

20th March, 1924

THE 0
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

FIRST SESSION

OF THE

SECOND LEGISLATIVE ASSEMBLY, 1924



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LEGISLATIVE ASSEMBLY.

Thursday, 20th March, 1924.

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

QUESTIONS AND ANSWERS.

RESERVATION OF THIRD CLASS ACCOMMODATION ON THE KALKA-SIMLA RAILWAY DURING THE MOVE OF THE GOVERNMENT OF INDIA.

883. ***Shaikh Mushir Hosain Kidwai:** (a) Is it a fact that in previous years 8 or 9 seated 3rd class compartments were reserved on the Kalka-Simla Railway for passengers on applications made to the Station Master of Kalka or Simla?

(b) Has the attention of the Government been drawn to the notice, dated the 3rd March 1924, issued by the Assistant Traffic Superintendent, Kalka-Simla Railway, to the effect that during the forthcoming move of the Government of India offices no accommodation in the 3rd class other than a 47 or 48 seated 3rd class carriage can be reserved?

(c) Are the Government aware that this will cause considerable hardship and inconvenience to the ministerial staff of the Government of India who are not eligible for 2nd class travelling allowance?

(d) If so, will Government be pleased to take immediate steps to have the notice rescinded and issue instructions to the railway authorities of the Kalka-Simla Railway to resume the previous practice of reserving 8 or 9 seated 3rd class compartments on the Kalka-Simla Railway?

The Honourable Sir Charles Innes: (a) Yes.

(b), (c) and (d). The Government have seen the notice issued by the Assistant Traffic Superintendent as regards the reservation of third class compartments on the Kalka-Simla Railway. They understand that this notice was issued because it had been ascertained that the members of the ministerial staff of the Government of India who are eligible for second or intermediate class travelling allowance were in the habit of reserving for themselves the 8 or 9-seated third class end compartments of the bogie carriages and it was thought that this practice was unfair to the ordinary third class travelling public.

The Government have been in communication with the Agent of the North Western Railway on the subject and they understand that he is prepared to consider whether the notice should not be cancelled and the effect on the traffic in question watched for another year.

Mr. Harchandrai Vishindas: Are there not extra trains provided when the Government of India are on the move to Simla?

The Honourable Sir Charles Innes: I think there are.

Mr. Harchandrai Vishindas: Will it be any hardship to the third class passengers ordinarily to have the 48-seated third class compartment? Do they need the 8 or 9-seated compartment?

The Honourable Sir Charles Innes: I understand it is the view of the railway that the third class passengers do need all the accommodation provided for them.

Mr. Harchandrai Vishindas: Is not the number of passengers travelling during the move of the Government so small as not to affect the public?

The Honourable Sir Charles Innes: The number of passengers during the move is, I understand, particularly large.

Mr. A. Rangaswami Iyengar: How does it become unfair to the third class passengers if the ministerial staff get inter class allowance and travel third class?

The Honourable Sir Charles Innes: What I said was that it was the view of the Railway that it was unfair. I did not say it was my own view.

Mr. A. Rangaswami Iyengar: May I know why these clerks should be deprived of their ordinary facilities of railway traffic because they draw an allowance and deal with it as they are entitled to deal with it?

The Honourable Sir Charles Innes: I think the correct way of looking at the position is this. The railways ordinarily try to study the convenience of their passengers. That is to say, they allow people to reserve compartments provided the full fares are paid. But at times of rush railways are sometimes compelled in the general interest to withdraw this concession of allowing people to reserve compartments. But still, as I have said, the Agent of the North Western Railway has agreed to consider whether this notice should not be cancelled.

Mr. K. Ahmed: Is it not a fact that a similar measure was adopted last year and at the request of some of the Honourable Members of this House the notice was withdrawn?

The Honourable Sir Charles Innes: I do not remember that, Sir, but the practice to which the railway has just taken objection has been in force for years.

Shaikh Mushir Hosain Kidwai: For the convenience of pardah ladies would it not be possible to reserve these compartments, the railway not being the loser by any means?

The Honourable Sir Charles Innes: I have no doubt that it would be more convenient to pardah ladies if they were allowed to reserve these compartments.

MOTOR VEHICLES FOR THE ROYAL AIR FORCE.

884. *Sardar Gulab Singh: (a) Is it a fact that some motor vehicles are attached to the head office of the Royal Air Force at Delhi?

(b) Does a similar arrangement exist in the case of other offices of the Army Headquarters?

(c) If not, will Government please state the reasons why a special concession has been granted to the head office of the Royal Air Force in regard to motor vehicles?

Mr. E. Burdon: (a) Yes.

(b) No motor vehicles are attached to Army Headquarters.

(c) Army Headquarters is a staff formation and the Royal Air Force Headquarters is the headquarters of an executive command. It is for this reason that a small allotment of mechanical transport is given to the Royal Air Force Headquarters. I may mention that the Headquarters of all subordinate Royal Air Force formations in India and elsewhere have to be similarly equipped.

FINANCE SECTION OF THE ROYAL AIR FORCE HEADQUARTERS.

885. *Sardar Gulab Singh: (a) Is it a fact that the grant for the Finance Section attached to the Royal Air Force Headquarters is provided in the non-voted Army Estimates, whereas the grants for the other Finance Sections attached to Army Headquarters are provided in the voted Civil Estimates?

(b) If the reply to (a) is in the affirmative, will Government please state the reasons why the budget grant for the Finance Section attached to the Royal Air Force Headquarters should not be transferred from the non-voted Army Estimates to the voted Civil Estimates?

The Honourable Sir Basil Blackett: (a) The reply is in the affirmative.

(b) The Finance Section of the Royal Air Force Headquarters is a part of the office of the Controller, Royal Air Force Accounts, who, in addition to the duties of a Controller of Military Accounts, performs the duties of a Deputy Financial Adviser in regard to the expenditure of the Royal Air Force. The object of this arrangement is to avoid unnecessary duplication of establishments. In accordance with the principles governing the classification of expenditure in the public accounts, the charges are correctly shown under the Army Estimates.

NUMBER OF OFFICERS PERMITTED TO RETIRE ON PROPORTIONATE PENSIONS.

886. *Mr. K. Venkataramana Reddi: Will the Government be pleased to state the number of officers who were permitted to retire before the prescribed period of service on proportionate pensions under the "premature retirement rules" specifying in each case the class of service to which they belonged, period of service and the amount of pension sanctioned?

The Honourable Sir Malcolm Hailey: A statement is laid on the table giving the information up to the 31st December, 1923. Pensions are

calculated in the manner stated in the second schedule to the Premature Retirement Rules published in the Government of India Gazette under Home Department Notification No. 868—22, dated the 1st March, 1924. The Government of India have no information as to the actual amount of pensions paid as the amounts are not separated in our accounts.

Mr. Devaki Prasad Sinha: Is it not a fact that many of these officers who at first applied for proportionate pension subsequently withdrew their applications?

The Honourable Sir Malcolm Hailey: I think there have been cases of some officers withdrawing their applications. I could not state the number.

Mr. Devaki Prasad Sinha: Is it a fact that a large number of these applications came from police officers?

The Honourable Sir Malcolm Hailey: The House may be interested to hear the numbers which I have laid on the table:

List showing the number of officers of All-India Services who have been permitted to retire on proportionate pension (up to 31st December 1923).

Service.	Total number of retirement.
Indian Civil Service	69
Indian Police Service	97
Indian Service of Engineers	54
Indian Educational Service	32
Indian Forest Service	20
Indian Agricultural Service	10
Indian Veterinary Service	5
Grand Total	287

Mr. A. Rangaswami Iyengar: May I know, Sir, whether in the rules which have recently been published a new definition has been given of "existing and accruing rights under the Act"?

The Honourable Sir Malcolm Hailey: No, Sir, I think not.

PERMANENT SETTLEMENT IN MADRAS.

887. ***Mr. K. Venkataramana Reddi:** (a) Will the Government be pleased to state whether the proceedings in respect of a Resolution recommending the introduction of permanent settlement passed by the Madras Legislative Council, were submitted to the Government of India?

(b) If the answer is in the affirmative, is it a fact that the Government of India negatived the proposal; if so, will the Government be pleased to state the policy they had in view in negativing the proposal?

(c) Was any scheme or proposal received from the Madras Government subsequent to the action taken by the Government of India on that Resolution?

Mr. M. S. D. Butler: (a) and (b). The Honourable* Member is referred to the statement made by the Honourable Sir A. R. Knapp on the subject in the course of his speech in the Madras Legislative Council on 13th December 1923 (pages 386-387 of the Proceedings). The Government of India have nothing to add to that statement except that the proceedings of the Madras Legislative Council referred to in part (a) of the question accompanied the Madras Government's letter of the 6th February, 1922.

(c) On 21st February, 1924, the Madras Government submitted a Bill for the previous sanction of the Governor General. It was returned with the Governor General's orders upon it on the 15th March, 1924.

Mr. A. Rangaswami Iyengar: Am I to take it that it has received the Governor General's sanction?

Mr. M. S. D. Butler: I think if the Honourable Member will wait a few days he will see what the Bill is which is being introduced in the Madras Legislative Council.

Mr. A. Rangaswami Iyengar: I want to know whether the Bill which was here for the sanction of the Governor General has received such sanction.

Mr. M. S. D. Butler: I said the Bill had been returned with the Governor General's orders, and it will be seen in the course of a few days what course the Madras Government are taking in the matter.

Mr. A. Rangaswami Iyengar: Am I to take it that the Honourable Member does not want to lay that information before us in this House?

Mr. M. S. D. Butler: I am not prepared at this stage to lay any correspondence on the table. The Madras Government are about to introduce a Bill.

Mr. A. Rangaswami Iyengar: Not even the information as to whether it has been sanctioned for introduction in the Madras Legislative Council?

Mr. M. S. D. Butler: No.

PROPOSED RAILWAY BETWEEN HYDERABAD (DECCAN) AND DELHI.

888. ***Mr. K. Venkataramana Reddi:** Will the Government be pleased to state whether there is any truth in the rumour that proposals are under consideration to open a new Railway line connecting Hyderabad (Deccan) with Delhi, which would be shorter than the existing one? If so, what is the estimated cost of such a line?

The Honourable Sir Charles Innes: The Bellarshah Warangal Railway in the Nizam's Dominions and the Itarsi Nagpur Railway, now under construction, will, when opened, afford a new route between Hyderabad (Deccan) and Delhi, which will be shorter than the present one.

The estimated cost of these two lines will be about Rs. 604 lakhs.

EXPENDITURE ON THE ECCLESIASTICAL ESTABLISHMENT.

889. ***Mr. K. Venkataramana Reddi:** Will the Government be pleased to state what necessitated them to put the expenditure on the Ecclesiastical Department in the Budget Estimate, 1924-25, at Rs. 18,75,000 over and above the actual amount spent in 1914?

Mr. M. S. D. Butler: As stated in my reply to a question put in this Assembly on the 11th March, 1924, the increased expenditure is almost entirely due to the revision of pay and allowances, and to the inclusion of leave allowances not previously shown under this heading.

FORESTS AREA UNDER THE GOVERNMENT OF INDIA AND REVENUE DERIVED THEREFROM.

890. ***Mr. K. Venkataramana Reddi:** (a) Will the Government be pleased to state the total area of forests under their control and what use they are put to?

(b) Do the Government derive any revenue from them? If so, how much?

Mr. M. S. D. Butler: (a) The latest returns are for 1922-28. The area then under control of the Government of India was 3,920 square miles. The revenue amounted to Rs. 28,43,415.

(b) The forests of the Andamans and North-West Frontier Province are worked chiefly for the supply of timber. The remaining forests are mostly scrub forests conserved for agricultural and climatic reasons.

TERMS OF REFERENCE OF THE TAXATION COMMITTEE.

891. ***Mr. K. Venkataramana Reddi:** Are the Government prepared to reconsider the terms of reference of the Taxation Committee so as to include specifically a direction to inquire into the wealth of the people of India, its distribution per head and the incidence of taxation in proportion to the wealth? If not, why not?

The Honourable Sir Basil Blackett: The Government do not consider it desirable to alter the terms of reference.

WIRELESS BRANCH OF THE TELEGRAPH DEPARTMENT.

892. ***Mr. K. Venkataramana Reddi:** (a) Will the Government be pleased to state the number of men employed in the Wireless Branch of the Telegraph Department, who draw a salary of Rs. 200 and above per month? Of these how many are Indians?

(b) Will the Government be pleased to state the approximate total expenditure incurred annually in respect of the Instruction Establishment of the Wireless Branch?

(c) How many men were trained in the Instruction Establishment during the year 1921-23? Of these how many are Indians?

Mr. G. E. Clarke: (a) 92, of whom 17 are Indians.

(b) Approximately Rs. 7,500 per annum, and the Instructional Officer and his assistants are employed on general Divisional work in connection with both the Engineering and Experimental Divisions when not employed on instruction.

(c) During 1921-23 excluding 328 British military officers and military other ranks for whose instruction appropriate fees were charged, 128 men were trained of which 29 were Indians. Of this number 128, 106 of whom

17 were Indians were trained for the Department; the remaining 22 of whom 12 were Indians were trained for other authorities, such as the Indo-European Telegraph Department and Indian States. They were charged appropriate fees.

SALT FACTORIES IN MADRAS.

898. ***Mr. K. Venkataramana Reddi:** (a) Will the Government be pleased to state the number of salt manufacturing factories in the Madras Presidency?

(b) How many were abolished in 1923-24 and how many they propose to abolish in future?

(c) Will the Government be pleased to state the reason why they have been abolished?

(d) Have the Government received any memorial from Kaja Kodanda Ramiah Pantulu Garu, Nizampatam, Repalli taluq, Guntur district, in regard to the proposed closure of the salt factory at Nizampatam? If so, what action do the Government propose to take upon it?

The Honourable Sir Basil Blackett: (a), (b) and (c). The number of salt manufacturing factories in the Madras Presidency was 49 at the close of 1922-23. The Local Government have ordered the closure of 4 factories from the beginning of the 1924 season and they have no proposals for further closure at present under consideration. They report that these factories were very inconveniently situated with no proper means of communication. Their brine supply was unsatisfactory and their outturn poor, and the licensees were involved in heavy indebtedness to Government. It is also stated that in one case the soil was unsuitable, in another labour was not procurable and in a third heavy damage was done by the recent cyclone to the factory which is not worth repairing.

(d) The gentleman named addressed a memorial to the Government of India in January last but as it was not submitted through the Local Government as required by the rules for the submission of petitions to the Government of India, it was returned to the memorialist for compliance with the rules.

Mr. R. K. Shanmukham Chetty: Is Government aware of the fact that very nearly 80 per cent. of the salt consumed in India is imported salt, and if so, has Government ever inquired into the possibility of meeting all the supply of salt from local manufacturers?

The Honourable Sir Basil Blackett: I am not certain about the first part of question 2. I believe the figures given are approximately correct. The reply to the second part is in the affirmative.

Mr. R. K. Shanmukham Chetty: Have they considered the possibility of meeting all the demand in India by salt manufactured in India? I understand the Honourable Member answered in the affirmative, and if so, what is the conclusion arrived at,—what steps have they taken?

The Honourable Sir Basil Blackett: An inquiry took place about 1906. I do not carry in my mind the whole of its conclusions, but one may judge by the fact that since then imported salt has continued to come in, that they came to the conclusion that it is not possible to supply the whole from India.

Sir Purshotamdas Thakurdas: May I ask, Sir, if the report of the inquiry conducted in 1906 is available to the public?

The Honourable Sir Basil Blackett: I do not know; I will find out and will let the Honourable Member know.

Mr. Gaya Prasad Singh: Since that report was published, has there been any difference in the quantity of salt imported from foreign countries? Or has there been any reduction in the amount of salt imported into this country from foreign countries?

The Honourable Sir Basil Blackett: If the Honourable Member will study the sea-borne trade for the last 20 years, he will find out.

MILITARY, DIPLOMATIC AND CONSULAR EXPENDITURE IN PERSIA.

894. ***Mr. K. Venkataramana Reddi:** (a) What is the approximate total expenditure incurred on sending Indian troops to East Persia?

(b) What is the total amount of diplomatic and consular expenditure incurred by the Government of India in Persia during 1922-23?

Mr. E. Burdon: (a) Military expenditure in East Persia was not recorded separately in the accounts and I regret, therefore, that it is not possible to furnish the information desired by the Honourable Member.

(b) Rs. 19,84,342.

Mr. Ohaman Lal: On what ground do Government justify the expenditure in East Persia?

Mr. E. Burdon: There is no expenditure from Indian revenues at present at all.

Mr. Ohaman Lal: On what grounds do Government justify the sending of Indian troops to East Persia?

Mr. President: The Honourable Member should give notice of the question.

EXPORT DUTY ON RAW HIDES AND SKINS.

895. ***Haji S. A. K. Jeelani:** (a) Will the Government be pleased to state who was responsible for the reduction of the duty on the export of raw skins and hides from 15 per cent. to 5 per cent. *ad valorem*?

(b) Are the Government aware that this reduction from 15 to 5 per cent. does not constitute a sufficient protection to the tanning industry? Have they received representation from anywhere to that effect?

(c) Is it a fact that the Director of Industries in Madras had expressed himself strongly against the reduction of the duty? If so, will the Government be pleased to lay on the table a statement of his views?

The Honourable Sir Charles Innes: (a) The Indian Legislature.

(b) Representations in the sense suggested have been received, but the Honourable Member should read the debates on the subject in this House last March.

(c) The Government have no information.

Sir Gordon Fraser: Is it not a fact that the value of raw hides has increased nearly 100 per cent. during the past 18 months, and that this result is entirely due to the legitimate laws of supply and demand, the main demand being for export, and that the export duty of 15 per cent. on the export of raw hides can very well be reintroduced?

The Honourable Sir Charles Innes: I believe that it is a fact that the price of raw hides has gone up in the last few months. But if that is so, I welcome that increase of price, because it shows that the trade, which had almost been killed, is beginning to revive; and as regards the Honourable Member's second part of the question, I suggest that the whole question was discussed in this House last March, and that the Honourable Member could have been present had he so desired.

Mr. R. K. Shanmukham Chetty: Are Government aware of the fact that, as a result of this reduction in the export duty, there is very great danger of the tanning industry in India being exterminated?

The Honourable Sir Charles Innes: I am not at all aware of that fact, Sir.

Mr. R. K. Shanmukham Chetty: I give it to the Honourable Member as a fact.

The Honourable Sir Charles Innes: I am afraid I cannot accept it from the Honourable Member.

Mr. R. K. Shanmukham Chetty: But whether the fact is correct or not, will the Honourable Member inquire?

EXPORT TRADE IN RAW HIDES AND SKINS.

896. ***Haji S. A. K. Jeelani:** (a) Is it a fact that Madras Presidency is the chief seat and centre of the tanning industry?

(b) Are the Government aware that those who are interested in the export business of raw hides and skins are foreign traders?

The Honourable Mr. A. C. Chatterjee: (a) The Madras Presidency is one of the chief centres of the tanning industry.

(b) No. Many Indian merchants are large shippers of raw hides and skins.

Sir Gordon Fraser: Are Government aware of the fact that the export trade in raw hides benefits only the middleman and the foreign consumer, to the very great detriment of an old established indigenous Indian industry?

The Honourable Mr. A. C. Chatterjee: No, Sir, I do not think that is exactly the fact.

Mr. R. K. Shanmukham Chetty: Are Government aware of the economic law that as far as possible, if raw products can be turned into manufactured articles in the country, they ought not to be allowed to be exported to other countries?

The Honourable Mr. A. C. Chatterjee: I think the statement of the Honourable Member is a little too wide.

Sir Gordon Fraser: Are Government aware of the fact that the only market in the world open to the tanning industry of Indian tanners of hides is Great Britain, and that all the other countries which import raw hides from India put a prohibitive duty on the tanned article to prevent importation into their countries?

The Honourable Sir Charles Innes: I am quite aware of those two facts, Sir, and that is one of the reasons why we put this export duty on raw hides, with a rebate in favour of Empire countries, and the result was that the English tanner took no greater proportion of our raw hides than before, and that, when the trade in our raw hides began to revive, Germany and the other continental countries again came into the market.

Sir Gordon Fraser: Is it not a fact that the reduced exports of raw hides during the year 1920-21 and 1921-22 were due not to the export duty but to the disorganization of the European markets?

The Honourable Sir Charles Innes: I agree, Sir, that the reduction in the export of raw hides was mainly due to the stagnation of the hide trade.

Sir Gordon Fraser: Is it not a fact that the reduction in the shipment of tanned hides during those years was due to the fact that the Home Government placed on the market a stock of something like 120,000 bales of tanned hides, and hence it was impossible for the Indian tanners to find a market in Great Britain for the output of their tanneries?

The Honourable Sir Charles Innes: I agree, Sir, that the stocks held by the British Government at the end of the war were the main cause why the Madras tanning industry was not in a flourishing condition in 1921-22; but I think if the Honourable Member will examine the statistics, he will find that the exports of tanned hides or semi-tanned hides (because the industry in Madras only half tans) are very nearly reaching the pre-war level, while exports of raw hides are still a long way below the pre-war level.

Mr. A. Rangaswami Iyengar: Are we to take it that the Government of India refuse to give the Madras tanning industry another chance of revival by the reimposition of this duty on export of hides?

The Honourable Sir Charles Innes: The Government of India at present, Sir, have no intention of making any proposals to the Legislature for increasing the export duty on raw hides.

EXPORT DUTY ON RAW HIDES AND SKINS.

897. ***Haji S. A. K. Jeelani:** (a) Will the Government be pleased to state on whose suggestion or with what aim an export duty of 15 per cent. *ad valorem* on the export of raw skins and hides began to be levied from the year 1921?

(b) Are the Government aware that after the imposition of that duty there had been a vigorous revival of the tanning industry in the Madras Presidency, specially in low class hides?

The Honourable Sir Charles Innes: (a) The export duty on raw hides and skins was imposed in 1919 in the hope of encouraging the tanning industry in India and of retaining within the Empire a key industry.

(b) If the Honourable Member will examine the statistics on this subject in the sea-borne trade returns which are in the Library, he will find that they do not bear out his contention; I will just give those statistics in view of what Mr. Shanmukham Chetty has said: The export of tanned hides in 1921 was 5,449 tons, and in 1922, 8,854 tons. In those two years, the export duty on raw hides was 15 per cent. In 1923 the export of tanned hides was 18,592 tons, and in nine months of that year the export duty was only 5 per cent.

EXPORT OF RAW HIDES AND SKINS.

898. *Haji S. A. K. Jeelani: (a) Will the Government be pleased to state the amount of customs receipts on this item of export of raw skins and hides from the years 1921-22, 1922-23, 1923-24?

(b) Will the Government be pleased to state the total tonnage of raw skins and hides shipped out of India for the two years when the 15 per cent. duty was being levied?

(c) Are the Government aware that a major portion of this trade is with countries avowedly protectionists, other than the United Kingdom?

The Honourable Sir Charles Innes: (a) Customs receipts realised from export duty on raw hides and skins during 1921-22, 1922-23 and the 10 months of 1923-24 are Rs. 51, 43 and 20 lakhs, respectively.

(b) The total tonnage of raw hides and skins, exported out of India in each of the two last years, namely, 1921-22 and 1922-23, when the 15 per cent. duty was in force, was 48,458 and 45,727 respectively.

(c) Over three quarters of the total exports of raw hides and skins from India in 1921-22 and 1922-23 were shipped to the United States of America, Germany, Italy and Spain. These countries adopt protective tariffs.

RAILWAY COLONY AT JONESGANJ, AJMER.

899. *Mr. N. M. Joshi: Will Government be pleased to state:—

(a) Whether the authorities of the B. B. & C. I. Railway Company in India, with the sanction of the Government Consulting Engineers, Bombay, founded a Workmen's Colony, named Jonesganj, at Ajmer, for the employés of the Carriage and Wagon Department under the terms recorded in resolution No. 207 of the official meeting of 1891 of the Rajputana-Malwa State Railway?

(b) Whether the minutes of the meeting were as usual subsequently confirmed by the Government of India and the Board of Directors of the Company?

(c) Whether in pursuance of the above-mentioned resolution, the Railway authorities made over to the Colony Committee in 1891, for the said Colony, 93½ bighas of land which had been acquired for railway purposes for Rs. 5,300 from Sardar Ameen Chand under an indenture dated 18th October 1879, and about 200 houses have been built upon that land?

The Honourable Sir Charles Innes: I propose, Sir, to answer Questions 899 to 903 together.

The information asked for in this and the four questions following is being obtained from the Railway Administration concerned and will be communicated to the Honourable Member on receipt.

RAILWAY COLONY AT JONESGANJ, AJMER.

†900. *Mr. N. M. Joshi: Will Government be pleased to state whether the terms embodied in resolution No. 207 of the official meeting of 1891 of the Rajputana Malwa State Railway included the following:

(1) that the Railway should allow free use of land and grant leases in *due form*;

† For Answer to this Question—see Answer below Question No. 899.

- (2) that the colonists should be the owners of the houses and defray all costs and expenses of construction, maintenance, repairs, etc., of the houses;
- (3) that the affairs of the Colony be managed by a Committee to be formed by the house-owners, the Carriage and Wagon Superintendent of the Railway exercising control in a general way; and
- (4) that the Colony Committee should buy the houses of men dying or leaving the station.

RAILWAY COLONY AT JONESGANJ, AJMER.

†901. ***Mr. N. M. Joshi**: Will Government be pleased to state whether it is a fact that, instead of granting leases in *due form* to Colonists of Jonesganj at Ajmer, the Company's authorities in India subsequently prepared printed leases in which the ownership of the men to the houses was made obscure and the men were persuaded to sign these leases while all the transactions relating to advances, recoveries, etc., were worked out and acted upon in accordance with the terms recorded in the resolution No. 207 of the official meetings of 1891 of the Rajputana Malwa State Railway?

RAILWAY COLONY AT JONESGANJ, AJMER.

†902. ***Mr. N. M. Joshi**: (a) Will Government be pleased to state whether it is a fact that the Carriage and Wagon Superintendent in his letter, No. 8126-A., dated 30th May 1898, reported to the authorities at Bombay that the valuation of the houses taken over from the Jonesganj colonists leaving the village was made at "the present value at current rates"?

(b) Will they be further pleased to state whether the Carriage and Wagon Superintendent in his letter, No. 1431-R. S., dated 30th January 1917, to the address of the Agent, B. B. & C. I. Railway, proposed to wind up the colony by realising the railway cost of the land from the accumulated amount of the village funds and to divide the vacant land proportionately among the colonists?

RAILWAY COLONY AT JONESGANJ, AJMER.

†903. ***Mr. N. M. Joshi**: (a) Will Government be pleased to state whether it is a fact that the present authorities of the B. B. & C. I. Railway Company in India deny the rights of the Jonesganj colonists under the authorised terms as recorded in the resolution of 1891, and have taken over houses of several families at less than the market price under the arbitrary power inserted in the subsequent lease?

(b) If the answer to the above be in the affirmative, do Government propose to direct the railway company to deal with the colonists according to the original agreement as recorded in the minutes of the official meetings and sanctioned by the highest authorities? If not, why not?

ORIGINAL MAJOR WORKS IN THE N. W. F. PROVINCE AND BALUCHISTAN.

904. ***Mr. Gaya Prasad Singh**: Will the Government kindly furnish a statement showing separately Original Major Works which are proposed to be undertaken in Baluchistan, and the N.-W. Frontier Province in 1924-25, indicating the amount of expenditure they would involve, and the necessity for their being undertaken at a time of admitted financial stringency?

Mr. E. B. Howell: A statement giving the required information is laid on the table.

Statement of Original Major Works to be undertaken in the North-West Frontier Province and Baluchistan in 1924-25.

