

28th January, 1925

THE

LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

SECOND SESSION

OF THE

SECOND LEGISLATIVE ASSEMBLY, 1925



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1925

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LEGISLATIVE ASSEMBLY.

Wednesday, 28th January, 1925.

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

QUESTIONS AND ANSWERS.

CASE OF MR. KAILASHNATH, ASSISTANT STATION MASTER, BENARES CANTONMENT.

353. ***Mr. Ohaman Lall:** Is it a fact that Mr. Kailashnath, assistant station master, Benares Cantonment, was granted 22 months' leave and after he had availed himself of two months' leave, the rest of his leave was cancelled and he was discharged from the service without assigning any reason?

Mr. G. G. Sim: As stated in my reply to a similar question No. 318 by Maulvi Muhammad Yakub, Government are inquiring into the matter and will let the Honourable Member know the result.

PAY OF STATION MASTERS AND ASSISTANT STATION MASTERS AT ROADSIDE STATIONS ON THE O. AND R. RAILWAY.

354. ***Mr. Ohaman Lall:** Is it a fact that formerly on the O. and R. Ry. the difference in pay of the station masters and assistant station masters on roadside stations was Rs. 5 only and after the revised scale came into force, the difference increased to Rs. 20, that is the maximum pay of a station master of "A" class was raised to Rs. 75 and that of an assistant station master to Rs. 55. What responsibility of the assistant station master has been reduced that the pay has been raised to such a low scale?

Mr. G. G. Sim: The Honourable Member is referred to the reply given yesterday to Maulvi Muhammad Yakub on a similar question.

PROMOTION OF INDIAN STATION MASTERS ON THE O. AND R. RAILWAY.

355. ***Mr. Ohaman Lall:** (a) Is it a fact that about 500 assistant station masters after reaching the maximum of their grade, have to wait for promotions for years? Will the Government please state how their promotions will be regulated with a few higher class stations?

(b) Is it a fact that while hundreds of Indian "A" class station masters are waiting for promotions to higher grades, the Railway Administration stopped their promotion by reverting many of the "B" class stations to "A" and "C" class stations to "B" class whereas Anglo-Indian and European station masters have not been affected in any way?

(c) Is it a fact that several junction stations are classified special class for providing Anglo-Indian or European station masters whereas booking and parcel clerks of these stations are granted in "A" class. Why are the clerks not given the advantage of drawing the pay according to the class of stations?

(d) Is it a fact that many "A" class Indian station masters on the O. and R. Railway, who are drawing Rs. 75, have been served with retirement notice? Is it a fact that they have been serving the railway for more than 35 years to the entire satisfaction of the authorities? If so, why were these senior station masters not given a lift for their faithful continuous services in class "B" "C" or "D" and so on?

(e) Is it a fact that "9" per cent. of the stations on the O. and R. Railway are classified as "A" and the station masters after reaching the maximum of the class, wait for promotions for years? Will the Government please state how the promotions of these station masters will be regulated with a less percentage of higher class stations?

Mr. G. G. Sim: (a) to (e). I would refer the Honourable Member to the reply given by me to a similar question by Maulvi Muhammad Yakub.

APPEAL OF BABU RAJARAM, STATION MASTER, O. AND R. RAILWAY.

356. ***Mr. Chaman Lal:** Is it a fact that Mr. M. S. Scott O'Connor, Traffic Manager, O. and R. Railway, who recorded the statement of Babu Rajaram, station master, at the inquiry omitted to record important points and the Agent filed the appeal of Babu Rajaram without taking any notice of this fact?

Mr. G. G. Sim: The reply is in the negative.

PAY OF BRAKESMEN ON RAILWAYS.

357. ***Mr. Chaman Lal:** Is it a fact that when the Free Service Brakesmen were appointed to receive and deliver dak at stations, they were in receipt of a salary of Rs. 36 and since the system is abolished, the same work in addition to brakesmen's duty is entrusted to the brakesmen whereas the scale of the brakesmen is from Rs. 16—2—28? Will Government please state when the brakesmen are doing both the duties whether it is proposed to raise their scale of pay to Rs. 36.

Mr. G. G. Sim: The Government cannot answer the Honourable Member's question as he does not say to which railway he refers. In any case they do not interfere in matters of this kind. They presume the Agent gets men of the numbers and class required for the rate of pay offered.

RENEWAL OF THE RECOGNITION OF THE O. AND R. RAILWAY UNION.

358. ***Mr. Chaman Lal:** (a) Is it a fact that certain facts regarding corruption and bribery were brought to the notice of the administration through the *Weekly Mazdoor* which caused the Agent, O. and R. Railway, to withdraw the official recognition of the O. and R. Railway Union and thereby withdraw the passes of the workers on the alleged ground that the tone and character of the official organ of the Union is calculated to impair the relation between the administration and the staff and generally to undermine the authority of the administration?

(b) Is it a fact that the General Secretary of the Union challenged the administration to prove that the allegations are incorrect and based on rumour but the administration refused to look into the papers which were available?

(c) Is it a fact that when a strike was threatened by the employees in June last the Agent of the Railway agreed to restore the recognition on certain terms which were sent to the Union through Mr. Inglis, Superintendent of Police, Lucknow and the Executive Committee of the Union accepted the terms without any amendment? If so, why was the recognition not restored? Will Government be pleased to inquire from the Superintendent of Police, Lucknow, if this fact is not correct?

Mr. G. G. Sim: (a) No. Recognition was withdrawn because the attitude of the Union as evidenced in their official organ was calculated to impair the relations between the administration and the staff and to undermine the authority of the administration.

(b) A representation was made to the Agent as stated, but the facts in the principal allegations had already been examined and in others were found to be devoid of foundation.

(c) For the information of the staff the Agent in reply to a petition mentioned certain conditions under which he was prepared to recommend to the Railway Board that recognition should be renewed. No offer was then or since made to the Union.

SCALES OF PAY OF INDIAN AND ANGLO-INDIAN OR EUROPEAN ASSISTANT STATION MASTERS.

359. ***Mr. Chaman Lall:** Is it a fact that the promotions of qualified Indian assistant station masters are restricted to "D" class whereas unqualified Anglo-Indian and European assistant station masters are given a lift to "E" and "F" class. Further is it a fact that at junction stations out of three assistant station masters one Indian is getting "C" or "D" class scale of pay whereas two Anglo-Indian or European assistant station masters are getting "E" or "F" class scale of pay? When the nature of the duty and responsibility of all these assistant station masters are equal, and each performs eight hours duty, why is not equal pay given for equal work?

Mr. G. G. Sim: I would refer the Honourable Member to the reply given by me to a similar question by Maulvi Muhammad Yakub.

REPRESENTATIONS OF THE INDIAN MATCH MANUFACTURERS' ASSOCIATION.

360. ***Mr. Kumar Sankar Ray:** Will the Government be pleased to state whether a deputation of the Indian Match Manufacturers' Association waited upon the Honourable Sir Basil Blackett at Calcutta on the 18th December last? If so, what representations did the said deputation make to him and what actions are the Government taking thereon?

The Honourable Sir Charles Innes: The deputation in question was received by the Honourable the Finance Member and myself in conjunction. The representations made by the deputation were mainly to the effect that an excise duty should be imposed on matches manufactured in factories financed by foreign capitalists, but that factories financed by Indian capitalists should be exempt from the payment of such a duty. The Government do contemplate action on such lines.

ATTEMPTS AT TRAIN WRECKING IN NORTH BENGAL.

361. ***Mr. Kumar Sankar Ray:** On how many occasions had train wrecking attempts been made in North Bengal during the year 1924 and with what results on each particular occasion; and on how many occasions have the culprits been apprehended and punished?

Mr. G. G. Sim: On the Eastern Bengal Railway seven attempts were made. One of the attempts resulted in the derailment of No. 1 Up Darjeeling mail train, causing damage to the permanent way and rolling stock to the extent of about Rs. 2,700. Another attempt resulted in the engine of No. 11 passenger train being slightly damaged. In regard to the other five attempts the action of the culprits was detected, before any train had passed over the portion of the line affected.

Out of the seven attempts, in one case a boy was found guilty, and his guardian executed a bond; in two cases no clues were found; in another case a warrant has been issued for the arrest of the suspected person; the other three cases are still under police investigation.

On the Darjeeling Himalayan Railway there were four instances of stones being placed up on the line, but in each case the stones were discovered in time to prevent accidents. All the cases were reported to the police, but the culprits were not detected.

ALLOWANCES AND COMFORTS OF DÉTENU IN BENGAL.

362. ***Mr. Kumar Sankar Ray:** What arrangements as regards supply of food, warm clothing and bedding have been made, and what allowances are being paid to each particular détenu, who has been arrested either under the Bengal Regulation III of 1818 or the Bengal Ordinance No. 1 of 1924 in the years 1923 and 1924?

The Honourable Sir Alexander Muddiman: I invite the Honourable Member's attention to the reply I have already given to part (f) of his earlier question on the subject.

Mr. A. Rangaswami Iyengar: May I know whether, having regard to the fact that a number of prisoners under the Regulation have now been made prisoners under the Ordinance, there has been any difference in regard to the conveniences provided, for example, in respect of bedding, food, and so forth?

The Honourable Sir Alexander Muddiman: I am not able to answer that. So far as I know, the existing arrangements are still continuing.

ERECTION OF A WIRELESS BEAM STATION IN INDIA.

363. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of the 19th December, 1924, page 7, under the heading "Beam Station in India" "Government and the Site"?

(b) If so, will they please state if they intend that a high power station should be erected in India without delay, provided the Admiralty favoured the course, as reported?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) It is not proposed to proceed at present with the construction of a high power station as originally intended. Negotiations are in progress for the erection of a Beam station.

THE TATA NARROW GAUGE RAILWAY.

864. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the letter published in the issue of the *Forward* of the 19th December, 1924, page 9, under the heading "Tata Narrow Gauge Railway"?

(b) If so, will they please state if the statement made therein with regard to the absence of gates, gatemen, watchmen on the railway referred to, is correct?

Mr. G. G. Sim: (a) and (b). Government have seen the letter referred to. They have no information on the point because the railway line is not in any way under the administration of the Government of India. They are, however, making inquiries into the matter.

RETURN OF HINDU REFUGEES TO KOHAT.

865. ***Khan Bahadur Sarfaraz Hussain Khan:** Will the Government please state:

(a) the Hindu population of Kohat?

(b) the number of such refugees as evacuated their refuge in the cantonments to Rawalpindi?

(c) whether the refugees have returned to Kohat?

(d) if not, on what conditions do they wish to return to Kohat, and what is the obstacle in the way of their return to their homes?

Mr. Denys Bray: (a) According to the last census 3,200 roughly.

(b) Nearly all.

(c) Not as a body.

(d) It is hoped that with the settlement recently effected the last obstacle has been removed.

EXAMINATION OF EVIDENCE AGAINST PERSONS ARRESTED UNDER BENGAL REGULATION III OF 1818 AND THE BENGAL CRIMINAL LAW AMENDMENT ORDINANCE, 1924.

866. ***Pandit Nilakantha Das:** (a) Was the evidence in possession of the Government regarding the persons recently arrested and interned in Bengal under the Bengal Ordinance of 1924 and the Bengal Regulation III of 1818 only based on police and C. I. D. information or have they any independent source?

(b) Was that evidence examined with judicial scrutiny before the orders for arrests were issued?

(c) If so, by whom, or by men of what standing or position?

(d) Was any further corroborating evidence against the persons recently arrested in Bengal found after the arrests were made?

(e) If so, was it likewise examined, and if examined, examined by whom, or by men of what standing and position?

The Honourable Sir Alexander Muddiman: The general grounds on which action was taken have been fully explained in several recent public pronouncements which I do not propose to recapitulate now, as I shall have an opportunity of dealing with the matter to-day. The evidence was not judicially scrutinised before the orders for the arrests were issued. If the Honourable Member suggests that this would be a normal or generally practicable procedure in cases of cognizable offences under any system of criminal law, his view must, I think, be unusual. As regards the persons

recently arrested under Regulation III of 1818, the evidence was scrutinised by two Judges of the standing of Sessions Judges who were satisfied that there were reasonable grounds to believe that all those persons were members of a revolutionary conspiracy and that their being at large involved a danger to the State.

* As regards persons arrested under the Ordinance, I would invite the Honourable Member's attention to section 19 of the Ordinance. I am not prepared to make any further statement which might have the effect of prejudicing further criminal proceedings which it may be found necessary in the public interest to undertake.

Mr. Devaki Prasad Sinha: With regard to the prisoners arrested under this Regulation, what was the procedure followed in expounding to them the charges and the evidence against them placed before the two Sessions Judges?

The Honourable Sir Alexander Muddiman: Charges were framed, and their answers were invited.

CONNECTION OF INTERNEES IN BENGAL WITH ANARCHICAL MOVEMENTS.

367. ***Pandit Nilakantha Das:** (a) Does the evidence against the persons recently arrested and interned in Bengal under Bengal Regulation III of 1818 and the Bengal Ordinance show that the internees had any connection with any anarchical movement after 1921?

(b) Have the Government any evidence to be convinced that Mr. Subhas Chandra Bose was in any way connected with any anarchical movement after he came back from England?

(c) Are the Government in possession of any evidence which may prove at least some of the recent internees in Bengal to be connected with any anarchical crime?

(d) If so, are the Government prepared to bring at least a selected few of the prominent internees before courts of law?

The Honourable Sir Alexander Muddiman: I have already replied to this.

CONDEMNATION OF THE BENGAL CRIMINAL LAW AMENDMENT ORDINANCE BY THE ALL PARTIES CONFERENCE.

368. ***Pandit Nilakantha Das:** (a) Are the Government aware of the fact that the recent arrests and internments in Bengal, under the Bengal Ordinance of 1924, and Bengal Regulation III of 1818 and the very issue of the Ordinance itself have been viewed with disapproval by leaders of all the Indian political parties, at their united meeting at Bombay?

(b) Do the Government propose in any way to show any practical respect to the united Indian public opinion, expressed at Bombay, regarding the recent actions under the Bengal Ordinance of 1924, and the Bengal Regulation III of 1818?

The Honourable Sir Alexander Muddiman: I have seen the Resolution adopted by the Conference at Bombay. Government's attitude will be stated in the course of the debate to-day.

THE POSTAL ECONOMIC INQUIRY COMMITTEE.

369. ***Kumar Ganganand Sinha:** Will the Government be pleased to state (a) the items which the Postal Economic Inquiry Committee will consider during their investigation, (b) when the Committee is likely to submit its report, and (c) whether this House will or will not be given a chance to consider the Committee's recommendations?

The Honourable Sir Bhupendra Nath Mitra: (a) The Honourable Member's attention is invited to the reply given on the 23rd January, 1925 to part (a) of the Honourable Mr. C. Duraiswami Aiyangar's question No. 171.

(b) Before the end of March, 1925.

(c) Without knowing what the Committee's recommendations are I am unable to give any undertaking in the matter. I shall in any case consider the question of placing the report if opportunity offers, before the Standing Advisory Committee attached to the Department of Industries and Labour.

AMALGAMATION OF THE ORIYA SPEAKING TRACTS.

370. ***Kumar Ganganand Sinha:** Do the Government contemplate any change of jurisdiction so far as Orissa is concerned? If so, how? How far, if at all do they propose to give effect to the recommendations of Philip-Duff Committee?

The Honourable Sir Alexander Muddiman: The Government of India do not at present contemplate any change of jurisdiction as far as Orissa is concerned. As regards the second part of the Honourable Member's question I refer him to my reply to Khaw Bahadur Sarfaraz Hussain Khan's question No. 85 answered on the 23rd January.

INTERNMENT WITHOUT TRIAL OF PERSONS ARRESTED UNDER THE BENGAL CRIMINAL LAW AMENDMENT ORDINANCE, 1924.

371. ***Kumar Ganganand Sinha:** How long do the Government propose to shut up persons arrested under the Bengal Criminal Law Amendment Ordinance, 1924, without proper trial in the ordinary law courts of the land?

The Honourable Sir Alexander Muddiman: I invite the Honourable Member's attention to the reply I have given already on the same subject.

PUBLICATION OF CORRESPONDENCE, ETC. IN CONNECTION WITH THE PROMULGATION OF THE BENGAL CRIMINAL LAW AMENDMENT ORDINANCE.

372. ***Kumar Ganganand Sinha:** (a) What objections, if any, have the Government to publishing documents and other materials that have convinced them of the desirability of the Viceroy's promulgating the Bengal Criminal Law Amendment Ordinance, 1924, and arresting the persons who have been arrested under it?

(b) If they have no objection to doing so, will they publish them at the earliest possible date?

The Honourable Sir Alexander Muddiman: The documents are confidential and their publication would not be in the public interest.

DISCONTENT IN REGARD TO THE PROMULGATION OF THE BENGAL CRIMINAL LAW AMENDMENT ORDINANCE, 1924.

373. ***Kumar Ganganand Sinha:** (a) Are not the Government aware that there is a wide-spread discontent in India with regard to the promulgation of the Ordinance?

(b) If so, have the Government any objection to placing the materials they have, with regard to persons arrested being connected with revolutionary conspiracies, before Mahatma Gandhi on pledge of secrecy, if

necessary for perusal and expression before the public whether they are really guilty and dangerous people or not? If the Government have any objection, will they be pleased to say what they are?

The Honourable Sir Alexander Muddiman: (a) The answer is in the negative.

The facts justifying the issue of the Ordinance were fully explained both by His Excellency the Viceroy and by the Bengal Government at the time of its promulgation.

(b) Government do not propose to adopt the course suggested.

Kumar Ganganand Sinha: Will the Government trust any other leader of Indian opinion with the work?

The Honourable Sir Alexander Muddiman: The matter has been explained in answer to so many questions that I do not consider it reasonable to answer any further questions on the subject.

USE OF DEVANAGARI SCRIPT IN GOVERNMENT STAMP PAPERS

374. ***Kumar Ganganand Sinha:** Are not the Government aware of the fact that Devanagari is more extensively used and read in North India than any other script? Will the Government be pleased to state why does it not find a place in the Stamp papers published and sold by and for the Government?

The Honourable Sir Basil Blackett: I should hesitate to answer the first part of the question in the affirmative.

I am aware that the Devanagari script has many supporters. My researches have not enabled me to answer the second part of the question.

LOCATION OF THE EAST INDIAN RAILWAY DIVISIONAL HEADQUARTERS AT HOWRAH.

375. ***Kumar Ganganand Sinha:** Will the Government be pleased to fully state the reasons that have weighed with them to disregard the public representations for not establishing a Railway Divisional Headquarters at Sahebgunj? How do they meet the objections of the public with regard to such removal?

ABOLITION OF THE LOOP DISTRICT OF THE EAST INDIAN RAILWAY AT SAHEBGUNJ.

376. ***Kumar Ganganand Sinha:** In what way do the Government propose to keep supervision over the loop line after the abolition of the Loop district at Sahebgunj? In what way will the proposed method of supervision be efficient and economic?

Mr. G. G. Sim: I propose to answer these two questions† together. It is understood that a Resolution on the subject will be moved on the 5th February when a full statement will be given of the reasons for locating the Divisional Headquarters at Howrah.

377. (Answered on the 22nd January, 1925.)

COMPENSATION TO CERTAIN PUNJAB POSTAL EMPLOYEES REINSTATED AFTER ALLEGED WRONGFUL DISMISSAL.

378. ***Mr. Chaman Lall:** (a) Do Government intend to consider the question of compensating certain Punjab postal employees who have been reinstated by orders of the Government after their wrongful dismissal by local officials, for the unnecessary suffering caused to them?

(b) Will Government state as to what punishment has been meted out to the officials directly and indirectly concerned in these wrongful dismissals?

The Honourable Sir Bhupendra Nath Mitra: Government do not admit that there has been any case brought to their knowledge of wrongful dismissal by the local officials in question and are not prepared to take any action in the direction suggested by the Honourable Member.

RESULT OF APPEALS FROM THE DECISIONS OF THE POSTMASTER GENERAL,
PUNJAB.

379. ***Mr. Chaman Lall:** (a) Will Government be pleased to state how many appeals submitted against the decisions of the Postmaster General, Punjab, between 23rd March, 1922 and 7th May, 1924, have been overruled either by the Government of India or the Director General and how many upheld?

The Honourable Sir Bhupendra Nath Mitra: Eighty-seven appeals were submitted against the orders of the Postmaster General in the period in question. In 16 cases the decision of the Postmaster General was overruled by the Director General. Nine appeals were submitted to the Government of India of which 5 were withheld and 4 were rejected. In one case the decision of the Director General regarding subsistence allowance of an official was modified by Government.

GRANT OF GRATUITIES TO POSTAL OFFICIALS EMPLOYED IN CONNECTION
WITH THE WAZIRISTAN FIELD POSTAL OPERATIONS, ETC.

380. ***Mr. Chaman Lall:** 1. Will Government be pleased to state (a) what postal staff including the Postmaster-General was employed at the headquarters of the Postmaster General to cope with the Waziristan Field postal operations, and (b) whether any remuneration or gratuity or allowance or staff pay for such work was disbursed or is contemplated to such officers?

2. If so, will Government be pleased to state the amounts drawn or sanctioned for disbursement and the names of the recipients?

3. Is it a fact that the Postmaster General, Punjab, never visited the war area during the course of his official duties connected with the Waziristan operations?

4. Is it a fact that he has nevertheless drawn some remuneration for this service in addition to his pay?

5. Is it a fact that the Postmaster General, Punjab, who has done this is the same individual who drew an allowance for several days for a trip to Islamabad giving the reason that he had spent these days inspecting the small sub-post office of that village?

6. Have Government taken any action against that Postmaster General for having drawn such allowances?

7. Is it the general practice of postal officials to draw allowances ostensibly for inspection but in reality for pleasure trips?

Sir Geoffrey Clarke: 1 and 2. A statement furnishing the information is laid on the table.

3. No.

4, 5 and 6. Do not arise.

7. No.

Staff in the office of the Postmaster-General, Punjab and North-West Frontier, who performed duties in connection with the Waziristan Field Postal Operations.

Class.	Name.	Substantive appointment.	Period.	TEMPORARY PAY OR ALLOWANCE PER MEMSER.		Total amount drawn.	REMARKS.	
				Temporary pay.	Temporary allowance.			
Officers	Mr. P. G. Rogers, C.I.E., I.C.S.	Postmaster-General, Punjab and North-West Frontier.	6-5-19 to 6-4-20	Rs.	Rs. A. P.	6,524 4 5	Performed the duties of Deputy Director of Postal Services, Field Army, India, in addition to his proper civil duties.	
	Mr. O. H. Bulsch	Officiating Postmaster-General, Punjab and North-West Frontier.	7-4-20 to 25-4-20	25 per cent. of pay.				
	1	Mr. H. N. Hutchinson, O.B.E., I.C.S.	Postmaster-General, Punjab and North-West Frontier.	28-4-20 to 5-8-20 and from 11-4-21 to 22-3-22	..			Ditto.
				6-8-20 to 10-4-21				The question of granting these officers a suitable allowance is under consideration.
		Mr. W. A. Rousseau	Ditto	23-3-22 to 30-4-24	..			
Clerical staff.	Rai Sahib Pandit Monohar Nath.	Superintendent office of the Postmaster-General, Punjab and North-West Frontier.	1-4-20 to 11-11-20	50		368 5 4		
			14-2-21 to 30-11-21	50		476 12 6		
			1-2-21 to 30-6-22	100		700 0 0		
1	Mr. Bajjnath Singh	Officiating Superintendent office of the Postmaster-General, Punjab and North-West Frontier.	12-11-20 to 13-12-21	50		154 14 1		

2	Pandit Chuni Lal.	Clerk, office of the Postmaster-General, Punjab and North-West Frontier.	6-5-19 to 31-12-19 1-1-20 to 9-7-22	200	1,567 11 10 1,514 8 3
3	Pandit Sant Ram	Ditto	6-5-19 to 31-5-24	180 to 200	...	10,967 13 11
4	Mr. Ishar Das	Ditto	14-9-21 to 13-3-22	180	...	1,077 7 8
5	Mr. Utiam Chand	Ditto	7-6-19 to 31-3-20	100	...	980 0 0
6	Mr. Purnam Chand	Ditto	8-1-20 to 26-4-20	60	...	218 7 2
	Mr. Beni Pershad	Ditto	27-4-20 to 30-9-21	60	...	1,028 0 0
	M. Sarwar Khan	Outsider	1-10-21 to 31-5-21	60	...	480 0 0
	Pandit Suraj Kishan	Clerk, office of the Postmaster-General, Punjab and North-West Frontier.	1-6-22 to 24-9-23	81 to 85	...	1,933 2 1
7	M. Ghulam Rasul	Ditto	1-7-21 to 31-5-24	80 to 89	...	2,643 9 7
Menial staff 1	One peon	6-5-19 to 31-5-24	16 to 17	...	987 6 8
	Total			31,033 7 6

N.B.—The office of the Postmaster-General, Punjab and North-West Frontier, controlled the work of the Postal Staff in Waziristan as well as other Field Service areas on the Frontier and in the Base Postal Depot at Lahore from the 6th May 1919 to the 31st May 1924.

PROMOTIONS FOR WAR SERVICES RENDERED BY POSTAL OFFICIALS.

381. ***Mr. Ohaman Lall:** (a) With reference to starred questions already asked regarding specific promotions for war services rendered by postal officials, will Government be pleased to state the number and the names of Superintendents and Postmasters so promoted and the number or names of those superseded?

(b) Is it a fact that the officials who were superseded have also rendered meritorious war service?

(c) Will Government state the exact reasons for superseding these officials in view of the admission by Government that such promotions are wrong in principle and have been forbidden?

The Honourable Sir Bhupendra Nath Mitra: (a) to (c). No Superintendent was so promoted. In the case of Postmasters only one officer in the gazetted cadre was so promoted, going above four others, three of whom were shortly to retire and none of whom rendered any war service or had any particular claim. No further information is available beyond what was stated in my reply to the Honourable Member's question No. 1482 on the 2nd June 1924. Government do not consider that any useful purpose would be served by publishing the names.

EXTRA REDIRECTION CHARGE OF POSTAL PARCELS.

382. ***Sir Purshotamdas Thakurdas:** (a) Will Government be pleased to state if any increase has been effected in postal rates on articles other than postcards and envelopes, since the Legislative Assembly sanctioned an increase in rates for postcards and envelopes in 1922?

(b) Is it a fact that the Government of India have imposed an extra charge on postal parcels redirected from the original place of address to another place, in case of the addressee not being at the original place?

(c) If the reply to (b) be in the affirmative, will Government be pleased to state the reason why such a charge was not imposed by them till 1922, and the reasons which induced them to levy such a charge since then?

(d) What is the total number of postal parcels during each of the last three years, and what is the number of such parcels redirected from the original place of address during the same period?

(e) Will Government be pleased to state the estimated revenue from this extra charge on redirected parcels?

(f) Is it a fact that a postcard or an envelope may be redirected from Peshawar to the utmost south of the country and again from there redirected to Rangoon and again from Rangoon to Karachi without any extra charge?

(g) If the reply to the above be in the affirmative, will Government be pleased to state why they propose to impose a special charge on parcels, which have to be redirected in the ordinary course of events?

(h) Has the above increase in charges called for any protest from the commercial community and if so, will Government be pleased to state what action they propose to take in this connection?

The Honourable Sir Bhupendra Nath Mitra: (a) There has been no increase in inland postal rates since 1922, excepting the revision with effect from the 16th January, 1924, of insurance fees from one anna for every Rs. 50 to two annas for every Rs. 100 of insured value.

(b) Yes.

(c) Considerable labour and expense are incurred in dealing with the transmission of postal parcels and the labour and expense are no less in the case of redirected parcels for which the Department previously received no remuneration. The extra charge has been imposed to reimburse the Department for the work done and if possible to put some check on re-direction. No country in the world carries redirected parcels free of charge.

(d) The total number of parcels posted during each of the last three years is:

1921-22	12,662,997
1922-23	12,553,430
1923-24	13,566,890

No information relating to the number of re-directed parcels is available.

(e) About Rs. 50,000 a year.

(f) Yes.

(g) Unlike letters and postcards the work involved in dealing with a redirected parcel is just as great as for first transmission. The differential treatment between the former and latter classes of articles is also recognised in the International Postal Regulations.

(h) A protest was received from the Indian Merchants Chamber, Bombay. Government do not propose to abolish the redirection fee on parcels.

Sir Purshotamdas Thakurdas: Is this Government's beginning with the effort of commercialisation of the Postal Department, Sir, then?

The Honourable Sir Bhupendra Nath Mitra: It is one of the effects.

Sir Purshotamdas Thakurdas: Have they made any other efforts except increasing the rates payable by the public?

The Honourable Sir Bhupendra Nath Mitra: Government are making efforts towards the commercialisation of the accounts. I think I explained the position fully on a previous day in answer to a question asked by Mr. Duraiswami Aiyangar.

Sir Purshotamdas Thakurdas: Would I be correct in understanding that the first effort Government have made at commercialisation of the department has been in the direction of the public having to pay more in regard to certain service for which the Government did not see their way to charge the public till now?

The Honourable Sir Bhupendra Nath Mitra: In connection with the commercialisation of the accounts, Government had to scrutinise the various items in regard to which the department was not receiving full credit and this is one of the items.

Sir Purshotamdas Thakurdas: Do Government intend to make any other effort in the same direction hereafter, Sir?

The Honourable Sir Bhupendra Nath Mitra: Well, that will depend on facts brought to light after we have examined fully the question of commercialisation of the accounts, but I may say this that as a result of our examination so far, the Postal Department is receiving credits from other Departments of Government for services which were rendered free in the past.

Sir Purshotamdas Thakurdas: I am concerned more with the public and not with the Departments of Government.

