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LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

VOLUME VIII

(17th August to 2nd September 1926)

FIFTH SESSION

OF THE

SECOND LEGISLATIVE ASSEMBLY,
1926



Legislative Assembly.

The President :

THE HONOURABLE MR. V. J. PATEL.

Deputy President :

DIWAN BAHADUR T. RANGACHARIAR, M.L.A.

Panel of Chairmen :

MR. K. C. NEOGY, M.L.A.

SIR DARCY LINDSAY, M.L.A.

LALA LAJPAT RAI, M.L.A., AND

MR. ABDUL HAYE, M.L.A.

Secretary :

MR. L. GRAHAM, C.I.E., M.L.A.

Assistants of the Secretary :

MR. W. T. M. WRIGHT, C.I.E., I.C.S.

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

MR. K. G. HARPER, I.C.S.

Marshal :

CAPTAIN SURAJ SINGH, BAHADUR, I.O.M.

Committee on Public Petitions :

DIWAN BAHADUR T. RANGACHARIAR, M.L.A., *Chairman.*

DIWAN BAHADUR M. RAMACHANDRA RAO, M.L.A.

COLONEL J. D. CRAWFORD, M.L.A.

MR. JAMNADAS M. MEHTA, M.L.A.

MR. ABDUL HAYE, M.L.A.

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LEGISLATIVE ASSEMBLY.

Tuesday, 24th August, 1926.

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

QUESTIONS AND ANSWERS.

RECOGNITION BY THE AGENT OF THE NORTH WESTERN RAILWAY OF THE UNION, OF WHICH MR. M. A. KHAN IS THE GENERAL SECRETARY.

205. ***Khan Bahadur W. M. Hussanally** : (a) Are Government aware that a letter No. U.-225|26, dated 2nd June, was written by Mr. M. A. Khan, General Secretary, to the Agent, North Western Railway, on the subject of recognition of his Union which has not yet been answered ?

(b) Are Government aware that a copy of the same letter was sent to the Secretary, Industries and Labour Department, Government of India, under his No. U.-349|26, dated 8th July 1926, and if so, what action do the Government propose to take on that letter ?

The Honourable Sir Charles Innes : (a) and (b). From a copy sent to them, Government understand that the letter mentioned by the Honourable Member was written to the Agent of the North Western Railway. Government do not propose to take any action on the copy of the letter sent to them.

EMPLOYMENT OF EX-STRIKERS ON THE NORTH WESTERN RAILWAY.

†206. ***Khan Bahadur W. M. Hussanally** : Are Government aware that since the North-Western Railway strike of 1925, in spite of the promises held out by the Agent, North Western Railway, that the strikers will be provided for no sooner vacancies occur, the strikers in spite of repeatedly applying for jobs have been refused the same, on the plea that their services are not required even though the vacancies for which they applied did exist and were filled up either by new men or by promoting junior hands ?

EMPLOYMENT OF EX-STRIKERS ON THE NORTH WESTERN RAILWAY.

207. ***Khan Bahadur W. M. Hussanally** : Are Government aware that a good number of senior drivers who went on strike are still out of work and that their posts have been filled up by promoting shunters or drivers ? If so, do Government propose to ask the Agent, North Western Railway, to fulfil his promise regarding the appointment of strikers in preference to outsiders and by stopping promotions of junior hands, and issue clear instructions to Divisional Officers to carry out these instructions strictly ?

The Honourable Sir Charles Innes : I propose to reply to questions Nos. 206 and 207 together. The Honourable Member is referred to the

†For Answer to this Question see Answer to Question No. 207.

reply given to question No. 728 asked by Mr. M. K. Acharya on the 10th February 1926. The Agent has again assured me that when ex-employees apply on the occurrence of vacancies they are engaged in preference to new men, unless there is something on record against them in their previous service on the Railway, and provided they are suitable for the vacancies as they occur.

**RESTORATION OF THE CONCESSION OF FREE PASSES TO EX-STRIKERS RE-
ENGAGED BY THE NORTH WESTERN RAILWAY.**

208. *Khan Bahadur W. M. Hussanally : Is it a fact that in reply to a question the Government promised that the Agent, North-Western Railway, would sympathetically consider the question of the restoration of free passes to strikers ? Are Government aware that the Agent has only so far sanctioned one set of passes to strikers of over 10 years' service ? If so, do Government propose to ask the Agent, North Western Railway, to be more sympathetic in restoring the entire privileges of free passes to all the strikers ?

The Honourable Sir Charles Innes : The Agent, North Western Railway, has already taken action in the matter. A copy of the orders issued by him is laid on the table.

Orders issued by the Agent, North-Western Railway.

1. To those absentees who have a total of 10 years' service or more and who were re-engaged before the 1st June 1925, the concession of the grant of passes under the rules is hereby restored. The remainder of those who were re-engaged before the 1st of June 1925 are allowed half the usual number of home and foreign lines passes granted annually.
2. To absentees re-engaged after the 31st May and before the 16th July 1925 under the conditions enumerated in the instructions dated the 14th June 1925, the concession of the grant of privilege ticket orders is hereby restored, and those who now have a total of 10 years' service or more are allowed, in addition, half the usual number of home and foreign line passes granted annually.
3. The above instructions apply with effect from the 1st July 1926.

C. WALTON,
Agent.

LAHORE,

Dated the 14th June 1926.

**REDUCTION OF THE WORKING HOURS OF THE CARRIAGE AND WAGON STAFF
EMPLOYED AT LYALLPUR ON THE NORTH WESTERN RAILWAY.**

209 *Khan Bahadur W. M. Hussanally : Are Government aware that the Carriage and Wagon staff at Lyallpur and some other stations of the North Western Railway is performing 12 hours' continuous duty ? Is this against the convention of the Geneva Conference accepted by the Government of India ? Do Government propose to ask the Agent, North Western Railway, to see that the staff on the Railway is not made to work more than 8 hours a day ?

The Honourable Sir Charles Innes : I would refer the Honourable Member to the reply given by me to a somewhat similar question asked by Dr. K. G. Lohokare on the 18th instant.

RETRANSFER TO LAHORE OF CERTAIN EX-STRIKERS RE-EMPLOYED BY THE NORTH WESTERN RAILWAY AND TRANSFERRED TO KARACHI.

210. ***Khan Bahadur W. M. Hussanally** : Are Government aware that a certain number of strikers from Lahore were transferred to Karachi to break the strike at Karachi, and that they have not been transferred back to Lahore ? If so, do Government propose to urge upon the Agent, North Western Railway, to arrange for their retransfer to Lahore as early as possible ?

Mr. A. A. L. Parsons : As the Honourable Member knows very well, Government cannot undertake to interfere in details of this kind.

ASSENT OF H. E. THE VICEROY TO THE INDIAN TRADE UNIONS BILL.

211. ***Khan Bahadur W. M. Hussanally** : Has His Excellency the Viceroy given assent to the Trade Unions Bill ? If so, will the Government please state why its operation is being delayed and when do the Government propose to bring it into operation ?

The Honourable Sir Bhupendra Nath Mitra : The answer to the first part of the question is in the affirmative. As regards the second part the attention of the Honourable Member is invited to the reply given by me on the 19th August 1926 to question No. 85 asked by Mr. N. M. Joshi.

MEMORIAL OF THE EUROPEAN GUARDS AT RAWALPINDI TO THE AGENT OF THE NORTH WESTERN RAILWAY.

212. ***Khan Bahadur W. M. Hussanally** : (a) Are Government aware that the European guards at Rawalpindi submitted a memorial to the Agent, North Western Railway, which has not been attended to as yet ?

(b) Do Government propose to ask the Agent, North Western Railway, to go into the grievances of the memorialists ? Is it a fact that Mr. Barlow, a guard at Rawalpindi, was transferred from Rawalpindi because he was considered to be the ringleader of the Rawalpindi guards in this case ?

The Honourable Sir Charles Innes : (a) Government have received a copy of the memorial.

(b) Government are confident that the Agent will give the memorial his careful consideration. They have no information about Mr. Barlow.

DISCHARGE OF ONE JAI CHAND.

213. ***Khan Bahadur W. M. Hussanally** : Is it a fact that one Jai Chand, I. O. W., has been served with one month's notice, his gratuity forfeited and a blank certificate without entry of ability and character granted ? If so, what are the charges against the man ? Was he served with any charge sheet and an explanation taken ; if not, do the Government propose to instruct the authorities to serve him with the charge sheet, if there are any charges against him and record his statement before dispensing with his services as provided for by the Government rules on the subject ?

Mr. A. A. L. Parsons : Government have no information. If the person in question has any grievance, he will doubtless appeal to the Railway Board.

RE-EMPLOYMENT BY THE RAILWAY AUTHORITIES AT RAWALPINDI OF ONE SARDARA, AN EX-STRIKER.

214. ***Khan Bahadur W. M. Hussanally :** Are Government aware that the railway authorities at Rawalpindi have employed one Sardara, an ex-striker, in the Rawalpindi Loco. Shed? Was Sardara convicted in a theft case, and has he been re-employed only because he opposed Mr. Miller in an open meeting? If so, what action do the Government propose to take regarding his discharge under the rules regarding the conduct of railway employees?

Mr. A. A. L. Parsons : Government have no information and do not propose to call for any.

LABOUR REPRESENTATION IN THE LEGISLATIVE ASSEMBLY.

215. ***Khan Bahadur W. M. Hussanally :** Will the Government state if they propose to recommend for nomination any Member or Members on behalf of Labour for the Legislative Assembly representing different Provinces? If so, how many and for what Provinces? Do the Government propose to consider the advisability of calling upon the Labour organisations of the Provinces to make recommendations for any such candidates?

The Honourable Sir Alexander Muddiman : I refer the Honourable Member to my reply to Mr. Venkatapatiraju's question No. 32, dated the 18th August 1926, on the same subject.

REPORT FROM THE BRITISH CONSUL AT JEDDAH ON THE INDIAN PILGRIMAGE TO MECCA IN 1926.

216. ***Shaikh Mushir Hosain Kidwai :** Do Government intend to get a full report from the British Consul at Jeddah on the Indian pilgrimage to Mecca in 1926?

Sir Denys Bray : Yes, Sir.

RESOLUTION RE RETENTION IN ITS PRESENT SITE OF RAMESWARAM STATION ON THE SOUTH INDIAN RAILWAY.

Mr. K. Rama Aiyangar (Madura and Ramnad cum Tinnevelley : Non-Muhammadan Rural) : Sir, the Resolution I have the honour to move runs as follows :

“ This Assembly recommendations to the Governor General in Council that the Railway Board and the South Indian Railway be directed to retain the present Rameswaram station as such even if the new alignment is adopted, and that protective embankments be put up south of the line to ensure the safety of the line.”

I beg first to draw the attention of the whole Government to the importance of the Resolution. My particular object is that in this matter

the whole Government should sit together, examine the question and do the needful. The Honourable Sir Charles Innes, who is in charge of the Department, I have no doubt has not up to now had full information on the subject. More than two months ago, when I was at Rameswaram, I wrote to the Agent, South Indian Railway, to let me know what steps he was taking in connection with this matter. I got a curt reply that it was not his interest to concern himself about connecting stations with the pilgrims or the temples; and the other portion of it was that the alignment was a settled fact and it was no use my talking of it. I let the Government and the Honourable Sir Charles Innes know what the attitude of these gentlemen that are working and are in charge of these extensions or modifications is. I naturally expected, Sir, that that letter of mine, which I wrote as one connected with this Assembly, would have been forwarded to the Railway Board for their consideration. I am not informed that they have had knowledge of it and from what conversation I had I do not think they had been apprised of it. I submit that the question is very important and the way in which we are going on is that it is more or less treated as a concern more of the Company than of India or the interests of the Indian tax-payer and the interests of the country as a whole. If I introduce this subject with these preliminary remarks, I do so with a view to draw the attention of the Government as a whole to this matter, that in all such questions greater interest may be taken by the Government than is being done now.

I must next go on to describe the importance of this Rameswaram station. From ancient times it has been one of the very well known shrines of the South; long before the Railway was introduced east of Madura, Rameswaram had lakhs and lakhs of pilgrims coming from all parts of India, and after the introduction of the Railway it need not be described. It is one concourse of pilgrims throughout the year, but during the Parvakalams you have got more than one lakh of pilgrims, and in the months of Audi and Thai Parvakalams, corresponding to August and about January, you find the number of pilgrims that go there are to be numbered only by lakhs, not by thousands or tens of thousands. Besides this you have also got what we call Ardodya and Mahodya. These occur once in six and twelve years, and you find that at that time a much larger number flock to the place. As far as I have been able to ascertain, the collections at the Rameswaram station alone come to from forty to fifty thousand rupees per mensem on an average. This does not include the charges earned by Railways for pilgrims that pay for them from other stations to Rameswaram. It is not only that. Those that take tickets to Mantapam generally take return tickets, first and second class, and they generally go from there to Rameswaram. That is not within the category I have described as regards the income. Besides people generally go to Dhanushkodi, alight at Rameswaram, stop there sometimes three days, sometimes more. That income does not count in regard to the collections of the Rameswaram station. And there are other sorts of incomes accruing to Rameswaram which are practically not covered by the description I have given. In all it is about six lakhs for collections at Rameswaram alone, for tickets taken from Rameswaram. You can very well understand, Sir, what the total collections will be in connection with pilgrimages from Kashmir, Nepal, Bhutan, and from all other parts of India.

Sir Denys Bray (Foreign Secretary) : I rise to a point of order. Nepal is not a part of India.

Mr. K. Rama Aiyangar : I have not been able to understand the Honourable Member.

Sir Denys Bray : I rose to a point of order to point out that Nepal is not a part of India, and it is most improper to talk of it as such.

Mr. K. Rama Aiyangar : I think the Honourable Member will answer himself and will be satisfied that he has not been relevant. If you really calculate the earnings of the several Railways in India in respect of pilgrimage to Rameswaram, it will come to about Rs. 20 lakhs per annum, and looking to our total income of about 100 crores and expenditure of about 65 crores, the average that could be spent on Rameswaram is Rs. 12 to 15 lakhs. I leave out the profits we make and refer only to the 65 crores of expenditure. If we only take the total income earned on behalf of Rameswaram, we would be fairly entitled to spend 12 to 15 lakhs of rupees per annum. The real difficulty seems to be that they have proposed to change the alignment from Pamban to Dhanushkodi. The present alignment takes us from Pamban to Rameswaram and above the south-western side the line takes us to Dhanushkodi. Apparently our friends, who have travelled fast in other countries, feel that there is some delay in the course of the journey. But the more important point that has to be considered in this connection is that there are sand dunes by the side of the railway lines between Pamban and Rameswaram and from Rameswaram to a certain extent when we pass to Dhanushkodi, it may be for about three or four miles. So that now about 13 miles of this line on one side have sand dunes, with the consequence that during tempests and on other occasions sand is often thrown over the line and some expenditure is incurred in clearing the line and keeping it in order every year. I do not know the exact figure, but from what I have been able to gather it comes to about Rs. 25,000 per annum to clear this sand and keep the line clear, and for that and other reasons the Railway Board, probably at the instance of the South Indian Railway Company, propose to deviate the line from Pamban to Dhanushkodi. This alignment would not take the line near Rameswaram, and the nearest point to it is estimated to be 3 to 3½ miles from the station that might be located somewhere near Rameswaram on the new alignment. I do not know whether the new alignment has been sanctioned. Probably it has been. I am one of the members of the Railway Finance Committee and I do not think it came before that Committee. If it was sanctioned and if it was done in my absence, I should like to know how it was sanctioned, and if it was sanctioned with the concurrence of the Railway Finance Committee. But apart from that, this new alignment, as I say, locates the station somewhere about 3½ miles from this important centre of pilgrimage. Another important fact is that the new station cannot be made use of easily. Over these 3½ miles there are big sand dunes and the construction of any roads connected with the existing roads there would cost a considerable amount, the sand dunes being very high, sometimes 30 to 50 feet high, and ordinarily 10 feet high, and if any road is cut, there is no doubt that that road will be many feet deep in sand.

Mr. A. A. L. Parsons : Just like the railway.

Mr. K. Rama Aiyangar : Yes, my friend the Honourable Mr. Parsons probably thinks that is an argument for changing the alignment. I am not satisfied that that is a reason. He will find on examination it is not. The present line has been kept up for these many years, about 20 years, and it has not cost more than Rs. 20,000 to Rs. 25,000. Along the present line there are sand dunes only on one side, and they are very high and naturally the sand is collected on the farther side of the railway line, but strong gusts of wind do carry some sand and this has to be cleared, but with the new line that is being proposed the difficulty of getting heaped-up sand cleared will probably be the same, though there is some idea of saving time and that is why the other route is sought. Apart from that there is the danger, as I have pointed out, of this new alignment being approached by the sea, which seems to be progressively advancing towards the site now proposed to be adopted. About that there is little or no information with the Railway Board just now. The sea is advancing from the south and in fact in a discussion we had recently with the Collector of Ramnad he said he found that within 15 days the sea had advanced and practically demolished two big buildings which cost Rs. 10,000 to Rs. 15,000. It has been advancing like that, and the present alignment will require about 5 miles of this line to be absolutely protected from the advance of the sea. Apart from that, it is not at all sure that the new alignment will not be disturbed by sand as much as the present line is. But the point I was making was that to cut a road from the railway station to Rameswaram between the sand dunes is quite different from having a line on one side or other of the sand dunes, because the chances of the latter filling up are much smaller than when you cut a road between the sand dunes, which, when they are so high, will fill up the road to the extent of six or seven feet every now and then. Therefore, if the Railway Board decide to have the station there, this kind of disturbance by sand dunes will be very great over the road that might be opened between the railway station and Rameswaram itself.

I have mentioned already the reply that was given to me by the South Indian Railway Agent, without apparently communicating with the Railway Board, that it was not his look-out to see the town connected with the railway station. In this connection I should not fail to draw the attention of the Railway Board and the Honourable Member in charge to a leader in the issue of the *Hindu*, dated the 19th of August, which refers to Lord Irwin and economic development. It refers to the 6,000 miles of railways, which was mentioned by His Excellency in the course of his speech, that will be coming within the next five years for the purpose of improving rural communications. That article in a way emphasises the position that I take, that the whole development of this country relating to the extension of railways goes on the principle of suiting the railways and taking the products of the country to the ports from which foreigners may travel and goods may be exported, with the consequence that the country itself does not much benefit by these communications. I mean that is the effect of that article. While I am not prepared to say, Sir, that the whole of the article can be supported, while I am also sure that in sanctioning new projects, much attention is paid, at least recently by the whole body of the Railway Finance Committee and the Board, to what I have

[Mr. K. Rama Aiyangar.]

pointed out, while I am of that opinion, I have to submit that the particular view taken of this alignment and the connection to be made with the railway station at Rameswaram is of such an extraordinary kind that I have to refer to that article to support my view. As I have submitted, Sir, if railways were really constructed in that part of the country, it was purely for this important centre and Dhanushkodi. Connecting Dhanushkodi with Colombo is not so much India's affair as Colombo's affair. So that I take it, Sir, if extensions on that side of the country of the railways of India have been made, it is purely with the object of serving that important institution. Many many lakhs of rupees have been spent in bridging the gulf there between Pamban and Mandapam, though part of it might have been with the idea of connecting Colombo also, there is no doubt that the pilgrimage to Rameswaram played a considerable part in that project and the expenditure of lakhs of rupees from funds in India.

