in the regret, Sir, that we shall not be at Delhi to assist with the atmosphere in the midst of which that Committee ought to do its work. Although we do not give evidence before that Committee or send our written statement,—in fact, I think the Members of the Assembly should not do it,—there would have been atmosphere enough for them to know what the exact feeling is with regard to the matter and in what directions achievements may be possible. It is an open secret now that there is not going to be a November Session although the announcement for which we pressed has not yet been made I shall share that regret and hope that in spite of their disadvantage the Incheapa Committee will do its duty.

Mr. B. Venkatapatiraju (Ganjam *cum* Vizagapatam : Non-Muhamadan Rural) : Sir, in supplementing the observations made by two of the leaders of the House, Dr. Gour and Sir Deva Prasad Sarvadhikary, I want to place some other aspect of the case for the consideration of the Government. It is true that the Government of India follow the English method when they adopt the Qeddes system of securing business men to look after this matter. But there is a wide difference between England and India. In England a business man is also a member responsible to the people. Here, in India, a business man is a different person. He will say from the business point of view that all the Departments should be efficiently worked whatever may be the fate of the people. When the Honourable the Finance Member said that politics are excluded from this, he evidently means that the contentment and happiness of the people are not to be regarded in securing the efficiency of the administration,

[Mr. B. Venkatapatiraju.]

whatever be its cost and whether the people are able to bear it or not. Of course when the Committee is not prepared to consider the additional privileges, the only question is whether there is any other method of securing reduction of expenditure, for instance by the Indianization of the Services. That does not include politics in the sense understood, or why not have, when we cannot afford it, a less efficient administration? Then we can spare more revenues in order to be spent on the development of the country. If we have to spend most of our revenues for the purpose of administration and a large income has to be spent on Services, is it not proper for the people to expect that they should look beyond the efficiency of the administration to the happiness of the people? Therefore, whoever be the members of the Committee, whether they are appointed from this House or not, I hope they would look to this aspect of the case, namely, whether the country is in a position to bear this burden for ever without securing a proper return which the large revenues and heavily taxed people can be expected to realise from this income. Whatever be the reductions, Sir, if we cannot follow the example of civilised countries that we must go back to normally (i.e.) pre-war expenditure, I believe the country will not be satisfied with whatever reduction is made by the Inchoape Committee. We must go back to the pre-war level of expenditure so that there will be a sufficient amount available for the Honourable Finance Minister to give for the help of the people in various directions.

The Honourable Sir Malcolm Hailey : Sir, before you put the motion to the House that leave be given to withdraw the motion I would ask your permission to reply to one or two criticisms which have fallen from my Honourable friends this morning, for the matter is of great importance, —great importance to the House and great importance to the country. May I take our last critic first? He advises us not to follow the example of England in appointing business men only to this Committee. Why? Because business men will care nothing for the heavy burdens that are falling on the taxpayer, and they will be prepared to face any expenditure in the interests of more efficiency of administration. It seems to me perfectly clear from what Mr. Raju says that he knows very little about business men. Who pays the great bulk of our taxes, Sir? Why, it is the business man. Who suffers from high import duties? Why, it is the business man.

Mr. B. Venkatapatiraju : What about the consumer?

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Or the agriculturist?

The Honourable Sir Malcolm Hailey : The agriculturist pays nothing whatever to the Central revenues and it is the Central revenues which are to be examined. The business man was represented on the Geddes Committee at Home, and that Committee in its recommendations to the Cabinet certainly did not sacrifice the tax-payer to the interests of mere efficiency in the administration; they cut down the Army, they cut down the Navy, they cut down every service in which they found that retrenchment was possible. Those, Sir, who are acquainted with the public utterances of the distinguished Chairman of the proposed Committee,

Lord Inchcape, will be well aware of the sentiments which he at all events entertains on the subject of the lavish expenditure of Governments. There is no Member of the House here who can have expressed more wholeheartedly than Lord Inchcape his utter detestation of extravagance on the part of Governments. I think, Sir, that the House may very safely leave that matter in the hands of Lord Inchcape. He will, I think, be a better guide in that respect than Mr. Raju. Mr. Raju further urges the necessity of going back to pre-war expenditure. I should not perhaps take up the time of the House in arguing a proposition so obviously unpracticable. There are business men in this House. Is there a single business man who expects to go back to pre-war standards in the pay of his employees or in purchasing the material which is necessary for the purpose of his business? We as a Government run large commercial departments. We are more interested perhaps in our commercial departments than any large State in the world. And yet, it is possible for an Honourable Member to suggest here that we should, in paying those establishments and providing the necessary material, go back to pre-war prices and standards of pay. The thing, Sir,—I do not wish to use too harsh a word—the thing is fantastic. Sir Deva Prasad Sarvadhikary has supplied an answer to much of what Dr. Gour said in regard to the representation of the Assembly on the Committee. If I might presume to advise the House, it would be this, that they should follow the example of the Government in this respect. We have placed our affairs in the hands of an independent and an influential Committee. We are prepared to submit to every kind of examination and scrutiny by that Committee. At the end when they report, we must on our part judge to what extent it is practicable to accept their recommendations; and I suggest that the House should adopt an equally detached attitude. That Committee, they may be sure, will make a thorough investigation of every aspect of Indian administration and finance, and in the result the House will be able to judge how far their recommendations can be accepted or whether they can in some respects be improved upon. When I remember that only two or three days ago Sir Deva Prasad Sarvadhikary himself protested against any suggestion that the House should blindly vote a sum of money merely because it had been passed by the Standing Finance Committee, a body constituted almost entirely of Members elected by the Assembly, then I feel that he would be the first to claim that the mere fact that one or two Members of the Assembly were sitting on the Committee would not in any way influence the Assembly in accepting its recommendations. They might be of assistance to the Committee, but I feel sure that when the recommendations of the Committee came to be considered, Sir Deva Prasad Sarvadhikary, following the precedent that he set in regard to the Standing Finance Committee, would undoubtedly assert that the House must retain its independent judgment. (Hear, hear.) And, finally, I come to the point, an important point, raised by Dr. Gour in connection with the mandate which is to be given to the Committee. Speaking only from memory, I think that the mandate was actually given to the Geddes Committee by the Chancellor of the Exchequer and not by the House of Commons; the actual savings effected by the Geddes Committee, after the departments had effected substantial savings under the pressure of the Treasury, amounted to about 75 million

[Sir Malcolm Hailey.]

pounds. What mandate are we as a House to give to the Inchcape Committee? Are we to adopt the somewhat arbitrary figures that Dr. Gour suggested, namely the reduction of 25 per cent., 30 per cent., 40 or even 50 per cent. of our expenditure? Again I would advise the House that no definite mandate can or should be given to the Committee except this, that the primary object we have at heart is to produce equilibrium and that equilibrium must be produced by such reductions of expenditure extending over the whole sphere of administration as the Committee may find possible. The House can take it from me, and take it with confidence, that the Committee is well aware of the object which both we and the House have at heart. They would, I think, resent any suggestion in advance that they should make definite cuts. What we want to ask the Committee, and what I advise the House to ask the Committee, is that they should do their best to produce equilibrium between our revenue and our expenditure and the House, I think, will be well advised to leave it at that.

Mr. President : The question is :

“ That leave be given to withdraw the motion.”

The motion was, by leave of the Assembly, withdrawn.

CONSTRUCTION OF NEW DELHI.

Rao Bahadur T. Rangaiahariar (Madras City : Non-Muhammadan Urban) : Sir, I beg to move :

“ That the provision for a Committee at Delhi to examine the position in regard to the construction of the New Capital under the head ‘ Miscellaneous ’ be reduced by Rs. 14,000.”

I am somewhat apprehensive as to this Committee. This House did not recommend the appointment of any such Committee. I see some English correspondents who came out to this country have been commenting upon the new capital at Delhi, and they have been commenting severely upon the conduct of the India Government in embarking upon this new capital and all that. Whether this Committee owes its origin to these criticisms or to any desire on the part of the Government of India itself to re-examine the position, I am unable to see. We are anxious, Sir, that there should not be a change of capital every six months or every six years. No doubt vested interests in Calcutta and elsewhere are raising this question now and again, and I hope the Government of India are not yielding to any pressure of that sort in appointing this Committee. I should like to have information as to what exactly is the underlying idea in appointing this Committee. Is it to expedite the works? If so, I welcome it. Is it to improve the constructions in Raisina so as to make them not cold weather quarters only but quarters suitable both for summer and for cold weather? If that is the idea underlying the appointment of this Committee, I welcome it. But if it is merely to prolong this agony of where we are going to have the capital, I must oppose it. Therefore, Sir, I ask for information on this point.

Mr. President : The question is :—

“ That the provision for a Committee at Delhi to examine the position in regard to the construction of the New Capital under the head ‘ Miscellaneous ’ be reduced by Rs. 14,000.”

Colonel Sir Sydney Crookshank (P. W. D. Secretary) : Sir, I should be very glad to give the Honourable Member and this Honourable Assembly the information they require in connection with the appointment of this Committee. I may perhaps be permitted to preface my remarks by pointing out the position as it now stands in regard to the construction of the New Delhi Capital. We are working on a Revised Project Estimate, which amounts to 1,307 lakhs of rupees ; against that estimate the expenditure and the commitments up to the end of March next amount to 823 lakhs. We are therefore faced, that is to say, if we complete the programme according to this Revised Project Estimate, with an expenditure of 484 lakhs. The position in regard to the progress of the works stands as follows. In 1925-26, it is expected that the Secretariats, Legislative Chambers, and all other main buildings, with the exception of Government House, the construction of which will carry on until 1926-27, will have been completed and handed over for occupation ; and on this forecast, the programme of expenditure which the Engineers in charge would wish to work to in order to carry out the work expeditiously and economically is as follows. In 1923-24, 180 lakhs, as against 200 lakhs, which this Honourable House allotted for the current year's expenditure ; in 1924-25, 180 lakhs ; in 1925-26, that is to say the year during which we hope to complete the majority of the main buildings, 93 lakhs, and in 1926-27, the balance of 31 lakhs required to complete all the outstanding works.

The Committee, which has been appointed under the orders of the Governor General in Council, is composed of the following personnel, and I would like to point out to the House that they need have no fear as to the admission on this Committee of representatives of the Central Legislatures, in that the representative of this Chamber is my Honourable friend, Mr. B. S. Kamat, and of the Council of State, the Honourable Lala Ram Saran Das. The President of the Committee is the Honourable Finance Member. The remaining members of the Committee are the Public Works Member ; Sir M. Visweswarayya, late Dewan of Mysore, of late a Sanitary Engineer on the Bombay side, and an engineer of wide experience ; Sir Thomas Smith, Managing Director of the Muir Mills, Cawnpore, and a prominent business man, and Mr. Dodds, late of Burn and Company, Calcutta.

It will thus be seen that on this Committee are represented financial interests, Public Works interests, both Chambers of the Legislatures, and business interests as well as commercial and general engineering interests.

Now, the functions of this Committee are that Government wanted an assurance of the position in regard to the construction of the new capital of Delhi :

- (1) to ensure that completion of the main buildings and of the capital of Delhi would be effected at an early date, in order that the Government should go into occupation as soon as possible ;

[Colonel Sir Sydney Crookshank.]

- (2) In doing so, to effect all possible economies in construction ; and
- (3) In order to assist the Honourable Finance Member in framing a definite programme of capital expenditure under this head.

