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of the

THIRD LEGISLATIVE ASSEMBLY

1928



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LEGISLATIVE ASSEMBLY.

Monday, 10th September, 1928.

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

MEMBER SWORN :

Mr. Jehanghir K. Munshi, M.L.A. (Burma : Non-European).

QUESTIONS AND ANSWERS.

ADMINISTRATION OF THE FINES FUNDS ON RAILWAYS.

293. *Mr. N. M. Joshi : (a) Will Government be pleased to state if there are any rules governing the administration of the Fines Funds on Railways ; and if so, will the Government be pleased to lay a copy of it on the table ?

(b) Is it a fact that the bulk of the Fines Fund is contributed by the Indian employees of Railways ?

(c) Is it a fact that the late Agent of the Madras and Southern Mahratta Railway (Sir Ashley Biggs) sanctioned out of the Fines Fund a sum of Rs. 5,000 for a farewell entertainment to himself ?

Mr. A. A. L. Parsons : (a) I have been unable to discover any rules except an old circular of 1880, which lays down that all fines levied from employees on the revenue staff of State Railways should be credited to a fine fund, that no disbursements from the fund should be made except under the order of the Manager or other chief official of the Railway, and that the fund should be utilised for the benefit of the employees and their families. It also contains a few provisions about depositing the assets of the fund in the Government Savings Bank. If the Honourable Member wishes, I will send him a copy of this circular, but he must understand that a good deal of it is obsolete. At present the position is that the administration of the fund is left to the Agent of the Railway.

(b) Yes.

(c) No. On the Madras and Southern Mahratta Railway the fine fund is devoted entirely to the benefit of the subordinate staff, and the late Agent neither gave nor was given a farewell entertainment, nor was any grant made from the fine fund for such purpose.

Mr. N. M. Joshi : Am I to understand that the Government is making rules for the administration of the Fines Fund ?

Mr. A. A. L. Parsons : We are considering the whole question, Sir, as the result of the suggestion which the Honourable Member himself made at the last budget debate. We are considering with Agents the question of forming some kind of committee, on which the employees themselves will be represented, to manage the fund under the Agent.

Mr. W. M. Joshi : May I repeat, Sir, a supplementary question which I asked sometime ago as to information about the use of the Fines Funds. Where is that information to be obtained, as the figures are now deleted from the Railway Board's Report ?

Mr. A. A. L. Parsons : At the moment, Sir, I cannot say that the information is available anywhere ; but when we consider what the future administration of the Fines Fund is to be, I will then consider also how this information should be made available to this House.

Mr. N. M. Joshi : May I ask, Sir, whether the Railway Board will consider the advisability of issuing a report on the administration of the Fines Fund ?

Mr. A. A. L. Parsons : I am certainly prepared to consider the question, Sir.

ADMISSION OF THE INDIAN RAILWAY MAGAZINE TO THE PRIVILEGES OF THE PRESS ROOM OF THE GOVERNMENT OF INDIA.

294. ***Mr. N. M. Joshi :** (a) Will the Government be pleased to lay on the table a list of journals to whom the privileges of the Editor's table of the Government of India are extended ?

(b) Are the Government aware that the Indian Railway Magazine (Madras) has been devoting itself during the last 3 years to a discussion and consideration of railway questions ?

(c) Is it a fact that the Indian Railway Magazine has twice applied to the Government of India to be favoured with the Editor's table privileges so far at least as the Railway Department is concerned, so as to facilitate its work and that its application was supported by Diwan Bahadur T. Rangachariar and that both the applications were rejected ?

(d) Do Government propose to include the said magazine in the list of journals to whom the Editor's table papers of the Government of India are supplied ?

The Honourable Mr. J. Crerar : (a), (c) and (d). As the term used by the Honourable Member is open to more than one interpretation, I must explain that the supply to the Press of communiqués and notifications of the Government of India and similar papers is a matter distinct from the free supply of reports and publications generally. The procedure in the former case is that the papers in question are laid in the Press Room at the headquarters of Government, where they are available to the representatives of such News Agencies and Journals as are given this privilege. A list of the agencies and newspapers whose representatives at present have access to the Press Room is laid on the table. The Editor of the Indian Railway Magazine was informed of this some time ago, and was instructed, if he wished his representative to be admitted to the Press Room, to make application through the Local Government ; but no such application has been received and the Government of India have, consequently, not considered the matter further. The free supply of Government publications is a separate matter. As the editor has already been informed, these have been rigorously curtailed on grounds of economy, and Government do not see their way to supply any of their publications free of charge to the Indian Railway Magazine.

(b) Yes.

List of Newspapers and News Agencies whose representatives have been admitted to the Press Room of the Government of India.

1. Reuters.
2. Associated Press of India.
3. Simla Times.
4. Times of India, Bombay.
5. Statesman, Calcutta.
6. Fress Press of India.
7. Hindustan Times, Delhi.
8. The General News Agency, Delhi.
9. Pioneer, Allahabad.

RECEIPT BY TELEGRAPH PEONS OF PAYMENT FOR MORE THAN ONE TELEGRAM DELIVERED AT ONE ADDRESS.

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

- (a) whether the Director General of Post and Telegraph Department has issued a circular that a batch of 5 telegrams or fraction thereof delivered at the same time and to the same addressee should be counted as one telegram for the purpose of determining task work earnings ;
- (b) whether this practice will not reduce the earnings of the messengers ;
- (c) whether Government have in some other way arranged to increase the emoluments of the messengers to compensate for the loss caused by the new circular ?

The Honourable Mr. A. C. McWatters : (a) Yes.

(b) Yes, to a small extent.

(c) No compensation is called for. Government have decided that the earnings which have been lost were irregular.

Mr. N. M. Joshi : May I ask whether, though the earnings were irregular or not, these people are suffering a loss in the earnings which they used to make for many years ?

The Honourable Mr. A. C. McWatters : I have said already in answer to (b) that there was a loss to a small extent. I may explain to the Honourable Member that the practice, which relates to telegraph peons receiving payment for more than one telegram delivered at one address, was contrary to the Post Office regulations, and the practice, which had grown up in a few Circles, was irregular and its discontinuance has been ordered.

RECRUITMENT OF INDIANS TO THE GENERAL SERVICE IN THE TELEGRAPH DEPARTMENT.

***Mr. N. M. Joshi :** Will the Government be pleased to state whether it is a fact that no Indian is recruited directly to the General Service in the Telegraph Department ?

**RECRUITMENT OF INDIANS TO THE GENERAL SERVICE IN THE TELEGRAPH
DEPARTMENT.**

297 ***Mr. N. M. Joshi** : (a) Will the Government be pleased to state whether it is a fact that it is only Europeans and Anglo-Indians that are directly recruited to the General Service and that Indians can enter the General Service only by recommendation and selection from the Station Service ?

The Honourable Mr. A. C. McWatters : With your permission, Sir, I shall answer questions Nos. 296 and 297 together. The reply is in the negative. The Honourable Member is referred to the revised rules for the recruitment of telegraphists, a copy of which will be supplied to him.

**NUMBER OF INDIANS IN THE FIRST DIVISION OF THE TRAFFIC BRANCH IN THE
TELEGRAPH DEPARTMENT, ETC.**

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

- (a) how many Indians as distinguished from Anglo-Indians are in the First Division of the Traffic Branch in the Telegraph Department ; and
- (b) the number of Indians and the number of Europeans and Anglo-Indians in the Second Division of the Traffic Branch of the same Department ?

Mr. P. G. Rogers : (a) Indians—3 ; European—1 ; and Anglo-Indians—10.

(b) Indians—4 ; European—1 ; and Anglo-Indians—30.

Mr. N. M. Joshi : May I ask why the number of Indians is so small ?

Mr. P. G. Rogers : It is due to the previous system of recruitment.

Mr. N. M. Joshi : Is that number likely to be increased very soon ?

Mr. P. G. Rogers : Yes.

**NUMBER OF MEN REVERTED FROM THE EXPERIMENTAL WIRELESS BRANCH TO
THE TRAFFIC BRANCH OF THE TELEGRAPH DEPARTMENT, ETC.**

299. ***Mr. N. M. Joshi** : Will the Government be pleased to state the number of men reverted from the experimental Wireless Branch to the Traffic Branch from which they were chosen ?

(b) How many so reverted are Indians and how many of them are Europeans or Anglo-Indians ?

(c) Is it a fact that men are being compelled to do night duty almost every other night in contravention of the rules laid down for night duties and are being compelled to work overtime far in excess of that prescribed in the rules ?

(d) Do Government propose to inquire into the conditions under which these men are forced to work in excess of that required of them by the rules ?

Mr. P. G. Rogers : It is presumed that the Honourable Member refers the staff employed in the Madras-Rangoon Wireless Wheatstone Experiment. If so, the replies to the question are :

(a) 4 men reverted to the Traffic Branch.

(b) All the 4 are Indians.

(c) Service in the Wireless Branch is such that wireless operators must necessarily carry out regular duty at night and on holidays in excess of that required in the Traffic Branch of the Department and this additional requirement was considered in fixing the special wireless allowances which have been granted also to the wireless Wheatstone staff. As this is a necessary feature of the wireless Wheatstone Experiment, operators who are not willing to conform to these conditions cannot be retained. The system of calling for volunteers has been adopted and there has been no compulsion in the selection of candidates.

(d) In view of the answer to (c) this question does not arise.

