

5th February, 1925

THE  
LEGISLATIVE ASSEMBLY DEBATES  
(Official Report)

—  
SECOND SESSION  
OF THE  
SECOND LEGISLATIVE ASSEMBLY, 1925



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CONTENTS—*contd.*

	PAGES.
<b>Tuesday, 3rd February, 1925—</b>	
Questions and Answers ... ..	631-72
Election of the Public Accounts Committee ...	873
Election of the Standing Finance Committee ...	873
The Maternity Benefit Bill—Motion to circulate—Adopted...	873-97
The Special Marriage (Amendment) Bill—Motion to circulate—Adopted ... ..	697-708
The Hindu Trusts (Validating) Bill—Introduced ...	708
The Indian Medical Degrees (Amendment) Bill—Introduced	709
The Special Laws Repeal Bill—Introduced ... ..	709-14
The Indian Coinage (Amendment) Bill—Introduced ...	715-16
The Indian Penal Code (Amendment) Bill—Introduced...	716
The Transfer of Property (Amendment) Bill—Introduced ...	716-17
The Law of Property (Amendment) Bill—Introduced ...	717
The Indian Arbitration Bill—Introduced ... ..	717-18
The Indian Paper Currency (Amendment) Bill—Introduced	718-20
The Code of Criminal Procedure (Amendment) Bill—Introduced ... ..	720-22
The Special Laws Repeal Bill—Debate on the Motion to consider—Adjourned ... ..	723-29
<b>Wednesday, 4th February, 1925—</b>	
Questions and Answers ... ..	731-37
Unstarred Questions and Answers ... ..	737-39
Message from the Council of State ... ..	739
The Indian Succession Bill—Referred to Joint Committee...	740-41
The Indian Succession (Amendment) Bill—Referred to Joint Committee ... ..	741
The Indian Trade Unions Bill—Referred to Select Committee	741-69
The Indian Carriage of Goods by Sea Bill—Introduced and circulated for opinions ... ..	769-70
<b>Thursday, 5th February, 1925—</b>	
Statement of Business ... ..	771-72
Resolution <i>re</i> Grievances of the Subordinate Employees of the Indian Railways—Adopted as amended ... ..	772-811
Resolution <i>re</i> Prohibition of the Import, Manufacture and Sale of Liquor—Debate adjourned ... ..	811-19
Resolution <i>re</i> the Bengal Criminal Law Amendment Ordinance—Adopted ... ..	820-53
<b>Monday, 9th February, 1925—</b>	
Members Sworn ... ..	855
Questions and Answers ... ..	855-72
Unstarred Questions and Answers ... ..	872-89
Message from the Council of State ... ..	889
Allotment of days for the discussion of the General and Railway Budgets, etc. ... ..	890-91
The Indian Soldiers (Litigation) Bill—Passed as amended by the Select Committee ... ..	891-92

# LEGISLATIVE ASSEMBLY.

*Thursday, 5th February, 1925.*

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

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## STATEMENT OF BUSINESS.

**The Honourable Sir Alexander Muddiman** (Home Member): Sir, the House will probably like to know the course of business during the next week. Government business will be transacted on Monday, the 9th, and Wednesday, the 11th. On Monday, the 9th, it is proposed to move to take into consideration the Indian Soldiers Litigation (Amendment) Bill as amended by the Select Committee and also to move that the Bill be passed. On Wednesday, the 11th, motions will be made to take into consideration and pass the President's Salary Bill and the Indian Income-tax (Amendment) Bill. It is possible, Sir, that on that day a Bill relating to contempt of court may be introduced and also a Bill to amend the Indian Tariff Act, and we also hope to proceed with the consideration of the Indian Merchant Shipping (Amendment) Bill which deals with the Haj. Tuesday, the 10th, is a day allotted for non-official Bills and Thursday, the 12th, is a day allotted for the non-official Resolutions. There will be no meetings of the Assembly on Friday, the 13th, and Saturday, the 14th February.

Members have been making inquiries about the dates on which the Budget will be taken. I can give Members some information regarding the probable dates, but I will bring forward later a matter for their consideration in connection with these dates. This year, as the Honourable Members know, we shall take the Budget in two parts, the one part consisting of the Railway Budget and the rest consisting of the remainder of the Budget. I shall refer to the Railway Budget as Part I and the rest of the Budget as Part II. On Friday, the 20th, the first part of the Budget will be presented in both Chambers. On Monday, the 23rd, there will be a general discussion in the Legislative Assembly on Part I of the Budget. On Wednesday, Thursday, Friday and Saturday (25th to 28th February), the voting on Demands for Grants under Part I of the Budget will be taken up in this Assembly. On Saturday, the 28th at 5 p.m. the second part of the Budget will be presented in both Chambers. In connection with the dates for the second part of the Budget, I may say that they have not yet been definitely fixed and I am authorised by His Excellency to invite an expression of opinion from Honourable Members as to the observance of some holidays which from the point of view of Government fall on somewhat inconvenient days as regards the Budget discussion. According to the list of holidays in the Delhi Province, Monday, the 9th March, is shown as a holiday for Holi, a Hindu festival, and

[Sir Alexander Muddiman.]

Tuesday, the 10th March, as a holiday for Dulanhi and Wednesday, the 11th March, is shown as a holiday for Shab-i-Barat. The last-mentioned holiday is a holiday observed by Muhammadans and the actual date depends upon the appearance of the moon. That apparently cannot be determined at present. Now, the week with which I am dealing is a week during which ordinarily voting on demands takes place. What I want to ascertain from the House is their view in respect of this House sitting on the 10th March, that is the Dulanhi holiday. I take it for granted that the House will not wish to sit either on the 9th March, which is Holi, or on the day, whichever it may be, 11th or 12th, which is Shab-i-Barat. Perhaps the House will give me some intimation of their views on this question. I shall then be in a position to cause His Excellency's orders to be obtained for the allotment of definite dates for the discussion of the second half of the Budget.

**Mr. A. Rangaswami Iyengar** (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Will the Honourable the Leader of the House kindly let us know as to how many days His Excellency has allotted for the general discussion and how many days for the grants, because on that will depend our decision.

**The Honourable Sir Alexander Muddiman**: The discussion on the voting of demands will depend upon the number of holidays that the House wishes to observe. Normally, it takes from Saturday to Saturday.

**Mr. A. Rangaswami Iyengar**: I was asking about the general discussion.

**The Honourable Sir Alexander Muddiman**: It is proposed to have the general discussion on Wednesday and Thursday, the 4th and 5th March. That is to say, only two days will be allotted for the general discussion. This is of course in addition to the general discussion on Part I.

**Maulvi Mohammad Shafee** (Tirhut Division: Muhammadan): There should be no sitting of the Assembly on the three holidays which have been mentioned.

**The Honourable Sir Alexander Muddiman**: May I take it that that is the general view of the House?

**Diwan Bahadur T. Rangachariar** (Madras City: Non-Muhammadan Urban): So far as Madras is concerned, none of these holidays are observed.

**The Honourable Sir Alexander Muddiman**: Would Honourable Members like to consider the matter and let me know their views on Monday next?



#### RESOLUTION *RE* GRIEVANCES OF THE SUBORDINATE EMPLOYEES OF THE INDIAN RAILWAYS—*contd.*

**Mr. President**: The House will now resume discussion of the Resolution moved by Mr. M. K. Acharya on the 27th January, 1925, on the grievances



of the subordinate employees of the Indian Railways in the form appearing on the paper, namely:

" This Assembly recommends to the Governor General in Council that he may be pleased to take immediate steps to institute an inquiry into and report on the grievances of the subordinate employees of the Indian Railways with special reference to :

- (1) methods of recruitment, rates of pay or wages, service conditions, punishments including fines and removal from service, and disposal of fines funds;
- (2) hours of work and holidays;
- (3) provision for old age, leave, gratuity, provident fund, medical relief, etc.;
- (4) opportunities for promotion to higher grades;
- (5) housing accommodation;
- (6) unequal treatment regarding the conditions of service based on racial grounds;
- (7) unfair retrenchment;
- (8) recognition of Railwaymen's Unions by the Railway Agents;

and further that the above inquiry should be conducted by a Committee consisting of five members to be elected by the Legislative Assembly, three representatives of the Railway employees to be appointed by their organisations and three members to be appointed by the Government of India, one of whom to be the Chairman."

**Mr. N. M. Joshi** (Nominated: Labour Interests): Sir, when you were not sitting in the Chair, the Honourable the Commerce Member read out a letter of mine written to a Secretary of a railway union and tried to impress upon the House that I had committed a very heinous sin by writing that letter. Sir, I would like, in the first place, to state that the letter which was written by me was written officially and openly and I am not ashamed of having written that letter. I would like, first of all, to ask the Honourable the Commerce Member to tell me through which of his Agents the letter was received by him. As far as I know, Sir, I had written my letters to the Secretaries of the Unions. He states that the letter was received by the Agent, as there was no Union in the place. The information will be very valuable to me. I do not wish to discuss the standards of morality of those Agents who open letters addressed to the Secretaries of the Unions and detain those letters with themselves instead of either sending them to the persons to whom the letters were addressed or to the person who wrote those letters. Sir, I do not wish to take up the time of the House on that question. It is the business of the Director General of Posts and Telegraphs to inquire into this question. As regards the contents of the letters, the implication of the Honourable the Commerce Member must be that, when I thought of moving the Resolution, I was quite ignorant of the grievances of the railway employees and that I thought of moving the Resolution without knowing anything about the subject and that I had manufactured the grievances. Sir, it is not in my hands to manufacture grievances for the railway employees. It is in the hands of my Honourable friend the Commerce Member. He controls the lives of these employees; he fixes the hours of work; he fixes the wages to be given to these people; and he manufactures the grievances and not I. But, Sir, if he means to say that, when I thought of moving the Resolution, I knew nothing of the grievances of the railway employees, it is difficult for me to meet a charge of ignorance specially as I happen to have some sense of modesty in me. I ask the Honourable the Commerce Member whether he really thinks that I am so ignorant of the conditions of life and work of the railway employees? Sir, besides studying the general question of the conditions of labour in this country for about 15 years of my life, I am connected with several unions of the railway employees. These railway

[Mr. N. M. Joshi.]  
employees propose to form a federation, and they have made me the chairman of that proposed federation. Sir, if these qualifications are not sufficient for a man to enable him to know the grievances of the railway employees, I plead guilty to the charge of ignorance that has been brought against me by the Honourable the Commerce Member. But, Sir, perhaps his implication is that the railway employees did not ask me to bring forward the grievances before the Assembly, and I did it on my own initiative. Sir, I plead guilty also to that charge. I interpret my duties in this Assembly in a somewhat broad way. If I know of any injustice being done to any people, I feel that it is my duty to bring that injustice before this Assembly without being asked to do so. Sir, my only object in writing that letter was that, although I was convinced that the grievances of the railway employees were real, I thought, if I had to convince a House of 140 members, I must prepare myself much better than I would do in order to convince myself. Sir, men of outstanding ability like the Honourable the Commerce Member may not make special preparations for moving Resolutions. They know their subject so well, that if they are convinced of any injustice being done to any employee themselves, they need not make any special preparation to convince a House of 140 members. Unfortunately, I do not possess that ability. I therefore thought that, although I am convinced of the injustice done to the railway employees, if I have to convince the House of 140 members, I must be better prepared. The Commerce Member also very kindly told me that on account of having written that letter, I have lost the favourable opinion which he had once about me. Sir, I assure him, and I assure the House, that I always like to please others, especially if those others are men of influence and power. But although it is a great calamity to lose the good opinion of an influential and powerful man like Sir Charles Innes, let me tell him that, although I like to please others, I like to please my conscience much more.

Sir, I will now turn to the amendment which I propose to move. The Honourable the Commerce Member said that it is dangerous for this Assembly to discuss the question of railway employees. If it is dangerous for this House to discuss the question of the railway employees, it is still more dangerous for this House to leave the railway employees at the mercy of the Czar of all the railways, uncontrolled by any Legislature or any other representative body in this country. If democracy is dangerous, Czardom is ten times more dangerous. I ask the Honourable the Commerce Member what is the remedy of the railway employees when they find that the Railway Board does not give them any justice? I agree with him, Sir, that this Assembly is not a very suitable place for giving redress to the railway employees. I myself feel that if the associations of railway employees and the railway Agents met together, they could redress the wrongs much more easily; but, Sir, the Honourable the Commerce Member and his Agents do their very best to smother the railway unions that at present exist. Not only that, but I was told by the Honourable the Commerce Member that on the railways they are now forming joint committees. But the rules of the joint committees prohibit the discussion of any individual grievance. Now where are these poor people to go? They will not recognise the unions; they will not allow a joint committee to discuss the grievances of an individual; the Railway Board does not like to interfere with the Agents; Sir Charles Innes does not like this House to interfere. Where are these people to go to for getting justice? Sir, the clear implication of Sir Charles

Innes's attitude is that these people should go on strike if they want to get their grievances redressed. That may be his intention, but that is not my wish. I know the troubles which these poor people have to suffer on account of strikes, and I do not want them to go on strike in order to get their grievances redressed. A very valuable suggestion was made by my friend Mr. Abul Kasem, that the grievances should be considered by Railway Advisory Committees. If it were possible, I would agree to that suggestion, but the rules made by the Honourable Sir Charles Innes prohibit the discussion of the railway employees' grievances in either the Central Advisory Committee, or the Provincial Advisory Committees. If the Central Advisory Committee can consider these grievances I shall be quite satisfied, but I would like to make one suggestion by the amendment which I propose to move. The amendment is this:

"That after clause (8) the following be added, namely:

'(9) the representation of the railway employees on the Railway Advisory Committees.'

At present on the Railway Advisory Committees a large number of interests are represented. The only interest, and in my opinion the only interest which is very important, not represented is the interest of the employees. I cannot understand why the railway employees should not be represented on these advisory committees. Perhaps the Honourable the Commerce Member and his advisors think that these railway employees do not know much of the railway administration. That may be so, Sir, but the railway employees have a great interest in the proper management of the railway administration. It is generally thought that these railway employees, especially the subordinate railway employees, are irresponsible people, but I ask you and ask the House who are really irresponsible, whether the Agents and my Honourable friend Sir Charles Innes, whose salaries are all guaranteed by the Secretary of State and Parliament, or those people whose maintenance depends on the proper administration of the railways. If the railways are not properly administered, if it is necessary to make retrenchments or close down the railways, thousands and hundreds of thousands of people will lose their employment. Therefore, in my opinion the subordinate railway employees are more responsible for the proper administration of the railways than the highest officials, whose salaries and pensions are guaranteed by the Secretary of State, and who want that guarantee now to be put on the Statute-book. I therefore feel that this House should accept my amendment that the railway employees should be represented on the Railway Advisory Committees. After all I do not ask the House to accept the proposal as it is. By my amendment I am only asking for a committee to be appointed to consider this question, and I hope the House will regard my amendment as a subject fit to be discussed by the committee I wish appointed. I hope the House will accept my amendment.

**Lieut.-Colonel H. A. J. Gidney** (Nominated: Anglo-Indians): Sir, my chief reason for joining in this debate is because I represent a community which is largely employed in the railways. Before this Resolution was moved, I discussed it with the Mover and requested him to exclude any racial bias, because it was now understood and the Government had admitted, that the Anglo-Indian community, being statutory natives of India, come within the same category as the Indians. I thank him very much for having respected my views and excluded all racial bias. I also thank those Indian

[Lt.-Col. H. A. J. Gidney.]

Members who joined in this debate for having done the same. I submit that every labourer is worthy of his hire, and the Mover of this Resolution under the knowledge and belief that such conditions did not exist in the administration of the railways to-day, has brought forward this Resolution with a view to asking for a committee to investigate these grievances.

Sir, no one in this House will dispute the principle of affording to every labourer the equality of opportunity to prove his fitness to hold the highest offices obtainable, an opportunity which exists in every other Government Department of labour, I think, except the Railways.

I shall now take up the various points raised in the Resolution and in doing so I wish to say that my position as a public man has brought me into very intimate association with the railway administration in so much as it affects my community.

**Mr. President:** The Honourable Member must confine himself to the subject of Mr. Joshi's amendment, namely, the representation of the railway employees on the Railway Advisory Committees.

**Lieut.-Colonel H. A. J. Gidney:** Do I gather, Sir, that the original Resolution by Mr. Acharya is out of order?

**Mr. President:** No, certainly not.

**Lieut.-Colonel H. A. J. Gidney:** May I confine my remarks to that?

**Mr. President:** I have just informed the Honourable Member that he must confine his remarks to the question of the representation of railway employees on Railway Advisory Committees.

**The Honourable Sir Charles Innes** (Commerce Member): Sir, my Honourable friend Mr. Joshi is an old parliamentary hand. I have noticed him before put down small amendments to Resolutions in order that by means of those amendments he may be able to reply in his speech to what has been said against him before. I am sorry he took that little matter of his letter so seriously. When I made my first speech I endeavoured to treat it as lightly as possible and I may assure Mr. Joshi that I have not the slightest doubt that in writing that letter he was actuated by the highest motives. My only complaint was that he had adopted unwise methods. But, Sir, from what he said I have extracted one point which I regard as of great importance. He admitted that this Resolution was not moved in response to any demand made to him by the railway employees (*Mr. N. M. Joshi*: "I did not say that at all.") He admitted that he first formulated this Resolution; and, Sir, let me read one sentence from the letter to Railway Unions:

"I also want to know whether you will supply me at an early date with necessary information regarding the subject."

I think that proves my point that Mr. Joshi first formulated his Resolution and then wrote round for evidence in support of it. But, Sir, I do not wish to waste any more time upon the subject. I wish to confine myself entirely to the precise amendment before the House. This amendment is that in the Resolution the question of the representation of the railway employees on the Railway Advisory Committees should be included.

Now, Sir, I should like to remind the House exactly what these Railway Advisory Committees are intended to do. We established them on the suggestion of the Acworth Committee and the whole point of the Acworth

Committee's suggestion was that in this way we should bring the Agents of our Railways more into touch with public opinion. It had frequently been a complaint in India that the Railway Administrations did not keep sufficiently in touch with the wants of the public and the whole object of these Railway Advisory Committees was to enable the public, through in many cases their elected representatives, to bring to the notice of the Agents any little grievances which they might have against the Administration. I have here, Sir, a list of the various subjects which are discussed at these meetings. They are:

Improvement of facilities for intermediate and third class passengers.

Working of passenger stations with reference to such points as control of admission, booking of luggage, sweetmeat-sellers, etc.

The timing of trains.

The running of through carriages.

Increased facilities for motors.

Remodelling of stations.

Building of extra stations.

Projects for new lines.

Measures for prevention of thefts.

Provision of dining-cars, refreshment cars, and the like.

Now, Sir, I cannot myself see the object of including representatives of railway servants on these Committees unless you enlarge the duties of Advisory Committees by allowing them to deal with staff matters, and that, Sir, is a question on which every employer of labour feels very strongly indeed. Had we made any such suggestion to Railway Agents or Railway Administrations we should at once have received strong opposition to this proposal, whereas I am glad to say that every Railway except one has adopted the suggestion in the Acworth Committee's report and has established these Advisory Committees? These Advisory Committees can be of no real value unless Agents realise that they are of value and unless Agents work in the fullest and frankest co-operation with the representatives of the public on them. And, Sir, if you once say that these Advisory Committees shall be allowed to interfere between the Agent and the staff by taking up staff questions, that will destroy the value of the Committee because the Agents will cease to treat them with that frank confidence which is essential to their proper working. I am aware that there is a movement at home to associate employees, to take employees into confidence, in all matters relating to the industry; that, Sir, may be a development for the future in India, but I do assure the House that it would be a mistake to accept Mr. Joshi's amendment at this stage. It would destroy the utility of these Advisory Committees, and as I have told the House on more than one occasion these Committees are doing very valuable work indeed, and I think they are operating to remove that suspicion which unfortunately exists in India regarding the desire of Railway Administrations for the comfort and convenience of their passengers.

That is all I need say on the amendment. I hope to have a further opportunity of saying something about some of Mr. Joshi's other remarks.

**Mr. President:** The question is:

“That after clause (8) the following be added, namely:

‘(9) the representation of the railway employees on the Railway Advisory Committees.’”

The Assembly divided:

AYES—50.

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.  
Almuzzaman Chowdhry, Mr.  
Aney, Mr. M. S.  
Chaman Lall, Mr.  
Chanda, Mr. Kamini Kumar.  
Chetty, Mr. R. K. Shanmukham.  
Das, Pandit Nilakantha.  
Datta, Dr. S. K.  
Dutt, Mr. Amar Nath.  
Ghazanfar Ali Khan, Raja.  
Ghose, Mr. S. C.  
Gidney, Lieut.-Col. H. A. J.  
Goswami, Mr. T. C.  
Hans Raj, Lala.  
Hussanally, Khan Bahadur W. M.  
Ismail Khan, Mr.  
Iyengar, Mr. A. Rangaswarri.  
Jeelani, Haji S. A. K.  
Joshi, Mr. N. M.

Kartar Singh, Sardar.  
Kelkar, Mr. N. C.  
Lohokare, Dr. K. G.  
Mehta, Mr. Jamnadas M.  
Misra, Pandit Shambhu Dayal.  
Murtuza Sahib Bahadur, Maulvi.  
Sayad.  
Narain Dass, Mr.  
Nehru, Dr. Kishenlal.  
Nehru, Pandit Motilal.  
Neogy, Mr. K. C.  
Pal, Mr. Bipin Chandra.  
Patel, Mr. V. J.  
Ray, Mr. Kumar Sankar.  
Sadiq Hasan, Mr. S.  
Samiullah Khan, Mr. M.  
Sarfaraz Hussain Khan, Khan Bahadur.  
Shafee, Maulvi Mohammad.  
Shams-uz-Zoha, Khan Bahadur M.  
Singh, Mr. Gaya Prasad.  
Sinha, Mr. Devaki Prasad.  
Sinha, Kumar Ganganand.  
Venkatapatiraju, Mr. B.  
Wajihuddin, Haji.  
Yakub, Maulvi Muhammad.

NOES—41.

Abdul Mumin, Khan Bahadur Muhammad.  
Abdul Qaiyum, Nawab Sir Sahibzada.  
Ahmad Ali Khan, Mr.  
Aiyer, Sir P. S. Sivaswamy.  
Ajab Khan, Captain.  
Ashworth, Mr. E. H.  
Bray, Mr. Denys.  
Burdon, Mr. E.  
Calvert, Mr. H.  
Chalmers, Mr. T. A.  
Clarke, Sir Geoffrey.  
Clow, Mr. A. G.  
Cocke, Mr. H. G.  
Cosgrave, Mr. W. A.  
Crawford, Colonel J. D.  
Dalal, Sardar B. A.  
Duval, Mr. H. P.  
Fleming, Mr. E. G.  
Fraser, Sir Gordon.  
Graham, Mr. L.  
Hira Singh, Sardar Bahadur Captain.  
Hudson, Mr. W. F.

Innes, The Honourable Sir Charles.  
Lindsay, Mr. Darcy.  
McCallum, Mr. J. L.  
Mitra, The Honourable Sir Bhupendra Nath.  
Muddiman, The Honourable Sir Alexander.  
Muhammad Ismail, Khan Bahadur Saivid.  
Naidu, Mr. M. C.  
Purshotamdas Thakurdas, Sir.  
Reddi, Mr. K. Venkataramana.  
Rhodes, Sir Campbell.  
Rushbrook-Williams, Prof. L. F.  
Sastri, Diwan Bahadur C. V. Visvanatha.  
Sim, Mr. G. G.  
Stanyon, Colonel Sir Henry.  
Sykes, Mr. E. F.  
Tonkinson, Mr. H.  
Vishindas, Mr. Harchandrai.  
Webb, Mr. M.  
Wilson, Mr. R. A.

The motion was adopted.

**Khan Bahadur Sarfaraz Hussain Khan** (Patna and Chota Nagpur cum Orissa: Muhammadan): Sir, I beg to move:

"That after clause (8) the following be inserted as clause '(9) :

'(9) and other reasonable grievances that may be brought before the Committee by the railwaymen's organisations'."

I use the word "reasonable". I do not say all grievances, but only reasonable grievances. I want simply to enlarge the scope of the original Resolution. There is no doubt that most of these grievances are mentioned in this Resolution, but there may be others from which the railway men suffer and regarding which they might like to say something to the Committee; and therefore I want to put in this clause to give a chance to the railway men if they want to put in any grievance before the committee if it is appointed. There are many things from which Indian employees suffer; but most of these have been mentioned in the original Resolution and so I do not wish to say anything with regard to them. I simply wish to add a clause by means of which the railway employees who might have grievances which might not have been brought to light could have a chance to put those grievances before the committee if appointed. With these words I move my amendment.

The motion was negatived.

**Dr. S. K. Datta** (Nominated: Indian Christians): Sir, I beg to move the amendment that stands in my name:

"That for the words from the words 'a Committee consisting of' to the end of the Resolution the following be substituted:

'the Central Railway Advisory Council or by any special committee elected by that body from among its members'."

Sir, though personally I would have preferred the original Resolution as it stood, I have sought to bring about some sort of unity among those who have divergent opinions regarding the original Resolution and with that mind I put forward this amendment and trust that the House will accept it. The Honourable Sir Charles Innes made various objections a little while ago on the grounds that the constitution of the Central Advisory Committee precluded the consideration of such matters but I do not think that the proposals which were made in the Acworth Commission's report limit the constitution of the Central Railway Advisory Council. The constitution will have to be expanded in the light of experience, and I do trust that one of the earliest things which the Central Advisory Committee will do is to take up this question of the grievances of railway employees.

**The Honourable Sir Charles Innes**: Sir, Dr. Datta has been very brief and I will follow his example. I recognise that Dr. Datta has tried to find a way out and it is a matter of great regret to me that I am unable to agree with his proposal. I think that he has entirely misunderstood my objections to this Resolution. In the first place I tried to prove that at any rate as regards pay and allowances there were no general grievances to be inquired into. I have quoted figures and statistics in support of that statement. Those figures and statistics have not been challenged; in fact the only evidence that we have got of these alleged grievances in regard to pay and allowances is the fact that Mr. Joshi says that they exist. I have already taken objection that, even if grievances exist, it is not a proper way to deal with these grievances to appoint a body to go round and inquire into them. (*Diwan Bahadur T. Rangachariar*: "Why should it go round?) I admit that, if the Resolution is passed at all, Dr. Datta's

[Sir Charles Innes.]

form would be an improvement. But that does not meet my real objection, namely, that it can only do harm to send any Committee, whether a Committee of the Central Railway Advisory Council or a Committee of this Assembly, round the country to inquire into reasonable grievances. I should also like to point out that it is not the sort of work for which we constituted the Central Advisory Council. The Central Advisory Council was constituted for advising the Government in regard to matters of large railway policy. We are to have a meeting on Saturday next, and I will read out some of the items on the Agenda. The railway school of transportation at Chandausi. That is a very important project, which has a very great bearing upon a question which I know exercises this House, namely, recruitment and training of Indians for posts in the Transportation Department. Next, arrangements for co-ordination between the Forests and the Railways in the matter of sleeper supplies, the financing of branch lines, locomotive building in India. That is the kind of questions which we put before the Central Advisory Committee, and I must reiterate the objection which I took to Mr. Joshi's proposal, that it would not be wise to entrust the Central Advisory Council with questions relating to staff. That is a point of principle which I hold very strongly, and all questions of discipline and staff must be left to the Railway Administration, and I feel that no employer worth the name can agree that any one should be put in a position of intervening between him and his staff.

**Mr. Chaman Lall** (West Punjab: Non-Muhammadan): Sir, I am surprised to hear the Honourable the Commerce Member saying that there are no grievances whatsoever except the grievances manufactured by Mr. Joshi, and that because there are no such grievances, therefore this amendment . . . .

**The Honourable Sir Charles Innes:** May I make a personal explanation, Sir? I was referring particularly to pay and allowances.

**Mr. Chaman Lall:** Referring to pay and allowances; I will take that very point in hand, and I will prove to the Honourable Member that there are very legitimate grievances. I do not know if the Honourable the Commerce Member is aware that there are three charges that are being levelled against the Railway Department. The first charge is that it is a undemocratic department; the second is that it is full of racial bias, and the third is that it is indifferent, absolutely indifferent, to the woes of the poor. I will take each one of these points and I will prove to him that the grievances regarding pay and allowances . . . .

**Mr. President:** The Honourable Member must prove it at some other time. The question now under discussion is whether these matters shall be referred to a Committee as proposed by the Resolution or to the Central Railway Advisory Council or to any special Committee elected by that body from among its members as proposed by Dr. Datta's amendment.