These are the various points I want to place before this Assembly for taking this subject into consideration. As I said, the alignment is first of all not a necessity ; but if it is felt necessary, the question of the embankment that I have referred to to protect it from the sea has not been taken serious note of, and even if an attempt is made to put up the embankment on that side it will not be successful for any length of time. But, apart from all these questions, the greatest point that has to be borne in mind is that Rameswaram station cannot be abolished and it ought not to be abolished. I beg 'of the Railway Board and all persons responsible for this to see that the station, I mean the present station or some station very near the town, is retained in some form or other. I know, Sir, that it was suggested that at best a place within a short distance of the present station will have to be taken as the station even if a siding is started there....

Mr. K. Ahmed : I rise to a point of order. Has not the Honourable Member reached his time limit ?

Mr. President : Mr. Rama Aiyangar.

Mr. K. Rama Aiyangar : As I was saying, even if there is a slight disturbance in the location of the station it does not matter, so long as it is connected with the town by good roads. The road there has recently, during His Excellency Lord Goschen's visit, been considerably strengthened and kept in very good condition. If that is not done, the effect of it will be, as I said, practically to put the railway to considerable expenditure to keep the road between the station and the town in good order. If the railway does not take upon itself the responsibility of connecting Rameswaram station with the town, they will be leaving all these pilgrims stranded there. They cannot expect to get across the sand dunes. The sand dunes there are made up of very fine sand. Even at ten o'clock if you try to pass over them you cannot do so without some protection for the feet, which most of these pilgrims have not—at least in the South, whatever may be the case in the North. Therefore, I submit, Sir, the matter is of considerable importance, and I hope it will not go to the length of having a division in this House. If it does not go to the length of a division I have no doubt that, owing to the thinness of the House, a technical success may be gained by Government. But the facts of the case are so important that I do

not think the Government will allow it to go to a division, and I expect the Government will take all steps for retaining the station if possible, and if it is absolutely impossible—which I do not think it is—they will have to take the full responsibility for connecting the station with the town and keeping it and maintaining it at the railway cost. But I submit, let it not be taken by the Government from that last statement of mine that I have the least inclination to agree that this line should not be connected by railway to the present station or about the present station. I do not grant it at all, but I do submit and hope it will be taken as a sufficiently serious matter and will be accepted by the Government.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Sir, I rise to oppose the motion of my Honourable friend, Mr. Rama Aiyangar, because I find from his speech that he has already annoyed enough both the Railway Finance Committee and the Railway Advisory Committee and having troubled them sufficiently he has again enunciated in his speech that he wanted to trouble this Assembly which is a body composed of very important persons representing the different constituencies. Our business to-day, Sir, is so important that, as my Honourable friend can see for himself, the very next question on the agenda deals with the abandonment of the Andamans as a penal settlement. Then the next Resolution, which is one he can rightly handle, is a Resolution to regulate the performance of religious festivals, and one of the grounds taken in his Resolution was that religious-minded people wish to go on pilgrimage to a station called Rameswaram. Let me tell him there is no chance of this unless legislation is immediately taken in hand—as the Resolution suggests—to regulate the performance of these festivals and ceremonies by the different communities in India, which is really the matter at stake. Unless this is done the whole structure he has raised, and the attitude of the religious-minded people on his Resolution will be washed away. It is therefore a far more urgent and important thing to handle rightly the next Resolution, that is, Resolution No. 4, rather than take up half an hour of our time for nothing, as he has done in proposing it. An ordinary Resolution like this covers many constituencies. Each constituency has got a thousand and one such grievances and they should be thrashed out by way of questions and interpellations. I am always ready to help my Honourable friend with supplementary questions if necessary, but to-day he has taken up the time of the Assembly for nothing. Is it not, Sir, an abuse of the privilege of moving Resolutions that subjects like this should be ventilated at a moment such as this ?

Sir, my second point is that my Honourable friend has altogether ignored this subject that has been stated in Resolution No. 2 and Resolution No. 4. He has also said that these are subjects which the Railway Department should consider and accept. Sir, these questions cannot be accepted. He himself says this is an important question. He says we want this alignment at this station Rameswaram. He says, further that this is a very important question and that the Railway Board should specially devote its attention to it, and that not only the Railway Board, but even the Railway Advisory Committee and the Railway Finance Committee should consider this question ; this is what my Honourable friend says. But the amount of money to be spent and the amount of income to be derived, all these questions have been considered, and the question of starting a new line has also been considered. Therefore, what does the

[Mr. K. Ahmed.]

Honourable Member want ? It is the representatives of the people in this Assembly who appoint these Committees ; it is these representatives who appoint the advisory bodies, and when these bodies have specially considered the question which my friend has brought forward, I do not see with what object my Honourable friend Mr. Rama Aiyangar has again brought forward this Resolution for nothing. Sir, I oppose this Resolution, and I would ask my friend to withdraw it.

The Honourable Sir Charles Innes (Member for Commerce and Railways) : Sir, I must confess that it is a relief to me to meet my Honourable friend Mr. Rama Aiyangar on new ground. Hitherto, when we have crossed swords in debates, it has almost always been on some intricate question of railway finance, and I must confess that my Honourable friend's mathematics have always left me gasping. But, Sir, even on this subject, I am afraid that the prevailing bent in the Honourable Member's mind is too strong for him, and I must utter a word of caution. I must ask the House to beware of the Honourable Member's calculations about the profit **we make out of the Rameswaram station.** On the contrary, for many years past we have been gravely perturbed in mind because of the fact that the Dhanushkodi connection has hardly been a paying proposition. Nevertheless, Sir, the Honourable Member may rest assured that I do not underrate the importance of this question. It may be that the question does not interest my Honourable friend Mr. Kabeerud Din Ahmed very much, and it may be that the question is one which requires local knowledge, and therefore it is rather difficult to discuss it in a House like this. But we do recognise in the Railway Board that this question is of very great interest to a large class of the Hindu population in South India, and I can assure the Honourable Member in this House that the Railway Board would not desire to do anything to make the pilgrimage to Rameswaram more difficult. But I should just like to explain very briefly what this problem is. It is concerned with the line from Pamban to Dhanushkodi on what is known as Pamban Island. In the south-west monsoon, there are very high winds and there is no rain, and these high winds carry the sand in a north-easterly direction. Ever since we made that line we have had the greatest difficulty with these sand dunes. It is a very difficult, technical and engineering problem, and the House will realise how difficult it is when I give them a description of one of these sand dunes whose local name, I am told, is Big Willy. This particular sand dune is no less than 600 yards long, 120 feet high and 100 yards broad, and it is advancing at the rate of 30 yards a year. We have been attacked by the sand mainly on two sections of the line, each about a thousand feet long, and that section where this sand dune is in operation has already had to be diverted three times. It cannot be diverted any more. We have discussed every possible means of dealing with this engineering problem. Sir Clement Hindley, himself a distinguished railway engineer, inspected this sand dune on the site and discussed the problem with the South Indian Railway engineers. Not content with that, our own Chief Engineer went down to the Madras Presidency and discussed the problem with the engineers of the South Indian Railway. We discussed alternative methods. We discussed the question whether we could not tunnel through the sand dunes. We discussed the question whether we could not stop the drift of the sand dunes by oil spraying ; but eventually we always came back to the conclusion that, if we wanted

to save the line at all, we must divert it altogether. Mind you, sand on a railway line is a very dangerous thing ; unless it were cleared away, the train would be derailed. Hitherto we have had to deal with the problem by employing men to clear the sand from the railway lines. The expenditure has gone up year after year. Last year we had to spend about Rs. 20,000 or Rs. 25,000 on this work, and we do not know how much more we might have to spend on it. Also there is the danger that, whatever we may do, the sand dunes may still advance till they are right on top of the line. For that reason we came to the conclusion that the only possible course for us to take was to divert the line south of the sand dunes. We have made the diversion now. It was sanctioned, I may explain to my friend Mr. Rama Aiyangar, before the Standing Finance Committee came into existence ; it was sanctioned in 1924, and the diversion has actually been completed. The effect of it is, I regret to say, that we leave the Rameswaram station high and dry. That station is about a mile from the temple. The new station which we shall have to build will be about $3\frac{1}{2}$ miles from the temple, and that is what my friend Mr. Rama Aiyangar complains of, that is to say, the pilgrims instead of being landed one mile from the temple will be landed $3\frac{1}{2}$ miles from the temple. Now, Sir, I recognise that this is an inconvenience to the pilgrims. And, Sir, when I reflect how much we have done in recent years for the comfort of our railway passengers, 1st, 2nd and 3rd class, I can very well realise that they object to being turned out of their comfortable railway trains at an earlier stage ; but I hope the House will take it from me that we are driven to this course not by any original sin on the part of the Railway Board or of the South Indian Railway, but merely by forces beyond our control. I am afraid there is no help for us but to divert the line. Mr. Rama Aiyangar seems to think that the new diversion will equally be liable to the advance of sand dunes. The whole object of diversion is to take the line south of the sand dunes so that that danger should not exist, and he may rest assured that if there is any danger of erosion, steps will be taken to counteract that danger. I have already told Mr. Rama Aiyangar that we will do what we can to alleviate the inconvenience to the pilgrims. We have already inquired into the matter whether we could not run a siding from the new station to the old. But we are informed that we are up against exactly the same difficulty, namely, that with the sand dunes it is impossible to do it.

Mr. Rama Aiyangar has suggested that we should make a road. There is a road. It merely requires a connection of about a mile between the existing road and the new station. I have no doubt that the District Board will make that connection. Mr. Rama Aiyangar has asked me to give a pledge that the Railway will do it, but as I have already said, it is quite impossible for me to give any pledge of that kind. In the first place, there are constitutional difficulties in the way. The Devolution Rules prescribe that central revenues can contribute to roads only when these roads are of military importance, and I do not think that even Mr. Rama Aiyangar would say that the Rameswaram Temple road is of military importance. Then again, we should have to consider very carefully in the Railway Board before we can spend railway funds, not on making railways but on making roads. Our present policy is to make our roads just to the confines of our own station limits and trust to the Local Boards to connect up and make the necessary feeder roads, and it would be a dangerous thing, I think, if we were to agree to a departure from a principle of that kind. Obviously a road of that kind is essentially a

[Sir Charles Innes.]

job for the local body concerned. But, as I told Mr. Rama Aiyangar yesterday, we in the Railway Board have taken this action with the greatest regret. We know that about four lakhs of pilgrims go to Rameswaram every year, and whatever complaints there may be against the Railway Board, I do not think any one has yet accused us of tearing up lines, except for good reason. In this instance we have got very great reason to do so. We are quite prepared to go into the matter, and, if there is anything that we can do to alleviate the inconvenience caused to pilgrims, Mr. Rama Aiyangar may rest assured that we will be only too glad to do so. That is all that I can say.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, I have listened with considerable attention to the reply given by the Honourable Member in charge on this proposition. It may be that the Railway Board are very anxious to have a new alignment which is less liable to the risk to which the present line has been exposed for the last 20 years ; for I understand from my Honourable friend on my right that the present line has been in existence for over 20 years. If Mr. Rama Aiyangar has given to this House figures which are exaggerated as far as the revenue from this line is concerned, I suggest to the Honourable Member in charge that he has not given us complete figures to show how much the Railway concerned had to spend on repairs on the existing alignment during the last 20 years. If the alignment which at present exists has carried on for 20 years and if there are 400,000 pilgrims who go to Rameswaram, not for the sake of a change of air or the benefit of their health, but for the sake of what is now recognized even by the Railway Board as one of the necessities of devout Hindus, I feel that every other consideration is comparatively a minor one and should be set aside and precautions should be taken that those who thus resort to Rameswaram are not put to any more inconvenience than they are at present. I, Sir, would be the last to minimise any dangers which may develop in the future to the safety of the line, but I suggest to the Honourable Member in charge that the remedy which he suggested, namely, of a siding from the new railway station that they propose to start to the old station or to the temple, whichever may be more convenient, should be very seriously taken into consideration. I very much sympathise, Sir, with the Mover of the Resolution when he says that he is not satisfied with just the vague assurance that the Railway Board would look into his complaint. The assurance which this House should, I think, take from Government is that they will see either that the old alignment is kept up or that, if they decide upon having a new station, they will have a siding from the new station to the old station or to the temple, whichever may be more convenient on the whole for pilgrims, even though it may cost a little extra. It is said, Sir, that the Railway Department and the whole railway administration has been working on commercial lines, but in other parts of the world railways working on commercial lines and even company railways have, if anything, provided more facilities, because the greater the facilities they provide the greater the number of passengers that are attracted. It is a coincidence, and I realize my own handicap that being a Hindu I may be charged—these charges are easy to make and we have had one such charge made by a Member here at an early stage of the debate—with the fact that because I am a Hindu I sympathise with this proposition. But I can assure my Honourable friend over there that if it was a

question of a Muhammadan place of pilgrimage I would equally urge what I am urging on this occasion. I ask the Honourable Member in charge of the Department not to minimise the importance of the Resolution that my Honourable friend has thought fit to move. I urge on him the necessity of giving an unequivocal undertaking that the task of those who resort to Rameswaram out of religious faith will not be made a whit more difficult than it has been till now. As far as I was able to understand, the amount lately spent in upkeep was Rs. 20,000 per annum and we should like to know how much they did spend during the last 20 years. I am quite aware that we may be told that much more may have to be spent hereafter ; but the present facilities which have been existing so long ought to be continued as long as possible. I suggest to this House that, in view of the peculiar circumstances under which the Resolution is being discussed, the House will not vote down this Resolution.

Khan Bahadur W. M. Hussanally (Sind : Muhammadan Rural) : As a Mussulman, Sir, I rise to support the proposition of my friend Mr. Rama Aiyangar. It cannot be denied that Rameswaram is one of the most important shrines in South India for the Hindus and I think it behoves the Railway Board and the railway administration to give every facility possible to the devotees that visit that shrine. I was not very much impressed by the speech of the Honourable Member in charge. He says that the yearly cost of removing the sand hitherto has only been Rs. 20,000. If that is a fact, that is a very paltry sum considering the amount of money that must be realized every year from the devotees who visit the shrine, of whom I understand there are four lakhs every year. If each man pays on an average one rupee, that would bring in Rs. 4 lakhs and, if Rs. 20,000 is spent in maintenance for the convenience of these devotees, I do not think that amount is at all badly spent. I think that even if the whole 4 lakhs were spent in removing the sand the convenience it would thus offer to Hindus visiting the shrine ought to weigh much more with the railway administration than the really paltry sum spent in removing the sand. If the sand cannot really be removed, then the alternative proposal of having a siding is certainly one which ought to be favourably considered by the Railway Board and railway administration.

Mr. Mahmood Schamnad Sahib Bahadur (West Coast and Nilgiris : Muhammadan) : Sir, I rise to support this Resolution because I come from the South and so I know the importance which is attached by Hindus to the retention of this old station, and the importance which is attached by people in South India to the temple at Rameswaram. Thousands every year resort to that place and if this old station is abandoned it will be a very great inconvenience and hardship to the pilgrims and others who go to Rameswaram. Even if extra expenditure is involved in maintaining it I think it would be easily made up by the larger number of people who would go to the place to visit the temple. With these words I support the Resolution.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I would not have taken part in this discussion had it not been for the inopportune interference of my friend Mr. Kabeerud Din and his opposition to this Resolution. Sir, I do not wish that any idea should be left on the minds of Honourable Members here that the Mussulmans have no sympathy with the Hindu pilgrims.

Mr. K. Ahmed : I neither said anything that could be construed as interference with the Hindu religion nor did I oppose the Resolution as a Muhammadan. My Honourable friend's heart is stronger than his head, it seems.

Mr. President : The House would be glad to hear the speech of the Honourable Member but not at this time. Maulvi Muhammad Yakub.

Maulvi Muhammad Yakub : Sir, it is very difficult for the people of the West to understand the veneration which we the people of the East, both Hindus and Muhammadans, have for places of pilgrimage. We, the people of the East, do not even mind sacrificing our lives for the sake of performing pilgrimages to our sacred places. You know, Sir, that thousands of Mussulmans make the pilgrimage to Mecca and Medina every year and they go there even at the risk of their lives. They consider that the performance of a pilgrimage to a sacred place is more valuable than their life itself. The same is the case with Hindu pilgrims. They take very troublesome journeys to Badrinarain or some other very remote place of pilgrimage, and in some cases they have to walk for hundreds of miles. But they do not mind any trouble in performing a pilgrimage to their sacred place of worship. We have been told by the Honourable Member who moved this Resolution that this temple at Rameswaram is considered to be a very sacred place for the Hindus in Southern India, and thousands and hundreds of thousands throughout the whole of India, even from the north, flock to this place in order to perform their pilgrimage : and it must therefore be the first and foremost duty of the Government of India to afford as great facilities as possible to these people. Well, if this line could be run on this sandy desert for 20 years, I do not know why it could not be kept for ever as it is. As regards the expenditure for removing the sand, my Honourable friend has already stated that the income which we derive from this line is much more than is spent for removing the sand ; and even if the income were not more than the expenditure, even then I should think that, in order to afford facilities to the pilgrims, Government ought to spend money from other sources in order to remove the sand. And as my friend, the Honourable Sir Purshotamdas Thakurdas has suggested—and that is a very moderate suggestion—if it were impossible to keep this line running, it may in some way be possible to have a siding from the new station to the old station, and if the line cannot be kept running say every day in the week, at any rate it may be possible to fix one, two or three days on which trains may be run, and probably the pilgrims may be so informed that they may go on the days that are fixed. At any rate my submission is that the Government should try their level best to afford such conveniences to this place of pilgrimage as may be possible. With these words, Sir, I heartily support this Resolution.

Sir Darcy Lindsay (Bengal : European) : Sir, I desire to support my Honourable friend, Mr. Rama Aiyangar, so far as concerns the object he has in view. As to whether the Railway Board can carry out the terms of the Resolution or not, I am not prepared to say. But my point is that we should support the Honourable Member in his desire that every facility should be given to this pilgrim traffic. My Honourable friend, Sir Purshotamdas Thakurdas, raised a point I wished to put myself, that is as to whether it would be possible to run a branch line or possibly a tramway from the new station to the nearest point to the temple. Even if that is

not practicable, I would suggest to the Honourable Member in charge that he could apply for permission to use the railway funds for making a road. He has said that he can only make a road for military purposes, but it might be possible to obtain permission for this special object. My Honourable friend, Sir Purshotamdas Thakurdas, referred to the Railways being run on commercial lines. Well, surely it is a commercial proposition to afford every facility to your traffic ; and if the pilgrims have to pass through sand to get to the main road, there may be a considerable falling off in the traffic, and that will affect the receipts from the railway. It is therefore all to their interest that they should expend money on making a roadway. With these words, Sir, I support my Honourable friend, Mr. Rama Aiyangar.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : I am afraid the object of my Honourable friend, Mr. K. Ahmed, in intervening in this debate has defeated itself. Because what he aimed at was to cut short the discussion, but I am afraid his opposition has brought a much larger volume of support to this Resolution than it would otherwise have had. But, Sir, I must say a word in defence of my Honourable friend. I did not hear him giving expression to any question of communal preference or communal objection, and I do not know why so many of my Honourable friends have assumed that that was the underlying note of his intervention. Sir, as a matter of fact he very charitably wanted to assist my Honourable friend by asking supplementary questions, if he had brought up this subject not by way of a Resolution but in the shape of a question. I therefore think my Honourable friend was a little misjudged by the previous speakers.