The Honourable Sir Bhupendra Nath Mitra: As regards the public, as I say, the question has not arisen up to now except in this particular matter. If the result of commercialisation of the accounts shows that there is a large deficit in the combined accounts of the Post and Telegraph Departments, what will happen I really do not know. It primarily rests with the Honourable the Finance Member.

Sir Purshotamdas Thakurdas: Are Government aware that the public want reduction in postal rates whilst Government's first effort at commercialisation of the Department has been in the direction of an increase in postal parcel rates?

The Honourable Sir Bhupendra Nath Mitra: Government are fully aware that the public, or rather a section of it, want a reduction in postal rates.

Khan Bahadur W. M. Hussanally: Is it a fact that the Telegraph Department has such a large deficit that it is made up by the income of the Postal Department?

The Honourable Sir Bhupendra Nath Mitra: I am not yet in a position to fully answer the question. In answer to Mr. Duraiswami Aiyangar's question I have already explained that the new commercialised accounts will show profit and loss on each branch of the Department and this House will get information on the subject, though it will necessarily be rough information, in connection with the Budget Demands for 1925-26.

Mr. Gaya Prasad Singh: The Honourable Member has stated that a section of the public want a reduction in the postal rates. Will he please explain what section of the public want to retain the postage rates at the present high level?

The Honourable Sir Basil Blackett: The Finance Member, Sir.

SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS.

383. ***Maulvi Muhammad Yakub:** (a) Have the Government of India received the opinions of Provincial Governments about the scheme of the separation of the Executive from the Judicial?

(b) When will the above mentioned scheme be given effect to?

The Honourable Sir Alexander Muddiman: (a) The opinions of the Bengal, Bihar and Orissa, the United Provinces and Madras Governments have been received.

(b) They are under the consideration of the Government of India and no decision has yet been arrived at.

ECONOMIES EFFECTED BY THE RETRENCHMENTS RECOMMENDED BY THE INCHCAPE COMMITTEE.

384. ***Maulvi Muhammad Yakub:** Will the Government be pleased to state:

(a) the amount of money saved by the various schemes of retrenchment recommended by the Inchcape Committee?

(b) the number of Government servants (I) Indians, (II) Europeans affected by the above-mentioned scheme?

The Honourable Sir Basil Blackett: (a) So far as the civil side is concerned the Honourable Member is referred to the statement printed on pages 59 to 106 of the Legislative Assembly Debates, Volume IV, No. 8, which shows that the total reductions effected during 1923-24 amounted to Rs. 721 lakhs.

As regards the military expenditure the Committee recommended reduction of the budget figure for 1922-23, namely, 67½ crores, to Rs. 57½ crores in 1923-24, subject to such addition as might be required for "lag". The compiled actuals for that year indicate that the net expenditure amounted to Rs. 56½ crores. This reduction was due generally to the cumulative effect of retrenchment operations and in particular to the consumption of surplus stocks without replacement. Fuller details will be available when the revised estimates for the current year and the budget for the ensuing year are laid before the Legislature.

(b) I do not think the Honourable Member can have realised how wide the scope of his question is. Even if the inquiry were limited to those who were directly and materially affected by the retrenchments it would be a very large task and the accuracy of the resulting information could not be guaranteed.

Diwan Bahadur T. Rangachariar: With reference to part (a) of this question, the Honourable Member referred to a previous statement furnished to this House. If I remember aright, the Retrenchment Committee recommended exploration in other directions which they indicated. May I know if the Finance Department has undertaken such an exploration since the presentation of the last statement?

The Honourable Sir Basil Blackett: The Finance Department spends day and night in exploring such particulars.

Diwan Bahadur T. Rangachariar: Has there been any result of such an exploration?

The Honourable Sir Basil Blackett: If the Honourable Member will wait till the Budget he will perhaps be able to answer his own question.

COST OF INCREASED PAY AND ALLOWANCES OF THE IMPERIAL AND SUBORDINATE SERVICES.

385. ***Maulvi Muhammad Yakub:** Will the Government be pleased to state the amount of money spent over the increased pay and allowances of the Imperial and Subordinate Services during the last 3 years?

The Honourable Sir Basil Blackett: I have examined very carefully into the possibility of framing a useful answer to this question; but I regret to find that an accurate reply could not be given without an altogether incommensurate expenditure of time, labour and money.

PROCEEDINGS OF THE MEETING OF THE MOSLEM WORKING COMMITTEE, KOHAT, HELD ON THE 12TH DECEMBER, 1924.

386. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of the 20th December, 1924, page 7, under the heading "Kohat Rioting"?

(b) If so, will they please state if they have received the report of the meeting of the Moslem Working Committee, presided over by Nawab Baz Mohammad, Chief of the Khataks?

(c) If so, will they please lay a copy of it on the table?

Mr. Denys Bray: (a) and (b). Yes.

(c) A copy is laid on the table.

Proceedings of meeting of the Muslim Working Committee, Kohat, held on 12th December 1924 under the presidentship of Nawab Baz Mohd. Khan, Chief of Khataks.

(1) Resolved unanimously that this meeting having gone through the Government of India's Resolution in respect of Kohat disturbances published in an Extraordinary Gazette of the Government of India, views the proposal of establishing the Punitive Police at Kohat with great wonder and anxiety. The Mussalmans of Kohat have ever remained loyal and faithful to the British Throne and have always respected the law and order inasmuch as the biggest of their demonstrations have never so far occasioned any breach of peace. This meeting records its opinion that the disturbances of the 9th and the 10th of September last would never have occurred if the Kohat Hindus had not provoked the Mussalmans by insulting their religion by publishing the objectionable pamphlet and by opening fire without any rhyme or reason on the innocent Muslim boys and by pouring vitriol on unarmed Mussalmans and the Government servants.

This meeting advises the Government not to burden the Mussalmans who have been already troubled and reduced to penury, with the extra expenses of maintaining the Punitive Police when it is admitted by the Government both Local and Central that the Kohat Muslims have not hesitated in saving hundreds of mischief-making Hindus and their families from having been burnt and slaughtered, in sheltering them in their own houses and escorting them to places of safety even at the height of their retaliating passion.

This meeting strongly protests on behalf of the Mussalmans of Kohat against any such proposal and warns the Local Government to cancel the proposal of establishing the Punitive Police so that the Mussalmans of Kohat and the inhabitants of the continuous Independent Territory should not be given any further cause of anxiety and restlessness.

(2) Resolved unanimously that this meeting considers the proposal that one-third of the total of the Punitive and ordinary Police should consist of Hindus and Sikhs as an outcome of the Hindu Propaganda of demanding under communal representation in services of the Government and in the Local Bodies and this meeting views this proposal as detrimental to the Muslim rights and interests which they have got on the strength of population.

This meeting further views this proposal as very injurious to the rights of the Mussalmans of the North-West Frontier Province, as this proposal if enforced, might be used as a precedent in the matter of their demanding under communal representation.

(3) Resolved unanimously that this meeting brings again to the notice of the Local Government the Resolution No. 7 passed at the meeting of the Muslim Working Committee held on the 5th of December 1924 and reiterates its demands of enforcing the said Resolution at this meeting is of opinion that the Kohat Hindus would have never dared to open fire on the unarmed Mussalmans after wounding their religious feelings at a place like Kohat, had the Mussalmans been given their due rights in Government services and Local Bodies in proportion to their population.

(4) Resolved unanimously that this meeting respectfully places on record its conviction that the main object of the Hindus in entreating the authorities to arrange for their departure to Rawalpindi was to secure undue rights (from the Government) by intimidating the Government by the support of the Hindu agitators in down countries.

(5) Resolved unanimously that copy of the above Resolutions be submitted to the Hon'ble the Chief Commissioner, North-West Frontier Province, the Deputy Commissioner, Kohat, Assistant Commissioner, Kohat and Superintendent of Police, Kohat, etc.,

*President,
Muslim Working Committee, Kohat.*

GRIEVANCES OF THE KALIGHAT FALTA RAILWAY PASSENGERS.

387. *Khan Bahadur Sarfaraz Hussain Khan: (a) Has the attention of Government been drawn to the letter published in the issue of the *Forward* of the 21st December, 1924, page 11, under the heading "Grievances of Kalighat Falta Railway Passengers"?

(b) If so, will Government please state if the complaints made therein specially with regard to latrines in the trains, water closets and platforms are correct?

(c) If correct, do they propose to issue necessary instructions to the authorities concerned to remove the public inconveniences complained of?

Mr. G. G. Sim: (a) Government have seen the communication referred to.

(b) and (c). The Kalighat Falta Railway is only 29 miles in length and the provision of latrines in vehicles is therefore not considered necessary. Latrines are provided on the platform at each station and in all the female waiting rooms. Rail level platforms exist at all stations?

CONSULTATION BY THE BRITISH GOVERNMENT WITH THE SELF-GOVERNING DOMINIONS *re* FOREIGN POLICY, ETC.

388. *Sir Hari Singh Gour: (a) Has the attention of Government been drawn to the British official wireless cable, dated Leafield, 20th December last, in which an announcement is made that the British Government had consulted the Self-governing Dominions on the subject of foreign policy and general Imperial interests?

(b) Will the Government of India lay on the table the correspondence referred to in the said cable for information of the Members of the House?

Mr. Denys Bray: (a) Yes.

(b) Government have not yet received a copy of the correspondence.

THE NATAL BOROUGHS ORDINANCE.

389. *Sir Hari Singh Gour: (a) Are the Government aware of the passage of the Natal Boroughs Ordinance and the assent reported to have been given to it by the Governor-General?

(b) If so, will the Government be pleased to state what action they took to prevent its passage and what action they contemplate now taking to prevent its enforcement?

(c) Do the Government propose to draw upon the powers conferred on them by the Reciprocity Act?

(d) If so, when? If not, why not?

Mr. J. W. Bhore: (a), (b) and (d). The Honourable Member is referred to the statement made on the subject by His Excellency the Viceroy on the occasion of the opening of the Indian Legislature on the 20th January.

(c) No.

RESTRICTION OF THE EXPORT OF OPIUM.

390. *Sir Hari Singh Gour: (a) Will the Government be pleased to state when and in what circumstances they agreed to restrict the export of opium overseas?

(b) What annual revenue did the Government sacrifice by their action?

(c) Was the new policy which they adopted dependent upon the abstention of the production of opium by other countries?

(d) Has that condition been fulfilled?

(e) If not, what response has the humanitarian effort of the Government received from the country primarily intended to profit by it?

The Honourable Sir Basil Blackett: (a), (c), (d) and (e). I would refer the Honourable Member to the remarks under "export traffic" contained in the report on the traffic in opium and dangerous drugs for the calendar years 1921 and 1922 submitted by the Government of India to the League of Nations. A copy of this report has already been placed in the hands of the Honourable Member.

(b) The gross revenue from opium in 1905-06 was Rs. 8,20,81,694 and in 1922-23 Rs. 3,78,92,068. The net revenue for the same years was Rs. 5,36,45,078 and Rs. 1,92,81,425, respectively. The net loss to the Central Government therefore on this basis is Rs. 3,44,00,000 per annum. As however the price of opium has risen considerably in the meanwhile, the real loss is of course much greater.

If by the annual loss of revenue the Honourable Member contemplates the difference between the revenue that would accrue if the trade with China were revived and the revenue now derived, the Government are not in a position to give this figure nor do they see any useful purpose in trying to estimate it.

EMBARGO ON THE OPIUM TRADE. ●

391. ***Sir Hari Singh Gour:** (a) What is the present attitude of Government on the subject of the opium trade?

(b) Do they propose to continue their embargo on the opium trade?

(c) Will the Government be pleased to state the value of opium grown by Persia, Turkestan and other countries including China since its prohibition in India?

The Honourable Sir Basil Blackett: (a) and (b). If, as I presume, by "the opium trade" the Honourable Member is referring to exports out of India, I would point out that India is a signatory to the Hague Convention. The Government of India do not therefore export opium except to countries which require it and to the extent required by them and have no intention of doing so even if, as is possibly the case, the result is as suggested in the question. On the contrary the Government of India have gone beyond the strict requirements of the Convention by the imposition of additional voluntary restrictions on export and by negotiating wherever possible for direct sales to the Governments of importing countries.

(c) The Government have no authoritative statistics regarding the value of opium grown in Turkestan and China. The production in China is now estimated at 9/10ths of the world's production now. The production in Persia in 1922 according to the figures supplied by the League of Nations was 528,241 kilogrammes—which is I am informed equivalent to nearly 8,500 chests of Indian export opium.

WEMBLEY EXHIBITION.

392. ***Sir Hari Singh Gour:** (a) Will the Government be pleased to state their decision if any regarding the Wembley Exhibition?

(b) Is it a fact that they have declined to take part in it this year?

(c) What was the net cost of India's participation in that Exhibition last year?

The Honourable Sir Charles Innes: I have already answered (a) and (b) of this question.

As regards (c), the Government are not yet in a position to furnish information of the net cost of the Exhibition.

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable Member whether, if the Government of India decide to continue to take part in the Wembley Exhibition, any fresh financial burden would be imposed on this country?

The Honourable Sir Charles Innes: As far as I know, the answer to that question is in the negative.

HOLDING OF AN EMPIRE EXHIBITION IN INDIA.

393. ***Sir Hari Singh Gour:** (a) When was the last All-India Exhibition held in the country under the auspices of the Central Government?

(b) Have Government considered the question of holding an Empire Exhibition in a central place in India?

The Honourable Sir Charles Innes: (a) In 1902-1903.

(b) No, Sir.

CONSTRUCTION OF A HIGH POWER WIRELESS BEAM STATION IN INDIA.

394. ***Sir Hari Singh Gour:** (a) Will the Government be pleased to state their decision regarding the proposal to construct a high power wireless beam station in India?

(b) What offers have they received and what consideration have they given to them and what is the present stage of their negotiations on the subject?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). I would refer the Honourable Member to the answer I gave to-day to Khan Bahadur Sarfaraz Hussain Khan's question No. 363.

MANUFACTURE OF LOCOMOTIVES IN INDIA.

395. ***Sir Hari Singh Gour:** (a) Will the Government be pleased to state the position of the Locomotive industry in the country?

(b) What has become of the Peninsular Locomotive Company?

(c) What action do they propose to take to encourage the manufacture of Locomotives in India?

Mr. G. G. Sim: (a) and (b). The question has been discussed at length in paragraphs 74 and 75 of the Administration Report on Indian Railways for the year 1923-24, and the Government have come to the conclusion that, for the reasons therein stated, the possibility of locomotive manufacture in India on an economic basis is at present remote.

The Government propose to depute an experienced officer to Europe during the year to investigate the question of the ultimate possibilities of such an industry.

(b) The Company is still in existence and has recently entered into an agreement for the construction of 500 railway wagons, for the manufacture of which the Company propose to adapt their works.

ACTION TAKEN ON THE REPORTS OF CERTAIN SPECIFIED COMMITTEES.

996. *Sir Hari Singh Gour: (a) Will the Government be pleased to state the action they have taken to give effect to the report of the following Committees:

- (a) Indian Marine Committee.
- (b) Indian Bar Committee.
- (c) North-West Frontier Committee.
- (d) Military Requirements Committee.

The Honourable Sir Alexander Muddiman: (a) The recommendations made by the Indian Mercantile Marine Committee are still under consideration.

(b) The Honourable Member is referred to the answer given to Khan Bahadur Sarfaraz Hussain Khan's question No. 1267 on the 5th June 1924, and to the answer to his own question No. 1715 on the 3rd September 1924. The replies of one Local Government and other authorities consulted by it are still awaited, but every effort is being made to expedite them, and their replies are expected shortly. It is hoped that the Bill to give effect to certain of the proposals involving legislation in India will be introduced during the current session. Some of the High Courts have already issued rules to give effect to some of the recommendations of the Committee.

(c) The many and complex questions raised in this report are still under the consideration of Government.

(d) This part of the question could not be answered without disclosing the contents of the Report of the Military Requirements Committee, and my Honourable friend was informed, in reply to his question No. 38 asked on the 2nd July 1923, and in reply to his question No. 168 of the 5th February 1924, that, in the public interest, this could not be done. My Honourable friend, however, was also informed, in reply to his question of the 2nd July 1923, that the recommendations of Lord Inchcape's Retrenchment Committee, which, financially, have now been carried out, involved larger economies in military expenditure than the Military Requirements Committee had anticipated would be possible.

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable the Leader of the House in regard to (c) whether he would afford facilities for ascertaining the opinion of this House in regard to various recommendations made by the Committee on the North-West Frontier Province?

The Honourable Sir Alexander Muddiman: I do not think it will be of any advantage if I were to do so because the Government have not made up their mind in this matter. I have said that the report is still under the consideration of the Government.

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable Member whether it is the policy of the Government to come to decision beforehand, and then ascertain the opinion of this House in regard to these various matters?

The Honourable Sir Alexander Muddiman: Not at all; but it is obvious that the Government speaker must be provided with some case to put forward. It is not possible for him to come into this Assembly and not put forward a case of some kind. When a matter is under consideration that is not possible.

Diwan Bahadur M. Ramachandra Rao: May I know whether it is their intention to come to provisional conclusions before there is a discussion here of this, and to alter their decisions in the light of discussion in this House?

The Honourable Sir Alexander Muddiman: That would be the view I should think would be the correct one in cases of this kind.

397. (Answered on the 26th January, 1925.)

PROGRESS MADE WITH REGARD TO THE ASSEMBLY CHAMBER AND THE
SECRETARIAT BUILDING IN NEW DELHI.

398. ***Sir Hari Singh Gour:** (a) With reference to the Honourable Mr. Chatterjee's reply to question No. 185, dated 5th February, 1924, will Government be pleased to state if the progress made with the construction of the Assembly Chamber and the Secretariat building still justifies the anticipation then made that the Secretariat would shift into its permanent quarters from November next?

(b) When is the Assembly likely to meet in the new building?

The Honourable Sir Bhupendra Nath Mitra: I would invite the Honourable Member's attention to the reply given by me on the 26th January 1925, to starred question No. 203, asked by Khan Bahadur Sarfaraz Hussain Khan.

GOVERNMENT BUILDINGS AT RAISINA.

399. ***Sir Hari Singh Gour:** (a) Will the Government be pleased to state the recurring cost of whitewashing the Government buildings at Raisina?

(b) Will it please state why these buildings were coated with an outer plaster?

(c) Why have they been not provided with porticos for motor cars and carriages?

(d) Have any complaints been received that they are unduly cold in winter, unduly hot in summer, unduly wet in the rains, and unduly uncomfortable all the year round?

The Honourable Sir Bhupendra Nath Mitra: (a) The accounts are not kept in a form which gives the information asked for. Government do not consider that any useful purpose would be served by their undertaking the trouble and expense of collecting the information from the measurements and bills.

(b) Because plastered brickwork is cooler than unplastered brickwork.

(c) A few have porches; the majority were not provided with porches first because the number of wet days in the year in Delhi is not large and secondly to keep down costs.

(d) The answer is in the negative.

MOVEMENTS OF TROOPS IN 1924.

400. ***Sir P. S. Sivaswamy Aiyer:** Will the Government be pleased to furnish (1) a statement showing in tabular form the movements of troops of all arms in British India during the calendar year 1924, (2) the places from and to which they were moved, (3) the purposes for which they were so moved; and (4) the amount of the transportation charges involved in each move?

Mr. E. Burdon: (a) and (b). I lay on the table a statement giving the information specified by the Honourable Member but for the trooping year 1924-25 instead of the calendar year 1924. This is the more appropriate and convenient method of exhibiting the statistics.

(c) There is an annual programme of relief within India determined mainly by the following considerations:

- (1) The necessity of moving units after serving a certain prescribed period in stations which are unhealthy or are reckoned as "bad" stations for other reasons which specially affect the troops.
- (2) The necessity of affording to as many units as possible an opportunity of gaining experience on the frontier.
- (3) Certain moves are dictated by the exigencies of the programme of home and overseas reliefs.

Each move in the chain of reliefs is therefore connected directly or remotely with every other move; and I hope this general explanation will suffice for the Honourable Member's purposes. The reason for each individual move could not be given separately except at very great length.

(d) The actual cost of each move cannot be given unless a laborious examination of accounts is made in many Accounts offices, and this would not in the opinion of Government be justifiable unless the Honourable Member has some special object in view which is not at present apparent. I may mention however that the total estimated cost of reliefs in 1924-25 is Rs. 11 lakhs approximately and that the expenditure on transportation of troops has been greatly reduced in recent years since the post-war reconstruction of the Army in India has been completed, surplus units have been disbanded, the intensity of operations in Waziristan has diminished and it has consequently been made possible to revert to the normal peace system of reliefs.

Reliefs—British Cavalry, 1924-25.

Unit.	From	To
Royal Scots Greys	Risalpur	Meerut.
11th Hussars	Meerut	Risalpur.
<i>Reliefs—British Infantry, 1924-25.</i>		
1st Battalion, the Gordon Highlanders	Bombay (from Malta)	Secunderabad.
" " " Hampshire Regiment	Bombay (from Egypt)	Jubbulpore.
2nd Battalion, the Highland Light Infantry.	" "	Bangalore.
1st " " Royal Scots	Secunderabad	Bombay (for Aden).
2nd Battalion, the Bedfordshire and Hertfordshire Regiment.	Kamptee	Bombay (for Iraq).
1st Battalion, the Green Howards	Madras	Bombay (for Egypt).
2nd Battalion, the Yorkshire and Lancashire Regiment.	Karachi	Jullundur.
2nd Battalion, the King's Own Royal Regiment.	Rangoon	Rawalpindi.
2nd Battalion, the Lancashire Fusiliers	Landi Kotal	Madras
1st Battalion, the Royal Berkshire Regiment.	Razmak	Lahore.
1st Battalion, the Royal Fusiliers	Jullundur	Landi Kotal.
2nd Battalion, the Oxfordshire and Buckinghamshire Light Infantry.	Rawalpindi	Razmak.
2nd Battalion, the Northamptonshire Regiment.	Lahore	Karachi.
2nd Battalion, the Manchester Regiment	Jubbulpore	Rangoon.
" " " Wiltshire Regiment	Bangalore	Kamptee.
<i>Reliefs—Royal Artillery, 1924-25.</i>		
20th Field Brigade, Royal Artillery	Bangalore	Bombay (for United Kingdom).
12th " " " "	Bombay (from United Kingdom).	Bangalore.
23rd " " " "	Mhow	{ Nowshera. Peshawar.
27th " " " "	{ Nowshera Peshawar	{ Mhow.
22nd " " " "	{ Jhansi Nowgong Nasirabad	{ Rawalpindi. Campbellpore.
24th " " " "	{ Rawalpindi Campbellpore	{ Jhansi. Nowgong. Nasirabad.

Reliefs—Royal Artillery, 1924-25—contd.

Unit.	From	To
22nd Indian Pack Brigade, Royal Artillery.	Peshawar . . .	Kohat.
	Nowshera . . .	Rawalpindi.
	Landi Kotal . . .	Quetta.
24th " " " " " "	Kohat . . .	Thal (Kurram).
	Rawalpindi . . .	Peshawar.
	Quetta . . .	Nowshera.
	Thal (Kurram) . . .	Landi Kotal.
11th (Dehra Dun) Pack Battery, Royal Artillery.	Maymyo . . .	Dehra Dun.
114th (Rajputana) Pack Battery, Royal Artillery.	Dehra Dun . . .	Maymyo.

Reliefs—Royal Tank Corps, 1924-25.

8th (Armoured Car) Company, Royal Tank Corps.	Bareilly . . .	Bannu.
9th (Armoured Car) Company, Royal Tank Corps.	Bannu . . .	Bareilly.
11th (Armoured Car) Company, Royal Tank Corps.	Kirkee . . .	Lahore
8th (Armoured Car) Company, Royal Tank Corps.	Lahore . . .	Kirkee.
1st (Armoured Car) Company, Royal Tank Corps.	United Kingdom . . .	Quetta.
2nd (Armoured Car) Company, Royal Tank Corps.	United Kingdom . . .	Secunderabad.

Reliefs—Indian Cavalry, 1924-25.

7th Light Cavalry	Dera Ismail Khan . . .	Secunderabad.
9th Royal Deccan Horse	Secunderabad	Dera Ismail Khan.
18th King Edward's Own Cavalry	Risalpur	Quetta.
19th King George's Own Lancers	Delhi	Loralai.
20th Lancers	Loralai	Delhi.
21st King George's Own Central India Horse.	Quetta	Risalpur.

Reliefs—Indian Infantry, 1924-25.

Unit.	From	To
2-1st Punjab Regiment	Waziristan	Kohat and outposts.
5-2nd " "	Rawalpindi	Hong-Kong.
2-4th King Edward's Own Bombay Grenadiers.	Hong-Kong	Cannanore.
1-5th Mahratta Light Infantry	Secunderabad	Santa Cruz.
4-5th " " "	Lahore	Waziristan.
4-6th Outram's Rajputana Rifles	Waziristan	Jubbulpore.
2-8th Punjab Regiment	Waziristan	Baluchistan and outposts.
4-8th Prince of Wales' Own Punjab Regiment.	Alipore	Waziristan.
8-9th Jat Regiment	Waziristan	Rawalpindi.
Kumaon Rifles	Bareilly	Chitral.
8-10th Queen Mary's Own Baluch Regiment	Baluchistan and outposts	Lahore.
1-11th King George's Own Sikh Regiment (Ferozepore Sikhs).	Santa Cruz	Mhow.
2-11th Sikh Regiment (Ludhiana Sikhs)	Mhow	Waziristan.
8-11th Sikh Regiment (Rattray's Sikhs)	Cannanore	"
8-12th Frontier Force Regiment	Kohat and outposts	Baluchistan and outposts.
5-18th Frontier Force Rifles	Abbottabad	Kohat and outposts.
6th Royal Battalion, 18th Frontier Force Rifles (Scinde).	Iraq	Delhi.
2-14th Duke of Connaught's Own Punjab Regiment.	Baluchistan and outposts	Ferozepore.
4-14th Punjab Regiment	Chitral	Peshawar and outposts.
1-16th " "	Rawalpindi	Persian Gulf and Quetta.
2-16th " "	Peshawar and outposts	Iraq.
4-16th " "	Jubbulpore	Waziristan.
2-17th Dogra "	Ferozepore	"
8-17th " "	Delhi	Alipore.
1-19th Hyderabad Regiment	Waziristan	Rawalpindi.
8-19th " "	Persian Gulf and Quetta	Secunderabad.
1-3rd Queen Alexandra's Own Gurkha Rifles	Waziristan	Almora.
1-5th Royal Gurkha Rifles	Kohat and outposts	Abbottabad.
2-5th " " "	Abbottabad	Malakand.
1-6th Gurkha Rifles	Malakand	Abbottabad.

Reliefs— Indian Pioneers, 1924-25.

Unit.	From	To
1-1st Madras Pioneers (King George's Own).	Waziristan	Bangalore.
2-1st Madras Pioneers	Bangalore	Mandalay.
1-2nd Bombay "	Iraq	Kirkee.
3-2nd "	Mandalay	Waziristan.
4-2nd "	Kirkee	Iraq.

Sapper and Miner Reliefs, 1924-25.

No. 9 Field Company	Bangalore	Waziristan.
No. 12 " "	Waziristan	Bangalore.
No. 2 " "	Roorkee	Rawalpindi.
No. 5 " "	Rawalpindi	Roorkee.
No. 6 " "	Roorkee	Peshawar.
No. 3 " "	Peshawar	Roorkee.
No. 18 " "	Kirkee	Quetta.
No. 22 " "	Quetta	Kirkee.
No. 26 Railway Company	Waziristan	Kirkee.
No. 41 Divisional Headquarters Company	Roorkee	Rawalpindi.

Indian Signal Units, Reliefs, 1924-25.

"E" Divisional Signals	Peshawar	Meerut.
"A" " "	Meerut	Peshawar.
"G" " "	Kohat	Jubbulpore.
"F" " "	Jubbulpore	Kohat.
"A" Cavalry Brigade Signal Troop	Risalpur	Meerut.
"B" " " " "	Meerut	Sialkot.
"C" " " " "	Sialkot	Risalpur.

CHARGES AGAINST MR. SUBHAS CHANDRA BOSE.

401. *Mr. B. Venkatapatiraju: (a) Will the Government be pleased to state whether the statement made by Mr. John Scurr, M. P., in the House of Commons that the only charge against the Chief Executive Officer of the Calcutta Corporation was that he had attended a meeting at which there was talk of criminal conspiracy and Mr. C. R. Das also attended that meeting, is correct?

(b) If not, will the Government be pleased to publish the real facts?

(c) Will the Government be pleased to state whether Earl Winterton has been informed of the real circumstances and if so the reason for not contradicting Mr. John Scurr in his otherwise elaborate reply?

The Honourable Sir Alexander Muddiman: (a) The statement is incorrect.

(b) and (c). The Secretary of State has been informed of the circumstances, and I am not prepared at this stage to make any further statement in the matter.

BRITISH PORTLAND CEMENT FOR THE SOUTH INDIAN RAILWAY.

402. ***Sir Purshotamdas Thakurdas:** (a) With reference to question No. 1695 (starred) replied to in the Assembly on 10th September 1924 regarding tender for the supply of British Portland cement for the South Indian Railway Company, will Government be pleased to state the result of the negotiations between the Government of India (Railway Board) and the South Indian Railway Company in continuation of the Honourable the Commerce Member's official reply to me, namely: "I have already told the Honourable Member, through Mr. Parsons, that we are taking up this question with the South Indian Railway"?

(b) Have the Government of India seen a statement made by the Chief Engineer, New Delhi Works, stating that Indian cement is better in quality than imported cement?

Mr. G. G. Sim: (a) The Agent, South Indian Railway, after discussion of the matter with the Railway Board on the 10th October 1924, agreed that future tenders should not specify "British" cement but should be left open so as to give Indian manufacturers an opportunity of tendering.