Mr. N. M. Joshi : May I ask on what principle the selection for reversion was made ?

Mr. P. G. Rogers : The selection for reversion was made in this way. These particular men were not willing to comply with the conditions of work which were necessary for working the Madras-Rangoon Wireless Experiment.

TERMINATION OF THE CONTRACT WITH CERTAIN ANGLO-INDIAN SCHOOLS FOR TRAINING TELEGRAPHISTS.

300. ***Mr. N. M. Joshi :** (a) With reference to reply given on 1st February last to my starred question No. 27, regarding the termination of the contract with certain Anglo-Indian schools for training telegraphists, will Government be pleased to state whether they have come to a decision regarding the revised method of recruiting telegraphists ?

(b) If so, what is that revised method and have the contracts referred to been terminated ?

(c) If no decision is arrived at, why is delay being caused ?

The Honourable Mr. A. C. McWatters : (a) and (b). Yes. The Honourable Member is referred to the revised rules for the recruitment of telegraphists, a copy of which will be supplied to him in connection with his starred question No. 296.

Notices terminating the contracts within the calendar year 1929 have already issued.

(c) Does not arise.

TRAINING OF INDIANS AS WIRELESS OPERATORS.

301. ***Mr. N. M. Joshi :** With reference to the reply given to my starred question No. 29 on 1st February last regarding the employment of Indians as wireless operators, will the Government be pleased to state whether any Indians are now under training as wireless operators and, if so, how many and how many of the total are Anglo-Indians ?

The Honourable Mr. A. C. McWatters : On 15th August, 1928, there were 16 telegraphists under training for wireless. Of these 11 were Indians, and of the remainder 2 were Anglo-Indians.

Mr. N. M. Joshi : May I ask whether steps were taken to select Indians from different provinces ?

The Honourable Mr. A. C. McWatters : I shall have to ask for notice of that question.

ABOLITION OF RAILWAY MAIL SERVICE CIRCLES.

302. ***Mr. Ismail Khan :** (a) Is it a fact that the Government of India extended the date of abolition of the R. M. S. Circles from 1st July to 1st November on a representation from the staff of the office of the R. M. S., Northern Circle, stating that in consequence of the short notice of the decision of Government in the matter the employees would be inconvenienced in respect of the education of their children and in getting housing accommodation in the rainy season ?

(b) Are Government aware that the postponement of the abolition till the 1st November will not remove the inconvenience of the employees in the matter of the education of their children ?

(c) If the reply to (a) and (b) is in affirmative, do Government propose to extend the date to 1st April, 1929, and if in the negative, will the Government be pleased to state the reasons which render it absolutely necessary to abolish the office ?

The Honourable Mr. A. C. McWatters : (a) Yes.

(b) and (c). A representation has been received and the whole question is under examination.

ADVANCED INCREMENTS GRANTED TO OFFICIALS OF THE OFFICES OF THE DIRECTOR-GENERAL, POSTS AND TELEGRAPHS, AND THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS, ON THEIR TRANSFER FROM CALCUTTA TO DELHI.

303. ***Mr. Ismail Khan :** (a) Is it a fact :

(i) That the Government sanctioned 5 advance increments to each official of the Director General, Posts and Telegraphs, and Accountant General, Posts and Telegraphs, on their transfer from Calcutta to Delhi ?

(ii) That the cost of living in Delhi is cheaper than that in Calcutta ?

(b) If the reply to (i) and (ii) is in the affirmative, do Government propose to grant the same number of advance increments to the officials to be transferred to Lahore, Lucknow and Karachi from Ambala ?

The Honourable Mr. A. C. McWatters : (a) (i). No.

(a) (ii). Yes.

(b) In view of the reply to part (a) (i) above, this does not arise.

TUBERCULOSIS IN DELHI.

304. ***The Revd. J. C. Chatterjee :** Has the attention of Government been drawn to the note addressed by Major Webb, I.M.S., Assistant

Director of Public Health, Delhi Province, to the members of the Delhi Municipal Committee, on the prevalence of tuberculosis in the city and particularly to the opinion expressed in the note as follows :

“ I am of opinion that you cannot and will not effect the real solution of the problem of tuberculosis in your Delhi until the congested state of the city has been relieved ” ?

Mr. G. S. Bajpai : The Government of India have not seen Major Webb's note but have seen a summary of it in the newspapers.

The Revd. J. C. Chatterjee : Will Government be pleased to state if any action was taken on the report made at the instance of Government by Dr. Arthur Lankaster in 1915-16 on tuberculosis in India ?

Mr. G. S. Bajpai : Yes, Sir ; the report of Dr. Lankaster was circulated to Local Governments.

The Rev. J. C. Chatterjee : Will Government be pleased to place some copies of Dr. Lankaster's report on tuberculosis in the Library ?

Mr. G. S. Bajpai : I shall consider that suggestion.

SCHEME FOR CITY EXTENSION SUBMITTED BY THE DELHI MUNICIPALITY.

305. ***The Revd. J. C. Chatterjee :** (a) Is it a fact that the Delhi Municipality submitted last year a scheme for city extension, along the land lying vacant outside the city wall, between the Delhi and Ajmere Gates ?

(b) If the answer to (a) be in the affirmative, will Government be pleased to state what action they have taken or propose to take in connection with the scheme ?

Mr. G. S. Bajpai : (a) No such scheme has been submitted to the Government of India.

(b) Does not therefore arise.

Revd. J. C. Chatterjee : Have the Government of India seen in the public Press extracts from the scheme or comments on the scheme submitted by the Delhi Municipality ?

Mr. G. S. Bajpai : The Government of India have not seen any reference in the public Press to this particular scheme. Of course, they have had before them schemes relating to the removal of congestion which exists in certain parts of Delhi.

PROVISION OF DRAINAGE AND WATER SUPPLY TO THE WESTERN EXTENSION OF DELHI CITY KNOWN AS KARAUŁ BAGH.

306. ***The Revd. J. C. Chatterjee :** (a) Is it a fact that the western extension known as Karaul Bagh is still without drainage and water supply ?

(b) If the answer to (a) be in the affirmative, will Government be pleased to state when they propose to provide the grant asked for by the Delhi Municipality for the provision of these facilities ?

Mr. G. S. Bajpai : (a) Yes.

(b) The schemes for water supply and drainage in the Western Extension have been recommended by the Municipality and the Chief Commissioner, Delhi, for inclusion in the 5-year programme of expansion of

medical and public health facilities in Delhi Province and the Government of India hope to be able to consider these schemes along with the rest of the programme.

The Revd. J. C. Chatterjee : Will Government be pleased to give some assurance as to when this drainage scheme is likely to be started considering that it is now over ten years since this settlement was established by Government themselves ?

Mr. President : No argument is permissible.

The Revd. J. C. Chatterjee : Will Government be prepared to give some assurance as to when this drainage scheme is likely to be completed ?

Mr. G. S. Bajpai : I cannot give an assurance as to when the drainage scheme is likely to be completed, seeing that I am not in a position to give an assurance when it is to be taken in hand, but I can give the Honourable Member an assurance that we shall consider the scheme as soon as possible.

HOUSE SHORTAGE AND HIGH RENTS IN DELHI.

307. ***The Revd. J. C. Chatterjee :** (a) Has the attention of Government been called to an article that appeared on page 6 of the *Statesman* of the 20th June, 1928, under the heading " House Shortage and High Rents " and a similar article in the *Pioneer* of the same date under the heading of a " Delhi Letter " ?

(b) Will Government be pleased to state whether the statements made in that article are substantially or partially correct ?

Mr. A. A. L. Parsons : (a) Government have seen the articles mentioned.

(b) Only 8 bungalows, and not 20 as stated, have been rented in Civil Lines for officers of the North-Western Railway. It is probably true that the establishment of the Clearing Accounts Office at Delhi has increased the difficulty of finding accommodation. The Railway Board are now considering what steps should be taken to house the clerks of this office.

INFLUX OF OFFICERS, CLERKS AND OFFICE SERVANTS INTO DELHI CONSEQUENT ON THE TRANSFER OF CERTAIN OFFICES TO THAT PLACE.

308. ***The Revd. J. C. Chatterjee :** (a) Will Government be pleased to state the approximate number of officers, clerks and office servants brought into Delhi with the transfer to that city of the following offices :

1. Office of the Accountant General, Posts and Telegraphs.
2. Railway Accounts Clearing Office.
3. Divisional Offices of the North Western Railway.
4. Northern India Salt Department ?

(b) Will Government be pleased to state what housing accommodation has been provided for the officers, clerks and servants connected with the offices named in (a) above ?

The Honourable Sir Bhupendra Nath Mitra : The information required by the Honourable Member is being collected and will be furnished to him as soon as possible.

NUMBER OF BUNGALOWS RENTED BY THE NORTH WESTERN RAILWAY IN THE CIVIL LINES AND DARYA GANJ, DELHI.

309. ***The Revd. J. C. Chatterjee** : Will Government be pleased to state the number of bungalows rented in the Civil Lines and Darya Ganj by the North Western Railway for the accommodation of officers or offices ?

Mr. A. A. L. Parsons : 8 bungalows have been rented in Civil Lines for officers of the North-Western Railway. No bungalows have been rented in Darya Ganj.

The Revd. J. C. Chatterjee : Have any bungalows been rented for railway offices in the Civil Lines, such as the Railway Mail Service office and so forth ?