Province.	Works.	Amount.	Reasons for Works.
		Rs.	
North-West Frontier Province.	Jandola-Sarwakai Road	9,08,000	} These works form part of the Waziristan Scheme.
	Kotkai Scout Post	9,000	
	Sarwakai Scout Post	4,53,000	
	Splitoi " "	87,000	
	Chagmalai " "	70,000	
	Jandola " "	6,34,000	
	Spinwam " "	2,39,000	
	Shewa " "	99,000	
	* Nima Liara " "	50,000	
	Khirgi " "	88,000	
	Girni " "	68,000	
	Murtaza " "	1,49,000	
	Spinkai Kach " "	72,000	
	Miranshah Fort Extension Scout Post	1,98,500	
Boya Scout Post	21,500		
Datta Khel Scout Post	32,000		
Draband-Ghazni Khel Road	10,55,000		
Ditto	East police station, Peshawar.	28,000	} Necessitated by great overcrowding in present buildings. Reconstruction of these buildings which were destroyed during the Afghan war of 1919 is necessary. Heavy and yearly increasing traffic.
	Frontier Constabulary and Civil posts at Lrazinda.	85,800	
	Widening Mardan-Charsadda Road.	20,000	
	* Frontier Constabulary posts with water supply and hospital at Draban.	1,71,600	
	* Construction of Hathala-Kullachi Road.	2,14,600	
	Widening Hazara Trunk road.	3,000	
	Total North-West Frontier Province.	47,56,000	} Resumption of wheeled traffic with Kullachi, the former road having been destroyed by floods to the great detriment of trade. The work has been waiting since 1914 for execution. The road needs widening and work has been in progress since 1920-21.
Baluchistan	Police Lines at Quetta	24,500	
	Deep well boring at Quetta	89,000	
	Total Baluchistan	1,12,500	} The Police force is at present housed in old, cramped, insanitary and deteriorated buildings in three different parts of the station and some have to reside in the bazar. In the interest of health, control, discipline and efficiency concentration is imperative and will be effected by the scheme sanctioned which is very economical, as it enables Government to utilize certain buildings already in existence. Undertaken to find a water supply which can be used for irrigating cultivable lands. Potentially remunerative.
	GRAND TOTAL	48,89,500	

* New Works. All other works are Works in progress.

UTILISATION OF THE SERVICES OF THE LAW OFFICERS OF THE BENGAL GOVERNMENT.

905. *Mr. Gaya Prasad Singh: (a) Will the Government be pleased to furnish a statement of the past four years, giving the names of the law officers of the Bengal Government, who were paid for services rendered to the Central Government, together with the amount paid to each, and also the nature of the services rendered?

(b) How long do the Government of India propose to indent upon the law officers of the Bengal Government for services to the Central Government?

The Honourable Sir Malcolm Hailey: (a) The information for the three years from the 1st April 1921 is being collected.

(b) The Government of India have no present intention of revising the system.

CIVIL JUSTICE COMMITTEE.

906. *Mr. Gaya Prasad Singh: (a) Will the Government be pleased to state the circumstances which led to the appointment by the Governor General in Council of a Committee to inquire into the delays in the disposal of civil suits and appeals? What is the estimated cost of the Committee, and who are the members?

(b) With reference to the above, why was not the Legislative Assembly given an opportunity of expressing its opinion?

(c) Will the Government be pleased to state why the different Local Governments, and the High Courts were not in the first instance asked to devise means for the speedy disposal of civil suits and appeals?

The Honourable Sir Malcolm Hailey: I can add but little information on this subject to that given in the Resolution of the 24th January 1924; in the correspondence annexed to that Resolution; in my reply to Mr. Duraiswami Aiyangar's question No. 300 on the 12th February 1924; and in my speech on the 20th February 1924, which is reported on pages 853—854 of the Legislative Assembly Debates of this session.

The suggestion that a Committee should be appointed to inquire into certain aspects of the administration of civil justice had been for a considerable time under the consideration of the Government of India. On receipt of most of the replies to the Home Department letter of the 25th June 1923, included in the correspondence to which I have referred, it was decided in October last that the Committee should be appointed and this decision was made public in that month. Though the Resolution only issued on the 24th January 1924, the decision to appoint the Committee had been taken at a time when the Assembly had been dissolved.

Mr. C. Duraiswami Aiyangar: May I know whether the Honourable the Home Member has requested His Excellency the Governor General to enlarge the scope of that inquiry by including criminal administration as well as the strength of the establishment?

The Honourable Sir Malcolm Hailey: I think in the course of our previous debate, that matter was referred to and I said that I would then consider whether any enlargement of the scope of the inquiry was possible without an undue extension of the time which that inquiry would take. I regret I have not been able to take the matter up.

Mr. C. Duraiswami Aiyangar: Will the Honourable the Home Member be pleased to consider whether putting a few more questions to the witnesses who are examined by the Committee may not involve a large expenditure of time and on that account make economic use of the money by requesting His Excellency to include this item also in the scope of the Committee's inquiry?

The Honourable Sir Malcolm Hailey: That possibility will form one element in the consideration, Sir.

Mr. Gaya Prasad Singh: Is it in contemplation to appoint another Committee in regard to criminal administration and spend another big sum of money on it?

The Honourable Sir Malcolm Hailey: We have no present intention of doing so.

COMPENSATION IN RESPECT OF SUFFERING OR DAMAGE CAUSED BY
ENEMY ACTION DURING THE LATE WAR.

907. ***Mr. Gaya Prasad Singh:** (a) Is it not a fact that a sum of Rs. 25 lakhs is intended to be given to private individuals domiciled in India, by way of compensation in respect of suffering or damage caused by enemy action during the late war?

(b) Will the Government kindly state who has the power of admitting claims, and awarding compensation? Is it open to private individuals to submit their claims now?

(c) How did the Government invite private individuals to submit their claims; and will the Government be pleased to give the reference to any Press Communiqué, notices, advertisements, etc., which may have been issued in this connection?

(d) Will the Government be pleased to state the total amount of claim which is to be paid to Indians, and the total amount to be paid to Europeans?

(e) Will the Government be pleased to lay before the Legislative Assembly a statement, giving the names of persons, the amount claimed and admitted, and the nature of the suffering or damage caused in each case before the money is actually disbursed? And when is such a statement likely to be furnished?

Sir Henry Moncrieff Smith: The answer is a very long one, Sir, and I therefore ask the Honourable Member to permit me to treat his question as if it had not been starred and to lay the answer on the table.

(a) The reply is in the affirmative.

(b) and (c). I will answer (b) and (c) together if the Honourable Member has no objection.

The Government of India invited private individuals to submit their claims through Local Governments in 3 successive Press Communiqués dated 15th November 1919, 20th May 1920 and 28th October 1920. Copies of the Press Communiqués are laid on the Table.

In the Press Communiqué of 20th May 1920, the 30th June 1920 was fixed as the final date for the submission of claims to Local Governments. The Press Communiqué of 28th October 1920 extended the period for submission of claims to allow inclusion of all claims that could be preferred

in time for incorporation in the total of the claims against Germany for reparations which, under the terms of the Treaty of Versailles, had to be fixed by the Reparation Commission on 1st May 1921.

The Government of India are not in a position to give a definite reply to the Honourable Member's question as to whether fresh claims will be admitted now. It seems unlikely, however, that this will be found advisable in view of the ample opportunities already afforded to claimants to submit their claims.

As the grant of Rs. 25 lakhs has only recently been voted by this Assembly, the Government of India have not yet considered the question of the manner in which and the agency by which the admission and disposal of claims should be effected.

(d) The figures of amounts payable are not available at this stage as the claims have not yet been assessed. The test applied in deciding which claims should be settled in the United Kingdom out of the amount voted by Parliament for the purpose and which should be settled in India out of the 25 lakhs is that of *domicile*, permanent not temporary or service. As a result the great majority of the claims by Europeans received by the Government of India have been transferred to the United Kingdom. The remainder are claims by Europeans domiciled in India. These will absorb a very small portion of the 25 lakhs, the bulk of which will, therefore, go to Indians.

(e) As requested by the Standing Finance Committee a statement giving the names of claimants, nature of claim, amount claimed and amount of compensation awarded will be laid before the Assembly after the claims have been settled, but the Government of India are not prepared to give any undertaking to lay such a statement before the Assembly prior to the settlement of the claims and are inclined to doubt whether, in view of the large number of claims to be dealt with, any useful purpose would be served thereby.

No approximate date can at present be given by which the proposals for distribution will be complete.

Press Communiqué, dated 28th October 1920.

In a Press Communiqué dated 20th May 1920, the Government of India announced the procedure to be followed by persons having claims for reparation against Germany and her allies in the late war, and it was intimated that such claims should be submitted to Local Governments and Administrations not later than the 30th June. It has now been brought to the notice of the Government of India that there is a considerable number of persons who, from ignorance either of the procedure to be adopted or of the circumstances in which reparation can be claimed, have not yet submitted their claims. For the benefit, therefore, of such persons the classes of damage for which reparation can be claimed and the decisions of the London Reparation Committee in connection with such claims are indicated below :—

A. Reparation may be claimed in respect of damages falling under the following categories :—

- (1) Damage to injured persons and to surviving dependents by personal injury to or death of civilians caused by acts of war, including bombardments or other attacks on land, on sea, or from the air, and all the direct consequences thereof, and of all operations of war by the two groups of belligerents wherever arising.
- (2) Damage caused by Germany or her allies to civilian victims of acts of cruelty, violence or maltreatment (including injuries to life or health as a consequence of imprisonment deportation, internment or evacuation), of exposure at sea or of being forced to labour, wherever arising, and to the surviving dependents of such victims.

- (3) Damage caused by Germany or her allies in their own territory or in occupied or invaded territory to civilian victims of all acts injurious to health or capacity to work, or to honour, as well as to the surviving dependents of such victims.
- (4) Damage caused to civilians by being forced by Germany or her allies to labour without just remuneration.
- (5) Damage in respect of all property wherever situated belonging to any of the Allied or Associated States or their nationals, with the exception of naval and military works or materials, which has been carried off, seized, injured or destroyed by the acts of Germany or her allies on land, on sea or from the air, or damage directly in consequence of hostilities or of any operations of war.
- (6) Damage in the form of levies, fines and other similar exactions imposed by Germany or her allies upon the civilian population.

B. The decisions of the London Reparation Committee are as follows :—

- (1) The damage in respect of which reparation is claimed must be assessed on a reasonable basis at whatever sum a jury would be likely to award in a civil action. It would not, for instance, include loss of wages unless incident to personal injury or imprisonment. Reasonable compensation for pain and suffering may be claimed. Claims should be checked and verified as far as possible by the local Custodians of Enemy Property or other officers appointed for this purpose. Statutory declarations, and particulars and proof by certificate or otherwise of personal injuries will be required in support of claims. The Government of India is held responsible for rejecting untruthful or unreasonable claims.
- (2) Claims on Germany are not negatived because the damage done has been covered by insurance.
- (3) Property in respect of which compensation for damage may be claimed means physical property, and does not include industrial property such as a copyright or a patent or rights under a contract such as a mortgage.
- (4) Claims may be preferred through the Government of India both by foreigners who are members of the Crew or passengers on British Ships or by British nationals on foreign ships (sunk or injured by the enemy).
- (5) Interest from the date of the damage should not be included in claims presented to the Reparation Commission.
- (6) The amount of claims should be stated in rupees at the value current at the time when the claim arose. The conversion of these claims into the exchange value current at the date of the presentation of the claim to Germany will be calculated in the United Kingdom.
- (7) A claim can only be made in respect of illness if directly due to operations of war.
- (8) Persons domiciled in a British Dominion should prefer their claims to the Government of the Dominion to which they belong.

As all claims have to be forwarded through Local Governments and Administrations, have to be scrutinised by the Government of India and then forwarded to the India Office to be prepared for presentation to the Reparation Commission before 1st May 1921, any further claims that are still to be made should be submitted as soon as possible, particular attention being paid to compliance with the requirements as to statutory declarations and proof detailed in paragraph B (1) above. It will probably not be possible to prepare for presentation claims received by the Government of India after 15th December 1920.

Press Communiqué, dated 15th November 1919.

It is notified for general information that compensation can be claimed from the late enemy Governments in accordance with the Reparation clauses of the Treaty of Peace in respect of damage falling under the following categories :—

- (1) Damage to injured persons and to surviving dependents by personal injury to or death of civilians caused by acts of war, including bombardments or other attacks on land, on sea, or from the air, and all the direct consequences thereof, and of all operations of war by the two groups of belligerents wherever arising.

- (2) Damage caused by Germany or her allies to civilian victims of acts of cruelty, violence or maltreatment (including injuries to life or health as a consequence of imprisonment, deportation, internment or evacuation), of exposure at sea or of being forced to labour, wherever arising, and to the surviving dependents of such victims.
- (3) Damage caused by Germany or her allies in their own territory or in occupied or invaded territory to civilian victims of all acts injurious to health or capacity to work, or to honour, as well as to the surviving dependents of such victims.
- (4) Damage caused to civilians by being forced by Germany or her allies to labour without just remuneration.
- (5) Damage in respect of all property wherever situated belonging to any of the Allied or Associated States or their nationals, with the exception of naval and military works or materials, which has been carried off, seized, injured or destroyed by the acts of Germany or her allies on land, on sea or from the air, or damage directly in consequence of hostilities or of any operations of war.
- (6) Damage in the form of levies, fines and other similar exactions imposed by Germany or her allies upon the civilian population.

*2. Persons or firms desiring to register their claims should apply to the Local Government or Administration within whose jurisdiction they reside or carry on business. Any other information required on the subject may be obtained from the Local Government or Administration concerned. It is desirable that the claims should be substantiated as fully as possible.

Press Communiqué, dated 20th May 1920.

In the Press Communiqué dated the 15th November 1919, it was notified that compensation could be claimed from the late enemy Governments in accordance with the Reparation clauses of the Treaty of Peace (Annex I of Section I of Part VIII) in respect of damages falling under the following categories:—

- (1) Damage to injured persons and to surviving dependents by personal injury to or death of civilians caused by acts of war, including bombardments or other attacks on land, on sea, or from the air, and all the direct consequences thereof, and of all operations of war by the two groups of belligerents wherever arising.
- (2) Damage caused by Germany or her allies to civilian victims of acts of cruelty, violence or maltreatment (including injuries to life or health as a consequence of imprisonment, deportation, internment or evacuation), of exposure at sea or of being forced to labour, wherever arising, and to the surviving dependents of such victims.
- (3) Damage caused by Germany or her allies in their own territory or in occupied or invaded territory to civilian victims of all acts injurious to health or capacity to work, or to honour, as well as to the surviving dependents of such victims.
- (4) Damage caused to civilians by being forced by Germany or her allies to labour without just remuneration.
- (5) Damage in respect of all property wherever situated belonging to any of the Allied or Associated States or their nationals, with the exception of naval and military works or materials, which has been carried off, seized, injured or destroyed by the acts of Germany or her allies on land, on sea or from the air, or damage directly in consequence of hostilities or of any operations of war.
- (6) Damage in the form of levies, fines and other similar exactions imposed by Germany or her allies upon the civilian population.

2. The Government of India have now received the decisions of the London Reparation Committee on certain doubtful points arising out of the interpretation of the above clauses. The decisions which are of general interest are reproduced below:—

- (1) The damage in respect of which reparation is claimed must be assessed on a reasonable basis at whatever sum a jury would be likely to award in a civil action. It would not, for instance, include loss of wages unless incident to personal injury or imprisonment. Reasonable compensation for pain and suffering may be claimed. Claims should be checked and verified as far

as possible by the local Custodians of Enemy Property or other officers appointed for this purpose. Statutory declarations, and particulars and proof by certificate or otherwise of personal injuries will be required in support of claims. The Government of India is held responsible for rejecting untruthful or unreasonable claims.

- (2) Claims on Germany are not negatived because the damage done has been covered by insurance.
- (3) Property in respect of which compensation for damage may be claimed means physical property, and does not include industrial property such as a copyright or a patent or rights under a contract such as a mortgage.
- (4) Claims may be preferred through the Government of India both by foreigners who are members of the Crew or passengers on British Ships or by British nationals on foreign ships (sunk or injured by the enemy).
- (5) Interest from the date of the damage should not be included in claims presented to the Reparation Commission.
- (6) The amount of claims should be stated in rupees, at the value current at the time when the claim arose. The conversion of these claims into the exchange value current at the date of the presentation of the claim to Germany will be calculated in the United Kingdom.
- (7) A claim can only be made in respect of illness if directly due to operations of war.
- (8) Persons domiciled in a British Dominion should prefer their claims to the Government of the Dominion to which they belong.

3. Claims should be submitted to Local Governments and Administrations as soon as possible and in no case later than the 30th June, 1920.

TAXATION COMMITTEE.

908. ***Mr. Gaya Prasad Singh:** (a) Will the Government be pleased to state the circumstances relating to the appointment of a Committee on Indian taxation at an estimated cost of Rs. 2 lakhs? And what is the scope of such a Committee?

(b) Was the Legislative Assembly consulted before the Committee was appointed? And if not, why not?

The Honourable Sir Basil Blackett: (a) I would refer the Honourable Member to pages 100—101 of the Proceedings of the Standing Finance Committee, Volume III, No. 4, wherein the circumstances leading to the proposal to appoint such a Committee were explained and to the terms of reference of the Committee given by me in answer to question No. 316 by Mr. Rangaswami Iyengar on the 18th February 1924.

(b) The Committee has not yet been actually appointed, but the necessary provision for its expenses was included in Demand Grant No. 47 which was voted by the Assembly on March 15th.

REMOVAL OF THE DISTRICT JAIL, DELHI, FROM ITS PRESENT SITE.

909. ***Mr. Gaya Prasad Singh:** Will the Government be pleased to say if there is any proposal for the removal of the District Jail, Delhi, from its present site? If the answer to the above be in the affirmative, why is an expenditure of Rs. 18,800 being incurred for the remodelling of its main gate?

The Honourable Sir Malcolm Halley: There is no proposal to remove the District Jail, Delhi, from its present site. The remodelling of the main gate is necessary to render it safe and less accessible of entrance by easy climbing

AEROLOGICAL OBSERVATORIES.

910. ***Mr. Gaya Prasad Singh:** (a) Will the Government kindly state how many Aerological Observatories there are in India, and where? What are the functions of such an Observatory?

(b) When was the Aerological Observatory established at Agra, and what has been the total amount of expenditure so far, recurring and non-recurring?

The Honourable Mr. A. C. Chatterjee: (a) There is only one Aerological Observatory which is at Agra. Its functions are to determine weather conditions by means of observations at different heights and to maintain sub-stations, now 8 in number, for the observations of upper air currents in other parts of India.

(b) In April 1918. The total expenditure up to the end of 1922-23 has been approximately Rs. 3.1 lakhs recurring, and Rs. 0.9 lakhs non-recurring, or a total of Rs. 4 lakhs.

NEW CHAMBERS OF THE LEGISLATURE AT RAISINA.

911. ***Mr. Gaya Prasad Singh:** When are the new Chambers of the Legislature likely to be ready for occupation at Raisina?

The Honourable Mr. A. C. Chatterjee: It is hoped that it will be possible to hold the session of February—March 1926 in the two new Chambers. It is, however, improbable that the whole building will be completely finished by that date.

LONGWOOD HOTEL, SIMLA.

912. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Is it not a fact that the Associated Hotels Company, when it was asked to sell the Longwood property was definitely informed that it would be used for the purpose of accommodating Members of the Legislature?

(b) If so, do the Government propose to reserve it for the express purpose for which it was taken?

The Honourable Mr. A. C. Chatterjee: (a) Not so far as Government are aware.

(b) The Honourable Member's attention is drawn to my reply to part (a) of starred question 619 of 8th March 1924.

Khan Bahadur Sarfaraz Hussain Khan: Are the Government of India aware that the Associated Hotels Company had informed the Secretary to the Government, Public Works Department, that the Longwood Hotel was required for Members of the Indian Legislature?

The Honourable Mr. A. C. Chatterjee: No, Sir.

Mr. K. C. Neogy: Will it surprise the Honourable Member to know that the notice that was issued under the Land Acquisition Act was as follows:

"Notice is hereby given that the house and estate known as Longwood Hotel, Simla, consisting of 4.30 acres, more or less, of land situated in Simla, and bounded as below and recently marked out and measured, is about to be taken by Government for providing residential accommodation for the Members of the Reformed Legislative Council at Simla."

The Honourable Mr. A. C. Chatterjee: I shall accept that fact from the Honourable Member, Sir.

Mr. K. C. Neogy: In view of this fact will the Honourable Member be pleased to reserve this hotel exclusively for the use of the Members of the Legislature?

The Honourable Mr. A. C. Chatterjee: No, Sir, not unless I find it economical for Government to do so.

Khan Bahadur Sarfaraz Hussain Khan: If the Assembly Chamber at Simla is not occupied by Members, will it be rented?

The Honourable Mr. A. C. Chatterjee: I shall have the greatest pleasure in renting it to the Honourable Member if he will pay me a good sum for it.

Mr. K. C. Neogy: Have the Government received any letter from the Associated Hotels of Simla complaining against the present practice of Government running a hotel in Simla?

The Honourable Mr. A. C. Chatterjee: I have not seen any such letter, Sir, myself, except that a copy was sent to me privately this morning.

Pandit Shamlal Nehru: When this building was given on lease or contract, was any tender or offer invited?

The Honourable Mr. A. C. Chatterjee: The building has not been given on lease or contract to anybody.

Mr. Devaki Prasad Sinha: Is any other Government quarter, in Delhi or Simla, let out to private persons whenever it is empty?

The Honourable Mr. A. C. Chatterjee: Most certainly, Sir.

Mr. K. Ahmed: Do Government propose for the benefit of the public to allow the representatives of the country to occupy Longwood Hotel and ask the military officers to go and live either in Summer Hill quarters or on the Cart Road quarters instead of in the Longwood Hotel which is situated in the elevated place, and its upper storey of the old block is preferred by all the Members of the Legislature, Sir?

The Honourable Mr. A. C. Chatterjee: I am not sure that I have understood the question. I do not exactly know who the representatives of the country are.

Mr. K. Ahmed: The Members of the Indian Legislature are the representatives of the country, and the Honourable Member knows it. In view of that fact, Sir, the best quarters, the upper storey of the old block of the Longwood Hotel, should be reserved for them and the Military people who are living there should be removed to some other quarters, such as the Summer Hill or the Cart Road quarters.

The Honourable Mr. A. C. Chatterjee: The Cart Road quarters are meant for orthodox persons and I do not suppose they will agree to live in the upper blocks of Longwood Hotel, and I have already indicated in an answer to a question the other day that the suggestion of the Honourable Member will be taken into consideration.

Mr. K. Ahmed: Do Government propose to remove the military gentlemen, who are living upstairs of the old Block to the ground floor for the convenience of the Members of the Legislature?

The Honourable Mr. A. C. Chatterjee: No, not so long

Mr. K. Ahmed: If not, why not? The Honourable Member knows that it is convenient perhaps for the old military people to mount on their horses with their implements, swords and other materials from the ground floor instead?

Mr. K. C. Neogy: Will the Government be pleased to say if they have examined the legal position as to whether it is permissible for them to acquire private property under the Land Acquisition Act for one object, and then utilise it for another?

The Honourable Mr. A. C. Chatterjee: I have not examined the question from that standpoint. But I think that, if Government have acquired the land for a public purpose, they can continue to use it for any purpose they like.

Mr. K. C. Neogy: Acquired for a specific public purpose?

Pandit Shamlal Nehru: Will the Honourable Member kindly go into the matter?

The Honourable Mr. A. C. Chatterjee: I have already promised to do so.

USE OF LONGWOOD HOTEL BY COMMERCIAL TRAVELLERS AND OTHER MEMBERS OF THE PUBLIC.

913. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Is it a fact that during the past two years commercial travellers and other members of the public have obtained board and lodging at Longwood Hotel, and if so, by whose authority and at what rate?

(b) Are the Government aware that the owners of other hotels in Simla resent the fact that the Government are competing with them in their business in that Government having purchased Longwood as a residence for Members of the Legislature, now use the place for other purposes?

The Honourable Mr. A. C. Chatterjee: (a) During the past two years persons other than those entitled to live in Longwood Hotel have been accommodated, on giving a promise that they would vacate immediately if the rooms they occupied were required for any one entitled to accommodation. Such persons were charged the same rates as Government officials. The allotments were made by the Superintending Engineer, in accordance with paragraph 307 of the Public Works Department Code.

(b) The answer is in the negative.

ALLOWANCE OF MORE TIME TO THE ASSEMBLY TO STUDY THE BUDGET.

914. ***Mr. Gaya Prasad Singh:** Are the Government aware that the time allotted to the Legislative Assembly between the presentation of the Budget and the general discussion is very short? And will the Government be pleased to make arrangements in future so that more time be given to the House to study the Budget before the general discussion?

The Honourable Sir Basil Blackett: I will answer this question and question No. 915 together. The Government are not aware that there has been any general desire to discuss the financial aspects of the Budget this year. The point raised will be considered next year.

EXTENSION OF THE TIME ALLOWED FOR THE GENERAL DISCUSSION ON THE BUDGET.

†915. ***Mr. Gaya Prasad Singh:** Are the Government aware of the fact that there is considerable dissatisfaction felt by members of the Assembly

† For answer to this Question—see answer below Question No. 914.

owing to the fact that a large number of them were not given an opportunity of taking part in the general discussion on the Budget? And will the Government be pleased to bring this fact to the notice of the Governor General in Council, with a view to give more time for general discussion on the Budget in future?

EMPLOYMENT OF THE MILITARY TO QUELL INTERNAL DISTURBANCES.

916. ***Mr. Kumar Sankar Ray:** On how many occasions, for how long, in what number and where was the army requisitioned to quell internal disturbances in India during the last ten years?

Mr. E. Burdon: The information available as to the number of occasions on which troops were called out in aid of the civil power and as to the number of troops employed on those occasions, down to the end of the year 1922, was furnished in the answer† which I gave in this Assembly to starred question No. 289 on the 23rd July 1923. The number of occasions on which troops were so called out during 1923, was 36 and the total number of troops that were employed was 4 Cavalry Regiments, 9 battalions of Infantry and 7 sections of Armoured Cars. The periods for which those troops were employed varied during all the years in question from a few hours to several weeks. I lay on the table a list of the places in which troops were so employed during the years 1921, 1922 and 1923

Places at which troops were employed.

Kae Bareli.	Lucknow.	Karachi.
Trnk Rajputana.	Surat.	Moghalpura.
Fyzabad District.	Jubbulpore.	Ra'pura.
Parel	Bombay.	Heran.
Nagpur.	Bahadurgarh.	Hyderabad (Sind).
Calcutta.	Ferozepore Jhirka.	Gurdaspur.
Nankhana Sahib.	Breach.	Sheikpura.
Patna.	Santa Cruz.	Gurranwala.
Anandpur.	Ahmedabad.	Lyallpur.
Mukhsar.	Bellary.	Birang Khera.
Hoshiarpur.	Bihar.	Muga.
Almora.	Muktesar.	Sialkot.
Malegaon.	Phillaur.	Hasanabdal.
Shillong.	Lehra Dun.	Kutra.
Chittagong.	Mawana.	Rawalpindi.
Madras.	Guntur.	Jaipur State.
Aligarh.	Ludhiana.	Narasoputnam.
Mh'w.	Jullundur.	Arkkod.
Karur.	Indore.	Cherakkpur.
Saharanpur.	Cawnpore.	Sarwala.
Meerut.	Allahabad.	Kurhial.
Delhi.	Ghaziabad.	Jandiala.
Tatipur.	Agra.	Kathiawar.
Multan.	Bareilly.	Gujerat.
Ahmednagar.	Gorakhpur.	Gonda.
Dinapur.	Faridpur.	Bangalore.
Muzzaffarpur.	Shah ahanpur.	B'hak.
Lahore.	Moulmein.	Garkahankur.
Amritsar.	Ajmer.	Ambala.
Nabha.		

† Vide p. 4839 of L. A. Debates, Vol. III.

TROOPS EMPLOYED TO PROTECT THE DIFFERENT FRONTIERS.

917. ***Mr. Kumar Sankar Ray**: How many soldiers of different grades are stationed to protect the different frontiers, and at what cost per year?

Mr. E. Burdon: It would be impracticable within the scope of an answer to a question to give the Honourable Member the information for which he asks. But if he can make it convenient to call upon me in my office, I shall be glad to explain to him on a map the general distribution of the Army in India.

The book recently issued by my department, "The Evolution of the Army in India", particularly Chapter III and the Army Estimates will furnish the remaining information which the Honourable Member desires.

PAY AND STAFF PAY OF BRITISH OFFICERS SERVING WITH THE INDIAN ARMY.

918. ***Mr. Kumar Sankar Ray**: Whether it is a fact that the pay and staff pay of the British officers serving with the Indian army are in every case considerably higher than the pay of the British officer serving at home or with British troops in India? If so, what and why is this difference?

Mr. E. Burdon: A British Service officer, that is to say, an officer of the British Army, serving with a regiment of the British Army stationed in India, receives ordinarily a higher rate of pay than he receives when serving with a unit in the United Kingdom. The additional pay is given as compensation for serving in India instead of in the home country. A British officer serving with a regiment of the Indian Army receives a higher rate of pay than the British Service officer serving with a British Army unit in India; the reason for this further difference being that the British officer of the Indian Army has undertaken the obligation of continuous service in India. On the other hand, both British Service officers and Indian Service officers receive the same rates of pay while serving in appointments which are purely Indian Army appointments, for example, appointments on the staff. The rates of pay of British Service officers and Indian Service officers when serving in the different appointments in India which are open to them are given in the Pay and Allowance Regulations of the Army in India. It would, I am afraid, be impracticable to repeat the details within the scope of a reply to a question.