(b) Yes.

PILGRIM TRAFFIC ON THE BARSII LIGHT RAILWAY.

403. ***Sir Purshotamdas Thakurdas:** (a) With reference to my starred question No. 1696 replied to by Government on 10th September last regarding Pilgrim Traffic on the Barsii Light Railway, will Government be pleased to state the result of the communication with the Agent of the Barsii Light Railway referred to by the Honourable the Commerce Member in the course of supplementary replies to questions on that occasion?

(b) Do the Government of India expect the Barsii Light Railway to take any substantial action in the direction of remedying the grievance of transport of third class passengers in goods trucks? If so, when?

Mr. G. G. Sim: (a) and (b). The matter is still under the consideration of the Agent and his Board of Directors and Government are not yet in a position to make a definite statement.

Sir Purshotamdas Thakurdas: When do Government expect that a definite statement would be feasible?

Mr. G. G. Sim: It is hoped to make a definite statement in about two months.

BORROWINGS IN INDIA UNDER THE TRADE FACILITIES ACT.

404. *Mr. K. C. Neogy: Will Government be pleased to state:

- (a) how much money has been borrowed under the Trade Facilities Act for public and private enterprise in India, respectively?
- (b) how much of this money has been spent in India and how much in the United Kingdom?
- (c) were tenders called for any of the projects, for which loans were taken under this scheme?
- (d) what were the tenders in each case?
- (e) what was the difference between the lowest tender and the tender from the United Kingdom and at what rate was the United Kingdom tender converted into rupees in all cases?

The Honourable Sir Charles Innes: No money has been borrowed under the Trade Facilities Acts for State enterprises in India. As regards private enterprise, the Government are aware that use was made of the Act of 1921 by a Hydro-Electric Company in Bombay, but this is the extent of their knowledge.

BORROWINGS IN LONDON UNDER THE TRADE FACILITIES ACT.

405. *Mr. K. C. Neogy: Will Government be pleased to state:

- (a) How much money has India sacrificed by paying higher prices for equipment in Britain from the time of, and including, the seven per cent. sterling loan as compared with the lowest quotations,
- (b) What is the saving in interest in connection with these loans by borrowing in London, which can be set off against these loans,
- (c) Do Government propose to have further loans for public works and bodies under the Trade Facilities Act, or, do they propose in view of the indirect losses to go to the open market?

The Honourable Sir Basil Blckett: I am afraid that neither parts (a) and (b) of the question are intelligible to me. As regards part (c), the Government of India have no present intention of borrowing in London in the immediate future either under the Trade Facilities Act or otherwise.

EXPANSION OF REVENUES SINCE 1914.

406. *Mr. K. C. Neogy: Will Government be pleased to state:

- (a) what new and increased taxes have been levied in the Central Government and in each of the Provincial Governments since 1914?
- (b) what is the yield of the enhanced duty in each year since that date?
- (c) what is the total amount of increase in the land revenue in each of the provinces during the same period?
- (d) what has been the percentage of increase in railway rates and fares and the gross new yield during each of these years?

The Honourable Sir Basil Blckett: The full information desired regarding taxation imposed by Provincial Governments is not available nor is it possible to calculate accurately the yield from the enhancement of duties. Three statements giving the remaining information are placed on the table.

Statement showing the more important items of new taxation imposed by the Government of India and other measures adopted by them to expand revenues since 1914.

Year.	Details.
1916-17	<p>(1) Import and excise duty on salt raised from Re. 1 to Rs. 1½ a maund.</p> <p>(2) General revision of import tariff, main changes being as follows:— General <i>ad valorem</i> rate raised from 5 to 7½ per cent. except in case of cotton manufactures. Duty on ale, beer, etc., raised by 50 per cent. to 4½ annas a gallon; on spirits and liqueurs by 20 per cent. (<i>i. e.</i>) to Rs. 11½ a proof gallon for portable spirits and all spirits tested, and by 50 per cent. (<i>i. e.</i>) to 7½ per cent. <i>ad valorem</i> for denatured spirits with special rates for liqueurs, cordials and toilet preparations untested and perfumed spirits; and on wines by 16½ per cent. (<i>i. e.</i>) to Rs. 1½ per gallon for still wines and Rs. 4½ per gallon for other classes.</p> <p>Quantitative rate of duty on cigars and cigarettes replaced by <i>ad valorem</i> rate of 50 per cent. and rate on manufactured tobacco, other sorts raised from Rs. 1½ to 1½ per lb.</p> <p>Duty on arms and ammunition doubled (<i>i. e.</i>) raised to 20 per cent. <i>ad valorem</i>.</p> <p>Duty on sugar doubled (<i>i. e.</i>) raised to 10 per cent. <i>ad valorem</i>.</p> <p>Duty on iron and steel raised from 1 to 2½ per cent. <i>ad valorem</i> and various articles which were previously free, <i>e. g.</i>, machinery other than cotton spinning and weaving machinery and railway material taxed at latter rate and certain other articles at 7½ per cent. Coal, coke and fuel taxed at 8 annas per ton.</p> <p>(3) Imposition of an export duty on tea at Rs. 1½ per 100 lbs. and on jute at Rs. 2½ per bale of 400 lbs. in case of raw jute with special rates for cuttings and rejections, and in case of jute manufactures at Rs. 10 per ton for sacking and Rs. 18 per ton for hessians.</p> <p>(4) Income tax on incomes of Rs. 5,000 and above raised from a uniform rate of 5 pies to 6, 9 and 12 pies per rupee.</p>
1917-18	<p>(5) Imposition of a super-tax on incomes exceeding Rs. 50,000 a year at rates rising from 1 anna to 3 annas per rupee.</p> <p>(6) Export tax on jute doubled.</p> <p>(7) Import duty on cotton manufactures raised from 3½ to 7½ per cent. <i>ad valorem</i>.</p> <p>(8) Imposition of surcharge on railway goods traffic at 1 pie per maund on coal, coke and firewood and 2 pies per maund on other articles.</p> <p>(9) Imposition of an excise duty on motor spirit at 6 annas per gallon.</p>
1919-20	<p>(10) Imposition of an excess profits duty for one year.</p> <p>(11) Imposition of an export duty on hides and skins at 15 per cent. <i>ad valorem</i> subject to a rebate of ¼ of the duty in the case of exports to other countries in the British Empire. (This duty was reduced to 5 per cent. in 1923-24 and the system of rebates abolished.)</p> <p>(12) Postage and telegraph rates raised as follows:— Enhancement of foreign postage rates for letters from 1 anna to 1½ annas, for a letter not exceeding one ounce in weight, the rate for every additional ounce or part thereof, remaining unaltered at 1 anna. Inland postage rate for letters fixed at one anna for a letter exceeding one tola but not exceeding two and a half tolas in weight and one anna for every additional two and a half tolas or part thereof. Telegraph rates raised to one anna a word with a minimum of twelve annas for ordinary telegrams and two annas a word with a minimum of Rs. -8-0 for express telegrams. Parcel rates altered to two annas up to 20 tolas, three annas up to 40 tolas and three annas for every additional 40 tolas up to 440 tolas.</p>
1920-21	<p>(13) Substitution of a coporation or Companies' tax at flat rate of one anna in the rupee on total income of each company in excess of Rs. 50,000 a year for super-tax previously in force.</p>

Statement showing the more important items of new taxation imposed by the Government of India and other measures adopted by them to expand revenue since 1914—contd.

Year.	Details.
1921-22	<p>(14) Import duties raised as follows :— General <i>ad valorem</i> rate raised from 7½ to 11 per cent. except in case of matches and certain articles of luxury. Specific import duty of 12 annas per gross boxes levied on matches in place of 7½ per cent. <i>ad valorem</i>. Duty on sugar raised to 15 per cent. and on certain articles of luxury to 20 per cent. <i>ad valorem</i>. Duty on ale, beer, etc., raised to 6½ annas per gallon, on spirits, liqueurs to Rs 18½ per proof gallon with special rates for liqueurs untested and perfumed spirits: and on wines to Rs. 9 a gallon for sparkling wines and Rs. 4½ for other wines. Duty on tobacco other than unmanufactured tobacco raised by 50 per cent.</p> <p>(15) Surcharge on railway goods traffic raised to 2½ annas per rupee of net freight payable on all goods except foodgrains, pulses, firewood and fodder. (This was discontinued in 1922-23 when railway rates were enhanced.)</p> <p>(16) Postage rates raised as follows :— Rates for book, pattern and sample packets raised from ¼ anna for every 10 tolas to ½ anna for every 5 tolas. Rates on money order commission raised to rates in force up to April 1902. Rates for registered newspapers raised from ¼ anna for newspapers not exceeding 8 tolas and ½ anna for papers not exceeding 40 tolas to ½ anna up to 8 tolas and ¾ anna up to 20 tolas. Rates for letter postage altered to ½ anna up to ½ tola, 9 pies up to 1 tola, 1 anna up to 2½ tolas and 1 anna for every additional 2½ tolas.</p> <p>(17) Rates of super-tax and income-tax on higher incomes revised so as to work to a maximum of 4 annas in the rupee in the case of super-tax and 16 pies per rupee in the case of income-tax.</p>
1922-23	<p>(18) Increase in railway passenger fares by 25 per cent. approximately.</p> <p>(19) Revision of postal rates, <i>viz.</i>, raising to ½ anna of ¼ anna postcard. Abolition of ½ anna and 9 pies postage for letter, rates in future to be one anna up to 2½ tolas and one anna for every additional 2½ tolas.</p> <p>(20) Revision of import tariff as follows :— General <i>ad valorem</i> tariff raised from 11 to 15 per cent. Import duty on iron and steel and railway material raised from 2½ to 10 per cent. on foreign sugar from 15 to 25 per cent., on articles of luxury from 20 to 30 per cent. and on liquors by 20 per cent. Import duty on matches doubled (<i>i.e.</i>), raised to Rs. 1-8-0 per gross boxes. Import duty levied on yarn at 5 per cent., <i>ad valorem</i>. Imposition of excise duty of one anna per gallon on kerosene produced in India with corresponding increase in import duty.</p> <p>(21) Rates of super-tax and income-tax on higher incomes revised so as to work to maximum of 6 annas per rupee in case of former and 18 pies per rupee in case of latter.</p>
1923-24	<p>(22) Raising of the Salt tax from Rs. 1-4-0 to Rs. 2-8-0 per maund. (This has, however, been reduced to Rs. 1-4-0 in 1924-5.)</p> <p>(23) Raising of the duty on saccharine and withdrawals of concessional rates in respect of tea chests.</p>
1924-25	<p>(24) Imposition of specific duties on certain materials for match manufacture, <i>viz.</i>, 4½ annas per pound on undipped splints and 6 annas per pound on veneers.</p> <p>(25) Levy of protective import duties on certain iron and steel articles—<i>viz.</i> Steel Industry (Protection) Act (XIV) of 1924.</p>

Statement showing rates and fares of passenger and goods traffic and the earnings therefrom of all Indian Railways during the years 1913-14 to 1923-24.

Item.	Year.										Percentage of Increase in 1923-24 over 1913-14.	
	1913-14.	1914-15.	1915-16.	1916-17.	1917-18.	1918-19.	1919-20.	1920-21.	1921-22.	1922-23.		1923-24.
Average rate charged per passenger per mile (in pice)—												
1st Class	14-46	13-79	13-68	13-33	16-69	15-28	16-04	16-73	20-26	23-74	24-33	66-02
2nd "	6-80	6-23	5-50	5-07	6-76	7-15	7-89	7-94	9-18	11-75	11-73	77-73
Inter "	3-14	3-16	3-16	3-14	4-03	4-17	4-21	4-36	4-46	5-33	5-43	72-61
3rd "	2-29	2-29	2-29	2-32	3-75	3-66	3-64	3-63	3-04	3-53	3-53	64-15
Total*	3-45	3-44	3-44	3-46	3-99	3-96	3-99	3-16	3-33	3-78	3-75	33-56
Earnings from passengers carried (in thousands of rupees)—												
1st Class	68,94	69,76	65,78	72,26	96,15	1,11,60	1,23,80	1,30,46	1,36,47	1,39,73	1,39,80	86-28
2nd "	88,70	89,98	1,01,41	1,30,01	1,43,30	1,73,66	2,17,54	2,36,49	2,39,63	2,11,77	1,95,99	1,30-93
Inter "	1,08,46	1,03,31	1,13,63	1,23,41	1,15,73	1,42,66	1,69,68	1,91,19	1,77,90	1,36,30	1,37,66	33-24
3rd "	19,37,03	17,62,96	18,04,85	19,61,59	21,44,51	24,42,61	27,65,91	28,91,25	29,41,83	32,30,65	31,91,79	79-19
Total*	21,17,61	20,35,30	20,86,67	23,08,19	25,38,15	29,97,78	33,16,29	34,78,65	34,39,31	37,60,23	36,07,15	79-79
Average rate charged for carrying a ton of goods one mile.	4-64	4-43	4-24	4-91	4-08	4-26	4-43	4-03	5-36	6-06	6-13	33-11
Earnings from goods carried (in thousands of rupees) Rs.	37,77,46	35,69,16	38,75,79	41,43,00	44,49,54	49,13,89	47,11,60	47,99,94	49,53,23	55,05,33	60,29,93	59-60

* Includes season and vendors' tickets not include in details.

Statement showing the Land Revenue (less refunds) collected in each Province in 1918-19 and 1923-24.

Province.	(In lakhs of Rupees.)	
	1918-14.	1923-24.
Madras	5,71	5,87
Bombay	5,57	5,09
Bengal	2,80	3,13
United Provinces	5,90	6,92
Punjab	2,89	3,64
Burma	4,82	4,74
Bihar and Orissa	1,64	1,66
Central Provinces	1,87	2,38
Assam	79	1,08

DERAILMENTS ON THE KURIGRAM-TEESTA LINE.

407. *Khan Bahadur Sarfaraz Hussain Khan: (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Forward* of the 24th December, 1924, page 11, under the heading "Kurigram-Teesta Line" "Derailment—A Daily Occurrence"?

(b) If so, will the Government please state if the statement made therein with regard to "derailment" is correct?

(c) If so, do they propose to draw the attention of the authorities to the seriousness of the situation and do the needful?

Mr. G. G. Sim: (a) Government have seen the paragraph referred to.

(b) The statement is not correct.

(c) Does not arise.

KOHAT REFUGEES AT RAWALPINDI.

408. *Khan Bahadur Sarfaraz Hussain Khan: (a) Has the attention of Government been drawn to the paragraph "A Rawalpindi message states that eight Hindus have been arrested by the Kohat police from among the Kohat refugees at Rawalpindi", published in the issue of the *Statesman* of the 25th December, 1924, page 8, under the heading "Kohat Hindus"?

(b) If so, will Government please state why and under what circumstances these persons were arrested?

Mr. Denys Bray: (a) Yes.

(b) In the ordinary course of judicial procedure which had been temporarily suspended in the hope of facilitating a reconciliation.

TENDERS FOR SERVICEABLE AND SCRAP PERMANENT WAY MATERIALS AT ENGINEERING DEPÔTS ON THE NORTH WESTERN RAILWAY.

409. *Lala Duni Chand: (1) Is it a fact that the Government invited tenders for the purchase of items of serviceable and scrap permanent way material available at engineering depôts on the North Western Railway, Mogulpore, for the 28th January, 1924?

(2) Is it a fact that the following items thereof were accepted in the name of the firms noted against them instead of those noted in the next column whereby the Government suffered about Rs. 35,000 loss in revenue. Will Government please state the reasons for this?

Item No.	Description.	Name of firm in whose name tenders were accepted and the rate.	Rate offered by the other firms and the name.
2	Rails, steel serviceable, 157 tons.	Messrs. Moti Lal Raghbar Dial, Agra at Rs. 65.	Messrs. Sham Lal Bedi Chand, Agra at Rs. 82-8-0.
6	Cut rails steel 2,400 tons	L. Chanan Mal, Lahore at Rs. 30.	Punjab Metal Marts, Sialkote at Rs. 41-5-3.
7	Steel Sleepers 91 tons	Messrs. Dhanna Mall Harcharan Dass and Ram Ditta Mall, Lahore at Rs. 30-8.	Messrs. Sham Lal Bedi Chand, Agra at Rs. 32-8-0.

(3) Is it a fact that the Government invited tenders for the scrap metal, etc., in September, 1924?

(4) Is it a fact that the tenders by Messrs. Piyare Lal Mithan Lal, Agra and Ragho Ram Tulsi Ram at Rs. 55 per ton and Rs. 38-7 per ton respectively for 3,200 tons steel sleepers were received?

(5) Is it a fact that the Controller of Stores, North-Western Railway, accepted a tender for the above item at Rs. 38-7 instead of Rs. 55 whereby the Government suffered about Rs. 54,000 loss in revenue. Will Government please state the reason for this?

Mr. G. G. Sim: The tenders referred to by the Honourable Member were considered personally by the Agent in consultation with other heads of departments and those which were regarded as most favourable to the railway were accepted. In some cases the highest tenders were not accepted because of unsuitable conditions in regard to delivery, payment and the like.

AMOUNT DRAWN BY THE PUNJAB ALLIANCE AUCTION ROOMS TO THE NORTH-WESTERN RAILWAY.

410. ***Lala Duni Chand:** Is it a fact one Mr. Butt was appointed auctioneer to auction miscellaneous stores of the North Western Railway, Lahore, by the Controller of Stores and auctioned goods worth nearly 5½ lakhs? Is it a fact that he has paid to the Railway part of the money and a sum of nearly 52,000 has been due from him since last year? Why was delivery of goods made without realizing the dues of the Railway? What steps, if any, have been taken to recover the money so far? Has this firm any amount in deposit with the Government? If so, please state the amount?

Mr. G. G. Sim: The question apparently refers to a contract, entered into by the North-Western Railway, with the Punjab Alliance Auction Rooms to conduct auction sales, in January, 1923. The reference to a Mr. Butt is not understood as no such appointment has been made.

The total value of the stores sold under the contract was approximately Rs. 5½ lakhs, out of which a sum of approximately Rs. 52,000 is still due from the auctioneers. Delivery of the auctioned material was made on the authority of the auctioneers who were responsible for payments to the railway.

The case has been referred to the Legal Remembrancer to the Punjab Government, for necessary action, with a view to the amount still due to the Railway being recovered by the institution of a suit in the civil courts. The firm furnished a deposit of Rs. 5,000 which has been forfeited.

TENDERS FOR STORES FOR THE ARMY REMOUNT DEPÔTS AT SARGODHA AND
MONA.

411. ***Lala Duni Chand:** (a) With reference to the reply to the starred question No. 1776 on 11th September, 1924, to the effect that "the practice is to accept the most favourable tender received from a tenderer who is considered reliable and suitable in all respects and that a factor always taken into account is whether the tenderer possesses a knowledge and experience of the work of the supplies required and is punctual and efficient in the discharge of contract", will the Government be pleased to state if the rule of conduct laid down above, has been departed from in many cases?

(b) If the reply to (a) be in the negative, is it not a fact that in the year 1921-22 at Sargodha the contract of petty stores was given to a new and inexperienced man at higher rates against the lower rates tendered by Messrs. Ram Chand Kidar Nath?

(c) Is it also not a fact that Messrs. Ram Chand Kidar Nath had been given contracts for several years previously and were invariably found "suitable, reliable and punctual"?

(d) If the reply to (b) and (c) be in the affirmative, do the Government intend to take any action against the officers concerned for the breach of the above rule of conduct laid down by the Government?

2. (a) Is it a fact that a list of approved contractors for supply of petty stores at the depôts of Sargodha and Mona is kept and if so, how does the question of a suitable and reliable contractor arise?

(b) Do the Government in future propose to direct that the contracts be given to the tenderer of the lowest rates?

Mr. E. Burdon: Government are making inquiries in the matter. I will inform the Honourable Member of the result in due course.

CASES INSTITUTED UNDER THE INDIAN INCOME-TAX ACT.

412. ***Dr. K. G. Lohokare:** Will Government be pleased to give:

(a) A statement of penal cases and the amount of fine recoveries in each under sections 25, 28 and 46 (1) of the Income-tax Act in the year ending 31st March 1924 in each Province?

(b) The number of cases prosecuted and cases compounded under Chapter VIII of the Income-tax Act and the penalty in each case in each Province in the above year?

(c) The number of cases where there was a reference to the High Courts and the final decision in each case in the same year?

- (d) The number of appeals to the Assistant Commissioners and Commissioners and number decided against the appellant in each Province in the same year?

The Honourable Sir Basil Blackett: (a) The information relating to cases under section 46 (1) is given in Return VII of the All-India Income-tax Returns for 1923-24, which are being printed and which will be published shortly.

As regards penalties levied under sections 25 and 26, the information will be obtained and furnished to the Honourable Member.

(b) The number of prosecutions is given in Return VII above referred to. The other information will be obtained and furnished in due course.

(c) and (d). The information is available in Return VII referred to above.

AMENDMENT OF THE INDIAN INCOME-TAX ACT.

413. ***Dr. K. G. Lohokare:** Will Government be pleased to say if they have under consideration any amendment of the Income-tax Act, so as to give facilities of appeals to judicial courts in cases of alleged wrong assessment and inflictions of penalties.

The Honourable Sir Basil Blackett: No.

THE MILITARY SUB-ASSISTANT SURGEONS ASSOCIATION.

414. ***Dr. K. G. Lohokare:** Will Government be pleased to say:

- (i) If they have issued orders to disorganise the Military Sub-Assistant Surgeons Association and if so what considerations led them to take this step.
- (ii) If it is a fact that this was the only source to make their grievances heard, and other departments under the Government of India are allowed to have their Service Associations.
- (iii) If they know that the discontent among the members of the class on account of comparative disadvantages the class is put to while in service, is growing every day. If so what steps do they propose to take to remove the grievances. If not will they inquire before finally issuing orders to stop the Association working.
- (iv) Are they prepared to let the Association do its work, under certain conditions of recognition?

Mr. E. Burdon: (i) Orders have been issued by the Adjutant General in India forbidding persons subject to military law to belong to the Association, the reason for these orders being that under military regulations officers and soldiers are not permitted to participate in Associations of this kind.

(ii) No. Sub-Assistant Surgeons can, if they so desire, represent their grievances to the Government of India through the prescribed official channel. Government servants under other Departments of the Government of India are in a different position, as they are not governed by military regulations.

(iii) Government are not prepared to admit that discontent is prevailing among the members of this class in the degree and for the reasons suggested. If it were, any real grievance could be removed by an application through the proper official channel.

(iv) For the reason given in (i) above, Government are unable to modify the orders issued by the Adjutant General.

Dr. K. G. Lohokare: Is there any Association of I. M. S. officers?

Mr. E. Burdon: Not that I am aware of.

Dr. K. G. Lohokare: Have the Government of India not received applications from the Military Sub-Assistant Surgeons during the last two years regarding their grievances?

Mr. E. Burdon: Yes, I think they have.

INCOME-TAX OFFICERS.

415. **Dr. K. G. Lohokare:** Will Government please state:

- (a) how many Income-Tax Officers have been appointed in each of the Provinces during the years 1922, 1923, and 1924?
- (b) what is the salary given to these officers in each of the Provinces?
- (c) if there are any qualification tests or educational standing required for appointments to these posts of Income-tax Officers before appointments by selection so as to avoid favouritism, displacing persons of capability and qualifications in this so-called process of selections?
- (d) if there is any departmental test required to be passed by a person regarding knowledge of the technical accounts and the law necessary to perform the duties of an Income-tax Officer before persons are confirmed in appointment?
- (e) the number of appointments made in the Income-tax departments during the last three years of Commissioners, Assistant Commissioners, Income-tax Officers with their qualifications, age, length of former service in other Departments and the last pay drawn before the appointments?
- (f) if it is a fact that posts carrying salaries equal to the Income-tax Officers' posts require in the Revenue, Judicial, Finance and other Executive Departments, a test of proper qualification before selection to these appointments?
- (g) if they will please inquire if the present incumbents in the Income-tax Department are sufficiently qualified to hold such appointments?

The Honourable Sir Basil Blackett: Clauses (a) and (e). The information is not readily available and the Government do not consider that any useful purpose would be served by collecting it as it will involve very considerable labour.

(b) A statement showing the scales of pay sanctioned for Income-tax Officers in the various Provinces is placed on the table.

(c) Income-tax Officers are appointed by Commissioners of Income-tax subject to the approval of the Local Governments. The Government of India have no reason to suppose that the Commissioners of Income-tax have not selected the best available candidates.

(d) Yes.

(f) The Government do not think that any useful purpose would be served by detailing the qualifications prescribed for candidates for the various Government Departments. The Honourable Member is mistaken if I am to take it that he believes that there is no test of proper qualifications in the Income-tax Department.

(g) The Government of India have no reason for doubting that the present incumbents are sufficiently qualified.

Province.	Scale. Rs.
Madras	300-47-500-50-900
Bombay	300-50-2-900
Bengal	300-50-2-900
United Provinces	350-80-800-25-900
Punjab	300-40-850
Burma	350-25-750-50-950
Bihar and Orissa	350-50-2-900
Central Provinces	300-25-550-80-700-40-900

Dr. K. G. Lohokare: Is there any test then?

The Honourable Sir Basil Blackett: Yes, Sir.

UNCLAIMED AMOUNTS UNDER DIFFERENT BRANCHES OF THE POST AND TELEGRAPH ADMINISTRATION.

416. ***Dr. K. G. Lohokare:** Will Government be pleased to state the unclaimed amounts under different branches of the Post and Telegraph administration during the last 3 years?

Sir Geoffrey Clarke: The information is being compiled and will be supplied to the Honourable Member as soon as it is ready.

RAISED PLATFORMS AT SHELARWADY STATION ON THE GREAT INDIAN PENINSULA RAILWAY.

417. ***Dr. K. G. Lohokare:** Are Government aware of the frequent complaints of the low platforms at the Shelarwady station on the Great Indian Peninsula Railway and the consequent inconvenience to passengers especially in days of pilgrimage? Do they propose to ask the Railway Administration to have raised platforms at the station?

Mr. G. G. Sim: Government have no information on the subject. High level platforms are usually provided at stations where the traffic offering is sufficient. A copy of the question and the answer will be sent to the Agent.

ISSUE OF TICKETS AT POMALWADY STATION ON THE GREAT INDIAN PENINSULA RAILWAY TO PASSENGERS TRAVELLING BY THE BOMBAY MADRAS MAIL TRAINS.

418. ***Dr. K. G. Lohokare:** Will Government be pleased to say if they are aware that the Up and Down Bombay Madras mails stop at Pomalwady station on the Great Indian Peninsula Railway for watering and yet no issue of tickets is allowed for these trains? Do Government propose to consider the convenience of the passenger traffic and advise the railway authorities accordingly?

Mr. G. G. Sim: The reply to the first part of the question is in the affirmative. As regards the second part, a copy of the question and answer will be sent to the Agent.

CONSTRUCTION OF BHAMBURDA STATION ON THE GREAT INDIAN PENINSULA RAILWAY.

419. ***Dr. K. G. Lohokare:** With reference to my starred questions No. 978 of 24th March 1924 and No. 1786 of the last session, will Government be pleased to state when it is expected to commence the construction of the Bhamburda station on the Great Indian Peninsula Railway? Are Government aware of the fact that during the period of the sanctioning of the Poona town planning schemes and this delay in the construction of the expected station the values of building plots in the scheme will be so affected as to put either the local bodies or the owners to a disadvantage? To avoid such liabilities, are Government prepared to undertake the construction of the station without the least possible delay?

Mr. G. G. Sim: Government are unable to state when work on the construction of the Bhamburda station will be started. The question of the extent of the facilities required at this place has not yet been settled and the Agent of the railway is now preparing a revised plan.

WORKING HOURS OF THE STAFF AT WADI BUNDER ON THE GREAT INDIAN PENINSULA RAILWAY.

420. ***Dr. K. G. Lohokare:** With reference to my question regarding the hours of work that the employees in the railway goods sheds have to put in per week, will Government be pleased to inquire how many hours per week the staff in the goods sheds at Wadi-Bunder on the Great Indian Peninsula Railway have to work? Have the authorities received the resolutions of the Wadi-Bunder Railway Servants' Union and have they taken any action on them?

Mr. G. G. Sim: The Government have ascertained that the staff at Wadi Bunder work on an average 51 hours per week. The Agent has received copies of the resolutions referred to. Similar representations were made by the staff and the Agent reports that action has been taken on these representations.

LEAVE APPLICATION OF SUB-ASSISTANT SURGEON JAMADAR C. S. D. MUDLIAR OF BURMA.

421. ***Dr. K. G. Lohokare:** Will Government be pleased to say:

(a) if they have issued orders as per Army Instruction No. 158 of 1924 to all the Provincial Governments regarding the privilege leave for period of service in the Military Department and if these orders have reached the heads of the Medical Departments in various Provinces?

(b) if these orders are circulated to medical officers from the Civil Departments who had served during the last war by the heads of the various Provincial Medical Departments, if not, will they kindly inquire?

(c) if they know that the Inspector General of Civil Hospitals, Burmah, has refused to forward an application for leave under Army Instruction 158 put in by Sub-Assistant Surgeon Jamadar C. S. D. Mudliar of Myitkyo, Burmah and that the Deputy D. G. I. M. S. has refused to consider his application unless it is forwarded by the Inspector General, Civil Hospitals?

(d) if they propose to inquire into this case and issue the necessary orders?

Mr. J. W. Bhore: (a) Yes, copies of all Army Instructions are sent to Provincial Governments.

(b) The Government of India have no information on the point nor do they propose to inquire into the matter which is entirely within the province of Local Governments.

(c) Jamadar C. S. D. Mudliar is a Civil Sub-Assistant Surgeon of the Burma Medical Department and it is therefore for the Inspector General, Civil Hospitals, Burma, to obtain the orders of the Government of Burma, regarding any leave due to him under the Army Instruction referred to.

