

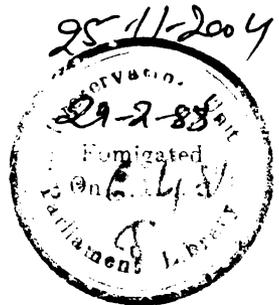
Monday, 16th March, 1925

THE
COUNCIL OF STATE DEBATES

Volume V

(20th January to 26th March 1925)

FIFTH SESSION
OF THE
COUNCIL OF STATE, 1925



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COUNCIL OF STATE.

Monday, 16th March, 1925.

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

MEMBER SWORN.

The Honourable Mr. Denys deSaumarez Bray, C.S.I., C.I.E., C.B.E. (Foreign Secretary).

QUESTIONS AND ANSWERS.

QUALIFICATIONS FOR ADMISSION TO THE INDIAN AGRICULTURAL SERVICE.

134. THE HONOURABLE MR. HAROON JAFFER: (a) Is it a fact that men with foreign qualifications were directed by the Government of India to join the course referred to in their communiqué, dated the 22nd and 28th June 1923, before they could be admitted to the Indian Agricultural Services?

(b) Will the Government be pleased to state if they will give preference to persons who have qualified themselves in this course when new higher appointments are made in the Imperial and Provincial Departments?

(c) If these qualifications are not to be given any special consideration, will the Government be pleased to state what useful purpose these courses serve?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: (a) No.

(b) and (c). So far as higher appointments are concerned the candidates who go through the courses successfully will be on the same footing as those who possess foreign qualifications suitable for admission to the Imperial Service.

RESOLUTION PASSED BY THE CUTCHI MEMONS ANJUMAN REGARDING THE MURDER OF MR. ABDUL KADAR BAWLA.

135. THE HONOURABLE MR. HAROON JAFFER: (a) Are the Government aware that at a special general meeting of the Cutchi Memons Anjuman held at Bombay on 20th January 1925, resolutions expressing regret at the tragic death of Mr. Abdul Kadar Bawla were passed?

(b) Is it a fact that one of the resolutions passed at this meeting appealed to His Excellency the Viceroy to take immediate and drastic steps to bring to book all the perpetrators, instigators and abettors of the crime, within or without British territory, regardless of their rank, position, status

and wealth and the said meeting authorized its President to forward a copy of this resolution to His Excellency the Viceroy?

(c) Has this resolution been received by the Government, and, if so, what steps are being taken in the matter?

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

(c) The Government of India do not propose to take any action on the resolution, a copy of which they have received, as it is a matter which is the concern primarily of the Government of Bombay.

DISCONTINUANCE OF THE EXPORT OF OPIUM.

186. THE HONOURABLE RAJA MOTI CHAND: (a) What is the normal annual quantity and price of opium exported from India?

(b) Do the Government propose to discontinue completely in the near future the export of opium from India?

THE HONOURABLE MR. A. C. MCWATTERS: (a) There is no annual norm either of quantity or of price. The exports during the last five years are given in the statement which is laid on the table. Opium is sold to Governments at Rs. 4,000 per chest of 140 lbs. The price obtained at auctions varies. The "upset" price is Rs. 4,500 per chest of 140 lbs.

(b) The answer is in the negative.

Statement showing the exports of opium from India during the years 1920, 1921, 1922, 1923 and 1924.

(In chests of 140 lbs. each).

Destination.	1920.	1921.	1922.	1923.	1924.
Singapore	3,090	3,010	1,820	2,100	3,000
Hongkong	180	120	150	240	240
Colombo	60	70	60	30	15
Batavia	2,900	300	1,800	900	300
Kobe	900	150	50	150	50
Bangkok	1,700	1,700	1,650	1,600	1,500
Saigon	950	1,655	1,700	2,975	1,355
Mauritius	35	...	...	...	...
Macao	531	440	500	240	100
Sarawak . . . . .	...	...	55	125	12
Br. North Borneo	176	240	60	84	84
Bushire . . . . .	...	85	283	100	891
TOTAL	10,522	9,770	8,128	8,544	7,547

PROMOTION OF HARMONY AND GOOD-WILL AMONGST THE CONTENDING COMMUNITIES OF INDIA.

137. THE HONOURABLE RAJA MOTI CHAND: Will the Government be pleased to state if any active steps are being taken or are proposed to be taken by the Central and the Local Governments to promote permanent mutual relations of harmony and good-will amongst the contending communities of India?

THE HONOURABLE MR. J. CRERAR: I invite the Honourable Member's attention to the concluding portion of His Excellency the Viceroy's address to the Indian Legislature on the 20th January last.

PROSPECTS FOR INDIAN SETTLERS IN BRITISH GUIANA.

138. THE HONOURABLE RAJA MOTI CHAND: Is it a fact as reported by Reuter that the Government of India are engaged in an investigation into the prospects for Indian settlers in British Guiana?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: The attention of the Honourable Member is invited to the Government of India press communiqué, dated the 7th June 1924, a copy of which has already been placed in the Library of the House. The deputation of an officer is now under consideration.

KOHAT RIOTS.

139. THE HONOURABLE RAJA MOTI CHAND: (a) Has the attention of the Government been drawn to a note in the *Modern Review* of Calcutta for January, 1925, headed "The Kohat Tragedy"?

(b) Is it a fact as stated therein that though the officers of Government at Kohat had ample warnings of what was coming and were within hailing distance of troops, they were unable to prevent riots, plunder and incendiarism?

(c) If so, what is the explanation of these officers for this inability of theirs?

(d) Is it a fact that the frontier constabulary called in themselves took part in the loot?

(e) What action, if any, has been or is proposed to be taken against such constabulary?

(f) Is it a fact that at the time of the riots holes were made at 13 places in the wall surrounding Kohat and plunderers entered through these holes and the cavalry posted there could not prevent this?

(g) If so, what were the circumstances which led to this failure on the part of the cavalry?

(h) What action, if any, has been or is proposed to be taken against such cavalry men?

THE HONOURABLE MR. DENYS BRAY: Government have not seen the article but I would refer the Honourable Member to the Kohat Resolution No. 598-F., dated the 9th December 1924, and its annexures, which deal with the points he raises in detail.

CREATION OF OFFICERS' TRAINING CORPS IN INDIAN UNIVERSITIES.

140. THE HONOURABLE RAJA MOTI CHAND: Do the Government propose to create Officers' Training Corps in the Indian Universities? If so, how soon?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: We have no intention at present of instituting in Indian Universities Officers' Training Corps, such as exist in the United Kingdom; but we shall consider, in connection with the report of the Auxiliary and Territorial Force Committee, the question of utilising the University Training Corps as a means of imparting military and a future source for the supply of officers to the extent recommended by that Committee.

ATTITUDE OF THE GOVERNMENT OF INDIA TOWARDS THE CRIMINAL IN INDIA.

141. THE HONOURABLE RAJA MOTI CHAND: (a) Will the Government be pleased to state what their attitude is towards the criminal in India?

(b) Is it exclusively punitive or is it preventive? If it is the latter, what measures, if any, are they taking or propose to take to give effect to the latter policy?

(c) Are there any expert Penologists in the employ of the Government in India? If so, what is the nature of their activities?

(d) Is there any, or do the Government propose to create any, organised body of expert Penologists for the study of the subject in India?

(e) Do the Government propose to send any as their delegates to the International Prison Congress to be held at London in August next as announced in the papers?

THE HONOURABLE MR. J. CRERAR: (a) and (b). The Honourable Member is referred to Chapter III of the Report of the Indian Jails Committee, 1919-20. Government are in general agreement with the aims and essentials of prison administration laid down in this Chapter. As the subject of prisons, prisoners (excluding State Prisoners) and reformatories is, under the Devolution Rules, a provincial subject, the practical measures to give effect to this policy are primarily the concern of the various Local Governments.

(c) and (d). Each province has its own experts in jail administration. Government have no present intention of adding to their number.

(e) Yes; India will be represented by Lieutenant Colonel W. Gillitt, C.I.E., M.D., I.M.S., Inspector General of Prisons, Bihar and Orissa.

PROPAGANDA IN THE BRITISH PRESS REGARDING THE POLITICAL SITUATION IN INDIA.

142. THE HONOURABLE RAJA MOTI CHAND: (a) Has the attention of the Government been drawn to the leading article in the *Leader* newspaper of the 22nd January, 1925, headed "The Problem of Swaraj" in which it is stated that "an influential section of the British Press represent to the British public that India is on the brink of anarchy", that they "create an altogether misleading impression as to the actual state of

affairs", and that "they are of a propagandist nature intended to frighten the British public"?

(b) Do the Government propose to take any action in the matter?

THE HONOURABLE MR. J. CRERAR: Government have seen the article but do not consider it necessary to take any action in respect of it.

BOLSHEVIK PROPAGANDA IN INDIA.

143. THE HONOURABLE RAJA MOTI CHAND: (a) Are the Government definitely aware of any Bolshevik propaganda in India?

(b) If so, what is the nature of such propaganda and of the situation that may have arisen in consequence of such propaganda?

(c) What action, if any, are the Government taking or proposing to take to suppress the propaganda?

THE HONOURABLE MR. J. CRERAR: I would invite the Honourable Member's attention to the proceedings in the recent trial of the Cawnpore revolutionary conspiracy case and to the judgment of the Allahabad High Court in that case. I am not prepared to make any further statement in the matter.

ALLEGATIONS AGAINST THE BENGAL POLICE MADE BY PANDIT MOTILAL NEHRU IN HIS SPEECH IN THE LEGISLATIVE ASSEMBLY ON THE BENGAL ORDINANCE.

144. THE HONOURABLE RAJA MOTI CHAND: (a) Has the attention of the Government been drawn to the speech of Pandit Motilal Nehru on the Bengal Ordinance in the Legislative Assembly on February 5th, 1925?

(b) Have the Government noticed his remark on the dacoity in Bengal in May, 1923, that this case was entirely false, that it was fabricated by the police, was supported by perjured evidence, that it was a case made out by the police only to show that there was a revolutionary movement in Bengal; and his further remark referring to the statement of the Home Member that there were about to occur five attempts at the murder of the officials, that all these cases were fabricated by the police?

(c) Do the Government propose to inquire into these charges of fabrication and take action against the persons involved?

THE HONOURABLE MR. J. CRERAR: (a) and (b). The Honourable Member may safely presume that statements made in debate in the Indian Legislature come to the notice of the Government of India.

(c) As has been explained already by the Honourable the Home Member during the course of debate in another place, the Government of India do not accept the views expressed by Pandit Motilal Nehru as correctly representing the facts.

SPECIAL GRANT TO THE BENARES HINDU UNIVERSITY ENGINEERING COLLEGE.

145. THE HONOURABLE RAJA MOTI CHAND: Will the Government be pleased to inform this House as to whether the Government have decided to recommend any special grant to the Benares Hindu University Engineering College?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: The matter is under consideration.

RESOLUTIONS OF THE INDIAN UNIVERSITIES' CONFERENCE.

146. THE HONOURABLE RAJA MOTI CHAND: Will the Government be pleased to inform this House as to what action the Government propose to take to give effect to the resolutions of the Universities' Conference held at Simla in last May?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: Efforts are being made to give effect to all the resolutions of the Indian Universities' Conference, which contemplate direct action by the Government of India, except resolution No. 21. It has not been possible to accede to the request made in this resolution for the reason that the Government of India prefer direct financial assistance to educational institutions to indirect aid, in the shape of remission of customs duty. Resolutions Nos. 26 to 34 were laid before the Auxiliary and Territorial Forces Committee, who have made recommendations on all the points raised. The remaining resolutions have all been brought to the notice of the appropriate authorities concerned.

AMOUNT OF FOREIGN CAPITAL INVESTED IN INDIA.

147. THE HONOURABLE RAJA MOTI CHAND: Will the Government be pleased to inform the House as to the approximate amount of foreign capital invested in India at present both the private and public concerns under separate heads with as many sub-heads as possible? If the Government are not in possession of this information at present, do the Government propose to collect it in view of the great importance of the matter?

THE HONOURABLE MR. D. T. CHADWICK: The Government are not in possession of the information asked for. The general question raised by the Honourable Member is now being investigated by a Committee and the Government do not propose to institute separate inquiries on the lines suggested in the question.

PRESENT POLICY OF THE GOVERNMENT OF INDIA REGARDING IMPERIAL PREFERENCE.

148. THE HONOURABLE RAJA MOTI CHAND: Will the Government be pleased to state whether the Government is formulating any Imperial preference proposals in view of the recent change in the tariff policy of the British Government in Great Britain? Has any correspondence in this connection taken place between the Government of India and His Majesty's Government in England? Will the Government be pleased to announce their present policy regarding Imperial preference?

THE HONOURABLE MR. D. T. CHADWICK: The answers to the first two parts of this question are in the negative. As regards the last, the Honourable Member is referred to Sir Charles Innes' speech made on this subject at the Imperial Economic Conference held in 1923. A copy of the record of the proceedings of this Conference is in the Library.

REPORT OF THE REFORMS INQUIRY COMMITTEE.

149. THE HONOURABLE RAJA MOTI CHAND: Will the Government be pleased to state the reason for the delay in the publication of the report

or reports of the Reforms Inquiry Committee? Have the Government arrived at a decision in the matter? Will the Government be pleased to state the probable date of the publication of the report?

THE HONOURABLE MR. J. CRERAR: Final copies of the Report and Appendices were received by the Government of India on the 15th December 1924. The time since then has been mainly occupied by the work of printing the Report and its Appendices. It has also been necessary to make arrangements for their publication simultaneously or as nearly as possible simultaneously in India and England. As the Honourable Member is aware, the Report was published in India on the 9th March.

COMPULSORY MILITARY TRAINING FOR UNIVERSITY STUDENTS.

150. **THE HONOURABLE RAJA MOTI CHAND:** Has the attention of Government been drawn to the fact that more than one University in India has expressed its willingness to introduce compulsory military training for students? Will Government be pleased to state what facilities they intend providing in the matter?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Government have no official information on the point. So far, only one University, namely, the Aligarh Muslim University, has applied to the Government of India for the provision of compulsory military training. I may point out, however, that the question of military training in Universities was one of the matters dealt with by the Auxiliary and Territorial Force Committee, whose report is now under the consideration of Government.

REPORT OF THE CIVIL JUSTICE COMMITTEE.

151. **THE HONOURABLE RAJA MOTI CHAND:** Do the Government propose to take any action on the recommendations of the Civil Laws Delays Committee? Do they intend to invite public criticism on the recommendations before passing final orders?

THE HONOURABLE MR. J. CRERAR: I am unable to make any statement at present as the report has not yet been examined in detail, but I may state that it will be published for general information on the 20th instant.