PREFERENTIAL RATES GRANTED BY CERTAIN RAILWAYS ON GOODS SHIPPED BY A PARTICULAR NON-INDIAN LINE OF STEAMERS.

919. ***Mr. Kumar Sankar Ray**: Are the Government aware that some railways in India grant low or preferential rates on condition that the goods are shipped by a particular non-Indian line of steamers? If so, what are the railway companies and why do they do so? If the Government do not know anything, do they propose to inquire if there is any foundation for this allegation?

The Honourable Sir Charles Innes: The reply to the first part of the question is in the negative. If the Honourable Member can give particulars of any rate of the kind suggested the matter will be investigated.

LOANS TO VILLAGERS BY THE POSTAL SAVINGS BANK.

920. ***Mr. Kumar Sankar Ray**: If the Government have in contemplation any scheme of enlarging the scope of the Postal Savings Bank so as to give facilities to village people to get loans on easy terms?

The Honourable Sir Basil Blackett: The answer is in the negative.

ALLOWANCES TO POSTAL OFFICIALS IN ASSAM.

921. ***Mr. Amar Nath Dutt:** (a) Will the Government be pleased to state whether the Superintendents of post offices in the province of Assam including Sylhet and the Inspectors posted in all the districts of Assam except Sylhet are paid Assam allowance while the Inspectors in the Sylhet district are not paid any such allowance?

(b) Will the Government be pleased to state the reasons for such discrimination?

(c) Will the Government be pleased to state the reasons for denying Assam allowance to the head clerks of the offices of Superintendents in the province of Assam who belong to the Inspector's Cadre?

The Honourable Mr. A. C. Chatterjee: (a) All the Superintendents and Inspectors of Post Offices in Assam with the exception of the Inspector in the Sylhet District are in receipt of local allowances.

(b) and (c). It was decided in 1894 that no special pay was necessary for Inspectors in Sylhet. The matter is receiving attention.

LOCAL ALLOWANCE TO POSTAL AND TELEGRAPH STAFF EMPLOYED IN ASSAM.

922. ***Mr. Amar Nath Dutt:** (i) Will the Government be pleased to state if a special Assam allowance is paid to, (1) Telegraphists, (2) R. M. S. sorters, (3) post office clerks, (4) postmen, (5) men of inferior service, (a) in the departmental telegraph office, (b) in the post office, and (c) in the R. M. S.?

(ii) If any discrimination is made in granting Assam allowance to any particular class of employé stated above, will the Government be pleased to state the reasons for the same?

The Honourable Mr. A. C. Chatterjee: (i) Local allowances are granted to officials of all the classes named with the exception of those in inferior service.

(ii) It is not necessary to grant any allowance to men in inferior service because they are recruited locally.

EMPLOYMENT OF POSTMEN AND MENIAL STAFF ON GUARD DUTY AT NIGHT.

923. ***Mr. Amar Nath Dutt:** (a) Are postmen and menials required to keep night guard in any post offices in India and Burma?

(b) Are Government aware that the postmen and menials who are required to keep night guard have to do so after performing full day's work?

(c) Will the Government be pleased to state whether the Director General of Posts and Telegraphs, issued a circular order directing that the guarding of offices by postmen and menials should cease? If so, will the Government be pleased to state why the postmen and menials are still required to guard post offices at night?

(d) Will the Government be pleased to state whether they propose to exempt postmen and menials from guard duty?

The Honourable Mr. A. C. Chatterjee: (a) The reply is in the negative. In cases in which the cash and other valuables in a post office cannot conveniently be removed to the local police station for the night and a *showkidar* is not employed, a postman or menial is required to sleep near the cash chest.

(b) In view of the reply to (a), the fact that the official concerned has done a full day's work does not involve the hardship which is implied in the question.

(c) Orders were issued by the Director-General on 24th November 1921, to the effect that the arrangement described in the reply to part (a) should be discontinued. I understand that it has not been possible to give complete effect to these orders owing to the financial stringency.

(d) Government propose to leave it to the Director-General to give effect to his orders as funds are available for the purpose.

Pandit Shamlal Nehru: Is it not a fact that many of the post offices are not supplied with iron safes? If so, how can the postmaster be held responsible for the safe custody of the cash?

Mr. G. R. Clarke: In a large number of small post offices in which the cash is kept it is kept in the local police station.

SYSTEM OF APPEALS IN THE POST OFFICE.

924. **Mr. Amar Nath Dutt:** (a) Has the attention of the Government been drawn to an article under the heading "Appeal System in the Post Office" published in "Labour" for January, 1924?

(b) Are the Government aware that the appellate authority does not give any reason whatever for rejecting appeals made by postal and R. M. S. employes but rejects the appeal with remarks like "I see no reason to interfere with the orders passed. The appeal is rejected"?

(c) Has the attention of the Government been drawn to the paragraph in the aforesaid article in "Labour" containing a reference to the system of appeal obtaining in the Post Office in New Zealand where there is an independent board of appeal?

(d) Are the Government aware that the appeal system in the Indian Post Office is not considered satisfactory by the postal and R. M. S. employes as disclosed in the aforesaid article of "Labour"?

(e) Do the Government propose to improve the system of appeal so as to secure the confidence of the staff, (1) by furnishing the appellants with copies of all papers and documents in connection with the case, (2) by allowing the appellant to be represented by a person chosen by him before the appellate authority, and (3) by requiring the appellate authority to give full reasons for rejecting any appeal?

The Honourable Mr. A. C. Chatterjee: (a) and (c). Yes.

(b) The Honourable Member's attention is invited to the reply given by me to Mr. Chaman Lal's question (No. 806) on the subject on the 14th instant.

(d) No.

(e) Under the rules an appellant is entitled, for the purposes of his appeal, to be supplied with (i) a copy of the memorandum of charges given to him before he was punished; (ii) a copy of his explanation or defence; (iii) a copy of the original order of punishment, or an extract therefrom relating to himself, and (iv) a copy of the appellate order of the authority to whom an appeal has been made, or an extract therefrom, at the discretion of the officer to whom the order is sent for communication to the appellant. Government do not propose to alter the system.

UNSTARRED QUESTIONS AND ANSWERS.

CLOSING OF POST OFFICES IN THE PUNJAB.

214. Chaudhri Bahawal Baksh: Is it a fact that owing to the increase in postage rates and consequent reduction in correspondence, some post-offices in the Punjab had to be closed?

Mr. G. B. Clarke: The facts are not altogether as stated. Certain post offices were closed because they were found to be unremunerative and orders for retrenchment had been issued. As a matter of fact many small post offices were found to be unsuitably situated. They were closed and other offices opened in places where they were more likely to pay their way.

THEFT AND PILFERAGE ON THE NORTH-WESTERN RAILWAY.

215. Chaudhri Bahawal Baksh: (a) Will the Government please state the number of the cases instituted for theft and pilferage on the North-Western Railway during the last year?

(b) What decisions were arrived at in such cases and how many persons were convicted?

(c) Has the railway police taken any serious measures to put a stop to this pernicious evil, and thereby safeguard the belongings of the passengers?

The Honourable Sir Charles Innes: (a) and (b). Government regret it has not been possible to collect complete information, but the figures relating to Punjab and Sind Provinces, so far as they are available, show that in the former during the year 1923, 647 cases were challaned and conviction was obtained in 563 cases, the total number of persons convicted being 616. In Sind the total number of cases was 552 and in 109 cases conviction was obtained.

(c) The matter is receiving the special attention both of the Police and the Railway Administration.

MUHAMMADANS EMPLOYED ON THE NORTH-WESTERN RAILWAY.

216. Chaudhri Bahawal Baksh: (a) Will the Government please state the number and proportion of Muhammadans employed on the N. W. R. as guards, station masters, ticket collectors and ticket checkers and telegraph clerks?

(b) Do the Government propose to issue orders immediately for raising the percentage of Muhammadan employes on the said railway in proportion to their population in the Punjab?

The Honourable Sir Charles Innes: (a) The Government must ask to be excused from the labour of collecting the information asked for. The policy to be followed in this matter is expressed in the Resolution passed by this Assembly on March 10, 1923. The Agent of the North-Western Railway was asked to give effect to this policy and the Government do not doubt that he is doing so.

PROPOSED RAILWAY FROM GUJRAT TO SARGODHA AND KHUSHAB.

217. Chaudhri Bahawal Baksh: (a) With reference to the reply given to my unstarred question No. 116 by Mr. Parsons, are the Government

aware that since the survey of 1914 for the projected railway line from Gujrat to Sargodha and Khushab, the entire area through which it will pass is now irrigated by canals, in consequence of which traffic in produce and passengers has increased considerably?

(b) If so, do the Government propose to review the position at an early date?

The Honourable Sir Charles Innes: (a) The Government are aware that the entire area has been irrigated since the survey of 1914. This was anticipated and the effect taken into account when considering the prospects of the project.

(b) In the circumstances there is no need to review the position at present.

MUHAMMADANS IN POSTAL EMPLOYMENT.

218. Ohaudhri Bahawal Baksh: (a) Are the Government aware that the proportion of Muhammadans in postal employment in the Punjab, especially in the Gujrat Division, is very low?

(b) If so, has any superior officer taken any notice of it, and if so, with what result?

Mr. G. B. Clarke: (a) The answer is in the negative. The proportion of Muhammadans is actually higher than that of other communities.

(b) Does not arise.

RESOLUTION RE ABOLITION OF THE COTTON EXCISE DUTY.

Mr. Kasturbhai Lalbhai (Ahmedabad Millowners' Association: Indian Commerce): Sir, I beg to move:

"That this Assembly recommends to the Governor General in Council to take early steps to abolish the cotton excise duty as recommended by a majority of the Indian members on the Indian Fiscal Commission and to be pleased to direct the Tariff Board to further examine the question of protection to the Indian cotton mill industry at an early date."

Broadly speaking, Sir, the questions of the cotton excise duty and protection are independent of each other and capable of discussion and examination each on its own merits. I propose, therefore, to deal with them accordingly.

First then I take the question of the abolition of the excise duty. From whichever point of view, political, economic or financial, this duty is viewed, one cannot help coming to the conclusion that the abolition of this impost is so imperative, that it cannot be effected a day too soon. In the age we are living in, Sir, political domination is sought to be utilised for economic domination of the subject race and the levy of the cotton excise is an instance in point.

Whatever financial justification may now be urged for the continuance of this impost by the Treasury Benches, this duty is a standing emblem of India's political subservience. It is not possible, Sir, for India to forget the history of this unfortunate impost, and the keen sense of injustice done to her by Britain.

I shall not enter into the commercial policy of the British in India from very early times. But I may rest content with quoting the late Mr. Romesh Chandra Dutt's observations:

"That the production of raw materials in India for British industries and the consumption of British manufactures in India were the twofold objects of the early commercial policy of England."

The abolition of customs duty on British piece-goods in spite of their financial difficulties and consequent revenue considerations by the Government of India, in the seventies, was in pursuance of that commercial policy. It may be remembered, Sir, that the financial situation was not favourable for the sacrifice of revenue which the abolition of the duty entailed; moreover that abolition dealt a blow to the whole scheme of general import duties; yet the Government of India repealed the cotton import duties at the instance of the British manufacturer. When, therefore, in the nineties, the depreciation in the sterling value of the rupee forced the Government of India to impose customs duties on cotton goods, the imposition of a countervailing excise duty was but a necessary corollary of the policy followed till then.

When this excise duty was first imposed, there was a chorus of *just* protest against it. The whole of India stood as one man in opposing it. The Indian National Congress condemned it; and last but not the least, the Government of India as then constituted, long before the days of the Morley-Minto reforms, also entered their protest against this levy. Mr. Playfair, representing non-official European interests in the Supreme Council, observed then that the taxation proposed was, first, an interference with an industry which the Government have every interest to encourage in order to reduce pauperism, and secondly, an enhancement of the cost of a necessity to the poor throughout India. He added:

"Each of these objections is weighty in itself but taken together they form a menace to an industry that, at all events, is deserving of consideration, if it is not entitled, as the Honourable Mr. Westland has admitted, to the fostering care of the Government of India. It is one of those industries to which the members of the Famine Commission referred as helping towards a solution of the difficulties, that must arise with the recurrence of times of famine if the people of this country continue to be wholly or even principally dependent upon agricultural pursuits."

Sir, even when it was subsequently proved by experience, as was urged from the very beginning, that there was little or practically no competition between Lancashire and India, the excise duty was still maintained in the teeth of all opposition because Lancashire, as the late Mr. Gokhale said, was uneasy at the progress "the mill industry had made in this country and wanted to handicap that industry in regard to its further progress". Whenever the question of these duties was raised, the Lancashire philanthropist is seen jumping up with all his solicitude for the Indian masses. But when during the war, prices of cloth were soaring and India was on the verge of a cloth famine, it was the Indian cotton millowner who came forward to supply standard cloth to the masses of this country at a price fixed by Government. Government could neither ask Lancashire nor Japan to reduce their prices for the benefit of the Indian consumer.

Cotton excise came to be imposed upon us not because the interests of India required it, not because the Government of India wanted it, but because Lancashire thought that *its* interests required it and the Secretary of State dictated it. The ostensible reason for the levy was the protective character of the proposed customs duty, which offended against

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the so-called free trade policy of Britain. India may have been crying herself hoarse for protection; but then had she any right to determine for herself what was best in her interests? The trustee was there 6,000 miles away to safeguard her interests. We could not be put in mind more eloquently of the stern reality of our state of subjection and of our trustee's angle of vision.

The matter, Sir, does not rest there. The Indian National Congress year after year continued its protests; so also did various Indian commercial interests. In fact all classes of people were united in their demand for the repeal of this iniquitous and highly objectionable impost. All Indian Members, excepting one official Indian, were unanimous in supporting Mr. (now Sir) Maneckji Dadabhoj's motion in the Imperial Legislative Council in 1911 for its repeal. A scrutiny of the division will show the diversity of interests that had combined in urging the abolition of the excise duty; and who could accuse the late Mr. Gokhale or the Honourable Pandit Madan Mohan Malaviya of either being pro-capitalist or of not having the interests of the masses at heart? But this expression of the united voice of all classes of people unfortunately fell absolutely flat on the Government of India.

The Government of Lord Hardinge however became alive to the baneful effect of the cotton excise duty and His Lordship declared the intention of the Government of India to abolish the duty as soon as financial considerations permitted. The declaration in 1916 was no doubt a palliative to the long-standing grievance. It is 8 years now since that declaration was made, and it is a pity that one has yet to move a Resolution to ask the Government to take action. I ask, Sir, is it politically sagacious to add to the sense of subordination, injustice and resentment? That the Indian cotton excise duty cannot be defended or justified on any grounds was also accepted by the Honourable Sir Malcolm Hailey when in charge of the Finance portfolio. He observed during the Budget discussions of March 1922:

"I will admit all the theoretical arguments against the cotton duty. I admit that it has also an unhappy history. I admit that in itself it is not a good tax, because it is a tax on production and not on profits. But I say let us have this tax if it is only for six months until the Fiscal Commission can give us a scientific readjustment which will give us money without reproducing the undesirable incidence of the present tax."

These words, Sir, gave us hope that Government were in earnest to remedy the wrong without delay. Four times six months have, however, passed since he made that statement. The Fiscal Commission, after a very elaborate and costly inquiry, made its recommendations unanimously condemning the cotton excise duty and advising Government "to clean the slate". The majority of the Indian members on the Commission recommended its immediate abolition in the following words:

"In the interests of India's national self-respect it is in our opinion essential that the duty should be abolished at once. . . . The imposition of cotton excise duties is one of the principal causes of estrangement between the two countries, England and India. Farsighted statesmanship demands that this cause should be removed. The Indian sentiment on the question is decisive. The evidence placed before us conclusively proved this. It would be unwise to deal with the question by resorting to expedients which will not be acceptable to the Indian people. The best mode of promoting cordial relations and better understanding between the peoples of the two countries is boldly to face the problem and in a spirit of political sagacity to abolish the cotton excise duty at once."

But, Sir, the official psychology is a puzzle to me when I find the Honourable the Commerce Member saying a few months after:

"However authoritative the report of the Fiscal Commission may be, that report cannot and does not relieve the Government of its responsibility."

From this it will be clear that every time pressure was brought to bear upon the Government they have found some pretext or other to evade the abolition of this impost. What I say is further amply borne out by Sir Charles Innes' reply to my question saying:

"The Government examined the recommendations of the Fiscal Commission in regard to the cotton excise duty and came to the conclusion that the *immediate* abolition of the duty was not a *practical proposition*."

What impression does this convey to an impartial observer about Government's sincerity and honesty of purpose? In 1916 a declaration is made, in 1921 a Commission is appointed to inquire into the fiscal policy of the Government of India; that Commission after elaborate inquiry makes a unanimous and considered recommendation for the abolition of the Cotton Excise duty; in 1922, during the progress of the Commission's inquiry the Finance Member urged the continuance of the duty only for a few months; in 1923 responsible members of Government give unambiguous and definite hopes of an early abolition of the duty; and in 1924 abolition of the duty is said to be not "a practical proposition". This is to say the least a camouflage and playing with the strong feelings of the people and solemn pledges of Government. So I urge, Sir, that the existing cotton excise duty ought to go at *once*.

Even if we look at this duty from the standpoint of the accepted principles of taxation, the levy of this duty cannot be supported.

In its inception, the cotton excise duty was not levied for revenue considerations. The profession then was that the levy was necessary to counteract the protective effect of customs duty. The principle of protection has now been accepted not only here but also in England which is taking measures to protect its dyestuffs and other industries from foreign competition. Hence it cannot lie in the mouth of the Government of India to support the maintenance of this duty on the ground of counteracting the protective character, if any, of the customs duty raised solely for revenue purposes, and, to be fair to the Government of India, I must acknowledge that they do not now attempt to justify the levy on that ground. Whatever the ground at the inception, after the declaration of 1916, they seem to rest their case practically on financial considerations alone. It is rather distressing to find, Sir, that an unjust impost is levied and different reasons are pleaded at different times suitable to the occasion. Sir, even if you look at this duty purely from revenue considerations, I submit, it is entirely unjustifiable. Cloth is an article of universal consumption and the levy therefore must press disproportionately upon the poorer classes of the community. I say this on the authority of the late Mr. Gokhale. While supporting Sir Maneckji Dadabhoy's motion for the repeal of cotton excise, he observed:

"Even from the financial standpoint the duties are objectionable. I contend, Sir, that the main burden of these duties falls on the poorest classes of this country. Normally the duties fall on the consumer. They do not fall on the producer except in abnormal circumstances."

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We do not find a parallel of such a tax in any country of the world. Even when England had to raise revenues by high tariffs during the war, it was not considered necessary to levy any excise duty on piece-goods. Hence it is, Sir, that the majority of Indian members on the Fiscal Commission urge that the real remedy to put Imperial finance on a sound basis is to take immediate measures to fill the reservoir of India's national wealth, from which State revenue can be easily drawn. The best way to replenish the reservoir is to stimulate industrial development by a policy of protection. After citing the instances of protectionist countries they recommended that the real remedy is to improve the economic condition of India by promoting its industrial development and not by imposing excise duties on local manufactures.

This takes me, Sir, to the second part of my resolution which also presents another phase of the case for the abolition of cotton excise. The recent world war has shown how essential it is for every country to be absolutely self-contained with regard to her necessities. There need be, therefore, no two opinions that India ought to be able to produce all the cloth required for her home consumption. But India can produce to-day only 40 per cent. of her needs. It is said in certain quarters that the Indian mill industry does not require protection as it is found to be steadily growing without it. Growth there has been, but the test is in the pace of it. Look at the achievement of America and Japan. We have the natural advantages in raw materials which America has. Still during the past 30 years (1892 to 1922), the increase of spindles in India is 8,900,000 as against 21,600,000 in America and the increase in looms is 109,000 as against 838,000 in America. We have further to remember that the population of America is one-third that of India. Take again the case of Japan. She has to import the raw materials from India and outside and she lacks the vast market that we have at our door. Yet Japan which had only 38,000 spindles and 5,000 looms in 1892 claimed 4,500,000 spindles and 61,000 looms working *day and night* in 1922. This means Japan has 9,000,000 spindles and 122,000 looms working ten hours a day as in India. The strides made by Japan become still more marked when we remember that the population of Japan is only a sixth of that of India. Both America and Japan have practically secured their home markets against foreign competitors and now manufacture largely for exports. These results could not have been achieved but for active protective measures. The mill industry has been growing in India for more than 60 years and we are barely able to meet 40 per cent. of our normal requirements. At this rate of progress, it will take us well nigh a century to clothe our own people, even if their requirements remain what they are to-day.

I ask this House whether it would feel satisfied at this rate of progress? Sir, the natural advantages which India possesses give us an additional reason why the industry ought to be developed as early as possible, by at least removing all clogs like the excise duty, and the high duty on mill stores and machinery. The absence of protection has resulted in the inroads on our market by Japan. It had practically no exports of cloth to India till 1909-1910, while its annual average of exports to India for the five years from 1918-19 to 1922-23 comes to 135,000,000 yards. Japan has already secured its home market against foreigners by a tariff wall

of 20 per cent. duty on cloth on an average and still higher duty on yarn. Even America with all her natural resources and efficiency has thought fit to protect its textile industry by an import duty of 40 per cent. while the Government of India are complacently thinking of its temporary financial needs of the day. I make bold to say, Sir, that in these days of world competition no truly national Government would have treated this foremost and essential industry in the manner the Government of India have been doing.

Even nearer home, we find our neighbours, the premier Indian States of Hyderabad, Mysore, Baroda and Gwalior actively giving all possible facilities and fostering the textile industry within their territories. There is neither a super-tax, nor a high rate of income-tax as in British India and the States have made concessions by offering capital free of or at a nominal rate of interest, by free grants of land, etc. Do the Government of India wish that the centre of gravity of the textile industry should be shifted to the Indian States making British India the poorer to that extent?

Again, due to want of industrial development, India has to export her raw materials and import manufactured goods. This results not only in congestion in agricultural employment, but further causes a huge annual drain of over 60 crores of rupees.

From any point of view you look at the industry, you cannot but feel that it deserves special attention and encouragement. India can ill afford to wait for an indefinite length of time and leave the industry to attain its full height at the present snail speed. But, though I may strongly desire protection for the industry to bring about an early consummation of making India self-sufficient in her primary needs, all that I urge by the second part of my Resolution is an early inquiry into the matter. As the Government of India have already accepted the principle of protection, I need not take up the time of this House in establishing the desirability of an investigation to apply that principle to the Indian textile industry?

Sir, before I close, I may be permitted to meet some objections usually advanced against the repeal of the cotton excise impost. It is said that the existing import duty already protects Indian cotton mills. Sir, I am not prepared to accept this contention. Our import duties are purely revenue duties and have been imposed without an inquiry into the protective requirements of our industries. They do not imply "any policy that will inspire confidence and encourage enterprise". So long as this essential is wanting, a high revenue tariff can never develop any industry as a protective tariff, high or low, would do.

It has been suggested, Sir, that if the duty is repealed, it will go to swell the pockets of the industrialists and the consumer will be where he is. This suggestion loses sight of the fact that the excise duty is levied on production and its effect is to increase the manufacturing charges by about 9 per cent. Now what is the natural corollary when these charges are done away with? The cost of production is lowered and to that extent the article tends to sell cheaper and the consumer benefits. Assuming, however, that the millowner benefits, the higher profits will naturally induce more capital and lead to a quicker development of the industry, which, in turn, will benefit the State, the country and the consumer. The State will get additional revenue, the country

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will get the benefits of fuller industrial development and the consumer will get the benefit of keener competition among home producers. It will be clear, therefore, that the advantage to the millowners, if any, will be small and for a comparatively short period.

It is urged by some that whatever the case for a repeal of excise duties, when the customs duty stood at $8\frac{1}{2}$ per cent., the raising of the customs duty to 11 per cent. has taken the wind out of my sail. I have, in part, already replied to this objection, so far as the objection suggests the protective character of our customs tariff. If, however, all the various taxes that the Indian mills have to pay are taken into consideration, the total tax borne by the Indian mills is not $8\frac{1}{2}$ per cent. *ad valorem* on the cloth but it works out somewhere at 10 per cent. In fact, the industry has to pay something like 5 per cent. taxes more than any other industries in India. When we consider the climatic and various other disadvantages under which Indian cotton mills have to work, the burden becomes greater than that borne by the importer. On the other hand the Japanese enjoy the benefit of lesser taxation, cheap female labour, long working hours, State aid in the form of loans at nominal rates of interest and specially low freight rates.

Another argument likely to be advanced is the effect of the repeal of the cotton excise duty on the handloom industry. I may assure this House that I yield to none in my desire to see a happy India with its cottage industries, the foremost being handloom weaving; and if it is desired to attain that end by stopping altogether competition with the power loom industry, I shall not stand in the way by taking up the cudgels on behalf of the Indian mill industry. But, if you honestly and sincerely believe in the cottage industry of hand spinning and weaving, raise the tariff wall on all the foreign piece-goods brought into India so high as to prevent their imports; and then think of an equally high countervailing duty on Indian mills. But if Government had really the interests of the hand loom weaver at heart they would not have levied an import duty on yarns. One of the immediate objectives of the cotton excise impost on cloth was to permit Lancashire to compete with Indian cloth of low counts. It has failed to achieve that object and to profess to have it now in the interest of the hand loom industry is, to say the least, not honest. The Fiscal Commission also does not ask for the continuance of excise to protect the handloom industry, but suggests better means which Government, to my knowledge, have not yet adopted.

I hope Government will accept the proposition I have placed before the House to-day. If, however, they raise the plea of financial considerations I say, Sir, that the key of a satisfactory solution of the plea is in their own hands. They are experts and possess necessary intimate knowledge to advise the House as to the proper ways and means. The Honourable Finance Member may yet question me as to how I propose to meet the deficit of Rs. $1\frac{1}{2}$ crores that may be caused by the abolition of the cotton excise duty. With due deference to the Honourable Member I submit, Sir, that his estimate of the receipts is too optimistic. The tendency of cloth prices is downwards and the volume of business is also smaller. There is every likelihood of a lesser production due to short time work and stoppages, etc. The output, therefore, being smaller in bulk and value, the receipts from excise will also be much lower than what they have been during the last three years. We must remember that the

pre-war receipt used to be between Rs. 40 to 45 lakhs. Since then there has been an increase of only about 25 per cent. in the productive capacity of the industry. To cover this deficit whatever it may be I would ask the House to press for retrenchment. I may be also permitted to state that in 1861, which was a year of deficit, financial considerations did not deter Government from reducing the duty on imported yarns at the behest of Lancashire. They had in subsequent years to remove the duty on yarn and cloth, and lastly on all imported goods, though they did retain the tax on the poor man's salt. In 1896, when they imposed the excise tax on mill cloth and freed imported yarns from all taxes, the measure resulted in a loss of about half a crore of rupees. For some years past, the Government have been foregoing their considerable opium revenue for the uplift of China. These instances show, Sir, that where there is a will there is a way. And, therefore, all that is wanted is a sincere and honest desire on the part of the Government to do away with the cotton excise duty. I refuse to believe that Government which could find out the ways and means for making a gift of a hundred and fifty crores to the Home Government or of raising a revenue of 50 crores to meet their growing expenditure is at the end of their resources when they are called upon to forego a comparatively small amount of revenue from an admittedly inequitable impost like cotton excise.

In conclusion, I urge, Sir, that the claims to protection of the premier Indian industry which I have the honour to represent in this House should be considered without any further delay. I also claim that the excise duty ought to be immediately abolished, because—

- (1) it was never levied to further India's interest;
- (2) it has very humiliating and unpleasant associations;
- (3) it has been condemned by official, non-official and expert opinion;
- (4) its abolition was solemnly pledged by His Majesty's highest representative in India;
- (5) the promise of its abolition has been reiterated by responsible representative of the Government of India;
- (6) it has been a clog on the normal progress of the industry, and
- (7) last but not the least, it is a standing emblem of India's subjection and an insult to our national sense of self-respect.

With these words, Sir, I commend the Resolution for the acceptance of this Honourable House.