(d) No. The matter is one for the Local Government to deal with.

Dr. K. G. Lohokare: As regards (c), was this Sub-Assistant Surgeon not in the military employ?

Mr. J. W. Bhore: I am afraid, Sir, I must have notice of that question.

ALLOWANCES GRANTED TO RECIPIENTS OF THE MILITARY CROSS AND THE ORDER OF MERIT.

422. ***Dr. K. G. Lahokare:** Will Government kindly say:

- (1) what class of military employees are eligible for the Military Cross and the Order of Merit?
- (2) which of these receive a monthly allowance as recipients of the honour in addition to the usual salary or pension and at what rate?
- (3) what considerations have led Government to lay down different rates of allowance in the case of Indian officers and the Military Sub-Assistant Surgeons?
- (4) How many Military Sub-Assistant Surgeons have been awarded the Military Cross and the Order of Merit in the last war and how many of these continue to enjoy the allowance?
- (5) Will Government be pleased to say if they propose to consider this question while revising the rules of pensions and allowances to the Military Sub-Assistant Surgeons?

Mr. E. Burdon: (1) and (2). All Indian officers and soldiers are eligible for the Indian Order of Merit. I place on the table a statement giving the other information required by the Honourable Member.

(3) There is no difference between the rates of allowance received by Indian Officers and Sub-Assistant Surgeons ranking as such.

(4) I place on the table a statement giving the information. All the officers, except two who have died, are drawing the allowances.

(5) In view of the reply given to part (3), this question does not arise.

STATEMENT I.

Statement showing the classes eligible for the Military Cross.

- (a) British officers of and below the rank of Captain.
 (b) British Warrant officers, Classes I and II.
 (c) Indian officers, including Sub-Assistant Surgeons and Senior Veterinary Assistants ranking as such.
 (d) Indian Warrant officers, including Sub-Assistant Surgeons and Veterinary Assistants ranking as such.

The classes mentioned in (c) and (d) receive a monthly allowance. The rates of allowances for recipients of the Military Cross and the Indian Order of Merit will be found in Sections IV and VI of paragraph 137, Pay and Allowance Regulation, Part II, a copy of which is in the Library of the Assembly.

STATEMENT II.

Statement showing the Military Sub-Assistant Surgeons who have been awarded the Military Cross and the Indian Order of Merit during the Great War.

Military Cross—

Subadar Bhagwan Singh.
 Jemadar Gopi Nath Agarwal.
 „ Ram Krishan Ganpat Shinde.

Indian Order of Merit—

Subadar-Major Munisami Naidu.
 Subadar Daulat Singh.
 A./Subadar Arjan-das Gosain.
 „ Lal Singh Bedi.
 „ Muhammad Sharif.
 Jemadar M. Abdul Rahim.
 „ T. R. Govindasami Pillai.
 „ Hukam Singh (No. 1111).
 „ Ishar Singh.
 „ Nagindar Singh.
 „ Maula-bakhsh, Khan Sahib.
 „ G. J. Ferris.
 „ Mul Singh.
 „ Mula Singh, Rai Sahib.
 „ Ata Mahammad Khan.
 „ Shaikh Muhammad Dadasalub.
 Subadar Pandit Shankar Das.
 Jemadar Riyazuddin.
 „ Bhagwan Singh, M.C.
 „ Ghaus Muhammad.
 1st class Ram Singh.
 „ Tek Chand.
 „ Harnam Singh.
 Jemadar Zafar Hussain.
 „ Kehar Singh Chandail.
 „ Hukam Singh (1274).
 „ Vroj Lal Umed Ram Pandit.
 „ Ganput Kanoji Rao Rane.
 „ Keshav Warman Khuparkar.
 Subadar Gauri Shankar.
 2nd class Pargan Singh.
 Jemadar Kundan Lal.
 „ Daniel Israel Najanapragasam.
 „ Rahim-bakhsh.

Dr. K. G. Lohokare: Before the Sub-Assistant Surgeons were given the rank of Jamadar, many had received Military Crosses. Do Government know that these persons are receiving only allowance as an ordinary Indian soldier?

Mr. E. Burdon: I am afraid, Sir, I must ask for notice of that question.

TERMS OF DISCHARGE OF MILITARY SUB-ASSISTANT SURGEONS, ETC.

423. ***Dr. K. G. Lohokare:** (1) Will Government be pleased to say if they have issued orders regarding:

(a) the terms of discharge of the Military Sub-Assistant Surgeons; the revised rates of invalid and family pensions of the Military Sub-Assistant Surgeons; the question of increased house-rent as per starred question No. 1233 of the last session?

(b) the revision of the pay of Store-keepers of the Indian Hospital Corps as per starred question No. 1983 of the last Sessions?

(2) If any such orders are issued, will they be laid on the table?

Mr. E. Burdon: (1) (a). Orders regarding the terms of discharge of Military Sub-Assistant Surgeons have been issued in Army Instruction (India) No. 1180 of 1924. Revised rates of invalid and family pensions for Sub-Assistant Surgeons have not yet been sanctioned by the Secretary of State for India. The rates of compensation admissible in lieu of quarters were given to the Honourable Member on the 2nd June, 1924, in reply to part (g) of his question No. 1233. It is not proposed to increase these rates at present.

(b) Orders on the subject have been issued in an Army Instruction (India).

(2) Copies of the Army Instructions referred to above will be furnished to the Honourable Member separately.

VACANCIES IN THE INDIAN VETERINARY SERVICE.

424. ***Dr. K. G. Lohokare:** Will Government be pleased to say:

1. How many vacancies are there at present in the Indian Veterinary Service?
2. If there are any proposals to curtail the number and if so what would be the total strength of the Service?
3. What would be the method of filling up such vacancies; will the expected Public Services Commission be asked to find candidates for these?
4. Is it a fact that in 1922, six officers of the Provincial Veterinary Service were deputed to Muktesar for higher training in Veterinary Science with a view to enable them to be eligible for promotion to the Imperial Veterinary Service?
5. Have Government under consideration the claims of these six officers in filling up the above vacancies; if so, when do they expect to issue the necessary orders?

Mr. J. W. Bhore: 1. 19.

2. In view of the recommendation of the Lee Commission, which has been accepted, that the Indian Veterinary Service should be provincialised, the Government cannot normally make any further appointments to the Service.

3. In view of the answer given above, this question does not arise.

4. Six officers of the Provincial Veterinary Service were deputed in 1922 to Mukhtesar for higher training in Veterinary Science; but they were clearly given to understand that their training at Mukhtesar would not entitle them to promotion to the Imperial Veterinary Service. The training was intended to make them more efficient in the performance of their existing duties and all that was stated was that by undergoing such training successfully they would become eligible for promotion to the Indian Veterinary Service.

5. As I have explained above, these six officers have no claim to promotion to the Indian Veterinary Service. The Government have their case under consideration.

Dr. K. G. Lohokare: Apart from the training of these six officers, have Government supplied any other men in the Provincial Service with a superior post?

Mr. J. W. Bhore: I am afraid I cannot give a reply to the Honourable Member offhand. I must have notice of that.

USE OF A DEFECTIVE WEIGHING MACHINE AT SEALDAH ON THE EASTERN BENGAL RAILWAY.

425. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to a signed letter headed "Excess Luggage charge," and published in the *Forward*, dated the 2nd October 1924 (Town edition, page 8)?

(b) Are the facts stated therein substantially correct? If so, do the Government propose to take any action in the matter?

Mr. G. G. Sim: The Honourable Member is referred to the reply given to question No. 30 in this Assembly on the 22nd instant.

UNIVERSITIES IN THE DIFFERENT PROVINCES.

426. ***Khan Bahadur Sarfaraz Hussain Khan:** Will the Government be pleased to state:

(a) the names of the provinces in British India in which Universities have not yet been established?

(b) the names of the provinces in British India in which Universities have been established?

(c) the number of Universities in each of the provinces in which they have been established?

Mr. J. W. Bhore: A statement giving the desired information is placed on the table.

Statement mentioned in Mr. Bhore's reply to Khan Bahadur Sarfaraz Hussain Khan's question regarding Universities.

(a) Assam, Coorg, North-West Frontier Province, Ajmer-Merwara, and British Baluchistan.

(b) and (c) :

Name of Presidency or Province.	Number of Universities.
Madras	1
Bombay	1
Bengal	2
United Provinces	4
Punjab	1
Burma	1
Bihar and Orissa	1
Central Provinces	1
Delhi	1
TOTAL	13

PURCHASES OF STEEL BY GOVERNMENT DEPARTMENTS AND RAILWAYS.

427. *Sir Purshotamdas Thakurdas: (a) Will Government be pleased to state if, after the passing of the Steel Protection Bill, they stipulate that steel from Tata Iron and Steel Co., should be used in tenders for supplies of Government requirements, and is such an addition laid down in all tender forms?

(b) If the reply to the above be in the affirmative, will Government be pleased to state how many tenders have been called for by the various Departments of the Government of India since the passing of the Steel Protection Bill, and also state in how many of these tenders the stipulation referred to above has been made.

(c) If the reply to (a) above be in the negative, will Government be pleased to state why they did not think it necessary to give encouragement to the Tata Iron and Steel Co., in this direction?

(d) Will Government be pleased to state the total quantity of steel bought by them during the last year, which ended on 31st March 1924, and how much of this was bought from Jamshedpur?

(e) Will Government be pleased to get a statement from the High Commissioner for India in London, and statements from the various Company-managed railways, showing the total quantity of steel bought by each of these abroad, during the last year ended 31st March 1924 and place same on the table?

The Honourable Sir Bhupendra Nath Mitra: (a) The answer is in the negative.

(b) Does not arise.

(c) The Rules for the supply of articles for the public service which were promulgated with the Resolution of the Government of India in the Department of Industries and Labour, No. S.-217, dated the 6th May 1924, state clearly the extent to which preference should be given to articles manufactured in India with a view to encouraging the industries of the country. These rules apply to all purchases made by the purchasing authorities under

the Central Government. The products of Messrs. Tata Iron and Steel Co., Ltd., fall under Rule I, and purchasing officers are required to give preference to these provided the quality is sufficiently good for the purpose and the price reasonable. In view of these conditions Government do not consider it necessary to make any addition to the tender forms on the lines indicated by the Honourable Member.

(d) and (e) The information asked for by the Honourable Member is not available and its collection will involve elaborate inquiries. I shall collect such information as is readily available and inform the Honourable Member of the results in due course.

Sir Campbell Rhodes: Do the Government realise that if they give a monopoly, other forms of protection are quite unnecessary?

The Honourable Sir Bhupendra Nath Mitra: As I have said in my reply to part (c) of Sir Purshotamdas Thakurdas' question Government do not intend to grant a monopoly. The rules provide that preference should be given to articles manufactured in India only when the price is reasonable among other things.

Sir Campbell Rhodes: Having given protection, is it the policy of the Government in the interests of the tax-payer and of efficiency in the protected industry that Government should throw open tenders to the whole world?

The Honourable Sir Bhupendra Nath Mitra: They are, as a matter of fact, thrown open to the whole world.

ESTABLISHMENT OF THE RATES TRIBUNAL.

428. ***Sir Purshotamdas Thakurdas:** (a) Will Government be pleased to state when they propose to establish the Rates Tribunal recommended by the Indian Railway (Ackworth) Committee?

(b) Will Government be pleased to state the reason of the delay in getting the Secretary of State's sanction regarding the appointment of a Rates Tribunal, and whether they are aware that the Indian commercial community are very anxious on the work of the Rates Tribunal being started without any delay?

Mr. G. G. Sim: The Secretary of State's reply to Government's proposals regarding the establishment of the Rates Tribunal was received by the mail of 25th instant and is under consideration.

Sir Purshotamdas Thakurdas: When do Government expect to publish it for the information of the public?

Mr. G. G. Sim: I myself only saw it yesterday and I am afraid I cannot give any reply to that question.

ARTICLE IN THE *EMPIRE REVIEW* HEADED "EAST AFRICAN PROBLEMS."

429. ***Sir Purshotamdas Thakurdas:** (a) Has the attention of Government been drawn to an article in the *Empire Review* by the late Rt.

Rev. Frank Weston, M.A., D.D., Bishop of Zanzibar, headed "East African Problems". (The said article is reprinted in the "Tanganyika Opinion", dated the 9th November 1924.)

(b) Are Government prepared to send a copy of this article to the Secretary of State for India with a request that the contents of the article may be brought to the notice of the Commission under the Chairmanship of Lord Southborough?

Mr. J. W. Bhore: (a) The reply is in the negative.

(b) I have not been able to get a copy of the article in question, but if the Honourable Member will be good enough to send me one, the suggestion will be considered.

TANGANYIKA ORDINANCE NO. 10 OF 1923.

430. ***Sir Purshotamdas Thakurdas:** (a) Will Government be pleased to state if they have received complaints from Indian merchants trading in Tanganyika, or on their behalf regarding the great inconvenience caused to them by Tanganyika Ordinance No. 10 of 1923, which imposes upon every person holding a trading license the necessity of keeping his accounts either in English or Swahili in English characters?

(b) Are Government aware that the number of Indian traders in Tanganyika is estimated at 3,000 to 3,500 (shopkeepers included)?

(c) Is it a fact that for the benefit of a few Belgian firms account books are allowed to be kept in Tanganyika in French, but they are prohibited from being kept in Guzerati which is the mother tongue of most of the Indian traders in Tanganyika?

(d) Are Government aware that Tanganyika is under a League of Nations Mandate, and that the said Mandate imposes a drastic veto on racial discrimination in administration?

(e) Have Government communicated to the Colonial Office, through the Secretary of State for India, this serious handicap on Indian traders in Tanganyika, and if so why has no relief been available to the Indian traders till now?

(f) Are Government aware that in the Malay States Chinese traders are allowed to keep their books of accounts in Chinese and Tamil traders in Tamil?

(g) Do Government propose to ask their representatives on the League of Nations to raise this question there, in order to ensure immediate relief to the Indian traders in Tanganyika?

(h) If the reply to (g) above be in the affirmative, will Government be pleased to state the time when they propose to have the question thus raised?

(i) If the reply to (g) above be in the negative, will Government be pleased to state the reasons for their reply in the negative?

Mr. J. W. Bhore: (a) Yes.

(b) Yes.

(c) Government are aware that French has been added to the list of languages in which accounts may be kept and that Guzerati is not included in that list.

(d) and (f) Yes.

(e) Representations on the subject were made by the Colonies Committee of the Government of India last July and the results are awaited.

(g) and (i) In view of my reply to part (e) of the question, the Government of India do not at present propose to take the action suggested by the Honourable Member.

(h) Does not arise.

Sir Purshotamdas Thakurdas: How long do the Government of India propose to wait for the decision of the Colonial Office before they take final and effective steps to move this matter in the League of Nations?

Mr. J. W. Bhore: I know, Sir, that the matter is under the consideration of the Colonial Office because they have told us so. That being so, we must at any rate extend to them the courtesy of waiting until they have come to a final decision in the matter.

Sir Purshotamdas Thakurdas: Will Government be pleased to state the period since which this restriction has been introduced on the Guzerati-knowing public in Tanganyika and further will they be pleased to state if they do not think that by the time they come to a decision in the matter, the worst effects of the restriction may have been felt by the public concerned?

Mr. J. W. Bhore: I would like to inform the Honourable Member that the Government of India have made constant representations to the Colonial Office in this matter, but it was left to the Colonies Committee to again raise this on one particular point among others on which they made representations to the Colonial Office and I am afraid I can add nothing further to what I have already said. We must await the decision of the Colonial Office on the representations made by the Colonies Committee on this point.

Sir Purshotamdas Thakurdas: How long do the Government of India propose to keep on waiting for this reply?

Mr. J. W. Bhore: A reasonable time, Sir.

Sir Purshotamdas Thakurdas: May I know the approximate period of that reasonable time?

Mr. J. W. Bhore: I regret I cannot define that more precisely.

Sir Purshotamdas Thakurdas: May I know how long Government have been waiting since they made their first representation?

Mr. J. W. Bhore: The first representation on which the Colonial Office came to a conclusion was over 2 years ago.

Sir Purshotamdas Thakurdas: A reasonable period of time might then extend to more than two years. Do the Government of India expect the reasonable period that they propose to wait for hereafter to extend over two years?

Mr. J. W. Bhole: I think the Honourable Member may leave it to the discretion of the Government as to what is or what is not a reasonable period of time in the present circumstances of the case.

Sir Purshotamdas Thakurdas: I am quite prepared to leave it to their discretion as we have left it till now. The only question now is there must be some reasonable limit even to our patience.

431. **The Honourable Sir Alexander Muddiman:** I have already answered this question.

SINGAPORE BASE.

432. ***Diwan Bahadur M. Ramachandra Rao:** Will the Government be pleased to state whether any communication has been received from His Majesty's Government about the construction and maintenance of the Singapur base and to state whether there is any proposal to make India financially responsible as a contributory for the costs and maintenance of the base?

Mr. E. Burdon: The answer to the first part of the question is in the affirmative, and to the second in the negative.

REVISION OF THE PAY AND ALLOWANCES OF THE ARMY SERVICES.

433. ***Diwan Bahadur M. Ramachandra Rao:** Will the Government be pleased to state whether any decision has been reached in regard to the revision of pay and allowances of the Army Services in India and to state the present and revised scales of pay of these services?

Mr. E. Burdon: A final decision has not yet been made in regard to the revision of pay. I presume my Honourable friend has seen the announcement on the subject which appeared in the press on the 5th January. The present scales of pay are given in paragraph 31, Pay and Allowance Regulations, Part I, a copy of which will be found in the Library of the Assembly.

EXPORTS OF OPIUM, ETC.

434. ***Diwan Bahadur M. Ramachandra Rao:** (a) Will the Government be pleased to state the quantity of opium exported from India in 1923-24 and in 1924-25 up to date, (i) to each foreign Government and (ii) to the merchants having certificates from each foreign Government for importing opium?

(b) Will the Government be pleased to state the names and official designations of the delegates from India to the recent Geneva Opium Conference and to lay on the table the instructions issued by the Government of India to those delegates and also a statement as to the decisions arrived at by the Conference?

The Honourable Sir Basil Blckett: (a) The exports of opium during the period in question were:

	1923-24.	1924-25. (9 months—April to December.)
	Chests.	Chests.
By Government to Foreign Governments	2,565	2,242
By Agents of Foreign Governments to those Governments	2,594	1,663
To private merchants under import certi- ficates	3,546	1,390
Total	8,695	5,295

(b) Mr. J. Campbell, C.S.I., O.B.E., formerly of the I.C.S., now British representative on the Greek Refugees' Settlement Commission, was appointed to represent India on the Opium Conferences. Mr. H. Clayton, C.I.E., I.C.S., Financial Commissioner, Burma, now on leave, has also been helping him from time to time. Mr. Campbell had to leave suddenly on more pressing business and his place at the Conferences was taken by Mr. J. C. Walton, Assistant Secretary, Economic and Overseas Department, India Office, London.

The Indian delegate is fully aware of the opium policy of the Government of India, and the necessity of giving him any special instructions did not therefore arise. As regards the decisions of the Conferences, the Government of India have nothing to add to what has already appeared in the public press. When official reports of the proceedings are received, the Government of India will be glad to make them available.

REVENUE FROM PROTECTIVE DUTIES ON IRON AND STEEL.

485. ***Mr. K. O. Neogy:** Will Government be pleased to state the total amount of revenue they have derived from:

- (a) old scale duties on imports of steel, and
- (b) additional duties under the Indian Steel Industry (Protection) Act,

from 1st June 1924 to 31st December 1924?

The Honourable Sir Basil Blckett: The Honourable Member's question is not clearly understood. If what he desires to know is the duty that would have been levied on the old scale on the imports of those kinds of iron and steel which have been protected under the Steel Industry (Protection) Act and the actual duty that has been levied on those goods under the above-mentioned Act, I can give below the following estimate of the two figures required:

	Rs.
Total receipts from the 18th June to the 30th December of protective special duties on iron and steel	147.08 lakhs.
Amount that would have been levied on the old scale	70.48 „
Balance representing additional duty under the Steel Industry (Protection) Act	70.60 „

It should be explained that the figure for duty on the old scale is an estimated one only, since the imports in question have not been assessed to duty on the old scale subsequent to the introduction of the new tariff; but the estimate has been prepared with the greatest possible care.

BOUNTY TO THE TATA IRON AND STEEL COMPANY, LIMITED.

496. ***Mr. K. C. Neogy:** (i) Will Government be pleased to state the amount of bounty given (a) to the Tata Iron and Steel Co., Ltd., and (b) to other firms, under the Indian Steel Industry (Protection) Act, from 1st June 1924 to 31st December 1924?

(ii) Will Government be pleased to state the amount which they will have to give under the proposed bounty of Rs. 20 per ton from 1st June 1924 to 31st December 1924?

(iii) Will Government be pleased to state the balance of revenue from duties on steel after deducting the above amounts, which will be credited to the general finances of the country during the period from 1st June to 31st December 1924?

The Honourable Sir Charles Innes: (i) (a). The total amount paid to Messrs. Tata Sons Ltd., on behalf of the Steel Company from June to December 1924 under the bounty system approved last June is Rs. 18,56,864. It is expected that during 1924-25 the Tata Iron and Steel Company will receive on the whole 30 lakhs as bounties on rails.

(b) Nothing so far has been paid to other firms. The bounties on wagons for the current financial year are fixed by the Act at a maximum of 7 lakhs.

(ii) It is expected that the Tata Iron and Steel Company will receive about 25 lakhs for the period October 1st, 1924, to March 31st, 1925, under the proposals which the Government have made and which the Assembly has accepted.

(iii) This part of the question has just been answered by the Honourable the Finance Member.

DISCHARGE OF FATEH MOHAMAD OF THE MILITARY WORKS SERVICE.

497. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah:** (a) Is the Government aware that one Fateh Mohamad of Multan who served as a subordinate in the Military Works Service for over 15 years (from 1908 to 16th July 1923), has been discharged from service, while on the eve of retirement, by the Chief Engineer, Northern Command, for absence owing to sudden illness of his wife?

(b) Is it a fact that the reasons for his discharge were recorded as:

(i) absence without leave from 17th July 1923;

(ii) disobedience of orders, *i.e.*, not acknowledging a letter by telegram as desired by A. C. R. E., Peshawar?

If so, will the Government please state whether his explanation to the above charges were taken, and if so, his replies may please be laid on the table.

(c) Whether rule III of Appendix XXVI referred to in paragraph 18 of Army Regulations, India, Vol. II (which lays down that neglect of duty, inattention or disobedience renders a servant liable to suspension or reduction from a higher to a lower grade), was considered while imposing such a hard punishment as discharge on an old employee like him.

If not, will the Government please state reasons under which his discharge was effected and whether at the time of issue of orders for his discharge his long service with pensionary rights was considered?

DISCHARGE OF FATEH MOHAMAD OF THE MILITARY WORKS SERVICE.

438. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah:** (a) Is it a fact that the said Fateh Mohamad appealed to the Adjutant General in India against the order of his discharge but no consideration was given to it? And that he even applied to the Chief Engineer, Northern Command, more than once for fresh employment, but no response has been given to his applications?

(b) Will the Government please say why no consideration is given to his request for fresh employment and whether this discharge debars him even from fresh employment in the Department?

(c) If not, will the Government please state the circumstances under which his appeal for reinstatement and his applications for re-employment were not considered, and so far no chance has been offered to him?

Mr. E. Burdon: With your permission, Sir, I will answer questions Nos. 487 and 438 together.

Inquiries on the subject are being made and the Honourable Member will be informed of the result as soon as possible.

IMPERIAL INSTITUTE OF HUSBANDRY AND DAIRYING, BANGALORE.

439. ***Mr. Ahmad Ali Khan:** Will Government be pleased to state the yearly expenditure on the Imperial Institute of Animal Husbandry and Dairying (Punjab)?

What is the length of courses provided at the Institute and the number of students attending such courses?

What is the value of the annual produce and how is it disposed of?

Mr. J. W. Blore: The Imperial Institute of Animal Husbandry and Dairying is located at Bangalore in Southern India and not in the Punjab. The Imperial Cattle Breeding Farm is, however, at Karnal in the Punjab. These Institutions were worked for 9 months only during the year 1923-24. A statement showing the expenditure incurred and receipts realised on them will be found in the report of the Imperial Dairy Expert which forms part of the Scientific reports of the Agricultural Research Institute, Pusa, for 1923-24, copies of which are available in the Library for the use of the Members of the Legislature.

There are two courses of instruction given at the Imperial Institute of Animal Husbandry and Dairying at Bangalore:

- (a) a post-graduate course of 15 months in Animal Husbandry; and
- (b) an Indian Diploma course of 2 years in Dairying.

Five students were admitted to the post-graduate course and 15 to the Indian Diploma course in Dairying during the last session.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Message has been received from the Secretary of the Council of State to the Secretary of the Legislative Assembly:

"In accordance with sub-rule (3) of rule 36 of the Indian Legislative Rules, I am directed to inform you that the amendments made by the Legislative Assembly in the Bill to amend and consolidate the law relating to Government and other Provident Funds, as passed by the Council of State, were taken into consideration by the Council of State at its meeting held to-day, the 27th January, and that the Council of State has proposed the following amendments to the amendments made by the Legislative Assembly, namely:

'In clause 6 of the Bill, the letter 'a' within brackets and the word 'or' at the end of the sub-clause have been re-inserted, and sub-clause (b) has been re-inserted with the following amendment, namely:

After the word 'authority' the words 'for any reasons specified in this behalf in the rules of the Fund' have been inserted.'

I am directed to enclose a copy of the Bill, as further amended by the Council of State."

ELECTION OF MEMBERS OF THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

Mr. President: The Assembly will now proceed to elect members to serve on the Central Advisory Council for Railways. 17 members have been nominated for eight seats. Instructions are printed at the foot of the ballot paper. Members will proceed to the table and receive their ballot papers in the order in which I call them.

(The ballot was then taken.)

RESOLUTION RE THE BENGAL CRIMINAL LAW AMENDMENT ORDINANCE.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadan Rural): Sir, let me first convey the thanks of this House to the Honourable the Leader for having given us an opportunity of expressing the views of this House upon a question which is not simply of local importance because of its present local application, but is a question of far-reaching consequence, a question which affects the liberties of 320 millions of this country. Sir, coming as I do from a remote corner of Madras tempered by the coolness of the South Indian breeze, my remarks on this subject will not be open to the charge of being animated by passion, by excitement or by bias. The Resolution which stands in my name 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."

Sir, you are all aware that this Ordinance was issued on the 25th October, 1924, with a statement of the reasons and circumstances that led to the framing and the promulgation of this Ordinance. In that statement which has been appended to this Ordinance His Excellency the Viceroy has traced the history of revolutionary organisations in this country, and,

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thank God, he commences from 1912, and not from the great Indian Mutiny. Sir, the history, from the statement of reasons appended to this Ordinance, mentions that from the year 1912 up to the year 1917, there were vigorous revolutionary organisations carried on in this country, and they were put down only by the vigorous application of the old Regulation III of 1818 and the Defence of India Act, which was then in force. And it is stated further that after the Royal Proclamation of 1919 was issued and after these prisoners under the old Regulation were released, most of them returned to their peaceful avocations. But still there remained a body among them which wanted to carry on their old revolutionary organizations, though for a time it was tempered by a peaceful movement as in 1920 to 1922. The organization which was formed by them is supposed to be with the ultimate object of resuscitating the old revolutionary movement, though for a time they were impressed by the non-violent non-cooperation movement. Sir, it is then stated that in the year 1923, there was a wholesale rerudescence of the old revolutionary movement, and the history which is appended to the Ordinance states in a vague general way that the year 1923 was filled with a series of outrages; but the definite instances commence with January, 1924, the murder of Mr. Day, and in April 1924, the attempt to murder Mr. Bruce, both under mistaken identity. Sir, nobody in this country is wanting in detestation of the horrible murder that has been committed. Nobody in this country associates himself with any sympathy towards the perpetrators of this murder. But at the same time to think of one murder as having set the whole world in agitation, as having put both the Ganges and the Hooghly on fire, as bringing down the heavens to the earth, as circumstances requiring an Ordinance of a peculiar nature to be promulgated,—that is what we in this country cannot understand. Sir, ever since this Ordinance was passed there have been public meetings, public denunciations in the Press; and wherever this subject was taken up, there has not been said one word of approval from any party of Indian politics or from any section of the Indian press. We are no doubt aware that the Anglo-Indian press is in full sympathy with a measure of this kind. We know that the British press applauds the action of His Excellency the Viceroy though it would be the last to welcome such a measure for its own country. Sir, I have stated that everywhere this has received nothing but criticism. The inherent iniquity of this measure is furthermore clearly demonstrated by the various laboured defences that have been undertaken by His Excellency the Governor of Bengal and by His Excellency the Viceroy. Sir, after the promulgation of this Ordinance, the defence commenced with a speech by His Excellency Lord Lytton at Malda on the 24th November 1924. That was the first occasion when His Excellency Lord Lytton attempted a defence, an unsolicited defence as he himself puts it, of this Ordinance, and on that occasion he has stated words of such significance that we need not go to any other authority, to any Nationalist paper, for the denunciation of this Ordinance as a lawless law. Sir, His Excellency Lord Lytton has said in unmistakable terms as follows:

“Men who live within the law are entitled to the protection of the law, but men who defy the law, who live outside the law and menace the liberty of those who live within it, who take upon themselves to decide without any process of law who shall live and who shall die, these men have no right to the protection of the law. They are outlaws. They are a danger to the State, and their liberty is forfeited. It is against such men and such men alone that the special powers which my Government have asked for and have obtained are being directed.”