Sir, coming now to the merits of the Resolution, I have only one word to say and that is that, although this is far away from my province, this particular station has got a very great importance from the point of view of the very many Bengali pilgrims who repair to this place for pilgrimage every year, and in that view of the matter I would support my Honourable friend, Mr. Rama Aiyangar.

***Pandit Shamlal Nehru** (Meerut Division : Non-Muhammadan Rural) : Sir, I would like to support my Honourable friend, Mr. Rama Aiyangar, but before I do so, I should like to know the reasons why he wants to make the Hindu public less religious. The Hindu religion, as I have understood it from my childhood, enjoins on every pilgrim the duty of walking long distances in order to get more benefit. (Laughter). If Mr. Rama Aiyangar will satisfy me on that point, I should be very glad to support him.

The Honourable Sir Charles Innes : Sir, I must confess that I am rather surprised at the.....

Mr. President : Does the Honourable Member (Mr. Rama Aiyangar) wish to reply ?

Mr. K. Rama Aiyangar : Sir, I thank Honourable Members for having given their support to my Resolution. Every point that has been raised by my Honourable friend, Sir Charles Innes, has been met, and the Honourable Sir Darcy Lindsay has placed before him a method of overcoming any difficulty that he might feel. But I will only say that it is a

[Mr. K. Rama Aiyangar.]

question not of going beyond railway work at all. In fact if people are taken from the whole of India to Rameswaram,—and more than four lakhs go there—it will be the duty of the Railways to see that they are landed at Rameswaram conveniently—not that they are taken off the sand dunes on the other side of Rameswaram and left to cross 120 yards breadth of sand to a height of 120 feet. I suppose it is only fair for any company which engages in business to interest itself in that point, otherwise it becomes no business company at all. Of course I do not want to refer to the remarks which my friend the Honourable Mr. K. Ahmed has been kind enough to make ; I dare say he feels himself that he has said things which he need not have said. As for what my friend the Honourable Mr. Shamlal Nehru has said, I have only to remark that if people are left to walk to the Rameswaram sands, they have got the general roadways to pass through ; but would you strand them at a spot separated from Rameswaram by a large mound of sand very fine in texture ? Practically before crossing half way, they would exhaust themselves, and I do not think my Honourable friend would like the result. But I hope that, after he has heard all these expressions of opinion in the House, the Honourable Sir Charles Innes will give us the assurance we desire.

The Honourable Sir Charles Innes : Sir, as I began to say before,

12 NOON.

I am greatly surprised at the amount of interest which this Resolution has aroused. I should have been more impressed by the speech of my Honourable friend Sir Purshotamdas Thakurdas and I should have been more interested in the lecture which Sir Darcy Lindsay gave to the Railway Board on railway economics if they had ever been to Rameswaram and if they had the slightest knowledge of the engineering and technical difficulties with which we are faced in this matter. I think the fact that neither of them have ever been there, neither of them know the tract or know the difficulties which we have to contend with, detracts very greatly from the value of their speeches. I must also confess that I am surprised at the stress which has been laid upon the hardships of the pilgrims. As I explained, from the railway point of view we dislike this diversion very much. We dislike it because there is objection in principle to diverting a railway from an existing station. An existing station naturally creates vested interests, and it is a serious matter to divert your line in any way at all. But when Members get up here and tell me that we are putting pilgrims who go to Rameswaram to serious disabilities, I must say that I am surprised. I always understood myself that the more hardships you overcame in pilgrimage the more merit you acquired. I have always understood, Sir, that Muhammadans whenever they go on pilgrimage to the Haj have to travel many miles of sand dunes, on camels, exposed to dangers of bandits and robbers and the like and they welcome those hardships, because of the merit they acquire.

Maulvi Muhammad Yakub : I understand that it is now proposed to have a motor service between Mecca and Medina and between Jeddah and Mecca.

The Honourable Sir Charles Innes : I have always understood that Hindus make a long trip through tiger-infested country from Hardwar

to Badrinath and I am quite sure that Mr. Rama Aiyangar himself would undertake that journey with the greatest pleasure. But now, Sir, I am told that because pilgrims have got to walk over $3\frac{1}{2}$ miles of sand, we, the Railway Board, are putting them to unimaginable hardship. Surely a proposition of that kind has only got to be put in this House to show that there is not much force in this complaint.

I have said that we will do what we can to remove the inconvenience. I have already explained—and I should have thought that Sir Purshotamdas might have listened to what I said—that we have consulted the South Indian Railway as to whether it would be possible to make a siding to the existing station and we have been told that it will be quite impossible to do so for the very reason that Mr. Rama Aiyangar gave when he explained to us the difficulty of road-making there, namely, that you pass these very sand dunes. I have already explained the constitutional and other difficulties in the way of the Railway making roads. I can give neither of the assurances asked for nor any definite promise. I have said that the Railway Board will do what they can, will consult the South Indian Railway in order to remedy this very small inconvenience ; but that is as far as I can go.

Sir Purshotamdas Thakurdas : May I put a question, Sir, before you put the Resolution ?

Mr. President : Sir Purshotamdas Thakurdas.

Mr. K. Ahmed : Is there any provision in the Rules or Standing Orders which entitles my friend.....

Sir Purshotamdas Thakurdas : Is the Honourable Member in charge prepared to say that, before Government take a decision in this matter, they would consult the Railway Finance Committee ?

The Honourable Sir Charles Innes : No, Sir. Because the diversion has already been practically finished. It was sanctioned more than two years ago.

Sir Purshotamdas Thakurdas : In connection with the siding or any other facility that can be provided in order to avoid the additional hardship which would be put on pilgrims, would the Honourable Member give an undertaking that the Railway Finance Committee would be consulted ?

The Honourable Sir Charles Innes : I have already said that we have already decided that the siding is not possible. The siding is an engineering question which does not concern the Standing Finance Committee.

Mr. President : The question is :

“ That the following Resolution be adopted :

‘ This Assembly recommends to the Governor General in Council that the Railway Board and the South Indian Railway be directed to retain the present Rameswaram station as such even if the new alignment is adopted, and that protective embankments be put up south of the line to ensure the safety of the line.’ ”

The Assembly divided :

AYES—32.

Aiyangar, Mr. K. Rama.
Aiyer, Sir P. S. Sivaswamy.
Badi-uz-Zaman, Maulvi.
Baptista, Mr. J.
Chanda, Mr. Kamini Kumar.
Crawford, Colonel J. D.
Das, Mr. B.
Dumasia, Mr. N. M.
Ghose, Mr. S. C.
Gour, Sir Hari Singh.
Hussanally, Khan Bahadur W. M.
Hyder, Dr. L. K.
Jeelani, Haji S. A. K.
Jinnah, Mr. M. A.
Joshi, Mr. N. M.
Lindsay, Sir Darcy.

Lohokare, Dr. K. G.
Mahmood Schamnad Sahib Bahadur, Mr.
Muhammad Ismail, Khan Bahadur Saiyid.
Murtuza Sahib Bahadur, Maulvi Sayad.
Mutalik, Sardar V. N.
Neogy, Mr. K. C.
Purshotamdas Thakurdas, Sir.
Raj Narain, Rai Bahadur.
Rangachariar, Diwan Bahadur T.
Reddi, Mr. K. Venkataramana.
Roffey, Mr. E. S.
Roy, Mr. K. C.
Sheepshanks, Mr. J.
Venkatapatiraju, Mr. B.
Vishindas, Mr. Harchandrai.
Yakub, Maulvi Muhammad.

NOES—33.

Abdul Qaiyum, Nawab Sir Sahibzada.
Ajab Khan, Captain.
Allison, Mr. F. W.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Burdon, Mr. E.
Clow, Mr. A. G.
Coatman, Mr. J.
Dalal, Sardar B. A.
Datta, Dr. S. K.
Donovan, Mr. J. T.
Dyer, Mr. J. F.
Gidney, Lieut.-Colonel H. A. J.
Graham, Mr. L.
Haig, Mr. H. G.
Hezlett, Mr. J.

Hira Singh Brar, Sardar Bahadur Cap-
tain.
Hudson, Mr. W. F.
Innes, The Honourable Sir Charles.
Mitra, The Honourable Sir Bhupendra
Nath.
Muddiman, The Honourable Sir Alexander.
Norton, Mr. E. L.
Owens, Lieut.-Col. F. C.
Paddison, Sir George.
Parsons, Mr. A. A. L.
Rahman, Khan Bahadur A.
Rau, Mr. B. R.
Roy, Sir Ganen.
Sastri, Diwan Bahadur C. V. V.
Singh, Bai Bahadur S. N.
Townsend, Mr. C. A. H.
Willson, Sir Walter.

The motion was negatived.

RESOLUTION RE ABANDONMENT OF THE ANDAMANS AS A PENAL SETTLEMENT.

Maulvi Sayad Murtuza Sahib Bahadur (South Madras : Muham-
madan) : Sir, the Resolution I have the honour and privilege of moving
runs thus :

“ This Assembly recommends to the Governor General in Council that he be
pleased to abandon the Andamans as a penal settlement by sending back all the Moplah
and other prisoners, and also to throw it open for free colonization, removing all restric-
tions on communications, settlements, etc., and also giving all the necessary facilities to
the settlers.”

Before going into the question, a short history of how and when
the Andamans became a penal settlement would not, I think, be out of
place. In 1787 convict labour was introduced in the Sumatra Island
which was then under the British. For about 30 years this arrangement
continued. Afterwards, when Sumatra was handed over to the Dutch,
the convicts were sent to the Straits Settlements in order to add to the

supply of labour there. Till 1825 Singapore was thus the penal settlement. Afterwards this kind of assistance by convict labour was not deemed necessary for that Colony and, therefore, the Government were on the look-out for a fresh penal settlement. In the year 1858, that is, after the great Indian Mutiny, the choice fell upon the Andamans as a place of deportation for convicts. But in so doing, Sir, Government have selected a very bad place. It is unhealthy and has proved disastrous to the convicts. The Islands are situated in a far-off place. They are 700 miles from Madras, 800 miles from Calcutta and 200 miles from Rangoon. As I have already remarked, the selection was a very bad one, as it has been found that the place is a hot-bed of dysentery and malaria. Though the Government have spent, and are still spending, a large sum of money towards the improvement of these Islands, their efforts so far have been a total failure because they have not been successful in improving the unhealthy condition of the place. Even granting that some improvement can be brought about in the long run, I may assure the House that the game is not worth the candle. It will under the present arrangement continue to be an abominable place, a land of despair, a living grave in the case of convicts.

So far as the moral atmosphere of the Island is concerned, it is hopelessly bad. I may say it is highly revolting to the convicts who have even an iota of self-respect in them. I have seen the place and I know all these things personally. I shall just refer the House to the view expressed in the Jails Committee Report of 1919-20. This Committee consisted of eminent gentlemen, who were experts in jail matters. It was presided over by no less a personage than Sir Alexander Cardew, who was a Member of the Executive Council of my Province, and who was also the Acting Governor of the Madras Presidency for some time. He was assisted by three experts, the Inspector General of Prisons, Bombay, the Inspector General of Prisons, Bengal, and the Inspector of Prisons, Home Office, London. There were two Indians on that Commission. One was my much lamented friend, the Raja of Pudukotah, who died in London last year ; the other Indian Member, a Musalman, died even before the Report of the Committee was drawn up. So, Sir, their recommendation, which was the outcome of their untiring and hard work for about two years, could not be ignored. What have they recommended ? Having visited the Islands and having made sifting enquiries into the question, they have come to the conclusion that the Islands should cease to be a penal settlement. Some of the Members no doubt opined that total abolition need not be aimed at just now. Their opinion was that those that are specially dangerous criminals may be deported to the Andamans, and the question was to be determined by the Governor General in Council as to who were really dangerous criminals. The recommendation of the only Indian member then serving on the Commission runs thus. In paragraph 629 he says :

“ The reference of the Government of India desires us to offer our recommendations on the following two points :—(i) whether transportation *qua* transportation should be retained in, or deleted from, the Statute, and (ii) whether the system of transportation to the Andamans should be (a) retained as it is, (b) mended, or (c) ended. The latter question has been a moot point for many years and the mass of correspondence and reports which have accumulated upon this subject exhibit many divergent and controversial views. As we have had the benefit of visiting all the important places in the Andamans and examining witnesses, not only there but also in other places, I feel I am in a position to advise the Government on the two points stated above.”

[Maulvi Sayad Murtuza Sahib Bahadur.]

Again in the following paragraph he says :

“ Before venturing to give my opinion on these points I find it necessary to give a short history as to how this form of sentence came into existence in India, what the original intention of the law was in invoking this form of sentence, and whether the conditions in the Andamans have actually fulfilled the object of law and penology.”

Later on, with reference to the recommendation of the majority who are in favour of deporting specially-criminal class people, he says thus in paragraph 635 :

“ The next point for consideration is whether the system should not be retained for the deportation of a certain class of people who are styled ‘specially dangerous to the interests of the community.’ The main reasons adduced in favour of the recommendation of my colleagues are :—(i) that the Andamans would be a secure place for these people, and (ii) that if the Islands be radically improved the conditions there, both moral and climatic, would not be as demoralising and injurious as they are now. The first argument assumes that in India it is impossible to prevent escapes of some of these prisoners, and displays want of trust in our future prison staff. If, however, our recommendations as to the improvements in the jail staff be acted upon, I feel confident that the Government will be able to secure so trustworthy, efficient and competent a staff that the Indian prisons will be as secure as the Andaman Islands. Coming to the second argument, I am of opinion that its adoption will entail on Government an enormous expenditure which cannot possibly have any compensating advantages. May I observe that the Andamans exist for prisoners and not *vice versa*. In view of what one of the witnesses, who has been a medical officer in that place, has definitely deposed, *viz.*, that whatever improvements may be effected the health of the prisoners in the Andamans will never be so good as it is in the Indian jails (which view is generally shared by a few other medical officers who had also been in charge of the Islands), and in view of the fact that there is very little chance of obtaining in the Andamans such educated healthy public opinion as would afford a wholesome check on the prison administration, I am unable to agree with my colleagues as regards their recommendation with regard to the deportation of the specially dangerous prisoners.”

His recommendation, therefore, is :

“ This class of prisoner will, I presume, be very small. It ought, therefore, to be feasible to accommodate them in a separate yard or where this is not possible, to build a small jail in each Province, as may be found necessary by the Local Governments, and have them guarded, if necessary, by a special staff of warders. Once a prisoner is found to be a specially dangerous man, the treatment to be accorded to him in jail should be naturally more rigorous and penal than is meted out to habitual prisoners, with less liberal remission and fewer privileges than we have recommended for the other prisoners ”,

and so forth.

The then Home Member made an announcement on the floor of this House in the year 1921, assuring the House that the recommendations of the Jails Committee would be acted up to. So it is that deportation did not take place for some time. Now about eleven hundred and odd Moplahs have been sent over there. There is already a criminal population of six thousand, so in all there are seven thousand and odd convicts there. In this connection, Sir, I may say that when we waited upon Sir Alexander Muddiman last year. Mr. Schamnad and myself, and placed these facts before him, he was kind enough to suggest that we might go to the Andamans, satisfy ourselves as to the conditions prevailing there, and thereupon he would view the question as it deserved. We thought it desirable that we should be appointed by the Government and should be in a position to submit a report deserving consideration.

The agitation which is going on in our Presidency cannot be stopped unless the people are satisfied by a public report made by those who were entrusted with the inquiry by the Government. Two Members, Mr. Mahmood Schammad and myself, were appointed by the Government of India and the Madras Government nominated Mr. Abbas Ali, Khan Bahadur, M.L.C., and an outsider in the person of Dr. K. D. Mugaseth of Calicut. We have submitted our report, but as it has not been published I will not be justified in divulging what it is. I may say this much that, had the report submitted by us in February last been published, the public would have been satisfied and the House would have been in a position to know how the matter stands....

Mr. K. Ahmed : You are entitled to expose them.

Maulvi Sayad Murtuza Sahib Bahadur : There were many questions put both by the Members of the Assembly and of the Council of State, yet the report did not see the light of day. At least after this Resolution of mine had been tabled, if the Government had published the report, I would have been in a better position to place the facts before the House, and the Members of the House would have been in a better position to support me, and I think my Honourable friend Sir Hari Singh Gour would not have then tabled the amendment he has now tabled.

Sir, in this connection I have to submit to the House that a Resolution was passed almost unanimously by the Madras Government in regard to the question of repatriating the Moplahs, but as far as my Resolution is concerned, it embraces all the prisoners there. So far as the Moplahs are concerned, they number only 1,100 in all, but there are others who have also placed their difficulties before us. They said that the Andamans is a living grave to them. They are cut off from society and once deported they are lost to society, they know nothing about their families. So far as the civilized world is concerned, so far as the present time is concerned, this is not how prisoners should be treated, especially these Moplahs. I do not speak of them only because they are my co-religionists, but because I know they have fallen victims to martial law. They have been sent to this place which is immoral to the core....

The Honourable Sir Alexander Muddiman : Quite incorrect ; the Moplahs are in their own village.

Maulvi Sayad Murtuza Sahib Bahadur : So far as the Moplahs are concerned, Sir, you are quite right, but so far as the general atmosphere of the place is concerned, it is abominable. I can quote authority from the Report of the Jails Committee which my Honourable friend the Home Member could not but rely upon. Now, Sir, my Honourable friend the Home Member will excuse me when he sees me a little heated, but what I have seen with my own eyes I have given expression to. In the Resolution of the Government, dated the 27th February 1926, much stress has been laid on the fact that, by spending 4½ lakhs for filling a swamp, the malaria-carrying mosquitoes could be put an end to and the result would be that the Islands would be free from malaria. I have to invite the attention of the House to the fact that this theory is not supported by the medical officers of the place. What do they say, Sir ? The Senior

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Medical Officer in the Administration Report of the Penal Settlement for 1922-23, at page 33, states :

“ Malaria cases mostly occur during the rainy season when other *anopheles* besides *ludlowi* are very numerous. *Ludlowi* being a breeder in salt swamps has suitable conditions for breeding all the year round ; other varieties breed during the rains in fresh water. They are very numerous then and are practically absent during the dry season. It is during the season of greatest prevalence of other *anopheles* mosquitoes besides *ludlowi* that most cases of malaria occur.”

Again in the same Report he says :

“ The inhabitants of the police lines in Aberdeen remote from the Salt Swamps suffered as much from malaria as the inhabitants of Aberdeen where houses border the Salt Swamps.”

Again in the Administration Report for the year 1923-24, he says on page 41 :

“ In the 1922 report it was pointed out that though *Ludlowi* may still be the chief carrier of malaria, other *anopheles* must not be ignored. This year a large number of cases came from the areas undergoing clearing and from newly built villages not close to the Salt Swamps which lends force to this fact. Also in Viper District a fuliginosus variety *Nivipes* made an early appearance in large numbers and this is a known malaria carrier.”

At page 39 he goes on further and states :

“ It is difficult to compare faithfully this year's health with that of previous years owing to the changed conditions and the transfer of debilitated and sick convicts to the Indian jails. That it was a bad year for health cannot be gainsaid. The factors mentioned in last year's report as accounting for the general improvement in health have been in operation throughout this year also but in spite of them the sick-rate and still more the death-rate has gone up considerably. Bowel disease and malaria are almost entirely accountable for this increase. Of the bowel diseases causing ill-health, dysentery easily leads the list.”