Mr. A. A. L. Parsons : Railway Mail Service offices are not railway offices, Sir. I am quite unable to give an answer except with regard to the North-Western Railway, the figures for which I have already given to the Honourable Member.

PROVISION OF HOUSING ACCOMMODATION IN DELHI FOR THE OFFICERS AND STAFFS OF THE GOVERNMENT OFFICES TRANSFERRED TO THAT PLACE.

310. ***The Revd. J. C. Chatterjee** : Will Government be pleased to state what steps they propose to take to provide housing accommodation in Delhi for the officers and staffs of the Government offices transferred to it ?

The Honourable Mr. A. C. McWatters : Presumably the Honourable Member has in mind the offices mentioned in question No. 308. As far as the offices of the Accountant General, Posts and Telegraphs, the Northern India Salt and Revenue Department are concerned, which have now been located in the temporary Secretariats, there is no intention to provide further housing accommodation in Delhi. When Army Headquarters move to New Delhi, the accommodation thus set free should be sufficient for all these demands. The possibility of making some suitable arrangements for quarters for the ministerial staff of the Railway Clearing Accounts Office is under investigation.

WATER SUPPLY OF DELHI CITY.

311. ***The Revd. J. C. Chatterjee** : (a) Has the attention of Government been called to the debate which took place at a special meeting of the Delhi Municipality held on the 11th July, 1928, on the subject of the water supply of Delhi City and the resolution passed at that meeting, urging representations to the Delhi Joint Water Board, for reduction of the water rate charged from the Delhi Municipality as the rate was said to be considerably in excess of the cost incurred by the Municipality when it maintained its own water works ?

(b) Will Government be pleased to state what is the cost of pumping per thousand gallons of water, incurred by the Joint Water Board, and the rate charged for supply by it to the Delhi Municipal Committee ?

(c) If the cost incurred by the Joint Water Board is in excess of the price guaranteed to the Municipal Committee, will Government be pleased to state, how the loss so incurred is met ?

The Honourable Mr. A. C. McWatters : (a) Not specifically ; but they understand that a copy of the proceedings of the special meeting was received by the Chief Commissioner in the ordinary course.

(b) The cost of supplying water in 1926-27 on 11 months' working including interest and repayment of loan and sinking fund was 3.27 annas per thousand gallons. The final figures for 1927-28 are not available as yet but the rate is not likely to be above 3.10 annas per thousand gallons. The rate charged to the Delhi Municipal Committee is 3 annas per thousand gallons.

(c) The loss incurred is met in the manner provided for in section 13 (4) of the Delhi Joint Water Board Act, 1926.

AVERAGE COST OF PUMPING WATER AND THE AVERAGE DAILY VOLUME OF THE OUTPUT OF WATER IN DELHI.

312. ***The Revd. J. C. Chatterjee :** (a) Is it a fact that when inviting the Delhi Municipality to participate in the Joint Water Board Scheme, the Chief Commissioner in his letter No. 0156-W., dated Raisina, the 13th October, 1923, to the Deputy Commissioner, Delhi, stated that the Chief Engineer had estimated that the actual pumping cost of water, taking interest on half the capital figures, was likely to work out to some figures between 2 annas 6 pies to 2 annas 9 pies per 1,000 gallons on 8 million gallons, and that the rate would diminish as the volume increased ?

(b) Will Government be pleased to state, what the actual average cost of pumping water has been for the last three years and the average daily volume of the output of water during this period ?

(c) If the average cost of pumping has been in excess of the estimate furnished by the Chief Engineer, will Government be pleased to state, what are the reasons for such an excess ?

(d) Will Government be pleased to state what was the cost of pumping per thousand gallons of water incurred by the Delhi Municipality, and the average daily output, before the Municipal Water Works were acquired by the Joint Water Board ?

The Honourable Mr. A. C. McWatters : (a) The answer is in the affirmative.

(b) Final figures for 1927-28 are not available at present. The Joint Water Board began to function with effect from 1st May 1928 only.

(c) The Chief Engineer's estimate was based on an assumed daily supply of 8 million gallons and when that figure is reached, it is hoped that the cost will be within the Chief Engineer's estimate. The present supply is about 7 million gallons.

(d) The Delhi Administration Reports give the quantity supplied and cost of supply as follows :

1921-22	4.18 million gallons	2.30 annas.
1922-23	4.21 million gallons	2.68 annas.

These figures do not include any thing for administration, interest on capital, depreciation charges and sinking fund. The two years for which figures are given are the last two years during which the Municipal Committee was in exclusive charge of the water works.

CONTAMINATION OF THE WATER SUPPLY OF DELHI CITY.

313. ***The Revd. J. C. Chatterjee** : (a) Has the attention of Government been drawn to the statements made by the Medical Officer of Health of the Delhi Municipality, to the effect that the water supply of the city in some of the most congested parts had been found to be contaminated with acid and gas forming bacteria detected in samples of 60 c. c. of drinking water, and that he believed this to be due to a number of water pipes passing through drains and sewage pipes ?

(b) Is it a fact that the Delhi Municipality have for some time been urging the Government of India to give them an adequate grant or loan, to improve the system of water distribution in the city ?

(c) In view of the contamination of the water supply of the city and the serious dangers to public health resulting therefrom, will Government be pleased to state what steps they propose to take to assist the Delhi Municipality in dealing with this urgent problem ?

Mr. G. S. Bajpai : (a) Yes.

(b) and (c). The improvement of the water supply in Delhi City is one of the items recommended by the Municipality and the Chief Commissioner, Delhi, for inclusion in the 5-year programme to which I have already referred in a previous answer given to-day. The Government of India recognise the importance of the scheme and are considering the request of the Municipality for financial assistance towards giving effect to it.

The Revd. J. C. Chatterjee : Are Government aware of the serious epidemic of typhoid that has visited Delhi this summer and which still continues to some extent ? Are Government also aware that this was partly due to the contaminated water supply ?

Mr. G. S. Bajpai : The Government have seen reports, Sir, in the Press to the effect that there has been a severe epidemic of typhoid in Delhi. They have made inquiries on the subject from the Chief Commissioner, and he did recognise that to some extent the contamination of the water supply was responsible for the infection. The statement made by me that Government propose to take this matter up for consideration urgently is proof of their recognition of the importance of the matter.

The Revd. J. C. Chatterjee : Am I then to understand that Government will take up the question of the consideration of the grant for improving the water supply independent of the five-year programme which may be indefinitely delayed ?

Mr. G. S. Bajpai : I do not think, Sir, that the exclusion of this particular item from the five-year programme is necessary to the recognition of its importance or urgency.

FEEDER RAILWAYS IN SIND, ETC.

314. ***Haji Abdoola Haroon** : (a) Has the attention of the Government been drawn to the proceedings of a mass meeting of the people of Bhiria (Nawabshah District) that have appeared in the *Daily Gazette* of Karachi, dated 31st July 1928, under the title of "Feeder Railways in Sind" and "Need of a Station at Bhiria." ?

(b) What step, if any, do the Government propose to take in the matter ?

Mr. A. A. L. Parsons : (a) Yes.

(b) Government understand that the representation from the people of Bhiria is now under consideration by the North-Western Railway authorities, but as this town is already only 5 miles from the existing main line between Samasata and Hyderabad, it is not likely that the suggested alteration of the alignment can be justified.

SETTLEMENT OF MOPLAHS IN THE ANDAMANS.

315. *Haji Abdoola Haroon : (a) Will Government be pleased to state what is the number of Moplah settlers in the Andamans at present, men, women and children respectively ?

(b) In view of the Government's acceptance of the conclusions of Sir Alexander Cardew's Committee to discontinue the Andamans as a penal settlement, will Government be pleased to state the reasons for still keeping the Moplahs there ?

The Honourable Mr. J. Crerar : (a) There are at present 2,967 Moplahs in the Andamans : 1,526 men, 587 women and 854 children.

(b) The policy of the Government of India in regard to the Andamans is stated in the Home Department Resolution No. F.-20|26-Jails, dated the 27th February 1926. I would particularly invite the Honourable Member's attention to paragraph 5 of the Resolution. The Moplahs at present in the Islands are those who have either elected to stay on or have volunteered to go there on the terms offered in the Home Department Resolution No. F.-188|24-Jails, dated the 4th October 1926.

Mr. K. Ahmed : How is it that after the Cardew report to the effect that the Andamans should be discontinued as a penal settlement for the Moplahs, Government have still kept these people there, and how is it that Government now say that the Moplahs have volunteered to go there ?

The Honourable Mr. J. Crerar : The recommendation of the Jails Committee was that the Andamans should be discontinued as soon as practicable as a penal settlement. The Moplahs who are at present there have gone there on a purely voluntary basis.

Mr. K. Ahmed : Do Government propose to allow any other convicts to go there or in the alternative state why these persons only should be allowed to continue to live in a place which is insanitary, unhealthy and brings demoralisation to humanity ?

The Honourable Mr. J. Crerar : I do not think that the people who wish to stay there should be removed except in some such circumstances as are contemplated in the Bill which I hope to bring before the House later on.

Mr. K. Ahmed : Is it not a fact that the Cardew Committee stated in their report that the place is insanitary, unhealthy and that it brings demoralisation to humanity ?

The Honourable Mr. J. Orerar : I would refer the Honourable Member to the Government Resolution that I have quoted in which matters have been gone into in full detail.

