

Tuesday, 28th March, 1922

THE
COUNCIL OF STATE DEBATES
(Official Report)

SECOND SESSION
OF THE
COUNCIL OF STATE, 1922



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COUNCIL OF STATE.

Tuesday, the 28th March, 1922.

The Council assembled at Metcalfe House at Eleven of the Clock. The Honourable the President was in the Chair.

PHOTOGRAPH OF THE CASKET PRESENTED TO H. R. H. THE PRINCE OF WALES.

The HONOURABLE THE PRESIDENT: I have received a letter from the Joint Secretaries of the Prince of Wales Casket Fund, Sir Jamsetjee Jeejibhoy and the Honourable Sir Zulfiqar Ali Khan. They have sent as a present to the Council a copy of the photograph of the casket which the Indian Legislature presented to the Prince. The photograph is a very interesting one. It is placed on the table of the House, so that Honourable Members may see it. I propose to direct the Secretary to write to these gentlemen thanking them for their gift, and to direct that the copy of the photograph be framed and placed in the Library of the Council. I hope this will meet with the approval of the House.

MESSAGE FROM LEGISLATIVE ASSEMBLY.

The SECRETARY OF THE COUNCIL: A message has been received from the Legislative Assembly through the Secretary of that Chamber.

The HONOURABLE THE PRESIDENT: Let the message be read.

The SECRETARY OF THE COUNCIL: The message runs as follows:

'I am directed to inform you that the Legislative Assembly have, at their meeting of the 27th March, 1922, agreed without any amendments to the Bill to provide for the incorporation of Trustees for the European Hospital for mental diseases at Ranchi, and to make provision for other matters in relation thereto, which was passed by the Council of State on the 21st March, 1922.'

GOVERNOR GENERAL'S ASSENT TO INDIAN FINANCE BILL.

The SECRETARY OF THE COUNCIL: Sir, information has been received that His Excellency has been pleased to grant his assent to the following Bill, namely, the Indian Finance Act, 1922.

QUESTIONS AND ANSWERS.

INDIAN CADETS, ADMITTED TO SANDHURST.

151. The HONOURABLE LALA SUKHBIR SINHA: Will Government be pleased to state: (i) out of the Indian Cadets who were sent in several batches of 5 each to the Royal Military College, Sandhurst, how many of each batch were commissioned as officers and how many rejected, and for what reasons?

(ii) Are those who were granted commissions still serving in the Army, or have they resigned?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (i) and (ii) A statement is laid on the table of the House giving the information asked for by the Honourable Member.

Statement showing the number of Indian cadets admitted to the Royal Military College, Sandhurst—Terms, Spring, 1919 to Spring, 1922.

Term.	ADMITTED TO R. M. C., SANDHURST.		OF THOSE MENTIONED IN COLUMNS I AND II.			VI REMARKS.
	I Selected in India.	II Selected at Home.	III Passed out of R. M. C. and granted commissions in the I. A.	IV Casual- ties.	V Still at R. M. C., Sand- hurst.	
Spring, 1919 .	3	2	2 (aa)	3(a)	...	(a) 2 died, 1 failed to develop physically and withdrew.
Autumn, 1919.	3	2	4	1(b)	...	(aa) 1 who passed out absented himself.
Spring, 1920 .	3	2	2	2(c)	1(cc)	(b) Found unsuitable and withdrawn.
Autumn, 1920.	3	2		...	5	(c) Found unsuitable and withdrawn.
Spring, 1921 .	5	...		1(d)	4	(cc) Failed to pass up and missed a term.
Autumn, 1921	4	1		1(e)	4	(d) Found unsuitable and withdrawn.
Spring, 1922 .	2 (f)	2 (f)	4	(e) Left ship at Aden and returned to India.
	23	11	8 (g)	8	18	(f) Only 2 candidates qualified at the examination in India and only 2 suitable candidates presented themselves at India Office.
						(g) 7 are actually serving, vide “(aa)” above.

INDIAN MEDICAL AND EDUCATIONAL SERVICES.

152. *The HONOURABLE RAJA MOTI CHAND: Referring to the answer of the Government to my question No. 172 put at the Council Meeting held on Tuesday, September 27, 1921, will the Government be pleased to state—

- (a) the circumstances under which it is necessary for a candidate for the Indian Medical Service to possess a qualification registrable only in Great Britain and Ireland and not in India;
- (b) what the Medical Acts are as referred to in the answer;
- (c) the result of the consideration by Government of the question of a journey outside India for securing admission to the Indian Medical Service;

* The Honourable Member was absent.

- (d) the conditions necessary for securing admission to the Indian Educational Service?

The HONOURABLE MIAN SIR MUHAMMAD SHAFI: (a) It is necessary for a candidate for the Indian Medical Service to possess a qualification registrable in Great Britain and Ireland, because such a qualification is prescribed by the regulations laid down by the Secretary of State for India.

(b) The Medical Acts referred to are the Medical Acts of 1858 (21 & 22 Viet., Cap. 90), and of 1886 (49 & 50 Viet., Cap. 48).

(c) The question is still under consideration.

(d) The general conditions regarding admission to the Indian Medical Service are shown in a document published by the India Office, a copy of which will be supplied to the Honourable Member.

NORTH-WEST FRONTIER OPERATIONS.

153. The HONOURABLE RAJA MOTI CHAND: (a) Is it a fact that the actual expenditure on account of the North-West Frontier Operations during the six years ended the 31st March, 1920, has been close upon 29 crores of rupees?

(b) Do the Government propose to adopt a policy that may secure a practically permanent settlement of the Frontier problem and prevent such expenditure?

The HONOURABLE MR. S. P. O'DONNELL (on behalf of Mr. Denys Bray): (a) Yes, but of this sum 24 crores were spent in the year ending the 31st March, 1920, the year of the Afghan War.

(b) The Government have had this object consistently in view since the year 1848 when the problem first engaged their attention.

MUSLIM REFUGEES IN MALABAR.

154. The HONOURABLE RAJA MOTI CHAND: Is it a fact that the non-Muslim refugees from the Moplah rebel zone are afraid of the consequences of a return to their homes now that the revolt has been quelled? If so, what measures, if any, do the Government propose to take to remove this dread of hate and vengeance?

The HONOURABLE MR. S. P. O'DONNELL: Government believe that, except in south-east Calicut taluk where armed gangs are still at large in the hills, most non-muslim refugees have already returned or are returning to their homes. Till recently there were economic difficulties, but these are being removed by the grant of loans on easy terms to those who need them to make a fresh start in life. The chief exceptions are those who have been forcibly converted and the bigger Jenmis who took refuge in Cochin State and have no desire to return. In the case of those who have been forcibly converted there is a natural fear of the consequences, and the Local Government are making every endeavour to accelerate the arrest and removal of those Mapillas responsible for such conversions. Efforts are also being made to arrest and try all those who might be considered a danger to the community so long as they are at large. Additional Magistrates with powers of Summary Courts are being appointed and the presence of military and armed police, 200 of whom are now being distributed to selected posts in the affected area, should afford ample protection.

PROTECTION OF WIVES AND FAMILIES OF INDIAN SOLDIERS.

155. The HONOURABLE RAJA MOTI CHAND: Is it a fact that the wives and families of an Indian regiment lately ordered on active service petitioned the authorities against the order for the despatch of the unit for fear of being subjected to oppression and terrorism by political agitators while their protectors were away on service?