TRAINING OF INDIANS FOR THE SUPERIOR SERVICES IN RAILWAYS.

152. **THE HONOURABLE RAJA MOTI CHAND:** Will Government state what steps are being taken to train Indians for the superior services in Railways?

THE HONOURABLE MR. D. T. CHADWICK: The Honourable Member is referred to paragraphs 88 and 89 of Volume I of the Report by the Railway Board on Indian Railways for 1923-24, and to the recent speeches by the Honourable the Railway Member and the Chief Commissioner of Railways in the Legislative Assembly and the Council of State, respectively, when introducing the Railway Budget for 1925-26, on this subject of training of staff.

APPOINTMENT OF A COMMITTEE TO REPORT ON THE GANGES QUESTION AT NARORA RAILWAY.

153. **THE HONOURABLE LALA SUKHBIR SINHA:** Will the Government be pleased to state whether, and if so, when they are going to appoint a

Committee to inquire and report on the Ganges question at Narora as recommended in the Resolution of Sir Deva Prasad Sarvadhikary that was carried in the Council of State on the 16th February 1925?

THE HONOURABLE MR. A. H. LEY: Government are considering what action, if any, should be taken on the Resolution referred to and until a decision is reached, I regret I am unable to supply the Honourable Member with the information for which he asks.

ACCIDENT AT A LEVEL CROSSING NEAR SAMASATA.

154. THE HONOURABLE SIR DEVA PRASAD SARVADHIKARY: Has the attention of the Government been called to newspaper reports about a recent disastrous railway accident at a level crossing in or near the Bahawalpur State, said to have been caused by a motor car, laden with a large quantity of petrol dashing into an approaching railway train? If so, would the Government please state the facts of the case?

THE HONOURABLE MR. D. T. CHADWICK: The answer to the first part of the question is in the affirmative.

With regard to the second part complete information is not yet available, as the proceedings of the official inquiry have not been received. The facts, so far as Government are at present aware, are as follows:

At about 16-00 hours on 21st January, 1925, No. 29, Up Passenger train collided at the level crossing at mile 3/10, (from Samasata) with a motor lorry belonging to Bahawalpur State. This crossing is not fitted with gates but with chains, which were at the time of the accident correctly fixed, so as to bar the passage of road vehicles. The motor lorry apparently approached the crossing at great speed and charged and burst the first chain, but was stopped by the second thereby obstructing the line and causing the collision.

The driver of the train and the driver of the lorry were both seriously injured. One of the occupants of the lorry was killed and another slightly injured and the fireman of the train was slightly injured. The lorry contained 100 gallons of petrol and the injuries to the driver and the fireman were caused by the burning petrol.

BETTER CONTROL OF THE CARRIAGE OF PETROL BY ROAD AND RAIL.

155. THE HONOURABLE SIR DEVA PRASAD SARVADHIKARY: Would the Government please state if they propose to have any action taken for better control of carriage of petrol, whether by railway trains or motor vans, lorries and cars as well as country carts and if so, when and what steps?

THE HONOURABLE MR. A. H. LEY: The carriage of petrol by road and rail is controlled by rules made under the Indian Petroleum Act, 1899, and the Indian Railways Act, 1890. The Government of India are not aware that these rules are deficient in any respect and they do not contemplate any action in the direction suggested.

THE HONOURABLE SIR DEVA PRASAD SARVADHIKARY: May I put a supplementary question, Sir? As a result of the statement of facts, (such as they are before the completion of the inquiry) would the Government

consider whether it is necessary to have more stringent rules with regard to the handling of such large quantities of petrol either by lorries or otherwise?

THE HONOURABLE MR. A. H. LEY: I would suggest to the Honourable Member that he should await the result of the official inquiry to which reference was just made by the Honourable Mr. Chadwick before considering whether any change in the rules is necessary. As far as the Government are aware, the rules in themselves are sufficiently stringent.

UNDUE DELAYS AT RAILWAY LEVEL CROSSINGS.

156. THE HONOURABLE SIR DEVA PRASAD SARVADHIKARY: Would the Government please state whether they will consider the question of avoiding undue delay at level crossings of railways and affording facilities to cross country traffic at these crossings?

THE HONOURABLE MR. D. T. CHADWICK: The matter is one which might be brought to the notice of Agents through their Local Advisory Committees.

157. THE HONOURABLE SIR DEVA PRASAD SARVADHIKARY: (As the inconvenience has been removed since I gave notice of this question,* I do not propose to put this question, Sir.)

158. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: I do not want to ask the question, Sir.

APPOINTMENT OF AN OFFICER OF THE EAST INDIAN RAILWAY AS
DIRECTOR OF TRAFFIC, RAILWAY BOARD.

159. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state whether it is contemplated to appoint an officer of the East Indian Railway as Director of Traffic, Railway Board, in place of the present incumbent?

THE HONOURABLE MR. D. T. CHADWICK: No.

PRINCIPAL OF THE CHANDAUSI TRAINING SCHOOL.

160. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: With reference to the reply given to part (b) of my question 122, will the Government be pleased to state the reasons which led to an appointment of an officer to the post of Principal, Chandausi Training School, who possessed no practical traffic experience?

THE HONOURABLE MR. D. T. CHADWICK: Traffic experience is not a *sine qua non* for the appointment in question, since the actual tuition will be in the hands of experts working under the Principal, and the selection was made in view of general suitability for the duties to be performed. Moreover, although Mr. Dain has no actual experience in working a Traffic District in India, he has been in the Agent's Office for many years and in that capacity has had a lot to do with traffic questions. He has had actual experience in teaching.

*Has the attention of Government been drawn to the frequent delay at the Sadar Bazar side crossing at Delhi, which holds up traffic long and would the Government please consider the possibility of having the inconvenience removed?

DIFFERENTIAL TREATMENT ACCORDED TO OFFICERS OF STATE RAILWAYS AND TO THE STAFF OF THE EAST INDIAN AND THE GREAT INDIAN PENINSULA RAILWAYS.

161. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : With reference to the reply given to my question No. 124, will the Government kindly state whether they received any representation from officers of the State Railways on the subject of differential treatment accorded to them and to the staff of the East Indian Railway and the Great Indian Peninsula Railway in the matter of security of their prospects in services? If so, will the Government be pleased to state the decision at which they have arrived?

THE HONOURABLE MR. D. T. CHADWICK : Yes. The matter is under consideration.

AMALGAMATION OF THE OUDH AND ROHILKHAND RAILWAY WITH THE EAST INDIAN RAILWAY.

162. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Is it a fact that the Oudh and Rohilkhand Railway is going to be amalgamated shortly with the East Indian Railway? If the reply be in the affirmative are the claims of any of the officers of the Oudh and Rohilkhand Railway to posts for which they would otherwise have been selected being prejudiced by reason of the amalgamation?

THE HONOURABLE MR. D. T. CHADWICK : The reply to the first part of the question is in the affirmative and the result will probably be some small reduction in the aggregate in both lines of the number of administrative posts. I would however remind the Honourable Member that no officer has a claim to selection for such posts.

PROVISION OF POWERFUL HEADLIGHTS ON ENGINES OF PASSENGER TRAINS.

163. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will the Government kindly state whether the Railway Board has directed all Railway Administrations to introduce powerful headlights on engines of all passenger trains in the interest of the safety of the travelling public? If so, what period will it take to carry this instruction into effect?

THE HONOURABLE MR. D. T. CHADWICK : Orders have been issued to State-worked Railways to provide electric headlights on all locomotives working mail, passenger and mixed trains on single line sections, the work will be completed by 31st March 1928. All other Class I railways have been furnished with copies of the orders issued to State-worked Railways and have been asked to adopt a definite programme for the general introduction of these headlights on locomotives of passenger trains.

INSTALLATION OF BLOCK SIGNALLING INSTRUMENTS ON RAILWAYS.

164. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will Government kindly state what progress has been made towards installation of Block Signalling Instruments for the safe working of railway trains and also state what Railway Administrations are adopting it on a large scale.

THE HONOURABLE MR. D. T. CHADWICK: The Honourable Member is probably referring to the use of Token Instruments. The position was investigated in 1921, when it was reported that a total of 14,650 miles of broad and metre gauge railways in India were operated by token instruments and 18,880 miles by the written line clear system. Government have not got later definite information. The general attitude of Railway Administrations in India is in favour of Token Instruments on important sections where the train service is fast or frequent and at the present time the North Western Railway and the Oudh and Rohilkhand Railway are taking active steps in extending the use of these instruments; these two railways had previously been slow in the adoption of them as compared with the other big railways owing to an unfortunate experience with these instruments some years ago.

PROVISION OF WAITING HALLS FOR INTERMEDIATE CLASS PASSENGERS AT THE PRINCIPAL STATIONS ON STATE-WORKED RAILWAYS.

165. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government kindly state whether it is proposed to provide waiting halls for intermediate class railway passengers at least on principal railway stations on State-worked Railways? If not, when will this matter receive attention?

THE HONOURABLE MR. D. T. CHADWICK: Government understand that Railway Administrations have under consideration the provision of waiting accommodation for intermediate class passengers at important stations where the traffic justifies this.

RESOLUTION *RE* RECOMMENDATIONS OF THE NORTH-WEST FRONTIER INQUIRY COMMITTEE.

THE HONOURABLE SAIYID RAZA ALI (United Provinces East: Muhammadan): Sir, I beg to move the Resolution that stands in my name. It runs thus:

"This Council recommends to the Governor General in Council to give effect, at an early date, to the recommendations contained in the Report of the North-West Frontier Inquiry Committee."

Sir, I do not propose to go into the past history of the North-West Frontier Province which raises as large a question as, I believe, is the length of the frontier itself on which the five administered districts abut. For the present purpose, it is sufficient to point out that since the annexation of the Punjab, the districts now known as the North-West Frontier Province formed part of the Punjab and were administered by the Punjab Government. But having regard to the geographical position of these districts, questions arose from time to time which were handled by the Government of the Punjab, in a manner which, especially that portion of it which related to our foreign policy, did not give entire satisfaction either to the Government of India or to the Secretary of State. It was proposed even in the year 1877 to form a North-West Frontier Province of which these five districts should be a portion. Nothing, however, came out of it till the year 1900 when the whole question was taken up by Lord Curzon with the result that the present North-West Frontier Province, consisting of the five districts of Peshawar, Kohat, Bannu, Dera Ismail Khan and

[Saiyid Raza Ali.]

Hazara, was formed into a separate province under a Chief Commissioner directly responsible to the Government of India. It was stated that the object of the formation of the Frontier Province was that the conduct of external relations with the tribes on the frontier should be more direct than heretofore under the control and supervision of the Government of India. For a number of years the Chief Commissioner administered these five districts, along with the tracts close to those districts. But about 7 or 8 years after the creation of the province, crime began to increase in the Frontier Province and the policy of the administration was subjected to criticism in certain quarters. I need hardly refer to the effect which the Great War of 1914 or the Afghan War of 1919 had on our frontier or on our relations with the trans-frontier tribesmen.

In September 1921 a Resolution was moved in the Assembly to inquire into the conditions obtaining in the Frontier Province and to see what reforms could be introduced in the administration of that province. Special stress was laid on the judicial side. The Resolution was carried. A Committee was appointed. And the Committee went laboriously and patiently into the whole question from the 12th May 1922 till the 9th October of that year. The Committee consisted of five non-official Members of the Legislature and three European officers. It was presided over by the Foreign Secretary who, I am glad to notice, is present here to-day, and whose great knowledge of our foreign affairs and our relations with the tribes is undoubtedly a great asset to the Government of India. The two other European Members were—a senior District and Sessions Judge of the Punjab, Mr. Parker, and the seniormost civilian of the Frontier Province, Mr. Bolton, who is at present the Chief Commissioner of that province. The Indian Members were Mr. Rangachariar, Mr. Samarth, Chaudhri Shahab-ud-Din, Mr. Abdul Rahim Khan and myself.

I would, Sir, with your permission, say a word or two about the character of our inquiry. Let me add that the Committee examined in the course of their investigation no less than 22 official witnesses, 13 of whom were European officials. It also recorded the evidence of 76 non-official Indian witnesses or groups of witnesses, of whom 28 were Hindus and the rest were Mussalmans. The widest publicity was given to the proceedings of the Committee, so much so that even non-co-operators felt attracted to the Committee and a number of them appeared as witnesses to give evidence. The Committee deliberated upon the whole question very carefully. It was unfortunate that the report of the Committee was not unanimous, but that question is not very important so far as this morning's proposition is concerned. The terms of reference, into which I do not propose to go in detail, invited the Committee to express an opinion whether it was expedient to separate tracts from districts. As most of the Members of this House are aware, the province consists of five districts and a large area of what is known as unadministered tracts where there is absolutely no administration and which are the home of the tribesmen. The second question was that, if it was not expedient to separate, then should the province remain under the Government of India or not?

Now, the first question is a highly technical question and I do not think I would be justified in taking up the time of the Council in entering on any elaborate discussion upon it. I think it is enough for my present purpose to point out that the majority of the Committee felt convinced that,

having regard to the intimate character of the relations that existed between the people who inhabited British territory and the people who lived on the other side of the frontier, it was impossible to separate the tracts from the districts. Expert opinion on this question was weighty and voluminous. I for my part can say that, after giving every careful consideration to the whole question, I was convinced that it was not in the interests of the country as a whole to separate the tracts from the districts.