Mr. R. D. Bell (Bombay: Nominated Official): "I have, as an official, special reasons for being interested in the Indian textile industry, and I wish to treat the subject a little more broadly than did the Honourable Mover and to refer more specially to one branch of the industry with which he dealt somewhat sketchily. A question of this kind must be considered from what the Honourable the Finance Member described during the Budget debate as a national point of view. Within that national point of view I agree that the subject must also be looked at from a protectionist point of view, that is to say, in so far as protection has been recognised as a policy by this Assembly. From this aspect, I hope we shall get rid of one argument which was put forward by the Honourable Mover. This duty is no longer a countervailing duty and I do not suppose that any one in this House would have any hesitation as to his vote if the idea was that the excise duty was to be continued as a countervailing duty. I know that

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there is an argument that its political history cannot be forgotten, but to that I shall come later. The duty is a revenue duty. It is also in one of its aspects a protective duty, and it is this aspect which I wish specially to bring to the notice of the House. In doing so, I should like to say at the outset that, while I look at the figures to some extent in opposition to arguments of the Honourable Mover, I should like to express my sympathy, and no doubt, the sympathy of the House, with the mill industry in its present position. There is no doubt that the mill industry is passing through a critical time. It does no good to say that this time will pass away. If you look at the experience of other countries, and in particular of Lancashire, it is very difficult to say how long this critical time will last. But against that must be set the causes of this crisis, and again I think there will be no doubt on the part of the House when they put it down to the high price of cotton. In other words, the last remedy which ought to be sought for the mill industry at the present moment is an increase in the price of cotton piece-goods. What is wanted for the resuscitation of the industry is not an increase but a very large decrease in the price of cotton piece-goods through a reduction in the price of cotton. In order to get a proper view of the whole of the textile industry in India, in which I include the hand-loom industry as well as the mill industry, I should like to explain first to the House what is the consumption position. I do not think it is necessary to go further back than the year 1896-97 when the excise duty was first introduced on its present basis and I shall try to make statistics as brief as possible. They are very dull and it is very difficult to put the case concisely before the House without the use of graphs. But if we begin with the year 1896-97 we shall see clearly what the effects on consumption, on mill production, on hand loom production and on imports have been during the existence of the excise duty. To some extent the figures are confused by war conditions after the year 1913-14 and again by post-war conditions and I shall therefore try to separate the figures for war and post-war periods from those for pre-war periods as far as possible. With the mill industry itself there is fortunately little difficulty in presenting the picture because that industry has, year after year, steadily increased its output. That is not so with imports. They vary from year to year and it is not a fair comparison to take the figures in any one year and compare them with the figures of any other year. So, as a rule, I shall take the averages of five years in discussing imports and the output of the hand-looms. Now one curious and very important feature of the whole position is the increase of consumption in India of piece-goods. I do not know that this fact is always fully recognised. One hears so much about the growing poverty of the people that an impression may be left on Members that increasing imports must mean diminishing production in India, but it is not so. I find that, over the 20 years following the introduction of the excise duty, the consumption of piece-goods for the five years ending 1915-16 was 52 per cent. higher than it had been 15 or 20 years before. I admit that the figure of 52 per cent. is probably on the high side because the imports into India of cotton piece-goods in the two years before the war were abnormally high and were probably not fully consumed. If we take the later figures I find that in the three years ending 1922-23 the consumption was 80 per cent. higher than it was 20 years earlier and that for the last five years ending 1922-23 it was 19 per cent. higher, so that undoubtedly the consumption of Indian piece-goods in the last 25 years or so has increased by probably as much as 80 per cent.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): What about hand woven goods?

Mr. R. D. Bell: I shall come to these. This consumption includes imported piece-goods, mill made piece-goods and hand woven goods. Now the reason why there appears to have been a falling off in consumption in recent years as compared with the five years ending 1915-16 is that imports have in these later years very greatly diminished. I find that in the last five years imports were 40 per cent. lower than they were during the 5 years commencing with 1896-97 and were 55 per cent. lower than during the two pre-war years. I should just like for the moment to put against these figures of decrease in imports the figures for the increased mill production in India. The Indian mill production in 1922-23,—I am speaking now of cloth, not yarn,—was 389 per cent. more than it was in 1896-97, during which period imports decreased by 40 per cent. Probably the increase might have been even greater but for the difficulties in importing machinery and other plant during the war. But even if we take the period up to 1915-16—and I take this period because it was during this period that imports increased more or less steadily—if we take the twenty years ending 1915-16 we find that the mill production of cloth in India increased over four quinquennia by 252 per cent. against an increase of 29 per cent. in imports, consumption at the same time having apparently increased by 52 per cent. Well, Sir, with these general remarks on the consumption position, the marked decrease in imports in recent years and the very large increase in Indian mill production I shall pass on to the position of the hand-loom industry. There is a very common impression that the cottage crafts of India are dying crafts and I have myself received the most extraordinary estimates of the position of the hand-loom industry. I have heard it suggested that its output is probably 2 per cent. of the mill industry. During the Budget debate Pandit Madan Mohan Malaviya, in describing the harm which he alleged had been done to the material progress of India by British administration, referred to the fact that piece-goods had been imported from India up to the year 1815. I think he said that India had been an exporter to England up to the year 1815. He did not put against that fact this one, that the exports of Indian piece-goods by sea in the last five years have averaged 162 million yards with another 82 million yards exported by land. But I think the popular estimate of the position of the hand-loom industry may be inferred from a note in a book written on this very fiscal question by a Professor of Economics. I am sorry to say that he belongs to Bombay, so I will not give his name. But in this book in discussing this very question he says, referring to the year 1882:

“It could have been argued that some protection to the Indian hand loom industry existed, but it is well known that by this time (1882) this industry had ceased to be of any importance.”

Well, Sir, all I can say is that 14 years after 1882, in the five years beginning 1896-97 the hand-looms of India consumed exactly $2\frac{1}{2}$ times as much yarn as the mills of India. I think that will give Honourable Members a very good idea of the importance of the hand-loom industry. When the excise duty was imposed the hand-looms consumed exactly $2\frac{1}{2}$ times as much yarn as the mills. 1909-10 was the first year in which the mill consumption of yarn exceeded that of the hand-loom, and it was not really till after 1915-16 that the mill production finally exceeded that of the hand weaver; and the reason why in the year 1916-17 the mill industry shot ahead in production so very much was this, that owing to the cessation of imports

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there was a greater demand for mill cloth, the mills used a great deal more of their own yarn and there was no yarn for the Indian hand-loom weaver to enable him to reap the benefit of the exceptional war conditions which prevailed. Now these figures are not just catch figures. I have worked out the consumption of yarn by hand-looms for every quinquennium since 1896-97 and I may say that the figures are probably amongst the most accurate statistics in India. We know exactly the weight of yarn which is imported by sea and the amount which is re-exported, and we know very accurately the figures, which are published monthly, of the production of yarn by Indian mills, and we know the consumption of yarn in Indian mills. What is left over from the mills and what is not re-exported from the imports goes to the hand-loom weaver, less 10 per cent. which is used for miscellaneous purposes; that 10 per cent. is probably however covered by hand-spinning which still persists in some parts of the country. I have mentioned that in the quinquennium beginning 1896-97 the hand-looms consumed $2\frac{1}{2}$ times as much yarn as the mills. I have also mentioned that since the year 1896-97 the production of cloth in the mills has increased by 389 per cent. One might rashly infer from that that the hand-loom industry is declining, but that is very far from being the case. I find that in the first quinquennium the hand-looms consumed 1,058 million pounds of yarn, in the second 1,156, in the third 1,204, and in the fourth 1,346. So that in four successive quinquennia the hand-looms increased their output by 30 per cent. Now, the point which I want to impress on the House is that this was done under the benefit of a $3\frac{1}{2}$ per cent. protective duty for the hand-loom. It is quite impossible not to take account of the hand-loom industry in considering the textile industry of India. Even to-day, although the hand-loom weaver suffered a good deal during the war, I find that during the last 3 years the consumption of yarn by the mills was only one-sixth more than what was available for the hand-looms. Now I should like to sum up these facts, Sir. They are—mill production since 1896-97 has increased 389 per cent.; hand-loom production has increased by certainly more than 30 per cent. and if the figures of the last three years are taken it may be 50 per cent. but not more; and during the last seven years imports have greatly diminished: the figures for imports last year were the highest for six years and they were something like 24 per cent. less than the average of the five years beginning 1896-97. At the present time the consumer in India therefore relies on three sources of supply—Indian mills, Indian hand-looms, and foreign imports—and at the present time these three sources of supply are by no means unequal. Now, before anything is done to remove the protective duty in favour of the hand-loom I consider that the interests of this industry should be considered; and before anything is done to protect the mill industry it is obvious that the interests of the consumer, who wishes to have his third source of supply from abroad kept open to him till the local industry can meet his requirements, must also be considered. Is there any reason why, as regards the hand-loom industry, the existing state of affairs should now be disturbed? I said at the beginning of my remarks that there was a political argument in the case of the excise duty, that although it was admitted that it was no longer a countervailing duty there was a political reason behind its existence. Well, Sir, there is a very much more important political argument behind the maintenance of the hand-loom. You cannot regard an industry of this kind entirely in terms of production. The evil of abolishing cottage industries would be equivalent to what would occur in my own province if you replaced the peasant proprietor by the large landlord. I

hope that this aspect of the question will not be lost upon the House. There are many Members here who have interests which impinge very directly on those of the mill industry. I should like to point out, at the same time, that the mill industry itself is interested in maintaining the hand-loom industry. It provides it with an enormous market for yarn. Some years after I came out to India there was great gloom in Bombay over the loss of the China yarn market, but the increased exports by sea of Indian cloth and the increased consumption of yarn by Indian hand-looms since that market was lost have, I have calculated, almost made up for its loss.

There is one amendment, Sir, to which I should like very briefly to refer. There is a proposal to refer the question to the Tariff Board. Well, in principle I have absolutely nothing to say against that amendment. But only a very short time ago there was a Committee which made some rather scathing remarks on the references which were made by the Government of India to Committees and Commissions. The Tariff Board is not a cheap institution, it cannot do its work efficiently if there is misuse of it and if cases are sent to it which are not established *prima facie*. Otherwise in principle I see no objection whatever to the proposal. But on grounds of economy and cost I think that the supporters of this Resolution should convince the House that there is a case which is worth inquiry.

I should like, before concluding, to press again upon the House the importance of the cottage industries. The hand-loom industry does not stand by itself. I will just give one instance. There is attached to it a very large village dyeing industry. I asked all the large importers of dyes in Bombay what their estimates were, and they told me that the village dyers of India consume from five times to ten times the amount of dyes which is used by all the factories and mills in India put together. That is commercial opinion, Sir. There are no statistics to show exactly how much goes to the one and how much goes to the other. In Bombay city we have still the hand-loom weaver plying his shuttle under the very shadow of the mills, and in all provinces he is a great factor in the economic position. In Madras there are 174,000 hand-looms, and in a province like Bihar and Orissa as much as 40 per cent. of the total requirements of the province are produced on hand-looms. That, Sir, is a very interesting fact because, as far as I can make out, Bihar and Orissa appears to be a peculiarly poor province if its consumption of cotton cloth per head of population is taken into account. It was estimated about 5 years ago that the all-India average consumption of cotton cloth was Rs. 6 per head, while in Bihar and Orissa it is only Rs. 3-4. Now we think that in a province of that kind there is an enormous market for mill-made piece-goods, and yet the province itself produces 40 per cent. of its own requirements on its own hand-looms. I have been constrained to make these remarks because the hand-loom weaver is not vocal, and I was afraid that, unless I rose, he might even be voiceless. It is a fact, Sir, that at all events he is voteless, and this fact, I have noticed, sometimes makes a difference in this Assembly. (Mr. A. Ranganawami Iyengar: "He has plenty of votes in my district.") I am glad to hear that; but it is not merely a question of production and economics, it is a political question. Here we have an industry and with it there are other allied industries which are peculiarly suited to the sentiments, the customs and the caste habits of the Indian. He very much prefers the hardship—there are hardships—but he very much prefers the hardships of village life and a cottage craft to the undoubted evils which accompany industrialism in this

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country; and one of the worst evils of the industrial system in large Indian cities is its distintegrating influence on the family life of the workman. Now the family life is not impaired but it is actually strengthened by the circumstances in which an industry like the hand-loom industry continues to exist in this country.

Mr. N. M. Dumasia (Bombay City: Non-Muhammadan Urban): What about the reimposition of the import duty on cotton yarn which has an entirely opposite effect.

Mr. R. D. Bell: My friend Mr. Dumasia refers to the import duty on cotton yarn. That, Sir, is rather outside the scope of this Resolution. I quite admit that it would be to the great benefit of the hand-loom weaver if it were abolished, and I can give a great many interesting facts in support of that statement, but it is quite outside the scope of this Resolution. I notice that the Fiscal Commission recommended that while the question of protection for the mill industry should be referred to a Tariff Board, nothing whatever should be considered in the shape of protection for the unfortunate hand-loom weaver. Now, Sir, why is this so? Why should we consider the establishment of fresh protection for an industry which is growing at an extraordinary pace, and refuse to consider from the point of view of the hand-loom weaver, not the imposition of fresh taxes for the maintenance of his craft but merely the maintenance of the existing form of protection.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I move:

"That the debate on this Resolution be adjourned till the September session of the Assembly."

The House will realize that if we adopt this Resolution, it is not likely that the Government will give effect to it during the next financial year. Moreover, I think I am right when I say that the House is anxious to reach the other Resolutions that follow the present one. These are briefly my reasons for making this motion.

Mr. President: Motion moved:

"That the further consideration of this Resolution be adjourned."

Mr. W. S. J. Willson (Associated Chambers of Commerce: Nominated Non-Official): Sir, I beg to oppose the motion moved by my friend, Mr. Neogy. It has been said in this House two or three times recently, that there has been some discourtesy on the part of Government in not letting us know their intentions. I wish to raise my protest against a similar discourtesy or lack of courtesy, which has been very pronounced lately, on the part of a non-official party. I, Sir, come to this House as the representative of commerce. I took a lot of trouble to study the Budget from a purely commercial point of view. I wished to address you, Sir, but I was not fortunate in catching your eye; had I done so, Sir Basil Blackett would not have been able to say that only three people addressed themselves to the practical part of the Budget.

Now we know this motion for the abolition of the cotton duties has been on the paper for a very long time. It was balloted for by Mr. Kasturbhai Lalbhai, he has won his position in the ballot, and I submit,

Sir, it is a fair thing that he should be given his right. It is not fair to him or to us to give us all the trouble of studying the question and being prepared to discuss it and then to find that on a sudden motion from Mr. Neogy from behind me we are asked to dispense with the whole thing. (*The Honourable Sir Malcolm Hailey*: "Because they have no case.") That may be your view, Sir. Now, Sir, we had further reason to believe that we were going to discuss this matter to-day, because there had been a large number of amendments tabled. Is that fair? In the same way, I ask Pandit Motilal Nehru, was it fair when there were a great number of motions on the Budget tabled, to then suddenly wipe out the whole discussion? (*The Honourable Sir Malcolm Hailey*: "Because they had no case then.") Never mind that: they may have no case, but if I have a better one I would like to urge it. Also I would just like to say a few words about the protection of minorities. If a minority wants to speak, as Mr. Lalbhai does, why should it be stopped, why should the Resolution be choked out merely because a somewhat larger section of the House always wishes to address itself to mere political issues and get away from the part which interests me most, namely, the commercial part? I submit that if political issues are to be raised and discussed—and I have not the slightest desire to stop them—the proper way to do it is to table a Resolution, but not to eternally drag this political argument into every practical issue that comes up. Had we been able to discuss the Budget from the practical point of view, we should have been able to discuss a great many things in it; we should have been able to discuss this Resolution (cotton excise duties), all these things would have come in under the Budget. I only wish to speak, Sir, at the present time in regard to Mr. Neogy's adjournment motion. I do not wish to address myself now to the main motion, because there are some amendments, which I would very much prefer to speak on. So, if you will allow me to confine myself now to Mr. Neogy's present amendment and call your attention to the fact that he himself has one down on the amendment list (*Laughter*), No. 5, I would be content, Sir, to record my protest now, and I would ask your permission to speak later on, if I wish to, on any of the subsequent amendments.

The Honourable Sir Charles Innes (Commerce Member): Sir, I also oppose this motion for adjournment. I think, Sir, if it had been the intention of the party which has put forward this motion that this debate should be adjourned, that they should have prevailed upon the Honourable Mover of the Resolution not to move the Resolution. I believe the Honourable Mover is also a member of that party. (*Voices of*: "No.") What has happened is that the Honourable Mover has made his speech on his Resolution. Among other things he has said that Government have consistently evaded a pledge said to have been given by Lord Hardinge that these cotton duties would be abolished as soon as possible. Having made that charge he sits down and Mr. Neogy moves a motion for adjournment and gives me, if the motion is carried, no chance at all of replying to that charge. I think, Sir, that in a House like this, we ought to observe a certain amount of fairness, and that when the Honourable Member has made a charge like that, it ought to be open to people on this side of the House to reply to that charge. I desire also to associate myself with what Mr. Willson has said about the financial and commercial interests in this House. I was reading an article in a well known daily the other day. That article stated that this House was so engaged

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in the political struggle at Delhi that they subordinated to these political interests all financial and commercial considerations. That is precisely what the House proposes to do to-day. If this motion is carried, I think it is wrong

Mr. V. J. Patel (Bombay City: Non-Muhammudan Urban): It is the right thing to do.

The Honourable Sir Charles Innes: I think it is wrong. It may be that if this motion were carried, it would be impossible to give immediate effect to the suggestion that the cotton duties should be abolished. But, Sir, in Mr. Kasturbhai Lalbhai's Resolution there is a suggestion that the Tariff Board should be directed to examine the question of protection for the Mill industry. Now, Sir, I have had a representation on that subject from the Bombay Millowners' Association. It is a live issue at this moment. It is a live issue, whether or not the claims of the Bombay cotton industry to protection should be referred to the Tariff Board, and it would be very useful to me if we had a discussion upon it in this House to-day. There is one other point, Sir. If this debate is adjourned, the Resolution drops altogether. It will depend upon the luck of the ballot whether it can again be brought up. If it is dropped, then the only conclusion that we on the Government side can come to is that this House does not regard this question of the abolition of the cotton excise duties as a live issue at all. On these grounds, Sir, I oppose this motion for adjournment.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammudan Urban): Sir, my Honourable friend Mr. Willson has put it to me to say whether it is fair that after sending in a number of amendments to the various Demands, a Resolution should be moved to omit the Demands altogether, and in another way the same thing has been said by my friend, Sir Charles Innes. As to what is fair and what is not fair, when everything is done according to the rules it is very difficult for any one to say

Mr. Bipin Chandra Pal (Calcutta: Non-Muhammudan Urban): All is fair in love and war. (Laughter.)

Pandit Motilal Nehru: That, Sir, may be my friend Mr. Bipin Chandra Pal's belief

Mr. Bipin Chandra Pal: I am quoting you, Sir.

Pandit Motilal Nehru: That is not what I said, Sir. I am fair in love and fair in war always. (Laughter.) Now, Mr. Willson will remember that there was not a single amendment standing in my name to any of the Demands. I think I had made it quite clear that we, as prudent men, had taken every precaution against what might happen or what might not happen. It is the safest thing to provide for all possible contingencies. That is what we did. We put in amendments to the Demands; we also put in motions which swept the whole Demand off the board. We were prepared to take one after the other as occasion arose. Now, the rules of this House which permit amendments to be sent in,

also permit motions for adjournment. The motion made by my friend, Mr. Neogy, was made in strict accordance with the rules. If it does not suit the official benches or if it does not suit any particular Member, because it postpones his opportunities to please his electors, that is a matter, Sir, in which those who support the adjournment are not interested. If it is for you, Sir, to pronounce your opinion upon the question I should like you to do so. The question is whether it is not the duty of the Government benches to be ready with every item of business which concerns them on the day's agenda. It is not so very long ago that I discontinued my practice at the bar. I have concerned with heavy cases, with briefs extending over hundreds and sometimes thousands of pages. I have burnt the midnight oil in studying one particular brief, and the next morning I have been told that that case was not going to be taken up. When I stood up to make a very humble protest to the learned judges—I was told it was my business to be ready in every case in which I appeared. I say the same thing to the Treasury Benches. If there are 5 items which they have got to prepare, it is their business to distribute the work among themselves, so that one or more of them might be ready to deal with every item. It is no concern of ours that they would like to answer to-day a certain observation made in a speech moving the Resolution. I do not see, Sir, how that can carry any weight with the House.

Mr. Darcy Lindsay (Bengal: European): I have not heard any declaration from the Government benches that they are not prepared to take up any of the other items on the agenda paper.

The Honourable Sir Malcolm Hailey (Home Member): Quite so, Sir. I am at a loss to understand what the Honourable Pandit means.

Pandit Motilal Nehru: What I mean is simply this, Sir, that my friend Sir Charles Innes referred to his great preparation for this occasion. That preparation is there and will serve him on some other occasion. I thought he suggested that his great preparation would go for nothing. That is my impression.

The Honourable Sir Malcolm Hailey: May I tell the Honourable
1 P. M. Pandit that we on our side have not pleaded that we are not prepared for any of the Resolutions that may be on the paper. What the Honourable Sir Charles Innes said was that it was unreasonable that the Mover should be allowed in moving his Resolution to bring grave charges against Government and that Government should not have any opportunity to reply. That is a matter not of our preparation but of the sense of the fairness in the House, if such a sense of fairness exists.

Pandit Motilal Nehru: So far as that goes, Government ought to be well accustomed by this time to hear very grave charges as we on our side are well accustomed to have no answer even when there was an opportunity for the Government to reply. However, the Government is not shut out from giving their reply. These matters, I submit, are for the House to consider. I take it, that a motion for adjournment as such is a motion for the House to decide as is the case with any other motion. If the House attaches more importance to the other Resolutions which are laid down on the agenda, the House will, of course, give its opinion accordingly. As to the fact that political questions loom very large in this

[Pandit Motilal Nehru.]

House, I say, Sir, that it is in the nature of things that they should do so. Here we are struggling for our very existence while our friends are interested in trade and commerce. That is very natural for them. But we who have to get, so to speak, a place in the Sun to obtain the right even to walk erect in our own streets, cannot consider their commercial interests more important than our political rights. It all depends on what the majority of the House attach greater importance to. If it is to political rights, they will devote the greater part of the time of the House to those rights. If it is to something else, they will decide accordingly. I therefore support this motion of my Honourable friend, Mr. Neogy, and I hope that the House will vote in favour of it.

Mr. Darcy Lindsay: Are they free to vote as they think fit?

Pandit Motilal Nehru: That does not matter.

Mr. T. E. Motr (Madras: Nominated Official): Sir, I desire to associate myself with the protest which has been made by the Honourable Mr. Willson. I also had intended to speak on the Resolution which is at present before the House and to oppose it in the interests of the Madras Presidency. I can assure the House that with me it is not a question of love but of war, a war on which I have been engaged for nearly two years. Further, I also desire to provide against all possible contingencies. If the House or you, Sir, should decide that the discussion on this motion shall no longer be continued, I wish it to be on record, as safeguarding myself against all possible contingencies, that I did desire to oppose this Resolution and that my reason for doing so was that I considered it opposed to the vital interests of the Madras Presidency.

Mr. N. M. Dumas: Sir, I rise to oppose Mr. Neogy's motion. This is, as the Honourable Sir Charles Innes has said, a live issue and a large section of the Indian community are interested in it. At present the mill industry is suffering from an acute crisis and the eyes of those who are engaged in this industry are now turned to us and they look to Delhi as to what step we are taking in this matter, which is of vital importance to their interests. This is a question which has agitated the minds of politicians, statesmen and industrialists for more than a quarter of a century. When we have come to close quarters and when we are face to face with the actualities, a motion has been moved that the matter should be postponed. In this matter, Sir, I have got a mandate from my own constituents and that is that this matter should be pushed to the front. I hold in my hand letters received this morning from Bombay and I have also got letters and telegrams which I received last week from Bombay saying that this question is of vital importance to the commercial interests of the community. Coming as I do from Bombay, I am bound to support the abolition of this iniquitous and unfair tax. I fail to see why this question should be considered now of secondary importance by Congressmen when the Congress itself has been fighting for it for the last so many years. It has always found a place in the forefront of the Congress programme. It is not a party question. This is only the question on which Swarajists or non-Swarajists, Moderates or Extremists, are entirely in agreement. They have always condemned the duty with one voice. I am surprised to hear that those who consider themselves the

leaders of the nation and the representatives of the nation should get up to-day and say that they want to postpone this question. I venture to suggest that in doing so they betray the best interests of the country. Sir, political considerations should be subordinated to the national considerations. This is a question in which the honour, the self-respect, and economic interests of India are concerned. As Mr. Lalbhai has said, this is a question which shows that we are suffering from political subjugation. Are we to continue it any longer or are we to pronounce our opinion now and to-day? What is the use of talking of fiscal freedom for India if India's interests are to be betrayed in this manner? With these remarks, Sir, I oppose Mr. Neogy's motion.

Lala Duni Chand (Ambala Division: Non-Muhammadan): In supporting the motion of my Honourable friend, Mr. Neogy, I want to say only a few words. There are certain Members of this House who are very impatient to make speeches on this Resolution. But I am more anxious for those people who number hundreds and thousands and who are rotting in jails. These people are more anxious to know the verdict of this House with regard to their fate and it is for this reason that I strongly support the motion for adjournment. I think nothing is more important to us than to decide through the representatives of this House the fate of these hundreds and thousands of people who are rotting in jails.

The Honourable Sir Malcolm Hailey: Are they really hundreds and thousands and are they rotting in jails?

Lala Duni Chand: I think the number of these people is about 3,000 in the Punjab jails.

Mr. N. M. Joshi (Nominated: Labour Interests): I also enter my protest against the way in which this motion is sought to be adjourned. Sir, like my Honourable friend, Mr. Willson, I have not made a great preparation for speaking upon this subject, but I have tabled a small amendment. I am anxious to have it discussed. I am somewhat surprised that the Honourable Mover of this Resolution should not express his opinion on the motion of my Honourable friend Mr. Neogy. Evidently he ought to be very anxious to have this subject discussed. But he does not speak. Sir, I am told that he has come to some understanding with the majority party in this House. I do not object to his coming to an understanding with the majority party. He is perfectly free to do so in his own interests. It was but fair that he should not have moved his Resolution at all if he was going to acquiesce in the motion for adjournment. But, Sir, he is just like the class of people to which he belongs. They want to take for themselves all the benefit and deprive others of their due. Sir, to-day I was going to refer to a matter concerning the welfare of the employés of this industry. I wanted to say to this House that the relief in taxation sought by my Honourable friend the Mover of this Resolution was not deserved by him and by the class which he represents on account of the treatment which they give to their employés. Sir, this callousness on their part about the welfare of their employés has caused serious results.

Mr. Kasturbhai Lalbhai: I rise to a point of order, Sir. Is the Honourable Member speaking on my Resolution or on the motion for adjournment?

Mr. N. M. Joshi: I am, Sir, telling the House why I consider the discussion of this motion to be so important for to-day. Sir, I wanted to show this House that the people who are seeking this relief in taxation did not deserve it because they have been so callous about the welfare of their employes and this matter is very important to-day. There has been recently a strike in Bombay. I believe that strike is ending. But, Sir, I should have liked to take a vote to-day on this question, when the conduct of the millowners of Bombay is quite fresh in the minds of the people. Sir, I am deprived of that opportunity. Therefore, I oppose this motion for adjournment.

Maulvi Abul Kasem (Bengal: Nominated Non-Official): Sir, I also join those who oppose the motion of Mr. Neogy to adjourn the debate. And I do it on a separate ground altogether. We have been told, Sir, times out of number, and I have myself from many a platform declared it, that the Executive Government of this country always wanted to gag us and deny us the right of free speech. But to my horror, to my sorrow and to my surprise, I find that even in a democratic Government the majority can exercise a tyranny over the minority by gagging them and disallowing them the right of free speech. Sir, I have been told that the most important defect and perhaps the only defect in a democratic system of Government is the apprehension of the tyranny of the majority over the minority, and I say, Sir, that in the very infancy of democratic institutions, the leaders, who are no doubt great statesmen, should have taken precautions not to exhibit any anxiety to exercise the power they do control and command. There is no doubt of it that Pandit Motilal Nehru is *de facto* Leader of this House, no doubt of it that he commands at the present moment a majority in the House and nobody can question that he commands a majority in the country as well. (Hear, hear.) There he is. I admire him, I respect him for that. I have followed him previously and I am prepared to follow him if he will show that statesmanship of which he gave evidence long ago. I would appeal to him that, in order to safeguard India's national interests, he ought to show that the majority which he commands, that the people who are in power, are capable of showing, willing and inclined to show, consideration and respect to the wishes of the minorities and not to gag them. I was surprised, Sir, when Pandit Motilal Nehru said that, whether this question should be adjourned or not, whether this matter should be discussed or not, is for the majority to decide. Certainly under the rules that is so, but the majority which is an absolute majority ought to have some consideration for other interests as well and give them the right of free discussion and free speech and to decide the question on its merits. I admit, Sir, that the majority is there, the power is there, but if we can appeal to the Government not to exercise their power, I think we can with equal justice and reason appeal to the Leader of the House not to exercise that power which he exercises to the detriment of those who are interested in important matters like this Indian cotton excise duty but who are in a hopeless minority.