Such being the case, Sir, my Resolution says that the Governor General in Council may

“ be pleased to abandon the Andamans as a penal settlement by sending back all the Moplah and other prisoners, and also to throw it open for free colonization, removing all restrictions on communications, settlements, etc., and also giving all the necessary facilities to the settlers.”

I have explained the first part of my Resolution. As regards the second part, Sir, that it should be thrown open to the public to settle there, this is a recommendation made by the Jails Committee about which an assurance, as I have said, was given on the floor of this House in 1921. I do not see any justification for the Government attitude being changed afterwards. Those prisoners are subjected to many a hardship consequent upon malaria, dysentery and other things, and the whole atmosphere is very bad. The Honourable the Home Member said that so far as the Moplahs are concerned they are all right, they are located in different villages, which is quite true, Sir. Nine villages have been set apart for the Moplahs. During our stay of about 6 days there we visited almost all the villages set apart for the Moplahs except Hashmatabad, because of its inaccessibility. Even the tahsildar who accompanied us said they could not take us there, otherwise we would have visited even that village. But in the villages we visited we found the condition of the Moplahs and that of the families that have been deported there along with those Moplahs to be miserable. I can assure the Honourable the Home Member that when their hardships were placed before us we were moved to tears—not only the Mussalman members of the Committee

but also Dr. Mugaseth, who is a Parsee gentleman. We could not control our tears when their difficulties were put before us. Such is the real state of affairs. No doubt the Honourable the Home Member also visited the Islands a little prior to our visit, but he could not be expected to have visited all the villages. So far as we are concerned, we visited all the villages except one. Out of 9 villages we visited 8 during the short period of 6 days, and the only village we did not visit was Hashmatabad. We could not visit it simply because it was inaccessible.

Mr. K. Ahmed : How many days did you take ?

Sir Walter Willson : Six.

Maulvi Sayad Murtuza Sahib Bahadur : Under these circumstances I make special mention of these Moplahs, about whose repatriation a Resolution has already been passed by the Madras Council, and I hope our large-hearted Home Member, whose humanity is well known, will come forward not to oppose my Resolution but to give me some assurance as regards these miserably circumstanced convicts. My Resolution is of all-India importance. So far as the Moplahs are concerned, as I have said, they number only a thousand and odd ; but there are others—Hindus, Christians, Sikhs and others, who number about 6,000 in all. My Resolution is that all of them should be sent back to Indian jails. This is what they expressed to us though we were not sent to go into all those things, but they volunteered this and said “ We prefer Indian jails to the Andamans which is a land of disease and discomfort.” So this is really a question of humanity. So far as Indian Members are concerned, be they nominated or elected, I do not entertain any doubt as regards their support to my Resolution ; and as regards non-official European Members, I am quite sure they will also support me.

Mr. K. Ahmed : They will not.

Maulvi Sayad Murtuza Sahib Bahadur : They will, Sir. I am sorry Mr. Kabeerud Din Ahmed tries to weaken my case. So far as the Honourable the Home Member is concerned, I would request him at least to adopt the attitude which he adopted when I moved a Resolution regarding the North-West Frontier question. The Government Members remained neutral, allowing all others to vote as they pleased. Then I hope this Resolution will be carried even without the support of many Indian Members who unfortunately are absent to-day owing to some technical difficulties. With these words I commend this Resolution to the acceptance of the House and I hope that the Honourable the Home Member who has already made mention of one point in the Resolution, dated the 27th February, that after he received our report the matter would be considered, will give me some assurance so that this Resolution will not have any difficulty in being passed. With these few words I commend this Resolution to the Assembly.

Mr. Mahmood Schammad Sahib Bahadur (West Coast and Nilgiris : Muhammadan) : Sir I heartily support this Resolution as I have got first-hand knowledge about conditions in the Andamans. Sir, before I proceed further I will request the House to treat this matter as a matter of vital importance, a matter of life and death to thousands of His Majesty's Indian subjects. The chief reason I am urging the abandonment of the Andamans as a penal settlement is the unhealthy and immoral conditions that are prevailing there. Though several attempts were

[Mr. Mahmood Schammad Sahib Bahadur.]
made to remedy these conditions it has not been practicable to improve them in any way. In 1919 the Government of India appointed a Committee composed of several eminent members to investigate and recommend among other things whether the Andamans should be continued as a penal settlement. This Committee after a prolonged enquiry of nearly two years recommended in their Report that transportation as a sentence recognised in the Indian Penal Code should be abolished, its place being taken by rigorous imprisonment; in those Provinces where the jails are insufficient to detain prisoners now deported, additional accommodation should be provided as soon as possible; and the number of females being very small—242—at the time, they should all be brought back to India at once and distributed among the Provinces to which they belong.

Sir, as a result of these recommendations the Honourable Sir William Vincent, the then Home Member, announced in this Assembly in March 1921 that the Government of India had decided to abandon the Andamans as a penal settlement. Several prisoners, including all the females, were brought back to India thereafter.

Regarding the closing of the penal settlement, the Government, in a Home Department Circular issued on the 27th February, say in paragraph 4 :

“ The task of closing the Penal Settlement has not been found an easy one. At the outset, two serious difficulties were experienced. In the first place, there was the considerable number of self-supporters in the Settlement who were enjoying a life of semi-independence. To have transferred all these prisoners forthwith to Indian jails to serve the remainder of their sentences in close confinement would have been a serious hardship. On the other hand, the decision to close the settlement could not be regarded as a sufficient reason for releasing self-supporters before they had served their sentences. The second difficulty was the congested condition of Indian jails in most provinces which rendered it impossible for Local Governments to agree to the immediate transfer of a large number of prisoners ”.

Now, Sir, with regard to the question of transferring the prisoners from the Andamans to Indian jails, I submit that it is no hardship to the prisoners, as all of them gladly and willingly volunteer to serve out their term of imprisonment in Indian jails. Not only the Moplah prisoners, but all the others as well, told us that they would prefer Indian jails to the so-called freedom in the Andaman Islands.

Then the congested condition of the Indian jails is certainly no excuse for not transferring the prisoners to the Indian jails. It is certainly the duty of the Government to expand the Indian jails. Although it is now six years since the Jails Committee recommended that the Indian jails must be improved and expanded, Government have not yet taken any steps in this direction. On the contrary, Government have tried to induce the convicts to take their wives and children and settle in the Andaman Islands. The Government in paragraph 8 of their Resolution say :

“ To complete the description of steps already taken to develop the settlement, mention must be made of the efforts to induce convicts to import their wives and families and also the efforts to obtain convicts in Indian jails to volunteer for transfer to the Andamans. The attempt to provide a population by the settlement of married convicts has had little success so far except in the case of the Mappillas, but Government hope that further efforts may prove more successful. In the case of the Moplahs the scheme has proved an unqualified success ”.

Now, Sir what is this boasted success in the case of the Moplahs? I have spoken to all of them. They never volunteered to go to the

Andamans. They consented to go there only under threat by some subordinate officials and policemen. You can very well imagine what is meant by inducement by policemen.....

Mr. K. Ahmed : Is that true ?

Mr. Mahmood Schammad Sahib Bahadur : Now, even supposing that these people consented to go to the Andamans, will Government be justified in taking them to such an unhealthy place as the Andaman Island ? For example, suppose there is a plague-infected house. Even if the inmates are willing to go and live there, will the Government be justified in sending or even in allowing them to go and live in that house ? The development of the Islands is not sufficient reason for sending convicts there.

Then about the health of the Islands, the Jails Committee in paragraph 547 say as follows :

“ The records of the settlement are full of references to the fever which prevailed from year to year, and this fever was necessarily very unfavourable to the success of a project for the colonization of the Islands from the convict population. The prisoners who survived and who were released were exhausted by malaria ; their offspring suffered still more from the same cause ; and there was a natural disinclination to remain in Islands which were thus afflicted ”.

And the place is, as the Honourable Mover of the Resolution said, very marshy, it is full of jungles all round. These convicts are always at the mercy of wild tribes who take pleasure in killing any man who tries to intrude into the privacy of their homes in the jungles. They have never been subdued. These prisoners are asked to clear the jungles and make some settlement there. They are killed by arrows. The houses being built on the ground floor are always damp. For about nine months the floor is wet owing to the severe rains ; and the walls of these huts are made of *thatties*. Almost all the prisoners that I say were suffering from fever or from the after effects of fever. Many of them had enlarged spleen.

Now, about the immorality which prevails there, the Report of the Jails Committee in paragraph 548 says :

“ It has been said that men often accept the position of self-supporter with a wife from the female prison in order to live upon her immoral earnings. As prisoners came to be finally released, a free population gradually grew up, but this population, being mainly drawn from the convict class, was stamped with the same vices which characterised that class. In consequence the moral atmosphere of the settlement has been thoroughly unhealthy. No decent prisoner would wish to bring his wife and family to such a place, and accordingly any attempts which may have been made in recent years to induce released convicts to bring their wives and families to the settlement and so to relieve the social evils of the place could not be expected to succeed. On the contrary, every man who retains any sense of self-respect desires to get away and to take his relative with him. In the course of our visit, we saw some of the self-supporters, men with young and growing families, who wished to return to India in order to give their children a chance of being brought up in healthier and more decent surroundings ”.

There is no system of marriage. Any woman can go with any other man. She is the wife of one man for a day or for a week, and in the next week she is the wife of another man.

The Honourable Sir Alexander Muddiman (Home Member) : It is absolutely incorrect.

Mr. Mahmood Schammad Sahib Bahadur : For the so called marriage they have only to go before a medical officer, and, if he examines and

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passes them, there is no need for them to go before a Qazi, a Bhatta or Purohita or anybody else.

Absence of reformatory influences and unnatural vices that prevail there are also some of the reasons against this proposal.

The industrial or strategic value of the Islands cannot be a sufficient reason for their retention there. It is not contended that they should be abandoned altogether. Let the Islands be developed by all means

1 P.M.

by the employment of free labour for which there is no difficulty, as is admitted by Government in paragraph 12 of the Resolution which says :

“ Free labour can now be imported at moderate rates and Government itself has been successful in establishing a small but genuine settlement of some 30 Karen families in the Middle Andamans. They hope to be able to place several hundred more Karen families in the same locality where labour is required for forest work. A party of 160 returned emigrants from Natal recently arrived in Port Blair with the intention of settling in the islands and Government will welcome further parties of the same class who are prepared to accept local conditions.”

The Islands may also be developed by dividing them into suitable holdings and giving them on favourable terms to settlers from outside. I have no doubt that sufficient number of people from Burma, Assam, Bengal and other places will take advantage of this immediately if only favourable terms are given and other facilities are offered for settling there. Land tenure is very insecure now. There is no free communication with the main land. There is no law, no vakils ; all these things must be remedied. The same civil and criminal law as we have in India must be made applicable there also. Free communication and free trade must be encouraged. The land tenure system must be improved. The changes that are to be introduced under a new Regulation to come into effect soon are not far reaching enough. There must be a land tenure system similar to that in India. Therefore, no consideration should prevent the removal of all the prisoners now there without delay to India. They have no freedom of choice like free settlers who can go away as soon as they find the place unsuitable. The Jails Committee say in paragraph 562 :

“ Accepting, however, in full the statements made by the authorities of the Andamans, it does not appear to us that they furnish a sufficient reason for the continuance of the system of transportation on its present scale, if on other grounds that system is shown to be opposed to the welfare of the prisoners concerned. There can be no doubt that the employment of convicts in the cultivation of rubber and coconuts involves much exposure to weather and is otherwise hardly consistent with sound methods of prison administration. It necessitates the convicts being very much scattered, thus rendering supervision difficult and facilitating the continuance of some of the existing abuses noticed above. The heavy rainfall of the Islands during the greater part of the year is trying to the health of the prisoners drawn, as they are, from all parts of India, including dry zones like those of Sind and the Punjab, and we doubt whether it is justifiable to expose such prisoners to these conditions, even though it were proved that the operations were financially successful. Moreover, the financial success of the undertakings involves an element of doubt. If they are as profitable as their advocates suggest, there should be no difficulty in making them pay under the same conditions as those which regulate similar enterprises in Burma, the Straits Settlements and the Dutch Colonies, that is, by the employment of free labour. If, on the other hand, convicts are needed in order to show profits, we think it is probable either that all the elements of cost in the supply of the convict labour are not taken into account or that the necessity of treating prisoners with due consideration has been lost sight of. Convict labour is notoriously less efficient than free labour and

is, therefore, *prima facie* more expensive, nor does the absence of a wage bill usually make up for this, when the cost of guarding, maintenance, superintendence and capital outlay are all fairly allowed for. Moreover, in the case of the Andamans, this cost is enhanced by the expenditure involved in transporting to the Islands not only the convicts themselves but their food, clothing and almost all the necessaries of life. Nor must the need for a large amount of medical attendance and for increased provision against sickness due to the prevalence of malaria be omitted. If these are not provided and if the prisoners are not adequately housed, fed and cared for, the industry on which the men are employed may pay, but the profits are obtained at the cost of the prisoners, who, being compulsorily detained in the settlement and forced to labour, do not possess the power which free labourers would have of protecting themselves by leaving the work and the Islands. We should prefer to see these enterprises placed entirely on a business footing and run without any assistance from the convict population. In the case of forest exploitation this is now proposed to be done and the forest officials expressed themselves as in favour of the introduction of free labour and the entire withdrawal of convicts, as soon as the necessary arrangements can be made. Similarly, in the case of the rubber and cocoanut plantations we see no reason why free labour should not be attracted from India or Burma, if suitable terms are offered. If it is thought advisable, the rubber and cocoanut plantations might be retained under the control of the Chief Commissioner and worked in the same way as the Forest Department, subject to his general control, in exploiting the timber supplies of the Middle and Northern Andamans."

Mr. President : I cannot allow the Honourable Member to read the whole of the Report. He has already exceeded his time limit.

Mr. Mahmood Schannad Sahib Bahadur :

" An alternative plan would be to grant a lease of those portions of the settlement at Port Blair which are suitable for cocoanut and rubber to a private company who would then make their own arrangements in regard to the supply of labour and all other matters. We are strongly of opinion that the future of the Andamans as a penal institution should not be decided on the basis of the actual or potential value of the Islands as a commercial or industrial proposition."

Sir, I hope all these things will be taken into consideration by the Government and they will accept the Resolution without a division.

Dr. K. G. Lohokare (Bombay Central Division : Non-Muhammadan Rural) : Sir, it seems to me this Resolution combines two distinct propositions, the first being the question of the penal settlement and the second the question of arranging for the colonization of the Andamans. This admixture of the two proposals, one demanding that the Moplahs and other prisoners in the Islands be sent back to India and the other demanding colonization, (*Mr. K. Ahmed* : " How would you write out your prescription ?") seems to have created some sort of confusion. If the one thing is to be achieved the other is not a matter of so much importance to the Honourable Members who have thought fit to move this Resolution. I understand that the motive underlying this Resolution is that the Andamans as a penal settlement should be abandoned, and it is with a particular view of the relation between crime and punishment that I would discuss this question. When we think of the progress made in the science of analysis of crime it appears from the psychology of crime that it is only mentally deficient men who are criminals. If that psychology is to be accepted, then I doubt whether isolation of such criminals has the desired effect. Isolation of these criminals, not by themselves but in a group of similar persons, is itself detrimental to the purpose for which they are thus isolated. We have really to look more to influences which go to humanize these men, and not simply to their isolation in some remote place. By such means instead of making any improvement in these men we render them more callous and when we return them to society after their period of transportation, we return

[Dr. K. G. Lohokare.]

them in a worse condition than they were in before. That is the greatest objection to such isolation of criminals. If the psychological theory of mental deficiency of these criminals is to be accepted, then I think that instead of sending them to the Andamans straight they should first be confined in Indian jails, and if they are found to be really hopeless cases then alone should they be isolated.

That a man has committed murder on the spur of the moment, is not a justification for constituting such a system as a cure for the mental deficiency that he has. He ought to be tried or rather treated in a jail in order to see whether improvements can be effected in the person. If the theory that punishment with pain and torture alone is a cure for crime is to be accepted, I am afraid we are going back to the 13th century; and under the present circumstances this practice of the relation of punishment to crime, in view of the doubtful effects of the treatment to be meted out to these criminals, must be revised. The system prevalent is antiquated and consequently needs overhauling. If these criminals are to be allowed to mix in a society of a far higher level than criminals after they finish their term of transportation, then it is reasonable enough that a fair trial should be given for the improvement of these men, amidst ordinary surroundings in local jails. Unless that first step is taken, I think it is most fatal for society itself to transport such men immediately. I have had some experience of jail life (Laughter)—as a servant of the jail administration; and while dealing with such long-term criminals, I have found that a little bit of persuasion, a few kind words, a little bit of mental effect as it were brings about an improvement in such men ten times better than what would be possible either by isolation or by tying them with iron bars or by handcuffing them for day and night. I have had experience of such work. (*An Honourable Member*: "But there are stone walls.") That may look to you as something very deterrent, but that too has to be used only for a time, and not always—for a certain period only, so that the criminal may be paid particular attention to with a good opportunity for improvement. Sir, I am afraid we are using such means in these cases as would never serve the purpose of improving human society, and it is this aspect of the question that has to be borne in mind in dealing with this penal settlement of the Andamans. The other question, colonization, can, I think, be safely left to the Government. If they think it is a profitable business to colonize the Andamans, they may undertake it. If they think that colonization

Mr. K. Ahmed: Free colonization.

Dr. K. G. Lohokare: Yes! free colonization, as my Honourable friend puts it, is a commercial proposition, they may undertake it. If not, it may be left to private enterprise—if some think it possible—to be undertaken on their own account. The two questions need not be combined here. The first part of this Resolution is more important, and I commend this aspect of the question to the House.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I confess that it is with considerable satisfaction that I find that at length a Resolution in regard to the Andamans has reached discussion. I am very anxious that the House should be aware of the facts in as full a

manner as possible in order to explain to it the definite policy of Government and our hopes, our very definite hopes, with regard to the future of the Andamans. I have myself visited these islands, and I therefore also can claim to speak with some authority on the matter. I have traversed every yard of pucca road in the Andamans; I have visited the north Andaman, the middle Andaman, the south Andaman and the Cinque Islands to the south... again.

Mr. K. Ahmed : What about the parts where there is no pucca road and where unnatural offences and immorality are prevalent ?

The Honourable Sir Alexander Muddiman : I can inform the Honourable Member that there are some 85 miles of road, and that the roads are in certain respects better than those in the neighbourhood of Calcutta.