**Mr. Chaman Lall:** Sir, I was merely trying to refute a particular charge levelled by the Honourable Member, and in connection with that I was basing . . . .

**Mr. President:** Well, the Honourable Member can come to it when we return to the main Resolution.



**Khan Bahadur W. M. Hussanally** (Sind Muhaminadan Rural): Sir, like the Honourable the Commerce Member, I also disagree with the amendment proposed by my Honourable friend Dr. Datta. One very important clause in the original Resolution is that the employees of Railways should be represented upon this Committee. That, I consider, is a very important part of the Resolution and that will be defeated if the amendment of my friend Dr. Datta is carried. I would therefore ask the House not to agree to the amendment of Dr. Datta, and I would ask him to withdraw his proposition.

**Sir Purshotamdas Thakurdas** (Indian Merchants' Chamber: Indian Commerce): Sir, I rise to speak on this amendment, because the Honourable the Commerce Member has himself admitted that, of the Resolution and the various amendments, the course suggested by Dr. Datta in the amendment he has proposed is the one that is least harmful to the maintenance of discipline which the Honourable the Commerce Member wishes to see maintained in the Railway Department. It has been admitted that the railway employees have certain grievances. They may not have grievances regarding pay and allowances. But, if I mistake not, the Honourable Member who followed Mr. Acharya on the main Resolution himself admitted that there were permanent causes of discontent which must be looked into. Even granting that the causes of discontent which my friend Mr. Chaman Lal referred to and on which I expect we will hear him before this debate is over, do not exist, even granting that, on the admission of at least one esteemed Member of this House who cannot be said to have been led away by either racial or other prejudices, there are permanent causes of discontent. It is all very good, Sir, to tell us in this House that democratic institutions should not have the power of interference with the executive. May I ask the Honourable the Commerce Member whether he looks upon this as a democratic institution, full-fledged and with all the powers which a democratic institution should have. As long as the executive is not responsible to this House, I submit that it is not fair, in the face of strong feeling which is being ventilated day in and day out both in the press and on the public platform, to ask this House to turn an absolutely deaf ear to appeals of the kind that are being ventilated by this Resolution. Even supposing the Railway Department are doing absolutely everything which could possibly be done, may I ask the Honourable the Commerce Member what objection he has to allowing a few Members of the Central Advisory Council to go into the grievances or into such grievances as we hear most of, and to examine them, not from the point of view of the agitator, but from the point of view of the legislator in this House. I feel, Sir, that the longer this privilege, and indeed this very necessary facility to this House to go into these grievances of which we hear so much, is withheld from us, the greater will be the agitation, and I am inclined to fear, the greater will be the misunderstanding which will be caused in spite of the anxiety of the Honourable the Commerce Member and of the Chief Commissioner for Railways to do their best by the railways of India and by the staff working there.

The Honourable the Commerce Member said that he could not agree to a Committee even of the Central Railway Advisory Council to go round the country. I do not know if my friend Dr. Datta implied in his amendment that that committee or sub-committee of the Central Advisory Council need necessarily go round the country in order to examine the grievances. But I feel that if the Honourable the Commerce Member can see his way to accept this very modest suggestion—and I am sure it is harmless even

[Sir Purshotamdas Thakurdas.]

from the point of view of the strictest disciplinarian towards his employees—he will have set at rest many a suspicion which does prevail and which I am afraid may justifiably continue to prevail, after his reluctance even to allow responsible Members of this House who are on the Central Advisory Council to examine the various grievances,—if you like it, Sir,—confidentially, in the room of the Railway Board Office. The Honourable the Commerce Member further said that the Central Advisory Council was not constituted for this purpose or that one of the reasons for the institution of the Central Advisory Council was not to examine the grievances of railway employees. Perhaps, I will not differ from him, but may I ask him is the Central Advisory Council that he has got started by the Government of India on the same lines as recommended by the Acworth Committee's Report? Has he not made several changes in the Acworth Committee's recommendations? And if he has done that, of which I am sure, may I ask him why he will not move a step further and take the co-operation of the Members of this House in examining various grievances, for which there may be some foundation, and which I myself believe are considerably exaggerated. I appeal, Sir, therefore, to the Honourable Member in charge of Railways not to overlook facts but to face them and take this House into his confidence by the means suggested by the amendment proposed by Dr. Datta.

**Mr. President:** The question is:

“That all the words from the words ‘a Committee consisting of’ to the end of the Resolution the following be substituted:

‘the Central Railway Advisory Council or by any special Committee elected by that body from among its members’.”

The motion was adopted.

**Khan Bahadur Sarfaraz Hussain Khan:** The amendment I have to move is this:

“That between the words ‘to be elected by the’ and the words ‘Legislative Assembly’ the words ‘elected members of the’ be inserted.”

**Mr. President:** Order, order. I may point out to the Assembly that the two following amendments now fall to the ground owing to the fact that Dr. Datta's amendment has been carried.

The question is that the Resolution, as amended, be adopted.

**Mr. Ohaman Lall:** Sir, I will not take the time of the House except for a very few minutes in refuting the charge made by the Honourable the Commerce Member that the grievances with regard to pay and allowances of railway employees are really not legitimate. He started by saying that a few charges levelled against these railways take the form of indifference to the demands and grievances of the workers. As far as that charge is concerned Honourable Members of this House are perfectly well aware of the nature of the replies that have been given to the numerous questions that have been put to the Honourable the Commerce Member. It has been very difficult to get any very satisfactory replies from them. He must be aware of the agitation in the press, if he is a reader of newspapers. Morning after morning he will find in the columns of the daily press the grievances of railway employees being ventilated, both editorial and otherwise. Only this morning, Sir, I saw a cutting in the *Bombay Chronicle* and in the *Advocate of India*, Bombay papers, of a circular which

has been issued by the Bombay, Baroda and Central India Railway relating to certain bonds which the Bombay, Baroda and Central India Railway Agent wants railway employees to sign. The heading is "Capitalist Bondage in the Railways", "Slavery on the Bombay, Baroda and Central India," and so on. What are these bonds they are being asked to sign? They are being asked to sign a bond that they will expect no regular increase in their salaries, that they will agree to forego their gratuity without any protest, that they will agree further to any conditions levelled against them relating to fines and punishment by their superior officers. Such are the slavish terms which are being imposed upon the railway employees of the Bombay, Baroda and Central India Railway.

I will turn to the second question of racial bias. I hold in my hand, Sir, a copy of a statement prepared for this particular occasion, a statement referring to the year 1923, figures taken from the Classification List of State Railway establishments by the Railway Board. This statement refers to the North Western Railway only and to no other railway. What do I find in this statement, Sir? I find that out of 2 posts of Station Superintendents, there is not one held by an Indian; out of 10 posts of Station Masters of the F class, only one is held by an Indian; out of 25 posts of Station Masters of the E class, there is not one held by an Indian; out of 78 posts of Assistant Station Masters of the E class and Yard Masters there is not one held by an Indian; out of 5 posts of Platform Inspectors, not one is held by an Indian; out of 4 posts of Chief Controllers, not one is held by an Indian; out of 6 posts of Deputy Chief Controllers, not one is held by an Indian; out of 28 posts of Assistant Chief Controllers not one is held by an Indian; and out of 47 posts of Traffic Inspectors, there is only one which is held by an Indian, and so on. The list is not exhaustive. But I commend this list to the attention of the Honourable Member and ask him to justify his remark that there is no discontent on the railways amongst the railway employees, when all the plums of office, when all the cushy jobs, when all the highly paid remunerative posts go to the Anglo-Indians and the Europeans, and you find that Indians are in a most negligible minority in these posts. Sir, you will find, as far as the other grievances are concerned, if you only turn to a statement published in the Indian Railway Magazine, you will find the reason for all this. I believe in the South Indian Railway, there was some question of a certain gentleman, Mr. Muirhead, being recruited from England on Rs. 1,500 a month and when the question was raised the Agent in his presidential address at the Railway Conference held in Simla this year said, he justified such foreign recruitment and the justification is contained in the sentence which I am going to read to the House. He justified such foreign recruitment on the ground that in Great Britain, toy locomotives and railways were very popular among boys and that they thus gained an insight into railway matters from a very early age. (Laughter.) Sir, is that the justification you offer for keeping Indians out of the Railway Department? I draw the attention of the Honourable the Commerce Member to the statement. And I ask him to stand up on the floor of this House and justify the treatment that is being meted out to Indians on the railways. I say, Sir, there can be absolutely no justification whatever for any such treatment.

I come to the question of grievances. I say your department is an autocratic department. I say that you do not satisfy us on the floor of this House. I say that you do not satisfy your railway employees in the

[Mr. Chaman Lall.]

railways. I hold in my hand a circular issued by the Railway Board, a circular addressed to their employees, and this is what it says:

"I am directed to state that cases have come to the notice of the Government of India in which Government servants have approached Members of the Legislature with a view to having their grievances made the subject of interpellation in the Legislature."

Is it a crime for railway employees to come to us, we who stand here as representatives of the people, and ask us to ventilate their grievances on the floor of this House?

**Mr. G. G. Sim** (Financial Commissioner, Railways): May I inquire, Sir, whether this letter is written from the Railway Department?

**The Honourable Sir Charles Innes**: It is a Home Department circular.

**Mr. Chaman Lall**: Sir, I have already stated that it emanated from the Railway Board. It is a copy of a letter No. 876-E./22, dated the 26th June 1922, from the Secretary of the Railway Board, Simla, to the Agents.

**Mr. G. G. Sim**: It is a copy apparently of a letter issued by somebody else. I should like to know which department.

**Mr. Chaman Lall**: Do I understand, Sir, that the Honourable Member is trying to deny all knowledge of this circular?

**Mr. G. G. Sim**: I only wish the Honourable Member to state clearly who is responsible for the issue of that letter. It was not a letter invented in the Railway Department.

**Mr. Chaman Lall**: Does the Honourable Member imply, Sir, that it was invented by me?

**The Honourable Sir Charles Innes**: May I explain, Sir, that this was a general circular issued by the Government of India in the Home Department which deals with discipline and which in the ordinary course was issued to State Railways by the Railway Department.

**Mr. Chaman Lall**: I am very glad, Sir, that the Honourable the Commerce Member has enlightened the Honourable Mr. Sim with regard to this letter. (Laughter.) It is more than I could have done. (Laughter.) But I do not wish to take up the time of this House with regard to these matters. Nevertheless I do warn the Honourable the Commerce Member and I warn the Government that, although we have never yet up to this day organised a single strike on the railways, if these grievances are not redressed, if you do not take this matter in hand at an early date, we are going to do it, we are going to take it upon ourselves to organise an all-India strike in order to ventilate these grievances. I warn you that we shall do it. It is up to you now to take this matter in hand and redress the grievances of the railway employees at as early a date as you can. Otherwise, I am afraid you are facing a most dangerous and a most terrible situation on the railways.

**Mr. G. G. Sim**: Sir, I hesitate to intervene in this debate as I am aware that the House is anxious to proceed to other business. But, Sir, I am so convinced that the course of action proposed in this Resolution and in the speeches of Honourable Members who have supported it is bound to introduce chaos in the working of the railways all over India and to bring

State management to a sudden end that I hope the House will give me time to explain my reasons for holding these views. Now, Sir, the Honourable Sir Charles Innes has already shown to the House how baseless are the foundations on which the demand for this inquiry has been made. But the misstatements and inaccuracies in the speeches that have already taken place on this debate were so numerous that he was unable in the time at his disposal to deal with all the points raised. I hope the House will allow me to correct a few more of the misconceptions which were apparent from the speeches of the Honourable Members.

The Honourable Mover of the Resolution, Sir, mentioned what he called "root causes" of the grievances under which he imagines that railway servants are at present suffering. I say "imagines" Sir, because he seemed to be himself in serious doubt as to whether there were  
 12 NOON. any grievances at all and he ended his speech by saying that if the Committee he recommended should be appointed found that there were no serious grievances, he would bow to their decision.

Sir, the first root cause of the imaginary grievance which he mentioned was "the commercial character and standards of the Indian Railways". He objects apparently to Railways being run for profit. The Honourable Member must surely be aware that this House itself in the last session decided that Indian Railways must be run for a profit. I do not suppose that he means that his committee should try and eradicate this cause although I have no doubt myself that their very appointment would secure that result.

**Mr. M. K. Acharya** (South Arcot *cum* Chingleput : Non-Muhammadan Rural): I never said that.

**Mr. G. G. Sim**: I am quoting from the Honourable Member's own statement. He said that one of the root causes of these grievances was the "commercial character and standards of the Indian Railways."

Then, Sir, the Honourable Member went on to say that another root cause was that railway officers are rather a bad lot. He said that all the best men enter other Government Departments or are attracted more lucrative professions and that only the riff-raff enter the Railway Department. It is hardly necessary for me—it would be an impertinence on my part to suggest that it is necessary—to repudiate that statement in this House. The country, Sir, owes much to its railway officers, whose qualifications and efficiency in their work are second to those of no other Government Department. If, however, the Honourable Member is serious in his belief that men with better business or technical qualifications are attracted to more lucrative careers, I should have thought that he would have gone on to recommend that this evil should be eradicated by increasing the pay of the railway posts. Instead of that, Sir, he went on to recommend that their pay should be reduced.

The third root cause which the Honourable Member mentioned was racial discrimination. In dealing with this thorny topic I think it is advisable that Members should be certain of their facts. The Honourable Member said that in his benighted Presidency there was no difficulty on the subject and that Indians got promoted just like Europeans. But he went on to say that in Northern India an Indian has practically to stop at Rs. 800 a month. This is entirely incorrect. The number of Indians drawing over Rs. 800 on the State Railways in Northern India is over 100.

**Khan Bahadur W. M. Hussanally:** What is the highest pay they can get?

**Mr. G. G. Sim:** I am dealing with the question of subordinates. The Honourable Member said that there was no Indian subordinate in the State Railways who was allowed to rise above that figure, namely, Rs. 300.

**Khan Bahadur W. M. Hussanally:** May I know what is the highest pay an Indian subordinate gets on these Railways?

**Mr. G. G. Sim:** He gets the same pay as a European subordinate.

**Khan Bahadur W. M. Hussanally:** What is it?

**Mr. G. G. Sim:** Rs. 500 or Rs. 600. It depends on the post.

**Khan Bahadur W. M. Hussanally:** How many are there on that pay?

**Mr. G. G. Sim:** I have not got the figures with me now. I was merely denying the statement made by the Honourable Member (Mr. Acharya) that they never get more than Rs. 300 a month. (*A Voice:* "Out of a total of?")

Then, Sir, he went on to say that on the Eastern Bengal Railway the maximum pay that an assistant station master can get is Rs. 170. The correct figure is Rs. 380. There is no separate scale for Indian station masters, as he suggests, either on the Eastern Bengal Railway or on the Oudh and Rohilkhand Railway, and as a matter of fact, there are Indian station masters receiving over Rs. 170.

**Khan Bahadur W. M. Hussanally:** Indians?

**Mr. G. G. Sim:** Yes, Sir.

**Khan Bahadur W. M. Hussanally:** Pure and simple?

**Mr. G. G. Sim:** Yes, Sir.

**Khan Bahadur W. M. Hussanally:** You are not referring to Anglo-Indians?

**Mr. G. G. Sim:** No, Sir. The Honourable Member then mentioned that there were racial discrimination in regard to gratuities. I am quite unable to understand what he means. There is no such racial discrimination whatsoever either in the rules or in the manner in which they are carried out.

Next, Sir, the Honourable Member said that considerable grievances existed regarding the provision for old age. I will deal a little later with the complaints that were made regarding the Fine Fund and regarding the withholding of Government bonuses and provident funds. But the Honourable Member in order to prove his point dealt entirely with one particular case. He quoted, Sir, from a typed sheet that was sent to every Member of this House, a typed sheet in which it was said that a certain station master, who had relatives in the constituency of the Honourable Member, had been dismissed from railway employment because he had charged an officer on the railway—an Indian officer, I may remark—with corruption, and the statements in that sheet appeared to imply that this matter had formed the subject of a civil suit and that the High Court had in their judgment implied that the officer in question was guilty of corruption. Now, Sir, I would ask the Honourable Member, who has

himself given so much weight to judicial hearings whether he has read that High Court judgment. In sheer justice to the officer who has been so virulently pursued in this sheet and in questions in this Assembly I should like to read the following extract from the High Court judgment:

"There seems to be absolutely no reason to support that there was any dishonest motive which actuated the Claims Department in adopting the course which they adopted."

**Mr. M. K. Acharya:** Will the Honourable Member read the whole judgment, and not merely the portion which pleases him?

**Mr. G. G. Sim:** I am afraid the House would not be prepared to listen to the whole judgment.

**Mr. President:** I may warn the House that if this goes on we shall never reach Bengal.

**Mr. G. G. Sim:** Next, Sir, the Honourable Member referred to the question of unfair retrenchment. What does he mean by unfair retrenchment? I would remind the House that it was at their instance that the Agents of the various railways had to undertake the very unpleasant task of retrenchment. The House itself insisted by cutting the Budget that retrenchment should be made. The Agents have carried out the most unpleasant duty—the duty of getting rid of their men can never be pleasant to any employer or manager—and the only thanks they get for the work they have done are these accusations of unfair retrenchment. What does the Honourable Member mean by "unfair retrenchment"? I never knew of any man who was retrenched who did not think he had a grievance and that some other man should have been got rid of in his place. But surely the Honourable Member does not mean that a committee is to be appointed to inquire into this matter and upset the orders of the Agents and their decisions as to which men should be kept and which discharged. There can be no question in this case of any racial discrimination. In the appendix to the memorandum of the Budget of last year we gave the House full information regarding these retrenchments and how they affected the different classes. Most attention has been drawn to the retrenchment on the Great Indian Peninsula Railway, where more than 50 per cent. of the retrenchment was made. If Honourable Members refer to the memorandum they will find that the retrenchment affected the different classes on the Railway in almost the same ratio. The reduction in the case of Europeans was 13.9, of Anglo-Indians 14.7, and Indians 15.1; that is to say, the average was practically the same throughout.

I think, Sir, the Honourable Member suggested that retrenchment had taken place in the case of subordinates and that there had been no retrenchment in the cadre of officers. That implication is not correct. The Stores cadre on the North-Western Railway was reduced from 12 to 9 and from 8 to 6 on the Eastern Bengal Railway. The Traffic cadre of officers on the North-Western Railway was reduced from 66 to 63 and from 43 to 37 on the Eastern Bengal Railway. The introduction of the Divisional system provides for a further reduction of the superior cadres. On the Company lines a comparison of figures for 1922 and 1924 reveals a reduction of 3 on the East Indian Railway and of 6 officers on the Great Indian Peninsula Railway.

[Mr. G. G. Sim.]

The next complaint that the Honourable Member had to make was that officers on railways got a different amount of leave from the leave granted to subordinates. He said that it was the officers at the top who formulated the Fundamental Rules regulating the grant of leave. Now, Sir, surely the Honourable Member must himself be aware that the Fundamental Rules to which he referred are not Fundamental Rules drawn up by the Railway Department, neither are they applicable only to the Railway Department—these Fundamental Rules were drawn up by an entirely different Department and apply to all Government servants, and if there is any complaint on the matter of the difference between the 'ordinary' and 'special' leave rules he ought to have moved for a committee to inquire into the grievances that may exist as a result of the special leave rules and ordinary leave rules in all Government services.

I now come to the thorny subject of Fine Funds. The implication running through the speeches of Honourable Members who referred to these Funds was that these Fine Funds are utilised for the purpose of providing recreation for highly paid officers and that these officers have therefore an inducement to increase the amount of the fines in order that they may enjoy themselves at the expense of their poorly paid subordinates. There is no justification whatsoever for any such insinuation. The Fine Funds are not used for the purpose of providing recreation for officers. It is perfectly true that a considerable portion of these Funds has in the past been devoted to the upkeep and support of institutes which have been more frequented by Europeans and Anglo-Indians on the Railways than by Indians. It is only in comparatively recent years that these facilities for enabling the employés in a railway concern to meet together and to associate in games and other social amenities have been appreciated to any large extent by the Indian staff. But wherever the Indian staff have expressed any desire for such amenities the Agent is only too willing to meet them. (*A Voice*: "No.") To make the position perfectly clear I should like to give the House a brief account of the receipts and expenditure of the Fine Funds on a typical railway. I take the accounts for the East Indian Railway. In 1923-24 the receipt of the Fund amounted to Rs. 1,27,000. This was made up of Rs. 61,000 from fines, Rs. 20,000 from investments, Rs. 9,000 from revaluation of investments, Rs. 8,000 from the repayments of loans to employees, and Rs. 35,000 from forfeited provident Fund bonuses. On this question of the forfeited provident fund bonuses I must explain to the House that there is a serious misconception in the minds of Honourable Members. A very considerable portion of what is called the forfeited provident fund bonuses represents merely the bonuses that have been paid in to the credit of employees who resigned and were discharged or dismissed before they had put in 5 years' service and who therefore were not entitled to a bonus. For years past it has been the custom on the railways not to take this money back into their general revenues but to transfer it into this fund—which has been misnamed Fine Fund,—which is utilised solely and simply for the benefit of the employees. Out of the Rs. 35,000 which I have mentioned, only Rs. 819 represented bonuses forfeited by persons dismissed after five years' service. Now, Sir, the disbursements in that year were Rs. 1,89,000. Out of this Rs. 18,000 went to Indian schools, Rs. 21,000 to Indian institutes and Rs. 51,000 to European institutes. There was a loan to the Indian Staff Loan Fund of Rs. 20,000, a grant of Rs. 2,000 to hospitals,



and of approximately Rs. 4,000 on compassionate allowances, so that the money spent in that particular year for the benefit of the Indian staff solely amounted to much more than the actual fines collected. In the year 1922-23 Rs. 45,000 were obtained in fines, and the forfeited provident fund bonuses amounted to Rs. 49,000 out of which a sum of only Rs. 2,600 represented bonuses forfeited by men who had been dismissed after five years' service.

**Pandit Shamlal Nehru** (Meerut Division: Non-Muhammadan Rural): May I ask the Honourable Member if there is still any system of finding clerks in any department of Government as there is of finding drivers and other staff on the railways?

**Mr. G. G. Sim:** I am afraid I cannot answer for other departments. In that year Indian schools received approximately Rs. 19,000, Indian institutes Rs. 17,000 and European institutes Rs. 34,000.

I should now like to deal with the statements made by Mr. Joshi who has been very brief for this Resolution. Mr. Joshi said that station masters begin on Rs. 20 a month and go up to Rs. 80 at the time of their retirement. Where Mr. Joshi got this information from I do not know, but I may tell the House that there are no station masters on Rs. 20 a month. The pay of station masters varies from Rs. 50 at the smaller stations to Rs. 300 at the larger.

**Mr. N. M. Joshi:** Do they not begin as signallers on Rs. 20?

**Maulvi Mohammad Shafee** (Tirhoot Division: Muhammadan): Are there not station masters on that pay on the Bengal and North Western Railway?

**Mr. G. G. Sim:** None on the State-owned lines. They begin at Rs. 50. Mr. Joshi then gave certain figures relating to the pay of guards. In giving those figures Mr. Joshi forgot to mention the fact that in addition to fixed pay the guards receive payment on account of mileage, and the amount they receive on account of mileage may be half as much again or more. Then, Sir, Mr. Joshi suggested that retrenchment in actual numbers has not taken place and that people have been turned away in order that the railways might secure a saving by not paying their gratuities and they have been re-engaged at lower salaries. I do not know where the Honourable Member got this information from. If he will look at the figures for the Great Indian Peninsula Railway he will find that between 1922 and 1924 there has been an actual reduction in the number of posts of 19,602. Then, Sir, Mr. Joshi quoted from a document which is only signed by temporary employees and went on to say that that document has got to be signed by every railway employee. This statement is incorrect. It is only signed by the temporary employees and is not signed by permanent employees.

**Khan Bahadur W. M. Hussanally:** What is the difference between temporary and permanent employees? So far as I know, all service in the railway is temporary and monthly.

**Mr. G. G. Sim:** Sir, I hope I have cleared up most of the misconceptions that prevailed in the minds of Honourable Members and upon which they based their demand for this inquiry. But I should like to deal with this matter from a broader point of view. When this House discussed the

[Mr. G. G. Sim.]

question of nationalisation of railways two years ago, the dangers of State management, the danger of the exercise of political pressure in matters of staff, the tendency that must naturally exist in the staff to resort to political influence in order to extort concessions instead of relying upon their own efforts to secure an adequate return for their services—all these dangers were present to the minds of the Honourable Members of this House. Many Honourable Members were so influenced by them that they agreed to the proposals that were then adopted—with the utmost reluctance. Sir Hari Singh Gour, for example, characterised the proposals as a counsel of despair and he only agreed to them because of the peculiar circumstances of the railway companies in this country. The State, he said, could never work the railways in the same economic and efficient manner as a properly organised company. But those Members who did support the Resolution based their arguments upon the report of the majority of the Acworth Committee. Now, Sir, all those dangers and all those difficulties that obtain in State management the world over were perfectly well known to the members of that Committee,—and may I remind the House that the majority of that Committee included such representative Indians as the Right Honourable Srinivasa Sastri and Sir Purshotamdas Thakurdas. That Committee definitely stated that they themselves would never agree to State management or to an increase in responsibilities in respect of railways being given to the Government Departments unless they were reorganised and they proposed definite safeguards to prevent those dangers occurring. As regards the staff, this is what they said :

“ We assume that in future the Railway Commission will itself fix the scales of pay and conditions of service for its own staff and be free to engage and dismiss them as it thinks proper.”

Here they were referring to the relations between the Legislature and the Railways generally, and this aspect of the case has already been dealt with by my Honourable friend, Sir Charles Innes. The point to which I wish to draw the attention of the House is another aspect of the recommendation and one with which I am personally more concerned at present, and that is, the relations that ought to subsist between the Central Administration of the Railways and the Agents of the different Railways, or in other words, the powers that are to be given to the Agents of the different Railways.

This is what they said :

“ Both in reference to lines directly managed by the State and those managed by companies, we recommend that the control in matters of detail be relaxed as far as possible, in order to eliminate constant references for sanction to the Commission and to leave to each official,—whether an agent or one of his subordinates,—unless for special reasons, the same amount of freedom in dealing with his staff as would be left to a corresponding official under ordinary company management.”

They then went on to refer to the absurdity of applying rigid regulations like those in the Civil Service Regulations applicable to other departments to a highly specialised concern as a railway. They said :

“ The relations between the employer and the staff should be more in conformity with ordinary commercial practice.”

Now, Sir, I had always understood that when this House passed the Resolution in favour of State management it was for State management

on the lines advocated by the Acworth Committee. The Railway Board, which was reconstituted two years ago for the purpose of giving effect to the recommendations of the Acworth Committee have been endeavouring to carry out that policy. As regards the staff, Sir, in 1928 we went into this question and we revised the powers of agents. By that revision we succeeded, we hoped, in doing away with 60 per cent. of the references that came up to the Railway Board. I am not certain that we have gone far enough yet, but we were awaiting the separation of the finances which would materially affect this question. But I should like to explain briefly to the House what the present relations are between the Railway Board and the agents of the railways as regards the employment of staff. The Railway Board have laid down certain maximum rates of pay that may be given to particular posts. They have prescribed, for example, that not more than Rs. 600 should be paid to a station master or a workshop foreman, but subject to those limits the agent has full powers to determine the number of men whom he may employ and the particular amount of pay that may be given to them. He can thus arrange to give rates of pay that will allow for local conditions such as the cost of living and the remuneration paid for commercial services in any particular locality. He can arrange for the difference that exists from province to province and arrange for men getting a pay which will correspond as far as possible to what would be paid by a company for similar services and will be sufficient for the responsibilities of any post that may be given to a particular man. Now, Sir, from the statements made by Honourable Members it would appear that they wish the whole of this decentralisation to be swept away. Mention was made by the Honourable Mover and I think also by Mr. Joshi that they want standardised rates of pay in a commercial concern like service and were still getting a pay of Rs. 50 or Rs. 60, while other persons appointed at the same time had passed over their heads and were getting up to Rs. 500 or Rs. 600. Surely the Honourable Members do not mean that they want standardised rates of pay in a commercial concern like the Railway? Do they mean that a man in railway employment is to look forward to his salary being increased year by year without any regard to commercial results of his work? Some other Members went to discuss the powers which agents at present had to remove inefficient and incompetent men. Surely, it is not proposed that they should not be allowed to decide as to the comparative merits of the men working under them. How else are they ever to get any commercial results at all? It is of little use, Sir, this House agreeing to the proposals of the Acworth Committee regarding financial reforms unless they at the same time agree to carry out their definite recommendations regarding those administrative reforms. The point that I am putting was put to this House the other day during the discussion on the separation of Railway finance by Mr. Jannadas Mehta in more terse and concise words than I can formulate myself. I will read a short quotation from his speech. He said:

“What does commercialisation predicate? What does it involve? It involves that you will follow strictly commercial methods in the working of your institutions. In a commercial institution, Sir, the services of people are engaged on quite different terms. They are not in the nature of public servants as our railway officers are. The railway service is organised as a public service, and under the present proposal of the Government it will continue as a public service and not as a commercial service. A commercial service indicates that you will insist on results being shown by your servants and if they cannot, you either dismiss them or remove them or degrade them. . . . We never have such a thing in a commercial institution of servants being assured of a certain salary which is regularly increased year after year and which is likely to be increased if some Commission recommends it.”