Mr. Chaman Lal (West Punjab: Non-Muhammadan): I move, Sir, that the question be now put.

Mr. Bipin Chandra Pal: I also rise, Sir, to oppose this motion for adjournment, and I hope you will kindly allow me to make it clear to this

House and to those outside this House that my interest in the Resolution of my Honourable friend, Mr. Amar Nath Dutt, which is next tabled for to-day's business, is not less by a jot or a tittle than the interest of any Honourable Member in any part of this House. I am as anxious as my Honourable friend, Motilal Nehru, and the friends behind him, I am as anxious as any of them, to give an opportunity to the Government to do justice to those people who have been imprisoned for their conscience, for their patriotism, for loving their country too well, though perhaps not always too wisely, as wisely is understood by some people. I yield to none, Sir, I repeat, in my anxiety to see that Resolution discussed and carried, if possible, unanimously by this House. But, Sir, at the same time, I feel that the Resolution that has been moved by Mr. Kasturbhai Lalbhai ought to have a chance and—well, well, I am afraid I see a little behind what appears on the surface of this opposition to it. This Resolution, as you see, refers to the excise duty. Our friends are anxious to-day to put it off till September. What did they want to do only last week? They lost a great chance, not of begging the Government by a Resolution to do this thing but of compelling the Government by an amendment to the Finance Bill to remove this excise duty. The Government might restore this excise duty by certification, but it might not have been so easy. When the Finance Bill was tabled, I found notice of an amendment to that Bill, that was proposed to be moved by Mr. Rangaswami Iyengar:

"In the Preamble of the Bill the word 'and' occurring after the figures '1923' be omitted, and the words 'and to repeal the Cotton Duties Act, 1896,' be inserted after the word 'income-tax'."

Mr. T. C. Goswami (Calcutta Suburbs: Non-Muhammadian Urban): He never moved it; besides that would have been out of order.

Mr. Bipin Chandra Pal: I know, Sir, that might have been ruled out. But that was never moved. Then there was another amendment also to the effect:

"After clause 7 of the Bill the following new clause be added:

'8. With effect from the 18th day of April, 1924, the Cotton Duties Act, 1896, is hereby repealed.'

I give credit to my friends for their good intentions. They wanted to bring that matter inside the Finance Bill. I do not know whether it was in order or out of order, but the President had accepted the amendment as quite in order—I see from the paper here.

Mr. President: I must explain the position here. Amendments appear on the paper if due notice is given of them. The President has nothing to do with them until the opportunity arises to move them and then the Member is told if he is in order or not.

Mr. Bipin Chandra Pal: Thank you, Sir, and I think no Honourable Member has a right to infer what the President would have done if my friend Mr. Rangaswami Iyengar had moved his amendments. So what I find is this, they wanted to move these amendments to deal with the excise duty, and they lost their chance by throwing out the Finance Bill. And now they want to make their position good before the country by throwing this back also. They want to make their position good before the country by setting something positively to their credit, namely, by speaking up for the release of the political prisoners. I know that.

The Honourable Sir Basil Blackett (Finance Member): They are afraid of losing this Resolution.

Mr. Bipin Chandra Pal: This is the thing you have done last week, and this is what you wish to do this week by passing Mr. Amar Nath Dutt's Resolution. I do not object to it. I shall support that Resolution when it comes up. For once I shall be with you; I shall always be with you when you do the right. But you are not doing the right in manœuvring to put off this Resolution. You are doing it from party considerations. That seems to me to be the real position. I think, Sir, that sometimes in this House we ought to rise above party considerations. The proposition moved by Mr. Kasturbhai Lalbhai concerns the vast masses of our people. The effect of that Resolution, if passed with the amendment of my Honourable friend Mr. Joshi, would be to help the poor people, first the consumers and secondly the labourers. For these reasons I oppose this motion for adjournment.

Dr. H. S. Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, Honourable friends have opposed this motion on the ground that Members on this side of the House are placing the political issue before the economic and financial issue.

The Honourable Sir Basil Blackett: They are afraid of losing the motion.

Dr. H. S. Gour: But, Sir, my friend Mr. Willson, as the protagonist of that view, rose to great indignation and asked the Members on this side of the House what they meant by talking politically all the time and obscuring the other issues in which he, as a member of commerce and industries, is most interested. But if my friend Mr. Willson had broken his leg, I am sure, Sir, he would have very little time to think of anything else, and when they find the people of this country in that predicament . . .

The Honourable Sir Basil Blackett: Has the Nationalist Party broken its legs, Sir?

Dr. H. S. Gour: When they find, Sir, the people of this country in that predicament, they will realise why we place political issues before all other issues. I hope my friend Mr. Willson will also visualise that predicament in which this country is landed. I am myself the author of an amendment to the principal Resolution, and I do not think there is any one on this side of the House who minimises the importance of this Resolution. But it is felt that if this Resolution is properly discussed, it will leave very little time for the other more important, or at any rate, equally important, Resolutions to come on for discussion to-day. It is not our fault. We have been complaining and complaining for the last four years that the Government have allotted to us all too few days for the discussion of the numerous important Resolutions of which notices have been given by private Members in this House, and, if we are constrained to defer the consideration of such an important Resolution as the one under reference, the blame does not lie entirely at the door of the Members on this side of the House. Those who allot the days and those who are responsible for the disposal of the business of this House must take note of the fact that the time that they give us is much too short to place before this House Resolutions of such vital national importance as the one on the removal of the Excise duty on cotton. I therefore hope, Sir, that this will be taken as a lesson and a

warning that in future Resolutions of this importance will be allotted the time which their importance deserves. I therefore support the motion of my Honourable friend Mr. Neogy not on the ground that its discussion might be deferred till September. I am most anxious that the Government should allot us a special day out of the several days they have between now and the 27th of this month, and give us a chance of discussing this adjourned motion. In that case, my friend Mr. Willson and those who oppose the adjournment will have no cause for complaint. The Honourable the Home Member has given opportunities on previous occasions for the discussion of adjourned motions. The matter can be settled in a few seconds. If the Honourable the Home Member will allot us time for the discussion of this motion, we shall dispose of not only this but the other motions upon which Members on this side of the House are more anxious to have a discussion than on the motion we have for to-day. There is absolutely no reason why we should not dispose of both the Resolutions and, if what the Honourable Sir Charles Innes has said that he is anxious that this Resolution should be disposed of promptly and now is correct, I invite him to use his good offices to see that it is done during this session of the Assembly.

Pandit Shamlal Nehru (Meerut Division: Non-Muhammadan Rural): I move, Sir, that the question be now put.

Mr. President: A point arises out of what Dr. Gour has just now said and what other Honourable Members have said. A motion to adjourn consideration of a proposition is, in the technical sense of the word, a dilatory motion, namely, a motion for the delaying of business. The Chair cannot allow a motion of that character to be moved merely in order to enable another item of business to come forward. It must be supported on substantive grounds. I am not here raising the question of the respective merits of Resolution No. 1, and Resolution No. 2, on the paper. I am only drawing the attention of the House to the fact that in accepting a motion for the adjournment of this debate, I am not creating a precedent whereby the House could adjourn consideration of one Resolution because they are more anxious to discuss the one immediately following. I hope the House understands the point which I have placed before them now, and that it will recognise that no binding precedent is created by the action of the Chair on this occasion. Each proposal for the adjournment of the consideration of a Resolution hereafter will of course have to be considered on its own merits.

Mr. K. G. Lohokare (Bombay Central Division: Non-Muhammadan Rural): I would request you, Sir, to get the consideration of this question postponed as requested by my friend Mr. Neogy. The advantage lies in giving due consideration to all the arguments that have been advanced in the representation of the Bombay Millowners' Association in comparison with the proposals of the Tariff Board that we will have under discussion in the month of May in Simla as proposed. The representatives of the mill-owners have given us details of the import duties on certain articles, stores, etc. If these import duties are tabled under different schedules in the tariff discussion that is going to take place in the next session in Simla, I think we shall have to take our views regarding the excise duty on cotton also into consideration. It is only a matter of a month or so and consequently will not affect our arguments advanced to-day. Taking into consideration the actual situation of the proposal here as well as the proposals that would come up for consideration in connection with the

[Mr. K. G. Lohokare.]

Tariff Board's report, I would request the House to get it postponed for a month more. It would do us no harm. On the other hand, we shall be able to do full justice to the interests of the millowners and even to the interests of the poor consumers as our friend Mr. Joshi puts it. I have with the same view put in an amendment that you see on the paper to-day and I do fully recognise the importance of judging the whole question on its merits and allowing our reasonings and arguments some room for consideration in connection with the Tariff Board's proposals that will be taken up very soon.

Pandit Shamlal Nehru: I move that the question be now put.

The motion was adopted.

Mr. President: The original question was:

"That this Assembly recommends to the Governor General in Council to take early steps to abolish the cotton excise duty as recommended by a majority of the Indian Members on the Indian Fiscal Commission and to be pleased to direct the Tariff Board to further examine the question of protection to the Indian cotton mill industry at an early date."

Since which a motion has been moved:

"That the debate on this Resolution be now adjourned."

The question that I have to put is that the debate be now adjourned.

The Assembly divided:

AYES—61.

Abdul Karim, Khwaja.
 Abhyankar, Mr. M. V.
 Acharya, Mr. M. K.
 Aiyangar, Mr. C. Duraiswami.
 Aiyangar, Mr. K. Rama.
 Aney, Mr. M. S.
 Belvi, Mr. D. V.
 Bhat, Mr. K. Sadasiva.
 Chaman Lal, Mr.
 Chanda, Mr. Kamini Kumar.
 Chetty, Mr. R. K. Shanmukham.
 Das, Mr. Bhubanananda
 Das, Mr. Nilakantha.
 Duni Chand, Lala.
 Dutt, Mr. Amar Nath.
 Ghose, Mr. S. C.
 Goswami, Mr. T. C.
 Gour, Dr. H. S.
 Govind Das, Seth.
 Hans Raj, Lala.
 Iyder, Dr. L. K.
 Ismail Khan, Mr.
 Iyengar, Mr. A. Rangaswami
 Jeelani, Haji S. A. K.
 Kartar Singh, Sardar
 Kazim Ali, Mr. M.
 Kelkar, Mr. N. C.
 Kidwai, Shaikh Mushir Hosain.
 Kun, Maung.
 Lohokare, Mr. K. G.
 Malaviya, Pandit Krishna Kant
 Mehta, Mr. Jannadaq M.

Misra, Mr. Sambhu Dayal.
 Misra, Pandit Harkaran Nath.
 Murtuza Sahib Bahadur, Maulvi
 Sayad.
 Mutalik, Sadar V. N.
 Narayandas, Mr.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Neogy, Mr. K. C.
 Patel, Mr. V. J.
 Phookun, Mr. Tarun Ram.
 Piyare Lal, Lala.
 Ramachandra Rao, Diwan Bahadur M.
 Rajan Bakhsh Shah, Mukhdum Syed.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kumar Sankar.
 Reddi, Mr. K. Venkataramana.
 Roy, Mr. Bhabendra Chandra.
 Samiullah Khan, Mr. M.
 Sarda, Rai Sahib M. Harbilas.
 Sarfaraz Hussain Khan, Khan
 Bahadur.
 Shafee, Maulvi Muhammad.
 Singh, Mr. Gava Prasad.
 Sinha, Mr. Dewaki Prasad.
 Sinha, Kumar Gangasand.
 Svamacharan, Mr.
 Venkatapatiraju, Mr. B.
 Vishindas, Mr. Harchandrai.
 Yakub, Maulvi Muhammad.

NOES—49.

Abdul Haye, Mr.	Holme, Mr. H. E.
Abdul Qaiyum, Nawab Sir Sahibzada.	Howell, Mr. E. B.
Abul Kasem, Maulvi.	Innes, The Honourable Sir Charles.
Ahmad Ali Khan, Mr.	Kasturbhai Lalbhai, Mr.
Ahmed, Mr. K.	Lindsay, Mr. Darcy.
Aiyer, Sir P. S. Sivaswamy.	Mahmood Schamnad Sahib Bahadur.
Ajab Khan, Captain.	Mr.
Akram Hussain, Prince A. M. M.	Moir, Mr. T. E.
Allen, Mr. B. C.	Moncrieff Smith, Sir Henry.
Bell Mr. R. D.	Muhammad Ismail, Khan Bahadur
Blackett, The Honourable Sir Basil.	Saiyid.
Burdou, Mr. E.	Nag, Mr. G. C.
Butler, Mr. M. S. D.	Owens, Lieut.-Colonel F. C.
Calvert, Mr. H.	Peruival, Mr. P. E.
Chatterjee, The Honourable Mr. A. C.	Pilcher, Mr. G.
Clarke, Mr. G. R.	Purshotamdas Thakurdas, Sir.
Cocke, Mr. H. G.	Raj Narain, Rai Bahadur.
Dalal, Sardar B. A.	Rhodes, Sir Campbell.
Dumasia, Mr. N. M.	Rushbrook-Williams, Prof. L. F.
Dunk, Mr. H. R.	Shams-uz-Zoha, Khan Bahadur M.
Faridoonji, Mr. R.	Stanton, Colonel Sir Henry.
Fleming, Mr. E. G.	Tonkinson, Mr. H.
Fraser, Sir Gordon.	Tottenham, Mr. A. R. L.
Ghulam Bari, Khan Sahib	Turing, Mr. J. M.
Hailev, The Honourable Sir Malcolm.	Willson, Mr. W. S. J.
Hira Singh, Sardar Bahadur Captain.	

The motion was adopted.

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.

RESOLUTION *RE* REPEAL OF BENGAL REGULATION III OF 1818.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadian Rural): Sir, the Resolution which I beg to move, for the acceptance of this House, runs as follows:

“This Assembly recommends to the Governor General in Council, to take steps for the immediate repeal of Bengal Regulation III of 1818.”

I owe an explanation to this House for moving this Resolution instead of introducing a Bill for the repeal of Bengal Regulation III of 1818. It is only to give the Government an opportunity to introduce the Bill, if they are so minded, and thus make amends for all the wrongs they have committed for a series of years, by allowing the enactment to remain in their Statute-book so long. More than a century has elapsed since the enactment of this Regulation, and it would be no compliment to our rulers if the evils stated in the Preamble of the Act have yet to be dealt with, by this archaic piece of legislation. I beg leave to place the whole of the Preamble before the Honourable Members of this House, before submitting my reasons for recommending its repeal.

[Mr. Amar Nath Dutt.]

The Preamble runs thus :

“Whereas :

- (1) Reasons of State embracing the due maintenance of the alliances formed by the British Government with Foreign powers;
- (2) The preservation of tranquillity in the territories of the Native Princes entitled to its protection; and
- (3) Security of British dominions from foreign hostility and internal commotion occasionally render it necessary, to place under personal restraint individuals against whom
 - (1) there may not be any sufficient grounds to institute any judicial proceedings;
 - (2) or when such proceedings may not be adapted to the nature of the case or may for other reasons be inadvisable or improper.”

This was at a time when the East India Company was consolidating its position and there was still on the throne of Delhi a descendant of the Great Moghul. Whatever might have been the justification for a law like this, during those troublous times, there is hardly any justification for it at the present time. If it is true that the laws of a country are an index of its political progress then the retention of this Regulation on the Statute-book is certainly an anachronism, if we are to believe all that is said about the political progress of India under British rule. If you closely examine the Preamble, you will find that it deals with vague dangers to which a newly introduced alien government is exposed in its international relations from adventurers and scheming persons in an unsettled state of society; and certainly was never meant to be a weapon in the hands of an irresponsible bureaucracy to suppress the political aspirations of the Indian people. I wish also to remind the House that the Regulation was enacted when there was trouble on our Northern Frontiers of Nepal and the country was subject to the depredations of the Pindaris. There was no codified criminal law in India then and offences against society and the State had to be dealt with under the laws of the country, as understood by the English judges, in the light of the criminal law of their own country. With the assumption of the Government of India by the Crown after the end of the Sepoy War, the criminal law of the country was codified making ample provision for the maintenance of law and order against any internal commotion; and for nearly half a century this rusty weapon in the armoury of the Executive was not used till they found in this Regulation an effective weapon to silence all opposition to the Partition of Bengal—that ill starred measure of that brilliant Viceroy, Lord Curzon. The Government in their mad attempt to coerce the people to submission with the aid of this Regulation did not hesitate to deport men of saintly character like Aswini Kumar Dutt and patriots like Kristo Kumar Mitra, Subodh Chandra Mallik, Monoranjan Guha and others. I do not wish to rake up the memories of those dark pages of the history of bureaucratic wrath in the Province of Bengal which created havoc in thousands of peaceful homes in Bengal. Deportation without trial is not only inconsistent with modern ideas of a political society, but is also a dangerous weapon in the hands of an alien bureaucracy whose executive is not responsible to the people of the country. Lord Morley was against giving such a blank cheque to the Executive in India and wrote to Lord Minto thus :

“I won't follow you into deportation. You state your case with remarkable force. I admit. But then I comfort myself in my disquiet at differing from you by the reflection that perhaps the Spanish Viceroys in the Netherlands, the Austrian Viceroy

in Venice, the Bourbon in the two Sicilies and a Government or two in the old American colonies, used reasonings not wholly dissimilar, and not much less forcible. Forgive this affronting parallel. It is only the sally of a man who is himself occasionally compared to Strafford, King John, King Charles, Nero and Tiberius."

But all the same the Regulation continued to remain in the Statute-book of India, not as a dead letter but as a living force amongst the people, till the Repressive Laws Committee after a full and careful investigation reported that:

"It is undesirable that any Statutes should remain in force which are regarded with a deep and genuine disapproval by a majority of the Members of the Legislature."

They further observed:

"The harm created by the retention of arbitrary powers of imprisonment by the executive, may, as history has shown, be greater even than the evil which such powers are directed to remedy."

and they recommended its amendment, so that it can be used only for the

"due maintenance of the alliances formed by the British Government with Foreign powers, the preservation of tranquillity in the territories of the Native Princes entitled to its protection and the security of the British dominions from foreign hostility—and only so far as the inflammable frontier is concerned—from internal commotion."

I am told that the Government of India accepted the recommendation, but no Bill has been introduced as yet to limit the scope of the Regulation to the extent suggested by the Repressive Laws Committee. On the other hand we find this venerable old Regulation, being used with redoubled vigour against Congress workers in my own unhappy province, with the full concurrence of the Central Government, not for the purposes for which the Repressive Laws Committee recommended the restriction of its use but to put obstacles in the way of Swarajist candidates from entering the Councils by demoralising the people and stifling the public life of Bengal, by compelling submission to an arbitrary and retrograde executive. We were told the other day by His Excellency the Viceroy that the papers of these deportees have been examined by two High Court Judges while the Honourable the Home Member told us in reply to a question put in this House that the papers were examined by two Sessions Judges. Whether High Court Judges or Sessions Judges have examined the papers, it matters very little, for the fact remains that the evidence is all one-sided and has not been tested by cross examination. The Judges, whoever they may be, had only the prosecution story before them, and when we remember the wonderful literary powers of the police, as disclosed in the Narayan-garh train wrecking case and the Midnapur conspiracy case, the people cannot be blamed if they characterise the evidence as incredible and the deportations as wholly unjustifiable. Under these circumstances to deprive a man of his freedom, without a judicial trial, is an ugly dose to swallow. Indian opinion, of all shades of political parties, has been unanimous in declaring, that no person should be deprived of his personal liberty, without a judicial trial, and a definite charge framed against him. Arrest and detention of a person, on mere suspicion, for political or imaginary reasons, have never met with public approval in any civilised Government. The writ of Habeas Corpus secures the personal liberty of British citizens, and no Government would dare encroach upon this cherished right of the English people. But this elementary right of the subjects of a civilised State is denied to persons detained under Regulation III of 1818. All our persuasions and arguments have so far failed to secure this elementary right of citizenship. Can it be said that we are living under a civilised Government, when our personal liberty can be so easily taken away by an executive to whom the political agitator cannot be a *persona grata*.

[Mr. Amar Nath Dutt.]

Sir, if you examine the life history of the deportees, you will find that they are generally men of high moral and intellectual attainments, whose only fault is that they love their country too well and have lost faith in the sincerity and good wishes of our rulers. I have heard that responsible officers of the Government were of opinion during the deportations of 1908 that men with high ideals of patriotism and saintly character are dangerous to the State, inasmuch as their patriotism is a source of great embarrassment to the Executive, as their political creed is blindly accepted by the masses. Sir, if this is the mentality of our rulers, we cannot be blamed if we cry with the poet :

“ Earth is sick

And Heaven is weary of the hollow words

That States and Kingdoms utter when they talk

Of Truth and Justice.”

I ask in all seriousness do our rulers honestly believe that these deportations were necessary for the protection of the Frontiers of India or the fulfilment of the responsibilities of the Government of India in relation to Native States? I hope Englishmen in India have not as yet lost that regard for truth with which they are credited, as to answer it in the affirmative, and deny that it is the political faith of these deportees for which they are removed from their hearths and homes. I ask the Government, are the ordinary laws of the country insufficient to bring about the conviction of those who are really guilty of offences against the State? Are not the provisions of the Indian Penal Code and the preventive sections of the Criminal Procedure Code sufficient to deal with them? Those of us, who have been associated with the administration of justice in this country are familiar with the too liberal interpretations put upon sections 108A and 144 of the Criminal Procedure Code by our magistrates and judges; and why should not the Executive be content with these weapons, which have been aptly described by a great jurist as an iron hand in a velvet glove?

At the beginning of the present session, this House put forward a demand for a free and liberated India by a change of the present constitution of the Government of India. Did any of the deportees do more than what our Nationalist leaders did in this very House? If any of them, in giving free expression to their honest faith and aspiration, exceeded the bounds of law, was not the ordinary criminal law of the country sufficient to deal with them? Why should not the executive pin their faith to the ordinary laws of the country for the maintenance of law or order? Lord Morley in his denunciation of this Regulation expressed himself thus :

“ The great executive officers never like or trust lawyers, I will tell you why? For they never trust or like law.”

Am I to understand that the executive in this country do not trust law and lawyers and that they are unable to carry on the administration of this country without drawing upon the blank cheque provided by this Regulation, which is said to be an intermediary between ordinary law and martial law, which is the negation of all law? Is India to be kept in this stage perpetually and are its people to be denied the elementary right of personal freedom even without the semblance of a judicial trial? The official sophistry for the continuation of this Regulation on the Statute-book

of India is not dissimilar to the plea of all autocrats in all ages and climes. They would urge that such extraordinary powers are necessary to restrict the movements and activities of certain person, who cannot be dealt with under the ordinary laws. But this can be urged with any show of reason only in cases of exiles from foreign or protected States and persons tampering with the inflammable materials on our frontiers and not in any other case, far less in the cases of persons who, rightly or wrongly, believe that in the best interests of their country the present system of administration should be replaced by another in which the people themselves will be the final arbiters of their own destiny, either within or without the British Empire, and to this end claim a right of freedom of association and freedom of speech. If any of them in their zeal and enthusiasm transgress the bounds of law, let them be tried in an ordinary way in the courts of law instead of allowing the very executive, against whose policy and action their activities are directed to be not only the prosecutor but also the legislator, the judge and the executioner.

This is hardly in keeping with the best traditions of British justice and I ask every Englishman in this House to vindicate the fair name of England in India by joining with us in our demand for the repeal of this Regulation. If, for reasons, which I do not care to elicit, they do not see their way to support us, I will only regret their decision and will expect them to realise the true significance of our demand, which is nothing more nor less than the right of living as free men in our own country. If the Government sincerely wish to extend their hand of fellowship in our onward march towards Freedom, they should not shelter themselves under those specious arguments and political cant and catch phrases which they have dinned into our ears during the whole of this session, but should, as an earnest of their sincerity, repeal this Regulation. Like the Pathans and Moghuls, the Englishmen have become component parts of the political organisation of India, and we are destined to work side by side for many a long and weary year as equal partners of a common Empire from which will evolve a greater World-Empire of federated nations, whose motto will be:

"Peace on Earth
And goodwill towards men."

I therefore ask Englishmen to lay aside their tawdry Imperialism and rise above all petty considerations of expediency and repeal this obnoxious Regulation for realisation of this vision of the Future India.

With these words I beg to move the Resolution.

Pandit Shambhu Dayal Misra (Central Provinces Hindi Divisions: Non-Muhammadian): Sir, I beg to move the following amendment to the Resolution of Mr. Amar Nath Datt:

"That after the words 'Bengal Regulation III of 1818' the following be added:
'The Criminal Law Amendment Act and other repressive laws and regulations that still exist on the Statute-book'."

Sir, it is only by a mistake that the year 1808 has been left out after the words "Criminal Law Amendment Act" in my amendment. Consequently it should be understood that by "Criminal Law Amendment Act" I mean the Criminal Law Amendment Act of the year 1808. Sir, it is nothing short of an irony of fate that at the end of the fist

The Honourable Sir Malcolm Halley (Home Member): May I rise to a point of order, Sir. As a matter of procedure, may I ask whether the amendment of the Honourable Member is in order or not. I see a large number of amendments on the paper, and I desire to obtain your ruling, Sir, as to how far the matters referred to therein are in order in a debate on Bengal Regulation III of 1818.

Mr. President: I understand that Bengal Regulation III of 1818, though it is called by the name of that province, runs beyond the province, and what it refers to is the Bengal of the old days which comprised practically the whole of Northern India. In that sense it seems to me that proposals to bring similar Regulations, or exceptional legislation of this character, within the scope of the Resolution by way of amendment are in order,—though I am not sufficiently well acquainted with the precise terms of all the Regulations to know whether that applies to them all. As a general principle, what I have said admits the proposal made by the Honourable Member.

The Honourable Sir Malcolm Halley: The Bengal, Madras and Bombay Regulations are of exactly the same type. The Criminal Law Amendment Act and the Prevention of Seditious Meetings Act are an entirely different type of legislation.

Mr. Shambhu Dayal Misra: Sir, it is nothing short of an irony of fate that at the end of the first quarter of the 20th century after the expiry of 150 years of a so-called civilized administration by a civilized nation of a country which had its palmy days of civilization extending over a thousand and more years prior to the advent of foreigners into the country, an Assembly like this should be deliberating over the existence on its Statute-book of antediluvian laws of a barbarous nature. It seems to me, Sir, that the nations all round will be astonished to hear that after all India is still under the ægis of Draconian legislation suitable to a country peopled by a set of illiterate slaves and aboriginal wild tribes not amenable to any civilized influences.

Thanks, Sir, to the civilizing influences of the benevolent despotism of our rulers, India is becoming a land of paradoxes. Law and order and lawless law are synonymous terms here. Justice and equality carry a meaning connoting negations of them. Pledges have their significance in meaning mere scraps of paper. We are said to have the good fortune of being governed by a freedom-loving country which denies to us the first essentials of freedom. We are really being governed by a variety of catchwords and phrases, and to add to our misfortune there are to be found in this unhappy land of ours people who get satisfied with these catchwords and phrases.

Sir, I would not waste the time of this House in narrating in detail the various acts of omission and commission in the administration of justice in this country during the three years of His Excellency's Viceroyalty. The years 1921 and 1922 will ever be remembered in the history of this country as memorable years, memorable for the non-violent revolt of a people subjected to years of indignity and oppression. The Prince of convicts who is leading the chief opposition in this House has related on another occasion the orgy of repression carried out in the name of law and order. We had during this period an influenza of repression; every day we found one after another, the best flower of Indian manhood and womanhood being rounded up in the British jails for their insistence on their right of free association and free speech. The Government thought they had the

best opportunity of nipping in the bud the Indian National Congress. The Criminal Law Amendment Act, the Seditious Meetings Act and various other measures were utilized in the disbandment of national volunteers and the dispersal of Congress Committee meetings, resulting in the arrest of a large number of members of the Congress Committees from the meetings of those bodies. Their crime consisted in their constituting themselves trustees of national honour and dignity.