As my Honourable friend, Dr. Lohokare, pointed out, this Resolution really raises three points : the abandonment of the Islands as a penal settlement, the return of the Moplah prisoners, and the free colonization of the Islands. Now, these are not necessarily connected subjects. As a matter of fact I think those who have listened to the Mover and the gentlemen who followed him will be convinced that the important point to their mind is the return of the Moplah prisoners. For the moment I will set aside the question of the Moplahs; I will deal with that as a separate matter. The first question is the abandonment of these islands as a penal settlement. Sir, that is the definite policy of the Government. It was laid down by my Honourable predecessor, Sir William Vincent, in 1921, that the Government had decided to abandon the Andamans as a penal settlement. Towards that policy we are working; but it is no use attempting the abandonment unless you have something to replace it. The change, moreover, must be slow. Much money has been spent on the Islands. If the whole population were withdrawn at once, even if it were possible to accommodate it in India, it would result at once in the Islands going back to jungle. However, we have not been remiss, I submit, in our efforts (1) to close down the Islands as a penal settlement, and (2) to alleviate the lot of those who are there. I beg the House to believe that there is no man who feels more keenly than I do the desirability of reclaiming criminals in this country. A very large proportion of the criminals in this country are the victims of circumstances. I do not refer to the professional criminals, I refer to those crimes of violence to which ill-educated and excitable people are necessarily very prone. It has been said to me in the Andamans that the best behaved prisoners are generally the murderers, and it is undoubted that this class includes persons who are not in the ordinary sense of the words of criminal proclivities. I should like to point out that there are two difficulties in closing this settlement. First, there are a considerable number of what are called "self-supporters". These men are often located in their own houses, they own cattle, they cultivate land—and, as I shall explain to the House later, their position has recently been greatly improved in many respects. They are in many cases married, having children. To return them to Indian jails would be a very great hardship indeed. The other difficulty is that if you get a large number of long-term prisoners returned to the Provinces, you cannot lock them up in the ordinary district jails. You have got to build proper central jails, and the Local Governments have not at the present moment got these jails, and I do not know when they are going to get them. Therefore, although we did return a large number of convicts, it is not possible to return as many as we would wish. I will give the House the

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following figures. In 1921 there were 11,000 convicts in the Islands. By December last we reduced them to 7,000, that is a reduction of some 33 per cent. Now, besides the convicts in the Islands, you have got to remember there is another class of persons who live there. They are not convicts at all, they are the descendants of possibly a convict who has been released and a free woman or the descendants on both sides of convicts. I made it my business to meet these people. I saw them not only in deputation, but I inspected their schools and also their very excellent boy scouts, and I may say that a finer body of young boys I have hardly seen in India than these descendants of ex-convicts. They wear khaki shirts and shorts, with well-brushed hair, clean and neat—and they compare very favourably with those who have had a far better start in life. This population is one of very considerable importance—some 4,000 to 5,000 people very much attached to the Islands. That is the position, Sir, as regards the two classes of population in the Islands. Now, we have not been idle moreover in dealing with the actual treatment of convicts. We have endeavoured to reduce the convict population on the one hand, and, on the other hand, we have endeavoured to offer such inducements to the convicts that they will on release settle down as free settlers. We had a certain amount of success in that. We have granted tickets-of-leave more liberally. Convicts now get wages on a sliding scale according to their skill. We have granted them rations and clothing in order to do away with the stigma of convict clothes. These have produced very tangible results. In 1919 there were 10,000 labouring convicts practically employed on public works in the Islands. We have reduced that number now very greatly and we have only got 5,500 convicts so employed, which include a large number of self-supporters. It is a very interesting fact, for which I have the authority of Colonel Ferrar, and which I myself observed, that self-supporters have greater self-respect, work better and enjoy better health. To give a concrete example—in the Chatham Saw-mill we formerly employed 57 labouring convicts and 159 self-supporters, a total of 216. The daily sick rate among labouring convicts was 35 per cent. and self-supporters 2.5. We now employ only 197 self-supporters in the mill and their sick rate is very low, only 2.25. That is a noticeable improvement. In 1925 out of a total population of 7,740 we had 2,105 self-supporters who were drawing a Government wage, and we had 2,272 who were agricultural self-supporters. An agricultural self-supporter is one who lives in his village, has his own cattle, his own land and cultivates it. One of the great difficulties that stood in the way of any progress in the Andamans was the fact that no convict or indeed anyone else could get a permanent lease of land. We have changed that. This year we passed a new Regulation which enables grants of land to be given to larger holders while small holders can get occupancy rights. We have gone further. If a convict cultivates land previous to his release and continues to cultivate the same land afterwards, the period of his cultivation as a convict counts towards his occupancy right. There we have given a real chance of hope and development. We have increased cultivation from 1921 to 1924 from 3,300 acres to 6,400 acres, that is, in 4 years by 94 per cent. That, I think, is a considerable figure in a transitional period. The plan I have put forward and which I hope will be successful is now not to make the Andamans a place over the door of which is written : “ Abandon hope all ye who enter here ”, but a place where the convict who wishes to turn over a new leaf

will have a chance of a new life in new surroundings. The men who go there in the future will not be taken unless they are what are called men of good character, well behaved young men of the star class, and they should be prepared to take their women folk with them. That is the only way, and we cannot develop any kind of settlement there without that. When they go there, they will be given the opportunity of living on the land, and I honestly think that anybody who opposes a system of that kind is doing a great disservice to many people in this country. There is really a hope for a new life for men under these conditions, a hope which they could not have if they were confined for years in an Indian jail. I would ask those who talk of the terrors of Andamans whether a long term of imprisonment in Indian jails is quite as desirable as they think.

Now, Sir, a great point has been made as to the unhealthiness of the Andamans. The climate of the Andamans is tropical and wet and there is malaria, but the Islands are not any more malarious than many other parts of the world. Malaria is there ; it is largely a question of spending money to stop it. My Honourable friend the Finance Member has been good enough to give us money to enable certain of the unhealthy swamps to be filled up and there has been a great improvement in the health of those villages which were near the swamps. I have in my hand a letter from the Chief Commissioner, dated not later than the 18th of last month, in which he says that there has been a striking absence of malaria and undoubtedly the malaria figures at present are low. We have also got a doctor going out there to continue the malaria investigations we had to stop some years ago. I have no doubt that, if this House will allow me to spend a little money in the Andamans, we would be able to make the Andamans as healthy as other places with the same kind of climate. Complete immunity is hardly possible, though it is a curious fact that in one of the Islands there is very little malaria and hardly any in the forest camps in the North-Andamans. I cannot but think that the high malaria figures were very largely due to the men being kept in the central jail and in the barracks which were near these swamps which we are now filling up.

Now, Sir, so much for our policy. It is, I submit, the only reasonable policy to carry out. We are moving towards complete abandonment of the Andamans as a penal settlement. It cannot be done at once, and we are endeavouring to do it in the best way possible. We are quite prepared to receive criticisms, which may be made on our efforts, but it is quite unfair and very unreasonable, in view of our Resolution of the 27th February, for the Mover of the Resolution entirely to ignore that side of the question and deal with the case as if nothing had been done since this Jail Report.

Now, Sir, I come to the question of the colonization of the Andamans. I cannot understand, if the Andamans are the hot-bed of disease and malaria which they have been represented to be, why my Honourable friend wants colonization. Is it reasonable to ask men to migrate to swamps where they would die of fever ? Is that desirable ? Of course it is not so. My Honourable friend knows as well as I do that the Andamans are not Islands of that kind. I go further and say that they are a most valuable property of the people of India, which, if properly, developed,

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would be a minor Ceylon. There are great opportunities in the way of cultivation, great opportunities in several other ways. The beauty of the southern Island is remarkable. Only those who have seen the green peaks running down to the golden sands, the blue water, so clear that you can see the rocks 100 feet below, can realise how beautiful the scenery can be. If the Islands were on a regular steamer route, the Steam-ship companies would very soon have people going out from Calcutta and Rangoon for a pleasure trip. As regards the development of the Andamans we are already doing something. We are prepared to entertain applications for land from all classes of persons, but we must warn them all definitely that the Islands are tropical; cultivation there involves hard physical labour which would be uncongenial to people not accustomed to the moist heat, and the applicants must have a certain amount of capital. My friend Colonel Ferrar would be prepared to consider favourably *bona fide* applications from persons on those lines. We have indeed in the north Andaman established a Karen village which is doing exceedingly well. They have built their own houses and cultivate their lands and are genuine settlers. The House will observe that there are opportunities for developing the Islands in that way. It is impossible that all restrictions can be at once withdrawn; and I may point out that there are some advantages in restrictions. Diseases of both men and plants are excluded. For example, there is no small-pox, no rhinoceros beetle.

Mr. K. Ahmed : What about the swampy lands and the diseases described in the Central Jails Committee Report? Why has it been so much referred to in that Report?

The Honourable Sir Alexander Muddiman : I said there was no small-pox. I did not say malaria; there is a good deal of malaria there. As I said before there are possibilities of progress. The cocoanut industry is a prospering industry there. Tea is grown there, rubber is grown there and coffee is grown there. At present there are favourable opportunities in these directions for people who can afford to wait. Just as in any other country, you cannot, of course, expect to get your rubber in six months or to make a fortune without capital. You have got to invest money and wait.

Now, I turn to what really is a side issue of this Resolution. As I have said, I have no difficulty in accepting in principle that the Andamans should be abandoned as a penal settlement. That it should be abandoned now and at once is not possible. I have no difficulty in accepting the view that we should move as fast as we can in the direction of colonising the Andamans, because I believe it is a good proposition. That really deals with the main Resolution for, as Dr. Lohokare pointed out, the subsidiary question, namely, the release of the Moplahs, does not arise on the main issue.

Khan Bahadur W. M. Hussanally (Sind : Muhammadan Rural) : There is no question of releasing the Moplahs. It is a question of transferring the Moplahs so far as the Resolution is concerned.

The Honourable Sir Alexander Muddiman : My Honourable friend points out that it is a question of retransferring the Moplahs. That will enable me to shorten my arguments. I ought to tell the House very briefly how these Moplahs came to go there. In 1922 we permitted as a special measure the transfer of Moplah convicts in Madras to the Andamans.

This was done to relieve the congestion in jails in the Madras Presidency. The local authorities in the Andamans told us that the Moplahs made very good settlers. The climate of the Andamans is very similar to that of Malabar and the conditions governing the grant of land were very much better than those prevailing in Malabar. The policy was to encourage them to remain on the island either as self-supporters or workers on plantations. I am told by my Honourable friend Sir Charles Innes, who knows Moplahs better than I do, that they are particularly good jungle clearers and are always the first settlers on the fringe of cultivation. This would be one of their great assets to the colony. In any case, we brought them there. They were granted land; they were settled in villages, and they were permitted to import their wives and families at Government expense. We built them mosques and we gave them school masters. Now, I visited these villages, and the impression left on my mind was very different to that of the Mover. I could not hear my Honourable friend very clearly, but I gathered that it was suggested that the villages were mostly in the middle of the jungle surrounded by the most unsatisfactory physical conditions. Here is a book of photographs which I place on the table should any Member desire to look at it, which shows the Moplahs, their villages, their mosques and their crops. He would see, I think, that, at any rate, there is no suggestion that they were improperly housed. At any rate, as recorded by the photographer, they look cheerful and they were certainly smiling on the day I visited them. I can myself testify that they have built themselves extremely good villages as Moplahs generally do on the top of a small hill and that they live absolutely by themselves. The suggestion that they are molested by the rest of the convicts is entirely baseless because, I am told, they are regarded with such terror that no one ventures into their villages. Now, it may be that there are some Moplahs who desire to return. My information is that numbers of Moplahs are trying to have their wives sent out to them. They desire to settle down there. If the choice was the choice between release from jail or remaining in the Andamans, then the position would no doubt be difficult.

I now return to the history of these Moplahs in the Andamans. Very soon after we started our scheme on a good basis and began to place them in villages and had got the Moplahs in a considerable state of contentment, agitation was raised, not among the prisoners, but in Malabar where it was represented that we were deporting the Moplahs in the interests of the Nairs who were anxious to get rid of them from Malabar. Rumours were further circulated that the Andaman Island was a most unhealthy spot. My Honourable friends then began to take interest in the matter and, as far back as March 1925, I asked my Honourable friend Mr. Schamnad to go to the Andamans, not to investigate the present conditions in the Andamans for which, as far as I know, he has no particular qualifications, but for the purpose of visiting the Moplahs and seeing how they were being treated. Thereafter, the matter assumed rather a wider aspect because the offer was not accepted by my Honourable friend who spoke second in this debate. In 1925 it was suggested that he and the Mover should go to the Andamans. In the meantime, a Resolution was carried in the Madras Legislative Council asking that a representative committee might be sent to the Andamans to inquire into the conditions there, and it was thought that there was no use having two deputations, and, finally, a deputation was sent. Its personnel is known to the House and included two Members who have spoken to-day, Mir Asad Ali, Barrister-at-Law, who is a Member of

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the Legislative Council, and Dr. Mugaseth, a Parsee medical practitioner. Dr. Mugaseth submitted his report with commendable promptness. We received it on the 9th December. My Honourable friends did not submit their report till March. That report is now with me and has not yet been published.

Maulvi Sayad Murtaza Sahib Bahadur: It was submitted on the 28th February.

The Honourable Sir Alexander Muddiman: I accept the correction; I have not got the actual date at hand. That report and the report of Dr. Mugaseth will be published. They will be published with a Government Resolution as soon as I have obtained all the necessary information in regard to them. Obviously any action on it required a reference to the Madras Government and the Madras reply was only received some week or 10 days ago. As I am greatly interested in this matter I am myself examining the Resolution with which the report will be published, but my Honourable friends need have no fears that their report will not be published and also that of their colleague, Dr. Mugaseth. Now, whilst this is under consideration, I do not think the House will ask me to explain in detail the proposals we have in view in regard to these Moplahs. I can give it as my own opinion, without committing the Government, that it would be criminal, on the one hand, to abandon these villages where the people are willing to stay. On the other hand, if they want to go back, I should be inclined, as at present advised, to let them go back, but it must be understood that they go back to jails. There is no question of release. Equally, on the other hand, I propose to allow any persons of this class now in Indian jails who are prepared to take their families, to go to the Andamans and start villages themselves.

That is the provisional conclusion at which I have arrived. I think it is not an unreasonable conclusion and I trust it will commend itself to the House.

As regards the main Resolution, we are really moving on the lines which are desired by the Mover of the Resolution. After what I have said I trust the House will see that I cannot accept the Resolution in the form in which it has been moved. I have gone very far to explain the position and meet the views of the Mover, and I trust that he will withdraw his Resolution.

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

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr. President in the Chair.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I beg to move the amendment which stands in my name, and which, if accepted, would alter the Resolution to read as follows :

“ This Assembly recommends to the Governor General in Council that he be pleased to abandon the Andamans as a penal settlement by throwing it open for free colonization, removing all restrictions on communications, settlements, etc., and also giving all the necessary facilities to the settlers.”

After the very lucid statement made by the Honourable the Home Member, I do not think that there should be any difficulty in accepting my amendment. As Honourable Members are aware, the question whether the Andamans should continue as a penal settlement was decided by the Government of India as far back as 1921. There is, however, one point in connection with that decision to which I would draw the attention of the Honourable the Home Member. In 1921 Sir William Vincent appointed a Committee for the purpose of determining equivalence between transportation for life and rigorous imprisonment. That Committee reported, and after the report of that Committee was published nothing further has been done in that direction. The abandonment of the penal settlement of the Andaman Islands is closely connected with the question to which I have adverted, namely, the abolition of the punishment of transportation for life or transportation for a term of years. Members on this side of the House drew the attention of the Government to the fact that the punishment by way of transportation for life or for a number of years is an old and obsolete punishment by way of banishment, and that it does not find favour with the penal jurisprudence of modern Europe, and following on the lines of the latest pronouncement on the subject, the Government of India seem to have been influenced in abolishing the punishment by banishment. Now, Sir, the first question I should like to ask in this connection is, what effect has been given to the report of the Committee which reported on the equivalence between transportation and rigorous imprisonment? It was conceded, and it must be conceded, that transportation for a number of years and for life, which in practice means 20 years, being regarded as the normal period of life for penal servitude is a lighter punishment than rigorous imprisonment, and a comparison was sought to be made between transportation and rigorous imprisonment. That is the first question which has to be solved before the Andaman Islands are abolished as a penal settlement, because I do not think that it is the policy of the Government to continue the punishment of transportation and fix upon some other spot for the execution of that sentence. The second point I wish to make is this. The Andaman Islands have been described in this Resolution of the Government of India, dated the 26th February 1925, as an Island containing prisoners and ticket-of-leave men and free settlers, being descendants of old convicts. Now if the Resolution, as it is worded by the Honourable the Mover is carried, the effect would be that all prisoners who are technically prisoners but practically free men in that they are allowed large liberties to reside and carry on their occupations in the Andaman Islands, will be expatriated whether they wish it or no. I do not think, Sir, that either the Mover of the Resolution or his seconder, or indeed, any other speaker in this House has gone the length of asking the Government to retransport from the Andaman Islands to India and elsewhere persons who, though technically prisoners, are practically free men, and my Resolution, therefore, gives the Government a larger discretion in allowing practically free men to continue to reside in the Andaman Islands which they have made their home.

Now a question has been put to me privately by some Members who are interested in this Resolution. They have told me that, so far as my amendment is concerned, it is perfectly innocuous, but they asked me how are you going to determine whether these people, who reside in the Andaman Islands and who are necessary for the development of that Island

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and, apart from being necessary for the development of that Island, are more happy and contented in the holdings they have and the lives they lead and the surroundings to which they have become accustomed, wish to remain on in that Island ; but if they do why should they not be given the liberty to do so ? It is necessary and desirable not only in their own interests but the interests of India itself and the development of its oversea possessions that they should be given the liberty to choose their home. Now, the question that has been put to me is this, that if this amendment is carried, would not somebody connected with the Government put pressure upon these settlers and residents in the Island to continue to reside there and not to go back to their homes ? Well, Sir, the answer to that question is that so far as freedom to live in or leave that Island is concerned, Honourable Members can suggest a procedure by which their true wishes would and could be ascertained. That is a matter of detail. We are here settling a broad policy and that broad policy is that we should not circumscribe the liberty of the people who being once voluntarily or involuntarily resident in the Andaman Islands choose to remain there and do not wish to come back to India ; and that is the underlying principle of my amendment. That is the second point.

Now, Sir, the Honourable Mover of the Resolution has no doubt quite unwittingly put into the terms of his own Resolution two directly and blankly contradictory propositions. In the first place, he says—and he has made no secret of the fact—that the Andaman Islands are a death-trap and therefore not good enough for the Moplahs, and for the matter of that, any other transported prisoners ; but if they are not good enough for prisoners how can they be good enough for the better class of persons, the free colonists whom he wishes to settle for the purpose of developing that oversea possession of India ?

Mr. Mahmood Schannad Sahib Bahadur : They can come back ; they are free.

Sir Hari Singh Gour : Now it has been said by the interjector that they are free and they can come back. That is the very liberty I wish to give to people who are at present in the Andaman Islands and who do not wish to come back to the mainland. Can he deny them that freedom ? Can he deny the right of those people to say that they wish to make that Island their home and do not wish to return to the congested areas, it may be, from which they had been withdrawn ? Now, Sir, that, I submit, is the principle which distinguishes my amendment from the main Resolution. I feel with the Honourable the Home Member that it would be wrong if we were to decide that all persons, Moplahs or no Moplahs, who are there, who numbered 11,532 in 1921 and whose number has been reduced to 7,000,—that out of those thousands those who are practically free, those who have received inducements to settle down there and are contented with the lives which they lead and the place they live in should be extradited and thrown back upon their resources in India. That, I submit, is the cardinal difference between my amendment and the Resolution of the Honourable Member and his other co-protagonists.