If so, what measures, if any, do the Government propose to take for the protection of the wives and families of such Indian soldiers?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) So far as the Government of India are aware, no petitions on the subject referred to have been received by the authorities. It is a fact, however, that recently the wives of a large number of men in an Indian regiment prayed in the regimental Gurdwara that the battalion should not be sent to Waziristan. On inquiry, it was ascertained that the motives which prompted these prayers were as stated by the Honourable Member.

(b) Local Governments have been asked to take such steps as they may consider desirable to prevent the families of soldiers absent from their homes from being subjected to persecution or intimidation.

REPORT OF SELECT COMMITTEE ON AMENDMENT OF COUNCIL OF STATE STANDING ORDERS.

The HONOURABLE MR. V. G. KALE: I beg to present the Report of the Select Committee appointed to consider and report on the proposed amendments in the Council of State Standing Orders. Copies of these amendments have been placed before the Members of the House, and I do not propose to make any remarks upon the amendments just at this moment because the House will require some time for the consideration of the amendments and they may therefore be taken into consideration at a later stage.

PRESS LAW REPEAL AND AMENDMENT BILL.

The HONOURABLE MR. S. P. O'DONNELL: Sir, I beg to move that the Bill to repeal the Indian Press Act, 1910, and the Newspapers (Incitements to Offences) Act, 1908, and to make certain provisions in regard to the liability of editors of newspapers and to facilitate the registration of printers and publishers; and to provide for the seizure and disposal of certain documents, as passed by the Legislative Assembly, be taken into consideration.

Sir, I do not think it is necessary for me to detain the Council for long in explaining the reasons and objects of this Bill. It will be within the recollection of the Council that last year a Committee was appointed to examine the Press Act, the Press and Registration of Books Act and the Newspapers (Incitements to Offences) Act. That Committee contained a majority of non-officials on it, and I think it will be agreed that its members were well qualified to advise on the subject. They took evidence, they went exhaustively into all the questions and considerations of public policy that arose in connection with these Acts and finally they formulated certain recommendations for which they gave full reasons in their Report. That Report, I presume, has been seen by every Honourable Member, and it is therefore unnecessary for me to recapitulate the arguments set out in it.

Subsequently a Bill which embodied the recommendations of the Committee, was introduced in September last. That Bill proposed to repeal the Press Act, 1910 and the Newspapers (Incitements to Offences) Act, 1908. At the same time power was retained to confiscate openly seditious documents, subject, however, to the safeguard that any person who was interested in such a document could apply to the High Court and if he made such an application, the onus would lie on the Government to prove that the document was of the seditious character alleged by Government. If the Government failed to make good that contention, then under the Bill the order would be set aside. Further, and as a necessary corollary to that provision, the Bill provided for the prevention of the import of seditious literature through the ports and its transmission by the post. That power was also subject to the scrutiny of the High Court, and if the case were taken to the High Court, the onus would lie on Government to show that the documents in question were of the character alleged by Government. The Bill proposed that the Press and Registration of Books Act, 1867, should be retained, but subject to certain modifications. Firstly, persons registering under that Act and editors of newspapers must be persons who had attained majority. Secondly, in the case of newspapers, the name of the editor must be clearly printed on the front page of the issue. There were also minor amendments regarding the terms of imprisonment prescribed under the Press and Registration of Books Act and technical changes in the method of registration which were designed to suit the convenience of both the printer and the publisher. That Bill was referred to a Select Committee of the Assembly which made certain changes therein. In the first place, in view of the criticisms which had been levelled against the requirement that the name of the editor should appear on the front page of the newspaper, the Select Committee provided that the name should appear in some part of the issue. Secondly, certain small amendments were made in new section 8A of that Act which were designed to relieve the Magistrate in some cases of the necessity of himself holding the inquiry contemplated by that section and also allowed for an extension of the period within which a declaration has to be made by a person whose name has wrongly appeared as the editor of a newspaper. Thirdly, the pecuniary penalty imposed under sections 12, 13, 14 and 15 was reduced from Rs. 5,000 to Rs. 2,000. Fourthly, it was provided that if an officer, under the provisions of the Sea Customs Act or the Post Office Act, detained any package or postal article, he must give notice forthwith to the addressee or consignee. And, lastly, a slight amendment was made in new section 99D of the Criminal Procedure Code in order to remove any doubt that might arise as to the character of the evidence which the Special Tribunal might require when hearing an application under the new provisions of the Code. The Report of the Committee was presented subsequently to the Assembly and the Bill, as amended by the Select Committee, was passed with only a few formal amendments.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: I first want to ask for one ruling, Sir. If the Bill is taken into consideration we can only discuss broad principles but not the details. I want your ruling, Sir, if we can discuss details?

The HONOURABLE THE PRESIDENT: The present motion is that the Bill be taken into consideration. That is the second reading debate, and the Honourable Member can speak on any principles which arise out of

[The Honourable the President.]

the Bill. If the present motion is carried, I shall then put the Bill to the Chamber clause by clause. As each clause is put to the House, the Honourable Member will have an opportunity of speaking on every single clause of the Bill, if he so wishes.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: The first thing is that this Bill has been brought up at the eleventh hour when the House is practically empty. I think, Sir, that the Bill ought not to have been brought up at this stage, because this Chamber, as you remarked yesterday, is the last Chamber, and if things are hurried in this way, there is no other Chamber to stop it; and I hope, Sir, that such things should be considered because the masses suffer by such changes, and not the platform speakers or newspaper publishers, to whose clamour we should not accede. Now, Sir, when this Bill was first brought in, there were two different ideas. The first was the old policy of conciliation and weakness. That happily has been changed. (*An Honourable Member*: 'No'). It was considered desirable, Sir, to conciliate those who were irreconcilable; and I think, Sir, time has shown that that policy did not work out. It was said in England in both the Houses that, 'such storms come and pass away, don't you move,' but we all thought this was wrong, and it has come true that such storms have come and have come to stay, and it will take some time before they pass away. It was said, Sir, 'let them be given a long rope, they will hang themselves.' That has not been done because you know, Sir, that those who executed people thought such rope was too long. (*An Honourable Member*: 'I have no experience'). Then, Sir, the thing is that at that time when the Bill was introduced, things were very much better than they are now. We have to see, Sir, then, whether the situation at that time when the Bill was introduced was worse than now. I will just in a few words put it before the House how things have since changed. There are battalions that have got arms, and they defy the law, and they go through a sort of drill as the Army does. The House already knows, Sir, that since that time the people have tried to seduce the soldiers and have been punished for it. The police has similarly been tampered with, and the introduction of the new Bill will show that the situation is so changed that it should not be considered proper that such a Bill should be introduced now. I think some of the Government Members know that some ruffians have gone to the extent of approaching the wives of soldiers and telling them, when the soldiers are away—

'if you don't get your husbands back from service, we will rob you of your property.'

There are others who say:

'that it is our own railway, why should we buy tickets?'

and there have been several such cases. Everybody knows the awful tragedy of Malabar. Hundreds of people have been killed, and there are certain rumours abroad which I do not like to mention because it will be giving publicity to them; but it would be a very nice thing if Government were to publish the facts about it, about all the men who were killed, I mean the number. Then, Sir, we all know what happened at Bombay, Madras, Chauri Chaura and Peshawar, etc. We have been closely following how people behaved when His Royal Highness the Prince of Wales was here. See the difference between the Indian States, where

there is an Indian ruler, how things happened there, and how things happened when actually His Royal Highness came into British India. When this law was passed, it was considered by the country that there was a necessity for this law; it was only then passed. The question is, whether the necessity which was existing then has diminished or whether it has increased now; we have to judge whether the situation is better now.