I do not think I require to assure this Honourable House that the press comments which we observed not so long ago not only in the papers at Home but also in the periodicals of this country did not carry very much weight in connection with the appointment of this Committee. They were, however, very interesting and frequently very misleading. The origin of the Committee, as my Honourable friend, Mr. Rangachariar has asked me to inform him, is, as I have already explained, in order to complete the capital as expeditiously as possible and at the same time effect whatever economies in construction that may be indicated.

There is no question whatever, I should like to assure this Honourable Assembly, of even considering any question as to the change in the location of the capital of the Empire. That is definitely fixed for Delhi, and since we have already spent or are spending over 800 lakhs of rupees on that capital up to the end of the current financial year, I do not think any sane person would contemplate making a change now and throwing away all that money. (Hear, hear.)

In this connection I would like to remind the House, if I may be permitted to do so, that the accommodation available for officials in Delhi is not sufficient for the requirements of the different Government offices, and I mention this because I see that references are still being made to this Simla exodus. It is quite impossible for the Government of India to stay in Delhi during the hot weather, seeing that the accommodation there is not sufficient to accommodate all the officers and ministerial officers and offices which require to stay down there ; and, as an illustration of this I would point out that whereas Honourable Members themselves are seated, I trust in comparative comfort in their Chamber at Delhi, and I understand from the remarks made yesterday by my Honourable friend, Mr. Harchandrai Vishindas, are also comfortably quartered there, that no less personages than the Private Secretary to His Excellency the Viceroy and the Military Secretary have to carry on their office work in tents, under conditions of extreme discomfort of heat and dust, right up to the end of March, when His Excellency usually breaks up his establishment at Delhi at the end of the cold weather season. In addition to that, as Honourable Members are no doubt aware, a very large proportion of the ministerial officers of the Government are accommodated in tents in camps not very far from the Secretariat. It will therefore be seen that it would be quite impossible to carry on business in Delhi any time after March.

My Honourable friend, Mr. Rangachariar, referred to the nature of the construction which we are providing at Raisina. With the exception of a few of the houses, and they are very few indeed, all the accommodation which we have and are providing there is of a construction which is considered to be sufficient to give ample protection during the hot weather and rainy season.

As I have pointed out to this Honourable House, our expectations are to complete these main buildings and get into occupation in 1926, and this Committee, which, to use racing parlance, is in the nature of a preliminary canter to the Inchcape Committee, will be able to verify this forecast and also examine the estimates which my Department has prepared, to see whether any of the works which are entered therein and on which commitments are not already entertained, could be postponed, in order to relieve the Honourable Finance Member of the weight of the financial programme.

I would like to take this opportunity, before closing my remarks, to refer to the accommodation for Honourable Members in Raisina. Mr. Harchandrai Vishindas very kindly stated yesterday that Honourable Members were comfortably housed there and on the other hand I have seen and heard representations that they are not so in all cases. In this connection I think my Honourable friend, Dr. Gour, with his usual acumen, rightly hit the nail on the head when he pointed out that it was the duty of the House Committee appointed by this House to advise as to what the members themselves required, and he added that the House Committee was in a somewhat moribund condition. As an illustration thereof it might perhaps interest the House if I were to tell them what happened at the last meeting of the Committee in Delhi. A meeting was called on a certain Sunday in March, and members who were not on the Committee were, I understand, also invited to attend.

At the appointed hour the only gentlemen who were present in the Committee room were Mr. Keeling, the Chief Engineer, Delhi, and myself. (Laughter.) We had gone to considerable inconvenience and given up our Sunday in order to be in attendance; and incidentally I may add that neither Mr. Keeling nor myself is a member of the House Committee. I therefore hope that the Members of this Honourable House will galvanize their House Committee into action, in order to assist this Department and the Department so ably presided over by the Honourable the Law Member in the duties which they are called upon to perform in the interests of Members themselves.

Sir Deva Prasad Sarvadhikary : Sir, Mr. Rangachariar has got much more out of Sir Sydney than he had bargained for, and I believe that with his usual suavity he will withdraw this motion. Before he has an opportunity of doing that I should like to consider the question of the Committee from the point of view of what Sir Sydney Crookshank has described as a preliminary canter before the Inchcape Committee comes. I do not know, Sir, whether there are going to be many more preliminary canters like this in connection with other Departments. We have heard of the Innes Committee in connection with military expenditure. I am sure that Committee will do work of a satisfactory nature, but the Committee we are now considering seems to be a Committee of fortification. "Touch ye, if ye dare" to the Bengal Members is Mr. Rangachariar's war cry. He has had full satisfaction. Sir Sydney has read out the names of the Members of the Committee and the "not wanted" Bengal Members are not there. They are very rarely on any Committees of importance; on this Committee of all, they are not and could not be. Therefore, Mr. Rangachariar may be well assured that the scheming and machination that he apprehends is

[Sir Deva Prasad Sarvadhikary.]

not coming. I should have thought that what the Incheape Committee would have to consider would be done uninfluenced by Delhi dust in March. They will come in November and the Delhi dust of March may be avoided. A Committee like this should not be allowed to raise dust of another kind to obscure the vision of the Incheape Committee.

In passing, Sir, I thought that, according to official calculations, there is neither heat nor dust in Delhi in March and that for seven months it is one of the healthiest stations that God's creation has ever furnished. (*The Honourable Sir Malcolm Hailey* : "For twelve months.") Sir Malcolm Hailey knows Delhi better. With his usual allowance of quinine and a few other things he managed to make himself comfortable there all the year round for many years. (*The Honourable Sir Malcolm Hailey* : "I can assure the Honourable Member that I never even needed quinine there.") I think the balance of saccharale in his constitution overcomes the need of that. Any way, Sir, I think the Incheape Committee ought to have been allowed to approach the consideration of this question without all this adventitious offending sort of outworks that this Committee *sans* the Bengal Members is expected to be able to achieve. When Sir Sydney was speaking, I thought it was a sort of vote of censure that the Government had passed on those who were responsible for Delhi and the Government wanted a Committee on which expert business men would be represented who would tell them that their Delhi authorities were going on all right and that there would be no trouble and defects and difficulties. That, however; towards the end of his speech, was rather given away and we were told that this Committee is a preliminary canter for the Incheape Committee. Now, Sir, the sanity of those who would recommend the scrapping of Delhi even after the expenditure of Rs. 800 lakhs has been questioned. I believe there is more than one Member in this Assembly who would be lacking in that sanity; in official documents and unofficially it has been repeatedly urged that it would be a great saving even now, economically and politically, to scrap, so far as the Government of India purposes are concerned, the buildings that have sprung up and to go elsewhere and spend the rest of the money, for which they can yet have a much better capital.

Sir, the less said regarding the Members' accommodation, the better. Those who have had to occupy some of the buildings know what sort of accommodation they get. The hostel is by no means the only idea upon which Members have to go. Sir Sydney is a Royal Engineer; he is a diplomat also. He has taken the Members quite at the weakest point when he has reminded them that their House Committee is worth nothing and that, if they are suffering inconvenience, they have to thank themselves. That, however, is by the way. As Mr. Rangachariar has pointed out, this House is not responsible for the appointment of this Committee and that the reasons for the appointment of this Committee were not at all apparent. When they have been made apparent they are by no means satisfactory; the Incheape Committee would not profit but is bound to suffer by the deliberations of this Committee. I hope Mr. Rangachariar will not withdraw his amendment but will see what the feeling of the House is on the question.

Rao Bahadur T. Rangachariar : Sir, I am perfectly satisfied with the explanation given by the Honourable the Secretary in the Public Works Department. I only wanted to re-affirm for my part and on the part of many others that there should be no fiddling about this question of capital over and over again, because the country cannot afford it.

Therefore, Sir, with your permission, I gladly withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

NORTH-WEST FRONTIER PROVINCE.

Dr. Nand Lal : Sir, before I proceed to discuss my amendment,* may I beg to be guided by a definite ruling from the Chair as to whether I can make references to the general aspect of the administration of the North-West Frontier Province, because this point arises from a number of circumstances. Firstly, the Honourable the Finance Member made an allusion to that administration, and, secondly, I am of opinion that, when supplementary demands are before this Assembly, every Honourable Member of this Assembly is entitled to make references to the general administration. (Hear, hear.) Therefore, Sir, I feel bound to trouble you to give a definite decision on this point before I proceed to discuss the motion on its merits.

Mr. President : In view of the character of the note in column 10, I am not quite sure what is in order.

Dr. Nand Lal : Then, Sir, am I to understand that I have to discuss this motion only with reference to the remarks given in column 10.

The Honourable Sir Malcolm Hailey : May I be allowed, Sir, to point out the exact facts to guide you in your decision. It is the case that the Assembly voted Rs. 1,03,49,000 for the purposes of the North-West Frontier Province, and it is now proposed to ask it to vote Rs. 1,11,22,000. Therefore, Sir, there is in this case an actual increase in the voted expenditure over what was accepted by the Assembly in March last ; on the other hand, of course, the increase is exceeded by the savings in non-votable expenditure.

Mr. President : Does the excess amount cover all departments of the administration ? Dr. Nand Lal wishes to know whether he can roam all over the Province.

The Honourable Sir Malcolm Hailey : Practically all parts of the administration.

Dr. Nand Lal : Sir, only a few months back I had the honour of inviting the kind attention of this Assembly to various phases of the administration in the North-West Frontier Province, and on that occasion I had the privilege of pointing out that the administration of that province is very defective. I pointed out that there were raids after raids, dacoities after dacoities, yet the Government asked us to give them money. May I ask the Honourable the Finance Member what effective steps have been

* " That the provision under the head ' North-West Frontier Province ' be reduced by Rs. 500."

[Dr. Nand Lal.]

taken by the Government in reducing the number of raids ? Has the number of dacoities decreased ? What additional measures have been adopted by the Government of India to put a check on all these defects and remove them ? If the Government of India had adopted some effective measures, then I should have been the first person to give my vote in favour of this supplementary demand ; but, if my information is correct, I am sorry to say that nothing has been done. The number of raids, I am told, appears to have shown no striking decrease. The number of dacoities also, I am told, appears to have shown no appreciable falling off. Therefore, if my hearsay information is correct, then the natural conclusion is that the administration of the North-West Frontier remains as defective as it was a few months before, and that is why I oppose this demand.

No far as the military expenditure relating to that Province is concerned, I have still to complain. That expenditure, in a very intelligent manner, has been placed under various heads so that we may be unable to distinguish it ; but my examination, according to my humble lights, of the whole demand, and my going into various items, lead me to the belief that a great amount of money, in a very disguised manner, is spent on the military department. In the last debate, on the occasion of the Budget, I raised my voice, and the answer given to me was that this expenditure was indispensably necessary. I had to submit then, and I am re-submitting now, that as a matter of fact no convincing explanation has ever been given by the Government of India. May I ask the Honourable the Finance Member if he will be kind enough to enlighten me as to any cogent and satisfactory explanation he has in support of that expenditure.