Just a few months before the Government entered on this mad career of repression, they were successful in securing the moral support of the Liberal section of our countrymen by their recommendations to retain on the Statute-book, the Bengal Regulation, III of 1818, the Criminal Law Amendment Act, the Seditious Meetings Act, etc. A cursory perusal of the report of the Repressive Laws Committee would show that its recommendations were intended more to strengthen the hands of the Government in their repressive policy than to give any relief to the people. I challenge any Member of that Committee to point out to me any of the recommendations of that report which curtailed the powers of repression of the Government. The recommendations consisted only in the repeal of laws which were either dead letters or were to die a natural death. My reading of that report, Sir, convinces me that the Repressive Laws Committee was constituted for no other purpose than that of strengthening the hands of the executive to fight out the non-co-operation movement. The composition, the scope, the materials placed before that Committee, the few witnesses examined and the conclusions it arrived at support my theory. I find from the report that not more than 25 witnesses were examined, and the materials placed before the Committee were an account of the various events that occurred in the year 1921, alleged to be due to the non-co-operation movement. The more important enactments that could really be called repressive laws were recommended by the Committee to be retained on the Statute-book, I mean those that were really galling to our sense of national self-respect and national dignity. What more, the Committee went to the length of recommending that before the next general elections a special enactment on the lines of the Disorderly Public Meetings Act of 1906 (8, Edward VII) be enacted and a heavier penalty be imposed when the offence was committed during a parliamentary election. I regard this as but in the fitness of things. As a friend aptly described it, this Committee was a mutual benefit insurance society unlimited. This report was published in September 1921, and the era of wholesale repression commenced in right earnest. The question of questions was whether the bureaucracy ruled the country or the Congress. The challenge thus thrown out was accepted, and the memorable Resolution of the Ahmedabad Congress was an acceptance of the challenge. The whole country readily responded to the call of the Congress and thousands of persons, in spite of the repression, enrolled themselves as National Volunteers and defied all orders affecting the right of free association and free speech and suffered the penalty for the breach of those laws. Had it not been for this firm stand of the Congress, our political activities were at a standstill at the present day. It is up to us now, Sir, that during the tenure of our office we must suppress all the lawless activities of the Executive and take away from them the instruments in their armoury of repression which sap the very foundations of our national life. It is absurd to support the arm of the law so long as that arm of law is used not to raise us but to debase us. I say, Sir, to my Colleagues in this House, "so long as you have a sense of honour and so long as you wish to remain the descendants and defenders of the noble traditions

[Mr. Shambhu Dayal Misra.]

that have been handed down to you, for generations after generations, it is unthinkable for you to join hands with the Government which are so unjust as our Government have become". And I would say to the Government in all humility: "You are in search of a remedy to suppress this rising ebullition of national feeling. I venture to suggest to you that the only way to suppress it is to remove the cause. I invite you respectfully to choose the better way and make common cause with the people of India whose salt you are eating. To seek to thwart that aspiration is disloyalty to the country". With these few words, Sir, I commend my amendment to the acceptance of the House.

Mr. President: Amendment moved:

"That after the words 'Bengal Regulation III of 1818', the following be added:
'The Criminal Law Amendment Act, 1908, and other repressive laws and regulations that still exist on the Statute-book'."

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, a Resolution was moved in the Council of State in February 1921 to the effect that a Committee be appointed by the Governor General in Council to examine the repressive laws on the Statute-book and to report whether all or any of them should be repealed or amended. The Resolution was carried, in response to which, by Home Department Resolution dated the 21st March 1921, Government appointed a Committee to examine the repressive laws on the Statute-book and to report thereon. Now, this Committee was formed under the chairmanship of Sir Tej Bahadur Sapru, an avowed liberal and not a Swarajist or Extremist. The Committee reported on the 2nd September 1921, and the Regulations and Acts examined by the Committee were 18 in number. I just state them so that the House may know that some of them are over a hundred years old and some 50 or 70 years old:

- The Bengal State Offences Regulation, 1804,
- The Madras Regulation VII of 1898,
- The Bengal State Prisoners Regulation, 1818,
- The Madras Regulation II of 1819,
- The Bombay Regulation XXV of 1827,
- The State Prisoners Act, 1850,
- The State Offences Act, 1857,
- The Forfeiture Act, 1857,
- The State Prisoners Act, 1858,
- The Indian Criminal Law Amendment Act, 1908,
- The Prevention of Seditious Meetings Act, 1911,
- The Defence of India (Criminal Law Amendment) Act, 1915,
- The Anarchical and Revolutionary Crimes Act, 1919.

So you will see from this list that about 6 are over 50 and 100 years old. Whether the country requires these laws is the first thing that the House has to consider. The Committee invited 42 witnesses, in all, to give evidence, of whom 25 presented themselves before the Committee. Out of these 25 eleven were officials. Thus, the report of the Committee presided over by a Liberal politician and based on the evidence of 14 non-officials.

and 11 officials, was submitted to the Government of India. The report was written on the 2nd September 1921, and it was on the 19th September 1921 that the Government passed the order :

“ The Governor General in Council has considered the report and has decided to accept the recommendation made by the Committee. Steps will be taken as soon as may be to introduce legislation to give effect to them.”

I do not understand what is meant by the words “ as soon as may be ” unless the House knows as to what steps have already been taken. Let me now point out to the House that in spite of the circumstances favourable to the Government, by which I mean that the Committee consisted of 2 members of the Indian Civil Service and 7 Indian politicians of the Liberal party and not Swarajists or extremists, the Committee stated that it was undesirable that Acts and Regulations should remain in force which were regarded with deep and genuine disapproval by the majority of the members of the Indian Legislature. It went on further and stated that the harm done by the retention of the arbitrary power of imprisonment by the Executive may be greater than the evil which such powers were supposed to remedy. Then again the final recommendation of the Committee in regard to all the 13 Acts referred to them, excepting the three, namely, the Bengal State Prisoners Regulation III of 1818, the Prevention of Seditious Meetings Act, 1911 and the Indian Criminal Law Amendment Act, was that, as it has not been found necessary to resort to these measures in the past, save in cases of grave emergency, the Acts in question should be repealed. So far as Regulation III of 1818 was concerned, the Committee recommended that it should be restricted to its original purpose, namely, the due maintenance of the alliances formed by the British Government with foreign powers, the preservation of tranquillity in the territories of Indian Princes, entitled to its protection and the security of British Dominions from foreign hostility and only so far as the inflammable frontier is concerned, from internal commotion. But, Sir, what is the position at present? Disregarding the recommendations of a Committee of their own making, Government are using the Regulations freely in Bengal. We have come to know that Babu Purna Chandra Das, Assistant Secretary of the Bengal Provincial Congress Committee, a man who has sacrificed his all for the sake of his country, has been arrested and imprisoned. The Committee also recommended that the Seditious Meetings Act of 1911 and the Indian Criminal Law Amendment Act of 1908 should be repealed when a healthy change in the political situation demanded the repeal. Now, Sir, let me quote the last but one sentence of the report of that Committee : It is this :

“ Animated by these ideas, we therefore recommend the repeal of all the Statutes included in the terms of reference to this Committee, with a reservation as to Bengal Regulation III of 1818 and the corresponding Regulations of the Madras and Bombay presidencies, but we advise that the repeal of the Prevention of Seditious Meetings Act, 1911, and Part II of the Indian Criminal Law Amendment Act, 1908, should be deferred for the present.”

This was in 1921. Now, I ask the House to consider whether the political atmosphere is calmer than what it was in 1921; and I will tell you, repeal these laws and it would be much calmer. It is for you to decide. I also ask you to consider whether the movement of non-co-operation, directed in the beginning towards the boycott of educational institutions, law courts and councils, is not now tending towards responsible co-operation. And here I take the liberty of advising the Government, if I may be allowed to say so, to take the advantage of the psychological moment and extend

[Khan Bahadur Sarfaraz Hussain Khan.]

their hand of fellowship and comradeship to the representatives of the people. What do they want now? What do they ask for? They ask Government to repeal the repressive laws, which have taken away the liberty of highly respectable people, whose only fault was their intense patriotism. Is there any one here who can doubt the patriotism of Mahatma Gandhi? Is there any doubt about the patriotism of Pandit Motilal Nehru? Is there any doubt about the intense patriotism of Mr. C. R. Das? But these gentlemen were arrested and imprisoned. What has been the effect of it? A terrible bitterness which Government have not been able to calm down and which you can even find in this House itself. Let me say again, Sir, that oppression, or say repression can have little or no effect on a determined people. I further state that if pushed to extremes it is bound to bring in its train revolution and bloodshed. Sir, stray assassinations and riots take place in every country, throughout the world, but the ordinary laws of the land are quite sufficient to cope with them. And when that is sufficient, there is no need for the keeping of repressive laws on the Statute-book of a Government which calls itself civilised. This is its test. I therefore support the amendment of my Honourable friend Mr. Shambhu Dayal Misra.

Mr. L. S. S. O'Malley (Bengal: Nominated Official): Sir, I am afraid that the existence of a revolutionary movement in Bengal must be regarded as an admitted and melancholy fact. I am precluded from speaking on matters which are the subject of judicial inquiry—I mean the Alipore Conspiracy case—but I think I may mention the tragic and deplorable murder of Mr. Day, a murder which has been deplored by all classes of the community, and also the recent discovery of a bomb factory in Maniktala, one of the suburbs of Calcutta. The implications both of this last discovery and the murder of Mr. Day are, I think, obvious. The existence of a revolutionary conspiracy is moreover admitted by the Bengalis themselves. Mr. C. R. Das in the Bengal Legislative Council said that he did not deny that in Bengal there was a revolutionary movement. On the 5th February in this House my Honourable friend, Mr. Bipin Chandra Pal, said that he had regretfully to admit that there was a recrudescence of the old revolutionary sentiment in this province, to which he and I belong.

Mr. Amar Nath Dutt: His voice is not the voice of Bengal.

Mr. L. S. S. O'Malley: Then, again, the *Bengalee* newspaper in its issue of the 16th January of this year said:

"The cult of the bomb and the revolver is again finding in this province a large number of youthful worshippers. Like many other men in Bengal, we had been deceiving ourselves with the notion that the Frankenstein of anarchy had been laid at rest. Anarchism appears to have found a foothold in Bengal again."

In this House again His Excellency the Viceroy spoke of the existence of conspiracies having as their object the assassination of the public servants. He described them as an evil which not only destroys innocent lives but is a menace to society as a whole and a great obstacle to political progress. His Excellency assured the House that he recognised that it was essential strictly to confine the special and extraordinary powers of Government in extreme cases of emergency. And yet, Sir, it is in circumstances such as these and in the face of such a danger, that the Assembly is asked to recommend the repeal of Regulation III of 1818, which is the main weapon which Government have to deal with revolutionary conspiracy, and which is a measure which does not affect the public as a whole but only

those misguided persons—a small minority—who seek to establish revolution by methods of terrorism and assassination.

One of the objections which is frequently raised to the Regulation is that it is a weapon of coercion, one forged a century ago and for circumstances different from those which exist at the present time. The argument about age and original intention does not impress me personally. It seems to me that a house-owner is justified in taking up his old poker as a means of defending himself against the burglar; or, to use an analogy which would be more familiar perhaps in this country, that the woodcutter is justified in seizing his old axe in order to guard himself against the dacoit. In no case, too, would the argument as to original intention carry much weight in a court of law. The words of the Regulation are clear and the Court would look at the actual language it uses. The Regulation specifically and precisely states that reasons of State, including, among other things, the security of the British dominions from internal commotion, occasionally render it necessary to place under personal restraint persons against whom there may not be sufficient ground to institute any judicial proceedings or when such proceedings may not be adapted to the nature of the case or may for other reasons be inadvisable or improper.

The gravamen however of the attack on the Regulation appears to lie in the fact alluded to by Khan Bahadur Sarfaraz Hussain Khan, that the Repressive Laws Committee recommended its repeal and the Government of India, as then constituted, accepted that recommendation. The Committee, however, I may say with all respect, was not infallible and the question still remains whether it was right in that recommendation. Neither, may I add, are the Government of India an infallible authority. In Bengal we sometimes differ from the Government of India. When I consider this expression of opinion, when I think of their attitude towards the Meston settlement, which, to use words familiar in this House, may be called "iniquitous and horrible", I feel inclined to echo the words of the clergyman who said: "To think that is the Government for which we have to pray every Sunday."

However that may be, Sir, the Government of Bengal did not subscribe to the views of the Committee or to the views of the Government of India, and I submit that the opinion of the Government of Bengal is entitled to all respect, as it is the Government which had the longest and the hardest experience of dealing with underground revolutionary conspiracy. The view of that Government was that the Regulation could not be repealed without danger to the public safety and that, if it was deprived of its special powers, it would not be in a position to discharge its responsibility as guardian of the public peace.

In any case, Sir, I should like to make it clear that the Repressive Laws Committee was influenced by the fact that it considered that the Regulation was not at that time, *i.e.*, in the year 1921, necessary. Speaking of the older Acts which give or gave Government special powers and include Regulation III of 1818, it said:

"The retention of these Acts could in any case only be defended if it were proved that they were in present circumstances essential to the maintenance of law and order. As it has not been found necessary to resort in the past to these measures save in cases of grave emergency, we advocate their immediate repeal."

It added:

"In the event of a recurrence of any such emergency, we think that Government must rely on the Legislature to arm them with the weapons necessary to cope with the situation."

[Mr. L. S. S. O'Malley.]

The premise of the Committee was that in present circumstances, *i.e.*, in the year 1921, there was no revolutionary movement working by means of terrorism and assassination such as would necessitate the exercise of extraordinary preventive powers by Government. It admitted, however, that a crisis might arise in which Government might require special powers and it thought that the crisis might be met by legislation *ad hoc*. The weakness of this line of argument, it seems to me, is that legislation necessarily takes time. The preparation of legislation—the discussion on it—is sometimes a lengthy process. In the meantime revolutionary conspirators are not the men to stay still with folded hands. Oliver Cromwell once said: "The throat of the nation may be cut while we send for someone to make a law." That would be an extreme expression to use, but I think it must be admitted that, while legislation was in process of incubation, officers of Government would be in serious danger of their lives and other persons might also suffer. I refer to harmless villagers, on whom revolutionaries commit dacoities in order to raise funds. Apart from delay, however, it seems to me to be a doubtful proposition that the passage of a Bill dealing with what must be a contentious matter could always be guaranteed. It is not long since a harmless consolidating Bill dealing with the subject of tolls on bridges and roads was summarily rejected by this House. It is also not long since that another simple measure dealing with passports had a reception which is not altogether encouraging. The reception which was given to a harmless Bill might block the passage of a more contentious Bill, and in the meantime I feel the officers of the Government would be in peril of their lives. Not only would there be actual danger to the officers of Government, but the poison instilled by revolutionaries would spread, recruits would be obtained and trained, and there would be a danger of the mischief becoming widespread. As soon as a revolutionary conspiracy manifests itself, prompt action is essential. In all such cases the offensive is the best means of defence; and I submit that Government would be in a most difficult position if, in the face of such a conspiracy, they laid aside the weapons which they had hitherto relied upon and had to forge new weapons.

Before, Sir, I leave the recommendations of the Repressive Laws Committee, I should like to point out that, in a reply given to a question on the 1st February by the Honourable Sir Malcolm Hailey, it was stated that 4 of the 24 cases dealt with under the Regulation had reference to hostile activities directed from abroad against the security of India, and among the objects of these activities was the fomenting of trouble on the frontier. And the Repressive Laws Committee themselves were of opinion that the Regulation could properly be employed to prevent the stirring up of trouble on the frontier. In the remaining 20 cases, all in Bengal, the Honourable Sir Malcolm Hailey said not only that the danger was a revolutionary conspiracy with the avowed object of assassinating Government officials but also that correspondence between some of the conspirators and Communist agents abroad had been definitely traced.

I contend, Sir, that Government is perfectly justified in retaining this Regulation on the Statute-book. My Honourable friend, Mr. Amar Nath Dutt, has quoted Lord Morley. I shall now proceed to do the same, because it seems to me that Lord Morley's remarks state in a very admirable way some of the reasons which justify the retention of the Regulation. These remarks I am going to quote from his *Indian Speeches*, a book which will be found in the Library, a book which I think I am right in

saying was prepared under the orders of Lord Morley himself and which may be taken as explaining his policy in regard to Indian matters. He said :

“ Quite early after my coming to the India Office, pressure was put on me to repeal the Regulation of 1818 under which men are now being detained without trial and without charge and without intention to try or to charge. That, of course, is a tremendous power to place in the hands of an Executive Government. But I said to myself then, and I say now, that I decline to take out of the hands of the Government of India any weapon that they have got, in circumstances so formidable, so obscure, and so impenetrable as are the circumstances that surround the British Government in India.”

He went on to say :

“ You must protect the lives of your officers. You must protect peaceful and harmless people, both Indian and European, from the blood-stained havoc of anarchical conspiracy. We deplore the necessity, but we are bound to face the facts. I myself recognise this necessity with infinite regret, and with something, perhaps, rather deeper than regret. But it is not the Government, either here or in India, who are the authors of this necessity.”

Surely these remarks are as true to-day as on the day they were uttered.

I might multiply quotations did I not fear that I might strain the patience of the House. I might refer to Lord Morley's famous contrast between the fur coat in Canada and the fur coat in the Deccan as illustrating the difference between the measures necessary in different circumstances—a contrast used in justifying the application of the Regulation in India.

I should like, however, to make one more brief quotation.

“ If India ”,

Lord Morley said :

“ to-morrow became a self-governing Colony, disorder would still have to be put down with an iron hand; I do not know and I do not care to whom these gentlemen propose to hand over the charge of governing India. Whoever they might be, depend upon it that the maintenance of order is the foundation of anything like future progress.”

Lord Morley referred to the Regulation as being “ as good a law as any on our Statute-book ”, but I admit that it is different to the English law. It is a preventive measure and English law aims at the punishment rather than the prevention of crime. My Honourable friend, Mr. Amar Nath Dutt, has referred to what is done in civilised countries and I can assure him that the English system is unlike the continental system of law and has its defects, for it prevents the Government from meeting public danger by measures of precaution which would be taken as a matter of course in any country on the Continent of Europe. Indian law, however, goes further than the English law, and in my opinion has certain manifest advantages, because it recognises the prevention as well as the punishment of crime as being within the province of the Legislature. I might refer to familiar sections of the Criminal Procedure Code. I might mention the Criminal Tribes Act; I might also mention the Goondas Act, which is an Act passed not very long ago by the Bengal Legislative Council. My Honourable friend, Sir Campbell Rhodes, said early in this session that when the time for his assassination came, it did not matter to him whether he was stabbed in the back by a *Goonda* for the sake of his watch and chain or shot in the back by a revolutionary desperado in mistake for a Government official. My point is that both the Goondas Act and the Regulation allow of summary treatment. The Goondas Act permits of deportation, without trial, of enemies of property, the Regulation allows the restraint of enemies of established government and stable society. A similar preventive measure is the Criminal Tribes Act which authorises the

[Mr. L. S. S. O'Malley.]

restriction of members of criminal gangs; and, in my own view, revolutionaries who raise funds by dacoities in the houses of harmless and innocent villagers are no better than criminal gangs.

My Honourable friend, Mr. Amar Nath Dutt, said that no civilised Government would arrest or imprison without trial. He referred to the principle of Habeas Corpus in England. I may remind him that there have been several occasions in Great Britain when the Habeas Corpus has been suspended. The suspension was carried out to meet circumstances in which it was recognised that the rights of the individual must be subordinated to considerations of the common weal.

Mr. Chamar Lal (West Punjab: Non-Muhammadan): When was the last time when it was suspended in England?

Mr. L. S. S. O'Malley: I believe that the last time when it was suspended was in 1866 and that it was suspended for Ireland. Talking of Ireland, I may mention that there is a measure which is an absolute parallel to this Regulation, and that is the Irish Act of 1881. That Act was passed to meet similar circumstances. It was passed at a time when the party of violence in Ireland aimed at securing independence by means of outrage and terrorism. I dare say some of the Members of the House may remember the Phoenix Park murders. At any rate, there were a series of crimes from 1880 to 1884, and the ordinary law was entirely impotent to deal with the murder organisations. I may refer very briefly to the main provisions of that Act, which are exactly similar to those of the Regulation. The Irish Executive was given the absolute power of arbitrary and preventive arrest of any one suspected of treason or of the commission of some act tending to interfere with the maintenance of law and order and could detain in prison any person so arrested as long as the Act was in force. This power was reserved to the Lord Lieutenant and the warrant issued by him was conclusive evidence of the truth of the assertion that the arrested person or suspect was reasonably suspected and therefore liable to arrest. It was merely necessary that the warrant should be in the form and contain the allegations required by the Statute.

I turn now to the question of the absence of judicial trial which is necessitated by the application of the Regulation.

Mr. President: I must ask the Honourable Member to be brief. I did not know he was going to open a new subject, otherwise I would have warned him before.

Mr. L. S. S. O'Malley: I will just refer briefly to the way in which the action of the Government in using the Regulation was received by the public in Bengal: I will merely refer to statements made after the arrests made at the end of September. I will quote, briefly, a journal which has no sympathy with Government, the *Bijali* of Chandernagore, which, in speaking of the repressive policy of Government declared, "In the present instance we do not find any particular excitement." At the end of October the *Benarlee* declared that the feeling on the subject in Bengal was "not only feeble but lifeless and flat." And I may just refer to a few lines in the issue of the *Amrita Bazar Patrika* of the 19th January 1924, which said in a leading article:

"Whatever unrest there may be can be and is being practically controlled by the Government through the exercise of the ordinary and extraordinary powers with which they are vested by the existing laws and regulations."

Rai Sahib M. Harbilas Sarda (Ajmer-Merwara: General): Sir, I rise to support the motion to repeal Regulation III of 1818. This Regulation should long ago have been repealed. Its continued existence on the Statute-book of India redounds to the credit of no one. It is no credit to Government that after 100 years of British rule—during which period, the Government claim that this country, inhabited by a not ungrateful people, has been making steady and rapid progress in moral and material prosperity—the situation is the same as a century ago when Government thought it right to forge a weapon to enable it to deport people without trial, and it is no credit to the people who claim that they are fit for self-government that they should have failed to convince the Government that they have advanced far beyond the stage when such arbitrary and autocratic measures were necessary to keep peace and order.

This Regulation, in its conception, is a negation of justice, a negation of the natural rights of a human being. When a country or a nation is in the throes of a war, when all its energies and resources are employed in repelling a foreign invasion, and no distraction in the shape of keeping the internal peace should be permitted, measures like these may be justified and may even be necessary. But when a country is at peace with its neighbours, when it is in the enjoyment of friendly relations with foreign powers, the retention of such measures on the Statute-book is nothing but an arrogation of power that rightfully belongs to no one, and which can only be exercised in defiance and derogation of right and reason.

This Regulation III of 1818 was framed, Sir, when the whole of Upper India, including the Punjab, Sind, the United Provinces and Oudh was under the rule of Indian rulers. The Regulation is reminiscent of the days when another European Power and its agents had not quite given up running a race with the British for supremacy in India. It was framed at a time when the British military power and British diplomacy had not finally vindicated itself in the country. It was framed when foreign adventurers and free-lances without a stake in the country were harrassing the land, and the Pindari free-booters and the Thugs—those pests of society—were infesting the land, murdering the weak, plundering the rich, and terrorising all. It was framed at a time when the Ruling powers of India were flowing into a melting pot, when peace was unknown, trade was at its lowest ebb and money and metal had burrowed themselves underground: when the one desire of all India was peace, riddance from unscrupulous adventurers and merciless marauders and a settled Government from one end of the country to the other. The Regulation was framed in those days to be helpful in achieving this universal desire. This desideratum has long been reached. There has long been a settled Government in the land, the country has long been enjoying peace. For the Government still to cling to obsolete measures and to hug to the heart out-of-date weapons suited to the troublous times of the early days of British rule is really to confess that they have failed to win the confidence and the attachment of the people even after a hundred years' effort, that the peace that exists in the land is not the peace of contentment and satisfaction, but a peace imposed on the country because one party is too strong and the other too weak. Such a belief, if generally prevalent—it would be a wrong belief, and I believe it is not generally prevalent, for India has in every respect travelled far beyond the conditions existent in 1818,—such a belief would be destructive of good will between the two parties, and would not make for prosperity in the present or progress in the future. Moreover, for Government to proclaim on the one hand that their goal is responsible Government which presupposes their confidence

[Rai Sahib M. Harbilas Sarda.]

in the sense and the intellectual and moral capabilities of the people, and on the other hand, to declare their unwillingness to give up methods and measures which betoken undiluted autocracy, is to take up a contradictory position, bewildering to their supporters and tending to deepen in the minds of their critics their disbelief in their good intentions. As the Honourable Mover has said, that great Liberal Statesman, Lord Morley, when as Secretary of State he upheld the action of Government taken under this Regulation about eighteen years ago, felt all the time uncomfortable about it. But what was invisible to his mental eye has now become the avowed aim of British policy, namely, the establishment of representative government in this country. When Lord Morley who could see nothing but autocracy for this country, so far as his vision could go, got shivers when he sanctioned the use of the Regulation, is it not time that with the changed outlook, Government discarded the discredited weapon and relied on more humane and acceptable measures to attain their object?