Then there are no doubt papers on the subject. I have seen some papers which never will publish an article that anybody can put their hands on. But if a man would read it for about a month, he would think that something materially has gone wrong with Government, and unless one is a very staunch loyalist, there is every chance of his falling into their hands. I have seen myself in Lahore pamphlets being sold, and when I read them I could not understand how such pamphlets, which were so much against the Government, were being allowed to be published. These are only possible when the Press is absolutely allowed a free hand, or at any rate is controlled with a weak hand. Then, Sir, if one man only utters a few words, or says something, or even gets an audience of a hundred or two hundred men, he does not carry much weight, because they cannot travel fast, but the mischief only comes when that speech and those utterances are actually put into the Press, and then they go from Baluchistan to Burma and from the Himalayas to Lanka and Cape Comorin. I believe, Sir, that that policy which I was just speaking about when I was interrupted has been changed to this extent that in future all those who break the law and give trouble to the law-abiding citizens of His Majesty, will not be allowed any latitude any more. There has been a change of the Heads of Departments, and naturally even that change also brings with it some difference of policy. These newspaper people, or those who write in that style would lose their living or lose their name if they give up their creed. Sir, when a man begins to get that sort of intoxication of reading papers which abuse the Government, well he is at first satisfied with a particular paper but later on he seeks for still more seditious paper, and as the editors of the papers know very well that they can only sell papers when they criticise Government in and out of season, they for their own money try and write things which are undesirable and not in the best interests of the country and its rulers. Our people, Sir, who are half-educated, have got a wrong idea in their heads; directly they see things which are written in print, they say, this cannot be wrong; and if anybody says: 'it is wrong, they say: 'oh, we have seen it written in a paper.' There are men, Sir, who can, if you are kind to them, realize your kindness and be grateful for it; but there are men who, if you are kind to them, at once think that there is something underneath your kindness, that you either want something from them or that you desire to please them because they are *Bahadurs*. This has hitherto been the policy of Government, and it is not a good policy. This Bill is a weapon; is it better to throw your weapon away and when you require it again mould a new one, perhaps when it is too late to use it effectively? We all know, Sir, that there is an Indian Penal Code in which there is a penalty for certain offences of death and of transportation for life. Does that trouble any one who goes and breaks the law? Everyone knows that the law is there and knows that if he breaks it, he will suffer the penalty provided. If a Penal Code with such heavy penalties does not offend any one who does not wish to break the law, why should this law offend? If people do not infringe the law they will not have to suffer in any way and it might just as well remain on the Statute-book. Sir, the Government is

[Colonel Sir Umar Hayat Khan.]

like a railway train in which we are the passengers. When the train moves we naturally move with it; and if we see the train approaching a broken bridge it is our duty to shout and to wave a red flag.

Another point, Sir, is that the Press is controlled by the extremists and they are active, while, on the other side, we are inactive. Even in a province like mine, which is near the borders where there is considerable trouble and Bolshevik propaganda the Council there has not allowed a single pice for Government propaganda purposes, while the other provinces who are far away from the seat of trouble do provide something in order that the truth on the Government side may be known and wrong rumours confuted? I think it is very necessary that while we are so inactive, those who are so active in bringing the country to trouble should have their activities somewhat curtailed by such laws as it is now proposed to repeal. The responsibility for whatever may happen will rest upon this Chamber and the other Chamber. Things seem to be working towards a revolution and in showing this weakness they will be responsible for whatever happens.

The power and effectiveness of this law can be shown in another way, Sir. A man who is imprisoned can be replaced by another without much difficulty; but if a newspaper is brought to an end financial considerations have to be weighed before another can take its place; and I think it is very necessary that such a restriction should be placed on papers which are dangerous to the country. If I am allowed I will now move a very innocent amendment

THE HONOURABLE THE PRESIDENT: The Honourable Member cannot move an amendment until the motion for consideration of the Bill has been passed by the Chamber. Once that has been passed he can move it when the relevant clause is taken up.

THE HONOURABLE SIR MANECKJI DADABHOY: Sir, I shall not inflict on this Council a long speech on this occasion, when at the fag end of our labours a Bill of such paramount importance has been placed before the Council, but, in view of the explanation given by the Honourable Mr. O'Donnell yesterday, there is no other alternative but to proceed with this Bill in the spirit in which it is laid before the Council. Sir, as one who took a somewhat prominent part when the Press Act was brought before the late Imperial Council in 1910, as one who had then to give his unwilling support to that measure on account of the grave situation facing the country, I think it is only in the fitness of things that I should rise to-day to say a few words and not only congratulate Government, but congratulate the country on the sane action that Government has adopted in repealing the old Act. Sir, we are all aware of the circumstance under which both the Newspaper Incitement Act and the Press Act were brought into operation. At that time revolutionary conspiracies were going on all over the country, which came into existence through the unhappy events that had taken place in Bengal—I refer to the Partition of Bengal. Sir, it was then that some newspapers took a prominent and nefarious part in incitements to murders and in incitement of conspiracies and in aiding the activities of revolutionary bodies. At that time it was feared that the Act would work considerable hardship, that it would fetter the liberty of the press, that it would stop all healthy journalism and free criticism of Government measures and policy. But many of my Colleagues and I

under the stress of the times were compelled to give our unwilling assent to a measure which was of a very retrograde character, almost the first of its kind in the history of British rule in India. Only one similar measure had previously preceded it, the Vernacular Press Act, which, after a three years' inglorious career, was abolished. There was no other measure approaching the Press Act of 1910 in point of severity, in point of unfairness and in its retrograde character. Sir, recent events have proved conclusively that the policy of Government in passing the Act of 1910 was not a wise one. Those who have watched the progress of events during the last ten years must have come to only one conclusion, and that conclusion is, that the Act of 1910 was not justified. It has been stated by the highest Courts of justice in this country and by the most eminent of English Judges that the Act was of a very far-reaching character, and that in its administration it caused not only serious injustice but grave hardship. I am indeed sorry to have heard our friend, Colonel Sir Umar Hayat Khan, support to-day a measure which the whole country with one voice has condemned. If my Honourable friend had been in touch with the public pulse, if my Honourable friend had been in touch with the sad and absorbing events of the past few years, if my Honourable friend had only been aware of what has been said from the Bench and by the most eminent Jurists that have ever adorned the Indian Bench, he would not have to-day flippantly spoken in support of an Act which, I submit, is not fit to remain on our or any Statute-book. Sir, things are very much altered to-day. This Act cannot now in the present state of reforms be allowed to be continued for a moment. It would be incompatible with the spirit of reforms, it would be incompatible with the present policy of Government in which the representatives of the people have been associated, that this dangerous Act should be allowed to remain in force. Sir, it is necessary both in the interests of Government and in the interests of the representatives of the country on whom now devolves the duty of seeing through all legislative measures that there should be free, legitimate and unfettered criticism of their action. It is necessary not only that Government measures should be properly and candidly criticised, but it is necessary that the public newspapers should have a right to fearlessly criticise the action of their representatives to whom transferred subjects are assigned and on whom additional responsibility has been conferred by Statute. In view of this great political achievement I think the action taken by Government is a wise one. It is a matter of great satisfaction that the Committee, which was presided over by our able Law Member, Dr. Tej Bahadur Sapru, and on which there were so many non-official Members, should have come to a unanimous conclusion on all matters. It is a very healthy sign of the times and I am very pleased to note that in the sister House when this Bill was brought it was passed without one dissentient vote. It is a misfortune that our friend, Sir Umar Hayat Khan should have raised a dissenting voice. However, I have much confidence in the judgment of this Council. I have not the slightest doubt that the action of Government will be approved in this Council with practical unanimity. One belated act of justice has at last been done. The Government have seen its way to abolish a measure which has not only caused racial bitterness, which has not only put Indian journalism in a very serious state of disadvantage, but has also stifled the rise and progress of honest and fair journalism.