After making these brief remarks, I come to the remarks printed in the last column of this printed Supplementary Demand. There we see, Sir, the words, " Rs. 6,000 for additional income-tax expenditure as approved by the Standing Finance Committee added to the item which was voted by the Assembly," printed, on page 151 under the head " Taxes on Income " in the detailed estimates and demands for grants as voted by the Legislative Assembly for 1922-23. The total amount voted was Rs. 46,000, and here I find that an additional demand is now asked for. No explanation has been given, barring this, that the Finance Committee has approved of it. I will submit, once for all, that the opinion of the Standing Finance Committee is no authority for us. We should like to be convinced where this money has been spent and for what purpose this money was really required. Some indication of purpose is, indeed, given ; but, the explanation, which ought to be given and which seems to be requisite to convince us, is not forthcoming at all. Therefore, I would ask the Honourable the Finance Member to give me some explanation which may establish that this sum of Rs. 6,000 was indispensably necessary, for the income-tax department, to maintain the income-tax staff. Simply putting this remark is not sufficient.

On these grounds I move the amendment :

" That the provision under the head ' North-West Frontier Province ' be reduced by Rs. 500."

Dr. H. S. Gour : Sir, there are only 29 Members present in this House.

The Honourable Sir Malcolm Hailey : Before the major part of Dr. Nand Lal's argument is dealt with, I will provide him with the information for which he has asked on the subject of the proposed increase in the Income-tax staff. It is perfectly true that the Standing Finance Committee does not represent any "authority" to this House. That, I understand, was the word used by Dr. Nand Lal, although, Sir, I am afraid it so often happens that when my Honourable friend speaks the centre of interest is transferred from this House to the lobbies that the conversation there makes it a little difficult to understand exactly what point he is making. But although the Standing Committee does not of course represent any authority to this House, the Honourable Member may take it for granted that demands of this nature are very carefully scrutinised by the Standing Finance Committee before they come to the House. I have no wish to detail to the House the whole of the information that was placed before the Standing Finance Committee, in this case; it will suffice to give a very brief summary of it.

There has been a very considerable increase in the number of assesses in the North-West Frontier Province owing to the development of our specialised establishment. It was 2,423 in 1918-19—1920-21. A special survey was then carried out and the number of additional assesses was placed at about 800. The consequence was that it was found impossible to carry on the work without one additional officer, and from the sum placed in the Budget you will see that the officer was not one of very high standing. The increase commended itself to the Standing Finance Committee as one which was due entirely to the increase in the number of assesses, and it was hoped, and I think on good grounds, that the increase would be remunerative. Sir, you cannot in these scattered areas expect to collect your income-tax with exactly the same economy as is possible in the larger centres; you must make detailed inquiries throughout a somewhat large and extended area. And finally, Sir, if you are to earn your income-tax you must employ an adequate establishment to do so.

If you are to protect your income-tax payer, you must have an adequate establishment in his interests.

Mr. K. B. L. Agnihotri (Central Provinces Hindi Divisions : Non-Muhammadan) : May I know why are Rs. 7 lakhs wanted for that province ?

Mr. Denys Bray (Foreign Secretary) : Sir, when I see Dr. Nand Lal's name coupled with the North-West Frontier Province, I can generally make a shrewd guess at the sort of onslaught he is preparing. Forewarned I am sometimes able to forearm myself. But to-day he lulled me into security by his very moderation; for in dealing with the North-West Frontier Province, it is not usual with him to seek to reduce the budget by Rs. 500 or even by thousands. He aims at the total extinction of the province, budget and all. I assumed, therefore, that he was simply out for a little information, and I thought he would seek information regarding the doings and musings and the conclusions of the North-West Frontier Committee. So I came prepared with a nice little speech, taking up the attitude of discretion itself. I was going to beg the Honourable Member most discreetly to suffer a little longer in

[Mr. Denys Bray.]

patience. I was going to explain that the Frontier Committee so far had arrived at no final conclusions and that until their conclusions were actually final, I could give him no further information. But I find that he threatens or rather that he started with threatening us with a general review of the whole frontier administration. Now, Sir, that really was the subject of our frontier inquiry, and I do not propose here and now to dwell any further on it. He asked what had been done in the matter of raids, and I think he said—owing to disturbances outside I am not quite sure that I quote him accurately—that according to his information the raids were on the increase. Now unfortunately I am unable to carry figures in my head, and still more unfortunately I have not brought the necessary papers with me. But the other day I prepared an answer for the Council of State giving the figures for the last financial year; and the figures of trans-frontier crime under every head, in every category, showed roughly a decrease by half of the figures for the preceding year. The figures are still grim, but this striking decrease is a very stimulating record for those officers on the frontier who are now engaged in the laborious task of reconstruction on the frontier after the great upheavals from the year 1914 onwards. They are full of promise that the end is in sight.

I cannot help thinking that the Honourable Member—and here I may refer more particularly to Mr. Agnihotri's question—is under some misapprehension as to the precise meaning of the figures before us. I had hoped that the Honourable the Finance Member was going to explain the precise position. But in brief it is this. The Assembly declining to listen to my voice in the budget debate cut the Frontier Province budget down by Rs. 12,91,000. Now we have gone at least a lakh and a half better. True we were not able to make the whole cut in the voted items. But, Sir, it would ill become this House, I think, to object to the fact that we turned to the non-voted items to make up a large portion of the cut. And not only that. We instituted on the North-West Frontier a retrenchment committee—but I suppose my Honourable friend, Sir Deva Prasad Sarvadhikary will object to this also as a preliminary canter,—and on that Committee we were able to secure the services of Mr. Sadudin, the leader of the Peshawar Bar, and one of the most prominent public men that the Frontier Committee came across in our progress through the province. Thanks to their labours we have already effected a retrenchment of over Rs. 5½ lakhs of recurring expenditure and various other proposals arising out of that Committee are now before us. They cover several lakhs more.

I think I have dealt with all the points that my Honourable friend, Dr. Nand Lal, raised. And in any case I do hope that I have explained to the House and convinced the Honourable Member that on the North-West Frontier we are now engaged—and I suggest with considerable success—in carrying out a three-fold programme of peace, retrenchment and reforms. In what manner those reforms will issue I cannot say. I decline to anticipate the Frontier Committee's conclusions of which I have no official knowledge.

Mr. Abdur Rahim Khan (North-West Frontier Province: Nominated Non-official) : Sir, I had no idea that I will be obliged to speak, but when I saw my friend, Dr. Nand Lal, again standing up to discuss our frontier province, it is my pleasant duty to bring to his notice in particular that things have changed from worse to better there ; he will be delighted to know that at present there is not a single kidnapped person either in Tochi Agency or in Wana Agency. He must also know that Tonk which used to be always raided is altogether free from a single dacoity or a single theft owing to the appointment of local levies. I am surprised that somehow or other the tendency of this Assembly unfortunately is against our province. (Cries of "No.") I am glad to hear "No, no." But I am sure that those gentlemen with whom we had the pleasure of working on the Frontier Inquiry Committee, though there may be some differences of opinion between us have come back from the Frontier Province with a better idea and a better opinion about the public there. My friend, Dr. Nand Lal, will be delighted to know that ours is the only province where there is no Hindu-Muhammadan question at all.

I must tell my friends that fortunately we have not had such bad and sad riots as those which recently occurred in Multan. In spite all of that the officers are doing in my province both political and military, I think it will be somewhat ungrateful on the part of some Members of this House if they do not adequately acknowledge and appreciate their best services. The attitude adopted by some of the Members of the Assembly towards those responsible officers would tend to discourage them. What will be the result ? We the residents of the province will suffer, because those officers will get disheartened which is but natural so that they won't put their hearts into their work which they would otherwise do. I must tell the Honourable Members of this House that our province has improved in each and every respect, and if there had been any unrest or any dacoities, these were not due to the fault of any officer whatsoever, they were firstly due to the geographical position of the North-West Frontier Province itself and secondly it was due to the unrest in Afghanistan, and lastly I must say it was also mainly if not entirely due to the general unrest all over India. My friend is right to sympathise with those people who suffer from dacoities, but at the same time he should not forget the fact that similar dacoities take place all over India—for instance a big dacoity took place recently in Allahabad. (Cries of "No, no" from the United Provinces Members.) Some Honourable Members say "No, no," but what was that dacoity in a motor car ? (A Voice : "That was in Bengal.") Anyhow the present peace in the Frontier is entirely due to the good management of the political officers because they have kept these unruly people under control. Why should you expect those people to behave well, why should they not commit dacoities when they see that they are a paying business and concern ? (Laughter.) But I say the present peace in the frontier is entirely due to the wonderful tact displayed by the political officers, because they are in constant touch with these unruly people and they have brought them under their control and influence. A good many Members of this House evidently do not know as to what the position of the British Government is in the Independent territory, and I may tell them that the Political Officer has not got any authority there, he has no military force at his command. The Political officer in that part of the province has to do everything in his own good and tactful ways,

[Mr. Abdur Rahim Khan.]

which in other words means he should be on friendly terms with those people. I do not want to flatter anybody or to be called "Khushamadi", but I cannot help mentioning Major Parson's name in particular at this occasion who after the military avocation of Wana, always moved about without any military aid or escort in his agency with these wild Khasadars risking his life at each and every step. Will I be wrong if I say that not only the Government of India but also the British Government should be proud of such persons; these are the persons, fortunately officers of such type are many in number in our Province. They have succeeded in winning the confidence and respect of those people. If such an officer has won the goodwill of these independent territory people, I think it is most creditable to him, and it will be extremely unkind on our part to discourage such officers. I would request my Honourable friend Dr. Nand Lal to kindly come to our province and see for himself the condition of things, and if he comes, I am sure he will come back quite a different person and change his opinions, as my Honourable friends Rao Bahadur Rangachariar and Mr. Samarth have, I think, changed their views about the people of the frontier. There may be some difference of opinion between us, but I can say this much that they have come back with better ideas about our people, and I am proud of the opinion which they hold about our people.

Dr. Nand Lal : Sir, I would not have taken any more time of this Assembly, but I am sorry I am now compelled to take some time to reply to the remarks of the Honourable the Finance Member. My remarks were quite pertinent. I clearly referred to the item of Rs. 6,000, and if the Honourable the Finance Member had a good many irons in the fire and he was looking into other things, while I was making my observations, I am not responsible for it. I clearly asked, for what purpose he was going to ask for Rs. 6,000. You have already taken many thousands only a few months back. Could you not anticipate that this special expenditure would be required? This was the point that I laid before the House, and I am sorry that the Honourable the Finance Member could not follow me.

With regard to the reply given by the Honourable Mr. Bray, I may say that I would have accepted his view that he is not in a position to give an adequate description of the measures which have been taken, because the Report of the Frontier Inquiry Committee is expected to be put soon. However, my Honourable friend Khan Bahadur Abdur Rahim Khan has forced me to make some remarks in reply to the explanation given by the Honourable Mr. Bray.

Mr. President : Order, order. I thought the Honourable Member was going to make a personal explanation or withdraw his motion. Even the Honourable Member from the North-West Frontier Province cannot force the Honourable Member to make some remarks which are out of order.

The question is :

"That the provision,....."

Dr. Nand Lal : I have not finished, Sir. I was going to give an answer to those remarks, made by the Honourable Mr. Bray and the Honourable Khan Bahadur Abdur Rahim, relating to the merits of the administration.....

Mr. President : The Honourable Member can take another opportunity.

The question is:

“ That the provision under the head ‘ North-West Frontier Province ’ be reduced by Rs. 500.”

The motion was negatived.

EXPENDITURE ON DELHI.

Dr. H. S. Gour : Sir, I beg to move :

“ That the provision under the head ‘ Delhi ’ be reduced by Rs. 1,000.”