Is this not a clear confession, Sir, that His Excellency Lord Lytton justifies the issue of a lawless law for meeting the outlaw? He thinks that an outlaw deserves no kinder treatment than being attacked by an equally bad weapon, that is, a lawless law. Sir, His Excellency Lord Lytton's second instalment of defence was on the 26th February, 1924. That was at Dinajpur. There His Excellency has made it clear as to why the papers which are connected with the information or with the occurrence of any of the offences with which these people may be charged are not placed before High Court Judges but only District Judges. In answer to that question from the public His Excellency stated:

"We cannot use the High Court except in its *judicial* capacity. The service of examining in secret our evidence and advising us as to its reliability is an *executive* service which cannot be performed by the Judges of the High Court. It is not our unwillingness to consult them but their unwillingness to serve in this capacity which precludes us from resorting to the Judges of the High Court."

Sir, when papers are submitted for investigation, when papers are submitted for judicial consideration, we expect judicial opinion to be given and not executive service to be rendered. Is it for the purpose of getting executive service that the two Judges, the two District and Sessions Judges, are taken into the bargain, and the High Court Judges are avoided? Sir, His Excellency Lord Lytton says that the High Court Judges are not prepared to give this advice in an executive capacity. Certainly they will not be prepared, but the High Court Judges would certainly be prepared to give judicial advice, and it is judicial advice that is wanted and not executive advice. One year ago when His Excellency was speaking from the Throne in opening this Parliament, a Parliament is too great a name for an imbecile Assembly like this, Sir. . . .

Mr. President: Order, order. I cannot allow the Honourable Member to refer to the body over which I preside in those terms.

Mr. C. Duraiswami Aiyangar: With your permission, I am quoting the speech of His Excellency.

Mr. President: That is no concern of mine. The Honourable Member has used in his argument an expression which is improper, and as long as I preside over this body, I will not allow an expression like that to be used about the Assembly.

Mr. C. Duraiswami Aiyangar: I withdraw the word "imbecile". I was just anxious to refer to the speech of His Excellency. His Excellency the Viceroy said:

"After the arrests in Bengal were made, as you are aware, all the documents and evidence relating to each individual have been placed before two Judges of the High Court for the purpose of thoroughly sifting the material on which action was taken, of submitting it to the technical tests of judicial knowledge and experience, and of framing recommendations in each case."

Sir, one year ago the High Court Judges were prepared to give judicial advice on these points: how is it that the High Court Judges are not willing now to give the benefit of their judicial experience, judicial knowledge, judicial opinion in regard to a question of such great importance as affects the personal freedom of the persons who have been taken under arrest under a mere suspicion? Sir, it cannot be that the High Court Judges are unwilling, but it appears they are unwilling to work in an executive capacity whereas they would be prepared to work in a judicial

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capacity. That is no justification for seeking advice from a subordinate executive service. Sir, the next occasion when His Excellency Lord Lytton spoke in defence of this Ordinance was at the St. Andrew's Day Dinner on the 30th November, 1924. In reply to a toast His Excellency Lord Lytton gave an elaborate reply to Mr. C. R. Das. I do not know exactly what the toast was, presumably the gentlemen who were assembled at the dinner were drinking to the health of Mr. C. R. Das or of the Ordinance or of the prisoners under the Ordinance. Anyhow Lord Lytton took that as a fitting occasion to defend the Ordinance, and what is the defence which he made then? He said, in answer to a criticism that this Ordinance is aimed mainly at the Swaraj party:

"If our object had been what he ('*he*' means Mr. C. R. Das) asserts, we should have arrested not three Swarajist Members of Council but 40, and endeavoured to remove the obstruction which he thought is so embarrassing."

Sir, we never for one moment believed, believed fondly, that the bankruptcy of statesmanship has gone to that brink, that extreme brink, as to unveil at once the veil of the Ordinance. Arresting three Swarajist Members is as good as proving positively that this Ordinance is aimed at the Swarajist Party, and it does not require the arrest of 40 Members to prove the case any better. Sir, I do not believe for one moment that the criticism has been rightly answered by His Excellency Lord Lytton. The next defence was on the 2nd December, 1924. That was at a Durbar at Government House. There His Excellency has told us in very emphatic, decisive terms and tone:

"As the Head of the Executive Government I say finally and definitely that we will not put our witnesses before any tribunal unless we can guarantee their safety if they speak the truth."

Gentlemen, remember those words, you have to remember them in a later connection when we come to deal with the Ordinance itself. These are His Excellency's words. His Excellency definitely says:

"I am not prepared to produce the witnesses before the court."

Then, Sir, in reply to a question as to why non-official gentlemen should not be invited to advise, His Excellency said:

"The belief that there were men in India or in any country in the world who in a matter of acute political controversy were free from any political bias, whose impartiality was unquestioned by anyone and whose verdict would be acceptable by all was unfortunately the dream of a visionary and entirely at variance with the realities of life."

From this we can understand very easily what the mentality of those who are called upon to judge upon scraps of paper the acts of persons who have been arrested under the Ordinance is likely to be. That bias, that prejudice, which His Excellency attributes to other non-official gentlemen will with greater force be present in the minds of those whom he invites from his own service, his own subordinate service, to judge about these matters. Then, His Excellency lays down three conditions as to the release of these prisoners, two of which are vague and indefinite and the third is an impossible condition. His Excellency said: in order to get a release of these prisoners, three conditions must be fulfilled. One is to make sure that those who organise and direct the terrorist movement have been restrained from employing their methods of intimidation. When is that list to close? Who are those organisers in the view of His Excellency

who must be brought out and when alone will the movement stop? Then the second condition is to deprive them of their weapons. Searches have been made and the weapons have not been discovered. Smuggling goes on, and yet no weapons have been discovered. When is His Excellency going to collect the weapons which have been used or which have been stocked by these conspirators in order to get the release of persons like Subash Chandra Bose? The third and the last indispensable condition is the passage of a Bill which would be introduced to take the place of the Ordinance. Sir, that is an impossible condition. If His Excellency means that there can be a Bill in the Bengal Legislative Council to supersede this Ordinance it is against the Government of India Act. No power can repeal or can supersede this Ordinance except an Act of this Legislature. Even if His Excellency is inclined to recall the Ordinance he cannot do it. The Act is clear on the point. Therefore, Sir, it is impossible to speak of any Act to take the place of this Ordinance unless this Legislature and an Act of this Legislature repeals or supersedes or controls or amends the Ordinance. Therefore, legally it is an impossible condition. Sections 72 and 67 of the Government of India Act lay down very clearly that the only power that can repeal this is an Act of this Legislature. Therefore, Sir, under section 80A of the Government of India Act the Local Government has not got the power of taking away the effect of this Ordinance unless it be that it waits for six months during which period the Ordinance will have lived its full life. Now, Sir, morally speaking he offers it as a ransom, as a heavy ransom, as a humiliating ransom, for the release of prisoners, to substitute on the Statute-book a lawless law. Is that a condition to which any self-respecting Member can consent to give his assent? Sir, His Excellency has also stated:

"It is the supreme opportunity and I am confident that in this hour of political wial, Bengal will emerge triumphant."

Yes, Bengal proved His Excellency to be a true prophet. Bengal did come out triumphant, whatever His Excellency's idea of triumph may be. Now, Sir, had it not been for this, had it not been for the way in which the Bengal Council behaved towards the Bill which was introduced, which was as black and as lawless as the Ordinance itself, and as such they could not give their consent to it, had they behaved otherwise, had they given their consent, the people of the country would have taken them as persons who are working not for real Swaraj, but for a lawless Swaraj. They would be put down as persons who were working for a lawless Swaraj and I am glad that the Bengal Council stood firm and showed that they could meet the occasion. Now, Sir, after these four defences, His Excellency Lord Lytton passed the thread of defence on to His Excellency the Viceroy in whose hands the counts of the thread became much finer. Speaking at the European Association's dinner at Calcutta on the 10th of December 1924. His Excellency Lord Reading has answered several criticisms. His Excellency said:

"It is true that the suggestion has been made that if a political panacea acceptable to a particular political party was adopted, violent crime would instantly cease. First it may be questioned whether there is any solid ground for this suggestion. According to my information the aims and methods of those wedded to crime and violence are essentially different from those of the political parties generally in India. I credit the latter with constructive aspirations, although I may not always agree with them. According to their declarations of policy they desire in different ways to follow methods of which humanity and civilisation will not disapprove. But the terrorists have never concealed an essentially different and sinister objective—the desire to destroy

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society and Government and to produce chaos by the desperate methods of crime, murder and anarchy."

I am anxious to know when His Excellency's Government began to think so charitably of the non-co-operation movement? When did they give credit to the constructive aspirations and the acceptable methods of the non-co-operation movement or of the Swaraj Party? Not when Mahatma Gandhi was arrested and incarcerated, not when the Maulanas were put in jail and were rotting in the cells, not when thousands of persons in the non-co-operation movement were made State guests for the simple offence of preaching to their fellow-men not to drink. That famous treatise "Gandhi and Anarchy" has had its own support from the Government. Sir, there was a time when this movement of non-co-operation, non-violent non-co-operation, was discredited with all the accusations with which the revolutionary movement to-day has been accused. Then His Excellency the Viceroy answers the question why this Legislative Assembly was not consulted before the Ordinance was issued. His Excellency has given three reasons. One reason is the case was not complete for the promulgation of an Ordinance. Now, I ask you, Sir, when did the case become complete and when was it incomplete. This Assembly had its Session till the 30th of September, 1924 in Simla. We left Simla only about the 30th of September and between the 30th of September, 1924 and the 25th of October, 1924, what events occurred that justified or conduced to the resolution for the issue of an Ordinance? What is that special circumstance which led His Excellency to make up his mind during those 25 days and not before the 30th of September, 1924? Sir, we all heard of a physical cyclone in Simla after we left the place, but we never heard of a political cyclone. No events are chronicled either in the statement of reasons or in so many speeches as having taken place within that short time, that short interval between the 30th September and the 25th of October, and yet we are told, Sir, that until this Assembly dispersed on the 30th of September, the mind of Government was not made up. Why do you make up your mind before consulting the Assembly? Why not take the Assembly into your confidence in order to make up that mind which was then wavering? Sir, the second reason that has been given is that action was imperative without informing malefactors of the intended step by public statement and discussion. Sir, the Government of India Act, section 72 of the Government of India Act, does not refer to Star Chamber practice. It speaks of open enactment of the Ordinance. Even an Ordinance requires promulgation. And what after all is the efficacy of secrecy? How long will it last? It will last for a day after the promulgation of the Ordinance or a day or two, not more than that. For the sake of this simple thing of bringing it all on a sudden as a bolt from the blue, is it to be supposed that the Legislative Assembly need not be taken into confidence in passing or promulgating a measure of so much importance? The third ground that was stated was "that the Ordinance was only a temporary remedy to meet the requirements of the moment. A more permanent one will shortly be introduced into the Bengal Council." Of course we have seen that now, Sir. Both His Excellency the Governor of Bengal and His Excellency the Viceroy are never tired of saying that the responsibility for safeguarding the peace and good government in this country, for safeguarding person and property, and the lives of the people of this country is the exclusive monopoly of the Executive Government. I say, Sir, that I emphatically protest against that exclusive monopoly.

We, who are here as representing the people and who have been entrusted with the duty of securing proper and legitimate legislation, are equally conscious of the responsibility that is laid on our shoulders to make good legislation, to make proper legislation and to make an effective legislation in order to safeguard the lives, the liberty and the property of individuals. The responsibility is none the less and, if only we had a Government in this country wherein the executive will be responsible to the Legislature, our responsibility would even extend further by forcing the hands of the executive, even if they be unwilling, to safeguard the interests of the people. Therefore, Sir, it is not a matter in which there is responsibility exclusively on one side and irresponsibility on the other. I protest against that statement. Then, Sir, in His Excellency's opening speech on the 20th January, 1925, His Excellency made a reference to several of the criticisms. His Excellency stated that all the weapons in the existing armoury have been exhausted and a new-fangled weapon had to be fabricated in order to detect secret societies with all their ramifications. Now, Sir, I am unable to understand what that peculiar efficacy of this new Ordinance is which would detect secret societies with all their ramifications. I am yet to be told that this Ordinance is fitted up with an X-Ray apparatus in order to discover secret societies. Societies and their ramifications will have to be discovered not by a law, but by the vigilance of the criminal administration, by the vigilance of the police and by the vigilance of those who are entrusted with the criminal administration of the province. Sir, we are also told by His Excellency that the entire Government, European and Indian, have given their hearty approval to the measure which His Excellency took. That is an important announcement and a revelation. It is but just and proper that His Excellency should have said that. I have not personally had the privilege of listening to His Excellency at the time when the speech was delivered, but I dare say that His Excellency would have laid a double emphasis on the word "Indian." And it is but right and proper that we should ask our own kith and kin as to why they were consenting parties to an Ordinance like this and not blame only the other section. But, Sir, where are these Indian Members after this revelation was made? One gentleman has retired; one has left the shores of India; and one is probably on the eve of retirement. Is it not unchivalrous to ask that one gentleman to answer for all the three? Let us therefore not ask that question and let us take the Ordinance as it has come to us. Sir, His Excellency has rightly said that true political progress can have no lot or part with terrorism. That is a perfect truism, but certainly not a truism taken from any leaf in the Western history either of Ireland or France or America or even Great Britain. It is a leaf taken from Mahatma Gandhi's literature; it is a leaf taken from the Indian history. Sir, I beg to submit that it is a consolation to us that this truism has also entered the other side as deeply as it has done with us. Now, Sir, under this Ordinance who are the persons who have already suffered? Subash Chandra Bose, about whom both European and Indian opinion is unanimous, both about his character and about his innocence, is one of those who have been arrested. In answer to a question from Mr. Scurr in the House of Commons on the 15th December, 1924, whether it is the intention of the Government of India to bring the persons arrested under the special Ordinance to public trial, Earl Winterton said: "The answer, so far as I am aware, is in the negative for reasons indicated on page 18 of the White Paper". Sir, that will be the fate of those who have been arrested under this Ordinance as well as under Regulation III of 1818 which is running along with it.

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Now, Sir, turning to the Ordinance itself, I will just draw the attention of Honourable Members to that prince of sections in the Ordinance, section 10, which lays down a special rule of evidence. It says:

"Notwithstanding anything contained in the Indian Evidence Act, 1872, when the statement of any person has been recorded by any Magistrate, such statement may be admitted in evidence in any trial before Commissioners appointed under the Ordinance if such person is dead or cannot be found or is incapable of giving evidence and the Commissioners are of opinion that such death, disappearance or incapacity has been caused in the interests of the accused."

That, Sir, is the special rule of evidence. I have already quoted a passage from the speech of His Excellency Lord Lytton. He said:

"I have finally decided not to produce any witness before a court unless his safety is guaranteed if he speaks the truth."

So, if the witnesses are taken to any Magistrate and their evidence is recorded on scraps of paper, those scraps of paper will be the ultimate evidence upon which the men arrested under this Ordinance will be hanged. And why is that evidence not given before the Court? It is not because it is in the interests of the accused that he is absent, but because His Excellency Lord Lytton refuses to produce him before a court. Now, Sir, is it in the interests of the accused that he is absent, that he is incapable of giving evidence? And yet on scraps of papers like these used as evidence in a court of law the Commissioners may convict, the High Court may confirm it. But what does it matter who tries the case so long as the material upon which the liberty is taken away and the life is also in some instances taken away, stands upon scraps of paper produced before a Magistrate in the secret chamber. It will not be taken in a public court. A Magistrate can record any statement from any man who may happen to be a tutored informer. Now, such is the kind of special rule of evidence that has been incorporated in this Ordinance. Now, Sir, it is unnecessary for me to refer to all the sections in detail. But if you compare section 12 of the Ordinance with section 14, you will see that section 12 speaks highly of the caution to be taken in order to suspect a man and bring him under arrest, whereas section 14 of the Ordinance at once makes a devolution of powers to the meanest constable. Any officer who is satisfied that a particular man might have been arrested under section 12 might himself arrest him without a warrant. Any man who goes to a place has simply to be satisfied that a particular man is a man who is fit to be arrested under section 12 and therefore he might himself do it.

"Any officer of Government authorised in this behalf by general or special order of the Local Government can arrest without warrant any person against whom a reasonable suspicion exists if he is a person in respect of whom an order may lawfully be made under sub-section (1) of section 12."

Sir, the manner of arrest is like this and the manner of trial is like that. Now, Sir, I ask—Is this a legislation which can stand by the light of day in any civilised country? Sir, in the fifteenth century, five centuries ago, England put down once for all the King's right to legislate by Ordinance or Proclamation. The highest power which the King of England had by way of making an Ordinance or Proclamation was only in 1539 under the Statute of Proclamations. That was repealed 8 years later, and since then the power of a King is not recognised to make an Ordinance or a Proclamation to supersede the ordinary law. And, yet, what is denied to the King is given to the Viceroy. Sir, on page 48 Professor Dicey says that this Statute of

Proclamations of 1539 marks the highest point of legal authority ever reached by the Crown, and probably it was because of its inconsistency with the whole tenor of English law that it was repealed in the reign of Edward VI. What does that maximum power say? It says: "But this shall not be prejudicial to any person's inheritance, offices, liberties, goods, chattels or life." Sir, even when the King of England enjoyed the highest power to legislate by means of an Ordinance or Proclamation, there was this limitation placed on his power. And, yet, Sir, what is undesirable to England is, to this day, desirable for this country. What cannot be given to the King's hand can be given to a Viceroy's hand. I have no doubt that we have with us a Viceroy, who, according to Lord Lytton, is the best trained lawyer in India, and this Ordinance has also been drafted or framed, or approved, by the best trained lawyer in India, His Excellency the Viceroy. But, Sir, a lawyer's psychology is such that when he appears for the prosecution he curses all those sections which give benefit to the accused. And therefore it is when the lawyer becomes legislator all those inconvenient sections are taken away; and therefore I say I entirely endorse the view that this has been drafted by the ablest lawyer in India. Now, Sir, if we are to accept an Ordinance like this, an Ordinance which takes away all possible protection for the man who is brought before the court, who will not be tried on anything like legal evidence, who can be convicted and sentenced to death also by a mere scrap of paper, I have no hesitation in saying that this is a statutory assassination of a so-called revolutionary assassin. Revolutionary assassination cannot be put down by statutory assassination. Nothing is greater anarchy than legalised anarchy. Statutory anarchy does not stand in a better position than ordinary revolutionary anarchy. Sir, the one argument chiefly advanced is that persons are afraid of coming and giving evidence; they are likely to be murdered themselves. Does the Ordinance place in a better position the informer or the police coming to arrest the revolutionaries? Does the Ordinance by a process of inoculation make them immune from the assassin? It all depends on your power to administer the law; it all depends on the efficiency of your criminal administration, not upon a law; and the law is already there in the ordinary Code, the Code of Criminal Procedure, the ordinary criminal law contains everything that is here, except these portions which take away the liberty of the individual upon a scrap of paper. Therefore, Sir, by all means, if you are afraid that your informers will not be able to come forward as against those persons who are charged, by all means give them protection, give them a palace in the Viceregal estate, escort them by constabulary, protect them by constables, but do not for God's sake take away the life and liberty of a man on a scrap of paper without producing the man who gives evidence against him. That is the law of evidence in every civilized country. The Ordinance violates this. An Ordinance we may consent to, but does an Ordinance mean a negation of justice and equity, or good conscience? How ever high a ruler is, if he is given power to pass an Ordinance, does it mean that power can supersede the ordinary law, the ordinary justice, the ordinary equities? Sir, even an Ordinance must conform to certain general principles. Sir, it is not to be understood that there is anybody in this hall, or outside this hall, who is anxious to support anarchy. Is there one in this country who is working for Swaraj without at the same time hating anarchy? Is there one like that in the whole of this country? Sir, deep-rooted are the impressions or the lesson taught to us by our Mahatmaji, that even if we are told that Swaraj can never be obtained by pure non-violent non-co-operation, or even if we are told that to-day we will get

[Mr. C. Duraiswami Aiyangar.]

Swaraj by a single act of violence, we are not going to break that law of non-violence, that law of love which has become deep-rooted in all minds by our own Mahatma's lessons. Sir, it is under section 72 that this power is taken to legislate by an Ordinance. What does section 72 say?

"The Governor General may in cases of emergency make and promulgate Ordinances for the peace and good government of India or any part thereof."

First it speaks of cases of emergency. Sir, what is an emergency? An emergency can arise only if there is a sudden development of events not anticipated or not covered by the existing law. Was there any such sudden development in this case? You have been yourself tracing its gradual growth from the year 1922 to the year 1924. Then again the emergency can arise only when you have not got the opportunity of having a law passed by the Legislature. That emergency too has not arisen in this case. Now, Sir, that particular condition, which is a condition precedent to the issuing of an Ordinance utterly fails in this case. Then, Sir, the section speaks of an Ordinance being promulgated for the peace and good government of India. If you have seen that the law which was promulgated, the Ordinance which was promulgated, is not a good law, but a bad law, is a lawless law, then I ask how can bad law make good government? How can peace be restored in a reign of terrorism? If you are anxious to have peace and good government, do it by good law, do it by good administration, not by terrorism. Sir, one year ago, or about that time, we passed a solemn Resolution in this Assembly requiring the Government to repeal the Bengal Regulation III of 1818. You are aware that this Bengal Regulation III of 1818 is now nearly one hundred and seven years old, but as vigorous as it was at its birth because of its frequent rejuvenation. It is an old ante-diluvian moth-eaten cadjan-leaf Regulation, and still in the year of grace 1925 we are controlled by that same Regulation. Last year we solemnly passed a Resolution in this House recommending to the Government that that Regulation must be repealed. The Government tried their best, but they were not able to convince this House that that legislation should stand a minute longer on the Statute-book. But to that Resolution passed by this Assembly with all the force, intellectual, moral and numerical, that this House could command, what is the answer that we have got from His Excellency the Viceroy? Here we have a present of this Ordinance. It is a wonder to me how, under section 71 of the Government of India Act, another Regulation was not brought into existence instead of this Ordinance. That would have been a uterine brother to the Regulation and not a half-brother like this Ordinance. Considering all the publicity that has been gone through, considering the Governor General in Council had a part in this, a Regulation could have been quite as easy as an Ordinance. Probably there were weighty reasons why a Regulation was not issued. Probably a Regulation under section 71 would have led to all kinds of criticism in this House, and the criticism cannot be shut out on the ground that it does not concern the Governor General in Council. Whatever it may be, we have got an Ordinance. It is enough for us to deal with that. What is it that this Assembly now requests you to do by means of this Resolution? I find that a number of my friends here are already alarmed at the manner in which I framed my Resolution. Probably they think I am inviting the Government to supersede this Ordinance by another law equally bad, or much worse. Therefore they have all sent in amendments asking that this Ordinance should be repealed forthwith and not superseded. Sir, I was

fully conscious of the fullest implication of my Resolution. Even if it should come to the Government accepting my Resolution and bringing in a Statute to supersede this, that Statute, being as bad or even worse than this, I would welcome that opportunity.

I would welcome a public discussion on the floor of this House of any measure which they would introduce in substitution of this Ordinance. But that is what is wanted. You, therefore, Sir, on the Government Benches, I appeal to, that in the form in which my Resolution stands, you may yourself give your vote in my favour. You may introduce a measure to supersede it, make it as bad or worse in the initiation. We know how to deal with it when it is brought before the House. To you, Sir, the European Members of this Assembly, I also make a special request. We are not here at the dinner table exchanging platitudes over a toast cup. We are here with the fullest responsibility of safeguarding the people of this country. Whether nominated or elected, every one must feel the joint responsibility of safeguarding the interests of this country by a proper and by fair, legitimate and just legislation. Therefore, Sir, I invite you all, I invite you too to join me in giving this vote. Sir, Ordinances may come and Ordinances may go, but one thing that is clear is, as His Excellency the Viceroy put it, to secure freedom, use love and non-violence. Sir, His Excellency in the statement of reasons appended to the Ordinance, said that from 1917 to 1923 there has been a lull in the revolutionary movement and in 1923 there was a resuscitation of the old conditions. To what does His Excellency attribute that lull and that recrudescence as well? Does His Excellency think that the repressive measures adopted during that long period of 1912-17 effected that lull? I repudiate it. What is that lull due to then? I will, without fear of contradiction, say that it is due to that moral power exercised by Mahatma Gandhi over this country that there has been that lull in the revolutionary movement. And what is the recrudescence since 1923, if true, due to, but to incarceration and the consequent deprivation of that great moral power? Sir, both the lull and the recrudescence are traceable only to that power. Put Bengal in the charge of Mahatma Gandhi if you cannot carry on the administration without Ordinances like this. By all means you will improve it. It is love alone that can conquer:

"The grandest heroes who have graced the earth
Were love-filled souls who did not seek the fray
But chose the safe, hard, high and lonely way
Of selfless labour for a suffering world.
Beneath our glorious flag again unfurled
In victory such heroes wait to be
Called into bloodless action, Peace, by thee.
Be thou insistent in thy stern demand,
And wise, great men shall rise up in the land."

"Thou wilt be what thou could'st be. Circumstance
Is but the toy of genius. When a soul
Burns with a godlike purpose to achieve,
All obstacles between it and its goal
Must vanish as the dew before the Sun."

Mr. President: Resolution moved:

"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."

[Mr. President.]

Before I allow the debate to proceed, I should like to draw the attention of the Assembly to Standing Order No. 29 which forbids the use of the opportunities of speech in this House for the purpose of reflecting upon the Governor General or any Governor. This is, no doubt, an occasion where it is a little difficult to apply that Standing Order without deflecting the course of the debate, but I think I may say that, if Honourable Members will use their opportunities of speech in the same manner as Mr. Duraiswami Aiyangar, there will be no need for the intervention of the Chair.

The Honourable Sir Alexander Muddiman (Home Member): Sir, if I rise thus early in the debate, it is because I think it well that the case for the Government should be stated as concisely, as simply and as clearly as possible. My Honourable friend who has just sat down has made my task a little more difficult than I thought it would have been when I was considering the possibilities of this debate. He seemed to me to think that the Ordinance, the action taken, was based on a somewhat haphazard decision arrived at after a single murder. I must disabuse him of that. I must go through the weary catalogue of crime and make this House realise that it was nothing of the sort. If all the speeches that have been delivered on this subject have not at any rate brought to the minds of the public and my friend in his distant retreat in Madras the fact that there is a long history of crimes behind all this, I will now detail these to the House. I had hoped to have been spared that.

Sir, I must ask the House to bear with me for a little while I turn to what is now history. It has been said—and I think my Honourable friend has admitted it—that during the years 1908 to 1917 the fair province of Bengal was attacked by a most virulent outbreak of revolutionary crime. That has never been denied. It began with the horrible murders at Muzaffarpur in which two innocent ladies were blown to pieces. It went on through a long history of crimes which I need not weary the House by reciting. That is admitted. And I think it will be admitted by every Member of this House. The object of that conspiracy was revolution. That revolution was to be effected by the following means. It was to be effected by secret societies, by exciting racial feelings, by obtaining funds by robbery and violence and by endeavouring to protect those guilty of these crimes from the consequence thereof by a concerted system of intimidation which was carried out to a great degree of efficiency. I am not now speaking of what Government have said on the subject. Revolutionaries of that time, many of them, have admitted it. They have written books; they have contributed articles to the papers, which fully bear out my statement. Now, that conspiracy, prolonged as it was for a long time, was attempted to be controlled by Government by recourse to the ordinary law. In those days even as now, Government did not lightly resort to any special measures. The conspiracy—and here again I speak not merely on the authority of the Government, or our views of the case but of the revolutionaries' own views of the case—was by the special measures then enacted, then taken, finally crushed. There is no doubt about it. They have admitted it. This is, as I said, history, and I will not go back on that further. But it is perhaps germane to my present task because it shows that a movement of that kind can be broken and has been broken, and was broken by means that are now sought to be employed against a similar one. After the period I have mentioned there was a period of comparative peace.

During that period, however, we, in the Government, knew that the nidus was still there; that it was not entirely dead, but it was quiescent and the matter did not seriously attract the attention or give concern to Government till about 1923, and I will pass over that period, observing, however, that it was known to Government even then that the germ of the disease was still there, although inactive and paralysed. Well, I come to more recent events, I come to the year 1923. Let me relate to this House the happenings of that year. I will not attempt to deal at this point of my speech with what is secret information received by Government. These are facts that are notorious. In many cases they have been brought before Courts. In other cases they are well known. In the year 1923 there was a definite conspiracy to assassinate Mr. Tegart, Commissioner of Police at Calcutta. Soon after, in the same year, there was a dacoity with a double murder at Kona near Howrah about 10 miles from Calcutta. In that case pistols were used. They were used absolutely without any cause whatsoever. The unfortunate victims who were robbed offered no resistance at all. They were shot down like dogs and the dacoits decamped without even taking any property. Thereafter the Ultadingi Post Office was looted. In that case also a revolver was used. On the 30th July of the same year, a robbery with murder occurred on Garpur Road in Calcutta itself. Then there was the murder of the unfortunate Postmaster of the Sankaritola Post Office. For that a man was placed on trial and I think he was finally sentenced to death. Perhaps several Honourable Members know how that Postmaster in the prosecution of his duty was slaughtered in the manner I have stated. The police got on the track then and recovered a considerable number of revolvers in connection with that case which resulted finally in a trial which is known as the Alipore Conspiracy case. That conspiracy case ended in an acquittal. It was admitted by several accused after the trial that the object of the conspiracy was to murder police officers. Then I pass on to December. In December a robbery in which Rs. 17,000 were involved was committed by persons armed with revolvers in the Chittagong district. In connection with that case reliable information was received that an attempt was made to decoy one of the chief witnesses. . . .

Pandit Shamlal Nehru (Meerut Division: Non-Muhammadan Rural): May I put a question, Sir? I want to know if the Honourable the Home Member

Mr. President: The Honourable Member can only put his question if the Honourable the Home Member chooses to give way.