Sir, as regards the principle of this Bill I shall not refer any further, I think there is no cause for apprehension, as stated by my friend, Sir Umar

[Sir Maneckji Dadabhoy.]

Hayat Khan. The ordinary machinery of law is quite adequate to deal with cases which have been pointed out by our Honourable Colleague. The two all-powerful sections of the Penal Code, 124A and 153A and the provisions of the Criminal Procedure Code are quite comprehensive, are quite sufficient and adequate, to meet any contingency that may arise in the country. As the Council is unfortunately aware, the Press Act has been the root-cause of many of our troubles. Except the Rowlatt Act, which was passed and which has now disappeared from our Statute-book, no other Act in the country has excited so much public resentment, so much public discontent and so much wholesale dissatisfaction, and I am now pleased that that odious Act has been removed. Everybody is agreed that there should be some provision for stifling sedition and dissemination of seditious leaflets, and the Government were right in transferring certain harmless provisions of the old Act into other existing Acts which is now in a consolidated form before the Council to-day. I should have been very sorry if the Press Act had been only modified or altered. The country demanded its total repeal, and we have to congratulate the Government on the courageous and judicious step which they have taken, a step which will restore confidence in the policy of Government, not only in the arena of journalism, but also among the people at large.

The HONOURABLE SAIYID RAZA ALI: Sir, this Bill has been introduced by the Government not a minute too soon. My only regret is that, as you were pleased to note yesterday, Sir, the Bill has been brought before this Council at the fag end of the Session when it is hardly possible for us to make an attempt to incorporate any useful amendments into the Bill which is being placed on the Statute-book without postponing it indefinitely or at least for a period of six months, which course, Sir, I take it, nobody in this Council Chamber, except my Honourable friend, Sir Umar Hayat Khan, is prepared to take. Sir, so far as the policy of the Government is concerned, that is fully contained in the short Bill with its voluminous appendices which has been placed before us. My Honourable and gallant friend, Colonel Sir Umar Hayat Khan, has questioned the Government's policy of conciliation and has advocated that stern measures be taken against all those whom he calls irreconcilables. In this connection, Sir, he has proposed the giving of a long rope to this class of people. I do not know, Sir, what view the front Government benches take of his long rope, but I surely recommend the suggestion for a careful consideration of the Retrenchment Committee which is shortly going to sit. Sir, as Honourable Members are aware, our expenditure exceeds our revenue, and we are in need of retrenchment. It is a matter of congratulation that in the case of the rope, the taller the man is, the shorter the rope, that will be required for his execution.

Now, Sir, coming to the history of the present measure, I do not want to take up much time of my Honourable Colleagues. I would only say that as soon as the Reforms were put into force—and that I must note was during the time of the late Viceroy, Lord Chelmsford—an attempt was made by one of our distinguished countrymen to secure the repeal of the Press Act and the Newspapers (Incitements to Offences) Act. Mr. Seshagiri Ayyar gave notice of a Bill and took time by the forelock. I must say that Government were not slow to respond. The Press Committee, over which my friend, the Honourable Dr. Sapru, presided, sat from day to day and went through the whole subject very carefully. Their report, dated the 14th July, 1921, was published broadcast. During the last Simla

Session on the 15th September 1921, the present Bill was introduced in the other House. A Select Committee was appointed on the 26th September to consider the legislation that has been proposed. It does not appear from the papers that have been supplied to us on what date the Select Committee made their report. The Report of the Select Committee is short, and to a certain extent, sweet. That Report was placed along with the skeleton of the Bill before the Legislative Assembly. I must, while I am on this point, acknowledge that the Government took care, both when they appointed the Press Committee and also the Select Committee to consider the Bill, to have a substantial non-official majority on them. That certainly is a course which has very considerably commended itself to the Legislature. The Bill, as is known to Honourable Members, was passed on Saturday, the 25th March, by the Assembly. It is a matter of some regret, Sir, that the measure was not set down for consideration before the Legislature earlier in the Session. Had that course been adopted, we would have been free to give more time to the measure and to consider it more fully. That, however, is a thing on which I do not want to dwell at any length. I wish, however, to say a few words on the general principles of the Bill. No one who reads the Bill carefully will fail to be struck by the manner in which this legislation has been proposed. The operative part of the Bill, as Honourable Members will see, is not to be found in the body of the Bill, but has been transferred from the body to the Schedules. There are no less than 4 Schedules attached to the Bill. Now, I am not one of those, Sir, who would oppose amending measures being brought before the Legislature in connection with the Post Office Act, the Criminal Procedure Code and the other two Acts which these Schedules seek to amend. What I object to is this. Instead of bringing a substantive measure to amend these Acts, instead of bringing forward four separate Bills, you quietly and covertly shove them into the Schedules, and thereby change the whole law, as contained in those four important Acts. I again say that I do not object to your amending activities, but what I say is,

‘For God’s sake, whatever you do, do it openly and do it in such a manner that Honourable Members may know as to what you are doing and may have a fair estimate of the effect of what you are doing.’

Still, Sir, for the reasons I have stated, I am not prepared to throw out the Bill. I am surprised that the other House, where legal talent is so strongly represented, should not have noticed this important point. All the same, Sir, when I have said this much, I have said all I have to say, short of bringing forward any amendments, which course I am not prepared to take at this stage.

Sir, among the benefits that have been conferred by British rule on this country, two of the greatest are freedom of association and freedom of speech. Of course, nobody, can think of any country which can claim to have anything like freedom of speech unless it has freedom of press. I must say that fortunately in this country, before the eventful year 1910 to which reference has been made by Sir Maneckji Dadabhoy, almost uninterruptedly for a period of 75 years there was freedom of press in this country. The two short intervals when the press was muzzled were the period following the Mutiny, when direct control of the press was taken for one year and the other period of three years which fell during the time of Lord Lytton, from 1878 to 1881. With the exception of these two brief periods the press enjoyed almost complete liberty. A very considerable departure from this policy was made in the year 1910 on account of the revolutionary movement and anarchical crimes that were committed during the time of Lord