The second question, namely, if it was not expedient to make the separation, what should be the policy which should be adopted with reference to the administered districts was not difficult. If the separation of the two was not expedient, it was obvious that it would not be expedient to amalgamate the districts with the Punjab. That was the answer that was given by the majority of the Committee. But, Sir, the Committee was so much impressed with the unsatisfactory conditions obtaining in that province that the Foreign Secretary Mr. Denys Bray and his Committee thought it their duty to make liberal recommendations and to propose a number of reforms which should immediately be introduced. Honourable Members are aware that if the province had not been created in the year 1901 and if it had continued to be part and parcel of the Punjab, it would have been entitled to participate in the benefits of the reform scheme that was introduced first in the year 1909 and also of the reform scheme that came into force in the beginning of 1921. The people of this province have been altogether deprived of the benefits of these two reform schemes. The Committee therefore—I am speaking of the majority—felt it their duty to treat these people properly. With a view to that, the Committee made a number of recommendations. The time at my disposal will not allow me to go elaborately into the recommendations that were made, but I would just state big heads to enable my Honourable Colleagues to have an idea of the nature and character of the Committee's recommendations. The reforms proposed by the Committee can for the sake of convenience be divided into the following heads. The first concerns itself with the constitution of the Legislative Council and the introduction of the principle of election. The Committee before proceeding to make recommendations clearly pointed out that "whatever the form of the Council introduced in the Province, it must be something live and vigorous". In accordance with that principle, the Committee proceeded to make the following recommendations. In the first place they recommended that a Legislative Council with an elected majority of *at least* 60 persons should be established. They also recommended that a Minister should be appointed to take charge of all the subjects that are transferred in the neighbouring province of the Punjab. The third recommendation was that there should be an Executive Councillor who along with the Chief Commissioner should form an Executive Council for the Province and that the officer known at present as the Revenue Commissioner should be promoted to that position. The fourth recommendation was that since the Hindu and Sikh communities were only a little over 7 per cent. of the total population their representation should be double of that which they would be entitled to get on the basis of their numerical strength. This recommendation, as far as I remember, followed closely the Congress-League Pact of 1916, under which the Moslem minorities had been accorded something like double the representation of what they would get according to their population. In this connection the last recommendation made by the Committee was that the elective system should be introduced into the Municipal Committees. They

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also were of opinion that in the District Boards and in Committees of Notified Areas the elective principle should be introduced as far as possible. It will interest Honourable Members to know that till the Committee visited the Province, and I may say even up to the present, there is no Municipal Committee or District Board or Notified Area Committee there which is constituted largely by the operation of the principle of election. This is a principle which is practically unknown to the Frontier Province. Then the Committee proceeded to make a number of recommendations with reference to the judicial administration. At present the highest judicial officer of the Province is the Judicial Commissioner who tries murder references and appeals and civil appeals of the highest valuation. The first recommendation of the Committee in this connection was that there should be an Additional Judicial Commissioner and that the strength of the bench should be raised to two. The second recommendation was that the Additional Judicial Commissioner should be recruited from the Bar. I think I am not divulging any secret when I say that it was at the time understood that the Additional Judicial Commissioner would be an Indian. Another recommendation was that so far as the recruitment for the public services was concerned, a minimum educational standard should be fixed. The Committee proposed the passing of the Matriculation examination as the minimum standard. This of course would be a considerable improvement having regard to the present conditions of the Province. Another recommendation was that officers, whether belonging to the Imperial or the Provincial Service, should be trained in the Punjab or the United Provinces, so that the present complaint that inexperienced officers, who have practically spent the whole of their life-time in other parts of the country and who have never had anything to do with the administration of the laws, were employed as District and Sessions Judges or in other responsible judicial offices, may be removed. Another recommendation was that interchange of officers should take place between the Punjab and the North-West Frontier Province. Official witnesses were questioned on this matter and the Punjab Government gave their wholehearted support to the proposal. The High Court also agreed, provided the officers whose exchange was proposed had similar qualifications. Then, a very weighty recommendation made by the Committee with regard to this question was that a separate judicial service, Provincial and Imperial, be gradually built up. As Honourable Members are aware, there is no separate judicial service at present, with the result that inexperienced men, though capable, are put in charge of judicial work.

A question that loomed large in the evidence before the Committee and on which bitter complaints were made both by Hindu and Muhammadan witnesses was with regard to the operation of the Frontier Crimes Regulation. The Committee again went into this question very carefully and they made a number of recommendations. One of these was that the urban areas should be excluded from the operation of the *jirga* system. Another recommendation was that a drastic curtailment of the delegation to lower officers of the powers vesting primarily in the Deputy Commissioner should take place, so that officers in subordinate positions should not be allowed to make an indiscriminate use of the Regulation. The Committee also recommended that no second reference should be made to a *jirga* except under the written sanction of the Local Government. Now the *jirga* system is rather difficult to explain; briefly, the position is that a *jirga*

is a sort of *panchayat* to which certain cases are referred. When the result is an acquittal it is open to an officer to constitute a second *jurga* and refer the same case to it; the Committee's recommendation was that this should not be allowed unless, instead of the officer concerned, the Local Government wanted to make that reference.

There were other recommendations, very important in themselves, but I do not believe that they will be of great interest to this House. One of these recommendations was that what is known in the province as political *Havalat*, should be abolished. That consists of action taken by the executive officer having regard to the condition of affairs in the area under his jurisdiction. Of course it is not wholly unconnected with political considerations.

Then the Committee also recommended that the power to enhance sentences which at present is vested in District Magistrates and Sessions Judges under Regulation VII of 1901 should be withdrawn. As Honourable Members are aware, this power is vested only in the major provinces in the High Courts alone; in the Frontier Province the power can be exercised by all District Magistrates and Sessions Judges. The idea was to bring the law into conformity with that obtaining in the major provinces or, I may say, in the rest of India. Sir, allow me to point out that loud were the complaints against the exercise of powers under the Frontier Crimes Regulation raised by witnesses before the Committee; and though the Hindu witnesses were in fact louder in their denunciation of the use of the Frontier Crimes Regulation, the Committee after going through the whole question very carefully thought that it would not be in the true interest of the Hindu community to recommend the repeal of the Regulation. Therefore the Committee contented themselves, in spite of the demand made by both Hindu and Muslim witnesses,—I may say an almost unanimous demand,—with the proposals for its amendment I have stated and refused to make a recommendation for the repeal.

The third class of recommendations made by the Committee consists of an effort to improve the position of the Bar. Briefly stated the recommendations were that licences should not be required to be renewed every year by the gentlemen practising at the Bar in the North-West Frontier Province. It will help Honourable Members to understand the position if I explain that whether a man is a barrister or an attorney or a vakil, he is required to renew his licence in the Frontier Province every year. That of course is not a very desirable state of affairs. The objections are obvious; they would suggest themselves to the mind of every thinking man, and I need hardly dilate upon them. With a view to remove this undesirable position a recommendation was made that barristers and vakils of a High Court should not be required to renew their licences every year in the Frontier Province. Another recommendation in this direction was that the power to restrict licences to particular places of business should be removed. Here again let me point out, Sir, that in the Frontier Province it is open to the authority that grants the licence to say that a man shall practise at a particular place; it can say, "We will enrol you, but instead of allowing you to practise at Peshawar we enrol you on condition that you practise at Dera Ismail Khan." So the recommendation was that this power should be done away with. An allied power that is vested in the authority giving the licence was to direct any man to remove from one place to another. For instance, a man is practising at Peshawar. For certain undisclosed reasons the authority thinks that he should remove

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himself to Dera Ismail Khan; the man can be asked to go at once and discontinue his practice at Peshawar and set up practice at Dera Ismail Khan. I do not propose to make any comment on the undesirability of this power; the recommendation is that this should be taken away.

The House will thus see that the recommendations made were all absolutely necessary. And what was the opinion of the Committee, presided over by the Foreign Secretary, about the immediate character of these recommendations? Sir, allow me to inform the House that the Committee and its President

THE HONOURABLE THE PRESIDENT: I hope the Honourable Member will inform the House very briefly: he has exceeded his time.

THE HONOURABLE SAYID RAZA ALI: I shall bring my remarks to a close in a few minutes. The importance that the President and his Committee attached to these recommendations was this:

They say at page 28:

“No time should be lost in granting reforms in the Frontier Province by the creation of a Legislative Council,” and so on.

It was also emphatically pointed out in connection with the financial burdens to which the carrying out of these recommendations would subject the tax-payer, that:

“however pressing the urgency for retrenchment no consideration of economy should be allowed to delay the introduction of reforms that we advocate.”

That was in 1922. The report was not published till about a year ago, to be accurate, on the 24th March 1924. I do not know, Sir, whether this report was ever put before the Government of India between the dates on which it was signed and the date on which it was published. That is one point on which we would necessarily welcome information being given by the Honourable Member in charge. Then we do not know as to what was the view taken by the Government of India of the character of the recommendations made, whether the Government of India were favourably inclined towards those recommendations or not. Then we do not know what led to the publication of the report being withheld for a long time. Again, Sir, we do not know why no action has been taken between the date of the publication of the report and now. We know that an unfortunate riot took place at Kohat. But, Sir, such unfortunate incidents have taken place all over the country in so many places. Kohat is not the only place. To cite the incidents that have taken place at Kohat as the cause of delay in giving effect to the recommendations of the Report of the Frontier Inquiry Committee would hardly be a justification. I do not propose to anticipate the arguments of my Honourable friend Mr. Bray. Then, Sir, we would very much like to know from the Honourable Member in charge as to what the Government of India propose to do now. The recommendations were made by a majority of the Committee, three of whom were officials, and we would like to know what action the Government of India propose to take. I think, Sir, action is really overdue, as it is nearly three years since this Committee was appointed, and it is high time, having regard to the strong feeling on this subject in the Frontier Province itself, that early action should be taken to give effect to the recommendations of this report. The population of the Frontier Province is very impatient.

and it is not at all desirable that they should be kept in suspense any longer. With these words, Sir, I commend this Resolution to this House.

THE HONOURABLE MR. G. A. NATESAN (Madras: Nominated Non-Official): Sir, I intervene at this early stage, and I do so deliberately. My Honourable friend Saiyid Raza Ali has put his case for giving early effect to the recommendations of the Frontier Committee's report in such a sweet and reasonable manner that it makes it very difficult for me to say that I think the time is most inopportune to consider these recommendations. It so happened that I had the privilege of listening to a debate upon a side issue of this problem in the other place, and I was very much struck with the force, the sincerity and earnestness with which my Honourable friend Mr. Denys Bray, who is now here, remarked that it is a thousand pities to discuss such questions, which however simple and reasonable though they are on the face of them, would involve a number of considerations and complications; and no one, who is anxious to produce good feelings between the various communities that inhabit this country, would be anxious to complicate the situation and add to the difficulties of the Government which have enough of them.

Sir, I have read with some amount of attention this report of the Frontier Inquiry Committee, and I may state that I have not read it very critically or fully. But from what I have read, it seems to me that in the report itself, there is a distinct cleavage between the two sections, the majority and the minority. The evidence given also seems to point to a distinct cleavage. It is clear that a very large section of the Mussalman population is anxious to have a province of their own. It seems to be equally clear that a large section of Hindus do not seem to favour that idea. On the other hand, they seem to favour the idea of amalgamation of the province with the Punjab. It is equally clear that upon this point no decision can be arrived at without causing some amount of feeling which is bound in the end to prove undesirable and perhaps make the task of Government very difficult. The whole question now is, is it wise at this juncture to take upon ourselves the responsibility of discussing and arriving at a decision on this question which, whatever the manner of the decision may be, will undoubtedly be calculated to widen differences which are clearly and emphatically pointed out in this report? Almost every page of it breathes with it.

There is again another difficulty. The main suggestion of the majority is the creation of a Legislative Council. In normal times it would have been a very good thing to take up this question, and my Honourable friend Mr. Raza Ali himself is aware of it, because he belongs to the progressive school of politicians in his community, and I think I have read also his address at the last conference over which he presided in Bombay. He is one of those who think that the time has come for taking an onward march in the path of reform, and that dyarchy will no longer prove good. I will not complicate the situation by discussing dyarchy now. Some say it has been a failure; while others say that it has not been satisfactorily worked. But the conclusion is inevitable that the system has not been satisfactory, whatever may be the causes. It is high time that this system is put an end to.

Now let us take only one of the recommendations of the majority of the Committee. They say that they would like to have a Legislative Council in this province, and one of the recommendations is that there should also

[Mr. G. A. Natesan.]

be a Member of the Executive Council and a Minister. Though the majority of the Committee suggest a reform in the direction of having a Legislative Council, an Executive Council and Ministers, does my Honourable friend Saiyid Raza Ali, and others who are really anxious to take up this question, after the turn which events have taken place, after the experience which he and his friends have had in the working of dyarchy and the report of the Reforms Inquiry Committee before us and also the feeling of a large number of people that the time has come when we should have a Commission to inquire into the working of dyarchy, still think that if a Legislative Council is to be established there, we should perpetuate dyarchy in the Frontier Province?

THE HONOURABLE SAIYID RAZA ALI: Yes, in the Frontier Province.

THE HONOURABLE MR. G. A. NATESAN: My Honourable friend, the very keen politician he is, cannot so quietly make that statement without thinking of the possible consequences and the implications of a somewhat hasty answer which he has just given. Now if in the other progressive provinces you think that dyarchy has not been quite a success, will you as a politician now say that in a province, which is perhaps not fit for it, which some may say is backward, we should try an experiment which you admit has not been worked satisfactorily? I think he cannot give such a hasty answer to it.

Sir, I feel that this is not the proper time to discuss this question. After what has taken place at Kohat, after the ill-feeling which it has created and the wounds which are still there and which have not yet been healed, and which members of all the communities and the Government themselves are making every effort to remedy, I think we should not think of taking up a proposal which, however reasonable in itself, could not possibly be discussed in a manner which requires a certain amount of dispassionate thought and criticism and without rousing the ill-feeling of one community or the other. I do think that it would be unwise to proceed with this discussion. I certainly would not. I have no right to anticipate, nor am I able even to study from the somewhat determined face of my Honourable friend opposite, what exactly he is going to say upon this question. But whatever may be the view of the Government or the view of others in this matter, I certainly will stick to the decision that it is very unwise and inopportune to discuss this question, and I do hope that at a later stage my Honourable friend Mr. Raza Ali will adopt the very same sweet and reasonable attitude which he adopted on the last occasion, and will not press this question to an issue but see that it is dropped.

THE HONOURABLE MAJOR NAWAR MOHAMMAD AKBAR KHAN (Nominated Non-Official): Sir, I would like to compare the introduction
12 NOON. of the reform scheme as recommended by the North-West Frontier Inquiry Committee to a feast and hence to infer that the present moment is not a suitable time for bringing in this Resolution. Let me compare, therefore, the introduction of the reform scheme, as recommended by the Inquiry Committee into the North-West Frontier Province to a feast at the house of the Honourable the Chief Commissioner of the Province. The guests to be invited are composed of the different sects of the Hindus, the Sikhs and the Mussalmans, sub-divided into the Sanatanis, Sarajis, Singh-Sabhis, the Akalis, the Sunnis, the Shias and the Wahabis. Now the foremost of them, i.e., the venerable Pandits with big turbans as a mark of distinction of their piety, desire to have their "Parshad" to be

prepared by an orthodox Hindu cook with plenty of "Gangajal" in it. The stalwart Sikh of the Frontier in his Pathan-like dress and the appearance of a faithful Sikh desires to have his "Karrah" prepared by a zealous cook of the Bhai class with a good deal of "Amrit" in it. The Sayyids with other ecclesiastics of their co-religionists insist on having their "Halwa" prepared with a little bit of the sacred water of Karbala. The Sunnis on the other hand like to have their "Halwa" cooked in the Zamzam-water. Apart from all these the Muhaddis otherwise known as Wahabis regard all these sanctities as superstitious and are content to feed upon anything cooked in simple water. The host has to invite all of them at one and the same time because he does not like to displease any one of them. He has also to provide separate accommodation for each community. Under such circumstances, I hope my Honourable friend the Mover of the Resolution will realize the difficulties the host will have to face in procuring a sufficient quantity of "Gangajal", "Amrit", "Zamzam-water", and the "sacred water of Karbala" before he can send an invitation to all the communities. As every host tries his level best to please every one of his guests, may I ask the Honourable the Mover of the Resolution what time the procuring of so many specialities will take, and especially in the cold corner of the Frontier where there is a paucity of the desired cooks. How much time will be required to prepare so many delicious dishes to the satisfaction of the guests, especially when the host is aware of the fact that if any one of them has not what he wanted to have it will not make the feast enjoyable? A wise and educated man like my friend the Honourable Saiyid Raza Ali can judge for himself how long it will take to make any decent arrangement for all and especially in the Frontier where the host under no circumstances would like that any one of his guests should experience the slightest inconvenience in the enjoyment of a feast. Now, Sir, such are the communities that are to be reckoned with on the Frontier. When a Sayyid and a Brahmin in spite of their education cannot patch up their differences here, how long will it take for the ignorant and war-like communities of the Frontier to settle their differences? When a Sayyid brings in a harmless communal Resolution in this House there is always an amendment to it by a Brahmin. If we try to seek the reason of it, it is simply because they cannot settle their differences.