Mr. K. Ahmed : Is it not a fact, Sir, that these are stated in that report and in view of that fact, how do the Government propose to allow the Moplahs to remain there ?

The Honourable Mr. J. Orerar : The places in which the Moplahs are settled are not, in the opinion of the local authorities and competent medical authority, insanitary. The general opinion is that the conditions prevailing there are very much better than those which the Moplahs had in their own country.

Mr. K. Ahmed : Has there been any other authorised report made by medical men after the report of the Cardew Committee ? Was not the latter report written after a most sifting inquiry and submitted to the Government of India ?

The Honourable Mr. J. Orerar : I do not think, Sir, that that question arises out of the inquiry as to the number of Moplahs in the Andamans at present.

Mr. President : The question arises in this way. My recollection is that the Honourable Member answered a previous question by saying that these places were not insanitary ; but we have the report of Sir Alexander Cardew's Committee to show that these places are insanitary and so the Honourable Member now wants to know whether there has been any further report of any medical authority, and that question is perfectly legitimate.

The Honourable Mr. J. Orerar : In regard to certain parts of the island where malaria has been prevalent (I may explain that those parts are close to the coast) steps have since been taken to reduce the malaria with excellent effects and further measures in that direction are being taken.

TOTAL STRENGTH AND RELIGION OF HIGH COURT JUDGES IN INDIA.

316. *Haji Abdoola Haroon : Will Government be pleased to state the total strength of High Court Judges in each Province in India and the number of Hindus, Europeans, Muhammadans, Parsis and Sikhs respectively ?

The Honourable Mr. J. Orerar : The information is contained in the statement which I have placed in the Library.

TOTAL CADRE OF INSPECTORS, PREVENTIVE OFFICERS AND APPRAISERS IN THE CUSTOM HOUSE, KARACHI.

317 *Haji Abdoola Haroon : Will Government be pleased to state what is the total cadre of Inspectors, Preventive Officers and Appraisers at the Karachi Customs station and how many of them are Muhammadans ?

The Honourable Sir Bhupendra Nath Mitra : A statement furnishing the information required is laid on the table.

Statement showing the total strength of Inspectors, Preventive Officers and Appraisers in the Karachi Custom House and the number of Muhammadans employed.

			Total strength.	Muhammadans employed.
Inspectors	4	..
Preventive Officers		..	37	5
Appraisers	22	1
			<hr/>	
			63 .	6
			<hr/>	

RECOMMENDATIONS OF THE INDIAN CINEMATOGRAPH COMMITTEE.

318. ***Mr. C. S. Ranga Iyer** : Will the Government be pleased to state :

- (a) if they have considered the recommendations of the Indian Cinema Committee ? and
- (b) if they propose to create a Central Cinema Department ?
- (c) if the answer to (b) be in the affirmative, when do they propose to create the department ?
- (d) if the answer to (a) be in the negative, when do they propose to consider the recommendations and whether they propose to consult the Assembly in regard to them during this session ?

The Honourable Mr. J. Crerar : Government have taken the recommendations under their consideration, but some time must elapse before it is possible to secure the views of Local Governments and to reach final conclusions on the proposals. Consequently Government will be unable to lay any measure based on the Committee's recommendations before the House during the present Session.

Mr. B. Das : Has the attention of the Honourable Member been drawn to the statement published in the Press that Mr. S. N. Mullick, who was delegated by the Government of India to the League of Nations' Assembly, made a statement there that western films had a harmful effect on Indian children and Indian cinema-goers and that he was supported by Dame Lyttleton of England and the Persian representative ?

The Honourable Mr. J. Crerar : I do not think, Sir, that that arises out of the original question whether Government will lay before the House any measures based on the recommendations of the Committee.

Mr. B. Das : Is it not a fact, Sir, that one of the recommendations of this Cinema Committee is that western films have a harmful effect on Indian children and cinema-goers ?

The Honourable Mr. J. Crerar : I submit, Sir, once more that that question does not arise. When Government is in a position to lay its considered conclusions and also specific proposals for legislation, if any that may be necessary, before the House, this question might arise in the course of debate. I submit it does not arise as a supplementary question to the original question asked by Mr. Ranga Iyer.

Mr. B. Das : Why does not the Honourable Member accept a fact when it is a fact and one which has already been mentioned by the representative of the Government of India before the League of Nations ?

PROPAGANDA IN INDIA BY BOLSHEVISTS AND COMMUNISTS.

319. ***Mr. Kikabhai Premchand :** (a) Are Government aware of the allegations of Bolshevist and Communistic activity in disseminating their principles throughout India and inspiring the numerous strikes which we witness all over the country ?

(b) Do Government propose taking any steps to check such propaganda among the ignorant and credulous workers and thus stop the hardships and privations caused to these labourers arising from any strike situation ?

(c) If Government do not possess adequate powers, do they contemplate arming themselves with extra ones to end any insidious attempts by Bolshevist and Communistic agitators at the destruction of authority and to safeguard the peaceful working of industry in the country ?

The Honourable Mr. J. Crerar : (a) Yes.

(b) and (c). Government have the matter under their careful consideration, and so far as concerns one aspect of the case I would refer the Honourable Member to the Bill published in the Gazette of India of the 25th August.

Mr. N. M. Joshi : May I ask whether Government is aware that officers and district officers on Indian Railways permit the spread of Bolshevik ideas in this country by refusing to remove the legitimate grievances of workers and by refusing to deal with real trade unions in this country ?

Mr. A. A. L. Parsons : No, Sir.

Mr. N. M. Joshi : I ask whether the Honourable Member will make inquiries in this matter.

Mr. K. Ahmed : Is it a fact, Sir, that many times it has been found in the newspapers—and probably the information with the Government will show—that strikers and leaders of this party have been receiving funds from the Bolshevik country and other countries, such as England and elsewhere, in order to carry on this kind of propaganda and strikes all over the country ? Will this Bill put a stop to that money being received from England from the Labour Party ?

The Honourable Mr. J. Crerar : That particular question does not arise. As the Honourable Member will see, it does not come within the scope of the Bill.

Mr. Gaya Prasad Singh : Are Government prepared to lay on the table all the materials which they may have on this question ?

The Honourable Mr. J. Crerar : No, Sir.

Mr. K. Ahmed : Will the Safety Bill prevent the activities of strikers in this country as far as money coming from the Bolshevik country as well as from labour leaders in England is concerned, in order to foment the inspiring of numerous strikes in the country ?

The Honourable Mr. J. Orerar : That, Sir, is a matter for debate on the motion which stands in my name on the paper to-day.

Mr. Gaya Prasad Singh : May I know why Government are unable to place all evidence on record on the table ?

The Honourable Mr. J. Orerar : Because, Sir, some part of this is of a very secret character and it would not be in the public interest to publish it.

Mr. Abdul Haya : In view of what has already been said on the floor of this House on this subject I do not propose to put my questions Nos. 320 and 321. With your permission, Sir I will put my question No. 322.

Mr. President : Would it not be desirable, in view of the fact that a date has been promised by Government to discuss the whole question, † that the Honourable Member should wait till the discussion takes place in this House ?

Mr. Abdul Haya : I agree to your suggestion, Sir.

‡Nos. 320*—322*.

PROMOTION OF GUARDS FROM B CLASS TO C CLASS ON THE NORTH WESTERN RAILWAY.

323. ***Mr. Abdul Haya :** (a) Is it a fact that the Traffic Manager's Circular No. 476-E., dated the 18th June, 1922, exempts the B Class guards of the North Western Railway, of more than 15 years' approved service from the assistant station masters' examination for promotion to Class C ?

(b) Is it a fact that the Circular also lays down that a list of recommended men, only in order of seniority will be maintained in the Traffic Manager's office from which promotions from class B to class C will be made ?

(c) Is it a fact that certain persons have been promoted to class C when they had even less than one year's service to their credit and drew as much as Rs. 75 per month ?

(d) Is it a fact that during the promotions made in February last the claims of the men with more than 15 years' approved experience were set aside against men of one year's service, and if so will the Government state reasons for this ?

Mr. A. A. L. Parsons : (a) The North Western Railway Administration have not been able to trace any Circular No. 476-E. of 18th June 1922. Under the existing rules men who had 15 or more years' approved service as guard on the 28th July 1921 can be recommended for inclusion in a list maintained in the headquarters' office of men from whom selection for promotion to Class C is made without having passed the assistant station masters' examination.

(b) No. Seniority is not taken into consideration in making such promotions. The rule mentioned gives no Class B or special Class B guard with 15 or more years' service any title to be promoted to Class C, but merely provides that specially capable and deserving men with this

†Separate office for the Legislative Assembly.

‡Withdrawn.

amount of service are not debarred from such promotion by the fact that they have not passed the assistant station masters' examination.

(c) No. I understand that one such man has been put in to officiate in Grade IV.

(d) The rule which I have explained was strictly followed when promotions to Grade C were made in February last.

INCLUSION OF CERTAIN SUBJECTS AS OPTIONAL SUBJECTS IN CERTAIN SPECIFIED IMPERIAL SERVICES EXAMINATIONS.

324. *Dr. B. S. Moonje : (a) Will the Government be pleased to state which of the subjects, studied by a student of B. Commerce of an Indian University, are included in the following Imperial Services examinations :

- (i) Finance.
- (ii) Military Accounts.
- (iii) Indian Audit.
- (iv) Indian Customs ?