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Minto in certain parts of the country. Those members who supported the Bill which was brought in 1910, gave it their qualified support. So far as we can judge, Sir, there is not the least doubt that, excepting the unfortunate Bill known as the Rowlatt Bill, there is no measure that has been productive of greater discontent and greater unrest than the Indian Press Act of 1910. Sir, the Bill was wrong in principle and was bound in any case, to lead to undesirable consequences, but the manner in which it was worked by a number of Provincial Governments made the effect truly disastrous. It must be acknowledged that certain Governments did not embark on a wholesale policy of repression under the Indian Press Act. I am glad to say that the Governments of Bombay and Madras made as discriminate a use of it as from their point of view they could under the circumstances. On the other hand, when we come to the Governments of the United Provinces and the Punjab, we find that the provisions have been enforced in such a manner as to entirely kill the nationalist press. To our shame, it must be acknowledged that there is hardly any nationalist organ left in these two provinces worth the name. I again say that if a man commits sedition—and I know, Sir, that that word is to certain Members in this Chamber what a red rag is to a bull—that man is to be punished. There is not the least doubt that the general law or the ordinary law is quite sufficient for that purpose. Sir, to-day is indeed a happy day, when we have assembled to assist in the burial ceremonies of this monster which during the last 12 years has brought untold misery upon this country. But what is the reception, Sir, that the country has given to this Bill? Sir, justice belated is justice denied. That is exactly what has come to pass so far as the effect of this Bill is concerned. I make bold to say, Sir, that if this step had been taken in 1917, when a very important deputation, headed by no less a man than Mr. B. G. Horniman, waited on Lord Chelmsford advocating the repeal of this Act, it would have sent a thrill of joy and thankfulness from one end of the country to the other. As a matter of fact, Sir, the public have hardly taken any notice of this truly liberal measure that the Government have proposed. No words of acknowledgment or thankfulness were uttered in the other Chamber when the Bill came up before it. What is its fate in this Council? We find that there are only two persons who are prepared to assist the Government in the burial of this monster—I to eulogise the courage shown by the Government in killing this dread monster and my Honourable and gallant friend, Colonel Sir Umar Hayat Khan, to place a wreath on its grave. The Press Act, fortunately for us, is going, but there is another danger that has arisen recently, and it is necessary for Government, if I may be allowed to suggest, Sir, to take power in this behalf. I refer to the defamatory and mischievous statements that are cabled to England from India by half a dozen English agitators that claim to be the special correspondents of the Home papers, and a few other persons, also about half a dozen in number, namely, the globe-trotters who in the course of their brief visits to this vast Continent claim to know more than the Government of India on the one hand, and the two Chambers of the Legislature, on the other. Sir, I do not propose that the Government of India should exercise any very rigid censorship over those sensational items of news that are being sent. All the same, it is but just and proper that the Government of India should recast at least some provisions of the Indian Telegraph Act, and, if it is desirable, also of the Indian Post Office Act, so that the statements which cannot be calculated and which are not likely, I should say, to do any good either to the cause of England or to

the cause of India should not be sent six thousand miles away; and, in the words of an illustrious person, 'we should not be dictated to' by these correspondents and globe-trotters 'at a distance of six thousand miles away.' Sir, up till now we have been used to being ruled in the name of the King-Emperor by Parliament on the one hand, and by the Government of India on the other. A new Estate, if I may be allowed to say so, has arisen recently in the shape of these adventurers. The damage that is being done by these articles is incalculable. So far back as the year 1910, the late lamented Mr. Gokhale, while speaking on the Press Act, referred to the mischief that was wrought by writings in a certain section of the Anglo-Indian and English Press, in these words

The HONOURABLE THE PRESIDENT: Does the Honourable Member propose to follow this up with an amendment that the Bill should be confined to certain classes of papers?

The HONOURABLE SAIYID RAZA ALI: I am speaking, Sir, only on general principles and throwing out suggestions to the Government of India for such action as they may be pleased to take. The late Mr. Gokhale said:

'My Lord, I doubt if many Englishmen realise how large a share these writings have had in turning so many of my countrymen against British rule. The terms of race arrogance and contempt in which some of these papers constantly speak of the Indians, and specially of educated Indians, cut into the mind more than the lash can cut into the flesh.'

Sir, if this was true so far back as the year 1910, much more is this true to-day when the whole situation has been changed. Sir, in the name of His Majesty's Indian subjects, in the name of the citizens of this vast Continent, and in the name of that awakening India that claims an equality of status and a position of partnership in the Commonwealth, I raise my humble voice of protest against this infamous section of the Press which is adopting most disreputable methods in trying to prejudice our cause before the English public and thus keeping India under perpetual tutelage.

With these words, Sir, I support the motion of my Honourable friend, Mr. O'Donnell.

The HONOURABLE DR. T. B. SAPRU: Sir, I should have thought that a measure like this which was introduced by the Government, and which has been accepted by the other House unanimously, would not evoke such vehement opposition as it has this morning on the part of my Honourable and gallant friend, Sir Umar Hayat Khan of Tiwana. I do not say that there is no force in some of the arguments which he has put forward this morning before this House. But I would venture to assure the House that every single argument which he has put forward to-day was present to the minds of the Members of the Government who are responsible for this Bill, and it was certainly present to the minds of the Members of the Committee which I had the honour to preside over. (Hear, hear). That Committee, as the Honourable Mr. O'Donnell has already pointed out to this House, met for several weeks together in Simla last year. It recorded a large mass of evidence. Among the witnesses who were examined were some European gentlemen and one European lady, and the one thing which stands out above every other thing, is the absolute unanimity of all the witnesses who were examined by the Committee, so far as the main basic principles of this Bill are concerned. I will just remind the House of the

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questions which the Committee formulated for its consideration in paragraph 4 of the Report. Those questions are stated as follows:—

‘The chief questions that have to be examined in our opinion are, firstly, whether the Act has been effective in preventing the evil against which it was directed; secondly, whether legislation of this character is now necessary for the maintenance of law and order; and, thirdly, whether on a comparison of the advantages and disadvantages which the retention of the Act would involve, its continuance is desirable in the public interest.’

Now every one of these questions is discussed at length in the Report of the Committee, and I refrain from reading it out, because I assume that every Member of this Honourable House has taken the trouble of going through that Report. There are, however, just one or two points to which I shall briefly refer, and I will show that these points were prominently present to the minds of the Members of the Committee. If we bear in mind the conditions that prevailed in this country about the time that the Press Act was passed, what is it that we find at that time? It was really the Press which was the more powerful organ of agitation at that time. There were certain papers in Calcutta and other places which were really responsible for carrying on a revolutionary propaganda, and it was because it was found at that time that the ordinary law of the land was not able to cope with the activities of those papers, that resort was had unwillingly to a measure of this character. The situation at present is in one material respect very much different from what it was in 1910. To-day it is really the platform which is the more powerful organ of popular agitation than the Press, or at any rate to put it more mildly, I may say that the platform is as powerful an organ of agitation as the Press was in 1910. Dealing with this aspect of the question, the Committee which met at Simla observed as follows:

‘Moreover, we believe that the more direct and violent forms of sedition are now disseminated more from the platform and through the agency of itinerary propagandists than by the Press, and no press law can be effective for the repression of such activities. In our opinion, therefore, it must be admitted that the Act has not been wholly effective in securing the object which it was enacted to achieve. We observe that one witness before us went so far as to say that it had both been futile and irritating.’

Dealing with the revolutionary propaganda to which my Honourable friend, Sir Umar Hayat Khan, referred, the Committee made the following observations, and I will again venture to read one or two sentences from their report. The Committee made the following observations:

‘The political situation has undergone great changes since 1910, and the necessity for the retention of the Act must be examined in the light of the new constitutional position created by the inauguration of Reforms. Many of us feel that the retention of this law is, in these circumstances, not only unnecessary, but incompatible with the increasing association of representatives of the people in the administration of the country. We believe also that the malignant influence of the seditious organs of the press will in future be, and in fact is, already beginning to be, counteracted by the growth of distinct parties and politics, each supported by its own press, supplemented by the activities of a properly organized bureau of information the value of which was admitted by many witnesses. It is true that the scope of the Act is not limited to the prevention of sedition, but it is not necessary for us to discuss in detail the subsidiary provisions included in section 4 of the Act, as we believe that these provisions have seldom been used and that the evils against which they are directed can be checked by the ordinary law.’