It is a long time since the Hindu and the Sikh communities have been living on the Frontier. Most of them have picked up the habits of the Frontier men and consequently their way of arriving at the settlement of a dispute is far different from those of the clients of my friend the Honourable Saiyid Raza Ali. Perhaps my friend had not carefully noticed the difference between his clients and those of the Frontier people during his short stay on the Frontier as a member of the Inquiry Committee. It is just possible that he might not have chanced to come into contact with the rural population of the Province. Since then much water has flowed under the bridge and the condition of the Province is not the same as my Honourable friend had the opportunity of observing in 1922. I hope he will excuse me if I say that he is wrong in regarding the frontier people in the same way as the civilized, highly polished and obliging men of his own province. He might be able to mark out a line of action for the educated and cultured people of the United Provinces, but to persuade those of the Frontier to come to an understanding is a bit hard to achieve. Besides there is a strong conservative element in the province that will not accede to the introduction of any measure without their satisfaction. They would not like to part with their old system so easily.

[Major Nawab Mohammad Akbar Khan.]

To discuss a matter in the atmosphere of a court or Council is altogether different from putting it into practical form. The Honourable the Mover of the Resolution might be aware of the fact that Rome was not built in a day but it took nearly six centuries before the practical builders of it could make it an Imperial City, nor was the Roman Empire the work of mere discussions of Cicero and his friends. It was not Cicero the Orator who laid the foundation of the mighty empire of the great Romans, but it were Scipio and Mauritius who contributed most to the greatness of that mighty empire. It was after the struggle of at least a century that the patricians and the plebians had to settle their difference in the form of Senate and Tribune and it was after a long time that the Latin colonies acquired their right of citizenship under the great Romans. The same may well be said of the ancient Greeks who had to develop their form of administration from absolute monarchy to democracy after passing through the stages of aristocracy, oligarchy and the rule of tyrants. In the gradual formation of the Greek democracy it was not Demosthenes that had to bear the palm but Themistocles, Aristides, Pericles, Socrates and Plato who moulded the absolute form of Greek administration into a democracy. If my Honourable friend the Mover of the Resolution would study the history of these two ancient nations of the world he would be convinced, I hope, of the fact that constitutional developments are not worked out in the twinkling of an eye, but they take some centuries at least. No doubt the constitutional machinery moves itself but it moves gradually and slowly. Keeping in view the various phases of the different constitutions of the world which have developed themselves gradually, he ought not to be in such a hurry. I would like to point out the different constitutional reforms brought about by the ancient Chinese, Egyptians, Sarcenes and the Indian, but as the time at my disposal is not sufficient enough and moreover I do not want to detain the House any longer on this topic I confine myself to a rough sketch of the Greeks and the Romans which, I hope, will bring home to the Honourable the Mover of the Resolution that constitutional developments are not made within so short a period. Of course the Sayyids have to be a little bit more energetic and vigorous than a good many of us but still they cannot accelerate the pace of progress of a nation.

To come to the conclusion the local authorities of the Frontier are well aware of the difficulties they will have to cope with in giving effect to the recommendation of the Inquiry Committee in the Province concerned. They know their obligations well and I do not think they stand in need of any reminder with regard to the working out of the majority scheme. The Honourable Mr. H. N. Bolton, the present Chief Commissioner, North-West Frontier Province, is fully in touch with the circumstances of the Province and moreover has got a very retentive memory. He has been among us for a considerable period and on the strength of experience is fully acquainted with the habits and thoughts of the frontier men. I do not think he will favour the introduction of the reform scheme, even to a small degree, unless he has thoroughly cleared and prepared the ground for the working out of the majority report.

Before resuming my seat I must say that we ought to consider the general welfare of the province and not look to the interest of a few interested persons who have not got the interest of the province at heart. They simply desire to get a certain status no matter whether the province is in a position to have it or not. They are prompting a few of the

pamphleteers to hint at the reforms but their voice ought not to be taken as the voice of the entire population of the province. I can assure the House that the enforcing of the recommendations made by the Inquiry Committee with regard to the Frontier will not prove advantageous at the present juncture. It will be sowing the seed of discord resulting in occurrences similar to that of Kohat. In my opinion therefore the Honourable the Mover of the Resolution had better wait until the local authorities think it expedient to extend the Inquiry Committee's scheme to the North-West Frontier Province, for everything that comes a bit late is the most suitable solution. After all he ought to trust the man on the spot whose only duty is to see when the thing should be started. The men on the spot can be better judges of the circumstances under their jurisdiction than an outsider. At present I see no reason to accelerate the introduction of a scheme which instead of arousing political consciousness is expected to have retrograde effects on the most war-like population of the North-West Frontier Province.

THE HONOURABLE MR. V. RAMADAS PANTULU (Madras: Non-Muhammadan): Sir, the Resolution deals with two matters. I consider that the recommendations fall under two heads. The first is the main portion, namely, whether it is expedient to amalgamate the five settled districts with the Punjab, and the second is, if it is not expedient, what proposals are to be made for the improvement of the civil administration of these districts. With the second portion of the recommendations, Sir, I do not propose to deal. If it is not found expedient to amalgamate the districts, I will leave it to the Government and the people of the province concerned to settle the matter between themselves. Whether it is more expedient to have a Legislative Council with a Minister and Executive Councillor or whether it is more expedient to increase the representation of the districts in the Central Legislature is a question of detail on which I do not feel called upon to express an opinion. I therefore beg leave to confine myself to the main recommendation, namely, about the expediency of amalgamating these districts with the Punjab. On this point, I must confess to a sense of disappointment on reading the majority report. They start with two axioms, namely, that it is not possible to separate the trans-frontier areas from the settled districts, and secondly, that for the efficient political control of the trans-frontier area, it is necessary to place the districts also under the administration of the Chief Commissioner. They start with these two assumptions and they naturally arrive at the only possible conclusion, namely, that the trans-frontier areas and the settled districts ought to remain as one unit of administration and that re-amalgamation is impossible. The minority report, on the other hand,—or rather the minutes recorded by Mr. Rangachariar and Mr. Samarth—deals very exhaustively with this question. To my mind they have satisfactorily shown, upon the evidence on record, that it is not only possible but it is feasible and practicable to re-amalgamate the districts with their immediately adjoining tracts with the Punjab. The feeling of the people in the districts seems to be almost unanimous, (though there are a few dissentient voices) in favour of the amalgamation. I will only state a few facts to convince the House that the citizens living in these frontier districts are bound to wish for amalgamation. In 1901, when Lord Curzon, who was responsible for the partition of Bengal and was also responsible for the dismemberment of the Punjab, these districts were under the administration of the Punjab Government and enjoyed all the advantages of a Legislature and of a High Court or Chief Court. With the withdrawal of the jurisdiction of the Legislature and the Chief Court over these districts and

[Mr. V. Ramadas Pantulu.]

with their commitment to the personal rule of the Chief Commissioner in whom all the executive authority was vested, the progress was set back by more than half a century. I find, Sir, from the report, that to-day there is not a single newspaper in the Province. I find that the districts which started with 12 municipalities when they were under the administration of the Punjab Government have now got only 6 municipalities, and in not a single municipality or District Board is there any element of election. Not a single member is elected. I find that the Bar is anything but independent. Vakils and barristers can be transferred from place to place at the sweet will and pleasure of the Commissioner and his subordinates, who can prescribe conditions and set limitations upon the exercise of the legal profession. I also find, Sir, that the way in which the people of these districts are treated is much the same as the trans-frontier tribes are treated. I will only refer, Sir, to two instances to which Mr. Rangachariar draws attention in his report. Mr. Rangachariar is generally a very careful man and the instances of the autocratic rule cited by him ought to convince anybody that it is no longer desirable to retain these districts under the administration of the Chief Commissioner. He says:

“ Last year some ruffrafs in the town (*he is referring to Peshawar*) misbehaved in two ways (1) firstly, at the visit of His Royal Highness to the city by crying ‘ Mahatma Gandhi-ki-Jai ’ and other things and (2) secondly, in connection with two income-tax officers who were insulted and ill-treated—as well as another pensioner—and those who so insulted were afterwards tried and punished; and in consequence of that a punishment was inflicted under the orders of the Deputy Commissioner, for which the Chief Commissioner takes the responsibility, on the whole town by closing all post and telegraph works in the city; by preventing carts laden with goods passing into the town: and by not permitting tongas with luggage to pass into the town—on the ground, in the words of Sir John Maffey, ‘ *I was not going to let the city choose which Government servants they would have and which they would not.*’ Asked under what law this executive action was taken, the answer was ‘ *under the law of common-sense* ’.”

This is the next illustration:

“ Another senior officer who had risen to the position of a Deputy Commissioner, permitted the issue of a notification in the newspapers under the signature of the Superintendent of Police ‘ to the proposed delegates of the Ahmedabad Congress ’ that if they attended the Congress they would be debarred from coming back to the district.”

The following questions were put and answers given by the Chief Commissioner:

“ Q.—You know a Congress Committee was formed in 1921?

A.—Yes.

Q.—It was dissolved within a week of its formation?

A.—Yes.

Q.—You had the President, the Secretary and the rest arrested and kept under lock up for a day?

A.—Yes.

Q.—On their promising to dissolve the Association, you released them the next day?

A.—Yes.

A leading barrister, Rao Sahib Parmanand at Abbottabad was asked:

“ Is there much public life in your district?”

and he replied:

“ Practically there is no public life and there cannot be any public life.”

This is the state of affairs in these districts and it is impossible for us to believe that the citizens inhabiting these districts would like to remain under the personal rule of the Chief Commissioner unless they were an extraordinary kind of people. On the question of their capacity to manage their own affairs, both the majority and the minority are agreed on the fact that they are not behind the other citizens of India in other provinces and they are equally capable of managing their own affairs. If that is so, it passes my comprehension how evidence can be forthcoming as to their willingness to remain under this personal rule.

Secondly, Sir, this province by being maintained in its present condition with all the paraphernalia of a full fledged province is unnecessarily costing the Central Government an enormous amount of money. When Lord Curzon made his proposal in 1901 to the Secretary of State and the Secretary of State accepted it as a temporary measure of experiment, Lord Curzon's Government pointed out that not more than 3½ lakhs of extra expenditure had to be incurred upon this province. But reading the figures, Sir, I find that this deficit has been continually increasing from year to year, until it came to 140 lakhs in 1920 and 160 lakhs in 1922-23. I now find that in the present year the expenditure upon this province is near Rs. 3 crores, while the income is much less than a crore—so that the deficit is 2 crores and odd, roughly speaking; and in spite of this my Honourable friend wants to create additional expenditure in the form of an Executive Councillor, a Legislative Council and a Minister with about ten transferred departments and so on. Therefore, I think the financial ruin involved in such an undertaking is enough to stagger anybody, and I do not think anybody can justify this proposal financially.

Then it was said that notwithstanding all these disadvantages we have to submit these people to hardships in the interests of India as a whole, that the five frontier districts ought to suffer for the sake of India, in order to keep watch and ward over the frontier. I cannot accept this assertion. Again with regard to finances is India to pay for this province in addition to what she is already paying for the military to guard its frontier? The two main reasons which guided Lord Curzon's Government in asking for this province were these. They wanted immediate and direct control over these trans-frontier tribes to be given to the Commissioner and greater facilities in the management of the affairs of the tribes. By that means they wanted to secure two objects, one to prevent raids in times of peace and secondly, to secure the help of the tribes in times of war. The majority report unfortunately does not deal with the question as to how far this policy has succeeded and as to whether any of the objects were attained at all; but the minority have clearly shown that both these objects have not been obtained and that the policy has failed, that crimes have increased enormously; and they give figures to support their statement. The number of crimes has increased from 2,000 and odd to 5,000 and odd, the number of raids from 41 to 391 and murders from 160 to 644 between 1906 and 1920; and the interests of the inhabitants of the settled districts were sacrificed to those of the trans-frontier tribesmen in all negotiations with the tribes. With regard to the co-operation of these tribes in times of war, it was conclusively shown that the frontier is now in no better state of tranquillity than it was in 1901.

Therefore, Sir, when the object has failed and when as a matter of fact the purpose for which the experiment was started in 1901 has failed, I think we must examine the whole question afresh.

[Mr. V. Ramadas Pantulu.]

I will say one more word. In the majority report I find they give the go-by to the grounds urged by Lord Curzon and take an altogether different line of reasoning. The key-note of their recommendations is to be found at the end of paragraph 28 of their report. That sentence is as follows :

“ If the Pathan race were now dismembered and one half merged against its will in the Punjab, the tendency would be for the other half to look elsewhere than to India, and one of the most warlike races of Central Asia might be lost to the Indian Empire.”