[Mr. G. G. Sim.]

The Honourable Member was a true prophet in saying that. Here already the proposal is made that a Commission should recommend it:

"No commercial institution can ever flourish if it continues to pay to its servants whether it makes a profit or incurs a loss. It is the commercialisation of the service which the Government ought to propose and not the mere separation of Capital and Revenue Expenditure. . . . Unless Government really try to commercialise their railway management on the lines I have indicated, the argument for Company management will receive a strength of which the Assembly cannot possibly have any idea to-day."

Now, Sir, a warning exactly similar to that given by Mr. Jamnadas Mehta was given by the Acworth Committee. I may incidentally remind the House that the same warning was given by the Inchcape Committee who insisted that we should trust our agents and give them full powers, or to adopt the phrase used by Sir Campbell Rhodes the other day "trust your manager or sack him." Now, Sir, we have been trying on the Railway Board to get at this position but all the speeches made in the course of this debate recommend that this system should be reversed, that instead of decentralisation we should have increased centralisation with the inevitable result that State management would be brought to a sudden and speedy end. Sir, this warning against interference in questions of pay and promotion has been given by the Commission that has inquired into the State working of Railways in every country and it has been necessary to have a Commission to inquire into State management in every country. I would only refer the House to a similar warning given only the other day by the Commission appointed by the League of Nations to inquire into the working of railways in Austria. Here again, Sir, we had Sir William Acworth and with him was associated the Director General of the Swiss Federal Department of Railways. Surely, Sir, the mere fact that in Switzerland it has been found possible to take from the purview of the Legislature the financial and administrative detailed consideration of railway matters is in itself a proof that in this there is nothing undemocratic. They definitely warned Austria and the League of Nations that unless proposals similar to those advocated by the Acworth Committee were adopted, if any proposals similar to those mentioned in the Resolution were ever adopted or put into force, the country would lose first of all the management and finally the ownership of the railways. Sir, I should like to repeat that warning that, if any such policy as is proposed in this Resolution is ever adopted, State management is bound to fail and if it does fail, the failure will be not because the management was carried on in the name of the State but because your managers were not allowed to manage.

**Lieut.-Colonel H. A. J. Gidney:** The Government Member has brought forward certain points opposing the Resolution and if I should oppose the Government and vote for the Resolution, I hope it will be clearly understood that I do not associate myself and those of my community on the Railways with the views of Mr. Chaman Lall when he offered Government a threat of an All-India Railway Strike. A strike always strikes the strikers the hardest while the promoters are the least hurt or struck, and so on behalf of my community that is so largely employed on the Railways I do not associate myself with this threat if Government refuses to accept this Resolution. But, Sir, there are certain points included in this Resolution which, I submit, do merit more than a passing consideration such as the Government Member seems inclined to do. I am in entire sympathy with the principle. I believe that every labourer, given the same work, carrying the

same responsibility and requiring the same efficiency, should be given the same wage provided it is a living wage according to his standard of living, a principle to be found in every Government Department except Railways. The system of fines, I submit, is only practised in the Railways. It is not practised in any other Department of Government and it is very questionable whether it is a legal form of punishment in the Railways. The next matter that comes under discussion is the "hours of work". I speak on this point with some experience and I can assure this House from reports that have come to me from members of my community, especially in the Loco. Department, that the Railways in their eagerness to retrench are to-day so understaffed that very often the men are so tired that they frequently beg of their doctors to strike them off their work to enable them to obtain adequate rest. The next point is the question of leave. I know from personal experience that there is a great difference between the leave that is given to some railway employees and that given to other Government servants controlled by the Civil Service Regulations and issued alike to all. The greatest difference exists between covenanted men and those who are recruited in India. The most important matter in this Resolution is the one connected with Provident Fund and Gratuity. The Honourable Member in charge of this Department gave some figures on the 27th. I think he said that about 60 or 70 lakhs had been so distributed and that only about Rs. 25,000 of this money had been withheld in justifiable cases. I know of several recent cases which alone make a total of something like Rs. 20,000. In one case, quite recently, a Stores Superintendent has been summarily dismissed because he was supposed to have committed a dishonest action and caused a loss to the East Indian Railway. His case has not been properly inquired into, an *ex parte* decision given and a defence refused. A sum of Rs. 10,000 that was his Provident Fund has been taken away and placed in the Fine Fund. Why did the Railway fear taking criminal action against him? This happened only a fortnight ago. I know of another man a P. W. I. on the East Indian Railway who, because he could not work amicably with his official and fearing he would be dismissed repeatedly asked for a transfer. This request was refused and he resigned. His gratuity has been withheld because he resigned to suit his own convenience. In the case of recent retrenchments, hundreds of them under 15 years' service, that have been effected on the Great Indian Peninsula Railway and other Railways, I ask the Honourable Member in charge whether the Great Indian Peninsula Railway has given these axed men their gratuity due by Rules? There is a rule in the Government State Railways Provident Fund and Gratuity Rules which distinctly states that gratuity should be given and I will read it for the benefit of the House :

"Rule 3, Para. II, sub-para. (d) 'Retirement with less than 15 years' service due to \* \* \* \* \* or (ii) abolition of appointment if other suitable employment cannot be found for the subordinate'."

I should like to know whether these employees of the Great Indian Peninsula and other railways who have been retrenched since the report of the Inchcape Committee was published have received their gratuity in accordance with this rule? Will Government see that every one of them gets his dues? I now come to the next point, medical relief. The Railway Medical Department is in my opinion hopelessly understaffed and needs immediate rectification. With regard to the opportunity for promotion to higher grades, it is a matter which, I think, should be seriously inquired into. Too many officials are imported from England. I believe there are to-day on the East Indian Railway 13 Assistant Traffic Superintendents who

{Lieut.-Col. H. A. J. Gidney.]

are on a Reserve List waiting for vacancies. This is contrary to the Lee Commission's recommendation. Why should not worthy upper subordinates be given these appointments? For years they are kept officiating. Why not permanent?

I now come to the most important question, namely, the recognition of railway unions. Sir, I do admit and I quite realise that there are a large number of railway unions that are formed and administered for political purposes and are practically run by political agitators. I am not referring to these unions, they are a menace to Railways and India. But there are some unions in India which are really working for the good of the men and the Railways, who wish to work on amicable terms with the Railway Administration. These railway unions, I submit with all due respect to the Government Member, should receive official recognition. They are not out to thwart the Railway Administrations. They are out to help the Railway employers and employees, in a constitutional manner. Such unions, I submit, should be respected and recognised. I know very little about other unions, but I do know that there is one union called the Amalgamated Society of Railway Servants with its Head Offices in Bombay. That union is doing good constitutional work, and yet it has been frequently refused recognition even at my request to the Railway Board and His Excellency the Viceroy. Why do Government refuse recognition to this union and other well recognised unions? The recognition of these unions is the only way by which the employees and the employers can get into closer touch with each other. There is already in existence the Indian Telegraph Association which consists of employees of the Telegraph Department and the Honourable Member in charge of that department will, I am sure, bear me out when I say that that Association is an asset to his department. It is a channel through which his departmental grievances are settled in a business-like and amicable manner. With the Government recognition of the Telegraph Association, I ask why should they refuse to recognise railway unions? Is it because they are afraid of them? If it is true that all these amenities and advantages are given to railway subordinates and if the Agents of the Railways are administering justice and it is true that peace and harmony reign in Railways to-day as the Government Member tells us, I ask why should Government be afraid of recognising unions that wish to establish a closer association between employers and employees? It may be said that these unions are the means of promoting strikes. But look at the unions in England. Have they not created strikes there? And yet almost every one of them is recognised. It is not the desire of well-organised unions to encourage or promote strikes. Their desire is to see that justice is done to employees and in refusing to recognise such unions Government are indulging in a very short-sighted policy. The question is: How can these various grievances be redressed? The Honourable Mover has suggested as his remedy the formation of his Committee. Some of these grievances will certainly come under the purview of the Committee which the Honourable Mover has recommended; others, the majority, can be easily settled by the creation of a Complaints Department attached either to the Railway Board, or to each Railway with a non-railway official majority. Such Departments would look into the grievances of railway employees. I do not mean fictitious and minor grievances. I do not wish this Complaints Department to undermine the influence of the Railway Agents or the discipline of Railways. The Gov-

ernment Member apprehends this Committee ruining Railway Administration and creating political corruption. Why should Government apprehend these from such a Committee as has been suggested by the Honourable Mover? The Telegraph Department has had more than one Committee, there was no strike, and no political corruption as sequelæ. The I. C. S. and the other Services have had their Committees in the Public Services and Lee Commissions. Did they strike? In fact, every Government Department has passed through the turnstile of its Committee. Why should the Railways apprehend strikes, strife and ruin as results of such a Committee? The Railway employees will be given opportunities *via* their representatives or unions to place their grievances before this Committee and, I for one, cannot see any reason to apprehend any fear of strikes, strife or any political corruption taking place as the result of the formation of this Committee. There is the question of railway employees addressing Members of the Indian Legislature to represent their grievances before this Assembly. I have read a Railway Board circular which prohibits all railway employees representing their grievances to Indian Legislators on penalty of dismissal, and yet this is supposed to be a Democratic Assembly. I admit such a practice might be abused and should not be encouraged *ad libitum*, but when all efforts at constitutional redress have failed, as an elector with a vote why should he be denied the opportunity, as a *dernier resort*, of obtaining justice *via* the Legislative Assembly, the representative of *Vox Populi*? It should be curtailed as much as possible. But, if this Committee were appointed there would be no need for employees to refer their grievances to Legislators. The Complaints Department will also avoid this practice which Government apprehend and seem to think will undermine railway discipline and encourage political corruption.

I therefore do not consider that there is any danger to be apprehended from this Committee. After all what redress does the subordinate railway employee receive when he has a genuine grievance? The order of the junior railway official is seldom or never upset by his senior or the Agent. The Agent sits in his holy of holies, surrounded by a halo of isolation from all these grievances. The subordinate in vain seeks an interview. He then appeals to the Railway Board which has a stereotyped reply. It refuses to interfere either with the discipline or with the orders of the Agent. I ask the Railway Board to tell me how many such complaints it has received and how many it has inquired into much less remedied? The result is that the employee has to leave his home and with his family swell the ranks of the unemployed. It takes three or four months before he gets his Provident Fund; it takes him six months before he gets his character certificate. He finally appeals to His Excellency the Viceroy, who, on the advice of his Railway advisers, sends him the same reply; regretting he cannot interfere with the decision of the Railway Board. That man now becomes a railway leper. The door of every railway is closed to him, by the system of correspondence between railways regarding dismissals and re-engagements. I repeat he is a railway leper. Mr. Sykes told us that railway men seldom left their jobs because they were very happy and contented. I agree with him but for quite a different reason. The ghastly spectre of unemployment or re-employment on Indian rates of pay face him which he fears and so sticks to his job. Once a railway man, always a railway man. A man does not wish to leave the railway because he cannot leave it. His training is such and he is so unfitted, that he cannot get employment in any other calling. This is the reason why he hangs on



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

to the railway may be for life. Such is the lot of the railway man not a happy lot, and I am not exaggerating the situation when I say that these and many other grievances do exist. I have the solid support of the Anglo-Indian railway employees when I say that they do suffer from these grievances, and they are not petty grievances. It is not a question of inadequate salary, medical relief or meagre house accommodation; it is a question of unjust treatment they receive from some of the railway officials amounting to bullying or *xulum*, and it is this injustice they wish remedied. It is for this reason I ask for a Complaints Department to be opened out. If this is refused by the Government I intend supporting this Resolution for a Committee.

Before concluding my remarks, I wish to take this opportunity, on behalf of my community, to thank Sir Campbell Rhodes for the speech he made when this Resolution was moved on the 27th January. It is exactly what we should have expected from a well-wisher and a friend of the community. I am glad that he stressed the aptitude and the peculiar qualifications possessed by my community for employment on the Railways, for which reason it has been employed in such large numbers up to date and which has been erroneously called preferential treatment. The day for preferential treatment has gone and I am not sorry because this past life of dependence on preference has not elevated the status of the community. Sir Campbell Rhodes realising this stressed in his appeal the uncertain position the community occupies on the Railways. He said the Reforms had nothing to offer but disillusion and despair to the Anglo-Indian community, and that it was the duty of the majority community to protect the minority community. Indeed Sir Charles Innes, when he replied to Mr. Neogy's Bill on the 30th January, stressed the same point regarding the precarious position occupied by the community. I again thank Sir Campbell Rhodes for his generous appeal on our behalf, but I am in a manner sorry that in so doing a racial bias has been introduced into this debate. Sir Campbell Rhodes in his appeal raised an issue regarding the present position and the future protection of the Anglo-Indian community on the Railways with which I regret to say I am not in agreement. There was a time when the Anglo-Indian community leaned on the European and the Indian and the Government for its support and for its very existence. I am proud and pleased to say that that time has gone. Sir Campbell Rhodes has asked this House to take upon itself the dual responsibility of the future of the Anglo-Indian community. I again thank him for his solicitude, and I hope he will not consider me either ungrateful or disrespectful when I say that we decline to live on the charity of any other community, be it European or Indian. We have lived on communal charity and preferences quite long enough. We have now decided to stand by ourselves declaring ourselves the equals of all others—independent of all favours and as citizens of India—not forgetting our British traditions and prestige to fight for our rights at all costs when we think it necessary. A public Communiqué has recently been issued to Parliament and the Press by the Anglo-Indian Association of London on our present position in India without consulting the community in India. I agree with the situation detailed but I disassociate myself in blaming the Reforms or the Indians for our unenviable position. It is not correct to say so. I do not blame the major Indian communities, nor do I blame the Reforms Scheme for our present insecure



and precarious position on the Railways and in India. It was not the major Indian communities nor the Reforms Scheme that asked the Lee Commission to place a ban on my Indian domicile in 1922, nor did they cause Colonel Sir Denvers Waghorn to agree in this House to a speedier Indianisation of the Railways. Nor can they be blamed for depriving Anglo-Indians of a communal majority jury in mixed criminal trials or for the loss of the European Educational grant in Bengal. It was not the major Indian communities, nor the Reforms Scheme that passed the Statutory Act of Parliament Victoria 33 that made us Statutory natives of India, and so denied us our British heritage and rights—and that permitted England the only colonising nation in the world to lose her identity in her offspring the Anglo-Indian whom she does not even know and has forgotten. It was not they who put me in the position I am to-day occupying on the Railways. They did not pass the Government of India Act, 1919, which gave me an Indian Electorate. It was not they who issued that confidential letter to every Agent asking him to employ Indians in larger numbers implying that Anglo-Indians should not be employed. It was the Government Member himself who wrote that letter. It was not the Reforms Scheme nor the major communities that refused me my legitimate right of entrance into all ranks of the British Army to-day. It was not the Reforms Scheme that put me in this position of insecurity in India as mentioned by Sir Campbell Rhodes in his appeal. No, Sir; the London Anglo-Indian Association was wrong, Sir Campbell Rhodes was wrong. The blame rests not on the major communities of India nor the Reforms Scheme, but that corporate body, called the Government of India, Central and Provincial, who are to-day operating the Reforms and in whose special trust the Anglo-Indian community has been placed by the authors of the Reforms Scheme.

We have been placed as a sacred trust in the keeping of the Government of India, both central and provincial. Paragraph 352 of the Reforms Report states it very clearly. I ask the officials sitting in the Government benches, have they faithfully fulfilled that trust? They have not fulfilled that trust. Had they done so, there would have been no need for Sir Campbell Rhodes' generous yet pathetic appeal on our behalf and the Anglo-Indian community would not occupy the position it does to-day,—the play things of yesterday, the unrecognised convenience of to-day, and the forgotten of to-morrow, disowned by the European, not wanted by the Indian, and neglected by the Government of India, the official trustee of its future. This is what our position is in India to-day and this is what Sir Campbell Rhodes has asked this House to remedy and take as its joint responsibility. I thank Sir Campbell Rhodes, but I regret to say I cannot accept a position of dependence on this House which carries with it neither continuity nor any guarantee. The Reforms have come to stay and the Anglo-Indian community has been the sufferer not from the scheme but the way it has been operated in fear and response to Indian clamour. As for Sir Campbell Rhodes' remarks about the community being badly led in the past and having black sheep in it, I am sorry such remarks should have been made in this House. However I prefer to pass them over. They can be equally applied to other communities. The future and the protection in India of the community I represent I repeat has been placed in the hands of the Government of India and we still look to the Government of India with all respect to fulfil their duty and their trust till such time as India has been given full self-government when I hope

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

our position will be more secure and recognised than it is to-day, and we will be able to defend our claims as citizens and sons of this great Indian Empire in whose development and present position the Anglo-Indian community from its very inception up to date has played no small part. Surely England will not reward us by leaving us as its bankrupt legacy to India. We are her sons and ever shall be. Rescind the Statute Act of Parliament and so make us the permanent British settlement of India. This alone will remedy our position. Till this is done the Anglo-Indian community asks the Government to fulfil their trusteeship of its future.

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

**Mr. President** (to Khan Bahadur W. M. Hussanally): The Honourable Member's amendment I warned him last time is out of order.

**Khan Bahadur W. M. Hussanally:** I find it on the paper still.

**Mr. President:** I am not responsible for the compositors' room.

**Khan Bahadur W. M. Hussanally:** Is it entirely out of order.

**Mr. President:** I find it difficult to find anything that is in order in it, so I rule it out of order.

**Khan Bahadur W. M. Hussanally:** In that case may I speak on the general Resolution? The Honourable Mr. Sim gave us a sermon—my friend here says a very good one, but I doubt it. I did not hear him answering the questions put by my friend Mr. Chaman Lall. He gave him certain figures of the employees in the various departments, to which Government had no answer to make. I put him one or two questions more with regard to the employment of Indians in various capacities on the railways, to which also the Honourable gentleman had no reply to make. He gave us a regular gradation of pays in various offices under the Railway Department, but did not answer what or which of those appointments were held by Indians and which and how many of them by Anglo-Indians or Europeans. Sir, the chief source of difficulty and discontent amongst the railway employees lies in what is called racial discrimination, to which I believe my friend Colonel Gidney will object to my referring. But I strongly think, if this racial distinction were taken away, there would be no discontent and no committee would be required to go into the grievances of railway employees. I will give you one or two instances, Sir, in the workshops departments of the railways. And what do we find there? Whereas an Indian commences on a bare pittance of about 1/6 or 1/8 per day, which comes to about Rs. 85 or so a month, an Anglo-Indian or European recruit, knowing absolutely nothing and certainly not as much as an Indian recruit does, commences on Rs. 120 or Rs. 125 a month. Well, Sir, whereas an Indian workman in the workshop could hardly expect to rise to the highest maximum of about Rs. 250 by the time he retires, an Anglo-Indian or a European could rise to Rs. 350 at the least; and then further increases are also in store for him. He can rise to become a foreman and even a Loco. Superintendent. My information is that there are several gentlemen of that stamp who have risen high in the service of the railway workshops from a very humble position, and if you will permit me I will even mention one or two names, but perhaps my Honourable friend Mr. Sim will not like me to do so. Therefore, I will not mention any names; but one instance I may give. I am told that the present Chief Mechanical Engineer of the North-Western Railway was only a fitter when he started life, and now he is getting something like two or three thousand rupees a month. Has any Indian any

chance of rising to become a Loco. Superintendent or even a foreman? No. There lies the racial discrimination and racial distinction. If you remove that once for all, there will be no more discontent and no inquiries will be needed at all. But these are some of the grievances of railway employees. They are not confined only to wages. No, there are other grievances of every kind which have to be inquired into also. There are grievances with regard to housing accommodation of railway employees, station masters, guards, drivers and other employees, and the less said about that the better. I wish the Honourable the Commerce Member would make it a point of going on the various railways all over India and seeing for himself what is the housing accommodation offered to these poor devils. An assistant station master or a workshop mistri would hardly be given more than a room about 8 by 10 feet with a small verandah and this is used as living room, as bedroom, as drawing-room, as kitchen and everything else combined. The accommodation offered to these men is far worse than even the outhouse of a bungalow allotted to a European subordinate.

The hours of work again, Sir, is a very great grievance with all kinds of workmen, whether in the workshops or in the traffic branch. As I said the other day there are instances in which assistant station masters on main lines are made to work about 12 hours at night and yet are expected to work during the day for passenger or goods traffic. The Honourable the Commerce Member did not admit this proposition. He thought this was only done on branch lines where there were only one or two trains to pass through; but let me assure him that is not a fact. I can mention to him instances of assistant station masters on the main line between Karachi and Lahore who are subjected to this torture. Well, Sir, there is again the question of gratuity. I am told that if a man enters after the age of 40 into railway service, he is not entitled to any gratuity however long he may have served thereafter, and that I am told is by order of the Government of India. I do not know how the Government of India came to make that order. I cannot understand for the life of me, if a man serves 15 or 20 years, why should not he be allowed a proportionate gratuity. Coming next to the provident fund, I am told that if an employee of the railway works at home overtime—does some private work, he is not entitled to the benefits of the provident fund. Is that reasonable, Sir, may I inquire? Why should not he supplement his small pittance by a little private work at home. And on this account I am told about 80 per cent. of the railway employees on the North-Western Railway have declined to join the Provident Fund. Is that a fact or not? Will the Honourable Mr. Sim answer? Have all employees, or the majority of employees, joined the Provident Fund? I am sure he is not able to answer that question. These and several other grievances require redress, and redress can only come by a thorough examination, and the examination cannot be carried out except by a committee. Now that the amendment proposed by the Honourable Dr. Dutta has been carried, that this inquiry is to be held by the Advisory Committee, I do not see why there should be any objection.

One instance, Sir, I forgot to mention about racial distinction. Some time ago, about 12 or 18 months ago, an Indian station master of Simla retired and his place was given to a guard, a European guard, not an Anglo-Indian or an Indian but a European. A strong protest was made by the railway union at Lahore and the reply of the Agent was evasive. Is there any Indian at all in charge of a first-class station throughout the whole of the North-Western Railway? I doubt if there is any, but perhaps if

[Khan Bahadur W. M. Hussanally.]

there are any, not more than one or two. Why should there be any racial discrimination of this kind? Are there any Indian guards in charge of mail trains on any railway? I doubt if there is. And if so, why should not Indians be trained to do that kind of work? If you do you will perhaps find that you will economise in the running cost of the railways and thus make your Railway Department a really commercial department.

**Mr. M. K. Acharya:** Sir, in rising to make my reply I desire to express the regret which I share with many others that we could not get through this Resolution more speedily. My regret is all the greater because I feel that the opposition which I have to meet, though very loud and panicky, has not been, in my opinion at any rate, as reasonable as it ought to have been or as indeed it might have been. The Honourable the Commerce Member the other day made a very long speech in which argument, which alone I desire to meet with counter-argument, formed a very small part; and in which abuse, which I do not desire to meet with counter-abuse, bulked very largely. I do not desire to emulate the Honourable Member in putting on the superior airs with which he lectured us on the grave impropriety of bringing up this Resolution for discussion on the floor of this House. Much less do I wish to emulate him in the choice diction in which he characterised my remarks on the inadequacy of the provident fund and so on as "all nonsense." Such superfine language and such superior airs are the privileges of the gods. I am yet but an ordinary mortal. I have no desire likewise, Sir, to question the qualifications of (I see he is not in his seat) the commercial magnate from Calcutta who in backing up wholeheartedly the Honourable the Commerce Member of Government, gave us what he called his business advice. But when the gentleman went out of his way to treat us to a dissertation on the special aptitudes of various communities for various jobs, I really wondered whether he was turning out a Varnashranite, a modern upholder of ancient caste system. And when he went on to tell us in detail how

1 P.M.

some communities were more qualified than others for trade, some for fighting and some, as he said "more qualified for politics, as well," I almost wished to interrupt him, and ask him to tell us from the profundity of his researches what community had the most especial aptitude on earth for Exploitation commercial and political of its weaker neighbours. Sir Campbell Rhodes championed the cause of the Anglo-Indians. I have absolutely no quarrel with them. On the other hand, I have great sympathy for that community. I know the average Anglo-Indian who neither possesses the prestige of the snow-white skin nor practises the economy of the sun-dried and is hard put to it in the race of life. I know many cases where an Anglo-Indian on Rs. 800 per mensem gets more into debt than an Indian on Rs. 100, because the former has to live up to a very artificial and costly standard of life. And personally I should not grudge, if it were in my hands, to allow to the Anglo-Indian as a concession to the artificial standard under which he has to live, somewhat larger salaries; but if this is claimed as a matter of right on the very fanciful theory of the special aptitudes of the community, I should certainly declare unhesitatingly that it is adding insult to injury. And to Sir Campbell Rhodes, the champion of Anglo-Indian interests, I would like to present a concrete case for his investigation. There lives very near Madras a European who after thirty years of good faithful continuous railway service could get up only to the place of a traffic inspector, and therefore retired broken-hearted last year because he found that every time he had a chance

of getting into anything higher, he was deprived of that chance because of his unpardonable sin in having married an Anglo-Indian lady. After this case and similar cases, if anybody, if Sir Campbell Rhodes or anybody else, says there is no such thing as racial preference or colour prejudice and all that kind of thing going on in the departmental administration, I can only leave him to his sweet imaginings.

Similarly, Sir, I do not believe I should question very seriously and in detail the chivalrous way in which the Honourable Mr. Sim rose up to justify all that his department had been doing. He seems to have picked up here and there one or two remarks of mine and misapplied them. For instance, when I spoke of the commercial spirit in Railways I never said it was right or wrong, that it should be there or not; what I did say was that the desire of commercial enterprisers to give the minimum salary possible and exact the maximum amount of work was at the bottom of many of these grievances. That is something quite different. He further referred to the case of bad boys to which I had referred in my speech. What I did say was there was a class of bad boys and a good number of them were thrown into the railway service; I did admit also that a good many of them even to my knowledge turned out very good men; but this is beside the mark. And as for Naidu's case with which he dealt at some length, I will deal with later on with that case and the judgments which he would not unfortunately give in full. As for his ponderous statement that there are 100 men and more who are getting more than Rs. 300, what I was dealing with were the averages; the average Indian never gets beyond Rs. 120 or thereabouts. There might be 100 or even 200 out of 10,000; what is the percentage? (Here Mr. Sim rose to speak). I have explained my meaning and I do not think there is any point of order arising; we are all anxious to finish soon and none more anxious than I am. So long as Mr. Sim is there to oppose rightly or wrongly whatever is said here, we know exactly what weight to attach to his ponderous statements.