Sir, I hope the Honourable Members will not treat this motion in the same cavalier fashion in which they had been treating the other motions. Very few words are required to commend this motion for the acceptance of this House. Honourable Members will find that during the budget discussion, our Party claimed to reduce the Delhi grant by Rs. 1,67,000, and the Honourable Mr. Jamnadas Dwarkadas also wanted to reduce the Delhi grant by the same, if not a larger amount. On a compromise being reached with the Honourable the Home Member, he said : “ I am, however, prepared to say that the Government prefer to reduce this demand by Rs. 1,00,000.” Honourable Members will find this stated at page 452 of the Budget. Consequently the demand under the head “ Delhi University ” was reduced by Rs. 1,00,000 at the instance of the Honourable the Home Member who accepted the reduction on behalf of the Government. Now Honourable Members will find that this reduction has not been given effect to. If Honourable Members will turn to page 780 of the Budget for the current year, they will find that out of Rs. 67,11,000, which is the budget estimate for the current year, there was ample room for the reduction of one lakh of rupees, and because they knew that there was a very large margin of reduction that they accepted the motion of this House. What has since occurred to increase the estimates to justify the Honourable the Finance Member to come up before this House and say “ we have failed to carry out our compact ”, I do not know. Let me assure the Honourable Members that when I speak of the Delhi Grant, I do not speak of the Imperial Delhi Grant. I am only speaking of that small Delhi which is not bigger than the palm of your hand, some 8 or 9 miles long and almost as many miles broad, one city the administration of which cost this large sum of Rs. 67,00,000, and the revenue from which is not more than Rs. 32,00,000. Well, Sir, I should like very much to know in what direction the Government have curtailed their expenditure which they had agreed to do. I am informed,—and I speak subject to correction—that this reduction of one lakh of rupees has been made upon Education.

The University of Delhi, which you launched into existence on the last occasion, has been vitally affected by the reduction of Rs. 25,000 out of the very small grant of Rs. 75,000 which you voted. Primary

[Dr. H. S. Gour.]

and other schools, I am told, to the number of 15, which are the prime necessities of the nation, which is a nation-building department, which is necessary for the very growth of the Indian nation, have been shut down. Do you approve of it? (*Cries of "No."*) Do you for one moment lend your voice to cutting down this expenditure upon the most vital needs of the nation? If the Government had abolished a few superfluous offices—if the Government had cut down the very large expenditure upon buildings,—we would have nothing to say, but their sharp axe was applied to strangling primary education, secondary education, higher education, education generally, which should have been the last to be touched by the retrenchment axe. Sir, we have complained, and complained bitterly at the last Delhi Session. Our opinions you will find enshrined in this voluminous record of our Delhi Debates, and, if one thing were made clear then, it was this, that, whatever retrenchment we make, whatever retrenchment you may give effect to, you shall not touch education. What is the expenditure of the Central Government upon education? Will the Honourable the Home Member inform us? If he did, you would see how this vast Empire of India is being starved for want of education. You will see how we have to hang our heads in shame when we compare the miserable illiteracy of the people of this country with the advanced and advancing nations not only of Europe but of the Far East. It is a lamentable spectacle, a gross dereliction of duty on the part of those who are responsible for the construction and development of the Indian Empire. We are told, Sir,—we have been repeatedly told—our finances are short, we are not able to meet all our requirements. Let me point out, Sir, that, whatever may be our shortcomings, whatever may be the financial stringency, there is one subject which is dear to the nation and it is education, and no retrenchment, however urgent, however imperative, shall cripple, starve, or kill education. That, I say, is a considered policy of this House. (*Applause.*) The Government have offended against that policy. And I ask you, Sir, that we must now raise our united voices in protest against the conduct of the Government in starving education.

The Honourable Sir Malcolm Hailey : I was not aware, Sir, that the previous demands had been discussed or decided in at all a cavalier spirit by this Assembly. I have no cause of complaint on my side as to the decisions of the Assembly on previous demands for supplementary grants, and I am astonished to find that Dr. Gour also, who claims to voice the views of a number of Members of this Assembly, should have cause to complain of the procedure adopted by it. With regard to the expenditure on Delhi now under discussion I shall certainly give no cavalier reply. I shall give the facts and leave the House to decide how far they justify the charge brought against the Central Government, and in such warm terms, by Dr. Gour.

It is true that the whole of the lakh of rupees which it was hoped to reduce from the expenditure on Delhi was not realised by the reductions made by the Home Department. It is not however true that all the reductions made were under the head "Education." I take it that the House will agree with me that the real gravamen of Dr. Gour's charge was not that

the whole of the savings had not been realised but that such savings as had been realised had been realised by reducing the provision for education. What, he said, was the position of the Central Government in regard to its expenditure on education? Shameful—or little short of shameful. Well, Education, of course, save in the small areas under the Central Government, is not the function of the Central Government at all, and if we place a comparatively small demand in our Budget on that account, it is merely because we are no longer in charge of that particular subject, which is, of course, a transferred one. So much for the general question. Let me turn to the particular case of Delhi. And again Dr. Gour will not, I hope, complain if I pour a little cold water on the somewhat heated view which he addressed to the House. I am not by nature inclined to make insinuations, but when he mentioned the word “Delhi University”, I think I detected a little added warmth in his voice. Now, the cuts that have been made in education in Delhi are not of such a character that they deserve the severe stigma that Dr. Gour has bestowed upon them. Education will not be brought to an end in Delhi. Primary schools, the House will be astonished to hear, have not been affected by the cut which has been made. No reduction—I have it on the authority of my Honourable colleague the Home Member—has been made in the provision for primary education.

Dr. H. S. Gour : Fifteen schools have not been closed down ?

The Honourable Sir Malcolm Hailey : If they have, it must be due to the action of the municipal or District Board authorities under which primary schools are administered. The provision made by the Central Government has not been reduced. So that, on that particular point, I think, my answer is complete.

I now pass to secondary schools—equally an important department of education. Now, the estimate for 1921-22 for the secondary schools was Rs. 1,65,000 and the total budget estimate placed before the Assembly last year was Rs. 2,49,000—a very considerable increase. After consulting with the Chief Commissioner it was found that in certain respects, such as building and furniture grants, the expenditure could be reduced,—expenditure, that is to say, originally provided in the Budget which as I have pointed out was in itself a very considerable increase on the Budget of 1921-22. Now, I think, that, if any Local Government had to meet a similar charge, namely, that they had made a small reduction in building and furniture grants on secondary schools, in order to meet acknowledged financial difficulties, it would perhaps resent so warm a charge brought against it as that which has been advanced by Dr. Gour against the Central Government. My point will be clearer if I give the House the exact figure by which the grant to secondary schools has been reduced. It is Rs. 10,000 only. Then, I come to the Arts Colleges, for I wish to go through the whole of the subject with Dr. Gour. In 1919-20, we provided the Arts Colleges with grants for Rs. 64,808 ; in 1920-21, there was an estimated expenditure of Rs. 94,570, an increase of some Rs. 30,000. That in itself goes to show that we were not niggardly inclined. In the current year's budget that expenditure was further increased to Rs. 1,01,500—again a further proof of the desire of the Central Government to treat the matter in a fair spirit. Having

1 P.M.

[Sir Malcolm Hailey.]

however made those advances in progressive expenditure, an examination was made to see whether there were any points in which the expenditure on the Arts Colleges could be delayed, and it was found again that in respect of building a delay could be justified. Building grants were reduced by the trifling sum of Rs. 10,000. Lastly, I come to the Delhi University. All that was done in regard to that cherished project of Dr. Gour's heart—and I have not of course the slightest desire to criticize him in that he advances so warmly the cause of an institution in which he is so keenly interested—all that was done in regard to the Delhi University was to take into consideration the fact that four months of the year had passed and that therefore a proportion of one-third of the expenditure which would have been incurred throughout the twelve months was unnecessary; and the sum provided was proportionately reduced. If the total expenditure which the Delhi University had asked for twelve months was justified, and if during four months no expenditure had been incurred, a reduction of that proportion of expenditure was equally justified. Well, Sir, that is the whole tale. I have dealt with it on behalf of my Honourable Colleague, the Home Member, who agreed to the general cut in Delhi expenditure, but I do not think that I am justified in claiming on his behalf that the facts which I have revealed to the House do not justify Dr. Gour in saying that we have either made the entire cut against education, or that the small cut which we have made in regard to education justifies the very heavy strictures that he has passed.

Mr. President : The question is :

“ That the provision..... ”

Dr. H. S. Gour : I want to reply, Sir.

Mr. President : The question is :

“ That the provision under the head ‘ Delhi ’ be reduced by Rs. 1,000.”

The motion was negatived.

EXPENDITURE UNDER CONTROL OF HIGH COMMISSIONER FOR INDIA.

Dr. H. S. Gour : Sir, I beg to move :

“ That the provision under the head ‘ Expenditure in England ’ under the control of the High Commissioner for India be reduced by Rs. 1,000.”

My intention in moving this motion is to ask the Honourable the Finance Member for information as to the necessity for this expenditure of Rs. 7,08,000, the last item in the supplementary budget. Honourable Members will find that this additional expenditure is said to be due to “ certain transfers from the Secretary of State's Budget, additional expenditure of the Indian Trade Commissioner, East Africa and an expenditure of £800 approved by the Standing Finance Committee in connection with the British Empire Exhibition ”. Now, Sir, as regards the British Empire Exhibition, I understood that we had already voted a certain sum of money at the instance of the Honourable Mr. Innes who asked for a vote of this Assembly. Then it is said “ An unforeseen expenditure of £20,000 has had to be included owing to loss of stores through the sinking of the S.S. ‘ Egypt ’.” I do not want any explanation with reference to the

sinking of the " Egypt ", for I think on the last occasion the Honourable the Finance Member has given a sufficient explanation about the loss of the stores. But what I want the Honourable the Finance Member to explain to this House is, how is it that this large sum of money which is now asked was not anticipated at the time of the Budget, and why is it that the additional expenditure in connection with the Indian Trade Commissioner, East Africa, has become necessary? These are queries which I would ask the Member in charge of this Department to explain.

The Honourable Sir Malcolm Hailey : I have endeavoured to obtain full details of the transfers referred to, but I am afraid that I have not been able to place my hands on them for the moment. But I am aware of the general nature of these transactions, and I think I can supply my Honourable friend with an answer to his very natural question as to why this expenditure was not foreseen when we prepared the Budget. There has been a continual process of transfer of functions from the Secretary of State to the High Commissioner. Indeed I have heard people in London ask why it is that the High Commissioner still sits in Grosvenor Gardens and so much of the office of the Secretary of State remains in Whitehall; there has been a suggestion that the positions of the two are being slowly reversed. The process however has been gradual; each case of transfer has to be considered on its merits as to whether the High Commissioner can or cannot suitably undertake those functions. With the gradual transfer of minor functions from the Secretary of State's office to that of the High Commissioner, we have in consequence to transfer the connected funds also, the result of course being, as in the present case, a corresponding reduction in funds shown in the budget as placed at the disposal of the Secretary of State (Head 57). It is, Sir, I understand, a process which is entirely in consonance with wishes often expressed here that functions of this nature should be transferred from the Secretary of State who is in control of the Indian Government to the High Commissioner who is under the control of the Indian Government, and on that ground alone I do not think that my Honourable friend need have any reasons to complain that such functions are gradually passing into the hands of the High Commissioner. With regard to the additional expenditure on the Indian Trade Commissioner, East Africa, no doubt my Honourable friend, Mr. Innes, will be able to answer the question asked by Dr. Gour.