Mr. Mahmood Schannad Sahib Bahadur : Their freedom is only nominal.

Sir Hari Singh Gour : My friend Mr. Schamnad says they are only nominally free, they are not really free. That may be so, but give them the nominal freedom to decide for themselves whether they will remain there or come back here. My friend says, " This is all right ". I am quite sure, Sir, that if my amendment is forced to a division, my friend will support me.

Now, Sir, these are the three points which influenced me in moving this amendment. Let me summarise them once more. My first point is that I want a statement from the Honourable the Home Member as to what is the policy of Government with regard to the decision on the subject of equivalence between transportation and rigorous imprisonment, and do the Government still adhere to the policy enunciated by his predecessor in this House that the punishment of transportation shall be done away with and commuted into a sentence of rigorous imprisonment ? My second point is that if the Honourable the Home Member is prepared to adhere to the statement contained in this Resolution he cannot but support my amendment, namely, that so far as the Andaman Islands are concerned the policy of the Government of India is that those Islands should be abandoned as a penal settlement, but at the same time efforts must be made to develop those Islands with the resources at present available. In that view persons who are already resident in those Islands should be given the liberty either to remain on in the Islands of their free choice or to come back to India and undergo the commuted sentence for which, I submit, a new formula is necessary. My third submission is, and on that I think the Government of India and the Honourable the Home Member and ourselves are at one, that so far as this Island is concerned, we must do everything to develop its natural resources. It has valuable forests and it has other potential sources of revenue. All these economic factors must be taken into consideration and an effort must be made to develop the resources of this Island by a system of free colonisation. These, Sir, are the three points which have induced me to table my amendment, and I move it.

Colonel J. D. Crawford (Bengal : European) : Sir, I rise to take part in this debate because I myself, like Mr. Schamnad and the Home Member, have been to the Andamans. For six months I served there early in my military career and I rise particularly to protest against the very inaccurate picture of the Andaman Islands which Mr. Schamnad gave to the House.

Mr. K. Ahmed : In which year did you work there ?

Colonel J. D. Crawford : I feel that if this House is to come to a decision on any question, then it is the duty and responsibility of every Member who knows the facts to place those facts straightly before this House. So far as I was concerned the six months which I spent in the Islands have been some of the most pleasant in my career.

Mr. K. Ahmed : Which year was it ?

Colonel J. D. Crawford : I have been over most of the Islands shooting in the swamps which are reported to be so unhealthy, fishing round the coasts, and I have been actually out into the jungle among the Andamanese. My own feeling then in 1904 was that the Andaman Islands were a jolly good spot to live in. We had the additional advantage of not having wireless in those days, and we were consequently not worried by the Government of India.

Khan Bahadur W. M. Hussanally : Why did you not colonise there ?

Mr. Mahmood Schammad Sahib Bahadur : The Jails Committee did not think so.

Colonel J. D. Crawford : The Jails Committee may not have thought so. I am giving to the House my own practical experience which I derived by seeing and hearing things with my own eyes and ears when I actually resided in the Andaman Islands.

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As regards the jail administration, I will admit that in 1904 the jail administration in the Andaman Islands, as in all the jails in India, was antiquated to a degree, and that is still the case in the Indian jails to-day. (*An Honourable Member* : " Question ? "). The immorality which was reported to have gone on in the Andaman Islands, I think, still takes place in some of the jails in India to-day, and one of the urgent questions undoubtedly in this country which requires attention is the question of the reform of the jail administration. But what was wrong in the penal settlement is equally wrong in your jails in India to-day. My own personal feeling was that prisoners in the Andaman Islands were far better off than they were in an ordinary jail. There is a certain amount of humanising element which requires to be brought into play in the lives of our prisoners, and that does not certainly exist in the jails in India. I think the Honourable Mover mentioned something about the remission of sentences. I remember, Sir, that in those times—I do not know what the position is to-day—but in those days a life prisoner was released after 10 years' service and allowed to settle in the Islands. I also remember that women convicts there were released after five years' service, provided they were able to arrange a marriage with a convict who had been given an earlier revision of his sentence. I remember being present at a parade of the women convicts when the male convicts came round to see if they could arrange a marriage with one of the women convicts. I was impressed with the happiness and prosperity of many of the convicts there, and personally I had a body servant, a murderer from the Punjab, who was one of the very best fellows. My own feeling is that Government's policy in agreeing to give up the penal settlement in the Andaman Islands is really a mistaken one. In fact, as far as I am concerned, if I had the choice of transportation to the Andaman Islands as against a life sentence in an Indian jail, I should not hesitate for a moment to accept the former. From what the Honourable the Home Member has said, it is pretty obvious that conditions have very much improved there since 1904, and I think that the statement which he made this morning as to the definite policy of the Government, as to the fact that we have no jails to transfer prisoners to in India, should bring the House to agree that Government's policy and Government's answer on this Resolution is one which we should accept, and I would ask the Honourable Mover of the Resolution to withdraw it.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Sir, from the trend of the speech of the last speaker, and from some of the remarks made by the Honourable the Home Member, I am rather inclined to think that there is a tendency on the part of the Government to go back, if not in words, but in action, upon the policy which the then Home Member announced in this House on the 11th of

March 1921. At that time, Sir, after the announcement of the then Home Member, I said this :

“ I am glad that this innocent motion has been productive of one good effect, namely, that at any rate, one hell is going to be put an end to although it may not be possible to put an end to the other hell. But this hell was man's creation, and therefore it is possible for him to put an end to it and I hope it will soon be put an end to ”.

I borrowed the phrase “ hell ” from my distinguished friend who then adorned this Bench, this very seat which I am now occupying, I mean my friend from Karachi, Mr. E. L. Price, who was one of the most respected men in the first Assembly. Mr. Price on a motion which I then made for a reduction—in those days we used to do many budget heads and we were not content with passing or rejecting the first four items, in fact we used to go through the whole budget and subject it to many criticisms and amendments—on a motion of mine to reduce the budget head under “ Jail Administration ”, Mr. Price put this question to the Honourable the Home Member. He said :

“ I think, Sir, that before we vote this money we ought to have some assurance from Government that the conditions of the ‘ hell on earth ’ that has been revealed there will be ameliorated during the coming year ”.

It was in answer to that question by my friend Mr. Price that the Honourable the Home Member made a pronouncement, a pronouncement of which we were all proud and with which we were distinctly satisfied. He told us then that even before the Jails Committee had reported, the Government of India of their own accord had resolved to reduce the number of prisoners in those Islands to about 1,500 or 2,000, and that only criminals of the worst type would be detained there. Sir, six years have passed or rather five years have elapsed since that statement was made. Has that been achieved ? It is quite apart from the Jail Committee's Report. On a motion made by my friend who now calls himself the Chief Minister of Madras, when he was a Member of the old Imperial Legislative Council, the Government accepted a Resolution for a Committee. They had then come to the conclusion that the number of prisoners should be reduced to 1,500 or 2,000. And what is the story we hear to-day ? The number has been reduced only to 7,000 and odd, and that, in spite of the recommendations of the Jails Committee to abandon the penal settlement. I was rather amused at the way in which the Honourable the Home Member has described the beauty of the Islands. In fact, I have heard it said that hereafter the name of the Islands should be changed and they should be called the Muddiman Islands. I hope, Sir, that if that change were effected, those Islands might become attractive for friends like Colonel Crawford who might wish to spend the evening of their life after retirement and go and settle there. So long as these Islands are used as a penal settlement, I am afraid the reproach cast upon these Islands as a penal settlement by an expert Committee which visited there and made their Report in 1921 will still hold good. Now, the ill success, as they call it, of the Settlement, of the Islands, as a penal settlement was due to malaria, absence of women, absence of reformatory influences and prevalence of unnatural vices. The Committee went into the question at great length. They argued that the Islands should be abandoned as a penal settlement, and we were told in 1921 that the Government of India had come to the conclusion, with the concurrence of the Secretary of State, that as a penal settlement it should be speedily abolished. As this happened more than five

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years ago, and as most of the Honourable Members who are present in this House to-day were not present when that announcement was made, I wish to draw the attention of the House to the exact words which were used by the then Home Member. This is what he said :

“ We have now, after consultation with the Secretary of State, decided, subject of course to any criticisms of this Assembly, because this is a matter on which the influence of the Legislature may very properly be exercised, to abandon the penal settlement altogether ”.

And he further said :

“ I am sure this Assembly will support us in the matter in the view we are taking, the decision that we are taking that the time has now come to end this penal settlement altogether.”

And he further concluded with these words :

“ I can assure this Assembly that this report has caused us the greatest concern and we will do everything possible that we can to remedy the defects that have been pointed out and I hope that in a few years—

mark the words—

“ . . . in a few years this blot on the administration may be removed altogether.”

Sir, if really that was the decision of the Government then I fail to see what efforts have since been made in that direction. It is quite true, as the Honourable the Home Member then said, that the provincial jails were not then sufficient to remove all those people back to this country, and what he said was that the difficulty in giving immediate effect to the recommendations of the Committee was that 8 or 10 new jails would be required to accommodate the prisoners. He said :

“ Our jails at present are overcrowded and Local Governments may not be in a position to undertake the construction of a number of new jails immediately, but I can assure you that every effort is being made.”

Now, I ask is the progress made since that definite announcement was made in 1921 satisfactory at all ? I have no hesitation in saying that I consider it most unsatisfactory and I do not wonder that it is unsatisfactory because our Honourable Home Member is so much enamoured of those Islands. And with that encouragement how can we expect the Local Governments to put their heart to the work of constructing more jails when they know the Home Member of the Government of India is enamoured of those Islands. Why should they at all make an effort to increase the number of jails for their prisoners ? The Home Member referred us to the large number of self-supporting convicts. He referred to their happy condition. He referred to the especial difficulty of dealing with this question in the way he would like. Now what did the Jails Committee say about these self-supporting prisoners. If my Honourable friend will refer to paragraph 303 of the Report he will find that they recommended definitely that this system should be abolished at no distant date. But my Honourable friend gives his blessing to that system.

The Honourable Sir Alexander Muddiman : No, I do not give it my blessing. I said we have made great changes in the condition of self-supporting prisoners.

Diwan Bahadur T. Rangachariar : This is all very well. But the question is, are you going to keep this as a penal settlement ? We came to the definite conclusion in 1921 that in a few years it should be put an end to, and can we say honestly that we have made earnest and honest attempts

in that direction ? I say, no, Sir. It is all very well. It may be a beautiful island ; it may be a most inviting place for free people. By all means let free people if they are so inclined colonize the Islands, and if you want financial help from this Assembly in order to develop those Islands as a free colony we will be at one with you, for I know, Sir, the resources of those Islands. The forest possibilities are very great and they are very encouraging. So also in regard to cocoanuts and to rubber. It is quite true ; but let us develop it as a free colony, not as a penal settlement for prisoners. It is quite true that as a free colony it may go back to a jungle. This was one of the points raised before the Committee, the question of the industrial value of the settlement and of retaining the settlement on that account. In paragraph 562 of their Report the Jails Committee examined that question most carefully. They said that it was inhuman indeed to use that argument to retain the penal settlement. If it can be developed by all means develop it, but not by employing convicts in surroundings which lead to unnatural vices, to a disproportion of sexes and other things. It is no wonder, Sir, that my Honourable friend Mr. Price took the view he did that it was a hell on earth, and I am surprised to hear from my friend Colonel Crawford, that he found it a beautiful Island to which he would encourage people to go. By all means let free people go.

The Honourable Sir Alexander Muddiman : Would you allow convicts to volunteer to go ?

Diwan Bahadur T. Rangachariar : So long as they are convicts I would not allow them to exercise any such option. Make them free men and then give them the choice, and then if they voluntarily elect to go to that place, well and good. But they are not free men while they are convicts and cannot exercise a free judgment. I would not for one moment accept their word that they wanted to remain there while they are still under watch and ward and under supervision.

Colonel J. D. Crawford : What would they be doing in an Indian jail ?

Diwan Bahadur T. Rangachariar : Well, Sir, from the mere fact that one place is bad it does not follow that we should send people out of their own country to live in bad surroundings and to turn them into worse men than they were when they were convicted. The Jails Committee themselves say that they become worse than they were at the time of their conviction.

Colonel J. D. Crawford : Have you been to the Andamans ?

Diwan Bahadur T. Rangachariar : No, and unless I am forced to go I do not think there is any chance of my going. But I go upon the report of the special Committee appointed by the Government of India. If that Committee went wrong, as my Honourable friend Colonel Crawford seems to think, then let us have another Committee to investigate the matter. Let us not dispose of the Report in the way we are doing. The Government of India in 1921 accepted that Report and promised this Assembly. . . .

The Honourable Sir Alexander Muddiman : I deny that. They accepted the recommendation that the penal settlement should be terminated. From that understanding I have no desire to go back.

Diwan Bahadur T. Rangachariar : The Home Member says in so many words, " Well, we are going to abandon this settlement." But I judge him by his actions, not by his words. He embraces the Andaman

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Islands and he encourages the Local Governments to continue their deportations to the Andamans. Let him carry out what his predecessor said in 1921 he would do, namely, reduce the number to 1,500 or 2,000 of the worst criminals.

The Honourable Sir Alexander Muddiman : I do not want the worst criminals. I want the best criminals.

Diwan Bahadur T. Rangachariar : Then that is going back upon the policy enunciated by the then Home Member. Then let us have it out. The present Government of India under our very good Home Member is apparently not inclined to take the same view of the conditions of life of prisoners in the Andaman Islands as the Jails Committee did, or as the then Home Member did. What did the then Home Member say? He said :—

“ For some years we have had misgivings about this Settlement. Although I think some of the statements in the Report are overcoloured, at the same time we have been under misgivings regarding conditions there. It is at a very great distance from the Headquarters of Government, and it is impossible for us to control or supervise work effectively and the settlement is also unamenable to outside influences. In 1913 Sir Reginald Craddock, my predecessor, made a careful inspection of the Settlement and he formulated his views in a report which is now on the records of the Government of India.”

As a result of all that that conclusion was come to. And if there is to be a revision of that decision I would give an opportunity to another Committee to visit the Islands. My Honourable friend, Sir Alexander Muddiman, was probably made more comfortable by the Chief Commissioner of the Andamans. But that does not give him that insight....

The Honourable Sir Alexander Muddiman : I may tell the Honourable Member that I was extremely uncomfortable. I was out in a *dinghy* for 24 hours, and I had a more uncomfortable time than any in my life.

Diwan Bahadur T. Rangachariar : I extend my sympathy to him, but at the same time, Sir, he must have read the Report of the special Committee which was appointed to inquire into the conditions of jail life and which went there for that very purpose, accompanied by no less a person than some expert from England, assisted not only by Indian experts but by home experts : and they came to this conclusion, and they have recommended that these steps should be taken. If you think that report is wrong, let us say so openly after examination, but till then simply to go by the expressions of opinion of Colonel Crawford, who was then a military officer of whom probably every convict was afraid, and before whom probably the convict went on his knees....

Colonel J. D. Crawford : Might I inform the Honourable Member that I was often accompanied by free convicts during my shooting trips.

Diwan Bahadur T. Rangachariar : We had an examination of the conditions of life of these convicts in these Islands. How can we throw the results of such examination away merely because Colonel Crawford's life or Sir Alexander Muddiman's life was comfortable there ?

The Honourable Sir Alexander Muddiman : I must really protest. I have never suggested for one moment that I proposed to go back on the settled decision of the Government of India that the penal settlement of the Andamans should be terminated as and when possible. To that I

adhere, and I must really protest against the Honourable Member continually suggesting that I do not wish to do so.

Diwan Bahadur T. Rangachariar : I am glad to have that assurance ; that is what I wanted, and I want that action should be taken in that direction. By all means let us do everything in our power to make that a colony for free people. That is my position, Sir. A few years have elapsed, six years have elapsed, and I do not want to allow the grass to grow under our feet. My Honourable friend has given his assurance, and I am sure he will put forward his best effort to see that this penal settlement is put an end to.

Lieutenant-Colonel H. A. J. Gidney (Nominated : Anglo-Indians) : Sir, I join in this debate not with any authority such as was claimed by my worthy friend, Colonel Crawford and others, of having visited the Islands though I have been officially invited to do so, but I join in it because I am *au fait* with certain information on colonization in connection with the scheme to which my name has been very wrongly given, namely, the so-called Gidney Anglo-Indian colonization scheme under which some twelve Ex-Service Anglo-Indians were sent to the Andamans through the generosity of the Ex-Services Association as an unemployment relief measure and not for colonization for they received very little if any help from the Ex-Services Association when they went there for such a purpose. Sir, the remarks that have been made by the Mover on his Resolution invite me to divide it into two parts; one part asks that the Andamans as a penal settlement be abandoned. Why this request ? We have the Home Member's assurance that this is being done and we have the 1921 Committee's Resolution on this point. Honourable Members must realize that Government cannot, without having made previous arrangements for their housing, transport 11,000 convicts to India and put them into the Indian jails because there is no accommodation for them. Every jail in India is to-day overcrowded ; but it cannot be denied that the Government of India are making every serious effort to accomplish this. I therefore do not think that there is any reason whatsoever why this part of the Resolution was moved or considered seriously by this House even though my Honourable friend, Mr. Rangachariar, thinks otherwise. But the hell "Andamans", to which Mr. Rangachariar has referred, is a Heaven as Mr. Rangachariar would himself realize and admit if he were a free convict in the Andamans and then spent a few days' confinement with rigorous imprisonment in one of the Central Jails in India. In the Andamans these prisoners have freedom : they have their spot of land, they have their cattle, some of them have their families. Compare their lot with that of a prisoner undergoing rigorous imprisonment in confinement in a central jail. It is not comparable. I consider that the lot of prisoners in the Andamans is a much healthier and, a much better one than those in India, and certainly not a hell. To my mind, Sir, the Government of India have certainly mismanaged the Andamans. It is rather a tall statement to make, but they have. There is not one industrial enterprise they have undertaken in the Andamans that has ever succeeded. They stand there to-day as the white elephants of the Administration of the Andamans. None of their factories I believe are working or have ever been worked at any profit except the forests; in fact I believe the Andamans financially are a dead loss to the Government. Although the forests are reckoned as gold mines, when I consider the second part of this Resolution, i.e., throwing it open for colonisation, my surprise goes further. The Govern-

[Lieut.-Colonel H. A. J. Gidney.]

ment of India have administered these islands for so many years, and the marvel to me is that they should have allowed the major part of these islands to remain to-day nothing but a mass of thick unhealthy jungles and not cleared at least a big part of it and so made it one of the healthiest spots. I know from the experience of those Anglo-Indians who were sent to the islands and returned to India that two-thirds of those lads came back steeped in malaria, and had to undergo prolonged treatment for it. It has been stated by the Home Member that the malarial problem is not a serious one in the Islands. It might be so to-day in places, but I remember when this matter was enquired into by me two years ago the official advice I got was that the Andamans was very malarious except for a few spots like Ross Island, Port Blair, etc. And this brings one to the question as to whether the Andamans is a suitable place as a penal settlement. To my mind it is not, at least not the major part of it. It is not quite exactly what you would call a death trap, but it is certainly very unhealthy and malarious. But even so I should infinitely prefer to undergo a term of imprisonment in the Andamans than in a central jail in India. I consider, Sir, the Resolution that has been moved is not a real one in that it is not supported by the Moplah prisoners themselves; it is not a real desire. The desire is an artificial one, the desire of the Mover, and not the Moplahs. I believe that the Moplah's life is spent in clearing jungles for his cultivation, and that life in the Andamans is an ideal one to him. I consider that this Resolution is more imaginary than genuine in origin. The Mover of the Resolution seems to object to this transportation of Moplah prisoners — well, I believe that there is a big village there recently opened by Sir A. Knapp called Knapp town. Might I advise him to request the Local Government as a mark of his protest to change the name of that village to Kidnapp town. Sir, I do believe the Moplah prisoners in the Andamans are really very happy indeed.