I now come back to the Honourable the Commerce Member opposite. I have been trying to understand his very long speech as well as I can, and I may put it perhaps into five parts like the five acts of a Shakespearian drama. In the first part he lectured us, as I said, on the grave impropriety of discussing on the floor of this House such a very "dangerous" question as the grievances of subordinate Railway employees, instead of leaving the matter entirely in the most benign hands of the departmental angels, and he lectured us on the still graver impropriety on the part of any of us in writing to Secretaries of railway unions for details of information. I am aware that he tried to pay a left-handed compliment to my innocence quite as much as to say that I was only a fool playing into the hands of others who were the real villains of the piece. That compliment, Sir, I beg most respectfully to decline; I take the fullest responsibility for the subject-matter of this Resolution. I know that he tried to make dialectic capital out of the admission I made with regard to the draft. But, Sir, I know of the many Resolutions, good, bad and indifferent which the Honourable gentleman in this House happens to move—of the many Resolutions well-worded as well as ill-worded, for official drafts have no pretence to literary perfection—may I know how many are drafted by the Honourable gentleman himself, how many by the departmental heads over whom he presides? Is such co-operation when paid from the public coffers alone a virtue and when not so paid a crime? Is it a crime if I accept the draft unpaid of a

[Mr. M. K. Acharya.]

friend? Similarly, Sir, may I ask the Honourable gentleman whether he does not get information, and indeed whether he does not consider it his duty to obtain information on various matters from departmental officers from time to time? Is it a crime on the part of Mr. Joshi alone if he writes to Secretaries of railway unions for detailed information on matters in which they are primarily interested? Sir, there are many, and if not many there are several on this side of the House who are connected as Presidents, Vice-Presidents or Patrons with railway, postal and other unions, and who therefore know in a general way the grievances of the men concerned, and who think that when the occasion arises it is their duty to write and do write and get information regarding statistics and various other details. Is this evidence of the manufacture of grievances? And yet that is the very grave charge that the Honourable Member opposite brought against us—the manufacture of grievances. I found the next day head lines placarded in the die-hard press—"manufacture of grievances." That is the serious charge and this the silly evidence which the Honourable gentleman flourished in his hands most dramatically saying: "Here is the letter. This is how grievances are manufactured. Are you not satisfied?" And his amiable supporters cheered him like the Roman citizens of old who cried "We will be satisfied; let us be satisfied." However, I believe the Honourable gentleman himself was not satisfied quite in his own mind that his "evidence" could stand the test of rigid cold logic; therefore he went on in his speech to draw some pictures. This is Part II of his performance. He first drew the picture, a beautiful picture, rosy and fine—too rosy indeed to be at all real—a beautiful picture of the calm, peace and contentment at present obtaining among the Indian employees; and in the second he tried to draw a very dismal picture of all the catastrophe that would happen—of the conflict between class and class, between interest and interest and between community and community, of the dreadful dislocation of traffic and business, of the great destruction of discipline, and in fact of the deluge that would happen if this Resolution were accepted. I almost wondered, Sir, whether the very serious tone in which he said this did not verge on pathos. But in the name of goodness, what is his authority for this beautiful picture of calm and contentment that he drew for us? Is it because these men are not as clamorous or as militant as railwaymen in England that these men have no grievances; and the grievances are all manufactured? I wonder if any official ever admits that Indians, railway men or others, have any grievances whatsoever. That is a very stale official argument. It is the cardinal creed of the bureaucracy that the teeming voiceless millions of India are so contented, so happy, so prosperous, that they are so sensible of the blessings of the British Raj, that they have nothing but gratitude for their benign alien rulers; and that all this cry for self-government and all this demand for redress of grievances, political, economic or administrative, comes from a very small class of mischief-makers who simply should be put down with a strong hand. Sir Charles Innes, true to the eminent order to which he belongs, has been simply repeating and applying this formula to the present case. That is how he says the railway men have no grievances, that they all live in a Paradise, that it is mischief-makers like Mr. Joshi and myself who serpent-like creep into that Paradise and seek to seduce the men from their allegiance to the angelic hands that govern their destinies. Sir, that is our misfortune. That is the special misfortune in India, that we are penalised

for our very virtues, for our patience, for our spirit of endurance and resignation. Because we put up with all our troubles patiently, it is said that we have no grievances. Just in to-day's *Pioneer*, Sir, I read "A meeting of the Railway Managers held on Tuesday last, refused the new wage demand of the National Union of Railway men, and serious trouble in this connection is expected." The railway men in India are all in the hands of angelic departmental officers who do everything that the men want, and therefore they have no grievances; whereas in England and Great Britain these departmental officers are not the angels that they are in India, and therefore the railway men there have grievances, and just at this moment, as the cablegram says, there is serious trouble in England. On the other hand, railway men in India, according to the Honourable Member opposite, can have no grievances, for these men have been given everything that they want, they have been granted very ample increases in salaries, liberal, over-generous, so as to make the salaries of railway servants much more than the salaries of employees in any other service; they have been given everything that they want in the way of housing accommodation, warm clothing, medical relief and all that! Sir, I do admit that there were some increases given in 1919-20. There were all-round increases which ranged up to 30 per cent. or even 40 per cent. in some cases, although I believe that the officers at that time got very much more. If I mistake not, the salaries of Agents of Railways were raised from Rs. 2,000 in 1903 to Rs. 3,000 in 1920; those of Traffic Managers rose from Rs. 1,200 in 1903 to Rs. 2,500 in 1920, and the salaries of District Officers were raised from Rs. 600 in 1903 to Rs. 1,200 in 1920. Yet, all this was not enough for these very hard-worked and poorly-paid high officials; and therefore, I suppose, they went up to the Lee Commission for further concessions. However, so far as the men are concerned, I admit that they got about 80 per cent. increase. But my question is, was that adequate? Taking into consideration the all-round increase in the cost of living, was that adequate? The Honourable the Commerce Member quoted the authority of an officer specially deputed and he quoted prices from the Labour Gazette, and he concluded that there were no grievances. Sir, somebody said ingeniously that statistics can prove anything. I am no expert in statistics,—thank God, I am not—but I could also quote, if only I had the time, ample figures regarding the cost of living as compared with the increases that were granted. I quoted the other day a number of cases from statistics collected by me in 1922-1923 showing that even after the increases were given, there were hundreds of men who after 15 and 20 years of service were drawing less than Rs. 40 and Rs. 50! However, I am ready to grant that it is not possible in this House to go into all those details and to increase the salaries of men all in one day. But I am stating these things only as examples to prove that these men have legitimate ground, they have good cause to be dissatisfied with their present conditions in life, that they do not live in the Paradise, the imaginary Paradise, in which the Honourable the Commerce Member tried to place them. However, Sir, as has been already stated, the question of pay is not the only question or even the principal question. If I should be asked to specify the grievances, there are many and here are some of them. Here is a telegram from the loco. workmen of the South Indian Railway "unfavourable reply given by Loco. Superintendent for memorialists against Agent's promises." Thus, when the Agent had promised to remedy the grievances of the loco. men, it is the intervention of the subordinate officials which is



[Mr. M. K. Acharya.]

responsible for denying the men the privileges they seek. Here is another memorial submitted only last month by the traffic staff of the South Indian Railway praying that the station masters should be started on Rs. 50 a month and in course of time some adequate promotions should be given. They further state that their position in the matter of leave has not been bettered; that salaries are distributed very late, in the latter part of the succeeding month. They state their grievances regarding penalties, fines and punishments. Now here is another memorial which has been sent up by the staff of the Great Indian Peninsula Railway working at Wādi Bunder complaining about the hours of work. They say that they have to attend their work at 8-30 A.M. and remain till 6-30 P.M. They live far away, five, ten or even 12 miles away from their place of work, and they have to be at work precisely at 8-30 and return home only at 6-30, and they say that they do not get even one important meal in the day. There are also other grievances of the employees in the Great Indian Peninsula Railway such as that the Manmad agreement or the Manmad Pact, as it is called, has not been strictly carried out.

Then, Sir, I may mention the grievances of a lot of employees in all the big cities. These employees living in big cities are not all provided with free housing accommodation. For instance, in this city of Delhi, the East Indian Railway line employees, I mean all those who draw Rs. 100 and below, get Rs. 3 as house allowance. Now, is it imaginable that any employee with a family of even four or five souls, can possibly rent two rooms in Delhi for Rs. 3? It is really impossible to get any accommodation here for anything under Rs. 25. It is the same case in all the big cities. I shall not particularly mention Bombay and Calcutta, which may be exceptionally costly, but in the other big cities also men drawing Rs. 100 and less are given Rs. 3 only, or I suppose on State Railways the men are given 10 per cent. of their salary. Take the case of a man drawing Rs. 50, he will get only Rs. 5 as house rent! He cannot possibly get a house or even a portion of a house to live in for Rs. 5 if he has a family of at least 4 or 5 souls. Here is an estimate of the minimum cost of living for a clerk with a family of six souls in Bombay, a man, his wife, two boys and two girls. The minimum cost for the barest needs comes up to Rs. 140. Deduct Rs. 60 for house-rent and other things unduly costly in Bombay city. Does the average employee who has to maintain 5 or 6 souls get Rs. 80 at least? There are also other matters which require inquiry and attention. Just this morning a cutting has been put into my hands about "the cruel methods of recruitment in the East Indian Railway." It seems that old hands are being sent away on the ground that they are not required and are re-employed on Rs. 33. Old hands who have put in 15 and 20 years service are retrenched on the ground that their services are not required, and the same men are re-employed on Rs. 33! Above all, there are grievances connected with racial preference excluding the South Indian Railway, and on all Railways grievances *re* brutal punishments, fines and persecution on the part of higher officials against all those who dare to join any Railway Association or Union. The Honourable Mr. Sim said that I was myself in doubt whether there were any grievances. Well, I submit, that what I said was this—that if a responsible Committee were appointed to examine the matter, and if they came back to this House and said that the men had no grievances, I would certainly bow



to their verdict. Because, Sir, I am so sure of the grievances of the railway men that if a Committee is appointed, it must report not only that there are serious grievances but that there is a way out for redressing those grievances. Sir, I do not blame the Commerce Member. I do not blame him because he simply reads the reports that are put into his hands, ninth-hand reports from tenth-rate officers! But I would ask whether the Honourable Member opposite has ever read the pages of any railway magazine published by Indian employees? Has he read the *Railway Guardian* of Madras or the *G. I. P. Herald*, or the *G. I. P. Staff Union Monthly* both of Bombay or the *Mazdoor* of Lucknow? Has he read the annual report of the Eastern Bengal Railway Union with 8,500 members on its rolls or the reports of the Bombay, Baroda and Central India Railway Union? Has he read the resolutions passed at the first All-India Railway men's Conference in 1921, or at the second All-India Conference in 1922? Has he gone out on his tours for a single half an hour *incognito* into the homes of these poor miserable men, whom from his imagination he pictures as living in a Paradise of their own? Has he listened to them outside the awful presence of their immediate taskmasters? And yet, Sir, the Commerce Member says that these men have no grievance, "and sure he is an honourable man." Sir, the Sankhya philosophers tell us that Matter from the grossest to the finest form has evolved in 24 categories, and that above the finest the Spirit sits enthroned as the 25th category. Similarly, Sir, I should say that there are 5 and 20 storeys in each Departmental Edifice, and that the Honourable Members opposite sit on the 25th storey, oblivious of all except what is dished and placed before them for their immediate consumption. Their eyes are not permitted to see, their ears are not permitted to hear all the grinding, all the laceration and all the groans of the men who are ground to dust in the abysmal depths below. And yet the Honourable Member comes and says—without any personal knowledge, without any first-hand information, without having even any opportunity or perhaps any desire to go and find out for himself the condition of these men—he comes and tells us who know better what is happening, and he tells the world, that the grievances are manufactured by those who are pressing them upon his view.

Sir, I come to the fourth part of his speech, that is the bogey of departmental discipline. I have no objection, Sir, none myself to discipline as such; only I would say that those who preach discipline to others should practise it themselves. But where does discipline end and where does tyranny begin, so far as departments are concerned? Is there to be only departmental discipline and no departmental justice? Have the subordinate employees in any departments who unluckily happen to get on the wrong side of their immediate superiors any chance of their cries or their groans or their grievances being heard by the gods above? If then there is not ample facility for the poor men to go up and get a fair hearing at the hands of the gods, if then there is this dire antithesis between discipline and justice,—well, we must find out some way by which discipline shall be brought under justice and not placed above justice. And I must again therefore, Sir, quote the case that Mr. Sim very cleverly misquoted (by quoting only that part of Mr. Naidu's story that pleased him); I must give again this typical instance of a man who, after putting in twenty-three years of good, continuous and faithful service, after having earned a number of good certificates, all at once found in his 24th year of service that he could

[Mr. M. K. Acharya.]

not be privy to an officer's corruption. He found he could not be so privy and he brought a charge of corruption against the officer. It is on the records of this House that Naidu was denied an opportunity of proving his case. It is on the records of this House that no such opportunity was given to him, but that a secret departmental inquiry behind Naidu's back was held; and of course the officer was declared to be all right, and the charge was declared to be all false; and Naidu was got rid of with a month's salary in lieu of notice. I would again say that the hand of God was more just; that somehow a case turned up in which the Sessions Judge of Moradabad, Mr. Hamilton, I.C.S., happened to pass severe remarks against that very officer. In that judgment I see that one of the assessors held "that the Claims Department was involved in the swindle." And the Sessions Judge, after reviewing the whole thing, said the action of the Claims Department required careful looking into. I believe those are the very words. (*Mr. Darcy Lindsay*: "Sir, may I suggest to the Honourable Member that there are others wishing to speak on this subject?") And the case was taken to the High Court for getting those remarks expunged, and what the High Court said was this. I have not got the exact judgment before me, but I hope to get it placed on the records of this House. I am just giving my recollection of it. The High Court said that the Sessions Judge had every authority, that it was perfectly *bona fide* for the Sessions Judge, to make those remarks. Therefore, the High Court Judges declined to interfere, they declined to expunge his remarks. Therefore, as I interpret it, the High Court has confirmed the remarks that the District Judge made. And this strengthens my case in this way—that although Naidu was arbitrarily sent away and although the officer is basking in the smiles of the gods, yet there is the judgment of a District Court and the confirmation by the High Court of the Province showing that everything is not as rosy and as beautiful as is painted on the Oudh and Rohilkhand Railway; and that the screen of departmental prestige cannot be drawn as far as this particular case is concerned. However, I do not want this inquiry just for the sake of Naidu. I have told Naidu to write upon his forehead the words as on the gateway of Dante's *Inferno* "Leave all hopes behind"! When the Agent refused to revise, and when Mr. Hindley refused to interfere, I do not believe Sir Charles Innes is going to do justice. If he does, I shall be only too glad. But I have told Naidu to leave all hopes behind. But that is a small story. How many hundreds of others are there like him! The Honourable the Commerce Member says: "How could this be tolerated? Is every dismissal to be reviewed in this House?" The Honourable gentleman opposite becomes exceedingly sensitive whenever we press these injustices on him. He is as sensitive as the women in purdah who has got some very questionable secrets to hide behind the screen. He becomes angry when questioned about what is going on within the secret chambers of the Department! But is it fair, when any injustice comes to our notice, to say we have no right to bring it to the attention of the Honourable Member himself? The point is this. When these poor men go to their superior officers, as Colonel Gidney has pointed out, their appeal is refused. What are they to do? Naidu came up to us only after all his appeals had been refused. And when these men come to us in despair, if any of us take an interest in their case and put interpellations, the Members opposite greatly resent that any of us should take up their case and try to unearth the injustice that is being done!

Sir, I come to the fifth part; to the tirades in which the Honourable the Commerce Member indulged against the roving commission, as he called it, "composed of men with no knowledge of railway administration and with no knowledge of managing men." I am very sorry, Sir, that the reputation of the Honourable Member is very much at stake. I fear that he has not read the Resolution as printed on the paper. If he had read it, he would have found that my Resolution wants on the committee three members to be nominated by the Government, which means by the Honourable Member himself—three departmental experts to be nominated by him, with the most up-to-date knowledge of railway administration and with the most unquestionable knowledge of managing men! And yet he says that on this committee there is to be no one possessing any knowledge of railway administration or any knowledge of managing men. I cannot conceive of a more representative committee than what is proposed in my Resolution, although this House, by the amendment that has just been passed, has agreed to refer this matter to the Railway Advisory Committee. Therefore I need not go into the details of the committee mentioned in my Resolution which was an absolutely representative committee, representative of the public at large, representative of the Government and representative of the employees concerned. However, this matter has been referred to the Advisory Council, and I for one have no objection to this course. I want some kind of inquiry into these grievances of which I for one have been hearing a great deal for the past four or five years. I have been asked by hundreds of railway employees to do something in my power, if I can, in this matter. The Government say that discipline will be interfered with. Why should discipline be interfered with? Did the Lee Commission, as somebody asked, destroy the discipline in the Civil Service? Of course it might be said that the Lee Commission dealt only with the heaven-born services? Did the Postal Inquiry Committee interfere with discipline among the postal employees? In conclusion (*Cries of: "Oh, oh"*)—I am very glad that the Honourable Members opposite are so glad that I am concluding. I would have concluded long ago, and I would have spared them this speech if they had promised me their votes. The attitude taken by the Honourable Member opposite seems to me to be in glaring contrast with the attitude taken by the Honourable Mr. Clarke in 1920 when a similar Resolution was moved for the appointment of a committee in regard to postal grievances. He said no doubt, as the Honourable Mr. Innes is now saying, that the Department was doing everything in their power to set matters right. He said that the Department had already deputed an officer to inquire into the matter, and yet these were his concluding words:

"I have already said that we have put a special officer on duty to deal with the matter of pay not only of the postal clerks but of the menial staff also. However, as the opinion of the non-official Members of the Council seems to be in favour of a committee to look into the matter, I may say on behalf of Government that I am prepared to accept it."

I am glad that the Honourable Sir B. N. Sarma is here because he was on that Committee.

"It must, however," continued Mr. Clarke, "take a little time. Let us have a committee. Let us have the non-official Members and the staff represented. It will take time. It will not be done quickly as some people think. It is a very big question and the committee may have to go all over India and take evidence. But as the Honourable Members of this Council are so anxious about this matter, let us have this Committee to go into the question of putting the pay of postal clerks on a proper footing. I shall be very glad to accept the principle of the Resolution."

[Mr. M. K. Acharya.]

This, Sir, is what the Honourable Mr. Clarke said. How much I wish that the Honourable Sir Charles Innes had come to us to-day and said similarly, "Let us inquire with an open mind if there are grievances; and if there are grievances, let us set them right." On the other hand, he has taken up a most panicky attitude. He has said, "Oh, the Heavens will come down; deluge will come; traffic will be dislocated, discipline will be gone; how do you expect us to accept the Resolution?" Sir, referring to that speech of Mr. Clarke it seems to me that in 1920, before the latest Reforms came in, the opinion of non-official Members evidently had much greater weight with Government than it seems to have to-day. While in 1920 the Government were willing to respect non-official opinion, if they found that non-official opinion was strong, to-day,—in fact almost every day in this House—we find that the Government set themselves up determinately against anything that arises from this side of the House. I am sorry, Sir, but this is the impression that is made on me. Is this to be the value of the reforms? Sir, I have done. The question before us is very simple. Those who believe in that beautiful imaginary picture which the Honourable Member has presented, those who think that the men are perfectly contented and happy, those who believe in the picture of Paradise that he has drawn—by all means let them vote with him. But those who either know first-hand or who can believe the first-hand information which some of us can give of the very deep discontent, coupled of course with colossal suffering and endurance on the part of 700,000 of these toiling countrymen of ours, let them put their hands upon their hearts, and, if they find any response there, let them vote with me.

**The Honourable Sir Charles Innes:** Sir, the Honourable Member began his speech by saying he was very anxious to get to the Bengal Ordinance and that he was not going to keep the House very long. He went so far as to object to Mr. Sim getting up and making a personal explanation. Nevertheless, Sir, he has detained the House for three-quarters of an hour. I am not going to follow his example. I believe, Sir, the Honourable Member has done his cause more harm by making this long speech at a very inappropriate time than I could if I devoted myself to taking point by point the points raised by the Honourable Member. I would like to say one thing. When I was speaking before, in the heat of the debate, I characterised a certain statement of the Honourable Member as nonsense. I understand that that is a word which is not used at any rate in the courts of law, and I beg the Honourable Member to allow me to withdraw that word. I would like to say that the statement he made regarding the way we withheld Provident Fund bonuses was entirely incorrect and misleading, and I should like to repeat the statement that we paid last year over Rs. 80 lakhs in these bonuses and withheld only Rs. 25,000. Sir, the difference between the House and me in this matter is the same difference which has occurred in every democratic Assembly in the world between that Assembly and the executive head of the Railways. It is perfectly natural—I think it has been the experience of every country in the world—that this House should want to have its own way in regard to Railways, not only in matters of general policy—there is no doubt that they have the right to enforce their ideas of policy—but also in petty questions of minor details with regard to the administration. That has been the experience of every democratic country in the world, and that is really the root of the trouble between me and the House

I am constantly asked questions regarding individual cases on Railways. I feel it strongly my duty not to pursue those questions, not to refer them to the Agents, and I give the House an answer which I know must disappoint the House. I do not do it because I like it. I do not like any more than anybody else, to make myself unpopular in the House. But, Sir, I do it because I see the grave dangers that lie before us in this matter. Let us follow the argument just a little further. Let us assume that Mr. Chaman Lall—I hope he does not mind my taking him as a type—puts me a series of questions regarding some particular person or clerk on the North Western Railway. I send those questions down to the Agent and call for a report. The particular person will find that by putting a question, he has got the Government to take action and he will set the example to his other fellow-servants in the Railways. Other people will put in the same kind of questions through their representatives. These again will be sent to the Agent. What will be the result? You have got 700,000 railway employees in India and in these 700,000 there must be some disgruntled men. What is going to be the result if every time a railway servant is disgruntled and has some cause of complaint against the administration, he goes to the Member for his constituency and asks him to put a question in the Council? What can be the result of that? There can be only one result and that is you will paralyse the efficiency of your Railways. It is bound to be so. It will not end there. Let me quote in this connection from an article by a very distinguished Frenchman, a member of the French Parliament. He says:

“It is lastly the lack of discipline which also results from the political influence at work. From the electoral point of view the lower staff being always much more numerous will always have much more power than the superior staff.”

It will not end there. It would result in interference between Agents and the staff. I again repeat that more pressure will be put on Members of this Assembly to put pressure upon the Government or the Agents of the Railways to appoint their friends and their protégés to the Railways. What is going to be the result of that? Let me give you another instance. This is what he says:

“On the eve of handing over the Railway to the State there were 1,526 employees in the Central Office. Within three years the number had increased to 2,587 or rather it had doubled itself.”

That has been the experience of every country in the world, every democratic country in the world where there has been State management. Always the result has been the same. The Railways have become more and more inefficient, accidents become more common, trains go slower, and, finally, the result has been that the country itself becomes disgusted and says, “We will have no more of State management” and either separates the Railways entirely off from the State or hands them back to companies, as did France in the case of some of its railways. That is the danger, and the only person who can stand between that danger and this House is myself. If I give way and if you win this battle, take it from me, it means you pronounce the doom of your Railways. That is why I hope you will resist this temptation to try and interfere in the details of railway management. There is one other point I wish to make. I never said that the railway servants lived in a state of Paradise. What I did say and what I gave chapter and verse for was this. I said that as regards pay and allowances I did not believe that

[Sir Charles Innes.]

there were any real general grievances. I proved that the cost of living in 1924 according to the Bombay Labour Office statistics was 80 per cent. greater than what it was in July 1918. I proved that in 1920 we gave increases of pay all round amounting to 52 per cent. I proved that the increase of pay in regard to lower staff was very much greater than that. (A Voice: "Question.") I gave statistics for that. I pointed out that since 1920 the cost of living had gone down, and that, Sir, is the reason why at any rate we on the Railways have had no trouble with our men for 2½ years. Then, Sir, Mr. Joshi admits that he has not come here to support this Resolution in response to any demand from the railway men. As I have said, there are no general grievances in regard to pay and allowances. That there may be other grievances, I do not deny. What is the proper way to deal with those other grievances? It is not by entrusting the matter to a Committee of your Central Advisory Council. There is nothing to put before that Committee. The Committee of the Central Advisory Council would have to sit and call for everybody who has got a grievance to come forward and represent it. And that would lead to those strikes to which my Honourable friend, Mr. Chaman Lal referred. Who is it that suffers from those strikes? It would cause great loss to the Railways, it would cause great loss to the trade and prosperity of your country, but the people who suffer most are the wretched strikers, the people who are led away to strike by their so-called friends. The proper way to deal with grievances of this kind is to put pressure upon me. We have split up the railway budget this year into no less than 16 grants. We have allotted 4 days for the discussion of those grants. During the discussion on those grants every single aspect of the railway administration can be brought under review by this House. That is the proper way to deal with a matter of this kind. I do not believe that there is any one here who in his heart of hearts believes that this Resolution is a Resolution which this House ought to pass. I believe they will merely pass it because they think they have got these grievances and they ought to have some way of bringing them home to me and to Government. I have pointed out that at the end of this month for four days you will be able to review our activities in every possible aspect on the railway budget, and I suggest that the wisest thing for this House to do is not to pass this Resolution and to leave the matter over until the railway budget can be discussed.

**Mr. President:** Resolution moved:

"This Assembly recommends to the Governor General in Council that he may be pleased to take immediate steps to institute an inquiry into and report on the grievances of the subordinate employees of the Indian Railways with special reference to—

- (1) methods of recruitment, rates of pay or wages, service conditions, punishments including fines and removal from service, and disposal of fines funds;
- (2) hours of work and holidays;
- (3) provision for old age, leave, gratuity, provident fund, medical relief, etc.;
- (4) opportunities for promotion to higher grades;
- (5) housing accommodation;
- (6) unequal treatment regarding the conditions of service based on racial grounds;
- (7) unfair retrenchment;
- (8) recognition of Railwaymen's Unions by the Railway Agents;
- (9) the representation of the Railway employees on the Railway Advisory Committees;

and further that the above inquiry should be conducted by the Central Railway Advisory Council or by any special committee elected by that body from among its members."

The question is that that Resolution be adopted.

The motion was adopted.

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

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

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### RESOLUTION B: PROHIBITION OF THE IMPORT, MANUFACTURE AND SALE OF LIQUOR.

**Haji Wajihuddin** (Cities of the United Provinces : Muhammadan Urban):  
Sir, the Resolution which I have the privilege to move to-day runs thus :

“ This Assembly recommends to the Governor General in Council that legislation be undertaken prohibiting import, manufacture, sale and use of all sorts of liquors in India, and in the meantime he be pleased to direct the Local Administrations under his control and convey the opinion of this Assembly to all other Provincial Governments that they should take steps forthwith to grant to the local bodies within their jurisdiction the right to determine the number and location of liquor shops within their respective areas.”

I am no doubt, Sir, very fortunate by the grace of God to have a chance of moving this Resolution of vital importance after giving necessary notice of it some 3 years ago and I know a number of my Honourable friends in this House who are very anxious to have temperance reform introduced in this country without the least delay will welcome the motion in every respect.

You know very well, Sir, that Asia has always been the cradle of all the great religions of the world, and nearly all the religions that have been nestled in its bosom strongly denounce the use of liquors.

Sobriety and seriousness are so natural to us the people of the East that drinking is generally ranked among the greatest crimes in our social and moral code. No man of good social standing can ever take to public drinking without the fear of being outcasted or at least of being looked down by society with contempt. So I am fully confident that not a single dissentient voice will be raised in this House against the proposition under discussion.

I had wished that India should have been the first among all the nations of the world to take legal measures towards temperance and prohibition, but it must be admitted with regret that she was deprived of this distinction. Although we have been too late to win that honour, yet there is a chance for us too, and it is still in our power to be the first country in Asia to extirpate this threatening evil for ever. But, Sir, if we want to gain this distinction we must begin our work forthwith, lest it be too late; for the beacon light set up by the Americans will soon show all the progressive nations of the world, that the dreadful rock of “ Liquor Tariff ” stands in the way of their vessels, which if not saved, will soon be wrecked.

“ From the mistake of others a wise man corrects his own ”.

[Haji Wajihuddin.]

In support of my claim I think it is necessary for me to quote here a few verses from the Holy Quran which run thus :

" Ya Ayyohallazina Amanoo innamal khamro wal maisaro wal ansabo wal azlamo rijsum min amalish shaitane fajtaneboocho la allakum tufiihoon. Innama yuridush shaitano ayyinuqia bainakumul adawato wal baghdao fil khamre wal maisara wa yasuddakum an zikrillaha wa anis sallate fahal antum muntahoon."

For the sake of my Honourable friends who are not familiar with Arabic I must translate these verses in English which mean " O Muslims " says the Almighty God " drinking, gambling, distribution of property by means of throwing arrows and all such things are Satannie deeds. You should abstain from them to get (eternal) deliverance. It is the wish of Satan to cause enmity and contentions among you by means of wine and gambling, and to check you from saying your prayers and remembering God. Will you not leave them?"

Sir, I also think it is my duty to read out a Hadis which from religious point of view, would no doubt be of keen interest at least to my old and esteemed colleague who has fortunately the honour to represent the feelings of Patna, Chota Nagpur and Oriss. Muhammadans in this House.

The translation of the Hadis runs thus :

"Tariq ibn Sawaid al Jufi once asked the Holy Prophet (may the blessings of God be on him) about wine, who prohibited him to manufacture wine. Tariq said ' I manufacture it as a medicine '. The Prophet said, ' It is not a medicine but a disease '."

It is related from " Muslim " and shows that its manufacture or use is not tolerated even as a medicine.

After hearing this I trust the House will agree with me that so far as the Muhammadan religion is concerned it is totally prohibited even to use liquors as " medicines " as it is suggested I am sorry to say to be put in the shape of an amendment notice of which has been distributed to Members only last night.