Pandit Shamlal Nehru: I just wanted to make one point clear. The Honourable Member has said that there was a conspiracy to kill Mr. Tegart and he mentioned another conspiracy. I want to know whether the Honourable the Home Member has any proof of these.

The Honourable Sir Alexander Muddiman: To my mind very convincing proof. I ask that I may not be interrupted in my attempt to put my case before the House. I will put it as frankly as I can and as succinctly as I can. When I was interrupted, I was drawing the attention of the House to the Chittagong robbery case, which was of great importance and I had said that in connection with that case an attempt was made to decoy one of the chief witnesses with the object of murdering him. However, be that as it may, what happened on the next evening? An unfortunate Sub-Inspector of Police, who had been deputed specially in connection

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with the case, who was known to be able to identify one of the persons suspected of complicity and who had come down to make his arrest, was shot and killed. That was in December. We will now proceed to January, 1924. In January, 1924, Mr. Day, an ordinary innocent citizen of Calcutta, who had no connection with politics so far as we know, who was pursuing his lawful avocations, was shot dead in one of the principal streets of Calcutta. He was not merely shot dead but when he was on the ground, repeated bullets were fired into him—a most ferocious murder. In April Mr. Bruce was shot at in circumstances which almost make it certain that he was mistaken for Mr. Tegart, the Commissioner of Police, Calcutta. Several outrages, the details of which I have related, seem to have been directed against Mr. Tegart. I should like to draw the attention of this Assembly—we must really get down to facts—that these are not isolated outrages that I have cited. I will, if I can possibly, convince the House that they are, many of them, connected. The connection in these cases is this. The revolvers recovered and the ammunition recovered in the Chittagong case and the revolver used in the murder of Mr. Day are weapons for which the ammunition cannot be legally obtained in India. I desire to lay great stress on this point. What happened in March? The police came across a large bomb factory in Calcutta in the course of another search. This led to the Maniktola bomb case ending in a judicial conviction and sentence. The type of bomb found was a distinct advance on any bomb that had been previously found, and it was made by persons who evidently knew how to do it. They were bombs of a highly explosive character. In connection with this case six bombs were found and one unloaded shell. That was in March. About the same time a young man was seriously injured by a bomb explosion in Faridpore. He was apparently making bombs and has since been convicted and sentenced to a long term of imprisonment. Bomb making was therefore not confined to Calcutta. In those two outrages we had two distinct places where bombs were being prepared. In July a man believed by the police to be a well known member of the gang was arrested with a fully loaded revolver and was prosecuted and convicted. In July again—I am merely showing the intensive character of the campaign—the Red Bengal leaflet was distributed. I will read the leaflet to the House. There can be no doubt of the intention of those issuing it. These leaflets were circulated at the end of July and again among the crowd which attended on the 19th August at the Town Hall to protest against His Excellency Lord Lytton's speech at Dacca. It runs as follows:

“Notice.—The public is hereby informed that the Bengal Revolutionary Council has passed a resolution of a campaign of ruthless assassination of police officers. Any one in any way actively or passively putting obstruction to our comrade when in action or retiring; or helping the Government of this country as by taking briefs from the Government or giving evidence in favour of prosecution, etc., when any such comrade is in the hands of the Government or inciting the Government to take repressive measures shall be considered as doing acts highly prejudicial to the best interests of the country and from the moment any such action is taken by any one he shall be considered as condemned by us to be despatched forthwith.”

That was how the pamphlet read. Those leaflets were not scattered about casually, but they were distributed in a manner which shows that the intelligence service was well organized and knew their work. They were served on people particularly connected with the suppression of these crimes. One was served on the Magistrate who held the identification

parade in the Alipore case. Another was served on a witness who had given evidence against Gopi Mohan Saha regarding the murder of Mr. Day and another was served on the Judge who tried the Manicktola bomb case, and another again on the Standing Counsel who prosecuted in that case. They knew perfectly well who were the people who were acting either legally or in the course of their duties and they took care to serve it on those persons. They were served on other persons in the same category whose names I cannot disclose because it is not in the public interest to do so. All this shows the exceedingly good intelligence service of the people who were engaged in this work. On the 22nd August the Mirzapore Street outrage occurred. This was a bomb case. A bomb was thrown and one man was killed and another seriously injured. In this case there is plenty of evidence to show us the extent to which members of this terrorist party were prepared to go. Two men were put on their trial for this outrage. One was acquitted. I will tell the House—the man is dead and therefore nothing can hurt him now—that he went to the police and he made a statement. On the 29th of September his body, brutally mangled and shockingly mutilated, was found on the railway line. There is not the faintest doubt about it that he was murdered because he, as they believed, and believed correctly, had given information to the police. That was on the 29th September of last year, the day on which I think this Assembly rose. These are facts which have been published. They have been referred to by Lord Lytton at the time of the promulgation of the Ordinance. They were referred to, though in less detail, in the statement that was issued by the Governor General, and I hope that my Honourable friend, after hearing them again, does not think that the Ordinance was promulgated because of the Day murder alone. Apart from what I have stated to the House, Government have in their possession a great many facts, a great many reports which they believe to be credible, but which they cannot in the public interest publish. When one is dealing with evidence of this kind there is always a great difficulty. People say, "If you have evidence, why don't you show it?" The answer is that if we did we should paralyse our own activities. We see what happens when a man is suspected of giving evidence, he is immediately murdered. We are told, "Why not protect these men?" Is it so easy to protect the men? Is it easy to protect even the highest in the land? Can we possibly give efficient protection? As some one said the other day, a determined assassin is extraordinarily difficult to defeat even with every possible police protection. If we can hardly defend our high officers, it is not possible that we can defend ordinary witnesses as long as this terrorist conspiracy exists and is operative.

I now turn to the question of the other evidence of attempts that have not succeeded. We have ample evidence of many attempts that have not succeeded. I will not take you back further than last July, and I will tell this House that between last July and the making of the Ordinance there were five attempts to murder. I should like to, but I greatly regret that I cannot, disclose the names of the persons against whom these attempts were made though it would be of the highest interest, but I am informed I must not do it. These attempts, in some cases, were frustrated by the vigilance of the police. In others they were frustrated by pure accident, or, as I should prefer to say, by the hand of Providence. It is perfectly obvious that in an intensive campaign of this kind an outrage was only to be awaited which would come in time, which was bound to come. What I have said proves beyond a peradventure, that the situation in Bengal

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was rapidly deteriorating. In spite of what my Honourable friend has said, I am sure the House, as a whole, will be inclined to admit that there is a terrorist conspiracy in Bengal. What they perhaps are inclined to undervalue is the extent and importance of the conspiracy. That is why I have laboured this point to show how it developed, how it became worse, and how we had the strongest reasons for believing that some spectacular outrage, some crime so extraordinary as to evoke public emotions to a high degree would occur. It may be said that we were premature in taking this action and that we should have waited. Is that reasonable? Supposing we were right in taking action, would it have been right to have waited for an outrage which we knew must happen, which we at least thought must happen, for some spectacular crime? I ask you, would that not have been making light of the lives of men? Should we not have been gambling, not with our own lives—it is possible to justify gambling with one's own life—but with the lives of others? Had we any right to treat these men as pawns in the game, to be risked to avoid political odium? Sir, that was not the view of Lord Lytton's Government. It was not the view of the Government of His Excellency the Viceroy.

Now what are the steps taken by the Government which have been criticized? The Governor General promulgated an Ordinance on the 25th October and it was accompanied by a statement. He observed therein:

"I have therefore come to the conclusion, after the fullest consultation with the Local Government, that it is necessary to arm the Government of Bengal with special powers to deal with preparation for crime, with the object of protecting not only the officers of Government, whose lives are threatened, but equally private citizens, who have frequently been the innocent sufferers from such outrages, and the misguided youths who are its tools and often themselves its victims."

His Excellency in making the Ordinance pointed out that—

"the Ordinance is directed solely to the ends I have specified and will in no way touch or affect the interests or liberties of any citizens, whether engaged in private or public affairs, so long as they do not connect themselves with violent criminal methods."

The statement further lays down a doctrine which I should have thought it unnecessary for me to argue for if there is one theory of Government's duties which is axiomatic, it is:

"The fundamental duty of Government is to preserve public security on which political advance and all the functions of a civilised social organism depend."

What are the powers under the Ordinance? The first part provides a special form of trial and lays down rules of evidence to which my Honourable friend appeared to take the greatest objection. I must confess I was surprised at it. I should have thought that a provision to enable evidence of a murdered witness to be laid before the Court was a provision that I should have had no difficulty in defending before any Assembly. There are other provisions making the provisions of the Code of Criminal Procedure applicable to these trials and there is an appeal to the High Court. However, I recognise that it is not against these provisions that the main charge against the Ordinance is levelled. That is made with reference to the power given by section 12, the power of locking a man up without bringing him to judicial trial. I do not for a moment

deny that it is a very grave power for any Government to take and for any Government to use. I do not stand on that at all, my own instincts are all against it. I feel as strongly as any one in this House does that Government in taking those powers take a very grave responsibility. Let me ask you to contemplate for a moment who are the men who consider the time has come when a responsibility of this kind ought to be undertaken. The Government of Bengal presided over by Lord Lytton, a well-known Liberal statesman, a man whom his worst enemies admit to be high-minded to an unusual degree, the Government of India presided over by His Excellency the Viceroy, an ex-Lord Chief Justice of England, a man distinguished in many fields of human activity and a man certainly not in the least likely to be moved to take a step of this kind without the gravest necessity, a man liberal in politics, liberal in ideals, trained in the best school of the English Bar, not a bureaucrat whose human sympathy had been dried up by the sun of this country, but one who came with a fresh mind and with fresh impressions to hold the great office which he now discharges. Therefore, I put it to you that on ordinary considerations there is a presumption that men of that character would not ask for and confer these powers without real necessity. I will go further and put it wider, that the Government of India is composed of men who will not be willing to take that responsibility unless they are compelled to do it. Does anybody in this House suppose that it is any pleasure for any officer to undertake this great responsibility? Put it on the lowest ground, we are not so absolutely devoid of political foresight that we do not see that in many ways it is an extraordinarily difficult step to take at this time. Put it on that low ground only. This is not a course that any reasonable body of men would have embarked on lightly.

Now I want the House to look a little closely at section 12 and see the classes of cases which that section covers. A great point has been made that this Ordinance is directed against political parties or a political party, or may be used to suppress legitimate political aspirations. Now I ask you to look at section 12, and you will see that there are three classes of cases in which action may be taken. If the Government have reasonable ground for believing that the person dealt with is suspected of offences in connection with the Arms Act or offences in connection with the Explosives Act. That is one class of cases and that I should think no one would object to. The second class are offences specified in the Schedule. Now if you have looked at the Schedule you will see that all those offences are offences directly connected with violence. Section 148 is rioting with deadly weapons; 302 is murder; 304 man slaughter; and so on; and if you go through them you will find they are all offences which involve violence or crimes, where violence is an almost inevitable element. And the last class of cases dealt with under section 12 is cases of interference by violence or threats of violence with the administration of justice. Those are the three classes of cases. Now, on being satisfied that the suspect falls within those classes, Government can pass six kinds of orders. They all involve interference with personal liberty and therefore they are all open to the objection that I know will be taken that this is an interference with the rights of the subject which is not justified by the circumstances of the case. I will take the big one, that is the power to deprive a man of his liberty and to remand him to custody. Now in the case of these orders under section 12 within one month of the date of the order the relevant facts and circumstances of the order must be placed before two Sessions Judges for a report to Government.

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Now there has been a tendency to treat that as a mere invitation for the formal endorsement of an order which has already been passed. I do not think really that the history of British administration in this country justifies such a suggestion. Do you really think that there are men who have attained to the rank of Sessions Judge who would regard a duty such as this as merely the signing of a death warrant already prepared? Do you really think that they would not apply their minds and give their best attention to coming to correct conclusions? It is a point I really ask the House to consider. Now, as I have said, powers of this kind are only justified by special circumstances. I have endeavoured to show to the House that those special circumstances exist. If it is stated that special circumstances do not exist in Bengal, I think that I have established it. At any rate I have placed before the House all I have to say on that point. If the argument is that under no circumstances and under no conditions are powers of the nature referred to to be given to the executive I can only say I entirely differ. There comes a time when the safety of the State is the only law and I say that time was coming close in Bengal. There comes a time when the State must mobilise its forces against terrorism or go under. Now another argument—and I think my Honourable friend used it—that I have heard is that these powers are ineffective. One can never say whether powers are ineffective or not until they have been tried. All I can say is that these powers were effective on the last occasion when a similar situation had arisen in Bengal, and therefore we may hope that they will be effective on this occasion. These powers have been recommended as the remedy for a situation such as in fact existed by all the persons and committees who have considered the matter. The matter has been very carefully considered, for unfortunately these conspiracies are not things of to-day. The unanimous conclusion that has always been come to is that save with these powers these movements cannot be checked. Now I have heard the criticism that the matter was decided without consultation with the Legislature; that we ought to have brought this matter before the House: that we were wrong in fact in striking without warning. Sir, I ask, is there any one in his senses who, believing that he is dealing with a large gang of conspirators who may be prepared at any moment to commit outrages, gives them notice of his intention of checkmating them by arresting the leaders? You may blame us in whatever way you like for our policy, but do not blame us for failing to act with obvious foolishness. If you know an offence is going to be committed, you must make arrangements for defeating it and not discuss publicly whether some new offence should be created with which you are competent to deal. (*A voice*: "How do you do it in England?") These occurrences are at least rare in England. A further criticism is that Government must have been rushed into this and that they acted without thoroughly considering the matter. That has been thoroughly dealt with in His Excellency the Viceroy's speech which Members of this House have only recently heard, and I will not delay in order to travel over the same ground again. Then you say, why don't you bring these men to trial? It is a very reasonable question. You know all these facts, why not bring them to trial? That is the question I am asked and it is a question I asked myself at once when I first saw the papers. To that the answer is this. What kind of evidence can you expect to get in these cases? Now there are lawyers in the House and they know quite well. You may get evidence of

arms and when we get this evidence we prosecute and get a conviction. (A Voice: "When you have no evidence you lock them up indefinitely.") That is not so, as I am endeavouring to show. You get evidence of isolated occurrences, but what is wanted, as my Honourable friend knows, though he interrupts me, is the connection between the isolated occurrences which demonstrates the conspiracy. And how do you usually get that evidence? In most ordinary cases you get it on the evidence of an approver. Now what are the facts about approvers in these terrorist cases? The facts about approvers are these, that anybody who has been an approver runs a very very definite risk of being murdered. We may try to protect approvers; we may be able to send them out of the country, but the fact remains that the choice before an approver in these cases is death by murder or perpetual expatriation. Well, approvers may hesitate to take the risk, and you cannot be surprised that they are unwilling in most cases to go into court.

Now you ask me how long do we propose to keep these men in jail, and the answer is, so long as the public interest demands it and not one day longer. We have for the time given this organisation a rude shock. We have dislocated its operations. I hope we have gone far to crush it. I cannot be sure. Time must elapse; we must have time in which to give back self-confidence to Bengal, when men will be able to give their evidence willingly and when fear of murders of this kind has passed. The effects of terrorism are not terminated in a day. Men know and remember what the giving of evidence means. They see the body of the police officer shot in Chittagong; they remember the mutilated corpse on the railway line. We who live far away, perhaps in Madras, are not in a position to appreciate local conditions. I hear at times criticism which is rather unjust and ill-natured, a jeering at the unwillingness of witnesses to come forward. The charge is true but we must remember that it requires a very great deal of courage for a man to stand up and give evidence in the circumstances. There have been exceptions and I wish to bear testimony to the great courage and bravery exhibited in some cases by uneducated men, very often mere coolies, who have helped to arrest these desperados. It speaks well for Bengal that there are men of that kind. For the police in Bengal—and particularly in Calcutta—I desire to express the most unstinted admiration for the way in which they have dealt with this alarming menace. It is comparatively easy for brave men to face open battle, but to live in the shadow of a haunting terror is a trial that may well appal the bravest. Apart from threatened outrage, intimidation of a minor degree has been infinite; it has gone to an extent which is often almost intolerable. The ordinary man in the street will not come forward till we can show that we can protect our officers and protect him if he assists us. This is well known to the conspirators, and the Red Pamphlet was their answer and their challenge. I have already read that to the House. It is said that progress in reforms will check the terrorist movement. Is this true? Do you suggest that repressive measures should cease, because terrorism will abate with political advance? Have you considered the teaching of history? Look at the history of the Irish Free State. What did they have to do? They had to resort to repressive measures to a degree that would horrify this House. I will only add, Sir, that whatever I hear in this House in this debate I do hope that I shall hear from all sides a whole-hearted repudiation, an expression of detestation of these horrible crimes. You may think we have dealt with the matter on wrong lines, but at any rate let us have your support, your assurance, that you do stand with us, that you do agree with us in this, that the cause of India will not be forwarded by terrorism but will be obstructed by it, and that

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the most criminal enemy of the country is the man who chooses terrorism as the pathway to political progress.

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

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

Mr. Bipin Chandra Pal (Calcutta: Non-Muhammadan Urban): I rise, Sir, to give my general support to the Resolution that has been moved so ably and with such sweet reasonableness and with the cleverness which is his as an experienced lawyer by my friend Mr. Duraiswami Aiyangar. I also congratulate my absent Honourable friend, the Home Member, I think after the excellent case that he tried to make out on behalf of the Government, he well deserves to enjoy his lunch a little longer than usual on the exceeding good humour of his defence. Now, Sir, we in Bengal, not all of us, but some at least, do admit the presence of a movement of revolutionary patriotism in our province. It is, therefore, a matter of ancient history to which the Leader of the House tried to lead us in his speech. This movement of revolutionary patriotism owes its origin to the last anti-partition agitation in Bengal, and if we are to go into the roots of that unfortunate development we shall have to admit—and history has practically admitted—that it was due to two forces working against one another. One was the will to freedom of the youthful intelligentsia of Bengal, and the other was the will to domination of the representatives of the Imperial power in this country. Now, the Government practically provoked that conflict with the will to freedom of the Bengali young men. They adopted measures which were unnecessary. They took action which was harsh. And these measures and these actions irritated the youthful intelligentsia of the province and when open propaganda and open agitation was practically stopped not only by special legislation but by what seemed very much like pogroms in certain parts of my province, the result was inevitably what we had. We told the Government then: "Do not for God's sake drive this open movement underground by putting down without sufficient sympathy and consideration a legitimate and constitutional movement of passive resistance." We had the deportations, application of the obsolete Regulation III of 1818, in Bengal during the last movement, and this time when the same weapons were taken up we asked, and I personally publicly challenged the Government of Bengal to bring out the proofs which they had, the secret dossiers, in the case of two of our public men against whom not even their rankest enemy could raise any suspicion of any manner of complicity with political dacoity or murder, namely, my friend the late Mr. Aswini Kumar Datta and my friend Mr. Krishna Kumar Mitter. I asked Government: "These are matters of ancient history. You cannot plead reasons of State to keep these dossiers in your keeping. Now, bring these dossiers and let us examine these ancient records and see if you had any justification to arrest these honourable gentlemen and take them away from their homes and keep them in detention without formulation of charge or trial or any of the

ordinary processes of law. Your present action may be tested by those old records. I thank the Government of Bengal for having accepted that challenge or acceded to that request. The Honourable Sir Hugh Stephenson, in course of his speech in the Bengal Legislative Council, openly confessed that so far as these two gentlemen were concerned, the Government never suspected them of any complicity with murderous crime. Now, how are we to be assured, Sir, then, that in the present case, the men who have been similarly taken into custody, have not been taken for the same reasons for which Aswini Kumar Datta and Krishna Kumar Mitter had been taken in 1908, and because of their inconvenient, but not really criminal, activities? What reasons have we to believe this except the statement of the Government. And this is where the whole trouble comes in. We asked the Government of Bengal "Produce your proofs." His Excellency tried to answer that challenge. At Faridpur and elsewhere he did make statements, but these were not proofs, but mere assertions. The facts which have been placed before us this afternoon by the Honourable the Leader of the House, are also not proofs of the complicity of the individuals who have been arrested under these new Regulations, but they are only evidence of a particular state of things in Bengal. We did not deny, we could not deny, that there were murders. We could not deny that Mr. Day was killed in open daylight. We could not deny that the Post Office in Sankaritolla was tried to be robbed and the postmaster was killed in his attempt to protect public property. We do not deny that there were murders in connection with the Kona case. But that reminds me—Sir Alexander Muddiman also knows it—how the Kona dacoity case failed in the High Court.

The Honourable Sir Alexander Muddiman: Does the Honourable Member deny that there was a murder?

Mr. Bipin Chandra Pal: No, I do not deny the murder, but I deny the validity of the evidence which was brought by the police to prove the murder and bring it home to the men who were placed before the Court. I deny that. How did that case fail? It failed upon one very small and immaterial fact, and the fact was this. The man who declared that he was acquainted with the whole history of this case, namely, the approver, who deposed to it that he knew the persons implicated in that crime, and who declared that he it was who had driven the motor car from the place of occurrence to a certain village, failed to handle the same type of motor car when he was asked to do so before the court and the jury. Now, that is the kind of evidence which is often times adduced by the police to bring home these charges. So the case is not that there was no murder. Of course, you could not deny that. A man is killed and we have to admit that there has been a murder. But the whole case is this—whether the men who were suspected of being connected with this murder, were actually guilty of it or not. That is the whole issue. Then the next question also is this. We agree that there have been murders. We admit that there have been dacoities. But what is the evidence that all these murders and dacoities have been actuated by political motives? That point requires to be established. But it has not been established. And we have a right to ask the Leader of the House and the representatives of the Government to satisfy us in regard to these two points. But we go further, we admit that some of these murders are political murders. The murder of Mr. Day has been a political murder on the confession of the murderer himself. We

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cannot deny it. And, frankly speaking, Sir, before the murder of Mr. Day took place I myself had very serious doubts in my mind whether we had a real recrudescence of the old revolutionary patriotism in our province or not. But the murder of Mr. Day convinced me that there was a real recrudescence of this crime in our province. Mr. Das himself frankly and publicly admitted it. We have nothing to conceal. I frankly admitted it on the floor of this House last Session that there was a recrudescence of the political revolutionary movement in our province. Did not the Government know it? The Leader of the House said that they knew it all along. We too knew it. But what did you do to prevent the spread of it? I ask the Government to answer that question. We knew it from what? From the latitude that was given by the Government to the men who had been connected with the last movement to publish their ancient memoirs and their ancient records. Some of us did not like it. There was no call for reviving those memories. But the Government permitted this propaganda, when a word or a hint communicated in a friendly way might have prevented these publications. The Police took no steps to prevent the circulation of these things. I know it, Sir,—I have nothing to conceal—that young men have come to me and confessed that there was once more an attempt to reorganise the old campaign. But what were you doing—I ask the Government—all these months before promulgating this Ordinance? Were you asleep or were you trying to create evidence? Were you waiting to make up a case, so that you might take into your hand these extraordinary powers not only to put down real political murders, but also to prevent the legitimate propaganda of freedom in the country? That is the whole question, and I ask that question of the Government. I met a high Government official, or rather he met me, as I do not generally meet Government officials (Laughter) except on the floor of this House or at their hospitable table. Now, he met me and he put it to me: "How do you say that there has been a bankruptcy of statesmanship in the promulgation of this Ordinance?" I asked him what were you doing all these months? Why did you not stop the circulation of the poison through books? And he replied he had no powers. But that is a very lame excuse. You might have done it without infringing any of the legitimate rights of freedom of speech or freedom of thought or anything of the kind. You did not do it. We admit that there is a recrudescence of patriotic criminalism in Bengal. What is the strength of it, what is the extent of it, we do not know? There is a recrudescence of this movement of political criminalism in Bengal. We do not deny it. But what is the remedy? We do not want it; it will not help us. Mr. C. R. Das has said the same thing. Others have said it repeatedly that this movement of revolutionary patriotism will not help us to our goal. There are people who believe that if only it had a chance of success it might be supported. There are people who believe that even if it had a chance of success, that success would not bring the kind of Swaraj which we want, but would bring some other Raj and not the democratic or popular Government which we desire. So, whether it succeeds or it fails, we have no part or lot with this movement of political criminalism in Bengal or anywhere else. We are as much anxious to put it down as the Government can possibly be. But you make it very difficult, exceedingly difficult, for us to meet this menace. How? Because your Ordinance has created a very widespread sympathy, an all-India sympathy, for the man whom you have taken into custody. This debate will bear witness to the

fact that every one in this House, from whatever province he may come, sympathises with the men who have been detained under Regulation III or who have been taken up under the new Bengal Ordinance. And what is the meaning of their sympathy? You cannot say, you do not say, that we are all in sympathy with any kind of terrorist conspiracy in the country. But our sympathy goes out to the victims of your action, because you have not been able to prove to the hilt the guilt of these men in regard to these murderous conspiracies. And it is public sympathy, Sir, which feeds these movements all the world over. It is not only the secret criminal propaganda nor the example of individual crimes, but it is public sympathy which draws recruits. It is the canonization of the political criminal which adds to his fame and to the incentive to political crimes. By your hasty, unwise and unstatesmanlike action you have created widespread sympathy for these men in every part of India, and that is the real trouble. And it is this which proves lack of statesmanlike imagination. Then, again, we must take into consideration other facts also. We fully realise the predicament of the Government. Sir Alexander Muddiman has brought out a number of cases of murder and other things. I quite admit that in the face of these, it was very difficult for the Government not to do something. Something had to be done, of course, but not exactly the thing that the Government actually did. But even here I admit that it was very difficult for the Government of India not to allow something to be done. That was, in fact, more difficult, because the Government of Bengal evidently said: "Look here, the life of our highest officers is in danger and there is this conspiracy which tries to paralyse the administration and we must have your protection. We must be given special powers to protect ourselves, special weapons to fight this evil." If the Government of Bengal could, as every public man has to, take these threats of assassination, with indifference, as part of the day's work, nothing would have to be done I take it, by the Government of India. But they refused to take these threats as part of their day's work. We have heard, Sir, during the last few weeks, a great deal of these threats. Now, what public man is there either here or elsewhere, in England or America or other places, who has not some time or other of his public life been threatened with these things? Even in democratic countries they are threatened. In our undemocratic country we are also threatened with these things. I remember the time when I was not much of a public man but was just entering public life. During the agitation over the Consent Bill in 1891 I received a number of letters because I supported that Bill and broke up one or two public meetings organised by the orthodox party against that Bill. I had these letters. Not only that, Sir, I was actually shot at. But I did not go to the police. (Hear, hear). (A Voice: "Why not?") I was sitting in my
 8 P.M. room writing under a lamp—we had no electric lights in those days—under a bright kerosine lamp, and my room was on a public street. From the other side of the street a shot was fired. I heard only the sound, and then I saw the gas post was struck. The light went out, and I do not know where the bullet went (Laughter). In any case it did not enter my head, or even my heart. I kept my head cool, I did not run after the man who had shot, nor call for the police . . .

The Honourable Sir Alexander Muddiman: May I ask the Honourable Member why he did not give information to the police of the attempted murder?

Mr. Bipin Chandra Pal: Well, I did not know the murderer, what was the good of giving information to the police? I know your police. They would come and trouble me for seven days in trying to find out the man from me, instead of finding him out themselves. Now really that is the whole trouble. You say we do not help the administration of law. How can we, because the moment we try to help in the administration of law, we find ourselves in the hands of the myrmidons of the law, who try to exact—well, many things from us, as many things as they can, from us. This is the state of things. Under these conditions we have to take life easy in this country. We cannot help it. As regards threatening letters many people get these. During the last anti-partition agitation, when Bengal was divided into two camps, I received similar letters, and if I had tried to take notice of those letters, I would not be where I am to-day. If the Government of Bengal had treated these threats in the way that they have been treated in the past by other Governments in this country and elsewhere, there would have been no new Ordinance. But when the Government of Bengal convinced itself that there was really a conspiracy to murder the Head of the Government, to murder high officials, and having convinced itself and the Executive Council, it came up to the Government of India and convinced, on secret dossiers sent by post, His Excellency the Viceroy and his Executive Council, who had to go only upon records, they could not examine the men who furnished these records, and when the Government of India were convinced of the fact of a conspiracy to murder officials, in any case when the Government of Bengal asked for special powers, what could the Government of India do? The Government of India could not gamble as Sir Alexander says, with the lives of other people. I quite admit that was the position in which you, Sir, and your colleagues found yourself when the petition from the Government of Bengal came. You could not gamble with the lives of the Bengal officials.

The Honourable Sir Alexander Muddiman: I may say the Bengal officials were perfectly willing to gamble with their own lives, and always have been.