Mr. Bipin Chandra Pal (Calcutta: Non-Muhammadan Urban): I am anxious that the issue raised by this motion should not be confused. The issue is not whether there are revolutionary movements in certain parts of the country or not. I frankly admit that there seems to be judging from certain reports that have appeared in the public press, an undoubted recrudescence of the old revolutionary criminalism in my province. It is not a solitary Member of this House, an isolated individual in this Assembly, who says this, but the great leader of the great Swarajist Party who are everywhere and in every Legislature in India has himself admitted it. He has admitted the truth of the existence in some form or another of revolutionary propagandism in our province. We do not deny it. But the question is not whether there is a revolutionary propaganda still going on in any part of the country, but whether by the exercise of the special powers vested in the Governor General in Council by Regulation III of 1818 of Bengal and similar other Regulations, you can successfully fight this revolutionary propaganda. You have tried it before. In 1908 you brought out this rusty weapon from the Government armoury, applied it to all and sundry in Bengal. You deported under this Regulation men of absolutely unimpeachable private and public character. You deported Babu Aswini Kumar Datta, than whom no purer man has appeared in the political life either of Bengal or of any other province. You deported Babu Krishna Kumar Mitra who was not an Extremist amongst Extremists but was an honoured Moderate among honourable Moderates. You deported others also. And what was the result? As you went on deporting these men, the revolutionary propaganda spread more and more,—from town to town, and from hamlet to hamlet. By these acts you created sympathy for the revolutionary propaganda among large masses of the people who might not otherwise have any possible sympathy with this propaganda of criminalism. We are also human. We feel as other people feel. And, when our sons and relations are taken away from us without warning, and without any judicial trial, placed in prison, interned or externed, their families are deprived of the means of support which many of these men brought to them,—when we are deprived of the company and help of our dear and near ones, by these acts of the Executive Government, can you expect that there will be any sympathy for you, any regard for you, any love for you, anything but hatred for you in the minds of those who suffer in this way? That is the simple psychological truth. I know it that before these deportations and internments

came into existence in Bengal, the revolutionary movement was not half so widespread as it became subsequently. Old men had nothing to do with it. Staid householders in the villages had no part or lot in this propaganda. But when these deportations came, when these internments came, when the iron of these persecutions entered into the hearts of the simple minded relations and friends of your political suspects,—it was then that we found everybody, Extremist or Moderate, literate or illiterate, moved by a new and deep sense of resentment against the Government,—coming and telling us: "What are we coming to? Is this the Government under which we have to live?" You cannot deny that at this moment there is a widespread, and intense and deep resentment against the Government among all classes of the people of this country. I regret it very much. It is this deep, this widespread, this burning resentment in large numbers of the politically-minded people of my country, which has created the power behind Pandit Motilal Nehru there. The way in which the Swarajists have swept the boards at every election—I do not give them credit for it—is entirely due to this widespread resentment. There is very little of much political worth in the Swarajist propaganda or programme. I will frankly tell them this. I have said it elsewhere and often. But still how is it that they have caught the fancy of the people? What is it that has led to their success? It is not the merit of their programme, Sir, but it is the demerit of the Government against whom they have stood up. That is the real truth. How to cure this discontent, that is the issue. Will you be able to control this issue, will you be able to solve this problem, by having recourse to these Regulations, these lawless laws? That is the simple question. The revolutionary movement is there. But nowhere in history has official or executive repression been able to cure revolutionary patriotism or anarchism. There is the menace of Revolution. But who make Revolutions? I may quote from a document published some years ago signed by almost all the savants of Europe, Romain Rolland, Henry Burgess, Bernard Shaw, Bertrand Russell and—I am also proud to be able to say—to which our own Rabindra Nath also subscribed—I refer to the Manifesto of the "International Group Clarite," and in that historic document it is declared that it is Governments who make revolutions everywhere, while the counter-revolutionaries make revolutions bloody. That is the whole truth. This is the teaching of history. Governments make revolutions. People are not interested in revolutions. We are not interested in this propaganda of political criminalism in India. We also suffer from it. We suffer far more than the Government. Peaceful citizens suffer from the revolutionaries on the one side and at the hands of the Government on the other. We did not make this revolutionary movement in Bengal or any other part of India. It is you, gentlemen, who, by your short-sighted policy, by your lack of statesmanship, by failing to do in 1906 that which you did in 1918, by your statesmanship, if statesmanship it may be called, upon which is writ large the words "too late" who brought about this state of things. I know of no more damning characterisation of statesmanship than these words "too late." Every good thing that you do, you do too late. By doing the thing too late, you lose the graciousness of doing it, and you increase the strength of the revolutionary movement and quicken revolutionary patriotism all over the country. This is the history of the present revolutionary ferment among us: This is the universal experience of history. We did not create these revolutionary sentiments. If you had treated the Bengal unrest and the Indian unrest of 1905 and 1906 with the vision of far-sighted statesmanship, if you had made your peace with us,

[Mr. Bipin Chandra Pal.]

while we were both on the way, if you had accepted the moderate proposals even of the Moderates when there were no Extremists in the country, there would not have been this revolutionary movement in Bengal or elsewhere. You did not annul the partition of Bengal even when you found that it had outraged the tenderest sentiments of the whole Bengalee people. You then tried to stand upon your prestige. Lord Morley said that it was a settled fact. But between 1906 and 1912, in the course of these six years, that settled fact had to be unsettled, and Lord Hardinge had to bring His Majesty the King Emperor and the Queen Empress out to India to do that. Now if you had done it in 1906, there would have been no trouble in Bengal. I have had no part or lot in this movement of revolutionary patriotism. Not even my rankest enemy has ever been able to level this charge against me. My politics have always been above board. When I have abused you, I have abused you openly. When I have worked against you, I have worked against you in broad day light. I have asked my people not to go underground, because underground politics is neither healthy for them nor safe for you. You did not make your peace with us betimes during the unrest of 1905—12. But even now it is not too late, if you will only give to the people what the people want, namely, an assurance of political freedom in this country like what obtains in other parts of the Empire. You cannot deny it that there is a great yearning for a change of the system of administration in India equally among high and low. You depended upon the Moderates at one time. Where are the Moderates to-day? You have discovered too late for you that that was a very broken reed to lean upon. You cannot depend upon the Moderates to-day. They are all with us to-day. Those who are not do not count at all. If you give the assurance which the country asks for, you will have the whole country at your back. Come to terms with the people. Be reconciled with this passionate desire for freedom of the whole Indian people. Give them what they want. Reconcile your interests with their desire. Reconcile the Imperial connection with the demand for full national sovereignty of the people of India. Work up this reconciliation. Work it up betimes. Otherwise it will do you no good. It will do us no good. We shall, both the Government and the people, be involved in a common ruin. In view of this great danger it behoves the Government to accept this Resolution. How shall we then fight with revolutionary propaganda, you may ask? But, even if you repeal Regulation III of 1918 and similar other Regulations, will you not have sufficient powers to cope with emergencies? Have you not got sufficient power to create new weapons? You have got the power of making Ordinances. The Governor General has the power of making Ordinances whenever he finds himself face to face with a very difficult situation. Why not have recourse to that power? Why keep up this law that offends the inner sense of justice of the people, that outrages all your claims to civilised administration? Why keep it on the Statute-book? It is a blot on the character of your administration. It is an outrage upon our self-respect and upon the patriotic sentiments of the Indian people. Therefore, I do not ask you to give up all your weapons. Keep the power to forge them, whenever necessary. You have got the power of making Ordinances. You may do what you do now by means of these Regulations, by means of temporary Ordinances. Of course, I understand that you will be in some little difficulty. Ordinances are only for six months, and then we shall be at your back and we shall try to keep you straight when you needlessly make new Ordinances. We are doing it even now. You have no peace either here in the Assembly or

elsewhere. You have no peace by day or by night; nor have we any peace either by day or by night. Let us both have some rest. Let us be reconciled to one another. Let us compromise with one another. Let us come to some honourable understanding, honourable to us consistent with our self-respect and our spirit of freedom and consistent with your safety. Let us come to some compromise, and then you will see that the whole strength of public opinion in India will support you in whatever measure you may adopt to fight revolutionary criminalism in Bengal or elsewhere.

Mr. J. M. Turing (Madras: Nominated Official): I think, Sir, there may be some excuse for a Madras Member intervening in this debate. Of course the repeal of Bengal Regulation III of 1818 would not affect the Madras Presidency at all. But as the Honourable Leader of the House has reminded us, there is a Regulation, Madras Regulation II of 1819, which is almost identical. I believe the substantial difference between the two Regulations is that the powers in the case of the Bengal Regulation are exercised by the Governor General in Council and in the case of the Madras Regulation are exercised by the Governor in Council. Well, Sir, it does not necessarily follow perhaps that the repeal of the Bengal Regulation would be followed by the repeal of the similar Madras Regulation, but I think we may take it that that result is extremely probable. I note that a Resolution stands in the name of my friend, Mr. Ranga Iyer, which specifically suggests that Madras Regulation II should also be repealed. And although that has not been moved, I take it that the same thing is practically implied in the Resolution that has been moved by Pandit Shambhu Dayal Misra. Well, Sir, I think there are several reasons, reasons connected with fairly recent events in the Madras Presidency, which ought to make every Madras Member extremely reluctant to vote for the repeal of his own Regulation. Of course the circumstances of the two Presidencies, Bengal and Madras, are not exactly similar. They each have their own political troubles, and perhaps it is one of the advantages of a Regulation so widely framed as the Regulation which we are now discussing that it is elastic enough for action to be taken under it as may seem suitable for any kind of political trouble. Well, Sir, the events in the Madras Presidency to which I wish to make special reference are the Moplah rebellion and some of its results. The Moplah rebellion, as we all know, was the result of violent religious fanaticism fanned by political agitation. I have some times, listening to the debates in this House, wondered in silence whether events in one part of India ever penetrate more than a hundred miles from the place where they occur. I have also wondered whether the memory of this House is so short that it will not carry the Members three years back. I have listened to descriptions of the absolutely law-abiding nature of all the population of India. I have listened to descriptions of the unruffled harmony which exists between all the great religious sects. I have some times wondered if Members who spoke in that tone remember that just three years ago in a not unimportant corner of India an open rebellion against Government was in progress, accompanied by widespread looting of property, murder, constant outrages on women and hundreds and hundreds of cases of forcible conversion of Hindus by Moplahs accompanied by mutilation.

And this, I think, Sir, is worth bearing in mind with reference to some remarks which have fallen from Members in this debate. You must not excuse a man for open rebellion on account of the excellence of his intentions. If you come to think of it, a Moplah who forces conversion to

[Mr. J. M. Turing.]

Muhammadanism upon a Hindu, accompanied by mutilation, is himself under the impression that he is perfectly in the right. One might go further, if he is an uneducated person, he is usually under the impression that he is giving a chance of Paradise to the person whom he is forcibly converting. And if you were to inquire of such a Moplah what kind of a person he thinks himself, he probably would seriously describe himself as "an honourable moderate." Well, Sir, it is quite impossible for any Government to tolerate such events as these on account of the excellence of the intentions of those who either engage in them or publicly or secretly promote them.

Well, to continue; it is not the case that Madras Regulation II of 1819 was utilized to any large extent either before or during the Moplah rebellion. Some people think, and quite sincerely, that if that Regulation or similar powers had been utilized, and freely utilized, before the rebellion took place, it possibly might have been averted. Well, I will leave the House to judge, if these powers had been utilized in that manner, what an outcry there would have been in this House, if it was at the time sitting, or in the press. We should have had passionate outbursts about the liberty of the subject; we should have had statements that there was not the slightest likelihood of any outbreak occurring, and we should have had equally passionate references to the liberty of the subject which we were infringing, which liberty, as I have mentioned, was shortly to take the form of mutilation, rape and forcible conversions. Well, I think that is relevant to the desirability of retaining in both Presidencies these exceptional powers.

I am going on to a comparatively minor aspect of the situation. As I have mentioned, the Madras Regulation in question was not actually used during the progress of the rebellion, for the very excellent reason that the fires of rebellion were no sooner lighted, than the rebellion took so serious a form that there was no means of coping with it except by martial law. By martial law it was dealt with, and, with great difficulty, dealt with successfully. However, when the rebellion had been crushed, there remained a very large number, several thousands, of prisoners in confinement sentenced under the Martial Law Courts or otherwise whose connection with the rebellion was undoubted, but whom Government did not consider so seriously implicated—I do not say that there was any doubt about their being implicated, but they had perhaps not taken an active part—that they wished to keep them for several years in jail. On the other hand, it was impossible to send them back to their residences; it would have meant either acts of revenge on their part or acts of revenge on the part of the Hindus whom they had outraged, and it was absolutely necessary to keep them, not in close confinement but under looser confinement in some places away from their homes, and for this reason Regulation II of 1819 was applied to their cases. Regulation II of 1819 thus has been utilized by the Madras Government for a different purpose of course from that for which the other Regulation is at present utilized in Bengal but it has proved of use; and this illustrates what I said before that, owing to the flexibility of such Regulations, it is quite easy to adapt them to different sets of circumstances.

I would conclude, Sir, by a reference to a remark which fell from the Honourable Mover of the original Resolution. He referred to these various repressive laws as being "intermediate between martial law and

ordinary law." I will not discuss whether that is a correct description of these laws or not, but, as far as I am personally concerned, I should accept the statement that the natural time for the application of all these laws is the period between peace and open war. As I have already mentioned, in the case of Malabar there was a period of open war during which much more stringent Regulations had to be utilized for the purpose of quelling that war, but it is the fact that the Regulation in question was utilized as things quieted down, in fact in the period between peace and open war. Well, I have naturally no very great acquaintance with the circumstances in Bengal. But from remarks which have fallen from Mr. O'Malley and which have been confirmed by Mr. Bipin Chandra Pal as to the existence of a widespread revolutionary conspiracy in Bengal, I should describe this period of revolutionary conspiracy as being intermediate between peace and war and, therefore, a suitable period for the application of these Regulations. Sir, I do not propose to support either the original Resolution or the amendment.

Mr. Mahmood Schamnad Sahib Bahadur (West Coast and Nilgiris: Muhammadan): Sir, I am glad to respond to the invitation of the Honourable Mr. Turing. In his reference to the Moplah rebellion I think he has not made a single statement which is correct. I say the Government were responsible for the very rising. Not only that, it was the Government that were responsible for all the after-troubles; because the Government so managed matters as to get Hindus and Muhammadans to come to some misunderstanding and fight against each other. It was thus that the rebellion broke out and spread. They got the Hindus to follow the police and the military—forced them to follow them—and to point out the places of these Moplahs. They had to do all these things in order to escape arrest. They thus did escape arrest—most of them. Of course these Moplahs used to hide when the police and military were in their place. A Moplah used to come out of his hiding place in the evening, and his people would tell him, "Well, our Hindu neighbours also have come and molested us, helped the police in finding out our articles and looting and burning our houses." Then the Moplahs naturally took revenge upon their neighbours who assisted the police and others in burning and looting their houses; and they very properly thought they were justified in punishing those who without any cause helped the police and military in burning and looting their houses. That is the way they brought about this misunderstanding. Soon after that, there were mutual recriminations, punishments and the story about conversion was also circulated which is also totally exaggerated and incorrect; because when these Moplahs went to take revenge upon the neighbouring Hindus for joining the police in burning their houses—and thousands and thousands of houses were burnt—some of these Hindus of course were punished severely. They knew that these Moplahs were ignorant, and that they would escape by joining the Faithful, and they would get off without any punishment; and, in order to escape punishment, they became Mussalmans. These Moplahs thought that as they had become Mussalmans, they should not touch them, they were holy. Therefore it was not by force that they were converted. The Moplahs wanted to punish them for the treachery and, in order to escape punishment, this plea was given out. That is the whole story. Naturally, there would be some anarchy when the police ran away from all the stations in the area just on the breaking out of the rising and of course no peace could be expected in the country. This is the whole story of the rebellion. Mr. Turing was pleased to say that if a Moplah

[Mr. Mahmood Schammad Sahib Bahadur.]

was asked, " Well, what is the fact, " he would admit it. I doubt whether he has asked any Moplah that question, and if not, I will invite him and I shall accompany him in going into the Moplah country and making an inquiry. I shall be glad if Government will appoint Mr. Turing and some others to make an inquiry and submit a report on the whole rebellion. The repressive law that is in force in Malabar is really such as would not suit a barbarous Government. There is a law called the Moplah Outrages Act. There are sections in that Act which, if I were to read them out, would indeed be a shame to the Government which has passed such a law; and I hope Government will consider the point. I must refer to the thousands of Moplahs who are in prison and the thousands who have died on account of the treatment that has been given to them. Lakhs of rupees have been collected from these poor Moplahs just to defray the expenses of the operations there, which are not at all justified. These risings would have been nipped in the-bud without any trouble at all if they had taken a peaceful course; but these lakhs and lakhs of rupees are now forced out just to defray the expenses of these unjust operations and are thereby reducing the country to poverty, forcing them to another rebellion. With these words, Sir, I support the Resolution.

Sir P. S. Sivaswamy Aiyer (Madras: Nominated Non-Official): Sir, the Honourable the Leader of the House asked you whether you would hold the whole of this amendment to be in order or only some portions. Mr. Ranga Iyer's amendment concerning the Regulation referred to in his clauses (a), (b) and (c), is of the same nature as the amendment regarding Bengal Regulation III of 1818, referred to in the original proposition.

But the other two Regulations in clauses (d) and (e) are of a somewhat different character, and I do not know whether it is proposed to hold only the first three parts of the amendment in order or the whole. I happened to be one of the members of the Repressive Laws Committee, and if I remember aright, the recommendation of the Committee was that these three Regulations of 1818, 1819 and 1827 should be repealed. But as to the Criminal Law Amendment Act, it was represented to us that the situation in India at the time required that the Government should be invested with the special powers conferred by these Regulations and we, therefore, thought it prudent to leave the country to judge of the exact time when these two laws might be repealed or modified. I do not know whether the Mover of the amendment intends to press the whole of the amendment or only a part. So far at any rate as the first three Regulations are concerned, I have no manner of doubt that they ought not to be retained on the Statute-book. These Regulations are so repugnant to the sense of law and justice which we lawyers have acquired or contracted, whatever you may call it, that it is not desirable to retain these Regulations.

Mr. V. J. Patel (Bombay City: Non-Muhammadan Urban): On a point of order, Sir, there is some misunderstanding. My friend, Sir Sivaswamy Aiyer, is under the impression that the amendment is that of Mr. Ranga Iyer. That is not so. The amendment that is being discussed is that of Mr. Misra which at any rate makes no specific reference to the Regulations to which he refers.

Sir P. S. Sivaswamy Aiyer: I beg your pardon. The original Resolution refers only to Regulation III of 1818. Now, Sir, with regard to the other two laws. I must confess I had some searchings of heart. I do not

wish to look at the question merely from the point of view of a lawyer. and I wish to make every allowance

The Honourable Sir Malcolm Hailey: On a point of order, Sir. I am very loath to interrupt my Honourable friend, but it is really in his own interests that I am interrupting. We are told that Mr. Ranga Iyer's amendment is not under discussion, but only that of Pandit Shambhu Dayal Misra, which refers to the Criminal Law Amendment Act, and other repressive laws and regulations; but if these other repressive laws and regulations are not those described as from (a) to (c) in the amendment of Mr. Ranga Iyer, what are they? If they are not those, I myself am in doubt, which, I am sure, is also shared by my Honourable friend, Sir Sivaswamy Aiyer, as to what we are really discussing.

Sir P. S. Sivaswamy Aiyer: So far as Pandit Shambhu Dayal Misra's amendment relates to Bengal Regulation III of 1818, it covers the same ground as the original Resolution, and it may be held also by the Chair that the other similar Regulations of Madras and Bombay come under the head of repressive laws and regulations and are also relevant to the subject matter of the original resolution. As to the rest, it is not for me to express an opinion, but it is for the Chair to decide. I will only point out this, that with regard to the other repressive laws and regulations, I certainly am in doubt as to what the repressive laws and regulations are which are referred to. As it is, the Resolution is far too indefinite and vague. I was going to say that, so far as the Seditious Meetings Act, and the Criminal Law Amendment Act are concerned, whether the retention of these laws is still necessary or not is a matter on which I am prepared to allow some amount of discretion to the Executive to decide whether the present situation justifies it. I will only refer in this connection to an extract from a writer who had some opportunities for forming an opinion on Indian affairs in connection with these Regulations. The passage which I should like to read is this:

In her little book on 'India, A Nation' Mrs. Besant gives a list of the repressive measures. They are:

"The *lettres-de-cachet* system embodied in Regulation III of 1818, Regulation II of 1819, Regulation XXV of 1827, Act XXXIV of 1850 and Act III of 1858. The whole group of panic legislation in 1907—1910 must go."

and Mrs. Besant also:

"enumerates the Prevention of Seditious Meetings Act, VI of 1907, the Press Laws, VII of 1908, and the Criminal Law Amendment Act, XIV of 1908. In any event the Government should make a thorough revision of all these Acts and Regulations removing from them everything which has been or can be used for repression in ordinary times, and trust courageously to those powers which all Governments have to protect themselves and their States from anarchy, sedition and disorder. Governments should be compelled to meet the growth of sedition by political wisdom and not allowed to burden other people with their mistakes, as the Indian Government does when it seeks to maintain order by its Press Laws and Rowlatt Acts. The Indian Government has been too often content to create a special class of evildoers—those whose opinions are inconvenient to it and in the history of Indian repressive legislation this class occupies a prominent and distinguished place."

I will quote just a few more sentences which occur later on. Speaking of the Indian reformer, the author says:

"The Indian reformer is in this dilemma. He must agitate for the revolutionised Government, for he knows he will never get it otherwise; he is well aware that this necessary agitation will make the bureaucracy more obdurate and its trust in repressive legislation more certain. Of course in actual practice it is possible to avoid these dilemmas by the exercise of broadminded common sense and practical sagacity, but a bureaucracy of Civil Servants who have become old in authority must find it difficult,

[Sir P. S. Sivaswamy Aiyer.]

as the Indian Government undoubtedly has, to unbend itself and humour the powers which it cannot subdue. These considerations and not the existence of sedition and other political crime in India, however much of that there may have been, are the true reasons why the Indian Codes and Statutes are disfigured with so much repressive power. The Indian press, though its function may be to act as part of the constitutional Opposition to the Government, cannot do this work in the full way that papers in this country do, until there is a really free press in India, but Press Acts will never finally disappear there, though both their contents and their administration may vary in stringency, whilst the Government is a bureaucracy. To demand the complete abolition of the Press Acts is equivalent to demanding that the Government itself should be put on a more liberal foundation. The problem of the Indian press is at root that of the inherent conflict between a bureaucracy and public opinion. The last chapter in the history of bureaucracies is repression. They pass away like an old monarch driven from his throne, hurling accusations of sedition against his approaching successor."

At the present time I am not prepared to say that I endorse all that is contained in the above passage. It may be said that these passages were written by the author at a time when he was not clothed with the responsibility of office. But seeing that the author is no less a person than the present Premier of England it is worthy of consideration whether it is not possible to review the position and meet the wishes of the public in some form or another.

Dr. H. S. Gour (Central Provinces Hindi Divisions: Non-Muham-madan): Like my friend, Sir Sivaswamy Aiyer, I was also a member of the Committee to which frequent references have been made in this House. That Committee decided after full consideration of all the evidence and reports received from the provinces that the Regulation of 1818 and the analogous Regulations applicable to Bombay and Madras Presidencies must be repealed. My two friends from Bengal and Madras challenge the wisdom of this recommendation. We have been told by Mr. O'Malley that there are conspiracies in Bengal and at the present moment it would be dangerous to repeal these Regulations. Well, Sir, I am perfectly certain and my friend must be perfectly aware that there is such a Chapter as a Conspiracy Chapter in the Indian Penal Code dealing with the cases of conspiracies, and the Bengal Government were aware of it. But their report to the Committee was, as they stated in paragraph 11, that, though the substantive law of the country contains sufficient materials for the suppression of conspiracies, the Government are not in a position to obtain sufficient evidence to bring the offenders to justice. Now, Sir, the question therefore which this House has to consider is this. Is this House prepared to authorise the curtailment of the liberty of the subjects of His Majesty in this country against whom no charge can be brought through the ordinary channel prescribed by the Indian Penal Code and in accordance with the procedure laid down in the Code of Criminal Procedure? That is a short question which this House has to decide. My Honourable friend says that, unless the Executive Government are armed with power, they will be powerless to cope with the growing discontent in Bengal. May I reply to him in the words of Lord Morley, the Secretary of State for India, who, dealing with these Regulations and the arguments of that character, wrote as follows:

"You state your case with remarkable force, I admit. But then I comfort myself, in my disquiet at differing from you, by the reflection that perhaps the Spanish Viceroy in the Netherlands, the Austrian Viceroy in Venice, the Bourbon in the Two Sicilies, and a Governor or two in the old American Colonies, used reasoning not wholly dissimilar and not much less forcible."

And then, Sir, speaking of the Regulations this is what Lord Morley wrote:

"The question between us two upon this matter may, if we don't take care, become what the Americans would call ugly. I won't repeat the general arguments about Deportation. I have fought against those here who regarded such a resort to the Regulation of 1818 as indefensible. So, *per contra*, I am ready just as stoutly to fight those who wish to make this arbitrary detention for indefinite periods a regular weapon of Government. Now your present position is beginning to approach this. You have nine men locked up a year ago by *lettre de cachet*, because you believed them to be criminally connected with criminal plots, and because you expected their arrest to check these plots. For a certain time it looked as if the *coup* were effective, and were justified by the result. In all this, I think, we were perfectly right. Then you come by and by upon what you regard as a great anarchist conspiracy for sedition and murder, and you warn me that you may soon apply to me for sanction of further arbitrary arrest and detention on a large scale. I ask whether this process implies that through the nine *detenus* you have found out a murder-plot contrived, not by them, but by other people. You say, 'We admit that being locked up they can have had no share in these new abominations; but their continued detention will frighten evildoers generally.' That is the Russian argument; by packing off train-loads of suspects to Siberia we will terrify the anarchists out of their wits, and all will come out right. That policy did not work out brilliantly in Russia, and did not save the lives of the Trepoffs, nor did it save Russia from a Duma, the very thing that the Trepoffs and the rest of the 'offs' depreated and detested."

Now, Sir, these are weighty words written by the Secretary of State and sent to the then Governor General of India and I command them to the present occupants of the Treasury Benches.

Mr. P. E. Percival (Bombay: Nominated Official): Did he want to repeal the Regulation?

Dr. H. S. Gour: My Honourable friend, Mr. Percival, asks whether he was in favour of the repeal of the Regulations. My friend will not forget that in the earlier part of this chapter he unmistakably points out that what is wrong with these Regulations is that they are executive and not judicial. And the whole of this chapter is directed against the arming of the executive with judicial power without the control and sanction of judicial authorities. I therefore submit, that so far as the underlying principle of these Regulations and Part II of the Criminal Law Amendment Act is concerned, they have been condemned bell, book and candle by the then Secretary of State, who was responsible for the Government of India and have been further condemned by the present Government of India. Honourable Members will find, if they turn to the Resolution of the Government of India, dated the 19th September 1921, that all the recommendations of the Repressive Laws Committee were accepted *en bloc* by the Government of India. I therefore submit that we have the condemnation of the Secretary of State; we have the condemnation of the Government of India and we have the condemnation of a Committee appointed by the Government of India to examine and report upon the utility and continuance of their repressive laws. When we have, I submit, such a strong body of opinion of persons selected by the Government of India and whose views have been endorsed by the Government of India themselves, I beg to ask, what justification is there for the Government of India to defer the carrying into effect of the recommendations made by the Repressive Laws Committee and accepted by themselves. We have been told, and we were told last year, that so far as the Criminal Law Amendment Act was concerned, the recommendations of the Repressive Laws Committee were contingent upon the re-establishment of peace and order in the country. In this connection, Sir, may I point out that the Repressive Laws Committee were

[Dr. H. S. Gour.]

perfectly conscious of the fact that there may be recrudescence of lawlessness and disorder in the country and referring to this in their paragraph 12 they write as follows. They begin first by referring to the arguments which have been addressed to this House by the official spokesmen from Bengal and Madras, and then the Committee proceed to deal with their arguments in the following terms :

" we recognise the force of these arguments, in particular the difficulty of securing evidence or preventing the intimidation of witnesses. We also appreciate the fact that the use of the ordinary law may in some cases advertise the very evil which a trial is designed to punish, but we consider that in the modern conditions of India that risk must be run. It is undesirable that any Statutes should remain in force which are regarded with deep and genuine disapproval by a majority of the Members of the Legislature."

Well, Sir, every one of the arguments to which this House has been treated to-day was considered by the Repressive Laws Committee and dismissed with the words which I have quoted. What fresh arguments have the Government now to advance against this deliberate decision of the Repressive Laws Committee by which its members and the Government are equally bound? It has been said that there was a rebellion in Madras. Well, Sir, if there was a rebellion in Madras, there is such a thing as a section which deals with the punishment of rebellion and that, Honourable Members will find, finds a place in the Indian Penal Code. If there is a question of conspiracy, that is equally provided for by the substantive law of the country. I therefore submit that there is absolutely no occasion for the continuance of these laws which arm the Executive with arbitrary power uncontrolled by judicial sanction and approval. I further submit, Sir, that the provisions of these Regulations and Acts are inconsistent with the principle of *Habeas Corpus* to which this country now stands committed. In England one would never think of introducing Regulations of this character. I find, Sir, in the latest edition of the *Encyclopædia Britannica*, the following passage :

" The so-called suspension of the Habeas Corpus Act bears a certain similarity to what is called in Europe suspending the constitutional guarantee or proclaiming a state of siege."

I submit, Sir, that is the position in which the Habeas Corpus Act can be suspended. These Regulations and the Criminal Law Amendment Act have the effect of suspending them at the discretion of the Executive Government and therefore I submit public opinion revolts against it.

Now, Sir, we have been told that some sort of preventive or exceptional legislation may at times be necessary. My friend, Mr. Bipin Chandra Pal, has pointed out that in cases of exceptional and urgent emergency the Government of India Act arms the Executive Government with power to make Ordinances for the duration of six months and the Repressive Laws Committee in their Report pointed out that, if the Government of India desire to take power to deal with the recrudescence of any crime of a violent or revolutionary character, they must arm themselves with power with the consent of the Legislature. That, I submit, is what the Repressive Laws Committee demand and it is always open to the Government to come to this House and ask that they may be armed with certain powers to deal with a special class of crime which may threaten the peace and good order of the country. But I submit we cannot allow these rusty

weapons to remain in the armoury of the Government and I submit, Sir, that it is up to the Government to repeal these laws because, I submit, the Government of India have accepted the recommendations of the Repressive Laws Committee, and I say further, because popular opinion is almost and entirely in fact unanimous in condemning them as pieces of legislation which are obsolete and at times have led to miscarriages of justice. On these grounds, Sir, I support Mr. Misra's amendment.

An Honourable Member: I move, Sir, that the question be now put. The motion was adopted.

Mr. President: Does the Mover of the Resolution wish to reply?

Mr. Amar Nath Dutt: No, Sir.

The Honourable Sir Malcolm Hailey: I could have wished, Sir, that I had been fortunate enough to obtain from you a ruling limiting the extent of this Resolution and its amendment, for the admission of the amendment so widens the scope of discussion that I fear that I should weary the House if I were to take up in detail the case of all the Acts and all the Regulations to which I might have to refer. And perhaps I may be excused, since discussion is mostly centred on Regulation III, if I refer mainly to that. I must congratulate my Honourable friends that they have by stifling debate this morning succeeded in finding time for a motion which must present unique attractions to them. In the first place, it is not likely to be so difficult a subject of discussion as that which was on the paper this morning, for there one had to face hard questions of figure and of fact. Here we have to face not so much hard questions of fact but questions of feeling and sentiment. (*Mr. M. V. Abhyankar:* "These are hard imprisonments, Sir.") It has apparently another attraction for them, namely, that it offers them the opportunity of pouring a little additional scorn on those Members of a more liberal and moderate turn of mind who constituted our House during the last three years. That is very attractive to them—so much so that it must outweigh the embarrassment it must cause to some of their own converts. I should think, for instance, that it offers a little embarrassment to one of those who condemned us to-day in the roundest terms, Khan Bahadur Sarfaraz Hussain Khan. I find it difficult myself to reconcile his present condemnation with the discriminating support which he gave us not so long ago; and I am not sure, whether, of the two, I do not prefer his opinion as recorded two years ago to the one he has expressed to-day.

"On what"

he says:

"does the public peace rest? Verily and obviously, on respect and obedience to law. Have civil disobedience to law."