It will thus appear, Sir, that all these points which have been raised this morning by my Honourable Friend, Sir Umar Hayat Khan, were present to the minds of the Committee, and subsequently to the minds of the Government, and I hope that even Sir Umar Hayat Khan will give at least this

much credit to the Government, that they are as careful about the future of this country as he himself is.

There is one more point to which I will refer, and that is, with reference to some of the arguments that have been raised by my friend, Saiyid Raza Ali. I am not at all concerned with the latter portion of his speech in which he referred to certain newspaper correspondents. I have shown that this Bill has nothing to do with that, and I therefore shall not refer to that part of his speech. I understood him to say—I speak subject to correction by him—that so far as this Bill was concerned, it incorporated many changes in some other Acts which were already on the Statue-book and he expressed his disapproval of that. Quite apart from the drafting difficulty which my Department and I experienced in drawing up a Bill of this character, it seems to me that My Honourable friend has overlooked the recommendations of the Committee which are incorporated in the last portion of the Report. The first of those recommendations was that the Press Act should be repealed. That has been done, Sir. The second recommendation was that the Newspapers (Incitements to Offences) Act should be repealed. That, I claim, has been done. The third recommendation was that the Press and Registration of Books Act, the Sea Customs Act and the Post Office Act should be amended, where necessary, to meet the following conclusions:

‘(a) The name of the editor should be inscribed on every issue of a newspaper, and the editor should be subject to the same liabilities as the printer and the publisher as regards criminal and civil responsibility.’

I think that, in substance, effect has been given to that recommendation in this Bill. I am aware that objection was taken by certain newspapers and by certain publicists that it was not desirable that newspaper editors should be required to print their names on the top of it. I remember distinctly one paper on the Punjab side described it as an outrage on journalistic modesty. We have tried to spare those journalistic feelings of modesty so far as this particular matter is concerned, and if my Honourable friend will look at the provisions of the Bill, as it now stands, I think he will find that there is no room for any apprehension in regard to the modesty of the editor.

Before I proceed with the second condition I would like to say that one of the difficulties, in fact, the most serious difficulty, which the Committee had to consider, was how best to fix responsibility on the editor. We looked up various systems of law relating to the subject, and we found that in a certain Continental country the custom was to require the proprietor of a newspaper to appoint a person who was legally known as the ‘responsible editor,’ and this responsible editor was really responsible for everything that appeared in the newspaper. In France, the custom has been to fix responsibility on the Managing Director or the Directing Editor, as he is sometimes called. We, therefore, decided that, in the interest of justice and in the interest of the efficiency of the administration of the Act, it was desirable to have some provision which would enable us to fix responsibility on the real editor, and it is for that reason that we have introduced certain provisions in this Bill.

The second condition of the third recommendation is:

‘(b) Any person registering under the Press and Registration of Books Act should be a major as defined by the Indian Majority Act.’

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I believe we have given effect to that. Then there is the recommendation that :

‘ (c) Local Governments should retain the power of confiscating openly seditious leaflets, subject to the owner of the press or any other person aggrieved being able to protest before a Court and challenge the seizure of any such document in which case the Local Government ordering confiscation should be called upon to prove the seditious character of the document.’

To this also effect has been given.

I will omit the rest of our recommendations because they are not of the same important character, but I can assure my Honourable Friend, Saiyid Raza Ali, that, so far as the recommendations of the Committee are concerned, they have been most faithfully given effect to in the Bill which has been drawn up, and I do not think that we could have given effect to those recommendations in any other form, unless, of course, we were to introduce four or five different Bills, and it was not considered desirable that we should have separate Bills when we could deal with all these matters in a single Bill.

THE HONOURABLE THE PRESIDENT: The question is :

‘ That the Bill to repeal the Indian Press Act, 1910, and the Newspapers (Incitements to Offences) Act, 1908, and to make certain provisions in regard to the liability of editors of newspapers, and to facilitate the registration of printers and publishers; and to provide for the seizure and disposal of certain documents, as passed by the Legislative Assembly, be taken into consideration.’

The motion was adopted.

THE HONOURABLE THE PRESIDENT: We will postpone consideration of the Preamble, as usual, and I shall call the Bill clause by clause. Clause 1

THE HONOURABLE COLONEL SIR UMAR HAYAT KHAN: Sir, I move that as an amendment to clause 1 of the Bill, the following sub-clause be added :

‘ (3) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, direct.’

I think this is a very modest request and a very innocent amendment. It does not alter the Bill at all, and if my amendment is adopted, it would not block the Bill.

I would, however, just like to make one thing clear before I proceed further. When I gave notice of this amendment and before I spoke to-day I knew that I would come in for criticism, but somebody had to do it and put the other side of the shield before the House. It is for this reason, Sir, that I have moved this amendment. The situation in the country, especially in my part of the country, in the last few days has gone from bad to worse, and my object in moving this amendment, was that at any rate that position should be made clear and should be put before the Government. I quite sympathise with my friends who have spoken against me, because their angle of vision is different. I represent the Punjab, the martial classes, and that part of the Punjab from which the army is mainly recruited. There the people are not fond of talking, they go in for action.

If my friends were living amongst those people, they would have more of my ideas than their present ideas as shown by their speeches to-day, because they know that the people of other parts simply talk and do

nothing. The Government is at the helm and is responsible. But directly when there is trouble and when anyone comes to help, they say it is very kind of the man, but when the Press runs ~~in town~~, they do not help him. That is one of the causes why I have brought forward this amendment. Things are coming to a climax. They may go to that pitch within a month or two or three, and it will therefore be very advisable to see the trend of events and have this Bill as a prize. We can tell them—

‘If you behave well, here is a prize, but if you go on breaking all the other laws, there will be still one more for you to contend with.’

I am glad, Sir, that one of my friends who was very frightened of this monster of the Law has been so pleased because it has been killed. I was not going to do anything against that particular Law and thus was not frightened. One of my brave friends here, Sir, will be able to tell you the difference between people and people. Now, the martial people in the Punjab are absolutely different from others, and he will be able to say what happened at Peshawar the other day. It is for this reason that I wanted that this Bill be deferred till such a time that a wire to each of the Local Governments was sent, ascertaining whether the situation is going from bad to worse and after that it would only take two or three days to issue a notification. I just wanted to draw the attention of the Government to this fact and nothing more. Also if this Bill is stopped, people would know that all things are not done in their own way, but if they begin to play the fool, there is something yet in hand that could be used. I cannot understand this, Sir, that on the one hand prosecutions are going on and on the other, we are showing weakness to the Press. It is absolutely inconsistent. With these few remarks, Sir, I put forward this amendment for the decision of this Council.

THE HONOURABLE MIAN SIR MUHAMMAD SHAFI: The main argument put forward by my Honourable friend, Colonel Sir Umar Hayat Khan, in support of the amendment which he has placed before the House is that according to him, the political conditions in the province which he represents are entirely different from those obtaining in the other provinces of India. With regard to that observation, I wish only to say this, that it so happens that in the Government of India there is at this moment a Member who comes from the very same province of which my Honourable Friend, Sir Umar Hayat Khan, claims to be a representative. (Hear, hear). He has made at least as careful a study of the political conditions obtaining in his own province as the Honourable Sir Umar Hayat Khan, and he, at any rate, has no misgivings whatever as regards the results of the Bill which has been placed before this Council by the Government of India.