The Honourable Mr. C. A. Innes (Commerce and Industries Member) : Sir, as regards the additional expenditure required on account of the Indian Trade Commissioner in East Africa, I must frankly admit that a mistake was made. I am not quite sure by which Department the mistake was made, nor do I think that it matters much. At any rate we asked for £3,700 for the Indian Trade Commissioner inclusive of an Assistant Trade Commissioner in East Africa and only £1,500 was provided for by some mistake in the High Commissioner's budget.

We asked the Indian Trade Commissioner in East Africa to examine his Budget most carefully and he has been able to effect saving to the extent of Rs. 6,700. But we are short of Rs. 15,300 if we are to provide an Indian Assistant to the Trade Commissioner in East Africa and that is

[Mr. C. A. Innes.]

the reason why we have had to place this supplementary demand before the House. If we get the money voted, we should be able to appoint this gentleman, who, as the House knows is to be an Indian Assistant to the Trade Commissioner, towards the end of the year. If we do not get that money, then the appointment must lie over. As regards the British Empire Exhibition, I must correct the statement made by my friend Dr. Gour. No provision at all was made for the British Empire Exhibition in last year's Budget. The House will remember that it was only at the end of March that I was able to obtain the general approval of the House to our participation in the Exhibition, and this money is required mainly for the salary of the Exhibition Commissioner, Mr. Vijayaraghavachariya, who was appointed, I think, in June and who has now gone Home and is making preliminary inquiries in connection with our participation in the Exhibition in England.

Dr. H. S. Gour : In view of the explanation furnished, Sir, I beg leave of the House to withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

EXPENDITURE UNDER CONTROL OF THE HIGH COMMISSIONER FOR INDIA.

Dr. Nand Lal : Sir, when I went through the remarks, I was forced to come to the conclusion that the reference has been made generally. Therefore I am entitled to offer general remarks. Am I right, Sir ? Will the Honourable the Chair give a decision on this point whether I am right in my opinion that I am entitled to offer general remarks, because the only deduction, from the remarks in column 10, is that reference has been made to the general aspect of the question.

Mr. M. S. D. Butler (Education Secretary) : On the point of order, Sir. I understand that my Honourable friend, Dr. Nand Lal, desires to raise the question of the Indian Students Committee. If this is so, I submit he will not be in order.

Dr. Nand Lal : May I rise to a point of order ? I asked for the decision of the Honourable Chair and my Honourable friend, Mr. Butler, has intervened.

Mr. President : The Honourable Mr. Butler is entitled to intervene seeing that he had a suspicion which may prove to be true. The Honourable Member is not entitled to ask the Chair to give him a blank cheque.

Dr. Nand Lal : Sir, I move my motion, which runs as follows :

" That the provision under the head ' Expenditure in England ' under the control of the High Commissioner for India be reduced by Rs. 500."

Sir, my present information is—I am subject to correction—that this high officer was originally appointed to look after the interests,

* *Motion on the Paper :* " That the provision under the head ' Expenditure in England ' under the control of the High Commissioner for India be reduced by Rs. 500,"

inter alia, of the students. That function is, as I have heard, not adequately performed.

Mr. M. S. D. Butler : Sir, as a point of order, I submit that no demand is being made by the Government on behalf of the students in England. I submit therefore that the remarks of the Honourable Member are out of order.

Mr. President : The Honourable Member must find some other subject.

Dr. Nand Lal : I shall not speak on the general aspect. I must bow to the Chair. Now, Sir, I will speak within the four corners of this demand. May I invite the attention of this Honourable Assembly to the latter portion of the remarks printed in column 10. The remarks which I take exception to are as follows :

“ An unforeseen addition of £20,000 has had to be included owing to loss of stores through the sinking of the ‘ Egypt.’ It is possible that this will be recovered, but this is uncertain at present.”

Now, this sort of demand is asked for and this sort of explanation is incorporated in the column meant for remarks. Is the Honourable the Assembly satisfied with the correctness or propriety of these remarks ? These remarks are based on hypothetical conditions. I think this Assembly would expect that there should be some sort of certainty in the remarks when asking for certain demands. Then, further on, it is stated :

“ £6,400 has also had to be added on account of leave salaries which a provincial Government failed.”

The name of the Government will not be given so that we may be kept in the dark, and we may not be able to come to any definite conclusion. Which is that Government which unfortunately did not take notice ? I ask for this information, so that we may not trouble the Government of India in future.

The Honourable Sir Malcolm Hailey : At any consequence, I decline to reveal the secret.

Dr. Nand Lal : The remarks go on to say that this amount has also had to be added “ on account of leave salaries which a provincial Government failed to take notice of when forwarding its original estimates to the High Commissioner.” In the first place, I object to this sort of remarks. In the second place, I ask what was the necessity for asking for this money. These remarks are not convincing at all. They do not bring home to us that really the money is required. Therefore, I move this amendment, and I hope, that this Honourable Assembly will accept it.

Mr. President : The question is :

“ That the provision under the head ‘ Expenditure in England ’ under the control of the High Commissioner for India be reduced by Rs. 500.”

The motion was negatived.

Mr. President : The question is :

“ That for the amounts against each head of demand shown in column 3 of the Statement entitled ‘ Statement comparing the total voted and non-voted expenditure included in each grant under ‘ Expenditure from revenue ’ for 1922-23 with the

[Mr. President.]

revised estimates of expenditure for that year ' be substituted the amounts shown in column 6 of the same statement, the savings indicated in column 9 being transferred to meet excess expenditure shown in the same column, and that a supplementary grant of Rs. 13,09,000 be voted by the Assembly to cover the total excess in voted expenditure under ' Expenditure from revenue '."

The motion was adopted.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, a Message has been received from the Secretary of the Council of State.

Mr. President : Let the Message be read.

Secretary of the Assembly : Sir, the Message runs as follows :

" I am directed to inform you that the Council of State have at their meeting of 26th September 1922 agreed, without any amendments, to the Bill to remove the restrictions imposed on the transfer of ships registered in British India, which was passed by the Legislative Assembly on the 20th September 1922."

ADJOURNMENT OF THE ASSEMBLY.

Mr. President : This House now stands adjourned to a date in January which will be announced hereafter.

APPENDIX.

I

RESOLUTION re REVISION OF THE RAILWAY ACT OF 1890.

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

یہ اسمبلی سفارش کرتی ہے گورنر جنرل باجلاس کونسل کو کہ ہندوستانی ریلوے ایکٹ سنہ ۱۸۹۰ کا اس طرحی نظر ثانی کیجئے تاکہ ہندوستان کو پورا فائدہ اسٹیٹ ریلوے کی ملکیت کا ہو جیسا کہ دوسرے ممالک میں ہوتا ہے جہاں کہ ریلوے ملکیت سلطنت کی ہیں اور سلطنت سے اس کا انتظام ہوتا ہے

اس رزلوشن کے تالیف میں جو کہ ریلوے ایکٹ سنہ ۱۸۹۰ کی نظر ثانی کے متعلق ہے مختصراً حسب ذیل مرض کرتا ہوں آنریبل مسٹر سرزدر ناتھ بھرجی گزٹ آف انڈیا کے صفحہ ۳۵۵ میں ۳۰ اپریل سنہ ۱۹۱۵ میں لکھا ہے کہ اسٹیٹ کا انتظام وہ انتظام ہے کہ جس سے عام آدمیوں کی ضروریات کا زیادہ خیال ہو رہے نہایت اچھے کہ ریلوے کمپنیاں

پریسڈنٹ راسن کا ایڈریس فیکٹرل کنٹرول ریلوے کانگریس میں ۴ جنوری سنہ ۱۹۱۸ کو جو کہ مارچ سنہ ۱۹۱۸ کے اسے ناس اخبار کے صفحہ ۲۷۵ میں ہے کہا ہے کہ سفری انتظامات کے لئے گورنمنٹ کا انتظام ہمیشہ بہتر ہوتا ہے

مسٹر جے ایلس ہارکر انیسویں صدی اور اس کے بعد سنہ ۱۹۱۸ کے مئی کو ایک مضمون میں لکھے ہیں کہ برٹش ریلوے کا انتظام کمپنی کے ہاتھ میں ہوئیے ملکی فائدہ نہیں ہے بلکہ کمپنی کے آمدنی اور اس کے حصہ داروں کے فائدہ کے لئے ہے اور اس کے وجہ سے ملکی فائدوں میں بہت بڑی رکاوٹ ہوگئی ہے کیونکہ کمپنی اپنے فائدہ کے لئے کوشاں ہے اور محصول ہوائی رہتی ہے -

ٹاکس انڈیا سنہ ۱۹۱۵ میں لکھا تھا کہ ہم یقینی طور سے کہہ سکتے ہیں کہ ہندوستانی ریلوے پالیسی سے جب ہی فائدہ ہو سکتا ہے کہ اس کی کارروائی اسٹیٹ کے ہاتھ میں ہووے کمپنی کے انتظام رہنے سے ہم کبھی انڈسٹری کی ترقی نہیں کر سکتے ہیں -

سرگرفورڈ ایل ہولس رتھ - اے - سی - آئی - ای کہتے ہیں کہ ہندوستانی انڈسٹری کے ترقی رکھنے کی خاص وجہ یہ ہے کہ ریلوے کی انتظام کمپنیوں کے ہاتھ میں رکھا گیا ہے

* For English translation, vide pages 203-205 of the Legislative Assembly Debates, Volume III.

کاپی فورے تھروں - آر - آر - کمیڈنر ہورے کے چورمیں مارچ سنہ ۱۹۱۸ کے انلس اخبار میں لکھتے ہیں - سب سے پہلے مشکل ہوکر یہ پیش آئی ہے کہ انتظام سفری زیادہ تر دوسریں ہاتھ میں ہے جیسا کہ گریٹ برٹن میں بھی تھا لیکن ارن تمام قوموں نے جہوں نے پرائیوٹ فرم سے گورنمنٹ کے ہاتھ میں رکھنے کا انتظام دیدیا تھا گذشتہ برس لوائی میں بھی اس سے بہت فائدہ اٹھا چکے ہیں

جے - پی بالمر براؤن انیسویں صدی میں اور اس کے بعد سنہ ۱۹۱۸ کے جولائی میں ایک آرٹیکل میں لکھا تھا کہ ہمارے عوام میں انڈسٹری کے جو سب کمیڈی تجارتی بنائی گئی تھی انہوں نے اپنی راہ ظاہر کی ہے کہ سفری انتظامات کی طرف گورنمنٹ کی لاپرواہی کی وجہ سے پبلک کو بہت نقصان ہوا ہے

سلطنت کے ہاتھ میں انتظام فرنیس جو غیر ملکوں کو نتائج ملے ہیں بیان کرتا ہے

۱ - ریلوے کا نفع تمام عام آدمیوں کے کام میں آتا ہے یہ نسبت اس کے وہ کئی مالدار کمپنی کے جیب میں جارہے جو کہ اپنے فرائض سے لاپرواہ ہیں