(b) Do Government propose to include the following subjects as optional subjects in the above examinations :

- (i) Accountancy and Auditing.
- (ii) Banking, Money, Currency and Public Finance.
- (iii) Industrial and Commercial organisation.
- (iv) Economic development of the Empire and India ?

(c) Do Government propose to include these subjects in examinations for the I. C. S. also ?

The Honourable Sir Bhupendra Nath Mitra : (a) One common examination is held for candidates for admission to the Indian Audit and Accounts Service, the Military Accounts Department and the Imperial Customs Service, at which each candidate is required to take English and the *viva voce* test, and not more than two of the following subjects :

- Political Economy and Economic History.
- Mathematics (Pure and Mixed).
- Physics.
- Chemistry.
- Indian and English History.

One of the following classical languages with its literature :

Latin, Greek, Sanskrit, Arabic and Persian.

I regret it has not been possible for me to ascertain the curricula of B. Commerce Examinations of various Indian Universities in the time at my disposal.

(b) The question of the revision of the syllabus of the Indian Audit and Accounts Service Examination is being considered by the Public Services Commission.

(c) Certain proposals for the revision of the list of subjects for the Indian Civil Service Examination are now under consideration. If these

are finally approved Nos. (ii), (iii) and (iv) of the subjects mentioned by the Honourable Member will be included in one or more of the papers dealing with economic subjects. The inclusion of a paper on Accountancy and Auditing would not appear to be called for.

CRUELTY TO A CONSIGNMENT OF MONKEYS SENT FROM LUCKNOW TO BOMBAY BY THE GREAT INDIAN PENINSULA RAILWAY.

325. *Dr. B. S. Moonje : Will the Government be pleased to state :

- (1) the names and addresses of the sender and consignee of a consignment of three crates of monkeys transhipped at Jhansi Junction into the Delhi—Bombay mail train on the 29th July 1928 and reported to have been booked at Lucknow for delivery at Bombay ?
- (2) the dimensions of each crate and the number of monkeys in each ?
- (3) whether it is a fact that the legs of the monkeys protruded through the openings in the bottom of the crates and that, in spite of this, the crates were dragged along the floor of the luggage compartment at the time of loading at Jhansi ?
- (4) whether it is a fact that the crates were loaded into a luggage van the only ventilation in which was through the fixed side venetians.
- (5) what action Government propose to take against the sender and consignee of the consignment and the railway officials responsible for accepting and forwarding it ?
- (6) what action Government propose to put a stop, once and for all, to this abominable cruelty to dumb animals ?

Mr. A. A. L. Parsons : Government are asking the Agent of the Great Indian Peninsula Railway to let them know the facts and I will communicate with the Honourable Member as soon as his reply is received.

STRIKE AT BAMANGACHI ON THE EAST INDIAN RAILWAY.

326. *Rai Bahadur Tarit Bhusan Roy : Will Government be pleased to state :

- (a) What were the immediate causes of the strike at Bamangachi on the East Indian Railway ?
- (b) How many employees of the East Indian Railway took part in the strike ?
- (c) For how long did such strike continue and what was the total amount of loss occasioned to the East Indian Railway by reason of such strike ?
- (d) How many employees who participated in the strike movement have resumed work and how many of them have been discharged by the East Indian Railway and why ?
- (e) Is it a fact that the Railway Police had to open fire on the strikers at Bamangachi for maintaining law and order and if so under whose orders such a course was adopted and with what result ?

Mr. A. A. L. Parsons : I presume the Honourable Member refers to the strike in the Lillooah workshops as there was no strike in the Baman-gachi Locomotive Yard.

(a) The immediate cause of the strike was stated by the General Secretary of the East Indian Railway Union at Khagaul to be the discharge of 4 workmen ; but the strike was probably due in reality to the refusal of certain demands of the workmen.

(b) 11,296 employees went out on strike in the Lillooah Carriage and Wagon workshops ; in addition 596 men at Ondal, 1,530 men at Asansol, 890 men of the Stores and Electrical Department at Lillooah, and 2,003 men at Howrah, struck work in sympathy with the Lillooah workshop men—a total of 16,315 men.

(c) The strike at Lillooah commenced on the 7th March and terminated on the 10th July. 19 days after the termination of that strike, the men at Lillooah again refused to work and the shops were closed for 9 days. On the 8th of August they were re-opened and the men came back to work.

It is impossible to say what loss, if any, was caused to the East Indian Railway by reason of the strike. Traffic was not interfered with.

(d) Out of the total of 16,315 men, about 15,000 have resumed work. 53 men were dismissed from the Lillooah shops for creating a disturbance in the shops on the 30th July, and about 650 men at Asansol and Ondal were dismissed for not having resumed duty in accordance with the Agent's orders. Of these 650 men, nearly 400 have been re-engaged and others are being taken back as vacancies arise. The balance is made up of men of all departments who have not yet come back to work.

(e) Fire was opened by the Eastern Frontier Rifles under the orders of the Superintendent of Police. The casualties were 2 killed and 2 injured.

Mr. N. M. Joshi : Sir, may I ask what is the proper amount of the charges which Government continue to pay to the strikers and also the charges necessary for the payment of the workers ?

Mr. A. A. L. Parsons : Will the Honourable Member please put down a question ? He can hardly expect me to have these figures in my head.

Rai Bahadur Tarit Bhusan Roy : Was it the finding of the Magistrate of Howrah who held an inquiry into this matter that the occasion warranted the railway police or the constituted authorities to open fire on the strikers ?

The Honourable Mr. J. Grerar : These, Sir, are questions which are now in issue in a case which is at present *sub judice*. I am therefore not in a position to make at this stage any statement in the matter.

REDUCTION OF FARES ON THE EASTERN BENGAL RAILWAY, ETC.

327. ***Rai Bahadur Tarit Bhusan Roy :** Will Government be pleased to state :

(a) Whether it is a fact that the earnings from the East Indian Railway passenger service have increased after reduction of fares ?

- (b) Will a comparative statement be made shewing the earnings from the passenger services of the East Indian Railway before and after the latest reduction of fares for a period of one year or more ?
- (c) Is it a fact that no reduction of fares has yet been made on the Eastern Bengal Railway passenger services to bring the table of fares to the same level as prevails on the East Indian Railway and, if not, why not ?
- (d) Is it in contemplation to revive the system of issuing six-monthly 1st, 2nd and intermediate class return tickets to the passengers on the Eastern Bengal Railway ? and if so, when ?

Mr. A. A. L. Parsons : (a) The reductions in intermediate and third class mail fares only came into force on the 1st March 1928, and in third class fares generally on the 1st May 1928, and I am afraid it is not yet possible to say whether they have led to an increase in passenger traffic.

(b) These figures are already given in Volume II of the Report by the Railway Board on Indian Railways.

(c) The answer to the first part of the question is in the affirmative ; the Eastern Bengal Railway has only just begun to pay its way.

(d) Eight-monthly return tickets for first and second class passengers are issued. It is not proposed to issue return tickets for intermediate class passengers.

ATTACHMENT OF INTERMEDIATE AND THIRD CLASS COMPARTMENTS FOR FEMALE PASSENGERS CLOSE TO THE ENGINES ON THE EAST INDIAN AND EASTERN BENGAL RAILWAYS.

328. ***Rai Bahadur Tarit Bhusan Roy :** Will Government be pleased to state :

- (a) Whether it is a fact that intermediate and third class compartments for females are often put very close to the engines in many passenger train on the East Indian Railway and Eastern Bengal Railway ?
- (b) If the answer to the previous question is in the affirmative, will it be made a regular system to put the intermediate and third class female compartments in all passenger trains in all Railways at a safe distance from the engines in order to minimise the risk of accidents to females by reason of the derailment and collision of railway trains ?
- (c) Whether or not it is a fact that one or two coaches just behind the engines are generally telescoped as the result of collision and derailment of railway trains and, if so, will the Railway Board consider the necessity of directing one or two loaded or unloaded wagons being attached to the engines of all passenger trains as a matter of precaution ?

Mr. A. A. L. Parsons : (a) Not so far as Government are aware, but they are not of course informed of the actual marshalling of individual trains.

(b) No.

(c) The coaches nearest the engine generally suffer most in a head-on collision or derailment. The Railway Board are not prepared to accept the suggestion made by the Honourable Member which would *inter alia* reduce the speed of mail and passenger trains and leave less accommodation available for the public.

SHIFTING OF THE RAILWAY STATION AT GOALUNDO.

329. *Rai Bahadur Tarit Bhusan Roy : How often has the Goalundo railway station been shifted every year on account of the deterioration of the bed of the Padma River and what expenditure has been incurred during the last three years, and by whom ?

Mr. A. A. L. Parsons : The information is being obtained and will be furnished to the Honourable Member, when received.

DOORS OF INTERMEDIATE AND THIRD CLASS COMPARTMENTS ON THE METRE GAUGE AND BROAD GAUGE RAILWAYS.

330. *Rai Bahadur Tarit Bhusan Roy : (a) Is it a fact that doors of all classes of compartments on the metre gauge railways and the doors of intermediate and third class compartments of the broad gauge railways invariably open outwards with the result that accidents to passengers take place in running trains ?

(b) Is it a fact that very recently a respectable Indian woman was thrown out of the intermediate class compartment of a running train of the East Indian Railway and was killed ?