So the Pathans of the five districts are not to be associated with the Punjab. Well, if the idea is to create a pathan province consisting of the trans-frontier tribes and the cis-frontier tribes, then it is possible to do it only if we can do one thing, namely, amalgamate the two; and there can be only two solutions to this amalgamation. I am going to put a plain question to the Honourable Mover. Does he want an effective occupation of the territory between the British frontier and the Durand Line? I think His Excellency the Commander-in-Chief said the other day in the Assembly that the only solution of the frontier question was real effective occupation of the territory between the British frontier and the Durand Line. If my Honourable friend, Saiyid Raza Ali, is of the same opinion it is a different matter. The other alternative is to give up these five settled districts and attach them to the independent tribal territory. I think this alternative could not have been present to the minds of the majority, as it consisted of three British officials also. With regard to the first alternative I would tell my Honourable friend that he would not get any support from any Indian politician because Indian politicians have always condemned the forward policy of the Government of India. (*The Honourable Saiyid Raza Ali*: “ So do I.”) Then, if that is not possible, I really do not see how you can amalgamate these Pathan tribes into one province. I think one of the gravest objections to this proposal is the political danger it involves and with which I am bound to deal. It is based on the assumption that there cannot be a united nation of Hindus and Moslems. I am not one of those who would suggest anything which would go against the interests of my Muslim brethren or which will clash with their ideals. I am one of those who have got great faith in the possibility of a Hindu-Muslim unity; and I think we can solve this question amicably and settle our differences peacefully in a very short time. I am hopeful that the Indian National Congress and the Muslim League and Khilafat organisations will be able to settle this question without any foreign intervention. The present scramble for offices and quarrel over the spoils in our attempt to share power with the bureaucracy which are passing phases in Indian political life will disappear in a very short time. Therefore I am not one of those who is in the least afraid of any difficulty arising on that score; and especially for this reason that with regard to the Punjab 95 per cent. in the cis-frontier districts is Muslim and therefore if these districts are amalgamated with the Punjab the constitution of the Punjab Council would be predominantly Muslim and my section of the people, Hindus, will be the losers; but that does not enter into our consideration, so long as the people of the Punjab are for the amalgamation. I am speaking therefore entirely in the interests of the Muslims; the amalgamation will only increase the Muslim proportion of the Council; and though it affects the Hindus, they also are asking for the amalgamation. Whatever I say therefore is in the interests of my Mussalman brethren. I know that among the Muslims there are

two sections, broadly speaking. One section, while believing in the essential unity of Islam and of all the people in the world who follow that faith, look to India as their home and consider that they are Indians first and Mussalmans next. The other section of Mussalmans to whom I refer are few in number and they look to foreign Muslim countries other than India for the solution of their problems; but not only is their number small, their influence is infinitesimal; and therefore I ignore them for the present. I think that every patriotic Indian Mussalman will be for Indianising the frontier districts in every possible way. Sir, evidence has been taken which I shall not read just now as

THE HONOURABLE THE PRESIDENT: The Honourable Member has exceeded his time; I must ask him to bring his remarks to a close.

THE HONOURABLE MR. V. RAMADAS PANTULU: May I have two or three minutes more?

THE HONOURABLE THE PRESIDENT: I must ask the Honourable Member to bring his remarks to a close.

THE HONOURABLE MR. V. RAMADAS PANTULU: Therefore the recorded evidence of educated Moslem opinion is that the Indianisation of this part is better than Afghanisation.

THE HONOURABLE MR. DENYS BRAY (Foreign Secretary): Sir, it may perhaps seem impertinent for one who has only been a member of this Council for a couple of hours to pay the Honourable Member who has just spoken the usual tribute to a maiden speech. But I am after all one of the oldest Members of this Council, for I was a member at its inception, and I congratulate the Honourable Member who has just sat down, first, on his flow and command of my own native language which I greatly envy, and second, on the great study he has devoted—I shall not say to the report, but—to the Minority report. I do not propose to follow my gallant friend, Major Muhammad Akbar Khan in his culinary and classical researches. But I do sympathise very much with the speech of my Honourable friend, Mr. Natesan, and with his appeal for a reasonable attitude towards this most difficult question. As Mr. Natesan has said, there was nothing to complain of in the tone of the speech of the Honourable Mover. He dealt with a very difficult and very delicate problem in very reasonable terms. Indeed I find myself in some trouble over this motion because I agree, and what is much more to the point Government agree, with the spirit though not with the letter of it.

Government are fully alive to the great issues that are at stake, the great issues that were before us on the North-West Frontier Inquiry Committee. And Government are very anxious that a right solution of the many difficult problems that faced us should be reached as soon as may be. Herein, I suggest, lies one of the reasons for that delay which my Honourable friend Mr. Raza Ali asked me to explain. There is first the great importance of the issues, and there is then that other reason which my friend Mr. Natesan evidently anticipated I would give. The publication of this report was delayed deliberately and of set purpose. There is no getting away from the fact, Sir, that our inquiry engendered communal heat on the frontier: it engendered some little communal heat, I regret to say, amongst ourselves; it engendered great communal heat in the Punjab Legislative Council; it engendered heat also in the press and wherever politicians do congregate. And Government were determined that, as far

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as in them lay, nothing should be done to increase that heat. And surely the delay was successful. It was justified by its success. The report was published a year ago, and made hardly a stir. I have heard no complaints myself on that score. I am wrong, I heard complaints from my friends in the press that they had been robbed of sensational copy—copy which would have been sensational had it come to them hot from the oven instead of coming to them so belated and stale that not even their vivifying pen could infuse into it the spark of life.

As for the delay which has occurred since, it is surely justifiable. The main problem before us was a live issue with Government for 20 to 30 years before the formation of the Frontier Province, namely, how to secure for the Central Government that control over the trans-frontier which was so vital, which is so vital, and always will be so vital, to India's foreign policy. The problem during all those years was whether this could be done without dismembering the Punjab. We have now been facing the reverse problem, whether this could still be done if the districts were returned to the Punjab. And does my Honourable friend really think that one or two years' delay—the question is rhetorical for I know that he does not—does he really think that one, or two or three years is an unduly long space of time in which to think out again to rethink this most extraordinarily difficult problem, a problem which strikes at the very root of what is the central feature of India's foreign affairs? Of course, it would be quite easy for Government to say that the problem had been solved once and for all with the formation of the province; and that when a Committee of some weight had been appointed, and had given its verdict, by a majority, in favour of the *status quo*, there was no need to go further into the question. But that is not what Government is wont to do. Government has set itself down deliberately to rethink this difficult problem and to see if there is any other way out after all. Government would, I suggest, have shown scant courtesy to the minority if their proposals had been so treated. And here, Sir, we must remember that whereas the majority, and this perhaps is why my Honourable friend Mr. Ramadas overlooked it, whereas the majority packed their conclusions into the small compass of 30 pages, the minority spread themselves over 141.

There is another big matter, this time in the minority report, which my friend overlooked. If I understood him aright, he said that he and all Indians who counted had made up their minds finally against a forward policy. Will my friend now re-read the gospel from which he has been quoting? Will he re-read Mr. Rangachariar's minute of dissent, and will he admire with me Mr. Rangachariar's intellectual honesty and great courage? For Mr. Rangachariar made it perfectly clear that he recognised that the particular solution which he propounded carried with it as its necessary implication a movement of forward policy up to the utmost verge of the Durand Line. And there is one other point worth emphasising in this connection, for I think it was obscured (though I may be doing him an injustice) in Mr. Ramadas's speech. The minority and the majority were in essence agreed on one large issue, I mean the inextricable interlinking of the transfrontier with the districts. But there was a difference. The minority found, or thought they found, that there was what I call a way out; they were able, as they thought, to divide the trans-frontier into two parts, and they propounded what at the time struck me as an extraordinarily ingenious solution by which the districts and one half

of the trans-border should go to the Punjab, while the rest of the trans-border should remain with the Government of India. But that very proposal implies that they recognised that one half of the trans-frontier is inseparable. . . .

THE HONOURABLE MR. V. RAMADAS PANTULU: May I know if the territory adjoining the districts which is subject to the political control of the Deputy Commissioner is one-half of the trans-frontier area?

THE HONOURABLE MR. DENYS BRAY: Yes, that was the portion to which they were referring. Though I must not go into details, I would just explain this further. Perhaps the portion of the trans-frontier best known to this House is Tirah. Tirah for my present purpose may be divided into two halves, the Orakzai country and the Afridi country. The Orakzais are run by the Deputy Commissioner of Kohat and the Afridis are run by a Political Agent. Under the minority proposal (and of the many professional arguments against it I shall adduce but one) under this proposal the Punjab Government would be dealing with one-half of Tirah, the Government of India would be dealing with another. And what would happen in the case of a crisis, and crises unfortunately come very frequently and very suddenly on the frontier, I really am unable to think.

Now the Government have, as I said, set themselves to think out this problem again. They did not start, nor—if Mr. Ramadas will allow me to say so—did the majority start with two axioms. They took the problem as we took the problem, from its beginnings, and endeavoured quite honestly to see whether the argument would lead. And we found, some of us to our disappointment—and I think I can almost safely include Mr. Raza Ali in that disappointment—we found that it led us back again to the old conclusion—that the impelling interest of India as a whole made it impossible to re-amalgamate the districts with the Punjab for the same reasons as led to the dismemberment of the Punjab, to wit, that we cannot control the trans-frontier except through the districts, and that the authority that controls the districts must be the authority that controls the agency. I regret to be obliged to set this most technical matter in this necessarily dogmatic form, but we did labour to explain our reasons in full in the majority report. I regret to say that when I re-read that report last night after many months, I found the argument, even to myself to whom necessarily the argument is familiar in my ordinary work, I very closely reasoned and I can well understand that Honourable Members who come to this most difficult question without firsthand knowledge may require greater study than many of them are at present able to give.

But this decision against re-amalgamation of the Punjab leaves, of course, many very difficult questions still in suspense. Government would much have preferred to have dealt with this question as one whole. But there is a certain amount of impatience abroad and the Government recognise that other Houses possibly are not quite so patient in the matter as this is. Indeed I have been pressed elsewhere for a further indication of the stage to which Government have got in their provisional conclusions. In particular, as far as Government's deliberations have gone, Government have so far decided against judicial amalgamation and in favour of the strengthening of the existing arrangements by raising the Judicial Commissioner's Court to a Bench of two Judicial Commissioners, the Additional Commissioner being drawn, where possible, from the local Bar. On the very difficult subject of reforms, I can tell the House really nothing. That problem is still before

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the Government. I would remind the Honourable Mover of the obvious difficulties that attach to the question. I would remind him, for instance, of the way we ourselves deliberately glossed over one or two of them. I am not referring here to the financial question which my Honourable friend Mr. Ramadas put—not quite accurately I thought—but in particular to the fact that our proposals would be impossible under the Government of India Act as it now stands. We stated so ourselves quite frankly. Well, that was an easy way out for us on the Committee; but it is not so easy an obstacle for Government to surmount.

But I was challenged by several speakers on points of detail. What has been done with regard to the minor reforms, reforms other than those big constitutional reforms? Great play was made over the inequity of the restrictions on the Bar. I am sure Honourable Members will rejoice to hear that those restrictions have been removed. Somebody held his hands up in horror at the power vested in appellate courts to give enhanced sentences on appeal. That dreadful power has been removed. In the universal condemnation of the Frontier Crimes Regulation in which we were asked to believe and in which (despite what some Member said to the contrary), the local Hindus certainly do not join in that general condemnation, special condemnation was directed towards the use of the political lock-up for purposes other than the strict letter of section 21 of the Frontier Crimes Regulation. The practice now is according to the very strict letter of the law. And then there were other recommendations of ours to which no reference has been made to-day and which I will therefore pass over, such as the issue of Government rifles and so forth and the raising of levies.

My Honourable friend Mr. Ramadas seemed to voice a resentment of the Frontier which I fear is not uncommon. It is, it must be, very galling when nature has been bountiful to India in creating physical barriers of defence on large portions of its land frontiers to find on the North West Frontier—and there are one or two other vulnerable stretches elsewhere which I will not emphasise—to find on the North West Frontier a very vulnerable, an historically vulnerable land frontier. The North-West Frontier stands, Sir, as a fort which makes it possible for this House to sit in this Olympian calm. To the gallantry and self-devotion of the officers on the frontier the Committee, majority and minority alike, paid a very fine tribute. Mr. Ramadas referred also to the tribute we paid to the qualities of mind of the inhabitants of the frontier. I would like to pay a tribute to their prowess. It is well for India that on this vulnerable stretch of frontier there lives a manly, virile, independent people. Had Providence set one of our softer races of India there, had Providence set there a people less manly, less independent, less virile, the expenses that we bear on the frontier would assuredly have been very different. Very possibly we should have had no expense to bear in these districts at all, for it is unlikely that there would have been any districts at all. But the expenses on India's land frontiers as a whole would have been incomparably greater.

THE HONOURABLE MR. G. S. KHAPARDE (Berar: Nominated Non-official): I am glad, Sir, that I did not rise earlier in this debate to speak because the usual procedure that I have known is that when a Committee is appointed and makes its report, Government in publishing the report also publish their Resolutions on it. In this particular instance, no Resolution

appeared on the report of this Committee and I concluded to myself that the Government had not been able to make up their mind and they are biding their time. A year passed and nothing came of it. At last my Honourable friend Mr. Raza Ali's Resolution came on, and I thought that my friend was forcing the Government to come to some conclusion. Government wanted still more time, but my Honourable friend would not let them have it. He wanted to force their hands. My instincts led me right in thinking that Government wanted a little more time. In the Resolution which my Honourable friend Mr. Raza Ali has brought forward, he merely says "effect should be given to the recommendations of the North-West Frontier Inquiry Committee". We know that there are different recommendations in the majority report and different recommendations in the minority report. I suppose by "the report of the Committee" he meant the report of the majority, and that the minority report would have to be looked upon as no report at all.

THE HONOURABLE SAIYID RAZA ALI: That is so; it is obvious.