THE HONOURABLE MR. S. P. O'DONNELL: Sir, the modest amendment, as he described it, moved by the Honourable Colonel Sir Umar Hayat Khan, is, as I understand it, designed to postpone indefinitely the date on which this Bill, if it becomes an Act, will come into operation. It is perfectly true that as the amendment stands it would be open to the Government, if the Bill became an Act, to notify the following day that the Act should be in operation. But he made it perfectly clear that that was not his intention. His idea was quite obviously that the coming into operation of the Act should be postponed till all the clouds had lifted, till the sky was perfectly clear and the barometer was definitely set fair. Now, Sir, I do not for a moment suggest that there are in the existing political situation no factors or elements which shall give rise to anxiety.

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Undoubtedly there are disquieting features. It is also true that there is a section of the Press which seeks continually to vilify the Government's actions and its motives. And it lies on the face of this Bill that some remedies at present available against papers of that character will, if the Bill becomes law, no longer be available. It is far from true indeed that no remedies will remain. Anyone who examines dispassionately the terms of this Bill will see that considerable remedies remain. Nevertheless, it is not claimed that this is a perfect Bill. It is possible that some loopholes, some means of evading the law, may be found. Still whatever risks are involved—and they are not such as need seriously add to our anxieties—are risks which in the opinion of the Government ought to be run. The reasons for that view were set out by the Honourable the Law Member, and in the Report of the Committee, which every Member has doubtless read, and may be summarised in the statement to be found in paragraph 8 thereof, namely:

'That in the altered circumstances created by the Reforms, the advantages likely to be secured by the repeal of this measure outweigh the benefits which could be obtained by its retention on the Statute-book.'

I hope, therefore, that this Council will not see its way to accept this amendment.

The HONOURABLE SIR ZULFIQAR ALI KHAN: Sir, I did not want to interence at all at this stage of the discussion of this Bill, as I have been feeling very unwell since yesterday, but my Honourable Colleague, the Honourable Colonel Sir Umar Hayat Khan, has, in his speech when proposing the amendment, said that the situation in the province of the Punjab is such that a further postponement of this Bill would be desirable. Sir, my experience of this Press Act since its birth in 1910 has been this, that the stronger the application of this Act, the greater the agitation against its provisions, and although since then so many repressive measures have been passed, the situation all over the country has gone from bad to worse. Therefore, Sir, let us not suppose that by virtue of such repressive measures we can stop the agitation in the country, but we can do it by impressing on the people the idea that if Government sees that a certain measure has no effect, then they will see the justice of removing it. Sir, justice seeks no expedients. Justice must be for the sake of justice. The people understand no other way on the part of the rulers. Their custom is to look upon the acts of Government as guided by a sense of justice, and I must congratulate Government on this occasion on having taken courage to do justice in spite of the apprehended consequences. With these few words, as I am feeling unwell, I must oppose this amendment.

The HONOURABLE SAYYID RAZA ALI: Sir, I rise to make no speech, but to ask my Honourable Friend, Sir Umar Hyat Khan, to withdraw his amendment. On this subject there is a unanimity of Indian opinion. It may be that my friend thinks otherwise, but we all know that the exception proves the rule and perhaps he is the exception rather than the rule. As one of his Colleagues and perhaps as one of his humble friends I will ask him to oblige us by withdrawing his amendment.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: I agree with the suggestion and I will ask the House to allow me to withdraw my amendment.

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

Clauses 1, 2, and 3, and item 1 of Schedule I were added to the Bill.

The HONOURABLE MR. V. G. KALE: For reasons which are obvious, I do not want to oppose the First Schedule. However, I must say that I am not convinced by the reasons given by the Honourable the Law Member in support of the introduction of the editor into this Act. If I understood him correctly, he wishes that the responsibility of the editor being very great it must be definitely fixed and it must be possible for the Government to hit the editor if it is found that he has committed any serious offence. But I do not see how the situation will be improved by the requirement that the name of the editor should be printed on each copy of a newspaper. It may be possible that the name put down in a copy of the newspaper does not represent the real editor at all, and after all to my mind the crucial act is the act of publication and the rest are subordinate matters. What is of the greatest importance is the publication, and consequently if a publisher of a newspaper is responsible, I do not think that the editor need also be brought in. Then even if as required the name of the Editor is printed upon each copy of a newspaper, it is just possible that the names may be changed from day to day and from time to time and there may be dummy editors. What is there to prevent the so-called evil continuing even when this item has been introduced? I know that many editors very strongly resent this attempt as an attempt to give notoriety to some people and bring them into the limelight, and they feel this as entirely superfluous. They say that the editor might take responsibility in his capacity as publisher, and I think that this clause which has been introduced is entirely superfluous. I do not however at this stage want to oppose the introduction of that item.

The HONOURABLE DR. T. B. SAPRU: I may frankly say in reply to the question raised by my friend Professor Kale, that this was the one matter which gave the committee, over which I had the honour to preside, the greatest possible trouble. This matter again engaged the attention of the Select Committee and we discussed it at considerable length. The same point which has been raised by my friend, Professor Kale, was raised again during the debate by one Member in the Assembly, and so far as the Government are concerned they have always been anxious to get some better constructive suggestion, and that better constructive suggestion has not yet come from any direction or from any quarter. If I am frankly asked whether the provisions of this Bill in regard to this matter are perfect, I am prepared to say that they are not. At the same time as I have just submitted nothing better could occur to us. We put it to the various editors whom we examined whether they would like that their names should be registered before the District Magistrate. I believe, with the exception of one or two, all of them raised their hands in horror and said that they would not like to go before the District Magistrate for registration purposes, and this particular view was pressed before us by not a few prominent editors. We examined this subject and we ourselves felt that it was possible that fraud might be practised on the Statute, and in order to meet it, as far as possible, we introduced a clause to which I think the Honourable Mr. Kale did not make reference in his speech. I refer to item 5 of the Schedule. I will read it to the House, so that it may see what the point is:

‘ If any person, whose name has appeared as editor on a copy of a newspaper, claims that he was not the editor of the issue on which his name has so appeared, he may within two weeks of his becoming aware that his name has been so published,

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appear before a District, Presidency, or Sub-divisional Magistrate and make a declaration that his name was incorrectly published in that issue as that of the Editor thereof, and if the Magistrate after making such inquiry or causing such inquiry to be made as he may consider necessary is satisfied that such declaration is true, he shall certify accordingly, and on that certificate being given the provisions of section 7 shall not apply to that person in respect of that issue of the newspaper.'

The HONOURABLE MR. V. G. KALE: What will happen to those who committed that fraud?

The HONOURABLE DR. T. B. SAPRU: I do not see the point.

The HONOURABLE MR. V. G. KALE: What will happen to those who put the name of the wrong person on the paper?

The HONOURABLE DR. T. B. SAPRU: They incur certain liabilities under the law. There is the ordinary law of the land, the Penal Code, which will be quite sufficient to deal with them, but I would also remind the Honourable Member of sections 12, 13 and 14 of the Press Act. I will read out section 12:

'Whoever shall print or publish any book or paper otherwise than in conformity with the rule contained in section 3 of this Act shall, on conviction before a Magistrate, be punished by fine not exceeding five thousand rupees, or by simple imprisonment for a term not exceeding two years, or by both.'

If my Honourable friend will refer to item No. 7 of Schedule I, he will find that in sections 12, 13, 14 and 15, for the words 'two years', wherever they occur, the words 'six months', and for the words 'five thousand' the words 'two thousand' shall be substituted; so that the penalties remain, but their amount has been reduced. I think in the case of a fraud there will be no difficulty in catching the man who has committed the fraud. It was for these reasons that we decided that the best of the various courses suggested to us was to require the editor to print his name somewhere or other prominently on every issue of the newspaper, so that it should not be difficult for us to fix the responsibility on him. I will only remind my Honourable Friend, Mr. Kale, of the difficulty which was experienced in Bengal at the time or about the time that this Press Act was passed, namely, that young boys of 15 or 16 appeared before Courts and declared that they were the editors, thus defeating the intention of the law. Now it was really because we felt that it was possible to defeat the law by putting forward such bogus editors, that we had to frame this section so that the responsibility might be directly fixed.