Mr. K. Ahmed : How do you know ?

Lieutenant-Colonel H. A. J. Gidney : I have heard that, Sir. Sir, I do think that the Government have responded and responded as much as they possible can to close the Andamans as a penal settlement and we must accept the Home Member's assurance on this point. In my opinion this Resolution is absolutely unnecessary. Moreover, the Government have thrown the Islands open to free colonization; and I believe that with free colonization in the Andamans, and if this House is prepared to sanction money on the improvement of the Andamans, as suggested by Mr. Rangachariar, the Andamans would be a perfect spot. The resources of the Islands are very large. The revenue from its timber, I believe, constitutes as it were the gold mine of the Forest Department. There are other sources of revenue awaiting proper development. I therefore ask the Mover of this Resolution, after what the Honourable the Home Member has said, kindly to withdraw his Resolution.

The Honourable Sir Charles Innes (Member for Commerce and Railways): Sir, I just wish to make a very short speech on one particular aspect of this Resolution. I wish to deal with the Resolution solely in so far as it affects the Moplah. The Honourable Sir Alexander Muddiman has already assured my Honourable friend, Mr. Rangachariar, that the Government have no intention of going back on their considered decision about the future of the Andamans, but I want to put before the House the practical aspect of this question as it affects the Moplah. What are the facts ?

After the unfortunate rebellion of 1922 the Madras Government were confronted with very large numbers of Moplah prisoners. They were compelled for want of jail accommodation to obtain permission to send some of them to the Andamans. When they got them there, this experiment was devised. Moplahs who could get their wives to come to them from Malabar were settled not in jails but in villages, and there they carried on in the Andamans very much the same life as they carried on in Malabar. Now, Sir, if as I think the Leader of the House has some claim to speak about the Andamans, I have some claim to speak about the Moplah. The Honourable the Mover of this Resolution is of course a Muhammadan from Madras, but, unfortunately for himself, he comes from the east coast and not from the west, and he is not a Moplah. Mr. Schamnad of course is a Moplah, but we of Malabar do not regard him as a true Moplah. To begin with, he comes from the coast, and the Moplahs we are concerned with to-day are the Moplahs of what are known as the fanatic zone, that of the Ernad and Walluvanad taluks. More than that he does not even come from Malabar; he comes from the adjacent district of South Canara. I spent 11 years of my life in the Malabar district. Many of those years were spent in these Moplah taluks, and I have been concerned with the Moplah problem ever since 1901. I have had to deal myself with a Moplah outbreak and I have had to write a long report upon the causes of that outbreak, and I think, Sir, that I can claim to speak with a certain amount of authority about the Moplah. Mr. Schamnad has made a great point about the climate of the Andamans. He says it is feverish. Sir, if Mr. Schamnad had ever been in the Ernad and Walluvanad taluks of the Malabar district he would have known what a feverish climate they have. Those two taluks abut on the Western Ghats. In parts they advance right up to the recesses of the Ghats and come right up against steamy jungles which are at the foot of the hills. The climate there is more feverish I imagine than that of the Andamans, and Mr. Schamnad need not be alarmed that the Moplahs of Ernad and Walluvanad who have gone across to the Andamans would fear the climate. Then, again, Sir, the Honourable the Leader of the House specially mentioned that the Moplah has earned a name for himself in Malabar as the pioneer of cultivation. In those two taluks, as you go closer and closer to the Ghats, as you get into those steamy jungles, it is always the Moplah who is pushing out the limit of cultivation. It is a thing in which, as I have said, the Moplah has a very special reputation, and, Sir, I have no doubt that these Moplahs will make magnificent colonists in the Andamans. They will have there the sort of life they are accustomed to in Malabar, a life of cultivation with their wives and family with them. Now, Sir, what is the choice before these Moplahs? That is the practical question that I want to put before the House. Sir Alexander Muddiman has said quite definitely that though he is not prepared at the moment to commit the Government, he is inclined to take the view that those men who want to go back shall be allowed to do so. But I would ask the House what are they to go back to. They have got to go back to an Indian jail. If there is one thing, one characteristic that is special to the Moplah; it is his love of freedom and his love of open air life, and yet Mr. Rangachariar, on grounds of theory and Mr. Schamnad for what reasons I cannot imagine, would condemn these unfortunate people to be taken away from these villages in the Andamans where they are living in the open air, carrying on their cultivation just as they were doing in Malabar, living in a climate very similar to that of Malabar and would compel them to live in an Indian jail. That is the only point that I wish to put to this House.

[Sir Charles Innes.]

As I have said, I have known these Moplahs for 25 years. I have the greatest affection for them and I believe from the bottom of my heart that this House will be doing a very real disservice to these unfortunate people if they decide that this experiment should be ended and that they should be sent back to jail in India.

Khan Bahadur W. M. Hussanally: Sir, I am in a little embarrassment in regard to voting in connection with this Resolution, because, as we have now learnt, the Resolution consists of two parts, and we are more concerned with the first part than with the second; and for that purpose I would ask the Mover of the Resolution or yourself, Sir, to split up the Resolution into two parts to enable us to vote differently if we like to do so on the two parts independently; and, as I understood, the amendment of my Honourable friend Sir Hari Singh Gour relates to the second part more than the first. The first part is with regard to the doing away of the penal settlement, and with regard to that part after the definite undertaking given to us some years ago, in the year 1921, the first year of the first Assembly when I was also a Member of this House and after the assurance given to us to-day by the Honourable the Home Member, I do not think there can be any question about it, and I believe that all the Members on the Government Benches will also vote for that part of the Resolution. (*An Honourable Member* : "How do you know?") If I have understood the attitude of the Honourable the Home Member correctly, I think so. But just now a remark fell from the Honourable the Home Member, "if and when possible." I do not know, Sir, what that means. A definite policy has been enunciated years ago by the Government and it was repeated again this morning by the Honourable the Home Member that that policy will be pursued and the Andamans will be given up as a penal settlement. The only question then that remains is when are they going to do so. If I have understood the Honourable the Home Member correctly this morning, he thought that Local Governments could not find funds for these 5 or 6 years to extend their jails or make any provision for these returned prisoners from the Andamans. But if that be so, and if no Local Government in the whole of India could find funds for this purpose, what prevented, may I ask, the Government of India from investing a little money on this laudable object? They could have advanced some funds or made a grant to the Local Governments for this purpose if they had chosen to do so, or if they thought it proper, they could have made another penal settlement somewhere in India on their own behalf for accommodating these returned prisoners from the Andamans. I ask again what prevents the Government of India from undertaking that duty, if they considered it a duty, after the definite undertaking given to us by the then Home Member. Five or six years, as the Honourable Diwan Bahadur said, have passed and not a little finger has been moved in that direction; and may I ask the Honourable the Home Member now how many years he will take upon this question, how many years more will the Local Governments take upon this question of accommodating these returned prisoners. Again, Sir, if it was settled that the Andamans should not be used as a penal settlement any more, and efforts should be made to expatriate all the prisoners from there in the course of time, why were these unfortunate Moplahs sent once more there to increase the number? The number was reduced at one time and the reduction ought to have been continued from time to time. But instead of that, we find that these unfortunate Moplahs were

sent to the Andamans in very large numbers to swell the number, against the will of the whole country. Not only that, but my information is that the womenfolk of these men were sent to the Andamans, at least some of them, under compulsion, under police pressure, and I ask if that is a fact.

The Honourable Sir Alexander Muddiman : No, Sir. It is not a fact.

Khan Bahadur W. M. Hussanally : Well, that is my information; police inspectors went round and threatened and compelled these women to go and they consented to go. As regards the healthiness of the place, I do not really understand what my friend Colonel Gidney said a little while ago. He said it was a very unhealthy place and yet he thought that some portions of it were very healthy and very nice; and yet we heard from him just now that some of his people who went to the Andamans returned with malaria and had to undergo very serious treatment. If the Andamans is a good place for colonisation, may I ask why Anglo-Indians who went there to colonise returned? Why are they not going to the Andamans in larger numbers to colonise the place? I think we shall all be happy if they do go there, develop the country and make it productive.

Lieutenant-Colonel H. A. J. Gidney : I said that there were certain parts which are unhealthy and there are certain other parts which are healthy. If the Honourable Member will supply me with adequate funds, I am quite prepared to go there.

Khan Bahadur W. M. Hussanally : That is a different question with regard to voting money for the development of the country. That question, as I said, ought to be separately voted upon and separately inquired into by the Government before it is brought up before us to vote upon. We cannot vote blindly in that direction. A regular inquiry ought to be made and a regular vote ought to be put before us. The matter should pass through the Finance Committee and then if we find that it would be a paying proposition I dare say many of my friends here will vote for the money. But at present that question does not arise and therefore I said that the Resolution ought to be split up into two parts. The question about the colonizing of the country is quite an independent one which ought to be separately considered. At present we are more or less concerned with the penal character of the settlement and so far as that is concerned I think all of us are agreed that that settlement ought to be given up. The only question is how long it will take to give it up as I said a minute ago.

An Honourable Member : As early as possible !

Khan Bahadur W. M. Hussanally : The phrase "as early as possible" is so indefinite that it may cover an age. Will the Honourable the Home Member give us an assurance that within the next five years he will give up that settlement?

The Honourable Sir Alexander Muddiman : Surely not.

Khan Bahadur W. M. Hussanally : That means that it will take a generation.

The Honourable Sir Alexander Muddiman : May I ask my Honourable friend a question in reply? How long does it take to build a central jail?

Khan Bahadur W. M. Hussanally : It need not take more than a couple of years if you can find money for it. But why do you want a

[Khan Bahadur W. M. Hussanally.]

central jail ? I do not think the number of prisoners now in the Andamans is very large. The prisoners will be distributed all over the country and there are so many central jails all over India.

Lieutenant-Colonel H. A. J. Gidney : They are all crowded.

Khan Bahadur W. M. Hussanally : I do not know about that. A little extra accommodation may be made at a small cost. But none of the Local Governments have so far moved their little finger in providing this accommodation for these prisoners and therefore I say that, if the Local Governments cannot find the money and cannot find accommodation for these men, why should not the Government of India take up the matter themselves and provide a penal settlement somewhere in India in a healthy locality or start a colony near the Sutlej Canal or elsewhere. The surroundings there will be far better than what they have been in the Andamans with all the inconveniences with which we have been faced for the last 5 or 6 years.

Manvi Sayad Murtuza Sahib Bahadur : Sir, I have no objection in accepting the suggestion made by my Honourable friend Khan Bahadur W. M. Hussanally that the Resolution be split up into two parts.

Mr. N. M. Joshi : I move that the question be now put.

The Honourable Sir Alexander Muddiman : Sir, in winding up this debate I should like to make two or three remarks. There seems to be some suspicion because I think that the Andamans have considerable development possibilities, that I am in favour of maintaining the system condemned by the Jails Committee. Nothing can be farther from the truth. We have already, as I tried to explain to the House in some detail, made very considerable advance on the system which attracted the very unfavourable notice of the Jails Committee. We have at the present moment some 7,000 convicts in the Andamans. The local jails, especially in certain provinces, are already overcrowded. It is also perfectly clear that, if you put men with long sentences into central jails, you are inflicting a very great hardship on them. We shall have to consider very seriously, as was pointed out quite rightly by my friend Sir Hari Singh Gour, as to what alternative we can have to the present system of rigorous imprisonment. That is a matter which is engaging the attention of the Government of India. You cannot keep a man for 20 years in rigorous imprisonment in an Indian jail as an equivalent to a transportation sentence. I do not desire to re-open the question of the abandonment of the island as a penal settlement. I think it to be sound from the administrative point of view but even sounder from that affection which my friend the Diwan Bahadur charges me with entertaining towards these islands. I do not want my beautiful islands to be polluted by convicts any more than he does. There is no question of change in the policy of the Government of India. We have done a good deal. We have done as much both to modify the system and to return convicts as could reasonably have been expected of us. If the Government of India are prepared to accept as their policy the building of a large number of central jails in various parts of India, they might undoubtedly accelerate the change of system in the Andamans. What my Honourable friend the Finance Member would have to say on that point is another matter.

The Honourable Sir Basil Blackett : No.

The Honourable Sir Alexander Muddiman : My Honourable Colleague says " No " already. It is said that Local Governments take no interest in this matter. In so far as their jail accommodation allows—and I must be just to Local Governments—they have been perfectly willing to take the prisoners. They have taken a large number of prisoners in Bihar and Orissa and in the Central Provinces. My Honourable friend, Colonel Crawford, asked me what are the rules of remission in regard to the Andamans ? Now, that is an old grievance and it has been remedied recently. It was hard upon convicts in the Andamans that they did not earn remission in the same way as the convicts in other jails. We passed new rules quite recently allowing remissions which amount to one-third of the period between 1925 and the date of release. That applies to all convicts except to professional poisoners. The case of professional poisoners is under consideration. (Laughter.)

Now, my Honourable friend said he would not allow convicts to volunteer to go to the Andamans. Of course, if he meant that I propose to maintain a system of volunteer convicts for ever and ever in the Andamans—I entirely agree with him. There must, however, be a transition period. If convicts are to be recruited to the Andamans, surely he would agree with me that it is better to take volunteer convicts of a good class who are prepared to settle down there. I do not think that with all our concessions we shall get a large number of persons, but we must try. I want to make it perfectly clear to the House that I am not suggesting the establishment of a system of volunteer convicts as a permanent system. I am merely suggesting it as a temporary expedient to maintain convicts during the necessary period of transition.

Now, it is suggested that this Resolution should be divided into two halves. I do not quite follow the point of the division. As regards the penal settlement, I have said that it is the policy of the Government to move towards its abolition. I contend that that assurance will satisfy the House.

Khan Bahadur W. M. Hussanally : It does not unless you lay down the time that it will take.

The Honourable Sir Alexander Muddiman : My Honourable friend presses me to lay down the time. That is quite impossible to do unless he is prepared to pay for the construction of the necessary jails.

Mr. K. Ahmed : What about the last disturbances when thousands and tens of thousands of people were sent to jail during the days of non-co-operation ? How were they kept in jail, Sir ?

The Honourable Sir Alexander Muddiman : My Honourable friend points out that if there are fresh outbreaks of crime progress may be impeded. We cannot make a definite promise as to time. I am not prepared to make a promise to this House which I have reason to believe it may be impossible to carry out. I do say, and I do desire the House to believe, that as soon as it can be managed, we will get rid of this settlement.

Diwan Bahadur T. Rangachariar : Progressive steps should be taken.

The Honourable Sir Alexander Muddiman : Yes, so far as progressive steps are possible. I can assure the House, however, that every reasonable step will be taken. I know that Honourable Members wish to get rid of the penal settlement, but we must be reasonable in our methods.

[Sir Alexander Muddiman.]

The second part of the Resolution deals with the question of colonisation.

Maulvi Sayad Murtuza Sahib Bahadur : How are the Government going to ascertain which of the prisoners is willing to come back and which of them is willing to remain ?

The Honourable Sir Alexander Muddiman : Not through the Honourable Member. Government will ascertain by the ordinary methods, by a fair and impartial enquiry. It may be within the recollection of this House that a question was asked not long ago as to why certain gentlemen did not return. I then informed the House that they were given a chance of returning but did not care to do so. Some of these Moplah prisoners will be in that position. However, I would like the House to be perfectly convinced that we will do our best to ascertain the real wishes of these persons on the issue which is open, namely, of remaining in the Andamans or going back to Indian jails. We will put the reverse question to those prisoners who are now in jails in different parts of India in connection with the same outbreak.

Maulvi Sayad Murtuza Sahib Bahadur : Who will put the question ?

The Honourable Sir Alexander Muddiman : The officials entrusted with that duty.

I suggest that on the three points raised I have made a sufficient answer to the House. I have shown that we are endeavouring and will endeavour to carry out the policy as regards the closing up of the penal settlement. I have shown that we are doing something in regard to the second part, in the way of throwing open the Andamans. That is a slow process. I thank the House for the great attention with which they have heard me, and after hearing what I have said, ask it not to press this Resolution, otherwise I shall oppose it and take it to a division. I cannot here and now accommodate 7,000 prisoners in India, I cannot throw open at once the Andamans to colonization, and I cannot here and now remove all restrictions.

Mr. President : The original Resolution was :

“ That this Assembly recommends to the Governor General in Council that he be pleased to abandon the Andamans as a penal settlement by sending back all the Moplah and other prisoners, and also to throw it open for free colonization, removing all restrictions on communications, settlements, etc., and also giving all the necessary facilities to the settlers.”

Since which the following amendment has been moved, namely :

“ That for the words ‘ sending back all the Moplah and other prisoners, and also to throw ’ the word ‘ throwing ’ be substituted.”

The question is that that amendment be made.

The motion was negatived.

Mr. President : The question is :

“ That the following Resolution be adopted :

‘ This Assembly recommends to the Governor General in Council that he be pleased to abandon the Andamans as a penal settlement by sending back all the Moplah and other prisoners, and also to throw it open for free colonization, removing all restrictions on communications, settlements, etc., and also giving all the necessary facilities to the settlers.’ ”

Maulvi Sayad Murtuza Sahib Bahadur : The suggestion was that the Resolution should be put in two parts.

Mr. President : I do not propose to follow the course suggested by the Honourable Member.

The Assembly divided :

AYES—20.

Ahmed, Mr. K.
Aiyangar, Mr. K. Rama.
Badi-uz-Zaman, Maulvi.
Chanda, Mr. Kamini Kumar.
Das, Mr. B.
Datta, Dr. S. K.
Ghazaufar Ali Khan, Raja.
Gour, Sir Hari Singh.
Hussanally, Khan Bahadur W. M.
Hyder, Dr. L. K.
Ismail Khan, Mr.

Joshi, Mr. N. M.
Lohokare, Dr. K. G.
Mahmood Schamnad Sahib Bahadur, Mr.
Murtuza Sahib Bahadur, Maulvi Sayad.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Purshotamdas Thakurdas, Sir.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Venkatapatiraju, Mr. B.

NOES—43.

Alyer, Sir P. S. Sivaswamy.
Akram Hussain, Prince A. M. M.
Allison, Mr. F. W.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Burdon, Mr. E.
Clow, Mr. A. G.
Coatman, Mr. J.
Crawford, Colonel J. D.
Dahl, Sardar B. A.
Donovan, Mr. J. T.
Dyer, Mr. J. F.
Gidney, Lieut.-Colonel H. A. J.
Graham, Mr. L.
Haig, Mr. H. G.
Hezlett, Mr. J.
Hira Singh Brar, Sardar Bahadur
Captain.
Hudson, Mr. W. F.
Innes, The Honourable Sir Charles.
Jones, Mr. T. G.
Lindsay, Sir Darcy.