He says:

"and the whole fabric of peace and social order collapses and falls to the ground. What then?—disorder, anarchy and ruination. My view, therefore, is that Government should not be asked to abandon this policy."

Khan Bahadur Sarfaraz Hussain Khan: That is what I said then, that is, when all these occurrences took place; but now that there is non-cooperation, things have taken a different turn. So there is no need for it.

[Khan Bahadur Sarfaraz Hussain Khan.]

Even Mahatma Gandhi had to change his creed. He was a co-operator before, but after the Jallianwala Bagh incident, he became a non-co-operator. I was a co-operator then. But after finding the certification power of the Governor General and other kindred matters I changed my creed and from a co-operator became a Swarajist. The occurrences that took place at Bombay and Calcutta and other places necessitated the order with a view to keep peace in the country. But now all is peace. If you wish to create disorder, you can do so by keeping this Regulation. That is my point.

The Honourable Sir Malcolm Hailey: Sir, these are not merely questions of circumstance; every one is allowed to change his mind under changed circumstances; there is, however, such a thing as being consistent in principle. See this:

"What I want to say is that there are always new conditions and new developments arising and that the Government find themselves under the necessity of doing something and its hands should not be tied down. That, of course, is a principle with which I thoroughly agree."

Or again,

"I do not wish to be irrelevant or talk nonsense, but I am firmly of opinion that the measures that are being taken should not in any case be stopped."

His is a somewhat violent somersault; I hope that it has not left the Honourable Member himself quite so dizzy as it has left me.

Mr. O. S. Ranga Iyer (Rohilkhand and Kumaon Divisions: Non-Muhammadan Rural): I may remind the Honourable the Home Member of the famous dictum of an English statesman that "consistency in politics is the virtue of an ass." (Laughter.)

The Honourable Sir Malcolm Hailey: There are other ways of falling under that condemnation, Sir. And finally there is no doubt that the motion will be highly popular with one section of the House at all events. I mean the section which, however, carefully it at first concealed its intentions, is now quite clearly determined that it will resort to what it calls mass agitation, to which we would give a more sinister name. I see here the inevitable nod from Mr. Patel, which confesses to the determination of his section to indulge in a policy which every lover of orderly advance should condemn; for we have had in the past bitter experience of its results.

Now, I will take very shortly the two laws to which reference has been made in the amendment to the Resolution, I mean the Seditious Meetings Act and the Criminal Law Amendment Act. The former is now enforced at present nowhere in India. Its use has been very sparing. I can appeal to what the Repressive Laws Committee urged in regard to the justification of that measure. It is frequently asserted that it is a measure in restriction of the right of public meetings.

Lala Duni Chand (Ambala Division: Non-Muhammadan): May I remind the Honourable the Home Member that the Criminal Law Amendment Act is still in force in certain districts of the Punjab? It was only the other day—last month—that one Sardar Bagh Singh was given three years for six lectures that he delivered? He was given six months for each speech and also a fine of Rs. 50 for each speech. Altogether he was given 3 years' rigorous imprisonment and Rs. 300 fine by a Magistrate of the

Sialkote District, under the Criminal Law Amendment Act, section 17, clause (1). A similar case was decided only the other day in the Hoshiarpur District. If I mistake not, the Criminal Law Amendment Act is still in force in my own district, Ambala.

The Honourable Sir Malcolm Hailey: That may be possibly true; but it happened that at the moment I was referring to the Seditious Meetings Act and not to the Criminal Law Amendment Act. It has been said that the Seditious Meetings Act is repugnant to the right which every one enjoys of public meetings. In England, at all events, there is no such right. It is not a recognised right at law, as Dicey has clearly pointed out; but the point is not a legal one; it is one of substance. You will remember Mr. Gokhale's own admission of the comparatively innocuous nature of this Act; for myself I claim that there can in reason be but small objection to arming the Executive with authority, to be used with caution and with discretion, for forbidding the right of meeting on certain occasions, particularly those of dangerous public excitement. After all, it is not only in the political sphere, that we have to provide against meetings which are liable to take a dangerous form; and I put it with some confidence that no State, particularly the Executive of a country as large as this and dealing with elements as different as those which find a place in India, could afford to be deprived entirely of a measure of this nature.

Mr. M. V. Abhyankar (Nagpur Division: Non-Muhammadan): There are safeguards in other countries, because there the Executive is responsible to the Legislature in the exercise of those powers and can be removed by the Legislature at any time for their abuse.

The Honourable Sir Malcolm Hailey: Is the Honourable Member making a point of order?

Mr. M. V. Abhyankar: It was not a point of order, it was a point of correction.

The Honourable Sir Malcolm Hailey: Then it was a point of disorder. Now, with regard to the Criminal Law Amendment Act, following the advice of the Committee, we have repealed Part I. We have to deal now with Part II. We were advised by the Committee that they could not recommend that it should be immediately repealed. They pointed to definite circumstances in which it had been properly and usefully used in the maintenance of public order. I quote their opinion freely and without scruple, for I must repudiate the suggestion which was made by Mr. Shambhu Dayal Misra that the Repressive Laws Committee was merely intended to strengthen the hands of Government to fight the non-co-operation movement. That is an unjustifiable slur on the character of the members of that Committee, some of whom are still Members of this House. It offers a curious confirmation to the statements that were made occasionally outside this House, in which it was openly announced by certain of those who appeared before their electorates that their object in coming into these Councils was not so much to do good themselves, but to prevent the Liberals from assisting Government. It is of a piece, with the extraordinary suggestion made to-day by Mr. Dutt, that we use these repressive laws solely for the purpose of dealing with persons of particular political points of view, the suggestion, for instance, that Regulation III itself was used merely to put obstacles in the way of Swarajist candidates. It is a baseless fabrication of this kind which makes one despair of some aspects of Indian political life. But to return. We were advised that there were circumstances in which

[Sir Malcolm Hailey.]

the Criminal Law Amendment Act might be needed for the common peace. We were advised that until circumstances changed widely, it would not be advisable to repeal it. We sought ourselves to devise some change in that Act. We recognised the objections to legislation cast in this form; its wide scope; the opportunity which its use offered to misrepresentation of motives. But I regret to say that we found no solution. We found no modification of the Act which would serve the purpose which we felt necessary to secure, namely, the banning of associations of people who might either be highly criminal or who might, in the alternative, be devoted to some form of political propaganda which in itself led to widespread disorder. We found no remedy; and finding none, we did not believe that the time had come when we could deprive ourselves of this measure of protection of the general peace. After all, let us, in all honesty, remember this. It is true that large numbers of persons were arrested under that Act; it is of course equally true to say that very large numbers of persons offered themselves for arrest under that Act or sought arrest under that Act. But it is by no means the case that the associations which were proscribed under the Act were entirely non-violent in their effects, whatever might have been their declared motives or intentions. Perhaps, the House does not need any conviction on that point: if it did, I should be glad to give it. I have here numerous judicial pronouncements dealing not with the offences against the Criminal Law (Amendment) Act itself, but with other offences of far graver nature committed by persons who belonged to the associations against which we directed that Act—numerous pronouncements of the highest Courts pointing to the fact that those associations were not under discipline or control, and frequently were guilty of violence and disorder. The further consequence of that disorder was the large growth of crime of another kind than that which could be described as political or based on political motives. If you look at the statistics of general crime during those years of agitation, you will find that some of the most serious forms of crime increased enormously; dacoity increased in 1921-22 by 40 per cent.; and you will find again and again in the judgments of the High Courts—I could prove it to Honourable Members from references I have with me—that the general state of lawlessness which was due to those associations led to a grievous increase in crime of the nature of dacoity and gang murder. Now, I am making no attack and I have no desire here to make an attack on non-co-operation politics, and I cannot in the short time at my disposal attempt to give a history of that period. But I merely say that we can prove, and prove beyond any shadow of doubt, that the Act was necessary in many cases to deal with large bodies of men who whatever their motives were really a danger to the common peace.

Mr. V. J. Patel: The United Provinces Congress Committee, as a body?

The Honourable Sir Malcolm Hailey: I would rather that the Honourable Member referred to the Committee of the Congress which reported on Civil Disobedience. He was a member of it. That Committee of course made a full admission of the lack of discipline and in some cases the undesirable character of the associations against whom we used the Act. That is our excuse or our reason for desiring to maintain this Statute. I say myself without hesitation that, if we could find some better form of Statute which did not offer quite the same legal difficulty, which was less extensive in its scope than this Statute, we should be glad to adopt it. I have been

able to touch shortly on these two laws because they were not those which were mainly argued by my Honourable friends opposite, and indeed, the attack actually concentrated on Regulation III. I shall deal in somewhat more detail with that Regulation.

What are the arguments against us as disclosed by the speeches of my Honourable friends opposite? It is rusty, archaic, it is antiquated. But it is not more antiquated than revolution, it is not more archaic than criminal conspiracy, it is not older than assassination. I do not care myself, as Mr. O'Malley said, whence you get your weapon; the real question is whether you need such a weapon at all; if you do, you must use it. I believe that Lord Morley is largely responsible for the use of the epithet "rusty". Mr. O'Malley has quoted much of what Lord Morley had said in regard to the use of this Regulation. I will not tire the House with yet another confutation from the speeches of Lord Morley, but will give only three lines more of what he has said on this subject:

"It would have been absurd for us, knowing that we have got a weapon in our hands by law, not an exceptional law, but a standing law, and in the face of a risk of conflagration, not to use that weapon, and I for one have no apology whatever for using it."

If the only argument is that it is archaic, and that it is antiquated, we can afford to dismiss it; Lord Morley was too wise himself to think that an epithet was the same as an epitaph. I come to the second argument, that any law which restricts the liberty of the subject without trial is iniquitous in itself. Now constitutionally and as a matter of legal practice that is not, of course, the case. As Mr. O'Malley showed, even English law admits of the suspension of the Habeas Corpus Act. Even in England we have passed—I admit for the sake of the Irish—a Criminal Law and Coercion Act.

Mr. Chaman Lal: May I remind the Honourable Member that it is over a century since this suspension of the Habeas Corpus was resorted to in England?

The Honourable Sir Malcolm Hailey: Is the Honourable Member quite certain that it was not suspended in the war time?

Mr. Chaman Lal: So far as I know, not.

Dr. H. S. Gour: 1827.

Mr. Chaman Lal: 1816.

The Honourable Sir Malcolm Hailey: What is the date of the book in the hands of Dr. Gour?

Dr. H. S. Gour: 1910.

The Honourable Sir Malcolm Hailey: I will not say further than that I had an impression that it was actually suspended during the War; if not, we certainly had no hesitation in passing legislation there infinitely more restrictive of the liberty of the subject. Indeed, it is not unreasonable in itself, when occasion requires. It has always been felt even by great lawyers that the standing law of England is open to criticism in this direction. This is what Dicey says:

"It often prevents the English Government from meeting a public danger by methods of precaution which would, as a matter of course, be taken by the executive of any continental country."

[Sir Malcolm Hailey.]

He goes on to cite the case of a number of foreign anarchists coming to England, and the existence of conspiracies which do not admit of absolute proof, and then he adds:

“An English minister if he is not prepared to put the conspirators on their trial has no means of arresting them or expelling them from the country. With us the State can punish but cannot prevent the commission of crime.”

But I feel that the process of arresting without trial is an emergency and on occasions is not the final objection, as I understand it, against Regulation III. It is not just the fact that you arrest and detain without trial, but the fact that you obtain these powers without a reference to the Legislature. I believe that to be the real gravamen of the charge. The Repressive Laws Committee fully recognised, as Dr. Gour has said, that there may be occasions when you have to claim these powers, but held that on such occasions we should come to the Legislature.

Mr. A. Rangaswami Iyengar: That is not our position.

The Honourable Sir Malcolm Hailey: That was the position of the Repressive Laws Committee. Whether the Honourable Member agrees with Sir Sivaswamy Aiyer and Dr. Gour I do not know, but that is a position which has frequently been stated in this House and has been repeated again to-day. If we obtain these powers from the Legislature, their case would be justified. I would run the risk of repealing this law if I thought that we had behind us a Legislature willing to take responsibility. Have we? What has been the history of the last week? What have been the confessions that “mass movements”, which here means only internal disorder, are actually favoured as a policy. If they will not give finality, will they give security against conspiracy? There is a final charge against us. The Government of India at the time agreed with the Repressive Laws Committee in its view regarding the repeal of this law; yet we have not repealed it. We are asked, why not? I shall give the reason very shortly. Soon after the report of that Committee was received, we were faced with a Moplah rebellion which reminded us very powerfully of the form which internal disorder can take in this country, and of the need of retaining exceptional powers to deal with it. Soon afterwards again, we began to learn of the existence of that class of association which is sometimes called Bolshevik. I shall say no more on that point because at the moment we are prosecuting certain persons in Cawnpore for, having, as we believe, been associated with that conspiracy; and finally we were met with the recrudescence of conspiracy in Bengal. Now it is only lately that Honourable Members have heard much about this conspiracy, but to us the facts have been known for many months. I myself warned the Assembly last July that a recrudescence was at hand; every sign then pointed to it; and it has come. That is our answer to the charge that we have not taken action on the representations of the Repressive Laws Committee; circumstances have been too strong for us, and stern realities have shown that it would have actually been wrong if we had taken that risk. After all, desire for liberal advance must at times yield to the hard touchstone of fact and reality. Does a revolutionary conspiracy exist anywhere in India at present, and, if it does, could we meet it by any other method than the use of Regulation III? (*A Voice:* “By reconciliation.”) That such a conspiracy exists nobody has been found to doubt. All the preliminary symptoms have appeared; there was the usual crop of vilely inflammatory literature praising those who were said to have sacrificed their

lives for the country in the past, in so far that they had paid on the scaffold the price for committing murderous outrages. There were complaints from parents that students were once more being led away from the hostels, decoyed to join secret associations such as those we knew from 1908 to 1918. There followed another certain sign, the constant watching on our officers, obviously with one intention only; and then came the further proof, an open and visible sign, those political dacoities the existence of which is a matter of judicial proof. And lastly, the final and irrefutable confirmation, murder, stark murder, and the discovery of a manufactory of bombs. It did not need a declaration of Mr. C. R. Das to prove to us that there was a revolutionary conspiracy in Bengal. Many papers on the subject have passed through my hands during the past few months; I regret only one thing, that they are secret, and but for the fact that other peoples' lives depend upon their secrecy, I should have been glad to show them to the House. I would have been glad to prove, as I could prove beyond any question of doubt, that the action that we had to take against these men was not, as has been falsely represented in this House, based on any dislike of their political opinions; the action taken against them was taken simply because they were forming associations to carry out those murders of which we have lately some, and if we cannot use preventive measures, we may see more.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): Prove it in open court.

The Honourable Sir Malcolm Hailey: The Honourable Pandit knows the difficulties of doing so, and the danger to men's lives that this involves. I take then the fact of this conspiracy as acknowledged; it is anarchical, and has assassination for its definite object. How are we to deal with it? Look at the history of these conspiracies in the past. Read once again the evidence that you will find recorded in the report of the sedition committee. Let not the name of that committee prejudice the House. Read the list of political dacoities. Read the pitiable list of murders. Read the long list of trials successfully conducted in the High Court, and you will see that that Committee was on certain ground. What were its conclusions as to the only feasible manner of dealing with these widespread conspiracies? I can give it to the House briefly. These were its words:

"What we do desire to lay stress on is that early in 1914, that is to say, before the war and before the theft of Messrs. Rodda's arms, it was recognized that the forces of law and order working through the ordinary channels were beaten. We are convinced that this was the state of affairs even at that date."

And, again, they say:

"We have been forced to the conclusion that it is necessary in order to keep the conspiracy already described under control in the future to provide for the continuance after the expiry of the Defence of India Act . . . of some of the powers which that Act embodied in a temporary form. By this means alone has the conspiracy been paralysed for the present and we are unable to devise any expedient operating according to strict judicial forms which can be relied upon to prevent its reviving, to check it if it does revive, or in the last resort to suppress it anew."

There is no doubt of the success which was achieved in dealing with the widespread conspiracy under the Defence of India Act. I remember that Pandit Madan Mohan Malaviya himself recognized, when speaking against the Rowlatt Bill, that that Act had been effective.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Will you kindly quote the words I have used, because these references are misleading unless you give the whole thing before the House.

The Honourable Sir Malcolm Hailey: Certainly :

" It has been said by more than one of my official friends that the Defence of India Act has proved to be an effective measure "

He was then talking of conspiracy :

" And it is for this reason that the Government want to continue to have the powers which that Act gives them. Now, my Lord, there is no doubt that the Defence of India Act has proved to be an effective measure. It is a matter for sincere satisfaction that crime has been put down."

I merely quote him as a witness of the efficacy of that Act.

Pandit Madan Mohan Malaviya: That was distinctly about the Defence of India Act.

The Honourable Sir Malcolm Hailey: Yes, quite so. I did not seek to take the Honourable Pandit further than that. I merely quoted him as a reliable witness to its efficacy, bearing out to that extent the opinion to which I have referred of the Rowlatt Committee. Now, we have the situation further analysed by Sir G. V. Chandravarkar and Mr. Justice Beachcroft, who examined the individual papers of 808 persons dealt with under that Act and in the course of their memorandum gave the result of their investigations. They say :

" Before the Defence of India Act was brought into force, a fair trial of a person accused of revolutionary crime had been rendered practically impossible by the murders of prosecution witnesses, police officers and law-abiding citizens suspected by the revolutionaries of having given information to or otherwise assisted the police in the detection of revolutionary crime. A situation of terror was created, the current of truth and justice was disturbed so as to prevent a fair, open and impartial trial in the ordinary criminal courts."

And, again, they said :

" Under these circumstances it is impossible to secure a fair trial by the procedure of the old Act and the Criminal Procedure Code which is appropriate only to the normal conditions of crime. The procedure to deal with revolutionary crime has to be practical in the sense of being appropriate to its special conditions, so as to secure as fair a trial as is feasible under the exceptional situation."

That is the reason why we are unable to bring many of these revolutionaries to trial. Witnesses are terrorised, informers are murdered

Pandit Shamlal Nehru (Meerut Division: Non-Muhammadian Rural):
By the C. I. D. or by some other people?

The Honourable Sir Malcolm Hailey: I notice the Honourable Member is sitting in his seat.

Pandit Shamlal Nehru: No, Sir, I stood up when I said that.

The Honourable Sir Malcolm Hailey: Then I would like to see the Honourable Member stand up here again and say that these murders have been committed by the C. I. D.

Pandit Shamlal Nehru: No, I did not say that. (Cries of " Yes, he did.")

The Honourable Sir Malcolm Hailey: What did you say then?

Pandit Madan Mohan Malaviya: The Honourable Member said that it is a notorious fact that the C. I. D. terrorise witnesses and there is a good deal of evidence to support that.

May I ask, Sir, on a point of order whether the Honourable the Home Member is entitled in his final reply, when other Members have no opportunity of dealing with it, to bring in all this new matter. I should have liked all this matter to have been placed before the House earlier, so that we might have had an opportunity to reply to it. The Rowlatt Committee Report was discussed at full length and the principles underlying it and the opinions of the Rowlatt Committee were rejected by the predecessors of this Assembly. My friend would have been more courageous and correct if he had put forward these arguments at a time when we could discuss them fully.

Mr. President: I do not see what cause of complaint the Honourable Member has. The Honourable Member himself only came into the House in the middle of the debate.

The Honourable Sir Malcolm Hailey: Fancy the Honourable Member stating that I am putting new matter before the House. My apology to the House is really that this is such old matter, such well known matter; he knew the grounds on which we relied, and if he wished to disprove them, why did he not do so? So far from the opinions of the Rowlatt Committee being torn to pieces, neither he nor any one else has ever been able to indicate to us any way by which we can deal with these conspiracies, save by some measure of preventive action of this kind.

Pandit Motilal Nehru: Give Swaraj. I have indicated it by my resolution, Sir, which was passed by the majority of this House. Give us a Round Table Conference; give us our rights.

The Honourable Sir Malcolm Hailey: Naturally that panacea would be prescribed by my Honourable friend; 'hold a Round Table Conference and there will be no more anarchy in India'; but he flatters himself; the anarchical temperament is not so easily eradicated. (A Voice: "It is founded on discontent, and the contentment of the people removes it.") I will not even accept the major premise that a Round Table Conference will bring contentment to the people. I am told by my Honourable friend that if we once grant Swaraj a new day will dawn for India and we need expect no more crime of this nature. Now, it is not by any means the case that anarchical crime has been wanting in countries which enjoy their own freedom, their own constitution and their own Government. Believe me, the anarchical temperament is one which, if it has once taken root in any section of the population, is wont to evince itself not merely because it wishes to remove an alien Government, but because it has any cause of disagreement with the Government of the time. And those Honourable Members here who attempt to find a palliation for anarchical crime on the ground that we have not made sufficient political advance, are doing a disservice to India, because any palliation of that temperament is bound to react to the disadvantage of India in times to come. I say, Sir, that there is no remedy for this form of crime save some form of preventive Regulation. We are urged to pass an Ordinance. Surely there will be just the same objections against the Ordinance every time that we pass it. Exactly the same references would be made to arbitrary action, to an irresponsible Executive Government; exactly the same arguments would be used that the proper way to meet this danger would be by introducing

[Sir Malcolm Hailey.]

a political millennium and bringing down Heaven to Earth. And in the meanwhile what would happen? And what is to happen in the meanwhile to our servants in Bengal? We are told to rely on the ordinary Courts—we know them to be useless. We are told to rely on evidence, which we know can only be given in secret because the informer's life is in danger.

Mr. Bipin Chandra Pal: Will the Honourable Member kindly tell us if the Day murder preceded, or followed, the application of Regulation III of 1818 in Calcutta? Did the Day murder precede the detention and imprisonment of some men under Regulation III of 1818, or did it follow that?

The Honourable Sir Malcolm Hailey: I am not sufficiently in the confidence of the murderer to know when he designed the murder; it followed after the introduction of the Regulation, but it is only one of a series of murders that have occurred in Bengal. Sir, as I say, in the meanwhile we must protect our officers, and we must protect the public. I ask the House to consider the case of these unfortunate police officers in Bengal, men whose only crime is that of loyalty to the State and to the public cause. For the European officer, living among more or less European surroundings, there may be harrowing anxiety; there may be grave danger; but terrible as it is, it is less acute than for the Indian. He returns home to surroundings where protection is difficult; to a harrassed family to whom we can give no security.

Mr. Bipin Chandra Pal: When was the last Indian police officer murdered in Bengal, Sir?

The Honourable Sir Malcolm Hailey: Probably in 1916 or 1917.

Mr. G. Pilcher (Bengal: European): May I remind the Honourable Member, Sir, that the post office murder occurred before those arrests?

(A Voice: "That was a dacoity, not a murder".)

The Honourable Sir Malcolm Hailey: But they are threatened again today. In the past they were shot, getting down from the tram-car; they were shot, sitting in the society of their friends; I remember a pitiable case of one man who was shot when he was sitting in his verandah in the evening with his child on his knee. Can any Government ask its servants to do their duty to the public unless they are protected against danger of that kind? And if the price you have to pay for that protection, if the price you have to pay to prevent the corruption of many of your student class, if the price you have to pay for preventing crime which is besmirching the name of India, is the temporary detention in easy circumstances of some 19 or 20 young men, then, I say, take hold of your courage and pay the price.

Mr. President: The original question was:

"That this Assembly recommends to the Governor General in Council to take steps for the immediate repeal of Bengal Regulation III of 1818."

Since which an amendment has been moved to add the following words at the end of the Resolution:

"The Criminal Law Amendment Act, 1908, and other repressive laws and regulations that still exist on the Statute-book."

The question I have to put is that that amendment be made.

The Assembly divided:

AYES—68.

Abdul Haye, Mr.
 Abdul Karim, Khwaja.
 Abhyankar, Mr. M. V.
 Abul Kasem, Maulvi.
 Acharya, Mr. M. K.
 Ahmed, Mr. K.
 Aiyangar, Mr. C. Duraiswami.
 Aiyangar, Mr. K. Rama.
 Ahmuzzaman Chowdhry, Mr.
 Aney, Mr. M. S.
 Belvi, Mr. D. V.
 Bhat, Mr. K. Sadasiva.
 Chaman Lal, Mr.
 Chanda, Mr. Kamini Kumar.
 Chetty, Mr. R. K. Shanmuktam.
 Das, Mr. Bhulbananand.
 Das, Mr. Nilakantha.
 Duni Chand, Lala.
 Dutt, Mr. Amar Nath.
 Ghose, Mr. S. C.
 Goswami, Mr. T. C.
 Gour, Dr. H. S.
 Govind Das, Seth.
 Hans tai, Lala.
 Ismail Khan, Mr.
 Iyengar, Mr. A. Rangaswami.
 Jeeuni, Haji S. A. K.
 Joshi, Mr. N. M.
 Kartar Singh, Sardar.
 Kasturbhai Lalbhai, Mr.
 Kazim Ali, Mr. M.
 Kelkar, Mr. N. C.
 Kidwai, Shaikh Mushir Hosain.
 Kun, Maung.
 Lohokare, Mr. K. G.

Mahmood Schammad Sahib Bahadur,
 Mr.
 Malaviya, Pandit Krishna Kant.
 Malaviya, Pandit Madan Mohan.
 Mehta, Mr. Jannadas M.
 Misra, Mr. Shambhu Dayal.
 Misra, Pandit Harkaran Nath.
 Murtuza Sahib Bahadur, Maulvi
 Sayad.
 Mutalik, Sardar V. N.
 Narayandas, Mr.
 Nenru, Dr. Kishenlal.
 Nenru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Neogy, Mr. K. C.
 Pal, Mr. Bipin Chandra.
 Patel, Mr. V. J.
 Phookun, Mr. Tarun Ram.
 Piyare Lal, Lala.
 Purshotamdas Thakurdas, Sir.
 Rajan Bakhsh Shah, Mukhdum Syed.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kumar Sankar.
 Reddi, Mr. K. Venkataramana.
 Roy, Mr. Bhabendra Chandra.
 Samiullah Khan, Mr. M.
 Sarda, Rai Sahib M. Harbilas.
 Sarfaraz Hussain Khan, Khan
 Bahadur.
 Shafee, Maulvi Muhammad.
 Singh, Mr. Gaya Prasad.
 Sinha, Mr. Devaki Prasad.
 Sinha, Kumar Ganganand.
 Syamacharan, Mr.
 Venkatapatiraju, Mr. B.
 Yakub, Maulvi Muhammad.

NOES—44.

Abdul Qaiyum, Nawab Sir Sahibzada.
 Ahmad Ali Khan, Mr.
 Aiyar, Mr. A. V. V.
 Aiyer, Sir P. S. Sivaswamy.
 Ajab Khan, Captain.
 Akram Hussain, Prince A. M. M.
 Allen, Mr. B. C.
 Bell, Mr. R. D.
 Blackett, The Honourable Sir Basil.
 Burdon, Mr. E.
 Butler, Mr. M. S. D.
 Calvert, Mr. H.
 Chatterjee, The Honourable Mr. A. C.
 Clarke, Mr. G. R.
 Cocke, Mr. H. G.
 Dalal, Sardar B. A.
 Dumasia, Mr. N. J.
 Dunk, Mr. H. R.
 Faridoonji, Mr. R.
 Fleming, Mr. E. G.
 Fraser, Sir Gordon.
 Halev, the Honourable Sir Malcolm.
 Hira Singh, Sardar Bahadur Captain.

Holme, Mr. H. E.
 Hyder, Dr. L. K.
 Innes, The Honourable Sir Charles.
 Lindsay, Mr. Darcy.
 Moir, Mr. T. E.
 Moncrieff Smith, Sir Henry.
 Muhammad Ismail, Khan Bahadur
 Saiyid.
 Nag, Mr. G. C.
 O'Malley, Mr. L. S. S.
 Owens, Lieut.-Colonel F. C.
 Percival, Mr. P. E.
 Pilcher, Mr. G.
 Raj Narain, Rai Bahadur.
 Rhodes, Sir Campbell.
 Rushbrook-Williams, Prof. L. F.
 Singh, Rai Bahadur S. N.
 Stanyon, Colonel Sir Henry.
 Tonkinson, Mr. H.
 Tottenham, Mr. A. R. L.
 Turing, Mr. J. M.
 Willson, Mr. W. S. J.

The motion was adopted.

Mr. President: The question is :

“ That the following Resolution, as amended, be adopted :

‘ This Assembly recommends to the Governor General in Council to take steps for the immediate repeal of Bengal Regulation III of 1818, the *Criminal Law Amendment Act, 1908*, and other repressive laws and regulations that still exist on the *Statute-book* ’.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 24th March, 1924.