I hope my old esteemed friend, if his conscience allows him, may safely fulfil his duty by supporting my Resolution without moving his proposed amendment.

However, Sir, for those who take the religious commandments lightly, strong arguments can be brought forward to prove that prohibition means a social, commercial, political, as well as moral, intellectual and spiritual blessing rather than an obstacle in the way of the progress of our country. Now there are only two classes of people who will enlist themselves among the foes of this measure, namely, those pleasure seekers, who are themselves addicted to drink and more especially those money-makers, who are bent upon exploiting human frailties. The former cannot hold their own in the open day-light and will begin their dissolute habits under some pretence, and that pretence will probably be the same commercial question. All of them will cry out. " What are those to do who are engaged in the liquor traffic and who earn their bread by means of this trade ". But they must know, that every pice of our capital saved from the liquor traffic will be more profitably utilized in other useful trades; every closed liquor shop will afford room for a new milk shop, and every closed brewery and distillery will be replaced by hundreds of new well managed dairies rearing



thousands of cows, the foster-mother of the human race. Sobriety is sure to promote domestic happiness and thrift. Time and money which are now devoted to a trade, which is solely responsible for all crimes and personal and social misery and mars human efficiency, will be used in the manufacture or sale of articles of utility or for providing other innocent amusements. I quote here a few words from the statement made by Mr. Warren G. Harding, President of the United States of America:

"In every community men and women have had an opportunity now to know what prohibition means. They know that debts are more promptly paid; that men take home the wages that once were wasted in saloons; that families are better clothed and fed, and more money finds its way into the Savings Bank. The liquor traffic was destructive of much that was most precious in American life. In the face of so much evidence on that point what conscientious man would want to let his own selfish desires influence him to vote to bring it back?"

The experience has proved so universal throughout the United States of America that it drew the following comment from an Insurance Journal:

"In going over the figures for the past year, compensation companies have noticed quite a reduction in the number of Monday morning accidents. This has been particularly noticeable since prohibition came into effect. The workman who would go along in the regular way during the week would very often stray from the straight and narrow path, on Sundays and holidays. He would go on a tear on Sunday and report for work Monday in rather poor shape. He would be able to perform his duties well enough until 11 o'clock when the effects of his fatigue would be most marked. Nearly all of the Monday morning accidents used to occur at 11 o'clock in the morning and 4 o'clock in the afternoon, called by the claim men the "Fatigue Hours". The resistance of the workman who is not in good shape is lowest at these two hours of the day. In other words in the days when liquor was flowing freely workmen used to report on Monday morning with a "hang over" . . . they are now reporting for duty in a more nearly normal condition and the result has been a material reduction in the number of Monday accidents."

In America many of the chief restaurants went out of business soon after prohibition came in. The man who used to eat a 10 cent meal, so as to save money for drink, now orders food costing 50 or 60 cents. The dairy industry has been greatly benefited by prohibition. There has been considerable increase in the consumption of milk in the homes. In the cities of America coffee drinking has become popular among men who used to step into a saloon for a glass of beer. The manufacture of ice-cream has grown to enormous proportions in every city and town. Reports from various States in America show that sales of ice-cream have already increased cent per cent; of butter and cheese 100 per cent; of milk, 42 per cent; of coffee 25 per cent; of confectionery 50 per cent: The dairy-men find that, in addition to the increased sale of their products due to prohibition they derive advantage through the beneficial effects of sobriety among their employees, who are more dependable and regular than they used to be under the whiskey régime. Next to eatables, the most notable increase in trade has been in the sale of shoes. The very first Saturday after the "dry" law came into effect in Omaha, Nebraska, there was an increased demand for shoes, chiefly children's, a demand which was very much larger the second Saturday. Within ten months after the triumph of prohibition in Seattle, Washington, a shoe company opened three new shops in buildings formerly occupied by five liquor shops. The president of that company stated that fifty per cent. more children's shoes and, as a rule, a better quality of shoes, are being bought now than when the wealth of the nation was being poured into the saloon-keeper's till. Clothing in much greater quantities and of far better and finer quality is being sold throughout the country than before prohibition. This is not due to extravagance produced

[Haji Wajihuddin.]

by the sudden possession of money but to the ever rising standard of living, which makes the erstwhile poor person refuse to be contented with the shoddy of the "wet" period. The volume of business transacted by many departmental stores (largely shops) increased by 35 to 40 per cent. during the latter half of the year following the coming in of prohibition as compared with the "wet" half. In Omaha, Nebraska, a large department store made 200 sales to new customers of neckties, collars, handkerchiefs, etc., on the second Saturday after the dry law came into effect. In New York the men go on "shopping jags" on Saturday afternoons and stagger home under a load of necessities and luxuries for the family instead of reeling under the influence of drink. The jeweller's trade has never known such prosperity as has come to it under prohibition. All over the United States the working men, small merchants and farmers are buying diamonds, watches, and silver for their homes. Every form of innocent amusement is also profiting.

The experience of the *Denver Labour Bulletin*, the official paper of the Colorado State Federation of Labour, proves that the papers are not losing in the long run through prohibition. With the opening of the "dry era" in that State it lost about 50 dollars a month in liquor advertising, and about 350 subscribers who were employed in the liquor industry. At the end of the first "dry" year in Colorado its books showed, however, that it had done four times its usual advertising business, and had on its mailing (postal) list three times as many subscribers as when Denver had three hundred and fifty saloons and five breweries working. The advertisers and subscribers, moreover, paid their bills much more promptly.

If anybody expected that the revenue of hotels would fall off under prohibition, he has been disillusioned. The revenue from liquor, amounting to from 5 to 10 per cent. of the general income of the hotel, has been made up by "side lines" such as the barber shop, sweetsstand, souvenir stall, magazine and newspaper stands, taxi service, and turkish baths. In some instances these "side lines" have returned twice as much net profit to the hotel as was produced by the combined bar and wine and beer trade during the year prior to the coming of prohibition. Aside from the "side lines" the hotels have profited immensely. People are travelling about for business and pleasure more than they used to do, and are willing and able to pay more for rooms, and for the meals they eat in the hotel, restaurants and grill-rooms; as a consequence hotels everywhere are improving and enlarging their accommodation.

The brewers, distillers, and vendors of intoxicating liquors were the ones who, every one expected, would suffer the most through prohibition. No one, therefore, was more surprised than they at the turn affairs took after prohibition came in. Former breweries and distilleries are now manufacturing denatured or industrial alcohol, vinegar, malted milk, "soft" drinks, ice-cream, maraschino cherries, preserves, jams, syrup, sugar, flour and other equally harmless products. Take Washington, D. C., for instance. There were three breweries in that City. One was turned into a "soft" drink factory. Another, the National Capital Brewery, which employed about 50 men and used raw materials to the value of \$130,000 annually, was transformed into an ice-cream factory employing 150 workers and using raw materials to the value of \$400,000 annually. Instead of turning out 65,000 barrels of beer it is making 800,000 gallons of ice-cream

each year, more than one-fourth of the ice-cream used by Washington. It may be noted in passing that the consumption of ice-cream has doubled since prohibition came into effect. That record has been repeated all over the country, with slight variations in details. The houses which served as saloons were readily rented, usually at enhanced valuation. In New York City, for instance, the value of one site formerly devoted to the liquor traffic has increased from \$20,000 to 50,000. At 6th Avenue and 42nd Street six shops in a former saloon building are paying 300 per cent. more in rentals than the saloon did.

Shreveport had a brewery, in the "wet" period, which employed six non-union brewery workers who received \$12.50 per week. Under prohibition the building was turned into an ice plant providing employment to 40 union ice-makers who received \$25 a week. New Orleans, in the same State, with 2,200 saloons and 500 "blind pigs" had one of the lowest wage scales in the country.

A statistical table compiled some time ago by the Bartenders' International Union from reports received from their local unions, showed that in "wet" Cincinnati, the headquarters of the Union, bartenders were receiving \$14 per week "with board" and \$17.50 per week "without board", whereas in "dry" Seattle the members of the organisation employed in "soft" drink establishments, received \$25 a week, in "dry" Denver they received \$21 a week, and in "dry" Spokane \$19.95 a week.

As the cause of prohibition progressed, labour leaders in State after State bore testimony to its beneficent effect upon the workers. The President of the Arizona State Federation of Labour stated:

"Arizona workers are certainly better morally and financially than before prohibition was adopted, and always in shape to fight for better working conditions."

The President of the Oregon State Organisation wrote that he had always opposed the adoption of prohibition because he felt it was an infringement of his personal rights. Since it had become a law in his State, however, the benefits derived had been so great that he could not help championing the cause.

The President of the Denver Trades and Labour Assembly expressed the opinion that it was not possible to "pick up a corporal's guard of 'dry' unionists in Colorado who would vote for the return of the saloon", whereas workers bought whiskey before, they were "now putting the money into shoes for the babies".

The Deputy Organiser of the American Federation of Labour and Business Agent of the Carpenters' Union of Wallace, Idaho, was equally emphatic in regard to the beneficent results of prohibition.

"Ten years ago our town boasted of 37 saloons", he stated, "and if any one mentioned prohibition he was laughed at".

Now, however, "if a vote were taken, this district would vote dry" because "the working men now have bank accounts; and banks, not saloons are crowded on Saturday nights".

**Mr. Devaki Prasad Sinha** (Patna cum Shahabad: Non-Muhamadan): May I propose, Sir, that this paper which my Honourable friend is reading may be taken as read?

**Haji Wajihuddin:** In June, 1916, a Trade Union Dry League was organised in Duluth, Minnesota, by 400 union men who pledged themselves to help in the campaign to make that town go dry. This organisation appealed to the working man, on solid, economic grounds, in language he could understand. Later similar Trade Union Dry Leagues were organised in a number of States, and they were federated into a National Organisation.

The Secretary of the Mutual Association of Mercantile Adjusters, Detroit, Michigan, stated that whereas, before prohibition a condition of privation and destitution prevailed among the members, now "a highly satisfactory, prosperous condition" prevailed. He added that "old debts are being paid, children received the nourishment, clothes, comforts and in many cases some little recreation which former conditions made impossible."

The chief resident surgeon of the Philadelphia General Hospital estimates that the average stay of a patient in the alcoholic ward before prohibition was 32 days. That meant that in 1917 alone 121,392 days were lost through drunkenness by the 3,481 patients treated there. In less than a year after the "dry" law went into operation the alcoholic ward was closed, as there were practically no patients to be cared for in it.

The decrease in the number of patients treated in hospitals is resulting in saving large sums of money or enabling the authorities to effect improvements which formerly were impossible owing to lack of funds.

Figures based upon death records covering 26 States and 77 cities published in the American Year Book show that in 1917 the average death rate in license States was 14.3 per 1,000 persons, while in prohibition States the rate was 12.3. In the same year the mortality of infants under one year of age in 62 license cities was 107 per 1,000 births, whereas in 15 cities without saloons it was 82.3 per 1,000 births. In New York City the number of deaths of infants under one year was 12,567 in 1918, or 92 per 1,000, while it fell to 10,639, or 81.6 per 1,000 births in 1919. As these figures show, alcohol is responsible, directly or indirectly, for much infant mortality. Child-life is affected through heredity, through bad and insufficient food, filth, ignorance, carelessness, and in some instances, even through the administration of poison mistaken for medicine. According to Dr. Woods Hutchinson, a well-known American writer on medical subjects, teachers report that the children are going to them better fed and in better physical condition than in pre-prohibition times. They are less nervous and less easily tired, and their standing in school work and deportment is distinctly higher.

I will read out an interesting extract from the "Statesman" of Calcutta, dated 11th January, 1925.

#### PROHIBITION'S HOLD.

"SALOON DEAD AS THE STAGE COACH."

'Prohibition is not an act but a process', says a *Daily News* writer, concluding his observations on the Prohibition law made during an extensive tour of America. 'Dry advocates do not expect to secure the full effects of Prohibition before from 10 to 30 years.'

He concludes :

"The strongest case for Prohibition to-day is that it helps production. Americans believe in a bigger output and better business with something like religious zeal. It is the Ark of their Covenant, and whether they are right or wrong in that belief the fact that they are convinced that Prohibition will help it along binds millions of Americans to it who, from their personal point of view, would have no enthusiasm.

'Against them there is nobody who dare say a word for the return to conditions as they used to be. The saloon is as dead as the stage coach. Time and the odds seem to be on the side of the 'drys,' and when there is added to that their combination of religious zeal and business interest, the rising tide of Prohibition looks irresistible.' "

Now, Sir, the prohibition problem in India is, in a general sense, easier to solve than was the case in the United States. Whereas liquor entered into the Sacrament there and the movement to banish it was, at one time, resisted as interference with religious practice, all our religions enjoin strict abstinence and our traditions of sobriety stretch back to the earliest ages. Even to-day after decades of an indefensible excise (abkari) policy, in the formulation of which Indians have had no part or lot, a comparatively small percentage of our people indulge in drinking. That was not the case in the United States.

The figures of excise revenue derived by various provinces need to be examined to realise how the drink evil is spreading. Officials, when questioned about the increase of excise revenue, used formerly to say that it was due to efficient administration of their department, which had practically extinguished illicit distillation of liquor. The explanation now generally given is that the people are growing in prosperity, and, therefore, are drinking more. Persons who put that excuse forward forget that a considerable percentage of Indians who consume liquor are among the poorest of the poor, as for instance, the wage workers in Bombay and other industrial centres who, at the best of times, live in a poverty so squalid as to defy description. When pressed to extinguish the liquor traffic officials in India's employ always excuse themselves on financial grounds. The revenue from excise, they say, amounts to something like 25 per cent. of the total revenue, and in view of the peculiar conditions of India, it is difficult to find the ways and means to replace it. These difficulties appear to have been increased rather than diminished by the new dyarchical system recently introduced into the major provinces, among the departments transferred to Ministers responsible to popular representatives, excise is the only one which produces a large revenue, whereas the others are heavy spenders.

As Bal Gangadhar Tilak, the Indian leader who died on August 1st, 1920, used to say, that system has put India upon the horns of a dilemma; if they wish to provide increased and better facilities for education they must make people drink more. Indians better disposed towards the new dispensation take exception to that remark. They have, moreover, to prove by actual accomplishment, that now that Indians are no longer in the position of critics and have undertaken to work that system, they are capable of working out and enforcing a scheme whereby India can get rid of a traffic which is beginning to fasten a stranglehold upon certain classes of our population. Though conditions in India differ from those in America yet there is no reason why the American experience may not be repeated in our country. It is true of India as of the United States that the State derives only a small amount of the money actually spent upon drink. The extinction of the liquor traffic may mean the extinction of the revenue derived from liquor, but it cannot mean that the money now paid for liquor will be destroyed. On the contrary, the banishment of liquor will mean that the money, instead of being wasted, will be available for productive purposes, and will help to improve the general conditions of the people, who will not be able to spend it upon intoxicants. General improvement of living conditions must favourably react upon the State Exchequer. Owing to the poverty existing in India, it may be unsafe to expect that the general rise in prosperity through the banishment of liquor will immediately benefit

[Haji Wajihuddin.]

the State to the extent of recouping the financial loss entailed upon it by prohibition. Owing to the poor standard at which various institutions are maintained by the Government, expenditure in India may not shrink as it did in the United States. It is, however, possible to resort to temporary expedients. It has, for instance, been suggested that land values in the vicinity of towns may be taxed. There is also much room for expanding taxation upon large incomes and revenue levied from death duties. Cinemas and other luxuries may also be taxed.

Only a few years ago we used to be told that the Government of India could not sacrifice the opium revenue; and that plea was used to force our opium upon the Chinese, who were not in a condition to resist. Within the last few years, however, that policy has had to be abandoned, and the revenue from that source has, in consequence, greatly decreased. The Government have not felt the pinch, although they have had to meet tremendous obligations arising out of the war. If the authorities take the trouble, the loss from liquor revenue can also be countervailed. Any temporary difficulty that may be experienced in making the necessary financial adjustments should not, in any case, be permitted to stand in the way of a reform which conforms to the religion and traditions of the people, and which demonstrably will confer incalculable benefits upon them.

Sir, I being a layman have quoted these facts and figures mostly from the "Dry America.—An Object Lesson to India", compiled by Mr. St. Nihal Singh, printed in 1921, and I do hope to get strong supports in this House from my Honourable colleagues especially from my esteemed friend Pandit Madan Mohan Malaviya who is, I understand, President of the Temperance Council in my Province.

No doubt, Sir, for the defence of the country, for the education of our children, for sanitation and all other useful works we must find money to meet the expenditure, but may I ask, Sir, should we, in order to get more money make people drink more? If we think over it coolly the absurdity of this logic will be apparent. The Almighty has wisely provided that "Righteousness in the long run is profitable and evil unprofitable". For the sake of establishing one good we encourage another evil, not insignificant in its nature. Let our progeny remain quite ignorant: let the streets of our towns remain unlighted by electricity, withhold all the blessings of the present age, but for God's sake, save us from the horrors of this wickedness, which is every day tightening its grip over our people. "Where there is a will, there is a way".

"To do a thing right to-day, means less trouble to-morrow."

I may add one word more, Sir. Our aim is not "money making" and thus ruin of the country. We are not here in this House of the Legislative Assembly for profits to the Exchequer, but to render honest public service and establish prosperity and welfare in the country and so to get peace and happiness in this and in the world to come. To-day is the right moment for us to undertake such a reform, because Indians, irrespective of their religious and political differences, are determined to seize upon every opportunity to regain for India the primacy of position which she once occupied in the comity of nations.

With these words, Sir, I formally move the Resolution standing in my name and hope to get the unanimous support of the House and pray God to always help us in our honest efforts and to lead us in the right path.

**Mr. President:** Resolution moved :

" This Assembly recommends to the Governor General in Council that legislation be undertaken prohibiting import, manufacture, sale and use of all sorts of liquors in India, and in the meantime he be pleased to direct the Local Administrations under his control and convey the opinion of this Assembly to all other Provincial Governments that they should take steps forthwith to grant to the local bodies within their jurisdiction the right to determine the number and location of liquor shops within their respective areas."

**Mr. A. Rangaswami Iyengar:** I beg to move, Sir, that this debate stand adjourned. Having regard to the very important business which was set down for this day's debate by the consent of the House, I think I will be voicing the wishes of the House that this debate should now stand adjourned.

**The Honourable Sir Basil Blckett** (Finance Member): Sir, I should like to speak on the motion for adjournment if that is your desire. I do not wish to speak on the Resolution itself.

**Mr. President:** Further motion moved :

" That this debate be now adjourned."

**The Honourable Sir Basil Blckett:** Sir, I sympathise entirely with the Honourable Member who has made a speech, which was no doubt very interesting, but of which unfortunately I was unable to hear a word, in his righteous desire to protect the interests of the private Member. But I must make a protest also on behalf of the Government at the course which this debate has taken. I was quite prepared to allow the original arrangement to stand, by which, as I understood, this Resolution was to be formally moved and then adjourned, but it is not, I think, right or in accordance with proper procedure that a long argument should be addressed to this House in favour of a particular course and that the Government should not have any opportunity of making a reply. I do not desire to take up the time of the House, which I know is anxious to get to Bengal, which is a long way off still. I will, therefore, only say that I deprecate this procedure if it is to be regarded as anything but very exceptional, and that I must necessarily take the attitude of the House to be that, whatever its actual views regarding this Resolution, it does not regard legislation in the direction of prohibition or directions such as are proposed as of any immediate urgency.

**Mr. President:** The question is :

" That the debate be now adjourned."

The motion was adopted.

**Pandit Shamlal Nehru** (Meerut Division: Non-Muhammadan Rural): Sir, I have been asked to give a chance to the terrorist Ordinance Resolution, so, with your permission, I propose not to move my Resolution.\*

\* " This Assembly recommends to the Governor General in Council that he be pleased to take necessary steps to raise the strength of the University Training Corps to an extent demanded by the authorities of the Universities in India, so as to enable them to make military training compulsory for all University students, irrespective of sex."

## RESOLUTION *RE* THE BENGAL CRIMINAL LAW AMENDMENT ORDINANCE—*contd.*

**Mr. President:** The Assembly will now proceed to a further consideration of the Resolution moved by Mr. Duraiswami Aiyangar on the 28th January 1925. The question before the House is:

“ This Assembly recommends to the Governor General in Council that steps be taken forthwith to supersede by an Act of the Indian Legislature the Criminal Law Amendment Ordinance, I of 1924, made and promulgated by His Excellency the Governor General for and in the province of Bengal.”

**Pandit Motilal Nehru** (Cities of the United Provinces: Non-Muhammadan Urban): Sir, I rise to support the Resolution moved by my Honourable friend Mr. Duraiswami Aiyangar. In doing so I do not propose to trouble the House with well-established rules, applicable to the primary duties of the State to protect the elementary rights of the people, even under the most difficult of conditions. Enough has been said on that subject in this Chamber, in the press and from hundreds of platforms. To my mind arguments based upon those principles beg the whole question. I say so because I recognise the utter futility of our basing any arguments upon rights which, in spite of Royal Proclamations and official assurances, we know we do not possess, and cannot enjoy under an alien Government, the sole sanction for which lies, not in the will of the people but in naked, brute force. Sir, I will therefore confine myself to an examination of the grounds and the materials placed before this House by my Honourable friend the Home Member, and it will be my purpose to expose the hollowness of those grounds as offering no justification whatever for the promulgation of this Ordinance, or the action taken thereunder. I shall follow the example of my Honourable friend and go direct to the facts, or to be more accurate, the mixture of fact and fiction which he has placed before the House. Now, Sir, the Government case is this: There is a widespread movement, a deep-seated movement of a revolutionary character, which is supported by secret societies spread all over Bengal. Its object is to overthrow the British Government by murders, by other offences and by terrorism generally. So far as the existence of a revolutionary movement is concerned, I think it may be freely granted that it does exist. It may also be freely granted that there is some organisation which directs its operations. The question, however, Sir, is whether that movement is so deep-seated, and those organisations so widespread as to call for the exercise of extraordinary powers, and the suspension of the ordinary criminal law of the land. I submit, Sir, that on the materials placed by the Honourable the Home Member before this Chamber there is no such case made out, and I shall at once proceed to an examination of these materials. Now, Sir, the case for the Government has been put very tersely in one sentence by His Excellency the Governor of Bengal. The same things have been stated in various other pronouncements of the Government in a more or less diffused form; but I think I shall be putting the whole case in a nutshell if I remind the House of how His Excellency Lord Lytton put it. This is what His Excellency said in the Bengal Resolution of the 25th of October 1924, when the Ordinance was published in the Gazette:

“ Terrorism of witnesses and juries, the failure of juries through fear to return verdicts in accordance with the evidence, the murder of witnesses and persons who have confessed or turned King's evidence, the fear of witnesses to disclose facts within their knowledge, all combine to render justice unobtainable under the existing law. These have already operated in more than one recent case.”



Now, Sir, what we have got to do is to test the accuracy of that statement and see how far it is borne out by the actual facts. I shall crave the indulgence of the House to allow me to take it through the whole string of cases as briefly as I can in chronological order and establish to demonstration, with the confidence of one who has minutely and carefully studied each one of these cases, that the position taken by the Government is not at all tenable. The very first case which happened in May 1923, is the case of dacoity with double murder, committed at a place called Kona near Howrah. That case marks the opening of the campaign of terrorism, not by the revolutionaries but by the Government, because it was an entirely false case, fabricated by the police and supported by perjured evidence. I shall tell the House what the real facts of the case were. I am reading from the Calcutta Weekly Notes, Volume 29, No. 4:

"The Kona dacoity case. It transpired in evidence that two zamindars who were murderously assaulted in the course of the alleged dacoity died in hospital. One of them in making a dying declaration mentioned the name of some of the assailants and stated that a family quarrel was the cause of the assault. Some ladies of the family also identified the assailants. The approver who alleged that the dacoity was committed in pursuance of a conspiracy stated that he had driven the taxi-cab in which the dacoits had gone to Kona and returned. To test the truthfulness of the approver the jury suggested that the approver should be asked to drive a motor car outside the court premises. A trial was held and it was found that he did not know at all how to drive a motor car."

Then comes the comment of the Editor with which I need not trouble the House. Now, what is the lesson of that case? Here is a man assaulted murderously making a dying declaration in which he said the assault was due to a family quarrel and that it was a case of private revenge for a private wrong. The ladies of his house who gave a description of the assailants supported his story. All that is turned by the police for its own purposes and in order to make out a revolutionary movement in Bengal into a case of anarchical crime. My Honourable friend Mr. Bipin Chandra Pal referred to this incident rather playfully and the House was inclined also to take it in the same spirit, because it seemed to be a huge joke for a man to say he could drive a motor car and when put to the test to be found unable to do so. But it is really a very, very serious matter. It is not merely the inability of a man who pretends to be able to do something which he cannot do. It shows clearly what was the genesis of this terrorist movement in Bengal after the year 1919. It shows that your police is so unscrupulous, is so far gone down into the depths of depravity, that they would not scruple to let go the real assassins who had nothing whatever to do with any political movement and substitute others in their place. In order to bring the political movement into discredit they would go to the length of manufacturing a case from beginning to end implicating innocent persons whom they did not like and taking no proceedings against the real culprits who may have been some disappointed relations or friends of the zemindar. This, Sir, is, as I have already said, the beginning of terrorism in Bengal.

The next case that was referred to by my Honourable friend is described as the Ultadingi Post Office case. It was stated that a post office in Ultadingi had been looted. I have not been able to trace this case as an independent case in any of the reports, but I find that it was included in the Alipur Conspiracy case. The dacoits, or the robbers, whoever they were, were never traced. All we know is that a certain post office situated in a certain locality was plundered. Now, this formed one of the links in the chain of the Alipur case and it was put forward in that case as showing the existence of a conspiracy in Bengal. Now look into the Alipur case.

[Pandit Motilal Nehru.]

What happened? The whole force of the prosecution was directed on the double murder in Kona and this Ultadingi case. The approver having broken down entirely, the jury and the Judge both agreed after a protracted trial lasting several months that the accused were not guilty and all the accused persons were accordingly discharged. Now, I ask, in the name of common sense, could any jury in the world have convicted a person of conspiracy when the most important evidence before them was clearly fabricated and clearly perjured as to the chief events which constituted the conspiracy? The jury came to that conclusion and the Judge agreed with them and all the accused were acquitted; but no sooner did they step out of the court room into the verandah, what happened? Four of them were taken in custody again. And why? It was first alleged that it was under Regulation III of 1818; but these four knew something about it. They asked if the sanction of His Excellency the Governor General was there, if the order of His Excellency the Governor was there. These orders were not there and the police had to proceed under section 54 of the Criminal Procedure Code which they said they were doing and arrested these men. In course of time the order of the Governor General and the order of His Excellency the Governor of Bengal under Regulation III of 1818 were available and the men were consigned to oblivion.

**Mr. Bipin Chandra Pal** (Calcutta: Non-Muhammadan Urban): What is section 54 of the Criminal Procedure Code, please?

**Pandit Motilal Nehru:** It is the ordinary section giving power to the police to arrest any person without a warrant for a cognizable and non-bailable offence. Then, Sir, we come to the next case. It is called the Sankaritola murder case. I doubt very much if it can be connected with the revolutionary movement, but let us assume that it was connected with that movement. There cannot be the least doubt that loot was the principal object. That case may be taken with the next case, namely, the Day murder which undoubtedly was a case of revolutionary crime. That both these murders were most deplorable there can be no doubt, but is there any justification by reason of those murders for the promulgation of an Ordinance? Do those murders and the facts attending the trial of the accused reveal the state of things which has been described by His Excellency the Governor of Bengal in the extract which I just read out? Let us see what happened, in those cases? Both in the case of the Sankaritola postmaster who was murdered and in the other it was not the police—they were of course *non est*—they always arrive after the event—it was the citizens of Bengal who captured the assailants and brought them to justice. In both these cases witnesses came forward freely and gave evidence fearlessly upon which the jury convicted fearlessly. Indeed in the case of the murderer of Mr. Day there was a plea on behalf of the accused that he was insane. There was evidence supported by medical certificates that the man was a maniac; but the jury refused to consider that plea and convicted him of murder. Both these men were sentenced to pay the extreme penalty of the law. These are the cases that are dangled before our eyes in season and out of season, cases of brutal murder no doubt, but where is there any justification, pretence, for saying that justice has miscarried in any one of them?