THE HONOURABLE MR. G. S. KHAPARDE: It is not so obvious to me for the reason that the minority report is part of the majority report and the majority report is part of the minority report. Both of them are published together and no light is given whether Government have accepted the one or the other. In this state of circumstances, I look upon it as a case brought up in first appeal in which both points of law and fact are open to argument. I take my stand in that position and this brings me to the subject-matter of the Resolution. The majority report takes it as an axiomatic truth that it is impossible to administer separately the districts and the tracts. To give them their true name, they call the part of the province which at one time formed part of the Punjab, the settled districts and they call the rest of the province up to the very borders of Afghanistan, tracts. They think that these tracts cannot possibly be separated from the districts. I humbly submit that this proposition is not quite sound, for this reason, that these settled districts were part of the Punjab which the Sikhs ruled. The Sikhs, rightly or wrongly, I shall not judge upon that now, were in possession of these five districts and the British Government succeeded to these districts as successors to the Sikh administration. If so, historically anyhow, these five districts were divided from the rest of the tracts. For nearly 70 years the British Government were in possession of it and they ruled it for nearly three-quarters of a century as separate from the tracts. If so, it is rather difficult now to say that they are inseparable, or if you separate them something tremendous would happen or that the heavens would fall. I have my doubts in that respect. If the British Government could administer these five districts for 75 years and they made considerable progress in civilisation and if the people did get on, I cannot understand how at the end of the 75 years, you can say that they cannot be separated from each other. I may be called in England what is called a little Englander. My principal concern is with what happens in British India. We should take care of British India. What happens beyond the borders I always look upon as the business of our Foreign Office and His Excellency the Commander-in-Chief. So far as I am concerned, I confine my attention purely to British India and I want to see that every part of it gets justice, every part of it has peace and every part of it is more or less contented. If people beyond the frontier are very troublesome, I suppose the Foreign Office knows, my friend knows and His Excellency the Commander-in-Chief knows how to make them quiet. I do not want

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to bother my head about them. These five districts were part of the Punjab. When we took them over, they remained part of the Punjab, until in the year 1901, Lord Curzon constituted them into a separate province. I am not sitting in judgment on that policy, but I will only remark that Lord Curzon's administration in that part of the period was very unfortunate. He divided Bengal, and he tried to separate the settled districts. We had to upset that matter in Bengal. I am afraid we shall have also to upset his decision in this matter also if these districts are to be governed properly and made contented and loyal. This partition was an unfortunate thing. The present circumstances remind me of a small story, which I have always heard. A rich man engaged a tutor to take care of his son and said to him, "This boy is unruly; you kindly teach him". The teacher undertook to teach the boy. He took him to the school room or the palace, whatever you call it, and gave him lessons, but the boy would not learn. So, the master said to the boy, "If you do not study, I will use my cane." But the boy drew his sword and said, "Look here, I will use my sword." The master began to run and the boy followed him with the drawn sword. The master said to himself, "What is to be done? I had better go to where the landlord or the Amir sits and then I shall lay my complaint before him." He went to the principal room of the palace where the employer sat and said to him, "Look how your son is behaving. I tried to teach him, and he wants to strike me with his sword." The employer said, "Stand awhile; let the boy strike at least once; this is the first time he has drawn out his sword, and if he does not strike anyone, his life will be unsuccessful." This is the kind of story that is being told here. There are these five districts. We know that they are badly treated. We know that they have formed part of a very civilised province, where they were treated well, but now they must stand out. They must put up with the inconvenience that is imposed upon them for the sake of British India. We are told that these five districts must submit to an inferior kind of administration and to a great deal of injustice for the good of British India. Like the master and the pupil in the story I have related, these five districts came to us complaining about the injustice done to them and we are asking them to wait. We say to them that it is for the good of British India that they should die. The reasoning is so poor that I cannot accept it. It will not appeal to anybody. These are all children to be taken care of equally and no one should be sacrificed for the benefit of another. The other point on which I parted company with my Honourable friend Mr. Raza Ali is when he said it was an unimportant matter whether these tracts could be separated from the districts or whether the districts could be managed separately. Obviously he signed the majority report and therefore he confined himself to the recommendations of the majority report. That is very natural. But I join issue on the first part of it. It is rather difficult to give an opinion. I know that the evidence of experts is against me. But when he called it unimportant, I disagree with him, and I disagree as well with the opinion even of those experts. What are called experts here are officers who have served in that province. They have stood in the battle and in the dust and they have taken a good deal of trouble. I am not sure that they should be called experts. They are very good officers. I would employ them in any fight if I had one. But the expert ought to be trained by sitting coolly outside and deciding things and forming statesmanlike views. Our Foreign Office has got, I think, the qualification to form this long view. But gentlemen,

very eminent people, very clever officers, who are actually engaged in the administration, have had no time to form these long views. They are engaged in their daily task and their daily trouble and they have had no time to form long views. It is the expert evidence on which the majority depend so much. They may say that I am wrong; I think probably that they are wrong; but I do not think they took enough trouble over it; I think a more detailed examination of the oral evidence has been made by the minority. My Honourable friends will see that the majority have put their conclusions in 30 pages while the minority has taken the remaining 145 pages, and I think that it should be admitted that that is their strong point because they have analysed the evidence of nearly everybody who came before them. More especially I complain that our friends of the majority were ungallant—I think there was a lady, Khadi Begum, a very educated Muhammadan lady, an M.A., who sent in her memorandum and fought against the majority and said there must be amalgamation and that this state of affairs should no longer continue—and they have completely ignored her. What is more; they completely ignored the statement of our Honourable friend, Major Muhammad Akbar Khan. I will not say that the majority have not taken the trouble—they may have in their minds, but it is not evident on paper—to consider these statements that were put before them and to show what conclusions they lead to; they merely get out of it by saying that the experts thought so and we also thought so and there it is. I say it is giving rather short shrift to all that evidence that was recorded in various places and all the other things. Take the judgment of a court; they say there were so many witnesses who said so and so and other witnesses said so and so that a certain set of evidence is reliable because of this so and so and the other is unreliable because of so and so and the court therefore comes to certain conclusions. You look in vain for that kind of thing in the report of the majority, and that was my reason for going more minutely into the report of the minority, as my friend, Mr. Ramadas did.

I shall bring my remarks to a close. I still adhere to my proposition that these tracts are capable of being separately administered from the settled districts. They were so for nearly seventy years and they can be so administered now with better roads and more efficient accoutrements, our army being more efficient and so forth.

Another thing which I wish to say is this. Wars have become much more expensive than they used to be in those days. A good deal was said about there having been fifty-two punitive expeditions at one time and there being none now. The one that we had in 1919 was as costly as the fifty-two we had before. If you take the cost of those fifty-two expeditions before and the cost of the last experiment we had in 1919, the latter was more costly than all of them put together. That is no argument and it is not convincing. If it has become more costly, with arms of precision we can bring it to a close in one day; the punishment can be more drastic, so very drastic indeed that these Frontier people will be so crippled that they will not dare to trouble us again. But that is not my problem. My problem is that these five districts which have enjoyed and for seventy years have been administered by the British Government, in which a higher civilisation prevails, should not be condemned to a state of savagery, where murders are referred to a *jirga*, that is to say, the trial of a murder is made over to a *panchayat* and that *panchayat* settles it by punishing the culprit by asking him to pay a certain sum as compensation, say a few

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hundred rupees or a thousand rupees. The thing has become so bad that a few years ago an English lady was kidnapped from Peshawar and taken to tribal territory and ultimately after a great deal of force and one thing and another she was ultimately recovered and came back and we had to pay about a lakh of rupees as ransom to get her back (*The Honourable Mr. Bray*: "No.") That is my opinion—I may be wrong; that is the outside information I have. If they had not to pay one lakh, they might have had to pay less but some payment was made and she was brought back by our soldiers. If these kinds of things are tolerated now they will later on become worse and I am sure the time will come when everybody who consented to this partition of the Punjab or rather dismemberment of it will be very sorry that it ever took place, much the same as we now say that it would have been much better never to have partitioned Bengal at all. So far as I have been able to notice, the Government have undertaken to carry out some judicial reforms and certain other things and I suppose the rest of the question will remain undecided; and any day the matter comes up again it will be possible to argue it and Government will consider and make up their minds once more to see and examine the evidence as to whether the districts can be administered separately from the tracts.

THE HONOURABLE SAIYID RAZA ALI: Sir, I am afraid the Honourable Mr. Denys Bray finds himself in a position which is not very enviable. The attitude of the Government and the policy pursued by it have been subjected to criticism from one quarter, namely, the supporters of the policy outlined in the minority report. They think that the attitude taken up by the Government is hopelessly wrong and that there is nothing easier than to separate the districts from the tracts. Now, on that question as this House knows I strongly support the view of my Honourable friend, Mr. Denys Bray. Principally it is a fight between him and the supporters of the minority report, but I do not think it would be fair on my part to hold a watching brief. I, Sir, for one must say, without making any attempt at arguing the question at any length, that, as has been pointed out clearly in the majority report which is the report of the Committee, let me tell my Honourable friend, Mr. Khaparde, inasmuch as the report of the Committee is that which is signed by the majority, if there is a division, the notes recorded by other members are not entitled to be called a report, legally speaking, but their notes are called minutes of dissent, which is the position that has been claimed for these minutes by Mr. Rangachariar and Mr. Samarth—as has been clearly pointed out in that report there are two fundamental canons of frontier management which should not be transgressed. One of these canons is that you cannot separate the districts from the tracts. The question has been argued at considerable length and I do not propose to go into it. The second, perhaps a little more vital, question is that you must treat the transfrontier as a whole inseparable; and unless you are prepared to court disaster it will not do for you to divide one portion of the transfrontier from the rest. Now, I am one of those who strongly support this view. Let me tell this House plainly that if I were clear in my mind that it is possible to separate one portion of the transfrontier from the other and the districts from the tracts, I would have been among those who have signed the minority report. But taking the view, as I do clearly, that it is impossible to bring about this separation, amalgamation is ruled out. So far about the first question.

Now we come to that portion of the report of the Committee where on the whole a liberal measure of reforms has been recommended to be given. Now, on that question, Sir, let me tell the House that the Secretary of State in his despatch dated the 20th December 1900 in reply to the despatch sent to him by Lord Curzon, emphasised the effect that would be produced on the civil administration of these five districts by setting up what has been called a miniature province. The Secretary of State pointed out:

“In respect of the frontier tribes his duties would be political and his policy would be under the direct control of the Government of India. But in the case of the settled districts which it was proposed to detach from the Punjab, it was clearly undesirable that the people, having already enjoyed the benefit of a highly organized administration, with its careful land settlements, its laws and regulations, and the various institutions of a progressive civil Government, should be thrown back from the stage which they had already reached.”

Sir, this question continuously attracted the attention of public men in India ever since the creation of the Frontier Province, and the report of the majority itself bears eloquent testimony to the care that has been bestowed by them on the civil administration of the country. But what is it, Sir, that we learn about the attitude of the Government as disclosed from the speech of the Honourable Mr. Denys Bray? The question here is this. The Government took some time to appoint this committee, they took about six months to appoint this committee. Now we are told by the Honourable Member Mr. Denys Bray that the publication of the report was delayed deliberately. The report was submitted towards the end of September 1922, and it was not published till about the end of March 1924. But Mr. Denys Bray studiously avoided giving us any reasons which impelled the Government to withhold the publication of the report. May I ask him again as to what led the Government to withhold the publication of the report?

THE HONOURABLE MR. DENYS BRAY: Communal tension.

THE HONOURABLE SAIYID RAZA ALI: So far as I am aware, Sir, before the unfortunate occurrences at Kohat, there was no communal trouble worth the trouble in the frontier; at any rate, I am sure there was no more communal heat in the frontier before the appointment of the Committee than immediately after the publication of the report until of course the unfortunate occurrences that took place at Kohat recently. Then let us see what were the Government doing between the publication of the report and the riots that broke out at Kohat on the 12th September 1924. Let us again take the trouble at Kohat itself to which attention has been drawn by my Honourable friend. I put it to him in all seriousness, that if a Legislative Council was granted to the Frontier Province, on which all classes of people that inhabit the frontier, Hindus, Sikhs and Muslims would have been represented, would not those Members have been in a far better position to bring about a harmonious restoration of the relations between the two communities? Sir, I submit that the reply that has been given by my Honourable friend, if you will allow me to say so, is extremely disappointing. After all, what is it he says? He says that the present time is inopportune, it is unpropitious. He does not stop there. He goes further and says that the Government want to think out the problem again, that the Government want to re-think the problem,—I am quoting his own language,—which means that you treat the report of the Committee which you yourself appointed as waste paper. You appointed a Committee to go into the whole question

[Saiyid Raza Ali.]

very carefully. That Committee examined about 98 witnesses, official and non-official, and devoted about five months to investigate the whole question, and there has been so much of time, energy and money practically wasted over this Committee. A careful report has been prepared and specific recommendations made by that Committee so as to safeguard the interests of every section of the population. The whole thing has been under consideration for nearly three years, and at the end of this period, after all these laborious processes beginning from the date on which the Secretary of State sent his despatch of the 20th December 1900, my Honourable friend comes forward and says that Government want to think out the problem again, that Government want to re-think the problem. Sir, are all the labours of the Committee to go by the board? Are you going to disregard them? What do you mean by saying that the Government propose to think out the problem again? Do you mean to say that the Government want to treat this report as non-existent? Do they think that it is open to them to take any other line of action than the one suggested by the Committee? If so, Sir, I must reconsider my own position in the matter. On the other hand, if my Honourable friend means that the Government are favourably inclined towards the recommendations made by the Committee, or if he says that the Government would be prepared to give effect to the recommendations made by the Committee subject to slight alterations at an opportune moment, I can understand his position. But he does not say that Government want to take action at the proper time. Again, I do not ask the Government to give effect to every recommendation made in the majority report. But I want an assurance that, subject to such minor alterations or modifications as may be considered necessary, effect will be given to the report. I do not think any useful purpose would be served by my pressing this Resolution to a vote, because it would appear from the speeches that have been made that there is more unanimity of opinion between the Honourable Mr. Denys Bray and myself than there is between us two and some of those who occupy the non-official Benches. Having regard to this fact, I do not think I would be well advised in asking for a division. All the same, I must know what the position of Government is in the matter. If the Government think that they have a clean slate to write upon, if they think that it is open to them to take any course they think advisable and treat this report as non-existent, I consider it will be my duty to ask for a division. In the other case, that is to say, if Government say that they would be prepared to give effect to the recommendations contained in the majority report subject to certain alterations and that they would be prepared to give effect to them at the proper time, I ought not to take the risk of pressing this motion to a division.

One word more, Sir, I wish to say and that is about the speech that was made by the Honourable and gallant Member who represents the unfortunate Frontier Province by nomination in this House. Sir, let me assure this House that I have known the people of the Frontier Province since 1914, and it was not in 1922 alone that I visited that province. And I have great admiration for the people of this province to which eloquent testimony has been paid both by the majority and the minority members. Not only did the majority of the members pay a glowing tribute to the capacity and high standard of intelligence of the people of this province, but similar tribute is paid by Mr. Rangachariar and

Mr. Samarth. Here I have with me the evidence of the gallant Member in which he emphasised the immediate need of the introduction of the scheme of reform but, Sir, I do not propose to embarrass him by reading out portions from these bulky volumes.

THE HONOURABLE MAJOR NAWAB MOHAMED AKBAR KHAN: But is the state affairs the same as in 1922?

THE HONOURABLE SAIYID RAZA ALI: But one thing I would say. When he goes back home and calmly sits down to ponder over his performance, let me tell him that he will not feel very proud of the position that he has taken up with reference to the cause of the people of his own province. As for myself, Sir, I have no special interest involved. With me it is a public question. The Government stand pledged to a certain line of action. I am entitled to ask Government what action they propose to take, and I shall choose my own course accordingly. With my Honourable and gallant friend the case is different.

THE HONOURABLE MAJOR NAWAB MOHAMED AKBAR KHAN: I represent the zamindars who under John Nicholson had contributed most to the taking of Delhi and Muradabad during the Indian Mutiny, and it is their opinion that I voice.