۲ - مسافروں کی کرایہ اور مالوں کا محصول بہت کم ہونے لگے ہیں

۳ - ریلوے کی کام اور محنت کرنڈوالوں کی حالت میں ترقی ہوتی ہے

۴ - دھوکہ بازی کم ہوتی ہے بیجا محصول بڑھانا اور کسی کم اور کسی زیادہ عزت کرنا نہیں رہتا ہے سب سے برابر سلوک ہوتا ہے

آج سے ۲۲ برس گذرے کہ انڈی ریلوے ایکٹ سنہ ۱۸۹۰ بنایا گیا تھا اس وقت سے بہت سی تبدیلیاں ہوئی ہیں ملکیت کل برس برس لانگوں کی اب ملکیت سلطنت کی ہے اور اچھے بلحاظ بدل جانے حالات کے ایکٹ بھی تبدیل کیا جارہے تاکہ ہندوستانی محصول دہندگان اسے بہتریں فائدہ اٹھا سکیں قطع نظر اس سے کہ جرمنی اور بلجیم اور ان کے بنائی ہوئی چیزوں اسٹیٹ ریلوے سے کیا فائدہ ہوا ہے اور بوجہ اس کے ان کی ملک کی اقتصادی حالت اور چیزوں کی حالت ملک کے فائدہ کے لیے ہیں میں فالحال اپنے معروضات کو صرف اسی حد تک مخصوص رکھوں گا

جہاں تک کہ ہندوستان اور انگلستان کے قانون میں فرق رکھا گیا ہے سلطنت ہند نے اپنی ریلویشن مورخہ ۱۲ دسمبر سنہ ۱۸۸۷ میں تمام کے آگاہی کے لیے شایع کیا تھا گورنمنٹ ہند نے یہ کہا تھا کہ ہندوستان کو ریلوے ایکٹ سے وہی فائدہ ہوگا جو کہ انگلستان کی موانع الناس کے ہونے ہیں - مگر ہملوگونر یہ خراب معلوم ہے کہ یہ وعدہ پورا نہیں کیا گیا - اس وجہ سے کہ پیرانی کمپنیاں ایسے ہیں کہ جن کی منافع کی ذمہ داری لی گئی تھی - ریلوے بل جبکہ ۲۵ اکتوبر سنہ ۱۸۸۸ کو وضع قانون کے سامنے پیش کی گئی تھی تو اس وقت لامبر یہ کہا تھا کہ اختیارات گورنمنٹ ہند چند ریلوے کے متعلق بوجہ معاہدہ کے محدود ہیں اور اس

بات کے لئے خاص لحاظ رکھا جائیگا کہ اونکی معاہدہ جات کا لحاظ رکھا جارہے جہانک کہ ممکن ہو سکے پھر بلا رجحان ۲۱ مارچ سنہ ۱۸۹۰ء کو جبکہ رپورٹ سیلکٹ کمیٹی کی زیر بحث تھی لامبر نے حقوق کمپنی جات کے بابت یہ کہا تھا (فی الحقیقت سمجھو اسکا یقین نہیں ہی کہ ملکوں نے حقوق حاصلہ ریلوے میں دخل نہ دینے میں اس سے زیادہ آزادی سے معاہدہ جات کے معنی لگائے ہیں جو عدالت قانونی کرتی) اس سے یہ معلوم ہوتا ہے کہ بوجہ اسکے کہ بہت سی ریلوے کمپنی کی مداخلت کی پیچھے کے ساتھ ہیں پوری طور سے آزادانہ لحاظ حقوق رعایاے ہندوستان کا نہیں رکھا گیا ہے اور نہ اونکی تجارت و حقوق کا کمپیونٹی حق کا اسقدر لحاظ کیا گیا کہ ریلوے ایکٹ میں سیلکٹ کمیٹی کی اتنی بھی ہمت نہ ہوئی کہ گورنمنٹ کو اسکا اختیار رکھے کہ ریلوے کے محمول کے متعلق کچھ کر سکے۔ پس اگر کسی عدالت میں اس بات کی بحث پیدا ہو کہ گورنمنٹ محمول مسافروں اور مال کے بابت کسی رقم کا تعین کرے تو ریلوے ایکٹ میں ایسا کوئی فقرہ نہیں ہے کہ جسکا حوالہ دیا جاسکے اسلئے عوام الناس کے لئے یہ بہت ہی بدنما بات ہے کہ یہ امر قانون میں نہیں رکھا گیا۔ انگلستان میں بھی جہانکہ ریلوے کمپنی کی ملکیت ہیں ریلوے اور نہر کا قانون اس بات کو تخصیص کرتا ہے کہ کرایہ اور محمول اور تعین نورمٹ کو تجارت کا محکمہ یا پارلیمنٹ معین کر سکتی ہے

زمانہ قدیم ریلوے کے منافع کے بیمہ کا گذر گیا۔ ریلوے کل معنی میں رعیت کے ملکیت ہیں پس رعیت کے حقوق کا زیادہ لحاظ رکھنا چاہئے بمقابلہ ریلوے کمپیونٹ کے جو کہ بعض ٹھیکہ دار کی حیثیت رکھتے ہیں۔ جیسا کہ میں بیان کیا ہے انگلستان میں کرایہ ریل مال اور مسافروں کا پارلیمنٹ تعین کرتی ہے۔ لیکن ہندوستان میں نہ تو اسمبلی کو اور نہ کونسل آف اسٹیٹ کو اس میں دم مارنے کی گنجائش ہے یہ امر بالکل ریلوے بورڈ کے اختیار میں ہے۔ ریلوے افسران کے رکھا گیا ہے انگلستان میں تجارتی کمپنی کو ضروری ہے کہ پارلیمنٹ میں اور تکالیف کی شکایت کی اطلاع جو کہ پبلک کی ہے اور نیز اسکی بھی اطلاع کرے کہ اور تکالیف و شکایت کی دفع کرنیکی لئے کوا النظام کیا گیا۔ مگر ہندوستان میں ایسی کارروائی کی خبر ہی نہیں۔ اور ریلوے بورڈ کوئی رپورٹ اسمبلی میں نہیں پہنچاتی ہے فرانس اور امریکہ میں یہ قانون ریلوے کا ہے کہ تھوڑے دور کے سفر کے لئے دور کے سفر کا کرایہ نہیں لیا جاتا ہے اور جب اس سے خلاف کیا جاتا ہے تو اجازت کسی افسر کی لیجاتی ہے جو کہ امریکہ میں سلطنتوں کا تجارتی کمیشن ہے اور اختلاف ایسے قوانین کا صرف اسی حالت میں روا رکھا جاتا ہے جبکہ انصافاً اسکی ضرورت ہے۔ لیکن ہندوستان میں ٹرافک منیجر تھوڑے تھوڑے فاصلہ کے لئے بھی زیادہ فاصلہ کا کرایہ لیتے ہیں بلا گورنمنٹ کے اجازت کے انگلستان میں ریلوے کمشنر کو اختیار ہے کہ تھوڑے فاصلہ کے لئے خدمت کی تجارتی

اٹلیا کا کرایہ کم کر دے بمقابلہ انہیں ایشیا کے کرایہ کے جو کہ در دراز کے مقامات کے لئے
 پہنچ جاویں - لیکن ریلوے بورڈ گورنمنٹ آف انڈیا کو ایسا کوئی اختیار نہیں دیا گیا ہے -

یہ خاص فقرہ جو کہ دفعہ ۲۷ (۳) انگلش ایکٹ سنہ ۱۸۸۸ کا ہے ہندوستانی ایکٹ
 سے معدوم رکھا گیا ہے یہ در ریل کے نرخ محصول کے باب ۲۲ (۴) قانون ہندوستان کا
 دفعہ ۲۵ اور دفعہ ۲۶ قانون انگلستانی مطابق رکھا گیا ہے لیکن اس میں یہی بڑا فرق کر دیا
 گیا ہے وہ فرق یہ ہے کہ انگلستان میں خریدار مال اور ریلوے کمپنی دوسرے ریلوے سے
 محصول باہمی طے کر سکتے ہیں مگر ہندوستان میں صرف ایک ریلوے کو دوسرے ریلوے سے
 محصول باہمی طے کرنا اختیار ہے

حسب قانون انگلستان ہر خریدار کو اس کا اختیار ہے کہ دفعہ ۲۵ ریلوے بورڈ کو محصول
 باہمی ریلوے کا طے کر دے لیکن تحریک کر کے بہت سی ایسی صورتیں بھی ہیں کہ انگلستان میں
 جو فیصلہ عدالتی ہو گیا ہے وہ ہندوستانی ریلوے سے متعلق نہیں ہو سکتے اس کی وجہ یہ
 ہے کہ ہندوستانی ریلوے ملکیت سلطنت اور رعایا کے ہیں اور انگلستان میں ریلوے شخصی
 ملکیت ایسے اشخاص کی ہیں جن کو گورنمنٹ سے کوئی مالی مدد نہیں دی گئی ہے اور نہ منافع
 کا بیدہ کیا گیا ہے انگلستان میں شکایت نا جائز ترجیح کی اور حقوق کمپنیوں کا زیادہ لحاظ عدالتوں
 نے اور محفلوں نے کیا ہے - لیکن ہندوستان میں ریلوے ملکیت رعایا کے ہونے کی وجہ سے اور ان کی
 صرفہ تعمیر ہونے کی وجہ سے اور ان کی فائدہ کے لئے ہونے کی وجہ سے ہندوستانی فوائد اور
 حقوق اور صنعت و حرفت کا زیادہ لحاظ رکھنا چاہیئے بمقابلہ اور کسی خیال کے علاوہ اس کے مال
 کے نقصان کی ذمہ داری کی فرم لیجسٹیو اسمبلی کے پسند کے مطابق نہیں ہے بلکہ
 اونٹن گورنر جنرل ہاجلاس کونسل منظور کیا کرتے ہیں گو کہ اسے نقصان کی وجہ سے شرائط کا اثر
 تجارت پر اور عوام پر اور حرفت پر بہت زیادہ ہوتا ہے مگر لیجسٹیو اسمبلی کو
 اس میں دم مارنے کی بھی گنجائش نہیں ہے - لیکن چونکہ اس مسئلہ پر کمیٹی میں
 بصورت آئریل شیکاگری اکثر کے بعض ہو چکی ہے اس لئے مناسب معلوم ہوتا ہے
 کہ میں اس مسئلہ پر بحث نہ کروں - ان سب وجوہات سے یہ بہت مناسب ہے کہ ریلوے ایکٹ
 کی نظر ثانی جہاں تک جلد ممکن ہو کیجئے - یہ بات بھی ضروری ہے کہ ایسے نظر ثانی
 کرنے میں ہم لوگوں کو یہ معلوم ہونی چاہئے کہ دیگر ممالک میں جہاں سلطنت کی ریلوے
 ہیں اس کی وجہ سے صنعت و حرفت پر کیا اثر پڑتا ہے ان سب باتوں کو خیال میں رکھتے
 ہوئے میں یہ عرض کروں گا کہ انگلش اور امریکن ریلوے قانون اور اگر ممکن ہو تو جرمنی
 اور بلجیم کے ایکٹ کا انگریزی ترجمہ اس اسمبلی کے لئے جہاں تک جلد ہو سکے منگا دیا جائے -
 اور ایک کمیٹی مقرر کیجئے جس کی ممبران دونوں ہاؤس سے لے جاویں تاکہ قانون
 موجودہ کی نظر ثانی اس نگاہ سے کریں کہ رعایا کے ہندوستان کو اسٹیٹ ریلوے سے پوری پوری
 فائدہ حاصل ہوں میرے تحریک کے ترمیم کے لئے میرے معزز دوست کبیر الدین احمد نے
 ایک نوٹس دی ہے اورنگا منشا یہ ہے کہ اسٹ انڈیا ریلوے اور گریٹ انڈین ریلوے میں سولہ