Then, Sir, we come to a series of cases which happened in December 1923. This series begins with the robbery of some property belonging to

the Assam Bengal Railway worth, it is stated. Rs. 17,000. As usual, the robbers have not been traced. The property has not been recovered; but while the police were engaged in their investigation there was a slight scuffle between them and two young men who were subsequently discovered to have pistols in their possession. These were arrested, and how? By the villagers or by the help of the villagers and not by the police. That was one case. Next, it is said by my friend, the Home Member that a sub-inspector was shot down like a dog. That a sub-inspector was shot down was proved and proved by the evidence of Indian witnesses with the result that the accused were convicted and sentenced. Here again, I ask assuming that these cases were prompted by some revolutionary organisation where is the justification for saying that the ordinary law has failed? The real test, Sir, for the promulgation of this Ordinance and for the action taken thereunder is: has or has not the ordinary law failed? Is there a likelihood or not of the ordinary law failing in future?

Then we come to the next series. There was a bomb factory discovered sometime in March 1924. How was it discovered? Not by the action of the police. Not that they had done anything very remarkable in unearthing something which it was impossible otherwise to discover: No, they came upon a bomb factory by the sheerest accident while they were probably engaged in manufacturing evidence for some other case against some innocent person? It is admitted in the Government statements that it was by the sheerest chance that this bomb factory was discovered by the police. Well, it was discovered, men were arrested, men were tried, men were convicted and sentenced. What more do you want? (Mr. K. Ahmed: "What about the factory?") It was taken possession of by the Government, I suppose for future use. Lastly, three youths suspected of watching the house occupied by police officers were arrested. We do not know what they were doing there; but whatever may have been their object, these three youths were arrested, tried, convicted and sentenced. There was no witness in the case who showed any fear in giving evidence against any one of these accused; there was no juror who shook with fear when he was asked to give his verdict; they all gave it fearlessly and in the honest discharge of their duty.

Then, Sir, my friend gave the case of a "well-known member of the party arrested in Calcutta with a loaded revolver." This again was a case in which there was a conviction and sentence. I wish to ask my Honourable friend why he has mentioned these cases. Was it simply because these murders and these assaults had taken place? The mere occurrence of a case or two of murder and the mere fact of arms being found in possession of a person when those concerned are adequately dealt with by the existing law, are not enough for promulgating an Ordinance.

The last case we have is an off-shoot of the Mirzapore Street bomb case. What happened? A bomb was thrown into a *khaddar* shop; the bomb exploded; it killed one and severely injured another; the police were not there; it was the man in the shop who jumped out, gave chase to the thrower of the bomb and eventually captured him with the assistance of other people in the street. Then the police appeared and then there was a case. The result of that case was that one of the men was convicted; the other man was acquitted and I beg the House to note particularly the fact . . .

**The Honourable Sir Alexander Muddiman** (Home Member): I am really sorry to have to interrupt the Honourable Member; the man was not convicted in the Mirzapore bomb case.

**Pandit Motilal Nehru:** I beg your pardon; the man is still under trial, I think. (*An Honourable Member:* "The Government withdrew the prosecution.") I am sorry I was thinking of the first trial. There was a reference to the High Court and then there was a retrial ordered and when the case came up for retrial the Government withdrew from the case; they did not proceed with it. (*Mr. K. Ahmed here made a remark which was inaudible*) My friend, you will have your turn; do not be so impatient; if you know anything you can offer to give evidence. Now, a great deal is made of the murder of the acquitted man. My friend, the Home Member is reported in the press to have stated that this man was an approver. But my notes show that what he stated was that the man had made a statement to the police.

**The Honourable Sir Alexander Muddiman:** That is what I stated.

**Pandit Motilal Nehru:** The man who was actually tried, against whom evidence was adduced and in favour of whom there was a unanimous verdict of the jury of acquittal, could not have been an approver in the case. If he was a man who was acquitted by the jury by its unanimous verdict, I wish to know when he made the statement to the police implicating himself. Are we to believe that a man against whom the Government proceed with all their strength, give all the evidence that they can, a man who secures his acquittal by a unanimous verdict of the jury against such odds goes the very next moment to the nearest police station and says "Here I am; I am sorry the jury has acquitted me; I am really guilty; please take down my statement." Are we children? How can any man believe that a person who has been acquitted in that way will go to the police and make a statement? I should like to have that statement; I should like to know before whom that statement was made and what is more important, I should like to know through what process this man had to pass before he came to make that statement if he ever made it. But we know that he had not time enough to do so because he was acquitted on the 29th of September and on the 3rd of October his body was found in a mutilated condition somewhere between Dum Dum and some other place. Well, Sir, these are all the cases. In all these cases we find there are two or three which certainly and unmistakably point to anarchical crime. But I have admitted at the very outset that there is some such movement in Bengal. On the facts before us there is little doubt about it. I shall presently show why and how that movement came into existence. But I stop for a moment to ask again what is there to justify any one of the statements made in the extract which I read out from the Resolution of the Government of Bengal? Where is there a case where an approver has been murdered? Where is there a case in which a witness has been threatened and which has been brought to the notice of the court? Where is there a case in which the jury has failed to return a verdict of guilty in circumstances under which any other jury in the world could have returned that verdict? What has been really established is this, that wherever there has been a case in which it was possible for private citizens of Bengal to help in the detention and prevention of crime, they came forward with remarkable readiness and assisted the authorities even at the risk of losing their very lives. That is what has been established by these cases. Are you going to reward those men who have served the State, who have served the public in the manner I have shown, by putting them in the hands of the police in the way in which you have by this Ordinance? The most serious thing shown by these cases is the way, the reckless way, in which the police manufacture evidence. Sir, I venture to say that if you look into the history of crime in

other countries, you will find many more cases of this character than have occurred in Bengal. But what is the difference? In those countries crime is put down by the aid of the ordinary law, by an honest police, by a police which know how to do their duty. Here if any prosecutions have failed, they have failed simply because the police are wholly incompetent and have miserably failed in the discharge of their duties. The only thing in all the cases I have referred to that stands to the credit of the police is the accidental discovery of the bomb factory, for which they were not responsible.

The real fact is, that all these phrases, murders of approvers, murders of witnesses, intimidation of jurors, have been borrowed from the Rowlett Committee's Report. It is not for me to go into that Report now, but whatever justification there was, even then, it is to be found in the murder of one solitary approver of the name of Gossain who was killed as far back as the year 1908 in the jail by his co-accused. Well, as I have said, it is not for me to go into the facts of that case. I say that it is unfair, it is unjust, to go into facts of any case which happened before the year 1919 when the Royal Proclamation extending general amnesty to those involved in previous cases was made. By calling those facts to your assistance, facts which happened before the year 1919, you are stultifying yourselves, you are stultifying the Royal amnesty. If you do not take any of those cases into consideration, I challenge my Honourable friend the Home Member to show even a single instance of the use of threats, ill-treatment of approvers and witnesses and intimidation of jurors that has been stated in all the Government pronouncements. What you have got to show is not the occurrence of crime—there is crime in every country—but that the ordinary law of the land is inadequate to deal with that crime. It is this that you have to show, and if you fail to show this, you do not make out a case for any Ordinance or extraordinary powers.

Now, Sir, these imaginary murders of approvers, of witnesses and jurors are not to be found merely on the brain of the Government here. The fever has been communicated to the Government in England and what do we find? This is what the Under Secretary of State, the noble Earl Winterton, stated from his place in the House of Commons in the recent debate on the motion of Mr. Scurr. I read from a Reuter's telegram dated the 19th December last.

"Earl Winterton gave examples of cases of treatment of witnesses which he said were certainly not going to recur if the Government of India and the Imperial Government could prevent. He cited *inter alia* the Alipore conspiracy and the Calcutta bomb cases in which there was murder of witnesses."

Murder of witnesses in the Alipore case and in the Calcutta bomb case!

**Mr. Bipin Chandra Pal:** The Alipore case of 1908.

**Pandit Motilal Nehru:** Yes, there was the Alipore case of 1908, the Gossain case I have already mentioned, but the Under Secretary of State had in mind the words of His Excellency the Governor of Bengal that these murders had recently happened. The exact words are "these have already operated in more than one recent case." Where is even one recent case? I shall not ask you for more than one; give me one recent case in which these things have operated, in the words of His Excellency.

As I am on this cablegram, I will read the earlier part of it also:

"Earl Winterton dealing with the Ordinance pointed out that where was reasonable certainty that witnesses would come forward with a sense of security, convictions would follow and prosecutions would be held under the ordinary law, but where there was a strong presumption that witnesses would be intimidated and murdered, there should be no recourse to trial in ordinary courts."

[Pandit Motilal Nehru.]

Now, Sir, here is a test which I am prepared to accept. How am I to make out that there is a reasonable certainty that witnesses would come forward with a sense of security and give evidence except by showing that witnesses have actually come forward and to give evidence without requiring any security for their safety? I have shown that in every one of these cases witnesses have given their evidence fearlessly and that convictions have been secured where they could possibly have been expected. I therefore submit, Sir, that there is no justification for the Ordinance in the cases which have been referred to.

Let me now take some other circumstances mentioned by my Honourable friend the Home Member. He said that between July and October there were no less than five attempts to murder officials. How do we know that? He proudly said, that those attempts were frustrated by the vigilance of the police; and then piously added "and by the hand of God" and finally gave all the credit to the police. I am simply amazed at this credulity on the part of the Government. Here is a police informer giving information of very terrible things that were going to happen if he had not prevented them. They praise him for his vigilance and they thank God for protecting them by His own hand.

How are we to know? My friend says: we cannot put all the facts before you. Well, that is for the simple reason that they are unbelievable. What can they be? Can they be anything but your informers' reports? Can they be anything but the statements, one-sided statements collected by the police? Whatever the character of these statements, you know that nobody will believe them. Here I will point to an incident which will show how these things are done. My friend Mr. Bipin Chandra Pal referred to the humiliation and confinement of two very worthy citizens of Bengal, Babu Aswini Kumar Dutt and Babu Krishna Kumar Mitra. He just referred to it, and my friend Mr. Patel thought that they had been arrested owing to some mistake and that it was subsequently discovered that they were really innocent and set at liberty. Now it is very interesting to inquire how it happened and we have on this point no less an authority than that of Sir Hugh Stephenson, who from his place in the Bengal Council said:

"I should like to mention specifically three cases which have been used in the press to throw doubts on the efficiency, if not on the *bona fides* of our methods. The first two are those of Babu Aswini Kumar Dutt and Babu Krishna Kumar Mitra. It has been said that no one will believe that they had anything to do with terrorist crime and that therefore the secret information of the police must have been false and Government may equally well be deceived by such false information now. I never knew Babu Aswini Kumar Dutt, but I am glad to think that Babu Krishna Kumar Mitra is a personal friend and I entirely acquit him of sympathy with terrorist crime. But as far as I know no one has ever accused him or Babu Aswini Kumar Dutt of promoting crime still less of taking part in it. The Bengal Government asked for the use of Regulation III in the case of Babu Aswini Kumar Dutt because—(now the cat is about to come out of the bag, as an Honourable Member said yesterday)—of his whirlwind campaign of anti-Government speeches,"

Now, Sir, if I am taken at this moment under this Ordinance, there would be perfect justification for it because I have raised a whirlwind of anti-Government speeches in the past and intend to continue to do so in the future. Then he continues:

"and his control of the Braja Mohan Institution from which a stream of sedition preachers are constantly pouring. In both those cases—(now this is very important)—"

the activities for which these gentlemen were restrained were open and public; there was no need of secret information and there was none; there was no question of Government being deceived or of police information being false and the argument that it is sought to found on these two cases falls to the ground."

The particular argument Sir Hugh was meeting was a very weak argument, and has, I admit, fallen to the ground. But Sir Hugh probably was not aware of what I hope the House will at once see from his statement, namely, that a much stronger argument has been actually conceded by Sir Hugh Stephenson. You do not arrest men because of your possession of some secret evidence against them or of their being suspected of anything. You catch hold of honest men, men you know to be innocent, men you believe to be patriots, men you believe to be working in the cause of their country. You catch hold of them. And why? Because they make anti government speeches. That for the methods. In this connection I may be permitted to remind the House of what Lord Morley said in his 'Recollections' as to these methods, because it is exactly what has happened in the present case and history has repeated itself. Writing to Lord Minto, said Lord Morley, when nine men were caught under the Regulation and Lord Morley was pleading for their release but Lord Minto would not listen:

"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 *détenus* 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 evil-doers generally.'"

I ask the Members of this House to tell me, I ask the Home Member to tell me what difference is there between this method of frightening evil-doers by detention and the very much abused German frightfulness? Indeed, Lord Morley himself looks upon it in that light. He proceeds to say:

"That's the Russian argument; by packing off train-loads of suspects to Siberia we'll terrify the anarchists out of their wits, and all will come out right. That policy did not work out brilliantly in Russia, nor did it save Russia from a Duma, the very thing that they deprecated and detested."

Now, my friend the Home Member was asked: "when are you going to let these men off?". He said, as soon as it was consistent with "public safety." Well, Sir, I was wondering as to what public interest and public safety might mean, and it seems to me that it can have only one meaning in this country and that is bureaucratic safety and bureaucratic interest, as is clearly shown from this correspondence which passed between Lord Morley and Lord Minto. Then, Sir, I am informed—I was not in the House at the time—that my friend, the Home Member, showed much righteous indignation and pious horror at the mention of *agent provocateur*. I was told that Mr. Bipin Chandra Pal referred to something which was said by Sir Reginald Clarke. (*Mr. Bipin Chandra Pal*: "Written by Sir Reginald Clarke in the columns of the *Times*.") No, it was not

[Pandit Motilal Nehru.]

written by Sir Reginald Clarke—I will give you his very words—I think it occurs in a speech of his :

“ I have had much experience of these agencies in the East, and often wonder whether they do not raise more devils than they lay.”

And then, talking of police informers :

“ One has to use them to fight anarchy, but their inevitable concomitants, the *agent provocateur* and the *lettre de cachet*,—alienate public opinion to such an extent that they can never be continued for long.”

I do not know if my friend meant this or some other. (*Mr. Bipin Chandrar Pal*: “ I meant this.”) Then, there is another document, Sir, which I wish to refer to. This is the State Prisoners' Memorial to Whitehall. It is dated 25th July, 1924, and the names of these persons are Bhupendra

4 P.M. Kumar Dutta and Jiban Lal Chatterjee. This memorial was submitted to the Government of India to be transmitted to the Secretary of State for India. These are persons who were arrested some time in September 1923. One of them was to be the editor of the *Forward* newspaper which was then proposed to be started. The other two were the manager and the editor of two vernacular papers who had declared in favour of the Swarajist policy of entering the Councils either to end or mend them. These three were taken under the Regulation. After nine months they sent this petition which was published in the *Forward* and what I am holding in my hand is a reprint from the *Forward*. These were men to whom the general amnesty of 1919 was extended. The charges that were served upon them were these :

“ (1) You were arrested in the year (given the year of the last arrest) and detained as State prisoner and released under the Royal amnesty in the year (year given). (2) You were conspiring to overthrow the British Government. (3) You started and maintained *Ashram* which were centres of revolutionary recruitment. (4) You were directly or indirectly connected with the collection of fire-arms. (5) You were connected with the Indian agents of Bolshevik Manabendra Nath Roy. (6) You were privy to the murder of police officers.”

How delightfully vague. Who is there in this House who can defend himself against such vague charges if they were brought against him? If the Honourable the Home Member serves upon me these charges and calls upon me to defend myself, what can I say? However, I am not pleading for these men or for their release from wrongful arrest, but I am referring to their memorial to draw attention to certain facts they mention here which have a bearing upon the question whether there is or there is not an *agent provocateur* at work in Bengal. They say :

“ We must state facts as they are. We do not deny, rather we are proud to declare that there is a widespread and deep-rooted—(*What? Not conspiracy*)—a deep-rooted demand for liberty and the thirst for liberty is very great amongst the youth of the land. They would sacrifice anything for freedom, etc.”

And then they say :

“ After our release, when we first joined the Indian National Congress and the non-co-operation movement we found mixing freely with the young men of the country, amongst others, a certain person whose name we are ready to disclose in case of a proper and impartial inquiry into these most serious affairs. We have knowledge that while previously locked up in jail as State prisoner this man along with some others of his ilk was in touch with and helping the Secret Service even from jail. While the non-violent non-co-operation movement was at its full swing he was trying to incite young men to form a party of violence. He tried to persuade even some of us to take up



the leadership of such a party as against the party of non-violent non-co-operation which according to his preachings was doing immense harm to the country. Failing to instigate persons who knew something of men and things, he began to characterise those persons as having turned moderate and we know that with an amount of oratory and supported and financed by dark powers from behind he succeeded in getting together a batch of young men. We have very strong reasons to believe that whatever political violence has been committed in Bengal after the non-co-operation movement is the activity of this group consisting of the innocent dupes of this *agent provocateur* and was incited and engineered by him."

They go on to say:

"This *agent provocateur* has been systematically screened from the public eye and unobserved this creature of the secret service has been made to do whatever his masters have been wanting of him. His name once leaked out in an identification parade in connection with the Alipore conspiracy case and it came out in the court that his name had been penned through and that of an accused put instead. For obvious reasons this point was not pressed by the counsel for the defence."

Here is a fact mentioned in a memorial which has been presented to this Government to be transmitted to His Majesty's Secretary of State for India. The allegation is made there. The memorialists offer to give the name of the person. They indicate in their memorial enough to enable my friend the Home Member to spot the man. Who is this man? I ask him. What is he doing? Have these statements been tested? Have these facts been investigated? If not, what force is there in his righteous indignation at the mere mention of the name of *agent provocateur*? I may mention, Sir, that the general belief in the country is that there are such agents abroad. Of course it is impossible for men except those situated as these memorialists were to know much of their doings. But here are materials enough for the Government to proceed to inquire and to let us know the truth. If my friend the Home Member is not prepared to give us any information here and now, let him take as much time as he likes.

I have dealt with all the reasons so far as I have been able to follow my learned friend upon which he has stated that the Ordinance is a necessity. Another argument is used. My friend paid a very high eulogy to His Excellency the Governor General's talents as a lawyer and as a statesman; he relied on the fact that His Excellency had been Lord Chief Justice of England. That his pronouncements as the Lord Chief Justice of England are entitled to the highest respect no one denies. But to say that when the ex-Lord Chief Justice of England tells you that he has examined a certain case you must take it without going further into the matter is a very different thing and does not necessarily follow. I am perfectly certain that His Lordship himself, if we can imagine him taking his seat on the bench once more and having his own findings about the Bengal Ordinance placed before him, will be the very first to throw them out as wholly inadmissible and unreliable. The most serious pronouncements made from the Bench, if they are not of a judicial nature, and pertain to what are called extra-judicial matters, have absolutely no value with anybody whatever the authority on the Bench which makes such pronouncements. You talk of His Excellency the Governor General and the ex-Lord Chief Justice of England. I say that even if angels from heaven were to go into these police informers' reports and to base their opinions and conclusions upon them, those opinions and conclusions would be wholly unreliable because of the taint in the material, and its defective nature, and not because the materials have not been well examined. I do not think that anybody has said that whatever materials were placed by the

[Pandit Motilal Nehru.]

police before the Government were not thoroughly examined and scrutinised; but my point is, that that material is not reliable enough to form the basis of any investigation or the basis of any conclusion? Sir, some one in this Chamber the other day remarked that a judge could not be a good administrator. I do not agree with him. I say that a judge-administrator may be a very good administrator, but when you put forward his opinions as an administrator and ask us to attach the same value to them as if they had been given by the judge, I say we cannot do so. A judge, the moment he becomes an administrator, is like a boat cut off from its moorings. He has to form his judgment not upon the material which he has been using as a judge for his judicial inferences and conclusions. That material must be legally admissible evidence. The tests which have been provided by the law must be applied to it and it must stand those tests. But an administrator does nothing of the kind. You may rely upon his Lordship's experience. I have no reason to object to that—nor am I prepared to say anything about the correctness or incorrectness of the conclusions come to on the materials available. What I say is that the material itself upon which conclusions have been based was wholly unreliable.

The next point that was discussed was the fact that this House was not consulted before the Ordinance was promulgated. This House was not sitting at the time and I am not willing to attribute any motives to the Government on the score of the Ordinance being promulgated soon after the September session was over. But what I say is this, that His Excellency the Governor General having passed and promulgated this Ordinance it is wrong to say that he and he alone is responsible for keeping it in force. I do not accede to that proposition. While I admit the right and the initial responsibility of His Excellency the Governor General in issuing and promulgating this Ordinance, I deny that His Excellency is responsible for keeping it in force. On the contrary, I maintain that it is this House and this House alone which has the right and the responsibility in itself, undivided and unshared by anybody else. The moment this House came into session it was its right—it was not only its right, but under section 72 it was its duty to see whether this Ordinance was to continue a day longer or not. It was with this object that I submitted my Bill which proposed to supersede and repeal the Ordinance, but I was informed a few days ago that His Excellency under the circumstances was unable to give me his sanction to introduce the Bill. I may here refer to section 72 for a minute. It runs:

“The Governor General may, in cases of emergency, make and promulgate Ordinances for the peace and good government of British India or any part thereof, and any Ordinance so made shall, for the space of not more than six months from its promulgation, have the like force of law as an Act passed by the Indian Legislature, but the power of making Ordinances under this section is subject to the like restrictions as the power of the Indian Legislature to make laws; and any Ordinance made under this section is subject to the like disallowance as an Act passed by the Indian Legislature and may be controlled or superseded by any such Act”.

that is to say, by such Act of the Legislature. I contend that this Legislature has a constitutional right not subject to disallowance by His Excellency the Governor General of superseding, confirming or repealing this Ordinance and it is this right of the House which I sought to exercise by the introduction of my Bill which I have not been allowed to do. It is, therefore, incorrect to say that the responsibility is solely that of His Excellency. My submission to the House is that, in the first place, there was absolutely no justification for His Excel-

lency to exercise the right which he undoubtedly possesses under section 72 to promulgate the Ordinance. In the second place, I say that His Excellency and the Government have no say in the matter now. It is this House and this House alone which can determine whether that Ordinance shall go on or shall at once be withdrawn. I know that there is a provision in the Act that the introduction of a Bill like mine is subject to the sanction of His Excellency. I can conceive occasions when it would be necessary for His Excellency to withhold sanction. That section must be read with section 72, and when section 72 gives this Legislature an inherent right and another section says that it is subject to sanction there must be some meaning in that. We must reconcile the two sections and the only way in which they can be reconciled is that unless there is something very, very exceptional—suppose for instance there was a general rebellion to-day and the Viceroy in those circumstances exercised his discretion and said, "No. This Bill shall not be introduced in the House." I could understand it. But what are the special circumstances in this case? There must be something very special under which the Governor General could exercise the discretion vested in him about sanctioning or withholding sanction to a Bill of this character. We are living in peaceful times, there is no rebellion afoot, we have our usual life going on, we have our big dinners and entertainments and we are going to have a Baby Show next week.

Lastly, my Honourable friend, the Home Member, told us "We are not devoid of political foresight." Well, Sir, I am very sorry to say that that commodity has never been known to be available in the bureaucratic shop. Take the recent events. Take the two big turns that the political situation has taken in quite recent times in this country and see with what political foresight. . . .

**Mr. President:** I cannot allow the Honourable Member to go into that. I have allowed him very great latitude indeed. I must ask him to bring his remarks to a close.

**Pandit Motilal Nehru:** I am very sorry to have exceeded my time limit. There is one more point I wish to make with your permission and it is this. Whatever has been done under the Ordinance itself in the way of arresting these people and keeping them in custody could have been done under the ordinary law. There is nothing including the great round-up of the 25th of October last which could not be done under the ordinary law. I wish to know from the Honourable the Home Member if there is anything that has been done which could not be done under the ordinary law. The fact is that one kind of terrorism has been set up against another kind of terrorism. We were told by His Excellency and rightly told that no political party can continue to live with terror for a friend. Now, Sir, there is no doubt that, terrorist organisations exist in this country, but the greatest and the most powerful of these organisations is the Government of India and their terrorist agencies in the provinces. It was very rightly observed by His Excellency that the parasite kills the host. I say, Sir, that that observation applies to terrorism both of political parties and of the Government and the parasite will kill the host in either case. Neither can continue to have terror for a friend. I regret I have exceeded my time, and I thank you, Sir, for allowing me great latitude. I appeal to all Members of the House, I mean all non-official Members, to vote unanimously in favour of this Resolution.

**The Honourable Sir Charles Innes** (Commerce Member): Sir, the Honourable Pandit has my complete sympathy. He evidently felt himself in a very difficult position. Mr. Rangachariar made a great appeal to the House about the disrespect done to the House. The Pandit did not think it worth while to follow up that point. Mr. Jinnah told us a long story about the provisions of the Ordinance. The Honourable Pandit did not think it worth while to follow up that point. He took a line of his own—I must confess it seemed to me a singularly unpromising line. He attacked the fact of the revolutionary conspiracy. He gave us some cold lawyer-like criticism of certain cases. He tried to make our flesh creep about *agens provocateurs*. He read out some rather dull extracts about a case with which we are not concerned to-day. But what was the sum and substance of his argument? He had to admit that there was a revolutionary conspiracy, and all it came to was this, that the revolutionary conspiracy was only a little one, like the house maid's baby. Is it such a little one, Sir? Is it nothing that a bomb factory in Calcutta has been discovered? A boy was blown up in Faridpur and a bomb was used in the Mirzapur Street case in Calcutta. Is a bomb an ordinary form of crime? Is it a small thing, Sir, that we have ample proof that smuggling has been going on of ammunition of a peculiar foreign pattern and that that ammunition was used in the Chittagong dacoity case and in the murder of Mr. Day in Calcutta? Is it not a fact that at the time these things were going on we had the same old press campaign, the press campaign of the old days of the revolutionary conspiracy? Sir, the Honourable Pandit has quoted a lot of extracts from the *Forward*. Let me quote one or two sentences from the Indian Press. This is from one paper:

"Hail thee, O thou Death! Come and dispel the death fears of these sheep-like timid men."

**Pandit Motilal Nehru**: What paper is it?

**The Honourable Sir Charles Innes**: *Atmasakti*. I cannot pronounce it. The paper goes on:

"On the back and shoulders of these men marks of chains and shoes are glaring visible. It is a cruel sin to live in a place where there are no true men."

Then again:

"Indeed the calm, patient and unmoved manner and the smiling face with which Gopi Nath accepted the death sentence moved the heart of everybody in Court to pity. As to-day the heart of Gopi Nath's half-frantic mother is wailing out in lamentation, so the heart of all Bengal is wailing for this fearless youth, Gopi Nath, vowed to truth."

**Mr. M. A. Jinnah**: What steps have been taken against this paper?

**The Honourable Sir Charles Innes**: Does the Honourable Member wish us to reintroduce the Press Act? If so, he might move a Resolution to that effect.

**Pandit Motilal Nehru**: May I ask the date of that paper?

**The Honourable Sir Charles Innes**: 28th of February. *Sarathi* it is.

**Pandit Motilal Nehru**: What year?

**The Honourable Sir Charles Innes**: Last year, just after the murder of Mr. Day. It is no use for the Honourable Member to minimise this

conspiracy. I do not know, and I will not attempt to guess, who is the leader of the Swaraj party. I do not know whether it is the Honourable Pandit Motilal or whether it is Mr. C. R. Das.

**Pandit Motilal Nehru:** I take the fullest responsibility.

**The Honourable Sir Charles Innes:** But here is Pandit Motilal Nehru saying that this conspiracy is only a small one. We have Mr. Das saying on the 30th of August in one of these expansive moments which I am sure he regrets and which I am sure Pandit Motilal Nehru regrets even more:

“Undoubtedly there is a much more serious anarchist movement than the authorities realised. It is growing increasingly difficult to suppress it.”

Since the Bengal Government published its Resolution on the 25th of October last there has been so much talk about revolutionary conspiracies that it seems to me that the phrase “revolutionary conspiracy” has passed more or less into current political coin. It is regarded merely as a phrase. I can assure this House, Sir, that when we had to deal with it it was much more than a phrase. It was a terrible reality and a dangerous reality. What did it mean? It meant that you had a lot of irreconcilable men plotting to overthrow Government, plotting to overthrow the Government by every means of terrorism, by murder, by murder of witnesses . . . .

**Pandit Motilal Nehru:** What witnesses were murdered?

**The Honourable Sir Charles Innes:** By murder of policemen and by murdering anyone who gave information against them. They were prepared to use and they did use the most dangerous weapon, the bomb, the bomb which deals indiscriminate death. As often as not it misses the man it is aimed at and it kills some innocent law abiding citizen. Sometimes it kills a woman or even two. (*A Voice:* “Jallianwala Bugh.”) That is what a revolutionary conspiracy means. Mr. B. C. Pal called it a movement of revolutionary patriotism. Sir, I am glad that Mr. Rangachariar at once challenged that phrase. They are not patriots in any sense of the term. They are anarchists, men who are out to destroy, to destroy existing institutions without any clear idea of what they will put in their place. That is what they are. But I am prepared to admit that there is this much truth in Mr. Pal's phrase. One of the saddest parts in this whole matter is that these men make it their business to seduce the youth of Bengal. They make it their business to catch them at the fermenting emotional age and they keep them by methods which I would rather not describe.