Mr. Bipin Chandra Pal: But you could not, that is my point. The Government are perfectly willing to gamble with their own lives, I agree, but they do not like to gamble with the lives of their subject population, with the lives of the police spies. They do not like to gamble with the lives of the secret service agents; they do not like to gamble with the lives of the approvers. That was their case, that was their difficulty. But the whole question is this. I fully realise your position; you could not refuse this help to the Government of Bengal. But the whole question is this. Will it help the situation? Has it ever helped the situation anywhere? In other countries these things are taken, as I said, as part of the work of the day. My first recollection of political murder was that of James Garfield, and I remember the deep impression which that murder created on me, a young man just entering public life; because I had been taught to love and honour Garfield as a pious man, and when such a man was murdered, I felt for him. But did the Government of America take special measures to protect the President? When McKinley was murdered, did the Government of America take special measures to protect the President? These things happen in every civilized country. They would not be civilized if these things did not happen there. In barbarism murders are committed by princes and potentates. In civilization murders are

committed by the men in the street, on men who control the machinery of Government. And those who have the power of the State in their hands have also the courage to take all these things as part of the day's work, and they do not make extraordinary laws with a view to protect themselves from these occasional or accidental criminal acts. That is all the difference between them and ourselves. Now the Government of Bengal have got their Act. What are you going to do? His Excellency Lord Lytton said, "As soon as we have got this Act, I will let the men out." My friend Mr. Duraiswami Aiyangar quoted three conditions laid down by His Excellency. This is the third, and this third condition is the most fundamental condition. If you let these men out now, I think there may yet be peace in Bengal. I do not want any disturbance in Bengal. None of us want any more disturbance in Bengal. We want peace, because we want to build up our national life. We have very serious work to do, economic work, sanitary work, educational work. All the nation-building works are being starved. We do not want that this nation-building works should be starved. We want peace, and for that peace we want that this trouble should be ended. Unless this Bill is repealed, or in any case unless an assurance is given that this Bill will not be worked in the spirit of other Bills of this kind, unless an assurance is given that the men who have been taken, now that the Government have got their weapon, will be let out, there will be no peace in Bengal, and we want peace in Bengal. His Excellency Lord Lytton wants peace in Bengal. He made a very earnest appeal to the Bengal Legislative Council to set to work in the nation-building departments. We are prepared to work those departments, but remove this grievance of the people, do not press it upon us any more, and if the Government of India can influence the Government of Bengal to let out the men who have been taken into custody, without formulation of charge, and are detained without trial, I think it may be possible yet in Bengal to have peace. We suffered a lot, Sir. You suffered a lot also. We suffered a lot during the last period. We do not want a repetition of the old thing. There is one fallacy in the whole position of the Government in this matter, and that fallacy has not been sufficiently brought out. The Government are under the impression that the last movement was crushed. It was not crushed. You practically admit it was not crushed. The seed that is crushed does not sprout forth again. You did not crush it, you only suppressed it for a time. Let us not talk of crushing then. But the conceit in the Government mind is that it was the application of the Defence of India Act and the detention and arrest under the provisions of that Act of thousands of Bengali young men which put down that earlier movement of revolutionary patriotism. That is the case of the Government. I deny the truth of that case. Was the Defence of India Act the only thing that worked during the war, Sir? Was the Defence of India Act the only thing that was passed during the war? There were other things. We had a promise of the fulfilment of our political aspirations, even in the midst of the distractions of the war. They said from the House of Commons that there was a change in the angle of their vision. We had the Montagu announcement, from the House of Commons, regarding the goal of British policy in India. We had more than that. You allowed us admission into the ranks of the Indian Army. You opened the military career to the youthful intelligentsia of Bengal who were spoiling for a military life. You had the Bengali Regiment. You had the Bengal Ambulance Corps. And by all these means was diverted the adventurous spirit of the youthful intelligentsia of Bengal to healthier

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channels. It was these things far more than the Defence of India Act which brought about the change in the situation in Bengal. And then what happened next?

Mr. President: Before I let the Honourable Member go further into recent history I must remind him that his time has expired and in the interest of those who wish to take part in the debate after him I must ask him to draw his remarks to a close.

Mr. Bipin Chandra Pal: Thank you, Sir. I was not looking at the clock. I think we ought to have a clock the other side.

Mr. President: I quite agree with the Honourable Member.

Mr. Bipin Chandra Pal: I wanted to say this, that other things also happened. We had fresh troubles also, political troubles, disappointments; and all these things have brought about this difficulty under which we are labouring. Give us something. Give us something tangible. Give us an assurance, not on paper, but a practical assurance that our political aspirations will be fulfilled without avoidable delay. Give us an assurance like that. And let us work together. Give us a round table conference, Pandit Motilal Nehru's Round Table Conference. Let us sit together, you and we, and find out some means for fighting this menace. But you sit there in your high chair and we sit squatting on the floor. How are we to talk together and come to any sort of understanding and arrangement to fight this, which is recognised by us as much as it is by you as a great political danger?

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, may I intervene, with your permission, for a moment? I want to draw the attention, Sir, of the Honourable the Home Member as well as your attention to the very strong feeling there is in the House that full opportunity should be given for this debate, and I therefore appeal to the Home Member to give us some other day. If he cannot give an official day, I am authorised to say, take one of our non-official days. I understand, Sir, that a large body of Members wish to take part in this debate and it is not possible to finish this debate because it is now a quarter past three. If you cannot give us an official day or if the state of business will not permit it, then take one of our days.

The Honourable Sir Alexander Muddiman: Sir, that is rather an unusual appeal to make after the debate has proceeded so little a distance. But I do recognise, and I think the House well knows that I have always recognised that this is a matter in which the House is greatly interested. I can assure you it is neither to the interest of the Government to cut short the debate or to prevent any views being put forward. But I have already given one official day. I feel that it would be very difficult to give another. But if the Honourable Members feel that this House is prepared to give up a non-official day to this debate, I will certainly consider it. I shall have to consult with the Secretary of the House as to what day is possible. But is it the wish of the House, if we are unable to give an official day, that a non-official day be given?

Mr. M. A. Jinnah: Yes, certainly. (*Cries of "Yes"*.)

Or, if possible why not give us Saturday?

The Honourable Sir Alexander Muddiman: I have a religious prejudice against that (Laughter.) Well, Sir, we will leave it at that that I will see what can be done about a non-official day for the continuation of this debate, should it go on longer.

Pandit Shamlal Nehru: May I suggest, Sir, that you give us to-morrow?

The Honourable Sir Alexander Muddiman: Sir, I have an equally rooted objection to sitting on holidays.

The Honourable Sir Bhupendra Nath Mitra (Industries Member): Sir, it may be considered impertinence on my part to attempt to take part in this controversial debate; and if some of the Members on the other side of the House characterise my effort as such, they may have some justification, because I am one of the youngest Members of this House who joined it after the events under controversy had actually occurred. I should have hesitated to raise my voice in this debate but for the fact that the Mover of the Resolution has, in moving it, questioned, or made an insinuation questioning, the action of the Indian Members of the Executive Council in subscribing to His Excellency the Viceroy's action in this matter. It was said that two of them had already left the Executive Government and the third was about to leave it. Well, the insinuation implied apparently was that, as they were about to cease to be Members of this Government, they subscribed to the policy without giving it the careful consideration which it demanded.

Mr. O. Duraiswami Aiyangar: That is more than what I meant.

The Honourable Sir Bhupendra Nath Mitra: I wish, Sir Muhammad Shafi were here to defend his action. He is not here and therefore I feel it incumbent on me to definitely refute the insinuation made by the Honourable Mover of this Resolution. I have not the slightest doubt that the Indian Members of the Executive Government who subscribed to the policy did so fully with their eyes open and after due consideration of the facts of the case and the necessities of the situation. The Honourable the Home Member has already drawn attention to the evidence about the undoubted existence of a terrorist movement in Bengal and my friend Mr. Bipin Chandra Pal has admitted that that movement existed. I hope I will be pardoned if I say that my friend Mr. Bipin Chandra Pal was not very consistent. He began by accusing Government of not having taken earlier action in the matter of stopping the growth of this revolutionary and terrorist movement. He said that Government should have intervened when books were being published extolling the action of some of the anarchists who had taken part in the previous period of the reign of terror in Bengal. Then, later on, he blamed Government for having taken the action which they took last October. Now, is not the action of Government in the matter wholly consistent? If my friend Mr. Bipin Chandra Pal and his friends in Bengal had at the stage when these books were being published stepped in and by measures which probably lay in their power had retarded the further progress of the movement at that stage, it might have been unnecessary for Government to intervene.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Some of them are subsidised by the Government.

The Honourable Sir Bhupendra Nath Mitra: Well, I have no information that the Government of Bengal did subsidise these books. I am pretty certain that the Honourable the Home Member will repudiate that charge so far as the Government of India are concerned.

Now, Sir, Government, for the reasons to which my friend Mr. Bipin Chandra Pal referred, probably hesitated for a long time before they decided to interfere in the matter at all. But, as has been explained by the Honourable the Home Member, things gradually came to a crisis, and there was no option for Government but to intervene and to take remedial measures. Mr. Bipin Chandra Pal then wanted to know of the evidence which had compelled Government to take certain action against certain individuals. My Honourable friend the Home Member has fully explained to the House why it was not possible to disclose that evidence. The disclosure of that evidence would have led to more murders. The way I look at the matter is this. A terrorist movement was in existence in Bengal. It was necessary to protect innocent officers of Government from being murdered and also to protect innocent youths from being terrorised into imbibing revolutionary ideas. It became incumbent on Government at a certain stage to take adequate action for the protection of both these classes of individuals. They have taken that action and I do not see why the House should take exception to the action taken by Government. If I have understood the latter part of the Honourable Mr. Bipin Chandra Pal's remarks, I believe he has a great suspicion, not about the measure itself but about the machinery which will work the measure. That is, he considers that the subordinate police of Bengal are not equal to the task of properly carrying out the measure. If so, Sir, the point at issue narrows down to a question of improving the subordinate police in Bengal and not to a discussion of the merits of the action taken by the Governor General.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): Sir, I may say at once that I stand here to support the original motion made by my Honourable friend Mr. Duraiswami Aiyangar. The way I look at the matter is this. To prevent any possible misconception of my attitude I must at once disown the expression used by my Honourable friend Mr. Bipin Chandra Pal in describing the action of these youths or adults in Bengal as "revolutionary patriotism". It is neither revolution nor patriotism. The crimes which have been brought to light to-day and which have been disclosed to the public hitherto are secret, anarchical assassinations, for which abhorrence cannot be expressed too plainly. Therefore, it is the duty of all right-thinking men, those who want India to progress on the onward march towards the political freedom to which we all aspire,—it is the sacred duty, the solemn duty of every one who wishes to guide the people, to dissociate themselves openly, publicly, unhesitatingly and unambiguously in this matter, (Hear, hear) and I do so, Sir, most emphatically. I speak for those in this House and outside and I think I can claim also some knowledge of my countrymen in the north—I say that there is no right-thinking man who has any secret, inward or outward sympathy with this sort of movement and I was glad to hear from the remarks made by the Honourable the Home Member to-day that the citizens of Bengal, like the citizens in England, are also alive to their duties in protecting the country against crimes of that sort. From the way in which this movement has subsisted for some time in Bengal, I had some suspicion whether really there was some secret sympathy on the

part of the people of Bengal with this movement. But I am glad to be assured to-day by the Honourable the Home Member that there is no such sympathy whatever. On the other hand, ignorant citizens—I think I am quoting the Honourable the Home Member—ignorant citizens, uneducated citizens have come forward openly to assist in the suppression and prevention of such crimes. It is reassuring news. I have no doubt that citizens in my province would have risen to a man to put down such crimes, and I am sure that in other provinces also the situation would be similar. Sir, if I support this motion, it is because I feel, and I feel very strongly indeed, that it is an unwise course, a misguided course, to which both the Bengal Government and His Excellency Lord Reading's Government have lent their hand. I fear that by this measure which they have adopted, they are undoing the good work which was begun in 1919 when the Government of India Act was passed. Sir, when the new movement was inaugurated under the Montagu-Chelmsford reforms, what was it we heard? What was it we heard from no less a personage than His Excellency Lord Chelmsford speaking from the place where you are sitting, Sir? He told us distinctly that autocracy was at an end. I do not know what my Honourable friend the Leader of the House means by shaking his head. Does he mean that autocracy is not at an end or that it must end some other day by some other means?

The Honourable Sir Alexander Muddiman: I am afraid my Honourable friend is under a misconception. I was merely shaking off a fly.

Diwan Bahadur T. Rangachariar: What does the new constitution mean? It means that the Executive Government of this country, though we have not yet got responsible Government, should consult the Legislature properly constituted in the discharge of their executive duties. They should take their advice beforehand, although the responsibility is theirs still. The Legislature as it is at present constituted was intended deliberately to assist the executive in the discharge of their duties by the solemn advice which they will give them. What is it you have done now? You have deliberately chosen to distrust the Legislature on this occasion. I do not deny that the responsibility, as it now stands under the law, is yours for maintaining law and order. But, Sir, I thought we are now setting on the path of attaining gradually and eventually the goal of responsible Government. Is this the way to begin to put us in the way of attaining that goal? When a really responsible matter comes up, when really efficacious matters come up, you take it into your own hands and say, "Well, we cannot openly discuss the question in the Assembly. We must take the initiative in our own hands. We will face the decision ourselves and come to the decision ourselves." I do not think, Sir, it was at all intended that this was what was meant by autocracy being at an end. In fact, a very responsible committee appointed at the instance of this House by His Excellency Lord Chelmsford's Government gave very valuable advice in this matter. In their report on repressive laws they made very statesmanlike observations as to the change of position, and if there are any risks to be taken, it is far better that you took the risks with the Legislature than by ignoring it. By the procedure adopted in this case I cannot but feel that the executive Government have in this case deliberately distrusted this Legislature. It is that which I feel most in this matter. Sir, if one reads the preliminary declaration issued by His Excellency Lord Reading along with the Ordinance, he will find that it is abundantly clear that there are definite materials—not merely vague generalisations but definite materials. You have simply to read the first

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two paragraphs of that pronouncement and you will come to the conclusion that there were materials on which His Lordship was satisfied as to the necessity for action. Sir, under the Act as it stands it is open to this House at the instance of Government to appoint committees of the House to advise the various departments. On a Resolution passed by this Assembly the Government of India were pleased, because they were not bound, to accept that Resolution in some modified form and condescended to invite this House to appoint committees. I know, Sir, that there is a small committee of which I believe I am a member, although I have not been called to any meeting of that committee, which is supposed to advise the Home Department. I believe the Home Department is the department which deals with these matters. Sir, if it was unwise, if it was not a sound policy, to consult the Legislature openly, what was there to prevent the Honourable the Home Member from consulting this Standing Advisory Committee of the Home Department? Did they do any such thing? If really these were matters in which the executive Government wanted to discharge their duties honestly and well in the spirit of the new policy which had been enunciated they should have adopted that course. No such thing was done. On the other hand, these materials which have been furnished to us to-day are not new. They were there during the September session of the Assembly when we were considering the question of the repeal of the Criminal Law Amendment Act and they were more or less placed before us by the Honourable the Home Member then. This power of issuing Ordinances vested in the Governor General is a very exceptional power to be resorted to only in very exceptional, sudden emergencies, by which it means that he can only resort to that power when he cannot conveniently summon the Legislature to assist him in the discharge of the legislative work of his Government. So far as the legislative work is concerned, it is by law deliberately entrusted to the representatives of the people under the new constitution and no Viceroy or Governor General is entitled to break into and destroy that right by resort to this extraordinary method which can only be used under exceptional circumstances, under exceptional sudden emergencies, which can only mean emergencies that threaten the safety of Government, the safety of the country. It is only in such circumstances that you can resort to this process of issuing an Ordinance on the responsibility of one individual, however great he may be. So, what I read in this action of the Government of India is, in the first place, that they are undoing the very good start which they began in the year 1920 after the Government of India Act was passed. They are distrusting the Legislature which has tried its level best to discharge its duties. I, Sir, speak as one who has tried to do his duty to the best of my lights and consistently with the duty I owe to the Government and the country. I feel, Sir, the slight thrown upon the Legislature is undeserved, entirely undeserved. Sir, you do not expect the Assembly to be merely an obedient Assembly. You want a very strong vigorous Assembly really to assist you in the matter of governing. You, who are not responsible to the people and have charge of the affairs of 800 millions of people—your duty is a very solemn and responsible duty. Now, we, who are hailing from different provinces, know the difficulties of the people, know where the shoe pinches, where the trouble is. You must presume, at any rate give us the benefit of that presumption, that we are here acting as honestly as you are in the discharge of our duties to assist you in governing this country. What were the circumstances which were so urgent, so sudden which made the executive Government—I appeal now to the Indian members on the right—

what was it that made them feel that it was necessary for them to give their vote in this connection? When the Assembly was sitting here you must have been corresponding with the Secretary of State over this very subject; at the very time when we were sitting here discussing the repeal of the Criminal Law Amendment Act you must have been cabling to the Secretary of State and correspondence must have been going on with the Home Government. At that time what was there to prevent you from consulting, if not the whole of this House, the Committee appointed by this House? That is the right procedure you should have adopted. Have the Committees betrayed you at any time? Sir, I have sat as a member of several committees and I have been furnished with copies of the most secret documents. On the North-West Frontier Committee—my Honourable friend, Mr. Denys Bray who is sitting there was President of that Committee and can bear witness—most confidential documents bearing upon the external and internal defence of this country were placed in our hands. Have the Committees of this House ever done anything to merit this slight which has been thrown on this House by the action resorted to in this case. I thought that the Government would have benefited by the experience they had over the Rowlatt Act. This is another repetition of the Rowlatt Act. Sir Michael O'Dwyer who is always ready to claim credit for exclusive wisdom, for his judgment in these matters, from a cablegram the other day, claims credit that this Act is going to be a permanent measure. He says that he was a wise man in advocating the Rowlatt Act because here is another Rowlatt Act being made a permanent measure on the Statute-book of the country. I thought Government would have profited by the experience they had over that Rowlatt Act. Sir, there are certain successes which are worse than defeats. You may claim some temporary relief, some temporary success by the operation of this measure. The principle which has been the guiding policy of this Government all along, of this bureaucratic Government all along, has been that the end justifies the means. That is not a principle which we can accept. Sir, the Honourable the Home Member, speaking on behalf of the Government, has given very strong expression to his horror of the methods which are to be resorted to under this Ordinance. At the same time he says, "We feel it our duty. We are quite unwilling, quite reluctant. It is not a pleasure to us. On the other hand, it is a painful operation we are performing. We do not like it. Put it at the basest of motives, the purest of motives, we do not like this measure, and yet we resort to it."

Sir, such being the measure, what is going to be the result of it? What will be the permanent result which you are leaving on the minds of the people? Let us take the risk of the loss of a few lives. But it is far better not to risk your reputation for good government with the 300 millions of people. Now, Sir, criminal conspiracies are not confined merely to political crimes. They are not exclusively confined to political crimes. I know of criminal conspiracies in my province where there are gangs of dacoits. Gangs of dacoits work through conspiracies. The police do not confess their inability to trace those conspiracies and bring them to book. These things do exist. Where do they not exist? You have here an efficient police, a very efficient police according to my Honourable friend; the Leader of the House.

The Honourable Sir Alexander Muddiman: A very brave police.

Diwan Bahadur T. Rangachariar: A very brave police and an efficient police I take it. If that is so, what is the difficulty? Are they able to get a conviction in every case of ordinary murder which takes place in

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the provinces? Murders are very common. They are committed from various motives. Is every murderer brought to book? Similarly, there must be cases of failure in these cases also. The unfortunate position which naturally appertains to a Government which is not responsible to the people is that they are in constant fear that the hands of the people are against them. That is why they attach great importance to political crimes. They think that political crimes should be dealt with in a peculiar manner and by new methods foreign to British instincts. However oriental it may be resort to these methods we ought not to redevise oriental methods in this country under the British Government. I make the charge, Sir, that you are resorting to un-British methods in dealing with this matter. On what is based your good reputation for good government in this country? On your administration of justice. And how is justice administered? Not by Sessions Judges sitting in camera perusing merely documents instead of feeling the pulse of live witnesses who give evidence before them. I am sure Sir Alexander Muddiman would admit that if he were sitting as a Judge what a different impression it makes to have your witness before you from what it is when you merely see the bare statements of witnesses taken by somebody else thousands of miles away. Are we not familiar, those of us who are accustomed to law courts, with the numerous feuds going on for generations together, and is it not our frequent experience to see enemies springing up, who are ready to stab in the dark or carry information to the police and others in order to keep their opponents safely out of the way? And what is the guarantee that the information given by these informers are not of the same kind? I quite agree that you are all honestly convinced about the truth of the charges against these people. But what is the guarantee that it is true when you have not any of the methods by which you can check falsehood, when you resort to methods which afford no guarantee whatever of getting at the truth in the cases? Look at the provisions. I have carefully read them and there are merely illusory safeguards which may mislead the lay public, but lawyers accustomed to practise in courts, a Judge accustomed to judge, will not be beguiled into believing that there is any safeguard in the simple fact that the materials are sent to two Sessions Judges who have no opportunity of testing the evidence. I am sure that if Pandit Motilal Nehru was asked to judge these men and had the same materials put before him as you have had he would perhaps come to the same conclusion to which you did. Because what has he got to go by. He has to act on what others say. He is told by the Local Governor who is again told by the head of the police (Pandit Motilal Nehru indicated disagreement). Then he must be a difficult man to deal with. This whole procedure is obnoxious, and has the necessity for resort to this obnoxious procedure been made out? Is Bengal really honeycombed with secret societies of this kind? Not on the evidence you have placed before me. While I fully sympathise with your position in the matter, I hesitate to accept the position that the conspiracy is really so widespread that it is difficult for your police to deal with it. You have to make out that your police find it impossible to deal with these cases. Some convictions they have had. In the Alipur conspiracy case for instance—I do not know the name—the conviction obtained is pregnant evidence that the police . . . (The Honourable Sir Alexander Muddiman: "That ended in acquittal.") There was a case of conspiracy, another case which you mentioned, one of two. One ended in acquittal and in the other there was a conviction. Therefore, I fail to understand what the difficulty of the police in this

matter is. I mean that conspiracy is a well known crime. It is covered by the Penal Code. A conspiracy to commit crimes is an offence under the Penal Code. And if the police in ordinary cases can trace conspiracies and put an end to them, what is the difficulty in putting an end to conspiracies of this sort? My chief complaint against this is as a political measure. It is political unwisdom to resort to this policy of repressive laws because of a state which you yourself have brought about. We are just tumbling out of the great disturbance produced in this country by the Punjab troubles and the Rowlatt Act. We were emerging from that; we thought we had been put on to the path of constructive work for the country. We want the people to co-operate, we want the executive and the Legislature to co-operate, in bringing about settled conditions. There are so many directions in which our activities have to be exercised. And now the whole country is to be agitated. That aspect is the one I ask the Government to look at. Is the whole country to be put in a state of agitation simply because you say your Bengal police are unable to deal with these crimes? Is it because of the incompetency of the Bengal police? Can they not trace crimes of conspiracies and deal with them? Let them take the risk. They are brave people. They are quite willing to gamble with their own lives. But that is a far less serious risk than this risk of creating wholesale unpopularity throughout the whole country. Now the feeling in this matter is very widespread. That is not confined to a few sections of politicians. But Indian opinion against it is strong and universal. Are you going to ignore this Indian opinion? Are you going to be guided merely by the British press which is inspired by some Anglo-Indians here? Are you going to be guided by the Anglo-Indian press here? Are you going to ignore the whole of the Indian press? Are you going to ignore the views of Indian politicians? If you want to ignore us, Sir, we must also ignore you if that is the state you are driving us to. That is the aspect of the question which appeals to me, Sir. Now what does the Resolution ask? All that it says is that you should come to the Legislature. And if you make out a case I for my part—I am not speaking for any party now, and even if I belong to any party I am prepared to disobey the mandate of that party—am prepared to assist in the passing of a law if it is shown that such a law is absolutely necessary.

Mr. President: Before I allow the debate to proceed any further—the time is advancing—I think the idea thrown out by Mr. Jinnah calls for the notice of the Chair. Honourable Members are aware that in a situation like this I am always ready to meet the convenience of the House, but I think I must warn the House as a whole, and particularly those individual Members who have been successful in obtaining places in the ballot on any day allotted by His Excellency the Governor General for the discussion either of Resolutions or of non-official Bills, that, if a place is to be found for the continuation of this debate, supposing it to be adjourned this afternoon, it can only be found on a non-official day at the expense of those who have already won a place at the ballot. Therefore I shall have to be satisfied that there is a real genuine consensus of opinion, including the agreement of individual Members who have been successful in the ballot, that that shall be done. I must point out that, if this debate is carried over to a non-official day, the matter has already passed out of my hands and I shall have to set down for that day the Resolutions successful in the ballot. But if each individual Member chooses to forego his right to initiate debate on some other subject, then this adjourned Resolution can come on on the next non-official day.

Colonel J. D. Crawford (Bengal: European): In rising, Sir, to speak on the Resolution before this House to-day I wish to associate myself and my colleagues with the new spirit which is apparent amongst some of us during this session that our deliberations on all occasions should be governed by what is best in the interests of this country; and if I and my colleagues find ourselves in opposition to the views of other political parties in this House and if we express those views with all the force and emphasis that we can command, we consider that on those grounds we should not be suspect but that we should be given credit for an honest desire to serve India, of which we claim by the right of past services the full status of citizenship. I and my colleagues are convinced that the interests of our community and the interests of all communities are identical with the interests of India. When this House rises this afternoon, some of us are going to give a practical proof of our desire to associate ourselves with Indian interests in joining a deputation to His Excellency the Viceroy to endeavour to secure a just settlement of those difficulties with which Indians in South Africa are faced. The views of my community on the question of the Bengal Ordinance are already known to the Government and to the Members of this House. The grant of extraordinary powers to the Executive of the nature of the Ordinance are more repugnant to us, with our long traditions of freedom and personal liberty, than they can be to any other Members of this House who have but learnt the meaning of freedom under the protection of the British flag. We did not accept the Ordinance at the hands of Government without taking special steps to assure ourselves that the menace to personal liberty and freedom was real; and we found that the menace did exist, and that it was the bounden duty of Government to protect it at all costs; and I feel certain that my community, and I trust also the Indian citizens of this House would take the necessary measures, should any Government fail to protect our personal liberty, to bring them to their senses. I realize that there are some Members of this House who will claim, that, in voting for this Resolution to-day, this is what they are doing, but they know in their hearts, and Bengal knows, that the dangers arising from the terrorist movement in Bengal are far greater than any that can come from the hands of the British Raj. Those who would plead for the rights of criminals can surely not realize what would be the result, if their pleading should prove successful. It must, it can, only mean that we would hand to any body of individuals who chose to band themselves together in secret the power to deprive innocent citizens not only of their liberty but of their lives without any offence against society and without trial of any description. It should not be necessary in this House to labour the existence of a terrorist movement. Those who have read their papers have had ample proof from the instances recorded therein from time to time, and if further proof were necessary, they have had the very full statements of the Government of Bengal and the Home Member in this House. But, I forget, anything that Government says is suspect, and we are asked to believe that in the Government we have a secret criminal organization far more dangerous than that which exists in Bengal. There are those who would ask us to believe that the police under this measure are able to vent their spite against innocent citizens solely because they hold political views opposed to those of Government, and that in that tyranny they are backed by Government officials, both Indian and European (*A Voice*: "No, no") and further that they are supported by such liberal-minded men as Their Excellencies Lord Reading and Lord Lytton (*Mr. M. A. Jinnah*: "Who

said that?") and worse still are encouraged in those depraved activities by the late Secretary of State and a Labour Cabinet in England. I am prepared however to endeavour to convince the House, if such is necessary after the Honourable Mr. Bipin Chandra Pal's speech, of the existence of a terrorist movement by quoting the opinions of Indian leaders. I have only to refer to the speech of the Honourable Pandit Motilal Nehru in the last September Session in which he says:

"Mr. Das says there is a more serious anarchical movement than the authorities realize. Now, Sir, I do not know upon what materials Mr. Das made that statement, but I wholly endorse it, every word of it; and not only that but I say that if you do not take care, you will one fine morning wake up and find the whole country full of a honeycomb of secret conspiracies."

If that is not enough to convince, I will quote from the leaflet of a well-known Bengali revolutionary who was convicted in the Benares conspiracy case and who is at present an absconder, Sachindra Sanyal. He says:

"Those who say that there is no revolutionary party in India are not telling the truth, for such an organization of great dimensions really exists. The object of this party is to secure the independence of India by armed revolution."