رہلوسے زیر انتظام سلطنت بعد انقضائے ارنکی ميعاد کے لئے ليکھے جاوےن ميں جانقا ہوں کہ بہ ترميم بھک بہت قابل پسند ہى - ليکن ممبر صاحبان اس ہاؤس کو یہ ياد رکھنا چاہيے کہ رہلوسے ايکٹ کي نظر ثانی اسلئے بہي ضروري ہى کہ وہ رہلوسے جنکا انتظام کمپني کرتے ہيں وہ بہي ايکٹ کے اندر رے تاکہ قومي فوايد هندوستانی محفوظ رے ترميم کے اضافہ ہونے سے اصل رزوليوشن پر کوئی اثر نہيں ہوتا ہى ہمارے آنریبل دوست ڈاکٹر نندلال اور آنریبل بابو - کے - سي - نيروگی نے بہي در ترميم پيش کيے ہيں ميں اسہات کے لئے بہي طيار ہوں کہ اگر آنریبل ممبر اس ہاؤس کي رائے ہووے تو ترميم بہي منظور کر لي جاوے ميں اپنے ہمدرد ہي اور ترميموں پر بہي ظاہر کرتا ہوں - الخصوص جبکہ ضروري ہى کہ اي - آئی - آر - اور جی - آئی - پی - آر کا بہي انتظام گورنمنٹ کرے

جنابوں ميں اس رزوليوشن کو اس ہاؤس کے منظوري کے لئے پيش کرتا ہوں -

THE CIVIL MARRIAGE (AMENDMENT) BILL.

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

آنریبل پریسڈنٹ و آنریبل ہاؤس — میں اس وقت کہتا ہوں ہمارے آنریبل دوست ڈاکٹر گور کے بل کے مخالفت میں جو کہ واسطے ترمیم ایکٹ ۳ سنہ ۱۸۷۲ کی واسطے بنائے ایک کمیٹی کے پیش کیا ہے

پتے اسکے کہ میں اپنے مطلب پر آؤں میں یہ بتانا چاہتا ہوں کہ گذشتہ سیڑھی دہلی میں جبکہ سول میجر بل پیش ہوئے تھے میں اپنی بدقسمتی سے بیمار تھا۔ ہمارے چند مسلمان معزز دوستوں نے غلطی سے اسکے تائید فرمائی تھی جو کہ اس وقت بھی ہاؤس میں موجود ہیں چونکہ اس حضرات کو حکم قرآن کریم جو کہ دوبارہ نکاح و احکام نکاح کے مفصل طور سے حکم کرتا ہے اس وقت یاد نہوگا۔ کیونکہ کوی فرقہ اسلامی چاہے وہ کسی اعتقاد اور کسی خیال کا ہو جب احکام نص قرآنی کے برخلاف ہوگا اسی وقت وہ اسلام سے خارج مانا جائیگا۔

میں اس حضرات کے خدمات میں وہ آیات بیانات قرآنی سناتا ہوں تاکہ اس نازک مسئلہ اسلامی میں نہایت غور اور احتیاط سے کام فرمائیں۔ قرآن کی حکم کا ترمیم کسی اسلامی کتاب سے نہیں ہو سکتا ہے جب تک کہ اسی قرآن کے دوسرے کوی آیت آیت اول کی مخالف نہو۔ اور نہ کوی شخص گرجہ کسی عام و فضلہ سے کمال حاصل کر لیا ہو وہ ایک لفظ قرآن کی آیت کے برخلاف بیان نہیں کر سکتا نہ وہ بیان کوی منہ سکلا ہے۔ چنانچہ اللہ تعالیٰ اپنے قرآن پاک کے دوسرے پارہ سورہ بقرہ میں فرماتا ہے

وَلَا تَكُونُوا الْمَشْرِكِينَ حَتَّىٰ يُبَيِّنَ لَكُمْ شُرَكَاءُكُمْ ۚ
وَلَا تَكُونُوا الْمَشْرِكِينَ حَتَّىٰ يُبَيِّنَ لَكُمْ شُرَكَاءُكُمْ ۚ
وَلَا تَكُونُوا الْمَشْرِكِينَ حَتَّىٰ يُبَيِّنَ لَكُمْ شُرَكَاءُكُمْ ۚ

ڈاکٹر گور صاحب نے نوٹس ترمیم ایکٹ ۳ سنہ ۱۸۷۲ کا معلق سول میجر یعنی ازواج ملکی کے جسکو مذہب سے کوی تعلق نہیں ہے پیش کیا ہے

مذاہب دیباچہ ایکٹ مذکورہ یہ ہے کہ یہ قانون اثر پزیر ہوگا صرف ان اشخاص پر جو کہ نہ ہندو نہ مسلمان اور نہ جین اور نہ بدھست ہیں۔

ڈاکٹر موصوف ترمیم ضمیمہ کی اسی قانون کی چاہتے ہیں۔ اور وہ ضمیمہ تابع دیباچہ کے ہے۔ منشا ضمیمہ کا یہ ہے کہ جو شخص اپنے کو محکم اس قانون کا کرنا چاہے وہ اقرار کرے کہ وہ نہ ہندو نہ مسلمان اور نہ جین اور نہ بدھست ہے

ازروے قانون گورنمنٹ ہند کوی بل جسکو تعلق مذہب یا رواسم مذہبی سے ہو بلا منظوری نواب گورنر جنرل پیش نہیں ہوسکتی ہی - یہ ابتدائی اعتراض اس بل کے پیش ہونے پر ہی - اعلان میں ملکہ معظمہ مورخہ یکم نومبر سنہ ۱۸۵۸ کے یہ امر صاف طور سے واضح کیا گیا ہی کہ بنائے میں قوانین کے مذہب اور رواسم مذہبی کا خیال رکھا جائیگا

اب مختصر بیان متعلق شرم محمدی کے یہ ہی کہ ازروے قرآن شریف کے شادی ساتھ ایک عورت کے جو کہ مسامہ لہو یعنی مفورکہ ہو جائز نہیں ہی تاوقتیکہ وہ مسامان نہ ہو جائے یہ بل خلاف گورنمنٹ انڈیا ایکٹ اور فرمان ملکہ معظمہ وکٹوریہ کے ہی اور ایسے قانون کے پاس کرنیکا نتیجہ یہ ہوگا کہ شرم محمدی متعلق ازدواج کی ترمیم یا تنسیخ ہوگی اور جیسی کہ آب و ہوا آجکل ہی یہ امر محض مصلحت کے خلاف ہی کہ گورنمنٹ ترمیم یا تنسیخ شرم محمدی کے طرف قصد کرے - جو مسلمان یا ہندو چاہے وہ مجاز ہی کہ اقرار کرے کہ وہ مسلمان یا ہندو نہیں ہی اور وہ اپنے کو محکوم ایکٹ ۳ سنہ ۱۸۷۲ کا کرسکتا ہی اس میں ترمیم لانے کی ضرورت کہا ہی

مگر کوی قانون ایسا نافذ نہیں ہوسکتا ہی کہ جسکا منشا ترمیم یا تنسیخ شرم محمدی یا دھرم شاستر ہو - اور ہم بڑے زور کے ساتھ تحریک کرتے ہیں کہ گورنمنٹ ہرگز ایسے ترمیم کو قبول نہ کرے جس سے ایک نہا فساد ہندوستان میں پیدا ہو جائے اگر ہمارے ہندو برادران خواہش کریں کہ خلاف دھرم شاستر کوی قانون نافذ کیا جائے تب مسلمانوں کو کوی عذر نہیں ہوگا اگر یہ صاف صاف الفاظ میں ترمیم میں درج کردیا جائے کہ مسلمانان ہند پر یہ ترمیم کسی حالت میں اثر پذیر نہ ہوگی -

ہمارے محترم اکثر کہتے ہیں کہ شہنشاہ مغلیہ نے ایسا شادی کیا تھا تو میں ارنس یہ پوچھتا ہوں کہ بادشاہ کوی رہبر یا مذہبی آدمی نہیں ہی کہ اوسکے فعل کا ہم ہند قبول کریں اگر ایسے ہزاروں بادشاہ یا غیر بادشاہ شادیاں کیا کریں تو ہمارے احکام قرآنی میں ذرہ بھر بھی فرق نہیں آسکتا ہی - میں اب اپنے محترم دوست سے صاف کہدیتا ہوں کہ مغل امپائر کا سب سے بڑا بادشاہ اکبر تھا - جسکی اس فعل پر غیر ممالک اسلامی میں شور مچ گیا تھا چنانچہ ایک مسلمان بادشاہ غیر ملک سے ارنکو یہ لکھا تھا کہ تم مذہب اسلام چھوڑ کر الحاد کے طرف جارہے ہو - اسلئے آئکو میں مسلمان نہیں ماننا ہوں اور واسطہ جنگ کے تم سے طیار ہوتا ہوں جواب خط ہذا کی منظوری معیہ ہی -

جسمیں اکبر بادشاہ کا جواب صاف طور سے علامہ یعنی ابوالفضل کے دفتر میں موجود ہی جسمیں وہ صاف طور سے انکار کرتے ہیں کہ یہ صرف عام لوگوں کا خیال غلط میرے طرف ہی اور عام لوگوں کی زبان سے کوی بھی نجات نہیں پاتا ہی اور وہ یہ ہی

قیل ان اللہ دو ولد * قیل ان الرسول قد کہنا

ماجھی اللہ والرسول معاً * من لسان الزری کیف انا

مجمع افسوس آتا ہی ہمارے آئینہ کار کے خیال پر کہ ایسا قانون پاس ہوئے
 سے ہندو مسلمان میں دوستی اور ہندوستان میں ترقی ہوگی۔ میں اپنے دوست سے کہتا
 ہوں کہ وہ سخت غلطی کر رہے ہیں اس سے ایک ایسا فساد ہندوستان میں پیدا ہوگا کہ
 درمیان ہندو اور مسلمان کے جو بھی مصیبت و اسحاق اسوقت قائم ہوا ہی وہ ایکدم غائب ہوکر
 نوپ جنگ و جدل اور گشت و خون تک پہنچے گا۔ اس وقت گورنمنٹ کے اپنے کہی
 مصیبت کا سامنا ہوگا۔ کیونکہ جب قانونی رکاوٹ مٹ جائے تو ایسے لوگ اسوقت ہندوستان
 میں کثرت سے پائے جائیں گے جو ایسے باتونکی لینے طیار ہوجائیں جس سے مذہبی آدمیوںکو
 سخت مشکل کا سامنا ہوگا کیا کوی اہل غیرت ہندو یا مسلمان منظور کرسکتا ہی کہ وہ غیر
 مذہب والے سے رشتہ برادری قائم کرے مرکز نہیں مرکز نہیں۔ ہاں وہی اصحاب اسوقت ہم میں
 سے اسبات پر راضی ہوسکتے ہیں جو کہ مذہبی احکام کو پس پشت ڈال چکے ہیں اونکی خیال
 سے اور ہمارے خیال سے زمین و آسمان کا فرق ہی کیونکہ وہ دنیا کو مقدم سمجھتے ہیں اور
 ہم مذہبی آدمی آخرت کو مقدم سمجھکر اوسکے بھری کے فکر میں رہکر دنیا کے کاموں کا
 مذہبی کاموں کے مقابلہ میں کوی پرواہ نہیں کرتے ہیں

ہم عشق کے بندے ہیں مذہب سے نہیں واقف

گر کہہ ہوا تو کیا بخوانہ ہوا تو کیا

ہمارے ڈاکٹر مورف صاحب سے وہ دوبارہ میں سفارش کرتا ہوں کہ تمام ہندوستان
 کے لوگوںکے فیانگ کا خیال کرتے ہوئے اپنے بل کو واپس لینے کیونکہ اونکی کمال علمی کا یہ
 نتیجہ ہوگا۔ پس میں انہیں چند افظونس بل ہذا کی مخالفت کرتا ہوں

ENGLISH TRANSLATION.