Mr. A. A. L. Parsons : (a) The design varies. Doors sometimes open out and sometimes inwards.

(b) Government have received no report of any such occurrence.

ROYAL COMMISSIONS AND COMMITTEES APPOINTED SINCE 1921.

331. *Rai Bahadur Tarit Bhusan Roy : Will Government be pleased to state :

(a) How many Royal Commissions and Committees have been appointed for India since 1921 up to now ?

(b) What was the personnel of such Commissions and Committees ?

(c) What is the expense that has been incurred and paid out of the revenues of the Central Government in connection with each of such Commissions and Committees so far ?

The Honourable Mr. J. Orerar : The information asked for is being collected and will be supplied to the Honourable Member in due course.

EXPENDITURE INCURRED BY THE EAST INDIAN RAILWAY ON SCHOLARSHIPS TO EUROPEAN AND ANGLO-INDIAN STUDENTS IN THE OAKGROVE EUROPEAN SCHOOL, ETC.

332. *Rai Bahadur Tarit Bhusan Roy : (a) What is the amount which the East Indian Railway Administration spends for scholarships to Anglo-Indian and European students in the Oakgrove School ?

(b) What is the amount spent by the East Indian Railway on scholarships to children of Indian employees and where are they available ?

Mr. A. A. L. Parsons : (a) Rs. 5,000.

(b) Nil.

FEES FOR CHILDREN OF RAILWAY EMPLOYEES AT THE OAKGROVE EUROPEAN SCHOOL, ETC.

333. ***Rai Bahadur Tarit Bhusan Roy :** (a) Is it a fact that while the monthly charges for board and tuition of a non-railway child at the Oakgrove school are Rs. 50, the charge for a railway child paid by the parents is only Rs. 14 to Rs. 21 per month according to the pay of the parents ?

(b) Who pays the balance of Rs. 36 to Rs. 29 ?

(c) Is it a fact that the East Indian Railway meets the entire deficit of the Oakgrove European School ? Does the East Indian Railway meet the entire deficit in the Indian schools also ? Is it a fact that the Indian schools maintained by the Railway are given a fixed grant, and the local committees have to find money for making up the deficit or to reduce necessary expenditure ?

Mr. A. A. L. Parsons : (a) Yes. The special reduced rates apply only to children of employees of the East Indian Railway.

(b) The deficit resulting from the admission of children of the East Indian Railway employees at reduced rates is met by the East Indian Railway revenues.

(c) The East Indian Railway meets the entire deficit of the Oakgrove School. Indian schools maintained by this Railway are given fixed grants, which are supplemented by special grants where necessary, and the local committees are responsible for keeping expenditure within income as supplemented by these grants.

TOTAL EXPENDITURE INCURRED BY THE EAST INDIAN RAILWAY ON THE OAKGROVE EUROPEAN SCHOOL IN 1926-27, ETC.

334. ***Rai Bahadur Tarit Bhusan Roy :** What was the total expenditure incurred by the East Indian Railway Administration on the Oakgrove European School in 1926-27 and what was the highest grant to an Indian school maintained by the Railway during the same period ?

Mr. A. A. L. Parsons : Rs. 1,15,916 and Rs. 4,500 respectively.

GRANT OF PREFERENCE TO STUDENTS OF THE OAKGROVE SCHOOL IN THE SELECTION OF APPRENTICES FOR THE EAST INDIAN RAILWAY WORKSHOPS AND THE TECHNICAL SCHOOL AT JAMALPUR.

335. ***Rai Bahadur Tarit Bhusan Roy :** Is it a fact that in the printed prospectus for the technical school at Jamalpur it is stated that in the selection of apprentices for the East Indian Railway workshops and the technical school, students from Oakgrove School will be given preference ? Are the students from the Indian railway schools equally qualified, and do they get such preference ?

Mr. A. A. L. Parsons : The answer to the first part of the question is in the affirmative. A similar preference is given to students from Indian railway schools.

Mr. N. M. Joshi : May I ask, Sir, if the students of these European schools are to be given preference, what happens to the scheme for Indianisation ?

Mr. A. A. L. Parsons : As I have explained, Sir, a similar preference is given to students from the Indian railway schools.

FAMINE IN BENGAL.

336. ***Rai Bahadur Tarit Bhusan Roy :** (a) Has the attention of Government been drawn to the fact that famine has broken out and desolated some Districts of Bengal ?

(b) Is it a fact that many persons have died and are still dying of starvation in the famine-stricken areas ?

(c) What is the actual number of deaths from starvation so far ?

Mr. G. S. Bajpai : (a) Government are aware that distress prevails in certain districts of Bengal, but the Local Government have not found it necessary to declare famine formally.

(b) No. Reports of such deaths appeared in certain newspapers, but upon investigation were found to be incorrect.

(c) Does not arise.

Mr. K. Ahmed : Has the Government seen certain affidavits sworn in the courts of law showing that the people died of starvation ?

Mr. G. S. Bajpai : I cannot add anything, Sir, to the answer which I have just given, and which is based on a report submitted by the Government of Bengal after careful investigation. I have a note on the subject here and, if my Honourable friend is interested in the question, I shall show it to him after the morning session is over.

NUMBER OF PERSONS UNDER DETENTION AND INTERNMENT AS POLITICAL SUSPECTS.

337. ***Rai Bahadur Tarit Bhusan Roy :** Will Government be pleased to make a statement giving the names and numbers of the persons who are now under detention and internment as political suspects in the different provinces of India ?

The Honourable Mr. J. Orerar : The number is 7, viz.:

- Panna Lal Mukharji,
- Jatindra Nath Das,
- Pratul Ganguli,
- Ramesh Chandra Acharji,
- Santa Singh,
- Basaundha Singh, and
- Gajjan Singh.

REFUSAL TO GRANT LEAVE TO THE MUSLIM EMPLOYEES OF THE LOCO WORKSHOPS AT BHATINDA TO SAY THEIR ID PRAYERS, ETC.

338. *Mr. Abdul Haya : (a) Has the attention of the Government been drawn to the news published in *Muslim Outlook*, dated 7th June 1928 at page 3 under the headings " Persecuting Muslims " " Not allowed to say Id Prayers " ?

(b) Is it a fact that on the occasion of the last *Id-ul-Zuha* the Moslem employees of the Loco Workshop at Bhatinda were not given leave to enable them to say their Id prayers even ?

(c) If so, will Government please state what action they have taken in the matter ?

(d) Are the employees of Loco Workshops allowed any holidays during the year ? If so will Government please lay on table a list of such holidays ?

(e) Is it a fact that the Moslem employees of the Loco Workshop at Bhatinda were made to work on the day of Muharrum, i.e., 29th June 1928, and no holiday was allowed to them ?

Mr. A. A. L. Parsons : (a) Yes ; by the Honourable Member's question.

(b) There is no Locomotive Workshop at Bhatinda. The Honourable Member is presumably referring to the Locomotive Shed at that station. Government understand that the Muslims employed there were offered leave from 8 A.M. to 11 A.M. on the occasion of *Id-ul-Zuha* provided they came to work at 5 A.M., but they refused the offer.

(c) None.

(d) I am sending the Honourable Member a list of shop holidays in Locomotive Workshops on the North-Western Railway. It would be impracticable to allow men in Locomotive Shed holidays on specific days without interfering with the train service, but I understand that they are allowed 15 days' casual leave in a year in lieu. I am, however, verifying this point.

(e) Government are informed that permission was given to Muslims employed in the Locomotive Shed at Bhatinda to stop work after 1 P.M. on the 29th June 1928, but they did not avail themselves of the permission.

Mr. K. Ahmed : How is it that there is no off day on an important festival day like the *Id-ul-Zuha* for Muslims ? Is it not a public holiday ?

Mr. A. A. L. Parsons : I have already explained that it is impossible to allow holidays on specific days because, though the holiday may be important, the train service has still to go on.

Mr. Abdul Haya : Do the Government approve of this policy of the railway authorities not allowing holidays to Mussalmans, or for the matter of that to Hindus, on such important occasions as *Id-ul-Zuha*, *Muharrum* and the *Dussera* ?

Mr. A. A. L. Parsons : Provided that the train service can be carried on, which is the first essential, I think it is desirable that as far as possible a railway employee should be given some leave of absence on his

special holidays. But in certain classes of railway employment, of which work in locomotive sheds is one, it is not possible, as I have already explained in my answer to the main question, to give a full day. In that case, I think that the local authorities were quite right in doing what they did in the two instances mentioned by the Honourable Member, namely, attempting to give at least 3 or 4 hours off to members of the community affected.

Mr. Abdul Haye : Do the Government know, Sir, that on the *Id-ul-Zuha* Mussalmans have to offer their prayers in the morning, which are finished by 11, and in the evening they have to offer sacrifice ?

Mr. A. A. L. Parsons : I am quite prepared to take that as a correct statement from the Honourable Member. He is in a better position to know than I am.

Mr. K. Ahmed : Do Government propose to send these questions and answers to the railway authorities so that in future the workers in the Locomotive Shed at Bhatinda and elsewhere may get benefit of the holidays ?

Mr. A. A. L. Parsons : I have already explained to the Honourable Member that it would be very difficult to allow these holidays in full in locomotive sheds. I am quite prepared to have copies of the questions that have been put and of my answers to them sent to the Agent of the North-Western Railway.