**Pandit Motilal Nehru:** What about the men mentioned in this memorial?

**The Honourable Sir Charles Innes:** Sir, the danger was a real danger and I say that the first and paramount duty of a Government confronted with a danger like that is to suppress it by all means in its power. But let me leave the Honourable Pandit and refer to the two main criticisms which have been made against this Ordinance. The first is that even granting there was a conspiracy, an Ordinance was not the right way to deal with it. And the other line was the criticism of the terms of the Ordinance. Let me take the first point first. It was a point on which Mr. Rangachariar fastened. He said that we have shown disrespect to the Indian Legislature by not consulting it and he also said that at least we might have consulted the Home Department Advisory Council. Now, Sir,

[Sir Charles Innes.]

I should like to assure this House that nothing was further from the thoughts of His Excellency the Viceroy than to show disrespect to the Indian Legislature. But I should like the House to look at the facts as they presented themselves to Government when that Ordinance was issued. I should like them to realise the position as we saw it. As we saw it, the position was that there were two forces pitted one against the other. On the one side, there was this revolutionary organisation, an organisation which we regarded as very dangerous and an organisation which, according to the best of our information, was controlled by desperate men, absolutely irreconcilable against any form of Government. We knew that they were plotting to overthrow the Government, and we knew that the one thing they feared was the swoop which we have made. On the other side, there were the police watching this movement, trying to checkmate the outrages, trying to prevent these outrages but above all trying to keep track of the spread of the conspiracy. They were doing this at the risk of their lives. I regret very much the attack made by the Honourable Pandit upon the Bengal police, for I say, Sir, in this House that every one of us ought to take off our hats to Mr. Tegart and his Indian and European assistants for the work they have done during the last few months of imminent hourly peril of their lives. Our aim, Sir, was to prevent this conspiracy coming to a head. Our aim was to allow it to develop as far as we could safely do so and then make a swoop upon it. It was essential that we should arrest as many people as we believed to be implicated simultaneously. It was essential that we should search as many places as we believed to be the centres simultaneously. Surprise and secrecy were the essence of our plan. Now, had our plans failed, all the work of months would have gone for nothing. The conspiracy would have gone underground. We should have all the work to do over again with the conspirators on their guard. Is it reasonable to suppose that we should give away this advantage of surprise and secrecy by coming to the Legislative Assembly and telling them what was in the wind, explaining our intentions and asking for their approval? Surely, as every one must see, the result would have been that the conspiracy, to use Mr. Bipin Chandra Pal's phrase, would have gone deeper into the ground, that we should have lost all track of it and, as I have said, the whole work would have been done over again. Then, Sir, let me take Mr. Rangachariar's other suggestion that we should have consulted the Home Department Advisory Council. The first point I have to bring to the notice of Honourable Members is that no sooner was this suggestion made than Mr. Patel made a different one. Mr. Patel did not want the Home Department Advisory Council to be consulted but he wanted Pandit Motilal Nehru, Mrs. Besant, Mr. Gandhi and other leaders consulted. Now, let us follow this suggestion a little further. Let us assume that we had gone to Pandit Motilal Nehru. Now, the first thing that Pandit Motilal Nehru, would have said is this: "I cannot commit my party; I cannot commit the Legislative Assembly; but I will give you the very best advice I can." And I am perfectly sure that the Honourable Pandit would have given us the best advice. I am also quite certain that if we had placed all our papers before the Honourable Pandit he would have immediately said: "Good Heavens! Act at once and hit as hard as you can." But, Sir, let us assume the converse. Let us assume that the Honourable Pandit said: "I do not advise you to do

this. My honest opinion is that it would not be wise for you to take this action. You had better follow the ordinary forms of law." Supposing we followed that advice and supposing that the staggering outrage at once happened then what would have been the result? We would have been arraigned at the bar of this House by my Honourable friends opposite. I can see my Honourable friend, Mr. Jinnah, menacing us with his forefinger, and cross-examining us in this House. Had we placed ourselves in such a position I should have been very sorry to undergo Mr. Jinnah's cross-examination. He would have extracted from us the admission that we knew that there was this very serious conspiracy. We would have asked us why did we not think it necessary to take immediate action against it by Ordinance. We would have then pleaded the advice given by the Honourable Pandit. We would have said that the Honourable Pandit advised us not to do so and we have taken his advice. Then, Sir, I imagine the indictment that the Honourable Mr. Jinnah would have brought upon us. He would have said: "True; that was the honest opinion of the Honourable Pandit, but where does the responsibility lie? Was it the responsibility of the Honourable Pandit, or was it the responsibility of the Government?" And, Sir, that is the answer to the Honourable Mr. Rangachariar. Mr. Rangachariar must think again.

**Diwan Bahadur T. Rangachariar:** I feel that the Honourable members opposite were exactly in the same position when they were consulted by His Excellency the Governor General.

**The Honourable Sir Charles Innes:** Let me come, Sir, to the criticism, namely the criticism of the provisions of the Ordinance. I am quite prepared to admit that the provisions of this Ordinance are exceptional and extraordinary. I am quite prepared to admit that no person has an aversion to an exceptional procedure of that kind. All, Sir, I would ask the House to believe that the principles of *Habeas Corpus* are ingrained in every one of us. We do not like any more than you do that we should interfere with the liberties of the subjects except in accordance with the ordinary forms of law. I think you might give us credit for this. But, Sir, I would ask the House to believe that while on the one hand we have that aversion to resorting to extraordinary measures, on the other hand we have the bitter experience of many years to guide us, the bitter experience extending back to nearly 20 years of revolutionary conspiracy in Bengal. Mr. Rangachariar saw no reason why our brave police could not have dealt with the conspiracy in the ordinary way. The Honourable Pandit Motilal Nehru asked us to look at the history of crime in other countries. I would ask him, Sir, to look at the history of crime in this country and, in particular, in Bengal. Let me give Pandit Motilal Nehru some facts. Between 1906 and 1918 there were 210 revolutionary outrages in Bengal. There were 101 attempts at such outrages. Definite information was in the hands of the police of the complicity of no less than 1,038 persons in those offences. But of these only 84 persons were convicted of specified crimes in 39 prosecutions and of these 30 were tried by tribunals constituted under the Defence of India Act. Sir, is it any wonder that the Rowlatt Committee recorded the definite finding "by 1916 the forces of law and order working through the ordinary channels had been beaten"? Mr. Rangachariar said that he failed to understand what the difficulty was in dealing with conspiracy cases. He pointed out that conspiracy is a well known crime under the Indian Penal Code. He

[Sir Charles Innes.]

pointed out that the police occasionally did get convictions in conspiracy cases. He wanted to know why a conspiracy case was not launched. Sir, let me remind the Honourable Mr. Rangachariar of our experience in regard to conspiracy cases. It is written here:

"The opportunity for exercising terrorism is increased by the remarkable length of the trials in India."

Then there is a list given. In the Alipur conspiracy case arrests were made on the 2nd May, 1908; judgment was delivered on the 6th May, 1909. In the Nangla case arrests were made on the 10th April 1910; judgment was delivered in August, 1910. In the Howrah case the proceedings were commenced on the 23rd March, 1910. Judgment was delivered on the 19th April, 1911, and so on.

The Committee goes on to say:

"It must be remembered that in the course of these proceedings witnesses for the Crown have to give their evidence first before a Magistrate. Even that part of the proceedings may take weeks, during which the witnesses in waiting can be threatened. Then there is a long interval before they are called again at the trial. During this period they may be further threatened or they may partially forget the facts and develop discrepancies. They are not as a rule well-educated men, nor do they possess exact habits of mind."

History shows in the words of the Rowlatt Report that, in dealing with crimes of this kind, the forces of law and order working through the ordinary channels were beaten. Why were they beaten? Let me give you the opinion not of an autocratic executive Government, but the opinion of two distinguished Judges, one of the Bombay High Court and one of the Calcutta High Court. I refer to the late Mr. Justice Sir N. G. Chandavarkar and Mr. Justice Beachcroft. The House may know that after the Rowlatt Committee reported, these two distinguished Judges were employed to sift the individual papers of no less than 800 people who were then under arrest. Let me read an extract from their Report:

"Before the Defence of India Act was brought into force, the fair trial of a person accused of revolutionary crime had been rendered practically impossible by the murders of approvers, witnesses, police officers and law-abiding citizens suspected by 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."

Again:

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

As I have said, these are not the words of an autocratic Government. Those are the words of two Judges of Indian High Courts, and those Judges, Sir, may be expected to be just as sensitive to the rights of the citizen as Mr. Jinnah or Mr. Rangachariar.

**Mr. M. A. Jinnah:** I question that.

**The Honourable Sir Charles Innes:** The Honourable Member will question anything. If the House is not content with the opinion of two Judges.



let me read an extract from the judgment of the Calcutta High Court in what is known as the Madaripur case:

"It is common knowledge that many assassinations, murders and bomb-throwing outrages have taken place and are still taking place, and the victims generally have been persons assisting in Crown prosecutions, for instance, inquiring officers and approvers. In the present case the complainant was a witness who had come to give evidence against the present accused and his co-accused, and he was threatened in the manner already stated."

Now, Sir, what is the lesson of all this? What is the conclusion? On the one hand there is this deep-rooted aversion to exceptional legislation, an aversion which I beg the House to believe is as strong on this side of the House as on the other side. On the other hand you have the lessons of experience, and you have to remember that we are responsible for the maintenance of law and order in this country. That was our dilemma; we had to choose. We might have chosen to follow the methods of the ordinary law. What would have been the result if experience is to go for anything? The conspiracy, Sir, the small conspiracy to which the Pandit refers, would have flourished unchecked. It would have got worse and worse and the whole of Bengal would have been convulsed and eventually we should have had to interfere in precisely the same way as we have done by precisely the same Ordinance, but on a far more extended and larger scale. Is this House going to be absolutely merciless to these boys in Bengal? Remember that one of the features of a conspiracy of this kind is that the leaders, these desperate men, make it their aim the whole time to get hold of the students, the young boys, and get them within their clutches. Let me read one more extract. This is an extract from a paper which was accepted by the Court in the Barisal case:

"You should preach to the best of your abilities the idea among the students so that they may not waste their time to no purpose during the vacation . . . You should first win over by sweet words the boy of your place of whose character you have written . . . If he proves a particular source of harm, extreme measures should be adopted in his case so as to leave no clue."

It is easy for Mr. Rangachariar who lives in Ritherdon House, Vepery, Madras, to talk in this House about gambling with the lives of a few men. I believe if Mr. Rangachariar lived in Bengal, if he had sons of university age, I believe he would feel for these Bengal fathers and mothers who, when a conspiracy of this kind is flourishing, must be haunted every day with the fear that any day they may wake up and find their son led to the scaffold with a halter round his neck because of having been got hold of by conspirators of this kind. I would ask Mr. Rangachariar to keep that in view when he talks of gambling with the lives of men.

I do not want to detain the House further. I have tried to prove that, so far as the method was concerned, our course was perfectly clear. We were faced with this conspiracy. We had reason to believe it was a dangerous and a spreading conspiracy. We had our choice between adopting the ordinary forms of law and allowing that conspiracy to flourish unchecked or of crushing it by the action we have taken. We chose the latter, and it is now for this House to give its opinion whether we were right or wrong, and when the division bell rings, the House will give its opinion. I am afraid when that time comes, we shall find in the opposite lobby some who have sacrificed their independence of thought to their party, and who are prepared to sacrifice what I believe to be the interests of their country to the expediency of their party. (*Some Honourable Members*: "No.")

[Sir Charles Innes.]

We shall find others who have found a way out. They have been able to express their real and their sincere disapprobation of detestable murders of this kind; on the other hand they have got themselves into a position in which they are able to avoid associating themselves with the Government. That, Sir, is their position and I have no doubt they will not listen to any arguments which may drive them from it. Then again, Sir, I am afraid there may be others who regard this conspiracy as a thing for Government, a thing over which they should express their deep disapproval, but which is really a matter more for Government than for them. And I believe there may be some who regard it rather as an opportunity for embarrassing the Government. But, Sir, I am an optimist. I still believe there are enough people in this House who will dare to face the cheap abuse of the market place, who recognise that, in very difficult circumstances, the Government have done the right thing, and who will be prepared, by their vote, to stand by the Government and show to the world that this Assembly has some care for its reputation for sanity of judgment, political sense and moral courage.

**Mr. T. C. Goswami** (Calcutta Suburbs: Non-Muhammadan Urban): Mr. President, before I proceed further, will you permit me to say that, at the beginning of the debate on this subject last week, you allowed me an opportunity of being particularly proud of you. Not that I have not always been proud of you; but, Sir, you said very emphatically that, so long as you sat in that Chair, you would not allow the dignity of the House to be in any way impaired. Sir, when you were saying that, I was wondering, if out of this House two Members had been spirited away by an executive decree, and you had issued summonses to them to attend, and then Government refused to produce them, even under an escort,—I was wondering whether in such a contingency you would not have even raised your voice in protest against such a manifest breach of parliamentary privilege. But, there are other parliamentary institutions in this country. I shall not embarrass you, Sir, by criticising the conduct of the President of another assembly; but you know the law of parliamentary privileges in the House of Commons. You know, Sir, the famous Shirley's case—better, probably, than anyone else in this House; and, Sir, you know also this—that there is no means in this country whereby this parliamentary privilege could be protected in India. There is another thing I should like to say by way of introduction. The Rules which it is your privilege to administer in this House have exalted some very high personages into a region of unmentionability. I shall try my best to keep the unmentionables' position safe.

We have, since the promulgation of the Ordinance, been haunted by truthful, well-weighed answers that tell the blacker lie. Many statements have been made by gentlemen in high authority—containing some admissions. I submit, as I have said before outside the House, that these statements and these admissions have been more damaging to the credit of the Government than even the Ordinance. Certain incautious admissions have appeared in these various statements—including the statement which the Honourable the Home Member recently made in reply to the debate last week. One of these incautious admissions is with regard to the reason which Government had to give us to why nothing incriminating was found during the house-searches. We have been

repeatedly told, in this House and elsewhere that this Ordinance was aimed at taking people by surprise—the so-called “anarchists” by surprise. How were Government going to answer this question that during these house-searches not one single incriminating weapon of offence or even revolutionary document was found? Sir, I do not know if I am at liberty to quote here Lord Lytton’s speech; but after an awful silence of many days, during which we had been questioning him on this point, he said (I do not know whether it was in one of those post-prandial orations), that the police were so busy in finding the suspected persons that the weapons escaped! I do not think I am travestying his statement; it is not easy to travesty Lord Lytton’s words.

The second admission that has come out is the admission that High Court Judges have refused to serve in this investigation. At the beginning of the last session—in January last year—His Excellency the Governor General told us that the so-called “evidence” against each of the accused had been sifted by two learned Judges of High Courts. I am glad to find now a statement of high authority, that High Court Judges have been refusing to serve. I remember the words of Mr. C. R. Das in another Council. He said:

“The wonder is that Judges can be found to adjudicate upon dead records.”

In that sentence is compressed the indignation of one of the most brilliant lawyers in India, a man who has helped the administration of the law for perhaps 30 years.

The third admission was made the other day by the Honourable the Home Member. He said,—there was not sufficient evidence to go to court. I am sure he is not ashamed of that statement. For, does he not live in this country where the Government established by law—mark the words “Government established by law”—is armed by a Regulation which provides in its Preamble that:

“There may be occasions rendering it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceeding.”

He lives under and indeed is almost the head of a Government which is protected by such a provision. There is, therefore, no reason why he should be ashamed of his admission.

Sir, there were some arguments used in defence of this Ordinance, and I have the latest arguments adduced by Government. They are three in number again, and I will give them to you in my order. The first argument consists in drawling out the word “t-e-r-r-o-r-i-s-t”. The second argument consists in repeating a dozen times the Honourable Sir Alexander Muddiman’s historic phrase: “There is no doubt about it”! The third argument consisted in repeating—I do not know if it was a dozen times, but at least half a dozen times—the words “He was shot down like a dog”. I think I shall, at this stage, take the liberty of quoting myself. On the promulgation of the Ordinance, after I had read the Resolution of Mr. Chief Secretary Moberley, of the Government of Bengal, I wrote this:

“The pleading appears to be devoid of even the academic merits of a well-presented case, and I cannot help noticing that bankruptcy of statesmanship has been accompanied by literary deficiency and that a Government which traditionally has excelled in plausible and catching proclamations, has recently lost its hereditary art and craft.”

I do not think, after the detailed scrutiny, which was scarcely necessary, by my Honourable friend, Pandit Motilal Nehru, of the speeches

[Mr. T. C. Goswami.]

and the statements made on behalf of Government in this connection, I need hardly dwell on details. The principle which has been challenged by this Ordinance and the principle which we are out to vindicate here, is a principle of the elements of law and it does not matter, and I do not care, how many ex-Chief Justices and ex-Chancellors say to the contrary. Is it suggested that because some one responsible for this

Ordinance is an eminent lawyer, that whatever he does must  
5 P.M. be accepted? Has any one the impertinence to suggest to me that Pandit Motilal Nehru or Mr. C. R. Das are not at least as eminent lawyers as any who have put their seal of approval on this Ordinance? Is this not a fundamental question of law? The question is: Is it right under any circumstances that the executive should have power to deprive citizens of their liberty without trial, and if so under what circumstances? You must clearly answer that question. I may say this, that if any one studies the constitutional history of England—and I should like my English friends particularly to refer to that history—he will find that the civil war of the 17th century was fought on one issue, namely, the definition of an Ordinance. I do not propose to give you a lecture on English history, but I think it is my duty to remind my English friends of that movement in their history. In England you are protected by the *Habeas Corpus* Act, which protection is denied to us here. You are there protected by the law regarding the offence of *Præmunire*. It is a very curiously-named offence, but it places any executive officer who sends by his order any citizen outside the jurisdiction of *Habeas Corpus* outside the protection of even the King's pardon; and he is punished by forfeiture of property and even the Crown cannot pardon him under those circumstances. Sir, the word "evidence" has been freely used by Government. They say they have sifted evidence. Mere statement can never be evidence. Lord Reading is a great lawyer and I have seen him described as a jurist, and I have no doubt that Lord Reading will admit that the material on which his Government have arrested and imprisoned a large number of citizens does not become evidence in any sense because that information was tested by other people. Information, from whatever source, cannot be treated as "evidence", unless it has been tested by cross-examination.

Sir, the new Revolutionary Pamphlet is very well timed,—like the Red Leaflets. I do not know in what press it was manufactured. But the very perfect language of those documents and a considerable similarity of the language used in those documents leads me to infer something. After all, is it seriously suggested by the Home Member that revolutions, subversions of the constitution, can be effected by issuing leaflets? It is a childish argument. I want to answer one question frankly; and it is this. It was said on the floor of this House that the lives of some high officials had been threatened. We were told by Mrs. Besant at an important meeting in Bombay that the reason why she supported the Ordinance was that the life of Lord Lytton had been threatened. Now, Sir, I want to answer that quite frankly and fearlessly. Lord Lytton's life, it is said, is in danger. He is entitled to every protection. He is entitled to the protection of the whole police force and he is entitled to have more detectives; and to that extent there is abatement of personal liberty to which we are prepared to submit. But I say this: that even the life of the highest official is not more sacred than

the liberties of the people. That is my emphatic answer to that question. I remember an incident which happened at Benares about ten years ago. I was in Benares at that time. Lord Hardinge was going to lay the foundation stone of the Benares Hindu University. All along the route every house was searched and policemen were stationed on the terrace, in the zenana and on the ground floor. And then I remember Mr. Gandhi's historic words: "It were better for Lord Hardinge to have died at the hands of an assassin than to have suffered this living death". There can be no doubt as to the answer that is to be given to such an objection. Are not lives of eminent statesmen in Europe threatened every day? Has not Clemenceau's life been attempted? Has not Millerand been shot at? Has not Mussolini been attacked? But does it mean that these people go home and ask to put the whole country under *quasi-martial law*? (*Cries of "Yes" and laughter*). Yes, Mussolini does; but it is something which is condemned by all European opinion. His activities, like yours, are like the gambler's last desperate cast.

It is no use telling the world that Government were anxiously considering what they persist in miscalling "evidence", while the Assembly was sitting in Simla in September last. That is a statement which is, I do not say incredible, but difficult to understand. It would be more natural for us to infer that, while the Home Member was making those speeches so full of solicitude for the Indian people, the Government, whether in Bengal or in Simla,—I do not know where—were hatching this dark conspiracy against India and against civilisation.

There is one fact to which I have drawn attention before and to which I wish to draw the attention of the House. If you compare the London *Time's* Indian correspondent's letter dated the 29th September and the Government of Bengal's Resolution dated the 25th October, you will be struck not merely by the similarity and the arrangement of arguments but even by the similarity of language. I shall not draw any inference myself. An insinuation was made in the Bengal Council by Sir, something Stephenson, speaking on behalf of the Government. He said that the revolutionaries were no longer in need of funds—I am quoting a newspaper report—and were therefore not required to go in for dacoities simply because they were being financed. There was an obvious insinuation in that, but I do not, again, propose to dwell on that insinuation. I propose to treat it as it deserves to be treated.

You may enthroned tutored untruth, drape it in blue and in ermines, starred and bejewelled, it will not deceive us.

You say that there are instances of anarchism; but we have here localised and licensed anarchism. As I have expressed myself before, if by anarchism is meant distrust of the law, violation of law, subversion of law, then *this* Government is a corporation of anarchists. And, Sir, I assure you that I weigh every syllable of what I say, when I tell you that I would rather be lectured on the subject of ordered progress and peaceful citizenship by brigands and assassins than by this Government;—and for this reason: that brigands and assassins cannot carry on a campaign of terrorism and personal vendetta on nearly the same scale as a government committed to a policy of terrorism. You punish honest people by means of a certain well-known law in this country for trying to bring Government into hatred

[Mr. T. C. Goswami.]

and contempt. I wonder if any seditious agitator can so successfully bring Government into hatred and contempt as their own high-installed officials. The whole system of administration, by Government's arbitrary acts, has become, to my mind, loathsome like a foul disease; and when I am asked by people, "How are you going to fight this Government which is so powerful?", I say to myself: "Is not pestilence powerful? Does not the mightiest monarch bow before it? Are not plague and pestilence powerful? In the same way is this Government powerful." It is our misfortune to live under this Government. I must tell this Government that if they cannot rule except by Ordinances, the only honourable course for them is to lay down this heavy load of responsibility; and I hope their passports will be made and Neptune's choicest winds will fill their sails.

There is one word with which I shall close, and that is about the revolutionaries. The revolutionaries have been condemned in this House. I hate revolutionary methods, not merely because of an instinctive abhorrence of murder and bloodshed, but because the methods of revolutionaries—the French Revolution methods—are out of date and are likely to be entirely ineffectual. The old French revolutionaries believed that across a sea of blood lay the promised land. I do not personally believe that; I believe such a policy is dangerous; and if I have used caution in my language with regard to revolutionaries, it is not because my words might otherwise give a handle to *this Government*, but because they might offer undue encouragement to those youths, who are ready to sacrifice their lives for their country, to plunge into anarchism. All honour to their primary motive. All honour to their spirit of sacrifice which leads them to dastardly acts. We must say this to them from this Assembly—and I cannot help saying that—I will not have these revolutionaries condemned in this House unless this Assembly condemns the Government which has produced these anarchists. Sir, I can quite understand the attitude of those who believe strictly in non-violence as a matter of religious conviction. But those who think that it is the right and duty of a country to fight against foreign foes cannot deny the moral right of revolt—I use Pandit Motilal's powerful phrase, the God-given right to revolt—against internal oppression. I may protest, but I cannot help sympathising with those who by bitter experience have lost faith in the gentle art of taming the brute. I say this to make my position perfectly clear, and I will end by quoting from a recent leading article in the *Statesman* newspaper, which has so long been carrying on vigorous propaganda in connection with the famous Gopinath Shah Resolution. Indeed I find with pleasant surprise Shadwell deviating into sense. The *Statesman* quotes from the letter of Mr. N. N. Sen Gupta, the ex-anarchist friend of Lord Lytton, with evident approval, and says:

"Mr. Sen Gupta, in our opinion, goes to the root of the matter when he suggests that the young men who are engaged in conspiracy are such as he himself was, they are not the dregs of society, but recruited from amongst the most promising spirits of their generation. They come from the 'young men who see visions and who dream dreams'. They are the energetic youths who are anxious to sacrifice their lives for 'a noble cause'."

Mr. C. R. Das supported the resolution moved at a meeting in respect of Gopinath Shah, and there was a terrific agitation. I shall not use

the epithet which I generally use outside in connection with that agitation. Mr. Lloyd George and Mr. Winston Churchill in the past have been reported to have spoken of the murderer of Curzon Wyllie—Dinghra—in terms which expressed approbation of his motives. I saw, the other day, in one of the leading newspapers of London, in connection with what we in this county would call a dirty case, I mean, the Bywaters murder case—the Editorial opinion that whatever might be said about the crime, the accused throughout the trial had behaved in a perfectly “British manner”.

Both the Home Member and the Honourable Sir Charles Innes have been rattling off the set sentence about approvers and witnesses being murdered. I challenged the Honourable the Home Member to say how many approvers, how many witnesses, have been murdered. Of course, he has persistently refused to answer that question, because there is no answer to be given. With regard to the only murder of an approver in 1909, even the English editor of the *Pioneer* said, that murder was of many hues. I am not preaching here murder and violence. I think that is loathsome. But I say this again with all emphasis, that I will not have the revolutionaries condemned in this House unless in the same breath you condemn tenfold the Government which have provided every incitement to anarchism.

**Prince A. M. M. Akram Hussain Bahadur** (Bengal Nominated Non-official): Sir, it is easy to swim with the tide and difficult to swim against it. I am in that unhappy predicament to-day. Coming as I do from Bengal and knowing some of the conditions prevailing in that province, I feel that the occasion is one on which I should make a few brief observations. I think it the more necessary to take this opportunity, because I expressed no opinion on this question in the public meeting organized in Calcutta in support of the Ordinance, although I was present at it. I regret I am not in agreement with the Resolution of the Honourable Mr. Duraiswami Aiyangar. Indeed, Sir, I am one of those who welcomed the Ordinance. In my humble opinion and according to Mr. B. C. Pal, the action of Government was tardy. His Excellency the Governor General in the statement made explaining the necessity of the Ordinance himself observes in paragraph 4:

“Though the situation in 1923 was grave, I was reluctant to invoke the powers conferred upon me by the Government of India Act until I was persuaded that all other means for dealing with the emergency had been exhausted.”

He further observes:

“Evidence has been placed before me which shows to my satisfaction that the movement is deep-seated and dangerous.”

In paragraph 5 of his statement, His Excellency also gives this assurance:

“The Ordinance will in no way touch or affect the interests or liberties of any citizens whether engaged in public or private affairs, so long as they do not connect themselves with violent criminal methods.”

After this I for one believe that the Ordinance promulgated by the Governor General and the local Statute presented by the Bengal Government in substitution of the Ordinance were sheer necessities. I deplore with every one else that circumstances in Bengal should have necessitated the enactment of such a law, for with all the care possible, it is not impossible that

[Prince A. M. M. Akram Hussain Bahadur.]

a few really innocent men should be mixed up with the others and deprived temporarily of their liberty. But it is better even that a few innocent men should suffer rather than that a great majority of our countrymen should be confronted with a menace which threatens public security. Anybody who has read the Governor General's explanation dealing with the necessity of the Ordinance and the speeches of His Excellency the Governor of Bengal dealing with the subject cannot but feel convinced that there was no alternative except to have this special enactment. It is impossible, Sir, to demolish the arguments of His Excellency Lord Lytton or to add anything to them in justification of these extraordinary powers. The chain of reasoning is exhaustive and complete, and I am surprised that any one after reading those speeches can be in doubt as to the necessity of such a measure. Lord Lytton in his Durbar address in Calcutta dealt with the subject very exhaustively, and though I also had at one time some doubt as to the necessity of such secrecy and detention without trial and represented it to Government in the manner open to me as a visitor to some of these détenus, I must confess that all my arguments were completely met by His Excellency the Governor of Bengal's pronouncement at the Durbar and the doubts I entertained were completely removed.