With these admissions in front of us, it is incomprehensible that there should be still left in India anyone who can qualify his condemnation of terrorism and anarchy by the words "if any". There is no necessity of further elaboration on that point. But I would crave the indulgence of the House for a few minutes to consider the dangers that may arise if this Resolution is passed and if Government were to act on it and if terrorism be allowed to go unchecked. The House, I am sure, will recognize the patience which my community has shown under very grave provocation. They will no doubt remember that on occasions in the past they have been restrained with difficulty. The passing of the Ordinance has lifted a load of anxiety from the shoulders of the leaders of my community. Feeling amongst my constituents at the failure of Government to take action against those who would interfere with the lawful activities of citizens had run very high. We trust that no action of this House will lead to a recrudescence of those trying and anxious days, but I do ask Government to realize the strength of the feeling that exists and the possible dangers that might arise if further murders of innocent Europeans in the public streets take place. But there are graver dangers with which this country is faced. The Russian revolutionaries are endeavouring, wherever they can, to find a root in India and to exploit revolution wherever it is found. They have placed India first on their list of objectives. I do not know whether the Members of this House have studied with the same care that I have, the advance of Russian communists towards eastern countries. Along the borders of India to the north-west they are gradually but surely building up the Russian Empire under the high-sounding title of the Union of Soviet Socialist Republics. In the Cawnpore conspiracy case you have very clear proof of the definite connection of the Russian communists with India, and if you choose to examine the evidence reviewed in the judgment in that case with special reference to the accused, Nalini Gupta, it is not undue presumption to assume that they have a direct

4 P.M. connection with the revolutionary party in India. The association of Mr. M. N. Roy in Europe with the Third International is well known, and yet a letter from this gentleman published over the names of Janaki Prasad Begerhotta and Argunal Sethi, members of the All-India Congress Committee, was freely handed out to those who attended the recent meeting of Congress at Belgaum. Sir, if the House to-day

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accepts this Resolution and the Government act on it, we are definitely playing into the hands of the Russian communists. This way the freedom and liberty of India cannot be secured, for freedom under the Soviet Republic is the very negation of all that India holds dear. Those who are authors and inspirers of that blasphemous journal, *Beasbojuik* (which means in English the Godless), which caricatures such prophets as Christ, Muhammad, Buddha and others can find no place in India. India needs no Russians to help her to manage her own affairs. With this knowledge before us there are surely few who will deny the necessity of stern measures to deal with the menace that confronts us. Many resolutions have been passed condemning anarchy and terrorism; much lip service has been done to the spirit of non-violence, but the authors of the notorious Serajganj Resolution, those who supported it at Nagpur and Ahmedabad in June 1924, and who extolled the so-called patriotism of a misguided stripling cannot escape the responsibility that history will attach to them. I would ask Mr. Bipin Chandra Pal if he considers that on that occasion they were creating sympathy for a man who had been arrested under Regulation III or under the Bengal Ordinance. Indian leaders have not yet shown their determination to crush out this deadly menace which is the ruin of so many youths in Bengal, which has brought so much sorrow to Indian mothers and which has been one of the main causes for the introduction of the Ordinance. The responsibility rests on their shoulders and if they have a conscience I do not envy them their position. I wonder if they will take the action that representatives of Bengal under this new Reforms scheme took in the case of the Goonda trouble in Calcutta. The Members of that Legislative Council on that occasion passed unanimously an Act curtailing the liberties of subjects of this country without any trial and that was passed by Indian representatives of the Bengal Legislative Council. Neither do I think—and here I find myself at one with Mr. Pal—that the Government can escape their share of responsibility for having allowed the situation to develop until it could only be restored by means of emergency measures. I cannot personally think that the Government were wise in appointing the Vincent Committee and in acting on their advice in the repeal of measures introduced for the special purpose of dealing with a menace of this nature before—mind you I say before—they had taken steps to provide themselves under the new constitution and through this House with powers that were adequate to cope with the emergency that has now necessitated the introduction of the Ordinance. I feel that the vacillating policy of the Government of India and the unfortunate speeches of the late Secretary of State for India have much to answer for. The main arguments to-day and since the introduction of the Ordinance amongst those who have the wisdom to recognise the facts lie round the effectiveness or otherwise of the cure which Government have introduced and as to public feeling on the question. As to the effectiveness of Government action, I think there is little doubt that it has been effective, at any rate, in keeping the terrorist movement for the moment in abeyance. There are those who say that the ordinary law is sufficient to deal with the menace and I wonder if they realise the true nature of that menace or if they have any practical experience or knowledge of intelligence work. It seems to me that in the policy of the Home Government during the war in connection with the submarine menace we have an admirable parallel to our position here to-day. On that occasion, in spite of the grave national menace and in spite of the grave anxiety arising therefrom amongst the people, the

Government refused to make any statement because secrecy was the essential to success, and because, had they done so, they would have given away to the enemy the sources of their information, and on that occasion the nation trusted them. In my experience as an Intelligence Officer I have on two occasions seen our sources of information given away by a statement on the part of Government of facts. What happened on those occasions? They did not disclose the sources of our information, but the very fact itself gave the clue to the agency and we were deprived of information at a vital moment. The position is exactly the same in this case. If you were to place the facts on which the charge against détenus was based in court, even if you did not produce the witnesses, those in the organisation who were outside would be able to put two and two together and you would endanger the lives of your agents and you would nullify the sources of your information. I do not believe that this House desires to shut itself off from all sources of information, but if we accept the Resolution as it stands to-day, that is exactly what we should be doing. There is an undoubted fear that under this measure the police have extraordinary powers and may and do make mistakes. But I would be surprised if they did not make mistakes. After all even the ordinary law which some Members consider infallible is, as we all know, capable of considerable error. It may assist the House if from my experience I outline to them the methods adopted by an Intelligence Officer. Information coming from an informer is treated by the trained Intelligence Officer with considerable caniness; it is naturally a matter of interest. If he mentions it in a report, he invariably adds the word "unconfirmed". That information remains suspect until from three or four other sources definitely unrelated to one another he has confirmation of his original information, when it is accepted as a fact beyond reasonable dispute. After that has been done by the police their evidence is then reviewed by two Judges who have knowledge of evidence and beyond that it is personally reviewed by the Governor of the province and by His Excellency the Viceroy; and if these are not sufficient for the elimination of human error as far as possible and for the protection of the rights of individuals in so far as circumstances permit, the Government have offered to bring in a Bill admitting the right of the accused to appeal to the High Court. I cannot think that any reasonable-minded man can, under these circumstances, demand more.

I now come to the question of public feeling towards this Ordinance. I know the Swaraj Party have done their best to inflame public opinion against it. It has come, Sir, at a time when possibly their influence was on the wane and they naturally used it, not thinking of the cost to the country. But from my own personal observation, I believe, it left the people cold. So far as the Muhammadans of Bengal are concerned, they are divided on the subject as, I am afraid, they are divided on so many interests vital to their community. But I would like here to pay my tribute to those who had the courage of their convictions and voted in the Bengal Legislative Council in favour of the Ordinance in the face of very real fear of intimidation and worse. (Hear, hear). As for the voting in the Bengal Legislative Council, it is most unconvincing. Sir Provash Chandra Mitter in his speech against the Ordinance was illogical and has ruined his reputation as a statesman. To the man in the street it was an admirable example of sitting on the fence. I would ask the House to note the number of abstentions on an important matter of this kind. They make one pause and think and give considerable colour to the grave allegation of intimidation of the Members of the Bengal Legislative Council. Now, I come to those

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who voted against the Ordinance. If the two Swarajists who were compulsorily absent were there, then you do not get amongst the members of the Bengal Legislative Council a majority in favour of doing away with the Ordinance. Further, you have only to read the letters in the press in Bengal to realise that Indian mothers were deeply concerned with the fear that their sons might be drawn away from their studies and enmeshed in the net of the revolutionaries. I am prepared to give the whole-hearted support of my constituents to the Government on this occasion and I believe that public opinion in Bengal, though not actually vocal, is silently grateful that the Government have at last seen fit to take action. There is one point with which the public and I gather from the question paper the Honourable Members of this House are troubled. They cannot believe that the late executive officer of the Calcutta Corporation was connected with this movement. The Home Member has said that this was so both prior to and subsequent to his appointment as an executive officer. If that is the case, why then was he ever allowed to be appointed to a responsible position of this nature? I am prepared to accept myself the statement of Government on this question, but they cannot expect the public to give them that support that they deserve on an occasion of this nature, if actions of this nature are allowed to go on. In conclusion, I would add that none of us believe that the country can be governed by emergency measures of this nature (Hear, hear). Though they may remain on the Statute-book, the conditions of the country should be such as to make them a dead letter. The Government must take the earliest steps to remove the real cause of the trouble and we ourselves—and here I am with the Honourable Mover of the Resolution—must individually use our influence and make every endeavour to create a state of things that shall shorten the time during which the Ordinance must remain in force. (*Diwan Bahadur T. Rangachariar*: “ Help us to do so ”.) There are persons who state that the only remedy is the immediate concession by the Government to their own political demands. This is the attitude of the Swaraj Party in this House. The Honourable Pandit Motilal Nehru in the September session left on me the impression that he was saying to Government: “ I have locked up in this cupboard a big stick and if you do not immediately make concession towards our further political progress, it may be produced.” But, Sir, it is not the so-called tyranny of the British Raj that makes revolution and the measure of support it receives from the public. It is in this country, as in all countries, due to economic causes. Afford the people an opportunity to earn an honourable and honest livelihood and they will be contented, law-abiding citizens. We all know that when the monsoon is bad, the forces of unrest make headway and when the monsoon is good there is peace and contentment in the land. The revolutionaries draw their recruits from the ranks of the middle classes, from amongst those youths who, having taken a course of study at our universities, can find no lawful outlet for their activities. Our university system needs urgent reform. As it stands to-day our universities are simply working as machines for turning out agitators. The standard of university qualifications is so low as to secure in the labour market a totally inadequate wage. We must restrict by rigorous entrance examinations the admission to our universities only to those who can benefit by the course of instruction there. We must raise the standard of qualifications, so that those who can obtain their degrees may have hopes of getting a reasonably lucrative appointment. For the rest, primary education and technical schools should suffice. It should be

our object to fit a man to follow in the footsteps of his father either in the fields or in the market place and to make him by technical education a better and more skilful cultivator and a better businessman than his father thus increasing his prosperity and contentment. I would urge Indian leaders to give their most earnest consideration to directing the activities and aspiration of the youth of the country into channels which shall benefit India. In England the energy and enthusiasm of youth find useful outlet in social work and therein they gain that experience which is essential to their translation in due course to the higher councils of the nation. The social uplift of the masses in India is of immense importance and provides a sphere of activities in which the energy and aspirations of Indian youths have ample scope to work for India. If the Government will make a real endeavour to sift the causes of the trouble, to relieve the terrible discontent arising from the present unemployment, I am convinced that this country will benefit and that amongst a prosperous and therefore contented body of citizens there will be found no place for the cancerous growth of anarchy and revolution.

Mr. M. A. Jinnah: Sir, by rising to speak on this Resolution, I fear, I run the risk of ruining my reputation also according to what the last Speaker said. But I hope that anyone who does not agree with Colonel Crawford may not ruin his reputation in the opinion of others. Colonel Crawford gave us a lecture on the economic conditions and so on and so forth which have very little to do with the Resolution which we are discussing now.

(At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President.)

If Colonel Crawford had read the Ordinance carefully—and I venture to say that he has not from what he said—he would never have said that there is nothing wrong with this Ordinance. First of all he said you have a very careful Intelligence Department which prepares a case and after it has been prepared it is placed before two judicial officers and after that it is placed before His Excellency Lord Lytton and after that it is placed before His Excellency Lord Reading. What more do you want? I ask Colonel Crawford, is that the only thing in the Ordinance? Does he know what is the second part of the Ordinance? Has he read that? Sir, in another statement which he made and which was equally without foundation and intended, I think, for outside consumption perhaps, he said that you are charging Lord Lytton as a party to conspiracy. You are charging His Excellency the Viceroy and the members of his Government as a party to conspiracy. Sir, I have been following the criticism throughout the country, but I have not read, nor have I heard any responsible man ever suggest that His Excellency Lord Reading or for the matter of that any Member of his Government, is a party to any conspiracy; far from it. I will, Sir, read the words of His Excellency Lord Reading, in which, speaking to the Members of the Legislature, he said:

“I trust that the Members of the Indian Legislature will realise that my action was taken only after a most careful examination of the whole situation and with the sole object of preventing violent crimes.”

Sir, I do not want to attribute any other intention to His Excellency the Viceroy, except that his object was to prevent crimes. I am not quarrelling with the intention of Lord Lytton, who undoubtedly carries with him the reputation of a liberal statesman, that he intends anything else but to prevent violent crimes, and I am sure that my friend, the

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Honourable the Home Member, will be the last person to desire anything else. Therefore, Sir, let us leave that aside.

The question before the House, which I want to place before the Honourable Member is this. I object strongly to the promulgation of this Ordinance, firstly on the ground that it raises a most vital and a grave constitutional question. When I heard my Honourable friend, Sir Bhupendra Nath Mitra, I was shocked. Evidently his conscience is not yet aroused as to what this means. He said that after all the quarrel is not with regard to the measure but the machinery which is set up. Let me remind the Honourable Member it is not the machinery. It involves a grave principle, and I shall point out what that is. His Excellency the Viceroy, addressing the Members of the Legislature, said:

"It has since been urged that the Legislature should have been summoned again before I took the step of promulgation. In my judgment this course was neither in the circumstances desirable nor indeed was it possible. If the means devised were to prove effective, the responsibility was of a nature which could not be shared, and it would not be right or proper for me to try to share it with you or to place it on your shoulders."

Therefore, we are told, and very rightly told, according to the present constitution that the responsibility is not ours; it cannot be shared with us, and it cannot be placed on our shoulders. This brings out a grave constitutional question to my mind. The assertion of the existence of the power which is embodied in section 72 of the Government of India Act, which gives one single man the opportunity to exercise that power, was hitherto merely a matter of theory. We felt that, among other powers of a very autocratic kind which are given to him, that power was there, but we are face to face to-day with the enforcement of that power, and we are told that the responsibility is not ours. And yet, Sir, I am surprised that the Government and Lord Lytton appeal to every loyal citizen to support them in preventing these violent crimes which are committed. I say, Sir, that clearly brings out the true position of this Legislature, and you, Sir (to Diwan Bahadur T. Rangachariar), a little while ago, while you were not in that high place, but were speaking, described this Assembly as an advisory body. It is an advisory body, and it is proved that it is to be treated as if it did not exist. Now, Sir, what is the position in England? I here appeal to my English friends who are so anxious and who are so keen to support this Ordinance to bear in mind what is the position in England. I will read from a great judge sitting in the highest tribunal of their court in England, and this is what he said. He quotes from Blackstone, and he says:

"He searchingly treats the cases both of liberty and life as tests, both and equally, of one and the same principle, the very principle which is under scrutiny in the present case. 'To bereave a man of life, or by violence to confiscate his estate, without accusation or trial, would be so gross and notorious an act of despotism, as must at once convey the alarm of tyranny throughout the whole kingdom. But confinement of the person by secretly hurrying him to gaol, where his sufferings are unknown or forgotten, is a less public, a less striking, and therefore a more dangerous engine of arbitrary government. And yet sometimes, when the State is in real danger, even this may be a necessary measure. But the happiness of our constitution is, that it is not left to the Executive power to determine when the danger of the State is so great as to render this measure expedient. For it is the Parliament only, or a legislative power, that, whenever it sees proper, can authorise the Crown, by suspending the Habeas Corpus Act for a short and limited time, to imprison suspected persons without giving any reason for so doing.'"

Mr. S. C. Ghose: Where did you read that from?

Mr. M. A. Jinnah: I am asked by the Honourable Member where I read it from. I read it from the Appeal Cases, 1917, House of Lords, the highest tribunal in Great Britain.

Maulvi Muhammad Yakub: The name of the Judge, please?

Mr. M. A. Jinnah: Lord Shaw. Now, Sir, everyone has argued here and every one has produced the strongest possible arguments that these revolutionaries, these anarchists or whatever you like to call them or those who are perpetrating violent crimes should be shown no mercy should be given no quarter. I agree. No exception can be taken to that. And I am willing to do all I can to help the Government. But I am surprised that not a single Speaker has asked what is to be the position of the innocent. What is to happen to the innocent? Sir, there again you will find that the whole issue is this. The Honourable the Home Member has told us of those few events which have taken place and, in order to wind up to the highest possible pitch, he sums up by saying that there was going to be spectacular murder in Bengal. Was it intended to prevent that spectacular murder? Sir, I cannot conceive that any country with a constitution can possibly tolerate a measure of this character. Sir, you put the guilty and the innocent together. You give powers to your Executive. I owe allegiance to the King Emperor. What do I get in return for it, what do I claim in return for it? Protection of my liberty, my life and my property. My liberty should not be taken away without a judicial trial in a proper court where I have all the right to defend myself. Under this Ordinance, if I were a citizen of Calcutta, I should have to transfer my allegiance to Mr. Tegart the Commissioner, because he is the only man who can give me protection and not His Majesty's High Court or His Majesty's Courts. I am very glad, Sir, that I am not in Calcutta but live in Bombay, because I can still continue my allegiance to the King Emperor. I say, if I were a citizen of Calcutta, in whose hands am I? It is all very well for Colonel Crawford to give us a lecture here as to how the Intelligence Department works. We have examined his Intelligence Department, Sir. I have spent 25 years of my life in doing so and we know what it is; I have gone through many cases and I know how it works. The less said the better. Are you going to lock up an innocent man because of the Intelligence Department? And what do we get from the Home Member? The Home Member says, "I have not got legal evidence, I am not prepared to put it before the Courts, and when I do get evidence I shall do so." You are reversing the order. A man is entitled to his liberty until you have got the evidence to place him before a Court. Says the Home Member: "I am entitled to lock him up because my Police Commissioner says he has got some evidence or he suspects, and I am entitled to lock him up and I will lock him up as long as necessary, and until I get evidence I will keep him there." Sir, I therefore say that it is shocking in the first place and next that it is opposed to the fundamental principles which I say must be observed by any civilised government which is conducted on a certain constitutional system. That is the first objection I have to make to it. And the proposition is a simple one. You can only justify a measure like this if it was for the defence of the realm or for the public safety. And you cannot say you want it for the public safety. You can only put it on the ground of public safety and public safety is in danger according to Government because these few violent crimes have been committed. Now, Sir, may I point out to the Honourable the Home Member what happened in England when the Sein Fein movement was going on? Does he remember that even the gates of

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Downing Street were barricaded and protected by the police? The life of every Minister of yours was in danger; I know it and it was patent to every citizen in London. What did Great Britain do? What has Great Britain done now? Only a few days ago you had a plot to blow up a British ship. What did you do? (Mr. A. Rangaswami Iyengar: "A conspiracy to blow up the fleet.") Well, I am corrected. It cannot be the whole fleet, it must be a ship. Has the Prime Minister therefore rushed to Parliament and told Parliament—of course, there he cannot do it—"I want a measure of this character." I tell you, Sir, that that Prime Minister would not have 24 hours of his life as Prime Minister if he went with that request to Parliament. Sir, it only shows this that your police is inefficient. It shows that your police want a soft job so that they can lock up men, innocent and guilty, indiscriminately, and of course in the whole lot there may be a few guilty. Let them put them all together and let them rot in jail. This is the soft job you want to give to the police. I suppose, if you arrest a large number of men, quite possibly a few of them may be guilty. Well, Sir, that is my first objection. My second objection is—and I here appeal to Government—that it will defeat its own ends. It not only will defeat its own ends but I have no doubt in my mind—I hope I am wrong—but I have no doubt in my mind that it will make the breach and the gulf between the Government and the people wider than it has ever been, if you persist in this policy of yours. It is not that you want it and we oppose it, or that we oppose it and therefore you will insist upon it. I do ask you, I do appeal to you, to carefully consider it. Sir, we find in the words of one of the English newspapers which are to my mind so to the point that we have got to ask the question, why disturbances have come into existence? Have you asked that question? Colonel Crawford tried to deal with it. It may be—although I think myself it has very little bearing—it may be that it has a bearing, it may be that some young men who are probably driven into it suffer from causes which are economical causes. But, Sir, I will read to you with your permission a paragraph from a newspaper which runs as follows:

" 'No political progress' said Lord Reading, yesterday, 'can have a lot or part with terrorism.' On this it might be argued that several nations which enjoy political freedom to-day obtained it by methods of terrorism."

I think that is a historical truth.

I think it is the historical truth that several nations that enjoy freedom including perhaps Great Britain, did not attain it without some terrorism.

The article continues:

"It is not quite certain that we did not so obtain it ourselves, but that is not the point chiefly to be insisted upon"—and I agree that that is not the point to be insisted upon—"What is most necessary is that the Government of Great Britain and India should ask themselves what causes terrorism. It has been caused always in the past and it is caused to-day by lack of understanding and sympathy on the part of the rulers, by attempts to keep up the domination, by refusal to come down from the pedestals of absurd assumed superiority and to discuss changes on equal terms. The situation is grave in India already. It will rapidly become more so if the truth is lost sight of."

Sir, this is the situation.

The Honourable Sir Alexander Muddiman: May I ask what is the name of the paper?

Mr. M. A. Jinnah: I am sure the Honourable the Home Member would not approve of it. It is the *Daily Herald*. I knew that and that shows the mentality of the Government Benches. Sir, I am not quoting this

because it comes from the *Daily Herald* and I said so from the very start. I cannot put better what is in my own mind, and I have repeatedly said it, perhaps not in such concise language, but I have said it more than once. The Honourable the Home Member will remember that in September I said, "You want to get rid of violent crimes; you want to get rid of terrorism; you can only do so by good government." Good government does not mean autocratic government. Good government does not mean despotic government. Good government means a government that is responsible to the representatives of the people. What do we find here to-day? We find here to-day on the authority of Lord Reading—and rightly under the present constitution—that the Government cannot share the responsibility with us. The responsibility is yours. But we are, if you like to call us, interlopers, if you like to call us, busy bodies, who want to interfere with your responsibility. You may describe us in any other manner you like. But we thought that this debate should be raised, and we must tell you really, frankly and respectfully what is in our mind. The responsibility is yours. If you like to follow our advice, our advice is this. Please revise your policy. It is no sign of weakness to revise your judgment if you are wrong. I again say, "Revise it and come down from your high pedestals, and discuss with us on equal terms what India wants and meet us reasonably." And I venture to say that this terrorism which I condemn in no too strong terms will be destroyed.

Mr. Amar Nath Dutt: Sir, I shall begin by briefly stating the circumstances which have culminated in the promulgation of Ordinance No. 1 of 1924. The Government of Lord Lytton had rendered itself unpopular, by its short-sighted policy of flouting public opinion since the Swarajists determined to capture the Councils, and to expose the hollowness of the reforms. From that time the attitude of the Bengal Government became one of hostility towards the people under its administration. The first step that was taken was to deport under Regulation III of 1818 some congress workers who might be useful in helping Swarajist candidates being returned to the Councils.

Then came the Tarakeshwar *Satyagraha* campaign and instead of helping the people in their non-violent struggle to purify their religious institutions, Lord Lytton's Government saw the spectre of sedition and tried to crush the movement by imprisoning thousands of men, boys and women to whom religion was dearer than their lives. To crown all came His Excellency's Dacca speech, insulting the womanhood of India, which was resented by every one from the highest to the lowest. Added to these there was an attempt to thrust upon the people Ministers of his choice whose salary was twice refused by the accredited representatives of the people in the Council. The people of Bengal in their despair determined not to associate with his Government in any way and they refused to receive the Governor with the respect due to his exalted office whenever he was on tour in the mofussil. All these things instead of making him pause and change his ways enraged him to such an extent that he got the promulgation of Ordinance No. 1 of 1924 by misrepresenting a peaceful, constitutional struggle as the outward manifestation of anarchical conspiracy which, if it really exists anywhere, exists among his officers and advisers. For, are they not anarchists who bring the head of an administration into contempt by fabricating stories of anarchical conspiracies amongst peaceful, law-abiding citizens? We have been told that the Government have ample proof of the existence of anarchical conspiracies in Bengal, but dare not publish the same, and the people are simply asked to believe in the *ipse*

[Mr. Amar Nath Dutt.]

dizits of His Excellency and the members of his Government. The people are perfectly justified in refusing to believe them because their statements are based upon the reports of a notoriously venal and unscrupulous police who are masters in the art of fabrication as proved by the Narayangarkh train wrecking case and the Midnapore bomb case. Instances of a stray murder here and there have been cited as instances of anarchical conspiracy, but the same has not been proved by facts. It is said that witnesses are intimidated, but we know as a matter of fact, that witnesses came forward to depose in such cases, to which a political complexion is attempted to be given, and the offenders were punished. Some reliance is also placed upon confessions made under circumstances of torture and agony, which may have its parallel in the legend of Prometheus but not in human history. The ordinary instruments of tyranny and oppression that are available under a so-called civilized Government having been made full use of, the Government of Bengal wants to pursue its career of repression and misrule by the adoption of Star Chamber methods so that the whole province may live in perpetual dread of its power and may not utter a word against its misdeeds. These weapons of coercion and repression are being deliberately used against the members of the Swaraj Party to stifle a perfectly constitutional movement for self-government and to suppress the surging tide of nationalism under cover of preserving law and order.

Outbursts of violence occur in every country in every age and such occasional outbursts do not justify the promulgation of an Ordinance which takes away from the ordinary citizen his most elementary rights.

It is only under very extraordinary circumstances that such elementary rights of citizenship can be taken away and I ask Government whether the refusal of the Ministers' salaries, the attempt to purify religious institutions, or protests against malicious utterances against the honour of our mothers and sisters, are such extraordinary circumstances?

That these measures are intended to destroy by stealth the legitimate constitutional activity of the Swaraj Party, will be apparent to every one from the fact that the chief executive officer of the Calcutta Corporation, which has been captured by the Swaraj Party, the Secretary of the Swaraj Party in Bengal and the Secretary of the Bengal Provincial Congress Committee were deported. The Government of Bengal has never spared any means to prevent the Swarajists from capturing the municipal institutions and District and Local Boards of the Province, and men taking active part in the organisations for such capturing have been dealt with under the Ordinance and taken away from the sphere of their activities. I shall give you one instance of which I have personal knowledge. In my own district of Burdwan the District Board has lived more than double its statutory life through bureaucratic blessings. The Congress party decided to capture the Board and on the eve of the election Srijut Anil Baran Roy, the life and soul of the organisation, was taken away in the midst of his work and the over-zealous subordinates of the executive, who were carrying on an anti-swaraj propaganda, were thus able to threaten and coerce the unsophisticated villagers to vote for their henchmen. It was freely given out that whoever would stand as a nominee of the Swaraj Party or vote for them would be deported, and I know of more instances than one where candidates withdrew for fear of offending the officials. I have referred to this instance, because what is true of my district is true of other places in Bengal, and to prove before you by a concrete instance the reasons for the deportation of Srijut Anil Baran Roy.

Those who have the privilege of knowing Srijut Anil Baran cannot believe that he can belong to any terrorist movement or criminal conspiracy. His simple life and saintly character and his selfless devotion to the cause of our motherland has made him the idol of the people of Bankura, amongst whom he was working, and Burdwan is proud to own him as one of its sons. By taking away such men from the field of their work the Government are driving the people of Bengal, in their despair of constitutional methods, to other paths which we all abhor.

The Government of Bengal in its mad attempt to coerce the people into subjection has not only made free use of rusty weapons in their armoury like Regulation III of 1818, but has invoked the aid of Ordinance No. 1 of 1924 by misrepresenting facts to His Excellency the Governor General and has introduced a reign of terror in my unhappy province. It is almost useless to attempt to convince the Government by facts about the true situation in Bengal, as the Government are determined not to be convinced, but we shall be failing in our duty as representatives of the people if we do not give expression to our deep feeling of resentment against the actions of an irresponsible executive in the province of Bengal.

It has been said that the existence of revolutionary conspiracy is admitted even by the leader of the Swaraj Party. But am I to understand that the Government do not understand the true significance of his warning which was uttered with the best of intentions? The Government have accepted his diagnosis of the disease but not the remedy suggested by him. Does it not prove that the Government do not really accept his statement but merely want to make use of his statement further to strangle political life in Bengal?

Along with the Ordinance a Bill was introduced in the Bengal Legislative Council on the same lines, which although thrown out by the Bengal Council has been certified by the Governor of Bengal in flagrant defiance of public opinion and is awaiting signification of His Majesty's assent. This certified Bill, if it becomes law, will place the people of Bengal, their lives and liberties for five years in the hands of an arbitrary and autocratic executive. Sir, I emphatically deny the existence of any anarchical conspiracy or terrorist movement in Bengal necessitating the introduction of such measures as the Ordinance or the certified Bill. Even a cursory glance at Appendix C of the report of the Repressive Laws Committee will convince you that what was complained of was not any anarchical crime or terrorism, but merely picketing, social boycott and like things, which can easily be dealt with, if the same transgress lawful bounds, under the ordinary law of the country. To characterise these legitimate weapons of constitutional warfare as terrorism indicates the real motive of the autocrat to kill the political aspirations of the people for responsible government and hold them in subjection perpetually for the advantage of their foreign rulers.

Sir, this is a debate which must be very painful to me, painful not only on account of the extraordinary nature of the proceedings which we are considering, but painful also because I find many bright and brilliant young men, who I fondly hoped and believed would add to the honour, the dignity and prestige of my province by their selfless devotion in the service of their motherland, are arrested and deported or interned for causes which I cannot know, which nobody knows and which are never given out. Sir, a general crusade against a community is not justified by reason or logic or considerations of expediency under any circumstances.

[Mr. Amar Nath Dutt.]

I wish I had the power and the ability of placing before the Members of the Assembly the scenes of desolation and sadness that pervade every home in the province of Bengal, as also the agony and despair of sorrowful and bereft families, which would ensure a ready response in support of the Resolution.

I therefore earnestly appeal through this Assembly to His Excellency the Governor General to withdraw the Ordinance and take steps so that the certified Bill of the Governor of Bengal may not disgrace the pages of the Indian Statute-book. You may disregard our appeal, you have the power to do so, you have got the authority—our lives and liberties are at your disposal—but then your action will lay up such a great harvest of discontent amongst the people which it will not be easy to allay. I can do no better than conclude by quoting from the famous ballad of Rabindranath :

* " The more their eyes will be reddened
Our vision will be clearer
The more they tighten their grip
Our shackles will fall off."

With these words I beg to move the amendment that stands in my name, namely :

" That at the end of the Resolution the following be added :

' And that steps be taken to have the certified Bill of the Governor of Bengal on the lines of the Ordinance withdrawn '."

Mr. President: I propose now to adjourn the House, but before doing so I wish to say that I hope to be in a position on Friday morning to announce that a satisfactory arrangement has been made for the resumption of the debate now adjourned and that the arrangement will provide for that resumption at a reasonably early date.

ELECTION OF MEMBERS TO THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

Mr. President: I have further to announce the result of the election of Members to serve on the Central Advisory Council for Railways. The following have been elected :

Mr. S. C. Ghose,
Khan Bahadur Saiyid Mohammad Ismail,
Pandit Harkaran Nath Misra,
Mr. H. G. Cocke,
Seth Kasturbhai Lalbhai,
Mr. N. C. Kelkar,
Mr. E. G. Fleming, and
Sir Hari Singh Gour.

The Honourable Sir Alexander Muddiman: With reference to the request that was made earlier in the day by Mr. Jinnah about the resumption of this debate, we had a full day to-day and *prima facie* I am not likely to be in a position to give official time, but I am not in the least inclined to raise any objection to the other procedure suggested. I suggest therefore that we raise the question of the day on which this debate should be taken up again, on Friday next, that is, the next meeting.

The Assembly then adjourned till Eleven of the Clock on Friday, the 30th January, 1925.

* Translation of the ballad.