THE HONOURABLE MR. DENYS BRAY: Sir, I felt some difficulty at the beginning, I feel more difficulty now, in replying to my Honourable friend. I endeavoured to make it clear that, when I spoke of the deliberate delay on the part of Government, delay caused by the communal heat which might be engendered, I was not confining myself to the communal heat engendered over this inquiry on the frontier in the Punjab and elsewhere, I was referring also to the communal heat that was prevalent and is alas still prevalent in Northern India. And I venture to think that therein lies one impelling reason why Mr. Raza Ali, the publicist and public man, should not attempt to carry this motion to a division. To the statement I have already made I can add nothing more, but I do put it to him that, when I remind him—he needs no reminding from me—of the state of communal feeling in Northern India, he will be well advised as a public man to withdraw his motion.

THE HONOURABLE THE PRESIDENT: I understand the Honourable Member does not wish his motion to be put to the Council.

The Resolution was, by leave of the Council, withdrawn.

The Council then adjourned for Lunch till Twenty-Five Minutes past Two of the Clock.

The Council re-assembled after Lunch at Twenty-Five Minutes past Two of the Clock, the Honourable the President in the Chair.

RESOLUTION *RE* UTILIZATION OF INTEREST ON POST OFFICE SAVINGS BANK DEPOSITS OPENED BY MUHAMMADANS, ETC.

THE HONOURABLE MR. HAROON JAFFER (Bombay Presidency: Muhammadan): Sir, I beg to move the following Resolution:

“This Council recommends to the Governor General in Council that Government may be pleased to keep a separate account of the interest payable by Government on deposit accounts in Post Office Savings Banks opened by Muhammadan depositors who

[Mr. Haroon Jaffer.]

owing to their religious belief, have requested that no interest should be credited to them, and that this sum should be set aside as a special fund, to which also any interest on Government securities foregone by Muhammadan holders under similar circumstances should be credited, and that this fund should be utilised in awarding scholarships to poor Muhammadan students in the Muslim University, Aligarh."

Sir, Honourable Members are probably aware that there are several Muhammadans who refuse to take interest, through religious scruples, on loans and deposits in banks. It is not necessary for me to set forth the motives which lead creditors to forego the reward to which their abstinence is entitled nor to offer any remarks regarding the material aspect of a practice which may appear to many as exceedingly sound in this twentieth century. The taking of interest has been looked down upon in all countries at one time or another, and religious injunctions have discountenanced usury almost everywhere. Whatever the origin or the justification of the idea that the taking of interest is bad, we have to take the fact as it is and to note that many Muhammadans in India regard it as a meritorious deed, enjoined by religion, to forego interest on their deposits in Post Office Savings Banks, and on Government Securities. These pious people keep their money in the banks for safe custody and have the advantage of easy and convenient withdrawal. They invest in Government securities, not with the object of earning a steady and secured income therefrom, but use that method of investment also as a means of providing safety for their savings. Government meet the wishes of such creditors and the amount of interest thus foregone benefits the public exchequer. The suggestion I have to make in this behalf is that a separate account should be kept of the interest payable on deposit accounts in Post Office Savings Banks, to Muhammadan depositors, who, owing to their religious belief, do not want to receive interest, that to the fund to be created out of these amounts should be added interest foregone by Muhammadan holders of Government securities under similar circumstances, and that the whole fund should be used in giving scholarships to poor Muhammadan students in high schools and colleges of the Muslim University, Aligarh. I make this suggestion for two reasons. In the first place, I find that the number of poor Muhammadan students is so large that the progress of the education of the Muhammadan community is being seriously hampered by the prevalent poverty. Many a poor student who cannot pursue his school or college course for lack of funds, will have his ambition gratified if financial facilities are made available. The vast majority of parents in the Muhammadan community consists of ignorant and poor people. How is education to spread among them? I am doing my humble bit to facilitate education in my backward community, but I find that everywhere the absence of funds is keenly felt. Secondly, I could notice that philanthropic and pious Muhammadans refrained from taking interest on the sums lent by them to Government and deposited in savings banks. I thought to myself, could not this money accruing, on account of interest be collected in a special fund and utilized for the purpose of facilitating the education of poor Muhammadan boys? Government cannot have any objection to this being done. In any case the money is not theirs and would ordinarily have to be paid out. Muhammadan depositors and creditors have likewise no reason to object to this use of the money the payment of which they have voluntarily foregone. Their religious susceptibilities will not be touched because they will not personally derive benefit from the sums invested or deposited by them. On the contrary, they ought to wel-

come a scheme intended to promote the interests of the poor and struggling members of their community. Their religion forbids the taking of interest, but it enjoins charity. It is in this way but meet and proper that a fund should be created out of the amount of interest payable to Muhammadan depositors, in Post Office Savings Banks and to Muhammadan holders of Government securities in cases where the depositors and holders have willingly foregone the sums due to them and that the fund should be earmarked for such an eminently useful object as giving scholarships to poor Muhammadan students. I have no precise idea of the size the fund is likely to attain. It may be large or it may be small. Large or small, its utility cannot be gainsaid. And it will not be difficult to devise a machinery for awarding and distributing the proposed scholarships. I have every hope that the Council, will record its support to the Resolution.

Sir, since the publication of this Resolution of mine I have seen the Resolution substituted by my Honourable friend Saiyid Raza Ali. I thank my Honourable friend for putting in the Resolution in fewer words and in concise form before the House, but as far as I can see the idea expressed by the original Resolution remains exactly the same. I had advisedly put the Resolution in a detailed form to avoid any misunderstanding which may likely occur in the mind of pious and scrupulous Muhammadans who may not want to have anything to do with the question of interest unless it was started as a separate fund by the Government.

I hope my Honourable friend will not press his Resolution.

*THE HONOURABLE HAJI CHOWDHURI MUHAMMAD ISMAIL KHAN (West Bengal: Muhammadan): Sir, I rise to support my Honourable friend. There is a large accumulation of money from the Muhammadan depositors who did not accept any interest. Practically speaking, it is the property of the Muhammadans and in all fairness it should be devoted to the interest of the poor Mussalmans. The Muslim University at Aligarh is the only University in India which caters to the educational needs of the community according to their light. I therefore support the Resolution and I hope the money will be given to the University.

THE HONOURABLE MR. AMAN ALI (East Bengal: Muhammadan): Sir, I rise to support this Resolution. The Honourable Mover of the Resolution has clearly explained the position and the condition of the Muhammadans. It is well known to this House that Muhammadans are backward in point of education and they are poor also. This is one of the ways of improving their status and I wholeheartedly support it. I think the House is well aware of the position of Muhammadans. I hope therefore that there will not be any objection and that the Resolution will be accepted unanimously.

THE HONOURABLE MR. A. C. MCWATTERS (Finance Secretary): Sir, the Honourable Mover of this Resolution has put before us a proposition which is, I think, novel and is certainly interesting. I think the House will probably expect me in the first instance to give them some idea of the amount of money which is at stake, and secondly to tell them whether the proposal is administratively practicable.

With regard to the first point, we have had inquiries made in the short interval since notice was given of this Resolution and in so far as the

[Mr. A. C. McWatters.]

Post Office Savings Bank is concerned, we find that there are "no interest" deposits amounting in all to about Rs. 3½ lakhs, deposited by Muhammadans in the circumstances stated. The interest which would be due on these deposits is roughly Rs. 10,000 a year, and at the present time this amount lapse to Government. With regard to Cash Certificates, it has not been possible to make as complete an investigation. During the war, a certain number of "no bonus" Cash Certificates were taken out by Muhammadans in similar circumstances, but most of these, I believe, have been discharged. I have had inquiries made in the Calcutta Circle, and find that during the last six months one such Cash Certificate of the value of Rs. 20 has been taken out by a Muhammadan who declared that he did not want the bonus. With regard to Government securities, it is more difficult to obtain information. Securities in the form of stock to the value of about Rs. 6,000 are held by Muhammadans who forego interest upon them, but with regard to promissory notes and bearer bonds, which constitute the larger part of our note issue, it is not possible to arrive at any definite figure. We know that a certain amount of interest is not claimed on bearer bonds and on promissory notes for a great variety of reasons. Sometimes the notes get lost. During the war, many small investors participated in the Government loans and some of these have never claimed interest from patriotic motives. They were by no means always Muhammadans. It is possible however to obtain some information indirectly. When loans are repaid, we know whether the holder has claimed interest or not. Similarly, when notes are renewed. Again when notes are lost, the procedure is that for six years interest only is paid and at the end of that period if there is no counter-claim, a new note is issued. It is possible to tell in these cases whether interest is being foregone or not. So far as our information goes the total amount of interest that has been foregone in recent years is Rs. 112-8-0. So far then as Government securities are concerned, the amount at stake is quite small, although, as I have said, in the case of the Post Office Savings Bank, it is appreciable, amounting to something like Rs. 10,000 a year.

As regards the second point whether the proposal is administratively practicable, I think I can say without hesitation that so far as the Post Office Savings Bank is concerned, there would be no difficulty. It will be possible to credit this interest to a separate account. With regard to Cash Certificates, the position is much the same. On maturity, the unclaimed bonus could be credited to the same account. With regard to Government securities, however, the position is more complicated. As the House knows, interest on bearer bonds and promissory notes is drawn on presentation of the bond itself or the coupon at the Public Debt Office, and when securities are transferred the seller is able to make transfer by endorsement. These endorsements are frequently not dated, and it is a matter for the seller's conscience whether he takes interest from the buyer or not. In any case, if the interest cages have not been filled in, Government will be liable to the new holder. The conclusion which we have come to is that if it is proposed to carry out this suggestion so far as Government securities are concerned, it would be necessary for us to devise a new procedure and a new form of security for this special purpose. I do not say that it would be impossible. I think it could be done. It would be possible perhaps to give a non-transferable deposit receipt

to the original depositor of the money. He would hold that receipt and could present it at any time and receive an ordinary Government security in exchange. In the meantime the interest on that deposit receipt would be credited to the special fund. That is one way in which a workable arrangement could perhaps be made.

I now come to the much more difficult part of my task, the examination of this proposal in principle. Where the religious conscience is concerned, it is necessary to walk rather warily. We must accept the fact that certain people, from religious scruples, do not wish to touch this money, though, I confess, I myself could wish that they would solve our problem by the simple process of drawing the money and giving it to whatever charity they like. Government's position in the matter is perfectly simple. They owe an obligation to the holders of these securities or the depositors of money in the Savings Bank and that obligation they are the last to wish to repudiate. But I wish this House to consider very seriously before they pass this Resolution, whether we here are in a position to pass judgment now in a matter of this kind. The Government's obligation, as I have said, is to the holders of the securities who have refrained from taking interest. Are we in a position to speak for them and to say that it is their wish that this money, from which they personally do not wish to obtain interest, should be treated as earning interest and be applied to this particular purpose? It is a matter for their religious conscience and I do not know what the answer is, whether they wish us so to apply this money or whether they do not.

In the second place, do they wish it necessarily to be allocated to the particular purpose which the Honourable Mover has mentioned? It is certainly an admirable object, but there may be others which particular depositors might prefer. And the objection really goes deeper than this. Are we safe in presuming that Muhammadan opinion generally would be in favour of a proposal of this kind? The Honourable Mover and others in this House are eminent representatives of Muhammadan opinion; but they do not represent the whole Muhammadan opinion in this country, and I think we should move rather warily before we necessarily assume that Muhammadan opinion would endorse this proposal.

Finally, there is I think one real danger, and that is, that if a special fund is created and the money from that fund is given to a definite charity, will there not be pressure brought to bear upon other Muhammadans, who do not hold these strict views about interest, to refrain from drawing their interest, so that the amount available for charity may be increased? It strikes me that this is a possible danger to which depositors may be subjected. And I cannot overlook the fact that, were that so, it would have an adverse effect upon the popularity of our Savings Bank deposits.

That, Sir, is the position as it appears to Government. We have not had much time to examine this question thoroughly. I think that we require to consult wider opinion even than that which is represented in this House, and the Government attitude therefore must be entirely non-committal. If the motion is passed, I cannot give any definite guarantee that it will be given effect to without further examination, and I am prepared to leave the matter to the sense of the House.

THE HONOURABLE SIR DEVA PRASAD SARVADHIKARY (West Bengal: Non-Muhammadan): Sir, the difficulties that the Honourable

[Sir Deva Prasad Sarvadhikary.]

Finance Secretary raised in concluding his remarks are no doubt real. But if we examine the question a little more closely, it will appear that it is not impossible to overcome even those difficulties. What the Resolution or for the matter of that the amendment, if it is proposed and pressed, really wants, is this; that money that is not claimed, that is according to the Honourable Mr. McWatters lapsing to Government, should not continue to be absorbed by the Government but should be made over to some specified Muhammadan charity,—an educational charity, than which no religion prescribes any higher and better charity. The Resolution merely indicates the machinery for collecting and utilising for the purposes of Moslems at large that which the investors themselves will not accept or withdraw, but which in default automatically goes into the Government coffers now. The Government have educational obligations towards Moslems. Government do discharge educational obligations. They find money for this university and for that scholarship and a variety of similar other things. This Resolution invites them to use the accumulation in question for Moslem education. It may be argued that when Government are making these grants to universities and endowing these scholarships, the money that is so accumulated is really applied to those objects though indirectly. Let the application be direct is the present suggestion. The object of this proposal and of the amendment is to earmark the available amount so as to make it available only for Muhammadans to which there can be no objection if the Muhammadan himself does not object on the ground of its being “tainted money”. I do not see that there is any insuperable administrative difficulty in the way that cannot be got over if the principle is acceptable. My Honourable friend has admitted that with regard to two classes of securities there will be no difficulties. With regard to the Government securities there are difficulties. But here also there is no real trouble. If the investor has chosen to withdraw his interest or allowed his assignee to withdraw it, there is nothing further to say about the matter. The religious scruples that trouble some men may not have been troubling him who has withdrawn interest, he has either withdrawn it himself or been a party to its withdrawal by his assignee, and the question of lapse to Government does not arise. Therefore in none of these three classes of securities can there be any administrative objection. On the other hand it strikes me that if the course that my Honourable friend suggests, namely, that you should have a special kind of securities, in the case of Muhammadan investor with scruples were adopted, there might be difficulties; for when a Muhammadan endorses his Government securities to a non-Muhammadan or where a Muhammadan has no objection to moderate interest, the security itself should have nothing on the face of it that will make his negotiating it or drawing interest on it difficult or that will make his case invidious. The next non-Muhammadan holder might have to get the security renewed. He may have to make an affidavit that he is a non-Muhammadan or has no scruples against moderate interest and therefore would like to have his original handicapped promissory note turned into something else. I do not think that any of those devices will be necessary. All that is aimed at and wanted is general acceptance of the principle that where all interest lapses to the Government, instead of its being absorbed by the Government, it should be made available for Muhammadan educational charities. So far as Northern India is concerned, Aligarh is certainly the place where Muhammadans’ educational interests are best looked after. What Southern Indian will have to say with regard to it I cannot say; but

I think with regard to Northern India there is not likely to be any division of opinion regarding the objects mentioned in either the original proposal or the amendment. That the amount of interest on the securities is not yet large ought not to be a matter of difficulty. The Honourable Mover of the Resolution has explained that whether the sum is large or small is a matter which does not trouble him; let there be a clear indication of the object on which this money is to be spent. Nor do I think there is anything in the apprehension that if a pious object like this is crystallised and put before the public either by the vote of this House or by Government action, pressure will be brought to bear upon other Muhammadans, who though not unwilling to accept moderate interest would be forced by Muhammadan public opinion to forego their claim. The religious injunction is there; the original commandment is there in spite of which owing to difference in interpretation many Muhammadans do accept moderate interest. I know that in my profession we have to deal with a large number of Muhammadan clients who are not troubled with these scruples in certain cases. Because one is a Muhammadan or because there are these religious rules and injunctions about which different interpretations are made pressure of public opinion of another school is not likely to be great if one wishes to avail himself of opportunities of earning moderate interest. It is only those who have these extreme religious scruples and who do not want to touch or utilise interest money at all and at the same time who feel that this absorption by the Government is not exactly the right way of disposing of the money, whose accumulations are proposed to be dealt with as I understand the Resolution. If the Government are sympathetic and helpful, I think the difficulties could easily be got over, whether Aligarh or some other charity is to enjoy the benefits of this fund may later on be determined by the Government in consultation with representative Muhammadan opinion which should certainly be consulted.