Macphail, The Rev. Dr. E. M.
Mitra, The Honourable Sir Bhupendra
Nath.
Muddiman, The Honourable Sir Alexander.
Muhammad Ismail, Khan Bahadur Saiyid.
Norton, Mr. E. L.
Owens, Lieut.-Col. F. C.
Paddison, Sir George.
Parsons, Mr. A. A. L.
Rahman, Khan Bahadur A.
Raj Narain, Rai Bahadur.
Rau, Mr. B. R.
Reddi, Mr. K. Venkataramana.
Roffey, Mr. E. S.
Roy, Mr. K. C.
Roy, Sir Ganen.
Sastri, Diwan Bahadur C. V. V.
Sheepshanks, Mr. J.
Singh, Rai Bahadur S. N.
Sykes, Mr. E. F.
Townsend, Mr. C. A. H.
Willson, Sir Walter.

The motion was negatived.

RESOLUTION RE REGULATION OF THE PERFORMANCE OF RELIGIOUS FESTIVALS, ETC.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, the Resolution which stands
4 P.M. in my name runs as follows :

“ This Assembly recommends to the Governor General in Council that legislation be immediately taken in hand in order to regulate the performance of religious festivals, rites and ceremonies of different communities in India.”

Sir, in proposing this Resolution it is not my desire to import communal feelings or heat into this House. I do not wish to enumerate the wrongs done by one community or the other, nor do I desire to apportion the share of blame for which one community or the other is responsible. It is certainly very unfortunate that in these days, when the atmosphere is saturated with communal feelings, an old Nationalist and experienced

[Maulvi Muhammad Yakub.]

public man like our friend Mr. Bipin Chandra Pal, who, I am sorry to see is absent to-day, should have indulged himself in writing the history of the present tension between the two communities and throw the whole blame upon the Mussalmans by connecting it with what he alleges to be a pan-Islamic movement. I will not try here to give an answer to the accusations which he has levelled against the Mussalmans. I would content myself simply by telling him, if he were present here, that he has not in any way advanced the cause of peace and good-will by writing in the way in which he has done. I have, Sir, undertaken to move this Resolution because I think that the present situation of communal tension has assumed such alarming dimensions that it is time that we should immediately face and solve the situation. The number of persons killed and injured in communal riots during the last three years, given by the Honourable the Home Member, is really appalling. He says in his statement that riots occurred in 71 places and were responsible for about 3,000 injured and 260 deaths. Now this in itself is a very large number, but I am afraid that correct figures are not available to the Government. It very often happens that many injured persons run away in order to avoid coming within the clutches of the law, and also there are certain cases in which dead bodies are disposed of before they come to the knowledge of the officials. Sir, I do not agree with those who think that the Government have a hand in fomenting communal riots and communal feelings. I also do not think that the Government of India have ever shown partiality towards any community in dealing with communal matters, and, Sir, I take this opportunity publicly to enter my strong protest against the pronouncement recently made by Lord Olivier in this connection in the House of Lords. It is very surprising that an *ex-Secretary* of State for India should be so ignorant of the methods of administration in this country. I am sure His Lordship did not appreciate the result of his announcement. On the one hand he has been very unfair to the Government of India, and on the other he has done great injustice to the Mussalmans in this country who are already labouring under very disadvantageous conditions. Now, Sir, coming to the point under discussion, I submit that certainly it would have been much better if the leaders of both communities could have been able to settle all the points of difference without the help of the Government. But in the light of past experience, I am sorry to admit our inability to settle our differences amongst ourselves. The leaders of the country twice tried to adjust these points of difference and solve the problem, but they hopelessly failed. The first move in this direction was taken, if I remember aright, in September 1924, when a united conference was held at Delhi which was attended by Hindus, Mussalmans, Parsis, Sikhs and Christians, and after a long and laborious discussion certain resolutions were adopted in which principles were laid down to regulate the religious festivals of both the communities. The gist of these resolutions is given in Mr. Rushbrook Williams's book "India in 1924-25". "These Resolutions proclaimed it to be improper for any person who considered his religious feeling affronted to take the law into his own hands. All differences should be referred to arbitration and failing that to the courts. The universal tolerance of religious beliefs and freedom of expression and practice with due regard to the feelings of others must be maintained. Upon the crucial question of cowkilling a resolution was passed by non-official

Hindus on the impossibility of stopping the practice by force alone. Muhammadans were advised to exercise their rites with as little offence to Hindus as possible, while the Mussalman leaders of the Conference personally pledged themselves to do everything in their power to reduce the number of cows annually slaughtered. Other resolutions discouraged the practice of disturbing rival communities by music, calling to prayer and the like without regard to conflicting susceptibilities. The Conference also established an all-India panchayat of 15 persons including Christians and Sikhs as well as Hindus and Muhammadans whose task it was to open local panchayats for the purpose of conciliation between the two communities." Although these resolutions, which are really very good, were passed at this Conference, no practical result was achieved because there was no force, no power behind these Resolutions to enforce them. There was no sanction behind them. If the principles laid down in these Resolutions had been put on the Statute-book in the shape of laws, I am sure the state of communal feeling in India would not have been what it is to-day.

Mr. K. Ahmed : What about Lala Lajpat Rai ?

Maulvi Muhammad Yakub : If there is Lala Lajpat Rai, there is also Mr. Kaye. We are not here to take into consideration the objectionable persons of both communities. We have to deal with reasonable people who want to live and let others live. The other move in this direction was an All-parties Conference which was convened at Delhi in February 1925 and ended in a fiasco. The failure of these two conferences has convinced me that nothing can be done in this connection without the help of the Government and it is for this reason that I venture to propose this Resolution before the House.

The codified law which relates to these matters is contained, so far as I know, in section 153 of the Indian Penal Code, sections 107 and 144 of the Criminal Procedure Code and section 30 of the Police Act, but all the provisions contained in these sections simply make provision for the keeping of the peace, they do not contain any provision to regulate acts which cause the breach of the peace or which cause these disturbances.

Mr. Mahmood Schammad Sahib Bahadur : How can you do that ? It is not possible.

Maulvi Muhammad Yakub : It is not possible for men who have got no brains but it is quite possible for people who have some mental capacity. Well, Sir, there are also different rulings of High Courts and some rulings of the Privy Council on this subject, including the recent ruling in Syed Manzur Hussain *versus* Syed Muhammad Zaman published in Calcutta Vol. 29. On going through these rulings I find they also fail to lay down any definite dictum on the points at issue. They have also left the final authority unrestricted in the hands of the District Magistrate or the police officer. The summary of the last ruling which has been so often quoted in the papers during these days is as follows. Their Lordships of the Privy Council lay down that :

"Persons of whatever sect in India are entitled to conduct religious processions with their proper observances along a highway subject to the orders of local authorities regulating the traffic, to the Magistrate's directions and to the rights of the public. Persons of a different sect cannot as of right claim that the functions of the procession shall cease as it passes places of worship belonging to the former, but it would be open to the Magistrate, in the special circumstances of the case, to order that observances should cease within a certain distance of such place of worship."

[Maulvi Muhammad Yakub.]

You will find by reading all these judgments that no final dictum has been laid down.

Mr. Mahmood Schamnad Sahib Bahadur : Because the Judges have no brains !

Maulvi Muhammad Yakub : It may be so. It is therefore essential that some broad principles should be laid down by the Government of India in the form of legislation and Provincial Governments should be left free to make rules according to the conditions prevailing in the different provinces. In fact, different Resolutions and different orders passed by different Provincial Governments have only operated to make the position still more difficult. It may be argued why do I ask the Government to take legislation in hand, and why I myself did not attempt to introduce a Bill into the House laying down the lines on which I want the Government to legislate. But, Sir, we all know the fate of non-official Bills in this House. It is now about two years that I gave notice to introduce two small Bills, but up to this time when we are on the eve of the Assembly being dissolved I have not been able even to introduce them. Under these circumstances it is hopeless to carry any non-official measure in this House unless the present rules are amended, and it is for this reason that I ask the Government to legislate.

Khan Bahadur W. M. Hussanally : Will you please enunciate the lines upon which you want legislation ?

Maulvi Muhammad Yakub : I am just coming to that. I want the Government to legislate. Sir, there can be no two opinions that communal bitterness is hardly a matter of local concern. It has now assumed an all-India importance. It is one of the most important problems to which the Government of India must devote themselves. What I submit is that we have found that non-official action and non-official attempts have failed to settle the dissension between the two communities ; some action should therefore be taken on the part of Government. I am quite willing, Sir, to accept the amendment proposed by my Honourable friend Diwan Bahadur Rangachariar which runs as follows. (*An Honourable Member :* " Are you prepared beforehand ?") I am prepared beforehand because I am not proposing this Resolution simply to propose a Resolution.

Sir, we are fed up with these communal frictions, and the situation has become so very difficult that we cannot enjoy our home life happily, nor do our festivals bring any joy to us. On the other hand, on the occasion of almost every festival, more misery and sorrow is caused in every home, and therefore, Sir, I think it is high time that we bestirred ourselves instead of sitting with folded hands in our houses or making complaints to the authorities against each other or breaking the heads of our own countrymen. Is not the time ripe, I ask, Sir, when we should ask the Government to come forward and help us, since we could not solve the question ourselves, and failed in our attempt to solve this ticklish question ? Therefore, I am quite prepared to accept the amendment.

Nawab Sir Sahibzada Abdul Qaiyum (North West Frontier Province: Nominated Non-Official) : I thought you said in the beginning that Government were doing all that was possible in the matter.

Maulvi Muhammed Yakub : I never suggested a single word about it. I never said that the Government were doing all that was possible for them to do. What I said was that our leaders have done all that was possible for them to do, I did not say that the Government had yet done all that was possible for them to do. I do not think that a Government which has defeated the powerful armies of the German and Russian Empires in Europe would be incapable of solving these small questions arising out of communal tensions in this country which they have been governing for about a century now. Sir, in accepting the amendment of my Honourable friend Diwan Bahadur Rangachariar.....

Mr. President : The Honourable Member cannot speak on the amendment which is not before the House yet.

Maulvi Muhammad Yakub : I only indicate that I am quite prepared to accept that amendment if it is moved.....

Mr. President : The Honourable Member has already done so.

Maulvi Muhammad Yakub : I think, Sir, as a preliminary to legislation, the Government should take the necessary steps to undertake legislation in this matter. We all know that legislation cannot be taken in hand immediately ; it requires a certain amount of preparation. I think, therefore, Sir, that the best course for the Government of India to adopt, before undertaking any legislation, would be to call the leaders of different communities to a round table conference, so that they may, in consultation with the Government of India, make recommendations, and on the lines of those recommendations, I think it would be possible for the Government to formulate legislation laying down certain fundamental and broad principles for the guidance of the public as well as the officers of Government on such occasions. As regards the summoning of this conference, Sir, I think that His Excellency the Viceroy was himself inclined to take that step if he were sure of its success. In his remarkable speech at the Chelmsford Club, His Excellency the Viceroy said.....

Mr. President : Order, order. The Honourable Member's Resolution has nothing to do with any conference. He is not entitled to refer to the amendment which has not yet been moved except merely to state that he is prepared to accept it when moved.

Maulvi Muhammad Yakub : I will not discuss the amendment at present, Sir, but I will again repeat what I said in the beginning, that it is high time that the Government of India adopted certain measures and took steps which might be conducive to stop all this communal feeling and bitterness in this country. I do not want to make a long speech, but I may tell the House that it is my sincere desire that we should solve this most difficult question in the country to-day. With these words, Sir, I commend my Resolution to the House. It is for all the Honourable Members of this House to contribute their quota and to join hands with us and tell us what would be the best way to get out of this difficulty with which the country is faced.

Khan Bahadur W. M. Hussanally : May I know if you do not want legislation ?

Maulvi Muhammad Yakub : I do want legislation, as I have already said.

Mr. President : Order, order.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Sir, I beg to move the amendment which stands in my name, and which runs as follows :—

“ That for the original Resolution, the following be substituted :

‘ This Assembly recommends to the Governor General in Council that he may be pleased to convene an All-India Conference of selected leaders of public opinion and experienced officials to examine the present communal situation in the country and make recommendations to regulate the performance of religious festivals, rites and ceremonies of different communities in India ’ ”.

Sir, Honourable Members will notice that, according to the rules of debate of this Assembly, I had to restrict my amendment, especially the latter portion of it, to the scope of the original Resolution. If I were bringing forward a separate Resolution, it would have embraced much more matter than it is possible to do in this amendment. At the same time, I have taken care to put forth the first part of the Resolution that the whole question should be examined, although the recommendations may be restricted to a certain matter. I do not stand here to speak upon the subject with any pride. It is with a feeling of disgust and shame that I rise to speak on this motion, because it has been found necessary to table a Resolution of this character and discuss it on the floor of this House. But, Sir, I am not a believer in the hush-hush policy pursued by certain people. Facts are facts, and they have to be faced by us like men. We are all anxious for the day when we shall attain Swaraj, and we shall be still more anxious, Sir, when we do attain it, as to how best we are going to retain it. The subject underlying this Resolution concerns that aspect of it most intimately. Perhaps, it is easy to get Swaraj, but it is not so easy to retain it. That conviction has forced itself on me as a student of the politics of our country, and as a close student of the events during the last six years of my career in this Assembly. Fortunately, for me, Sir, I come from a province where, although there do exist differences of a sort, we have not the differences which disgrace the various upper parts of India. If Honourable Members will look at the list of horrible events which were enumerated by the Honourable the Home Member in answer to an interpellation on the opening day of this Assembly, they will be gratified to find that Madras is prominently absent from them. It is not that we have not got a Muhammadan population there. We have a Muhammadan population with whom we are on the best of terms, although now and then, few and far between, there have been differences—I will not call them serious differences. But this is not the place for us to enter upon the causes, the irritating and provoking causes which have produced this unfortunate tension of feeling between the two great communities which inhabit this land ; for we will be defeating the very purpose we have in view if in public we discuss those matters. I have some views which I have come to in connection with the various causes which underlie the differences between the communities. I am not going to mention them. It will not be useful to mention them, and I implore my Honourable friends who are going to follow me in this debate not to refer to what the causes may be, where the fault lies and where the fault does not lie. I admire the sincere spirit in which my Honourable friend Maulvi Muhammad Yakub has come forward. He feels the soreness of this disgraceful position which we are face to face with, and I feel it likewise. I am glad, and the whole country is glad,

that His Excellency Lord Irwin has taken it up in right earnest. Sir, we have not been wanting in words of advice, from men great and small, in connection with this matter. From all quarters we have received admonition and advice, and in various other directions there have been attempts, I will call them earnest and honest attempts, made by the communities themselves to put an end to these differences. But for want of the driving force which the Government alone can give to a movement of this sort those attempts have failed. It must be confessed that they have failed. Great men have taken part; the greatest man perhaps amongst Indians almost gave up his life in order to urge this cause upon the earnest attention of his countrymen. Notwithstanding that stimulating inducement offered by him, the efforts made at that conference, a well known conference which I happened to attend for a day, failed. And, Sir, I believe we cannot achieve the results which we have at heart without the co-operation of all people, official and non-official alike. It is only with that co-operation that we can achieve or attempt any serious good results. Sir, my conception of the motion which I have tabled is that there should be a conference of selected officials and non-officials. I do not believe in a majority of non-officials in a matter of this sort. I want a majority of the people whose hearts are really bent upon changing the situation, whether they be officials or non-officials. We want persons with experience. Officials, both European and Indian, will be able to assist us most materially in a matter of this sort. And my idea is that this conference should be entirely a private conference not open to the Press. It should be a conference which should be opened by His Excellency the Viceroy in a speech which I am sure he alone can make, and he would then leave the conference to discuss these questions earnestly and in a sincere spirit. Having done that they would examine all the various causes of the present communal situation in the country. They would not be merely confined—I merely allude to this—to the religious disputes in connection with rights at festivals and ceremonies. I am afraid latterly they have taken a turn in a different direction, which perhaps it is not necessary to detail in this open meeting. But there are other causes which are at work and have been at work, and they may be traced to various events which have recently occurred. But these are matters which require an earnest examination, and I do hope the result of this conference will bring about a settlement of these questions. Sir, these two great communities, Hindu and Muhammadan, have lived in amity for centuries together in this land, both under Hindu rulers and under Muhammadan rulers. Under the Emperors of Delhi the Hindu and Muhammadan population lived together in amity and brotherly feeling, and they have so lived together under Hindu rulers of an older age. The Muhammadan community are not new to this land; the Hindu community are not new to this land. We have multiplied notwithstanding the slaughters. Millions have multiplied into multi-millions. Therefore, let us not lose hope. Let us have faith that this is not going to be a permanent feature in our land. There have been provoking causes and those irritating causes must be removed. It requires the earnest efforts of the leaders of all communities, whether they be what I may call strong Hindus and strong Muhammadans or not. We want the co-operation not only of moderate Hindus and moderate Mussalmans, but of staunch Hindus and staunch Muhammadans. I would not exclude them. I see an attempt has recently been made to form a national union. I have not much faith in the results which are

[Diwan Bahadur T. Rangachariar.]

likely to come out of that national union, for I believe they are making a fundamental mistake in excluding the staunch protagonists on either side. We want to bring them together at a conference where they may be impressed with the seriousness of the question, and I am sure we will be able to come to conclusions which will be satisfactory to both parties. I have myself taken part in one of these disputes between the Hindus and Muhammadans in Madras City itself. I was called upon by the Collector of Madras to be one of the arbitrators. The present Muhammadan Member of Council was the other arbitrator. Sir, they were about to break their heads over a question of processions and we called them together and we found no difficulty in coming to an amicable settlement. It depends on the way in which we approach the question. Of course if we approach the question saying that the other side is in the wrong and we are always in the right, then we will never come to a conclusion. We have to admit that both are to blame, probably some more to blame than the others. But the larger interests of the country require that these disputes should not be allowed to continue. I say it is not only the interests of Indians, but the interests of the Government and of the people require that they should be done away with. I appeal to Government to take a serious view of the situation. I am sure they are taking a serious view of the situation. They have told us here several times, and only the other day the Home Member told us what the attitude of Government is in regard to these matters. His Excellency the Viceroy has recognized the seriousness of the situation. But is it enough merely to recognize the seriousness of the situation and to say merely that we will discharge our duty by keeping the peace when peace is threatened? Should that be the only recognition of the seriousness of the situation? May I appeal to the Honourable the Home Member and the other Members of Government present here, is it not also their duty to take some serious action in order to see how to put an end to these things? Would you merely put an end to these disputes by punishing the rioters and sending them to jail? That is no doubt successful temporarily. But they are merely temporary cures. It is up to the Government to do their level best to seek a permanent cure. It may be, Sir, that this conference cannot come to a conclusion.

I do not want to say that we will be able to find a solution. It may be that this conference may not be successful and may break up. But it is worth the attempt of all of us to help and to co-operate whether inside or outside the Assembly. It is a matter on which we cannot hereafter sit quiet and merely issue edicts or advice from the hill-tops and merely say that the two communities should behave well. We have had enough of that. We want serious action, earnest action, and I appeal to all that we should put our hearts into this matter. I cannot think of any other way in which we can solve this problem. It requires consideration, it requires serious consideration at the hands of the leaders, at the hands of Government. Now, how best are we going to achieve that object unless we put our heads together and take action with regard to the future developments in this matter? So I earnestly commend this amendment for the acceptance of the Government and for the acceptance of this House.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 25th August, 1926.