Sir, I have come in contact with some of these State prisoners and I wish to say for the enlightenment and knowledge of the House that every care is being taken of them and all reasonable comforts are provided for them. To say then that this measure was absolutely unnecessary or that it is unduly harsh in operation is gross misrepresentation and exaggeration. The allegation that this measure is directed to crush the legitimate activities of the Swaraj Party is absolutely without foundation. I shall invite your attention for a moment to what the Governor of Bengal said in his speech, *viz.*, that the special powers obtained were not for the purpose of repressing liberty but for the repression of crime. That there has been a recrudescence of anarchical crime in Bengal nobody seriously doubts. If that is so, it is up to us to assist Government in the complete eradication of this cancerous growth. Secret societies with their ramifications and bomb factories have been discovered in Bengal. Books and pamphlets have been written admitting their existence and boasting that the operations of Government in dealing with them were ineffective. I admire the patience and dignity of this Government and the very considerate and lenient treatment meted out to persons who are openly in favour of anarchy and chaos and do not realise the evils which are bound to result on a colossal scale if they succeed in paralysing the administration. Had there been any other Government but the British, whose patience and leniency are as great as their power and strength which is a direct result thereof, we would have indeed a very different tale to tell. Sir, the Government of Bengal are clearly of opinion that the use of Regulation III of 1818 and the powers obtained under the Defence of India Act effectively crushed the conspiracy in Bengal and if the powers had been retained by Government, it could never have been revived. If that is their opinion, is there any justification for us to stand in their way? Open trials of those suspected is out of the question as secrecy must be met by secrecy. The difficulties of the situation are known to the executive alone. We, the House of Legislature, ought to realise their troubles and strengthen their hands by our approval of such measures as they think essential for the safety of the State. To allow lawlessness



to grow is to my mind the reverse of patriotism. A small section of the people whose tactic of employing violence is objectionable to us and which we are certain cannot advance us an inch in the path of progress towards the realisation of self-government is allowed to demoralise a whole population by intimidation and threat of violence. People in the discharge of their duties are threatened with loss of life. There is no freedom of action, no liberty of speech. The atmosphere of Bengal is so surcharged with terrorism that people cannot speak their minds. Now I ask you what freedom and liberty we will have if this is the foundation of that discipline and control on which we are to build up the beautiful structure of a Swarajist Government? We talk of liberty and freedom very glibly without realising the true import of those terms. Evidently when we talk of liberty and freedom, we talk of our own liberty divorced from the liberty of a whole population. Liberty and freedom of which much play has been made in this House are only relative terms. We have no liberty if that liberty is not commensurate with the liberty and freedom of the people. When our own liberty is assailed, when we are terrorised into silence or dereliction of duty, should we respect and care for the liberty of those who are out to destroy our own? The manners of the youth of Bengal are gradually being so degenerated and there is so much excitement and inability to control that excitement that nobody is allowed to open his lips in a public meeting unless he sacrifices his conscience and plays to the tune which the audience may desire. Now, I ask you if that is freedom and liberty? The whole fabric of good citizenship is undermined by loose thinking and undisciplined action. Sir, it is not infrequently that in matters of liberty and freedom India is compared to England. But it is a fallacious argument. What is one man's meat is another man's poison. It is impossible to compare India to England. The conditions which prevail in this country in the matter of faithfulness and loyalty do not exist and never can exist in England. The analogy therefore is most incorrect.

As late as the 30th January, anarchists have been distributing leaflets in several towns even outside Bengal. In my opinion the Ordinance or the Bill intended to be substituted for it in Bengal are not too drastic and harsh. Government never sanction the detention of anyone in jail unless there is independent and sufficient proof of incrimination of a person. If there was full proof to establish his guilt before the ordinary Court of law he would be punished, but his detention in jail where he is pretty comfortable and has no hard labour is no punishment. His family moreover, if dependant upon his earnings, are given subsistence allowance. There is no hardship at all in this measure and no man who is really innocent need have any fear of it. It can affect only the guilty or those people who stand on the borderline of guilt and innocence. A man who values his reputation, who values his liberty, and has some stake in life is well within his province and has nothing to fear at all. It is only the impressionable, misguided and impetuous youth, some of whom if not criminals already are potential criminals, who will allow themselves to be entangled in the meshes of this law.

His Excellency the Governor in his speech to the Council narrated the story of Mr. Sen Gupta, who was let off by the High Court and who upon his own admission was guilty. He made a clean breast of his guilt subsequently, and in so far as he has done so and repented his past misdeeds, we will respect and honour him. Like him I hope there may be others who will come

[Prince A. M. M. Akram Hussain Bahadur.]

to the right path and fight the battle of progress openly and constitutionally, instead of letting loose the forces of demoralisation and disorder and destroying the peace and prosperity of this country.

I take this opportunity also to say that it is a matter of considerable pride and pleasure that so far no Muhammadan has been found in the subterranean passages of conspiracy, anarchy and revolution. It has been alleged in some quarters that that is because a Muhammadan is not trusted. I hope that he will always be mistrusted in such nefarious pursuits. My own personal opinion is that my community do not believe in underhand business and are also hundreds of thousands of them against the disruption of factors that tend to good Government and are therefore loyal to the British Government which in the present state of the country is a blessing.

Sir, I oppose this Resolution.

**Mr. Harchandrai Vishindas** (Sind: Non-Muhammadan): I move, Sir, that the question be now put.

(Several other Honourable Members also rose at the same time and moved that the question be now put.)

**Mr. President:** The question is:

"That the question be now put."

The motion was adopted.

**Mr. C. Duraiswami Aiyangar** (Madras ceded districts and Chittoor: Non-Muhammadan Rural): Sir, since we last met to discuss this Ordinance I came across two incidents in the papers which I think are worth mentioning to the House. One is that Subash Chandra Bose and others who have been interned with him have been, I am told, removed to some other place. It is not known where to. A more deplorable incident is that a gentleman named Mahendra Kumar Chakravarti, who has been arrested under the Bengal Ordinance, was not permitted to see his father on his death bed. His father died and he was not allowed to see even his corpse. His father's funeral ceremonies were celebrated and he was not allowed to attend them. And yet we are told by Prince Akram Hussain Bahadur that the treatment which is given to these State prisoners is nothing but admirable. Sir, Jurists tell us that the object of punishment is the production of a deterrent, preventive, or reformative effect, but I have never considered punishment to be vindictive. Was it not possible for this Government to show so much of humanity to this prisoner as to allow him to see his dying father under proper escort? Yet, Sir, this has been the kind treatment which has been given to this State prisoner.

Sir, the Honourable the Home Member has, in reply to my remarks, quoted several facts, and as I expected he has taken us from 1912 back to 1908. To-day the Honourable Sir Charles Innes has taken us still earlier to 1906 and I was expecting some Government Member to rise and to take us back to the Great Indian Mutiny in order to support this Ordinance. Sir, all that has been said in regard to matters of detail has

been fully answered by Pandit Motilal Nehru and I will not take up much of your time by going into those details. The only thing that appears most prominent is that what is considered more sacred in Bengal than the liberty of the citizens there is the peace of mind of Mr. Tegart. It is for the peace of mind of Mr. Tegart that all these steps seem to be taken, and if that is the case, I would suggest that the simplest thing to do is to send Mr. Tegart quietly with me to Madras rather than retain him in Bengal and disturb the peace of the citizens of Bengal. Sir, it is said that twice was he aimed at and twice he escaped. Well may he exclaim like Robert Clive that he is reserved for something great. But let his greatness be achieved elsewhere if for that object we are going to introduce an Ordinance in Bengal. Very often Mr. Das, Pandit Motilal Nehru and Babu Bipin Chandra Pal are quoted in this House as having conceded the existence of a revolutionary movement in Bengal. Sir, sitting as I do in this Assembly, and proceeding to form conclusions upon legal and substantial evidence, I am not prepared to act on the statement of Mr. Das or Pandit Motilal Nehru or Babu Bipin Chandra Pal any more than I am prepared to act on the statement of the Honourable the Home Member so long as these statements are made on mere surmises. The liberty of Bengal cannot be sacrificed on the mere rhetoric of Mr. Das or on the poetic picture of Pandit Motilal Nehru or on the humorous eloquence of Mr. Bipin Chandra Pal. We want substantial evidence to say that there is really a political revolutionary movement in Bengal, and for that I have been searching for evidence and there has not been a single instance quoted either by the Government Member or the pro-Ordinancers. Robberies and dacoities may exist. They do exist in large numbers in all the provinces. Are you going to eradicate them? When is the millennium to come, Sir? So far as these movements are concerned, I wish Government Members to point out distinctly how they trace any of the robberies or dacoities to any political party or political movement. If you want to say that all these robberies and dacoities are committed by these people for financing the Swaraj party, say so plainly and say that your Ordinance is aimed at the Swaraj Party. Don't say in one breath that it has nothing to do with political parties and in the same breath characterise these robberies and dacoities as part of a political movement in this country. I am therefore against accepting any statement for the mere authority of the person who makes that statement. Pandit Motilal Nehru is as far away from Bengal as I myself and I would ask him to produce evidence that there is a revolutionary movement, and unless we are satisfied on this point we have no right to condemn Bengal. The Honourable the Home Member has said that bomb factories have been discovered and that foreign bombs have been smuggled into this country. For how long have your vigilant police, vigilant customs officers and other people been watching the smuggling of foreign bombs into India so that you suddenly rise up now with an Ordinance? Does it not show that this is a sad commentary on the criminal administration of Bengal that you have been allowing all these bombs to be stocked there from other countries and now you suddenly rise on the 25th October, 1924, to issue an Ordinance? The Honourable the Home Member has also referred to the Red Bengal pamphlets as having been distributed at the Town Hall meeting and yet it is not traced to the person who distributed them. It is not shown who distributed them. It is not shown wherefrom they came, and yet it is stated that these have been distributed in a public meeting at the Town Hall. Sir, between July, 1924 and 25th October, 1924, the date of the Ordinance, it is stated that

[Mr. C. Duraiswami Aiyangar.]

six more lives have been aimed at by these revolutionaries, but who those six people are who were going to be victimised by these revolutionaries the Honourable Member refuses to say. He refuses to say what the evidence is about that. On what ground? On the ground that the lives of the informers will be in danger. How can the lives of the informers be in danger if the six persons aimed at know that they were aimed at and the assassins know whom they were aiming at? These are the two parties concerned. The assassins know against whom they have been aiming and the persons aimed at know that they have been aimed at. Between whom is the secrecy to be kept? Is it before this House? Is it this Assembly that is unfit to know what the assassins know and the persons who were aimed at know? It is not for curiosity that we want the names of the persons aimed at but in order to judge what the nature of that aim is and in order to find that out, we must know the nature of the persons who were aimed at. You have mentioned Mr. Tegart and we argue upon it. But you will not give any other information. With bureaucratic obstinacy you refuse every possible information and you ask us to come to the same conclusion as you, Sir, the Honourable the Home Member have come to without even that evidence which you say you are in possession of. Sir, the crowning argument of the Honourable the Home Member was that this Ordinance has been promulgated by a liberal politician and not a sun-dried bureaucrat of India. I do not refer to the ex-Lord Chief Justice and other credentials but only to this aspect. Sir, if we are pricked by thorns and if we complain of the pain, is it any consolation to be told that these are the thorns of a rose plant? Sir, India knows no liberalism; India knows no conservatism; India knows no labourism. To India there is only one "ism" and that is Bahadurism. Sir, liberalism may be as fine as butter so long as it is in England. But when the parcel is opened at the Gate of India, it is found melted into ghee, and after a little travel round India, with a little mustard oil from Bengal, ground-nut oil from Madras, cocoanut oil from the West Coast and gingelly oil from Bombay mixed in that ghee where is the form of that liberalism? Where is the taste of it? Where is the smell of it? It is all gone. Therefore, Sir, it is no use for us to be told that this Ordinance was promulgated by a liberal politician. We want actual justice to be imported from England to India. If you are going to give us that personal freedom which is considered a sacred birthright in England, you ought to assure us and guarantee us that freedom, and if you do that, that is proof of liberalism.

Now, Sir, the Honourable the Home Member says that I should not have found fault with the selection of Sessions Judges for going into this evidence, examining it and making a report. Sir, it is not I who blamed that practice. It is contained in Lord Lytton's own words. Lord Lytton says that High Court Judges are unwilling because they are asked to do in an executive capacity what they would be prepared to do only in a judicial capacity. The Sessions Judges are prepared to do that and therefore I take exception to Judges of any standing being made use of for executive purposes in a matter in which judicial capacity, judicial experience, judicial knowledge and judicial discretion are necessary. And after all, what are the materials which you place before the Sessions Judges? They are scraps of paper which magistrates have produced. The police may bring any informer before any magistrate. It may be a parrot that speaks to the magistrate or it may be the re-sounding of a gramophone that the

magistrate records, and thereafter the witnesses evaporate. Lord Lytton has definitely stated on the 2nd December 1924 that he is not prepared to produce any witnesses anywhere. Sir, if upon that paper which has been recorded by an ordinary magistrate the Sessions Judges have got to report, without seeing the witnesses what good can be expected? And at the time the Sessions Judge is reporting the accused is not permitted to be present. It is confidential. If you have completed your evidence and placed it for report before the Sessions Judges, why should not the Sessions Judges take an explanation from the accused as to what appears against them and then make a report? Why is it confidential? Do you expect the Sessions Judges to fill up the gaps and advise what more evidence is necessary? If the evidence is complete, there is absolutely no reason why it should be confidential at the report stage. Now, Sir, my Honourable friend, Colonel Crawford has taken it upon himself to defend the action of Government, but in fact I thought that much of what he stated was in our support. He condemns the practice of promulgating an extraordinary Ordinance like this which cuts at the root of personal freedom. He says that his community is also opposed to it, but at the same time he says that the public opinion of Calcutta demanded it and he considers the opinion of the European Association to be the sole meter of public opinion in Bengal. I do not mind the other arguments of his, but there is one thing which is very important. He does not see any political tinge in these movements, but he says that the whole thing is due to economic causes. Have you investigated that? Colonel Crawford on behalf of the European Association gives you that information. The root-cause is economic, not political. Now, Sir, as regards his ideas about the ways and the working of the C. I. D. Mr. Jinnah has sufficiently answered them. But I must say this to my Honourable friend that we are not now dealing with military manœuvres, but with legal submarines and legal manœuvres and he may very well leave it to persons like Mr. Jinnah to expose the ways of the C. I. D. Then he says that there is Bolshevik influence here and mentioned the name of Manabendra Nath Roy. About this I only wish to point out that in the memorial submitted by two State prisoners, a portion of which was already read out to the House by my Honourable friend Pandit Motilal Nehru, it is stated thus:

“We are not yet certain if this Manabendra Nath Roy is not the man from the moon and we have even less knowledge about his Indian agents. We have always differed from the views appearing in the press of this so-called Bolshevik. As for letters and papers supposed to be coming from this man if there is really a man of that description and if the whole thing is not the creation of some interested party as in the case of more serious things related hereafter in course of this statement, then we can say so much that this man has not perhaps spared a single address he has come across, not even the English Premiers excepted and no one can be responsible for coming into contact with an accidental addressee of such a correspondent.”

That is the man. Have you ever traced that man? Have you found out that man? What is that man? Then why do you give the name of a fictitious man, *i.e.*, without there being a corresponding reality and call him a Bolshevik and say that all the movements in India are being regulated, controlled and guided by him. And yet that is one of the charges which has been made against the prisoners who have submitted that memorial. The Honourable Sir Charles Innes, finding himself absolutely helpless in his defence of the present Ordinance, has gone back to the Rowlatt Act and he went on to recount all the circumstances relating to the Rowlatt Act in order to defend the present Ordinance. That only reminds me, Sir, of the Aesop's fable of the wolf and the lamb. “If you are not guilty

[Mr. C. Duraiswami Aiyangar.]

your father was." Now, Sir, My Honourable friend, Prince Akram Hussain, has enunciated one proposition to-day which I now learn for the first time after a 25 years' experience in the legal profession. I heard him say that it is rather advisable to convict ten innocent men than allow so many people to suffer outside. All along I have learnt one maxim, one elementary maxim, that half a dozen, ten or a dozen guilty men may escape rather than one innocent man be convicted. That is the principle on which the rule of evidence is based, upon which the administration of justice is based, and yet we are told by our Prince friend that a different maxim must rule in India. (Mr. M. A. Jinnah: "India is advancing!")

I wish to say only a word about the constitutional aspect of the matter which I have raised and to which I have received no answer from the Honourable the Home Member. I said constitutionally this Ordinance is *ultra vires*. Constitutionally there must be the condition precedent in emergency, and constitutionally it must be within the powers of His Excellency the Governor General to supersede the ordinary law. I have already pointed out that this power, as it is not specifically provided for in the Government of India Act, must be taken from the traditions of England, and the King of England never possessed this power under the Statute of Proclamations of 1589—the power to take away the life and liberty of his subjects. And yet, Sir, if you want to exercise such a power by the present Ordinance a specific authority is needed under the Act. As for the efficacy of the Ordinance sections 8 to 10 do not give you any more weapon to pounce upon the malefactors than what the ordinary Code of Criminal Procedure gives in the first stage. The method of arrest is the same, but the forum, the tribunal, the method of trial, the calling of evidence—it is these things that change, and yet what is the efficacy of the expressions "surprise" and "secrecy" which have so often been repeated in this House in defence of this Ordinance? You are only chasing, according to my view, a will o' the wisp. I do not know how long you are going to chase it, but in the meantime it is our innocent men who suffer. If it is for the peace and good government of Bengal that you have promulgated this Ordinance, I may say that there cannot be peace under this Ordinance. If A is arrested for giving peace to B, B will think to himself, "what is my peace? I may be arrested to-morrow for giving peace to C". Under section 14 of the Ordinance you have given *carte blanche* to police officers and we easily know that with powers like this the police officer always thinks that all is fish which falls into his net. Under this Ordinance an innocent man is deprived of the guarantee of liberty which is given him by the ordinary law. Even the *Habeas Corpus* Act, when it is suspended in England in extraordinary times, is so suspended under an Act of the Legislature. I do recognise that here we have not got a sovereign legislative body, but a non-sovereign law-making body. I do recognise that, but all the same, Sir, if a law is to supersede the ordinary law, it must have the sanction, the moral sanction, behind it and I say Sir, that that sanction is not existent in so far as this Ordinance is concerned. There has not been a single ground shown and yet by this Ordinance you have suspended the *Habeas Corpus* provided by section 491 of the Criminal Procedure Code. You have given an indemnity to the officers acting under it. All these are combined in section 24 of the Ordinance and without any specific authority for so much of legislation under the Government of India Act. Sir, I therefore feel that on important points we have not had a sufficient answer.

We have been told, and only told, that there is revolutionary conspiracy. These revolutionaries are simply actuated by the stupid idea that if Mr. Tegart's life is taken away, Swaraj comes to India as though he is the King. Killing a police officer here and a police officer there cannot get Swaraj. It will be no compliment to the young men to whom you ascribe so much intelligence, organisation and shrewdness, for us to suppose that those young revolutionaries are under the impression that taking away the life of one officer here or there will get self-government for India. I therefore feel, Sir, that there is no political manœuvre underlying it. Even assuming there is, there has not been any ground shown as to why an emergency measure like this Ordinance should have been promulgated.

**The Honourable Sir Alexander Muddiman:** Sir, I do not propose to detain the House at any length at this late hour. The debate has already taken the best part of two days, but I must make one or two observations. In the first place, let me congratulate my Honourable friend, the Mover of the Resolution on his gallantry and on his courage. He and he alone apparently in the House is still doubtful whether there is a revolutionary conspiracy in Bengal. My Honourable friend, Pandit Motilal Nehru, in his carefully reasoned speech did not attempt to deny it; he admitted it. It was left to the Honourable the Mover of the Resolution to put forward the plea that there is no such organisation. Therefore I will say no more on that. To do so would be simply wasting the time of the House. As to the so-called constitutional point, I will also say little. I did not gather whether the Mover was arguing that the Ordinance was *ultra vires*. If that is the argument, there are ready means of testing it. If he contended that there was no moral sanction behind it, then I do not know that is a constitutional point. I will make one comment and one comment only on his remarks about the occurrences in Bengal. In the course of his remarks he referred to "alleged attempts" on the life of Mr. Tegart and he referred to them in somewhat, if I may say so, unfeeling terms. I am sure he did not mean to do so, but it seemed to me that he did. I will not use the phrase that has been objected to. I will not say that there is no doubt that an attempt was made, but I will treat it as incontrovertible that several attempts have been made on the life of Mr. Tegart. They do not rest upon my statement or on any statement made by the Government. They rest upon the statement of the man who was hanged for shooting Mr. Day; and I do think that when the Honourable Member was talking of "alleged attempts" on Mr. Tegart, he might have expressed some regret at the attempt to take the life of this police officer, a distinguished police officer, who is doing what he at any rate is paid to do. So much for that point and for the Mover. Now, the real issue raised by my Honourable friend, the Pandit, was not that there was not a conspiracy, but that there was not a sufficiently important conspiracy to justify the action taken, if I understood his arguments correctly. He agreed that there was a conspiracy, but he said "You should really have let it grow bigger before you took this action." That is a question of fact. I have done my best to put the facts before the House. If I have not placed before the House facts which would convince any reasonable man that there was widespread conspiracy, I have wasted my breath. Sir Charles Innes supported the fact by quotations of non-officials. I do not really depend on non-official sources for information, though I welcome the ample confirmation of the information I have given



[Sir Alexander Muddiman.]

to this House from those sources. So much on the question of whether there is or is not a terrorist conspiracy and what is the magnitude of that conspiracy. The next point that I should like to make is this. Once we arrive at that position, the only other ground on which we can be attacked is that the steps we have taken were unnecessary and unjustified and that we could have carried on by resort to the ordinary law. In my previous speech, I put before the House facts and arguments that seem to me—perhaps I am wrong—to have been entirely unshaken on these points and I will not detain the House by repeating them. I have read to the House a pamphlet which has been circulated which shows that the propaganda is widespread and well engineered. I think I heard from one of my Honourable friends—I am afraid I have forgotten which Honourable Member it was, though I think it was the Honourable Mover of the Resolution—raising some doubt as to the existence of outside interference from foreign sources. I commend to him the judgment of the Allahabad High Court in the Cawnpore case. He is a lawyer and demands legal proof! He will find that there is no question of conjecture. It is a matter which has been judicially proved in the highest court in the province. Now, I think there is very little else on which I need detain the House. There is, however, one point which I wish to mention and it is this, that I did not hear my Honourable friend, Pandit Motilal Nehru suggest—and I am very glad that I did not hear him suggest—that this Ordinance was made and promulgated for the purpose of suppressing any political party. I do not think that it is part of his argument. At any rate, we have brought the Assembly nearer the facts in that respect. Now, before I close and before this House proceeds to vote on this important question, I would ask them to consider the position as it has been laid before them by Government, to consider the fact that we have been charged with not bringing up this matter before this House, but I submit we did act constitutionally. It is admitted by my Honourable friend, the Pandit, that we could not have done so before acting, but it is said we ought to have done so afterwards. We had it brought before the Bengal Legislative Council. That is the legitimate and proper place for special legislation relating to Bengal to be brought and that Council has rejected it. The time has now come for this House to vote. I have no desire to suggest that any Member of this House will vote otherwise than in accordance with his conscience, otherwise than by what he thinks are the political needs and the best interests of this country, but I do ask Members most seriously to consider what the effect of these actions if this motion is carried will be. Will you not be sending out a message of encouragement, will you not be encouraging crime? (*Voices*: “No, no.”)

6 P.M. You may think not, but I ask you to consider what will be said of the Assembly. It is being watched very narrowly and very clearly. May I remind the House that the decisions of this House are written—that they stand on record. “*Pereunt et imputantur.*”

**Mr. President:** The question is:

“That this Assembly recommends to the Governor General in Council that steps be taken forthwith to supersede by an Act of the Indian Legislature the Criminal Law Amendment Ordinance, I of 1924, made and promulgated by His Excellency the Governor General for and in the province of Bengal.”



The Assembly divided:

AYES—58.

Abdul Karim, Khwaja.  
 Abhyankar, Mr. M. V.  
 Acharya, Mr. M. K.  
 Aiyangar, Mr. C. Duraiswami.  
 Aiyangar, Mr. K. Rama.  
 Aiyer, Sir P. S. Sivaswamy.  
 Alimuzzaman Chaudhri, Mr.  
 Aney, Mr. M. S.  
 Chaman Lall, Mr.  
 Chanda, Mr. Kamini Kumar.  
 Chetty, Mr. R. K. Shanmukham.  
 Das, Mr. B.  
 Das, Pandit Nilakantha.  
 Datta, Dr. S. K.  
 Dutt, Mr. Amar Nath.  
 Ghazanfar Ali Khan, Raja.  
 Ghose, Mr. S. C.  
 Ghulam Abbas, Sayyad.  
 Goswami, Mr. T. C.  
 Hans Raj, Lala.  
 Ismail Khan, Mr.  
 Iyengar, Mr. A. Rangaswami.  
 Jeelani, Haji S. A. K.  
 Jinnah, Mr. M. A.  
 Joshi, Mr. N. M.  
 Kartar Singh, Sardar.  
 Kasturbhai Lalbhai, Mr.  
 Kelkar, Mr. N. C.  
 Lohokare, Dr. K. G.  
 Malaviya, Pandit Madan Mohan.

Mehta, Mr. Jamnadas M.  
 Misra, Pandit Shambhu Dayal.  
 Misra, Pandit Harkaran Nath.  
 Murtuza Sahib Bahadur, Maulvi Sayad.  
 Narain Das, Mr.  
 Nehru, Dr. Kishenlal.  
 Nehru, Pandit Motilal.  
 Nehru, Pandit Shamlal.  
 Neogy, Mr. K. C.  
 Pal, Mr. Bipin Chandra.  
 Patel, Mr. V. J.  
 Purshotamdas Thakurdas, Sir.  
 Ramachandra Rao, Diwan Bahadur M.  
 Rangachariar, Diwan Bahadur T.  
 Ranga Iyer, Mr. C. S.  
 Ray, Mr. Kumar Sankar.  
 Reddi, Mr. K. Venkataramana.  
 Sadiq Hasan, Mr. S.  
 Samiullah Khan, Mr. M.  
 Sarfaraz Hussain Khan, Khan Bahadur.  
 Shafee, Maulvi Muhammad.  
 Shams-uz-Zoha, Khan Bahadur M.  
 Singh, Mr. Gaya Prasad.  
 Sinha, Mr. Devaki Prasad.  
 Sinha, Kumar Ganganand.  
 Venkatapatiraju, Mr. B.  
 Vishindas, Mr. Harchandrai.  
 Yakub, Maulvi Muhammad.

NOES—45.

Abdul Mumin, Khan Bahadur.  
 Muhammad.  
 Abdul Qaiyum, Nawab Sir Sahibzada.  
 Abul Kasem, Maulvi.  
 Ajab Khan, Captain.  
 Akram Hussain, Prince A. M. M.  
 Ashworth, Mr. E. H.  
 Blackett, The Honourable Sir Basil.  
 Bray, Mr. Denys.  
 Burdon, Mr. E.  
 Calvert, Mr. H.  
 Chalmers, Mr. T. A.  
 Clarke, Sir Geoffrey.  
 Clow, Mr. A. G.  
 Cocke, Mr. H. G.  
 Cosgrave, Mr. W. A.  
 Crawford, Colonel J. D.  
 Dalal, Sardar B. A.  
 Duval, Mr. H. P.  
 Fleming, Mr. E. G.  
 Fraser, Sir Gordon.  
 Gidney, Lt.-Col. H. A. J.  
 Graham, Mr. L.  
 Hira Singh, Sardar Bahadur Captain.  
 Hudson, Mr. W. F.

Hyder, Dr. L. K.  
 Innes, The Honourable Sir Charles.  
 Lindsay, Mr. Darcy.  
 Makan, Mr. M. E.  
 McCallum, Mr. J. L.  
 Mitra, The Honourable Sir Bhupendra Nath.  
 Muddiman, The Honourable Sir Alexander.  
 Muhammad Ismail, Khan Bahadur Saiyid.  
 Naidu, Mr. M. C.  
 Raj Narain, Rai Bahadur.  
 Rhodes, Sir Campbell.  
 Rushbrook-Williams, Prof. L. F.  
 Sastri, Diwan Bahadur C. V. Visvanatha.  
 Sim, Mr. G. G.  
 Singh, Rai Bahadur S. N.  
 Stanyon, Colonel Sir Henry.  
 Sykes, Mr. E. F.  
 Tonkinson, Mr. H.  
 Webb, Mr. M.  
 Willson, Mr. W. S. J.  
 Wilson, Mr. R. A.

The motion was adopted:

The Assembly then adjourned till Eleven of the Clock on Monday, the 9th February, 1926.