THE HONOURABLE SAIYID RAZA ALI (United Provinces East: Muhammadan): Sir, the Honourable Mr. MacWatters has discussed the question raised in the Resolution, I am afraid, from a purely financial point of view. But, Sir, the object of the Resolution, let me state before the House, is two-fold. In the first place it seeks to promote Western learning at the centre which caters for the wants of the Muslim community throughout India. In the second place, and this aspect is by no means less important than the first, it furthers the cause of social reform by bringing home to the people the difference between interest and usury according to Islamic law. Sir, the social aspect of the question is not a whit less important than the financial aspect. The position at present is that the Muslim community is divided on the question as to how far it is permitted by the Islamic law to take interest. According to a number of divines, there is no difference between interest and usury, while according to a very influential school of religious thought, both in this country and outside, there is a marked difference between the two. Modern schools of thought hold that while it is permissible to take interest, a ban is only imposed by the Muhammadan law on usury. Therefore, I think that by accepting this Resolution, the Council would be helping the cause of social reform among the Mussulman community very considerably. It will interest Honourable Members to know that there has been a movement in existence at Aligarh for the last four years which devotes itself to explaining the true Islamic laws on this question. It has obtained *Fatwas* by a number of divines in

[Saiyid Raza Ali.]

Egypt, Mesopotamia and Syria. It has also secured *Fatwas* by a number of very influential divines in India itself. The object of that movement is a very laudable and noble one, namely, to explain to the people that while usury is prohibited according to the Islamic law, it is not against the religious injunction of the Islamic law to take interest. I am glad to say that the efforts of this society have met with considerable success, and I am sure if this Resolution commends itself to the House, it will considerably strengthen the hands of that society inasmuch as when the Muslims come to know—and the fact must be known and indeed it is our duty to make it known to them,—that interest not claimed by orthodox Muhammadans goes to an institution which represents the entire Muslim community and that those in charge of the management of this institution who are all pious Mussulmans have absolutely no objection to devoting this money to further the cause of Muslim education, it will enable the Mussulmans of India to reconsider the entire question, and instead of refusing to take interest, will persuade them to draw it themselves. That, Sir, is a very important object, and I believe this Resolution is bound to affect the views of the orthodox section among the Mussulmans.

Now, coming to the financial aspect of the question, the amount disclosed by the Honourable Mr. McWatters is far from considerable. But as the Honourable Mover pointed out, the question is one of principle, and not one of largeness or smallness of the amount. So far as Savings Bank deposits and Cash Certificates are concerned, as my Honourable friend pointed out, there will be no difficulty in separating the amount. The only difficulty will be in regard to Government securities. I fully appreciate the difficulties pointed out by the Honourable Mr. McWatters, and I for one would suggest that, so far as Government securities are concerned, the question should be left open. But I fail to see why there should be any objection on the part of the Government to the transfer of this sum of Rs. 10,000 to the cause indicated.

The Honourable Mr. McWatters asked, would it be sound in principle to substitute the action proposed to be taken in the Resolution for the will of those depositors who do not want to touch this money, I submit that I entirely fail to see why there should be any objection to it. After all, it is the business of the Legislature to point out a reasonable course in case of difficulty. If the Honourable Mr. McWatters looks to any guidance from the depositors themselves, let me tell him plainly that he will never get that guidance. If he wants to know what the attitude of the depositors is, I think I can safely say that their reply will be that they do not want to have anything to do with the amount. If the depositors wanted to associate themselves with it, the easiest course for them to adopt would have been to draw it themselves. As they have not interested themselves in this matter, we ask the Government to credit such amount to a certain specified object.

In the next place, my Honourable friend asked whether the purpose indicated by the Mover of the Resolution, would be acceptable to Muslim public opinion in the country? Now, Sir, since the amount is proposed to be devoted to an educational object, there is not the least doubt that this laudable and noble purpose would appeal to a large volume of Muslim public opinion. Aligarh University is a place where Mussulmans come from every nook and corner of India for educational purposes, and if you transfer

this money to Aligarh, you will practically enable the Mussulmans in every province, who come to Aligarh, to benefit by the scheme proposed.

Lastly, Sir, the Honourable Member pointed out that a further examination of the question seems to be necessary. That is a course perhaps that may appeal to the Honourable Mover. I believe the question has been under consideration for a very short time. I personally do not see any objection to transferring the interest on Savings Bank deposits to Aligarh. All the same, if the Government want to take more time in order to acquaint themselves with the trend of Muslim public opinion, I do not think that any serious objection can be taken to that course. I believe the best thing, under the circumstances would be, if the Honourable Mr. McWatters makes the Government's position a little more clear, for the Mover to leave the question at this stage. I think the Honourable Mover should leave the question to the Government to investigate it further. And I hope the

3 P.M. Government will be in a position to accept the principle indicated in the Resolution. Whether my Honourable friend the Finance Secretary is in a position to make an announcement to-day or not is a different matter. But I hope in course of time the Government will see their way to accept the principle recommended.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan): Sir, I rise to support the Resolution and I fully endorse what my Honourable friend Sir Deva Prasad Sarvadhikary has said in this connection. As the matter is mainly based on religious sentiment and it has behind it a very noble object, I hope this House will carry the Resolution. My Honourable friend Mr. McWatters has himself mentioned how the difficulties which he anticipates can be surmounted. Those pious Muhammadans who hold G. P. notes or Postal Cash Certificates can have their stocks converted into non-transferable bonds with a proviso that the income or the profits accrued thereby may go to a certain Mussalman institution. I leave the matter whether the income accrued is a profit or is interest to my Mussalman friends to decide. The Honourable Saiyid Raza Ali has dealt with the question of usury. I consider, Sir, that it is very difficult to define usury. Some time back the normal interest even in commercial circles was 6 per cent. It is now 9 to 12. Whether it is usury interest or whether a low rate of interest is religiously permissible, I leave to my Mussalman friends to judge. But at the same time, Sir, when it is the general desire of the Mussalman depositors to utilise the income accrued from the investments in the particular manner they desire, I think the Government ought not to oppose it. As regards the carrying of the Resolution into effect, even if this House accepts it, it will be a matter for the discretion of the Government. They can, after acceptance of the Resolution, invite public opinion, and, in case public opinion is against it, then they may not carry it into effect.

THE HONOURABLE MR. YAMIN KHAN (United Provinces West : Muhammadan): Sir, I rise to support the Resolution. I don't think it will serve any purpose to consult opinion of those depositors who do not like to charge any interest. Just as it has been pointed out by my Honourable friend, Mr. Raza Ali, it does not matter to the person who deposits his money and wants to forego that interest, how that interest is utilised. So at this stage to consult those people who do not want to touch that money, who do not want to charge it for themselves, is absolutely

[Mr. Yamin Khan.]

useless. Now, other Muhammadans have started thinking differently. There are a lot of Muhammadans who deposit their money in the banks and they do charge interest; they think in a different line. Whatever may be the intricate problem of usury or of thinking it as a profit or in a different category, that I leave to the people to think about themselves. Here the only question which is before us is about those people who are not receiving the interest. Whether the interest which is due to them would be liked by the other Muhammadans to be utilised for the good of education of Muhammadan students is not the point. I think Muhammadan opinion will be in favour of this Resolution. They will have no objection. Even at present some persons have invested certain sums of money in the banks and they do give scholarships to the students from the interest which accrues on those deposits. And as far as I know even in Aligarh there are some donations of this kind existing even to-day and the authorities who are carrying on the Muslim University have never had any objection to this kind of method. I think Muslim opinion as a whole is not against charging the interest on the deposits in the banks or on the securities in the hands of the Government. So it will be, I think, in accordance with Muslim opinion if this sum is allotted for educational purposes, as has been suggested by my Honourable friend the Mover of the Resolution

With these few words, Sir, I support the Resolution.

. THE HONOURABLE SIR NARASIMHA SARMA (Law Member): Sir, I do not think I can add very usefully to what my Honourable friend Mr. McWatters has already said on behalf of Government. The Government have not had this subject, I may frankly state, before them in any shape or form. They have not therefore had the opportunity of discussing as a Government as to what their position should be with regard to this Resolution. Various departmental objections which might be raised have been foreshadowed by my friend Mr. McWatters, and I am glad that he has been able to announce to the House that from the departmental point of view at least in some respects there are no insuperable objections to carrying out the wishes of this House and of Muhammadan Members particularly if the Resolution be accepted in a suitable form. No one can but sympathise with the objects which the Honourable Mover and the other Members have at heart, namely, that the money which is voluntarily foregone by the members of the Muhammadan community on account of their religious convictions should not lapse to the Government but should be utilised for the general benefit of that community, and there can be no nobler object than the advancement of education. But, Sir, I think the point may be put in a different way from what Mr. Ram Saran Das has put it. Mr. Ram Saran Das said: Let the Council pass this Resolution and let the Government then ascertain public opinion and deal with the subject as they think proper. I would suggest to the House that the Resolution if carried by them would carry greater weight both with the country as well as the Government if they have before them the considered views of the Muhammadan community after an adequate discussion of the subject which has been very happily raised in this House. If they have before them all that can be said on both sides, and then come to a deliberate conclusion that the policy that has been enunciated should be the policy which should be adopted by the Government, would, after ascertaining public opinion, then be in a position to come forward with their own provisional views to help the Council

in coming to a conclusion and then examine them in the light of such recommendations as may be made to them by the House as a whole. I should think, therefore, that there is considerable force in what my Honourable friend Saiyid Raza Ali has said that the wisest course, now that discussion has been initiated in this House on a very important subject, would be to enable those that are interested in this problem as well as Government to ascertain what the wishes of the Muhammadan community are, to examine the problem from the wider aspects of economic policy, and then come to conclusions. After all, a Resolution passed at this stage without the benefit of the considered view of the community as a whole, would not be entitled to as much consideration as it would be under other circumstances. I do not wish to say one word about the wider economic policy that is involved in this problem, or to say anything about the views which are held by one section of the community with regard to the receipt of interest because feelings would be ruffled if anything should be said either on behalf of Government, or on behalf of any particular community, or on behalf of a section of the Muhammadan community with regard to what others consider to be absolutely a matter of religious conviction and religious injunction. The sum and substance of what I say is that perhaps it would be advisable, after having ventilated this subject in this House, if the matter could be taken up further outside so as to enable Government to ascertain the views of the public and come to considered conclusions.

THE HONOURABLE MR. LALUBHAI SAMALDAS (Bombay: Non-Muhammadan): In view of the remarks that have fallen from the Leader of the House, I beg to move an amendment that the consideration of this Resolution be postponed till the next September session. My sole object in moving this amendment is to enable both Government and the Muhammadan community to examine the question amongst themselves, and also if possible, by a round table conference between the leaders of the Mussalman community,—the All-India Moslem League and other bodies,—and Government officials to find out how far it will be possible to carry out the recommendations mentioned in the Resolution. There are certain difficulties in the way as mentioned by my Honourable friend, Mr. McWatters. One of these difficulties which appears to me to be worth consideration is whether, in view of any indirect pressure likely to be put upon the Muhammadan investors not to allow their interest on their investment in Government paper to be transferred to the proposed fund some of them might not transfer their investments from Government Securities, say, to industries or other non-Government concerns. If this is done there might be a loss—perhaps a very little loss—to Government securities. This and other questions raised by the Honourable the Finance Secretary will have to be very carefully considered by Government and by the Muhammadan community. I hope that the Honourable Mover will see his way to accept my amendment so that we can have the considered opinion of both the Muhammadan community and Government and then make our recommendations which, as the Leader of the House has stated, will carry greater weight both with Government and the people than a vote carried just now.

THE HONOURABLE THE PRESIDENT: Motion moved:

“That the discussion be adjourned to the September Session.”

[The President.]

Perhaps the Honourable Member would prefer the words " Simla Session " instead of the words " September Session " ?

THE HONOURABLE MR. LALUBHAI SAMALDAS: Yes, Sir.

THE HONOURABLE THE PRESIDENT: Motion moved:

" That the discussion be adjourned to the Simla Session."

THE HONOURABLE MR. HAROON JAFFER: I have no objection to accept the proposal of my Honourable friend Mr. Lalubhai Samaldas.

THE HONOURABLE MR. A. C. McWATTERS: The proposal of my Honourable friend Mr. Lalubhai Samaldas is one which appeals also to Government. We have only had the subject before us for three weeks and the point of my opening speech was that the subject requires much further consideration before we can commit ourselves in any way. The proposal now made meets my point.

THE HONOURABLE THE PRESIDENT: The question is:

" That the discussion on the Resolution moved by the Honourable Mr. Haroon Jaffer be adjourned to the Simla Session."

The motion was adopted.

THE HONOURABLE SIR NARASIMHA SARMA: I am not in a position to add anything to what I said on Thursday last and I propose to defer any further statement to a later occasion. We have not made up our minds as to what further work we may have to bring up before the two Houses of Legislature.

The Council then adjourned till Eleven of the Clock on Wednesday, the 18th March, 1925.