The HONOURABLE THE PRESIDENT: The question is:

'That Item 2 of Schedule I stand part of the Bill.'

The motion was adopted.

Item 2 was added to Schedule I of the Bill.

The HONOURABLE THE PRESIDENT: The question is:

'That Items 3 to 9 of Schedule I stand part of the Bill.'

The motion was adopted.

Items 3 to 9 were added to Schedule I of the Bill.

SCHEDULE I was added to the Bill.

The HONOURABLE THE PRESIDENT: The question is:

'That clause 4 stand part of the Bill.'

The motion was adopted.

Clause 4 was added to the Bill.

The HONOURABLE THE PRESIDENT: (The Second Schedule. The Sea Customs Act, 1878. The new sections 181A, 181B and 181C.)

The question is:

'That the Second Schedule stand part of the Bill.'

The motion was adopted.

SCHEDULE II was added to the Bill.

The HONOURABLE THE PRESIDENT: The question is:

'That Clause 5 stand part of the Bill.'

The motion was adopted.

Clause 5 was added to the Bill.

The HONOURABLE THE PRESIDENT: The Third Schedule: The Code of Criminal Procedure, 1898. I will again refer to the new sections 99A, 99B, 99C, 99D

The HONOURABLE SAIYID RAZA ALI: May I just add, Sir, that it is perhaps useful to note that both clauses 99B and 99D have been improved upon when the Bill was before the Legislative Assembly. The words 'the issue of the newspapers' were added by the Assembly.

The HONOURABLE THE PRESIDENT: 99E, 99F, 99G.

The question is:

'That the Third Schedule stand part of the Bill.'

The motion was adopted.

SCHEDULE III was added to the Bill.

The HONOURABLE THE PRESIDENT: The question is:

'That clause 6 stand part of the Bill.'

The motion was adopted.

Clause 6 was added to the Bill.

The HONOURABLE THE PRESIDENT: The Fourth Schedule: I will again deal with each of the new clauses as they occur in the Schedule: 27A, 27B.

The HONOURABLE SAIYID RAZA ALI: The only suggestion I would make, Sir, is that I hope if the Government thought in future it was practicable, it might add section 153A also to 124A in clause 27B.

The HONOURABLE DR. T. B. SAPRU: I rise to a point of order. Does my Honourable friend propose any amendment?

The HONOURABLE SAIYID RAZA ALI: I do not propose any amendment I simply suggest for the future consideration of Government that if they thought it necessary from the working of the Act hereafter.

The HONOURABLE THE PRESIDENT: I think if the Honourable Member wants to make a suggestion which is really in the nature of an amendment.

[The Honourable the President.]

he ought to move it, or otherwise confine himself to a general discussion of the clause. It is not fair to Government to have to answer a mere suggestion.

The HONOURABLE SAIYID RAZA ALI: I did raise that point in the general discussion, and I suggested that power should be taken by Government to deal with such papers as tend to excite racial hatred.

The HONOURABLE THE PRESIDENT: The Honourable Member does not move an amendment?

The HONOURABLE SAIYID RAZA ALI: No, Sir.

The HONOURABLE THE PRESIDENT: 27C, 27D.

The question is:

'That the Fourth Schedule stand part of the Bill.'

The motion was adopted.

SCHEDULE IV was added to the Bill.

The HONOURABLE THE PRESIDENT: The question is:

'That the Preamble stand part of the Bill.'

The motion was adopted.

The PREAMBLE was added to the Bill.

The HONOURABLE MR S. P. O'DONNELL: Sir, I beg to move that the Bill, as passed by the Legislative Assembly, be passed.

The HONOURABLE THE PRESIDENT: The question is:

'That the Bill, as passed by the Legislative Assembly, be passed.'

The motion was adopted.

INDIAN PORTS (AMENDMENT) BILL.

The HONOURABLE MR. H. A. F. LINDSAY: Sir, I move that the Bill to regulate the employment of child labour in ports in British India, as passed by the Legislative Assembly, be taken into consideration.

This is a short Bill, Sir, and I will not detain the House disproportionately long in explaining it. In 1919, an International Labour Conference was held at Washington at which there were present the Honourable Sir Alexander Murray, who is unfortunately not here to-day, representing Indian employers, and Mr. Joshi, representing Indian labour. At that Conference a Draft Convention was adopted which prohibited the employment of children in the transport industry, at docks, wharves and quays, excluding only transport by hand. The minimum age-limit of 12 was adopted for India. The Convention was referred to both Houses last Session and was accepted by them and ratified on behalf of India. This Bill, Sir, seeks to give effect to the engagement then made. There are only two points to which I think it necessary to draw the attention of the House in relation to this Bill. The first is that, although the original Convention made a distinct exception in favour of goods transported by hand, that is to say, children were allowed, under the original Convention, to be employed in such classes of industry, that proviso has not been embodied in the Bill as it stands before us to-day. The question of the desirability of allowing such an exception in India was raised in the Assembly. Government did not object to the omission of the proviso, and hence it has been omitted in the present Bill.

The second point is that the machinery to which the Bill gives effect is, that rules shall be issued by Local Governments giving force to the provisions of the Convention. The effect of that is that any differences owing to variation of local conditions in the provinces will receive effect. At the same time the House will notice that these rule-making powers are not optional but compulsory, and that Local Government *must*, therefore, issue these rules and give effect to the Convention. I am sure that this small Bill will appeal to the humanitarian feelings of the House and I commend it to them for their favourable consideration.

The HONOURABLE THE PRESIDENT: The question is:

‘That the Bill to regulate the employment of child labour in ports in British India, as passed by the Legislative Assembly, be taken into consideration.’

The motion was adopted.

The HONOURABLE MR. H. A. F. LINDSAY: Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The HONOURABLE THE PRESIDENT: The question is:

‘That the Bill to regulate the employment of child labour in ports in British India, as passed by the Legislative Assembly be passed.’

The motion was adopted.

PRESIDENT'S FAREWELL SPEECH.

The HONOURABLE THE PRESIDENT: As I shall not have an opportunity of addressing Members again before the close of the present Session, I should like to thank them for their continued support of the Chair and their ready assistance in all the work connected with the Council during this Session. For various reasons which I do not propose to enter upon, our numbers this Session have been greatly depleted and the attendance at times has been very small. This has cast great responsibility upon those Members who have attended, and I should like to say that they have discharged their duties with great diligence. I can only say I hope that when we meet again in Simla we shall be almost at full strength and that the empty benches which have not been an infrequent feature of the present Session will be filled by those who perhaps may have benefited by their long rest. I wish the Members of the Council farewell for the present, a pleasant journey to their homes, and all health and prosperity till we meet again.

It is now my duty to read the proclamation by His Excellency the Viceroy proroguing this Council.

PROROGATION OF SESSION.

(The Council stood while the proclamation was read.)

‘In pursuance of sub-section (2) of section 63 D of the Government of India Act, I, Rufus Daniel, Earl of Reading, hereby prorogue the Session of the Council of State on the conclusion of its business on Tuesday, the 28th March, 1922.’

READING,

Viceroy and Governor General.’

27th March, 1922.