Mr. K. Ahmed : Do Government propose to appoint extra men on festival days like this in order that these poor people, these unhappy people, working in the locomotive sheds day and night may get the benefit of a holiday ?

Mr. A. A. L. Parsons : The Honourable Member is probably not aware that work in these sheds is mostly skilled work and that we cannot take anybody that turns up.

Maulvi Muhammad Yakub : Does the Honourable Member mean that the Government want to make an interference with the religion of the people in this matter, which is totally against the Proclamation of Queen Victoria of 1858 ?

Mr. A. A. L. Parsons : No, Sir. As I have tried to explain, the object of the railway authorities is, as far as possible, without interfering with the train service, to allow people time off on these religious holidays.

Mr. K. Ahmed : Do Government propose for the benefit of the service of the country, to include in the 15 days' leave allowed in a year one or two days on account of *Id-ul-Zuha* prayers and other important days of prayer and festivity ?

Mr. A. A. L. Parsons : I have already explained to the Honourable Member the difficulty of allowing a full holiday to all the staff in the locomotive shed. I am afraid I cannot add anything further.

Mr. K. Ahmed : That is not an answer to my question.

Maulvi Muhammad Yakub : May I know if this office is closed or kept open on Christmas day ?

Mr. A. A. L. Parsons : Certainly, Sir.

Maulvi Muhammad Yakub : Is it open or closed ?

Mr. A. A. L. Parsons : You have to carry on the necessary work in locomotive sheds on every day of the year, including Christmas day on which trains run ; and as the train service during Christmas time is on the whole heavier than at other times, in all probability they are open for longer hours on Christmas day than on many other holidays.

Maulvi Muhammad Yakub : Do you allow a holiday on Christmas day to the Christians who are working in the locomotive office ?

Mr. A. A. L. Parsons : I cannot say definitely. I should imagine that the local authorities do exactly the same thing that they do on a Muhammadan or a Hindu holiday, that is to say, to the extent to which it is possible they give the men a few hours off.

The Revd. J. C. Chatterjee : May I ask, Sir, if these men are given an extra allowance for working on *Id-ul-Zuha* and other festivals ?

Mr. A. A. L. Parsons : I must ask for notice. I really do not know.

PRESENT SYSTEM OF FILLING UP SELECTION GRADE APPOINTMENTS IN THE POSTAL DEPARTMENT.

339. ***Mr. G. Sarvotham Rao :** With reference to the reply given by the Honourable Sir Bhupendra Nath Mitra, on the 20th March 1928, to my starred question No. 489, will the Government be pleased to state :

- (a) how the present system of filling up the selection grade proved unsatisfactory ;
- (b) the main defects of the present working system, which led to the introduction of the selection grade examination ;
- (c) whether F. A., B. A., etc., examinations held by the University are not sufficient tests for the knowledge of English, which have ever since depended upon ;
- (d) what are the so-called responsible duties, which would be required of the time-scale officials, to get selection grade in addition to those performed by them ;
- (e) whether the length of experience and performance of duties similar to those assigned to selection grade officials, are not sufficient proof of the requisite knowledge of the Department ?

The Honourable Mr. A. C. McWatters : (a) and (b). The present system referred to by the Honourable Member was considered unsatisfactory as it did not provide the tests mentioned in part (a) of the Honourable Sir Bhupendra Nath Mitra's reply to the Honourable Member's starred question No. 489 of last March.

(c) Possibly, but English is not the only test.

(d) and (e). The responsibilities of an officer in charge of a large post office must obviously be greater than those of an officer-in-charge of a small one, and the fact that an officer has managed his charge of a small office is not in itself proof that he is equally fitted to manage a large office.

EXAMINATION FOR TIME-SCALE CLERKS IN THE POSTAL DEPARTMENT.

340. ***Mr. G. Sarvotham Rao** : With reference to the Honourable Sir Bhupendra Nath Mitra's reply to starred question No. 489 on the 20th March 1928, regarding the examination for time-scale clerks in the Postal Department, is it a fact that some record or sub-record clerks are holding selection grade appointments, whereas the majority of them are in the ordinary time-scale? If the reply to the above is in the affirmative, will the Government be pleased to state why it has been considered necessary for the latter (who have been performing their duties satisfactorily for years) to pass an examination in their old age, in order to secure the selection grade posts?

The Honourable Mr. A. C. McWatters : Yes. Government do not consider that the satisfactory performance of the duties of less important posts is necessarily a proof of fitness for the selection grade, and an examination has therefore been prescribed as a test of such fitness.

SELECTION GRADE APPOINTMENTS IN THE OFFICE OF A SUPERINTENDENT, RAILWAY MAIL SERVICE.

341. ***Mr. G. Sarvotham Rao** : (a) Is it a fact that the Director-General of Posts and Telegraphs has ruled that the head clerks or accountants in the Office of the Superintendent, Railway Mail Service, should hold a selection grade appointment (160—250)? If the reply to the above is in the affirmative, do Government propose to exempt from the examination those head clerks and accountants in the time-scale in the Superintendents' Offices who have been working in these posts for years together, and have given sufficient proof of their efficiency and put in over 20 years' service?

(b) If the reply to the above is in the negative, will Government give reasons for the same?

The Honourable Mr. A. C. McWatters : The orders of the Government of India are that "of the two selection grade appointments in the office of a Superintendent, Railway Mail Service, one should always be held by the head record clerk, and the other either by the head clerk or the accountant, according to the fitness of either for the selection grade".

(a) and (b). Government are not prepared to accept the Honourable Member's suggestion since they do not admit that seniority combined with a satisfactory record is sufficient to establish a claim to a selection grade appointment.

MENTAL DEFECTIVES.

342. ***The Revd. J. C. Chatterjee** : Has the attention of Government been drawn to the statements made by Lieut.-Colonel Owen A. R. Berkely-Hill in the course of his presidential address delivered at the fourteenth Indian Science Congress held at Lahore in January, 1928, drawing attention to the entire lack of facilities for medical care of or attention to the mentally defective?

The Honourable Mr. J. Crerar : Government have seen a report of the address which was delivered in January 1927, not 1928.

The Revd. J. C. Chatterjee : Are Government prepared to take any action on that address ?

The Honourable Mr. J. Crerar : Government do not at present contemplate any immediate action in the matter, because the provision of institutes of this kind necessarily involves very great expenditure, and so far, considerations of economy have precluded us from taking action in that direction.

REGISTRATION OF MENTAL DEFECTIVES.

343. ***The Revd. J. C. Chatterjee :** (a) Will Government be pleased to state whether any provision exists for the notification and registration of mental defectives in India ?

(b) If the answer to (a) be in the negative, do Government propose to enquire into the number of mental defectives in the centrally administered territories ?

The Honourable Mr. J. Crerar : (a) Not so far as Government are aware, but I would remind the Honourable Member that it is a provincial transferred subject and is one for the Minister concerned under each Local Government.

(b) Government are not aware that the number of mental defectives in centrally administered territories is so large as to justify a special enquiry.

The Revd. J. C. Chatterjee : Will Government make some sort of inquiry to find out whether the number is large or small ? In my opinion it is large.

The Honourable Mr. J. Crerar : We have a certain amount of information on the subject, and that information indicates that the number of mentally defectives in the centrally administered territories is not large.

MEDICAL CARE, GUIDANCE AND PROBATION OF MENTALLY DEFECTIVE CHILDREN.

344. ***The Revd. J. C. Chatterjee :** Will Government be pleased to state what facilities, if any, exist for the medical care, guidance, and protection of mentally defective children in the centrally administered areas ?

The Honourable Mr. J. Crerar : Mentally defective children are treated in the ordinary general hospitals.

TRAINING OF PUBLIC HEALTH OFFICERS IN PSYCHOLOGY.

345. ***The Revd. J. C. Chatterjee :** (a) Is any psychological training required of officers recruited to the Government Departments of Public Health in the centrally administered areas ?

(b) If the answer to (a) be in the negative, do Government propose to provide facilities for such training to selected officers of the Public Health Department ?

Mr. G. S. Bajpai : (a) No.

(b) There is no such scheme at present under the consideration of Government.

The Revd. J. C. Chatterjee : A supplementary question, Sir. Will Government give due consideration to the suggestion contained in this question as to the advisability of getting their Public Health officers trained in psychology ?

Mr. G. S. Bajpai : To be quite candid, Sir, I do not really know what psychological training means. It may mean anything from Couéism or Hypnotism to Christian Science. But so far as the treatment of mental defectives is concerned, the Honourable the Home Member has already stated that their number in the centrally administered areas is not so large as to justify the adoption of any special measures.

TREATMENT OF MENTAL DISORDERS IN THEIR EARLY STAGES.

346. **The Revd. J. C. Chatterjee :** (a) Will Government be pleased to state if any provision for the treatment of mental disorders in their early stages exists in dispensaries or the outdoor departments of hospitals in the centrally administered areas ?

(b) If the answer to (a) be in the negative, do Government propose to consider the making of such a provision in selected dispensaries and the out-door departments of hospitals ?

Mr. G. S. Bajpai : (a) Yes, in the out-door departments.

(b) Does not arise.

The Revd. J. C. Chatterjee : Am I to understand that my Honourable friend really maintains that the Sub-Assistant Surgeons in charge of these out-door dispensaries have any real knowledge or experience of treating these mental disorders ?