Maulvi Miyan Asjad-ul-lah (Bhagalpore Division : Muhammadan) :
 Honourable President and Honourable Members of the House, I rise to
 oppose my Honourable friend, Dr. Gour's Bill to amend Act III of 1872
 for the formation of a Committee. Before I come to my point, I wish
 to tell you that at the last Delhi Session when the Civil Marriage Bill came
 up before the Council, I was unfortunately ill. Some of my Honourable
 Muhammadan friends, who are present here to-day, had then supported the
 Bill by mistake. As those gentlemen might then have overlooked the
 distinct commandments of the holy Qoran on marriage and the ordinances
 relating to marriage, for if any Islamic sect, whatever tenet and views it
 may hold, if it goes against the clear text of the Qoran it is bound to be
 considered outside the pale of Islam, to such gentlemen I quote the verses of
 the holy Qoran so that they may proceed most cautiously and thoughtfully in
 regard to this delicate question. No book whatever can alter the command-
 ments of the Qoran. No verse of the Qoran can be altered unless by another
 verse of the Qoran itself, nor can any person, however learned and erudite
 he may be, utter a single word in contradiction of any verse of the Qoran,

nor will anybody accept such a statement. The High Lord in his holy Qoran says :

wa lá tankihul mushrikáti hatta yuminna wa la amatun mominatun khairum min mushrikatin wa lau aajabathum ; wa lá tankihul mushrikina hatta yuminu wa laabdum muminin khairum min mushrikin wa lau aajabukum, uláika yadoona ilan nari wallahu jaduu ilal jannuti wal maghfirati (Sura Baqar, para. II).

And do not marry the idolatresses until they believe, and certainly a believing maid is better than an idolatress, even though she should please you ; and do not give (believing women) in marriage to idolaters until they believe, and certainly a believing servant is better than an idolater, even though he should please you ; these invite to the hell and *Allah* invites to the paradise and to forgiveness by his will.

Dr. Gour has issued a notice of amendment to Act III of 1872 relating to Civil marriage which is not concerned with religion at all. The preamble to this Act states that the Act will apply only to those who are neither Hindus nor Mussalmans, nor Jains, nor Buddhists. The learned Doctor wants an amendment to the schedule of the said Act, but the schedule is subject to the preamble. The object of the schedule is that any person who wishes to be governed by the Act should declare that he is neither a Hindu, nor a Mussalman, nor a Jain, nor a Buddhist.

Now under the Government of India Act no Bill in connection with any religion or religious usage can be brought before the Council without the previous sanction of His Excellency the Governor General. This is a preliminary objection to the introduction of the Bill. In the Queen's Proclamation of 1st November, 1858, it is clearly laid down that in framing laws regard will be had to religion and religious usages of the people.

Now in brief the Muhammadan law on the subject is this, that according to the holy Qoran marriage with a non-Muslim woman, i.e., who is a *mushrika*, is invalid until she becomes a Muhammadan. The Bill, which is clearly in contravention of the Government of India Act and Queen Victoria's Proclamation, will, if passed into law, result in the abrogation or alteration of the Muhammadan law relating to marriage. In the present political condition of India it is not at all advisable for Government to attempt any alteration or abrogation of the Muhammadan law. Any person, be he a Mussalman or a Hindu, is at liberty to declare that he is not a Muhammadan or a Hindu and that he wishes to make himself subject to Act III of 1872. Where is the necessity of altering this procedure ?

But no law can be enforced which has for its object the amendment or abrogation of the Muhammadan law or the Hindu Dharamshastra. And we strongly protest against the acceptance on the part of Government of any such amendment as will very likely stir up fresh discontent in India. If our Hindu brethren desire the enforcement of any law against their religion, Muhammadans will have no objection to it, if it be explicitly provided that the amendment will in no wise affect the Indian Mussalmans.

My Honourable friend, Dr. Gour, has remarked that the Moghal Emperors had contracted such marriages, but I venture to ask him if a king is a

religious head or a leader whose actions we are bound to follow. If thousands of such kings or non-kings contract such marriages our Quranic ordinances will not be altered a bit. It is well known to my Honourable friend that Akbar was the greatest of the Moghal Emperors. But this irreligious act of his caused such a stir in the other Islamic countries at that time, that a Muhammadan king of another country wrote him a threatening letter pointing out to him that as he had forsaken his religion he was no more than an infidel and consequently he should be prepared for a fight.

Akbar's reply, drafted by the famous Abul Fazl, is contained in Abul Fazl's *daftar*, in which he says that the charge is absolutely groundless, being concocted by the common (illiterate) people from whose tongue no one is secure, for

*" Qila innal ilaha zu waladin
Qila innal rasula qad kahan
Ma naja allahu warrasulu maan
Min lisanil wara fakaiifa ana."*

It is said that God has a son,
It is also said that the prophet was a sorcerer,
When God and His prophet both
Were not safe from people's tongue, how can I ?

I am sorry to take exception to my Honourable friend, Dr. Gour's view that this Bill, if passed into law, will create amicable feelings between Hindus and Muhammadans and will bring about improvement in the country. I beg to point out to my Honourable friend that on the contrary it will create such a bad blood in India that the amity and goodwill already existing between Hindus and Muhammadans will very likely disappear altogether giving place to dissensions and quarrels and even to bloodshed. What will be the position of the Government then? For when there will be no legal restrictions there will surely be no dearth of such men as will be ready to wound the feelings of the religious-minded. Can a respectable Hindu or Muhammadan ever agree to contract a relationship with one professing a different faith? No, never. Only those amongst us who have bid good-bye to religion will be willing to do this, but there is a world of difference between their views and our views, for they give precedence to this world and we to the future world; we, therefore, care very little for the prosperity of this world as compared with that of the next.

*Ham ishq ke bande hain, mazhab se nahin waqif,
Gar kaaba hua to kya, butkhana hua to kya.*

Slaves of Cupid that we are,
We do not know what religion is,
Be it Mecca, be it a temple,
To our eyes are equal these.

I will, therefore, again request Dr. Gour to withdraw the Bill out of regard for the feelings of the whole of India. It will be a proof of his broad-mindedness. With these few words I oppose the Bill.

RESOLUTION re MOPLAH TRAIN TRAGEDY AND DISTURBANCES.

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

آنریبل پریسڈنٹ اور آنریبل ہاؤس - میں تائید کرتا ہوں رزلویشن کا ہمارے معزز دوست خان بہادر سرفراز حسین صاحب کے اور چند باتیں عرض کرتا ہوں - حالات حادثہ ریلوے موپلا مرحومین کا لہایت ہی تعجب انگیز اور حسرت ناک بات گورنمنٹ انڈیا کے دورسلطنت میں ہوئی تھی اسپر جسقدر ہندوستانی افسرس اور حسرت اور ماتم کریں کم ہی اسپر سخت رنج کی یہ بات تھی کہ گورنمنٹ نے ایسے سخت ریلوے ظلم کا کوئی انصاف نہ کیا اس کے کیا معنی - کیا اب ہمارے ملک ہندوستان سے آہستہ آہستہ انصاف غائب ہوتا جاتا ہے اور ظلم کی بنیادیں قائم ہو رہی ہیں یہ تو صاف امر تھا اسکا ایک پرزہ تحقیقات کر کے ریلوے ملازمین جو کہ اسکے ملزم تھے ان پر مطابق قانون عدالت عالیہ کے انصاف کیا جاتا تو عام لوگوں کو کوئی شکایت نہ ہوتی - اگر یہ خیال کیا جائے کہ یہ اتفاقاً حادثہ ہو گیا تو اسکے ماننے کے واسطے کوئی سمجھدار آدمی تیار نہیں ہو سکتا ہے ریلوے سفر روزینہ ہوا کرتے ہیں لیکن کبھی کوئی ایسا حادثہ نہیں ہوتا ہے ہمارے خیال ناقص میں یہ امر قصداً ریلوے حکام کے کیا ہے جس سے ایسا خطرناک واقعہ ظہور میں آیا - اور اگر اس رزلویشن کے پیش ہونے پر بھی گورنمنٹ سے انصاف پوری پوری نہ کی گئی تو یہ بدنامی کا دھبہ کبھی اس گورنمنٹ کے دامن سے نہیں مٹ سکیگی

بلاک ہول کلکتہ جسکا قصہ بہت پرانا ہو گیا ہے اور اسکے مذاق پرے طور پر غلط ثابت ہو چکی ہے خیال کیا جاتا ہے کہ رات کو ہوا تھا لیکن یہ دن دھاڑے ایسا سخت ظلم اس ریلوے کمپنی نے قائم کر دیا ہے جسکا نظیر صفحہ تاریخ میں نہیں مل سکتا ہے - پس میں صرف ان چند الفاظ سے رزلویشن ہذا کی تائید کرتا ہوں اور سفارش کرتا ہوں آنریبل ہاؤس سے کہ اس رزلویشن کی تائید فرمائیے تاکہ انصاف کی نظیر دنیا پر قائم رہے -

ENGLISH TRANSLATION.

Maulvi Miyan Asjad-ul-lah (Bhagalpore Division : Muhammadan) :
Honourable President and Honourable Members of the House, I support the Resolution moved by my Honourable friend, Khan Bahadur Sarfaraz Hussain Sahab, and wish to say these few words :

The Moplah train tragedy is the most surprising and lamentable occurrence in the British rule in India. No amount of sorrow, lamentation and mourning on our part would be too much in this respect. It is a matter of great regret that Government has not done justice in the matter of this gross Railway outrage. What does this mean? Is justice now gradually disappearing from our country and high-handedness firmly gaining ground in

* Vide Legislative Assembly Debates, Volume III, page 751.

its stead ? It was quite a plain matter. Had a full enquiry been properly instituted and the Railway servants found guilty brought to book under the law, there would then have been no complaint on the part of the public. If it be argued that it was merely an accidental occurrence no sane person would be prepared to accept it. Railway journeys are daily undertaken in this country, but such a horrible tragedy seldom occurs. In my humble opinion this catastrophe was an intentional act on the part of the Railway authorities. If after the carrying of this resolution justice was not fully done in the matter by Government it would then be impossible for Government to remove the stigma from its fair name. The Black Hole tragedy, which has now become stale and has thoroughly been falsified, was enacted in the darkness of the night, while the Moplah train disaster, unparalleled in history, took place in broad daylight.

With these few words, therefore, I support the resolution, requesting the Honourable House also to support it and thus set up an example of justice in the world.