Mr. G. S. Bajpai : In the first instance I do not admit the correctness of the assumption that only Sub-Assistant Surgeons deal with these mentally deficient or diseased cases. In the second place, I have already stated that our expert advice is that such facilities as exist are adequate to the requirements of the situation.

The Revd. J. C. Chatterjee : May I ask who these expert advisers are who have made a statement that existing facilities are sufficient ?

Mr. G. S. Bajpai : The Director-General of the Indian Medical Service, the Public Health Commissioner to the Government of India, the Deputy Director-General of the Indian Medical Service and others. (Laughter).

The Revd. J. C. Chatterjee : Am I to understand that Government disown the opinion expressed by Lieut.-Colonel Owen A. R. Berkely Hill who is supposed to be the chief expert on the subject of mental diseases in this country ?

Mr. G. S. Bajpai : The Government of India assume no responsibility for the opinions of this expert.

The Revd. J. C. Chatterjee : May I ask whether this expert is not in their employ and whether he is not in charge of the biggest mental hospital in India ?

Mr. G. S. Bajpai : He is a member of the Indian Medical Service, but he is not in the direct employ of the Government of India.

AGRICULTURAL EDUCATION IN AJMER-MERWARA.

347. ***Rai Sahib Harbilas Sarda** : (a) Are the Government aware that no agricultural college exists in Ajmer-Merwara to impart education in agriculture to students in that province ?

(b) Are Government also aware that the rules for admission of students not domiciled in the United Provinces to the Agricultural College, Cawnpore, which is the nearest institution to which students from Ajmer-Merwara desiring agricultural education, can go, provide that in the case of such students, " a fee of Rs. 1,500 per annum, for the two or four years course, will be charged per student to the Local Government " ?

(c) Will Government state if they are willing to provide this fee of Rs. 1,500 per annum for selected students from Ajmer-Merwara seeking admission to the Cawnpore Agricultural College ?

(d) If the reply to part (c) is in the negative, what arrangements do Government propose to make for the education of students from Ajmer-Merwara, who seek agricultural education ?

Mr. G. S. Bajpai : (a) and (b). Yes.

(c) Government would be prepared to consider requests for the payment of the fee mentioned if students of exceptional promise are recommended by the local authorities.

(d) The question does not arise.

VEGETABLE OR "VANASPATI" GHEE.

348. ***Rai Sahib Harbilas Sarda** : With reference to Government's reply, to question No. 13 given on 1st February 1928 (*vide* Volume I, page 9 of Legislative Assembly debates) that the suggestion that the artificial or " Vanaspati " ghee be coloured in such a way that it cannot be mixed with or passed off as natural ghee without detection was being considered, will Government be pleased to state if Government have arrived at any decision in the matter ? If so, will Government state what that decision is and when Government propose to give effect to it ?

The Honourable Sir George Rainy : The suggestion, which was made by the Government of the Punjab, has been referred to the other Local Governments and their views are awaited.

Mr. K. Ahmed : Do Government know that there is a great deal of import of vegetable ghee which is passed off as natural ghee in India ?

The Honourable Sir George Rainy : I am afraid I am unable to add to the answer I have already given.

Kumar Ganganand Sinha : May I know when the Local Governments were addressed on this matter ?

The Honourable Sir George Rainy : I could not say offhand from memory as to the date on which a circular was addressed to Local Governments, but I will inform the Honourable Member if he will remind me.

Mr. K. Ahmed : Are the Government aware that great objection has been taken on the public platform and in the newspaper Press with regard to the passing off of vegetable ghee and other adulterated ghees

as natural ghee, and do Government propose to put a stop to this practice for the benefit of the country ?

The Honourable Sir George Rainy : Government have seen a number of references in the public Press to the subject and I take it from the Honourable Member that the platform as well as the Press are fully acquainted with it. As regards the latter part of his question, I think that in view of the fact that we have consulted Local Governments the Honourable Member will agree that it would be less than courteous to them if the Government of India were to make up their minds without waiting for their replies.

IMPROVEMENT OF THE PAY AND PROSPECTS OF TEACHERS IN GOVERNMENT SCHOOLS IN AJMER-MERWARA.

349. ***Rai Sahib Harbilas Sarda :** (a) Have Government taken any action to improve the pay and prospects of teachers in Government Schools in Ajmer-Merwara, since question No. 878 on the subject was asked on 12th March 1927 ?

(b) What are the present rates of pay of teachers in Government Schools in Ajmer-Merwara and what are the rates for the same class of teachers in the (i) United Provinces and (ii) the Punjab ?

(c) Is it a fact that teachers in Ajmer-Merwara work the curricula prescribed by the United Provinces Education Department but get very much lower rates of pay than the teachers in the United Provinces ?

(d) Has the attention of the Local Government and the educational authorities of Ajmer-Merwara been drawn to the reply to my speech during budget discussion given by the Honourable the Finance Member of the Government of India on 4th March, 1927, when he gave the assurance that I had his special sympathy when I laid stress upon the superior importance of good teaching even over good accommodation in which the teaching was given ?

(e) Will Government state when steps will be taken to give the same rates of pay to the teachers in Ajmer-Merwara as are given to teachers in the United Provinces so as to secure a more suitable and qualified class of teachers ?

Mr. G. S. Bajpai : (a) and (e). A scheme for the revision of pay of teachers in Ajmer-Merwara is under consideration.

(b) A statement giving the information available is laid on the table.

(c) The curricula adopted for schools in Ajmer-Merwara closely follow those for schools in the United Provinces.

(d) No, but Government do not doubt that the Honourable Member's speech has been read by the authorities concerned with the interest and attention that it deserves.

Statement showing the rates of pay of teachers in the Provincial and Subordinate Educational Services in the United Provinces, Punjab and Ajmer-Merwara.

Province.	Rates of pay of the Provincial Educational Service.	Rates of pay of the Subordinate Educational Service.
	Rs.	
United Provinces	250—25—675 with selection grade at Rs. 700—50—800.	Ranging from Rs. 50—150 to Rs. 200—25—450.
Punjab	250—25—500/25—600 with selection grade at Rs. 650—30—800.	Ranging from Rs. 35—3—50 to Rs. 200—10—250.
Ajmer-Merwara	200—20—500 and Rs. 350—25—650.	Grades ranging from Rs. 25 to 275.

INSPECTION OF EUROPEAN SCHOOLS IN AJMER-MERWARA.

350. ***Rai Sahib Harbilas Sarda** : (1) With reference to paragraph 147 of the Report on the Administration of Ajmer-Merwara for 1926-27 dealing with European education, will Government please state :

- (a) the number and type of European schools under the supervision of the Principal of the Ajmer Government College ; and
- (b) the number of pupils, boys and girls, in these schools classified as below :
 - (i) European,
 - (ii) Anglo-Indian,
 - (iii) Indian Christians,
 - (iv) non-Christians ?

(2) Will Government please give the total annual expenditure on inspection of these schools situated in Ajmer-Merwara and within the R. M. R. jurisdiction outside Ajmer-Merwara and give reasons why this extra expenditure is being incurred where there is a whole time Provincial Service Education Officer in Ajmer, *viz.*, the Assistant Superintendent of Education ?

Mr. G. S. Bajpai : A statement giving the information required is being laid on the table of the House.

Statement regarding the inspection of European Schools in Ajmer-Merwara.

(1) (a) One high school and four primary schools for boys and one high school and two primary schools for girls.

(b) The enrolment on the 31st March 1927 was 654 out of whom 591 were Europeans or Anglo-Indians. No further details are available. The attention of the Honourable Member is invited to statement table No. 54-European Education accompanying the Administration Report to which he has referred.

(2) Rs. 1,020.

This expenditure is incurred on the inspection of European schools since it is desirable to have a European or Anglo-Indian to inspect such schools, the Superintendent of Education not having time to do so.

THE NEW VICTORIA HOSPITAL, AJMER.

351. ***Rai Sahib Harbilas Sarda** : (a) Are Government aware that a new and more up-to-date hospital called the New Victoria Hospital has recently been built at Ajmer to take the place of the old Government hospital and that the Civil Surgeon, Colonel J. W. Watson, to whose efforts the new hospital owes its existence and who is doing all he can to maintain it in an efficient manner is greatly handicapped by inefficient financial support from Government ?

(b) Has the attention of Government been drawn to an article published on page I of the *Arya Martand* of Ajmer, dated the 2nd of August 1928, describing the difficulties and inconvenience suffered by the public seeking medical aid in the new hospital owing to lack of sufficient accommodation for indoor patients and inadequacy of the staff of medical attendants ?

(c) Are Government aware that collections for the building and the equipment of the Victoria Hospital, Ajmer, amount to nearly four lakhs and that Government have contributed only one lakh of rupees ?

(d) Do Government propose to take action on the request of the public to extend accommodation for indoor patients, strengthen the staff and build quarters for them and take over the entire maintenance of the hospital ?

Sir Denys Bray : (a) Yes. The financial position of the hospital is being examined by the Local Administration and proposals are expected shortly.

(b) Yes.

(c) Yes.

(d) The question will be considered on receipt of the proposals.

RETRENCHMENT OF THE POST OF ASSISTANT COLLECTOR OF STAMPS IN THE CENTRAL STATIONERY OFFICE.

352. ***Mr. Satyendra Chandra Mitra** : (a) Will the Honourable Member in charge of the Industries and Labour Department be pleased to say whether it is a fact that owing to the transfer of the Stamp Branch from the administrative control of the Controller of Printing and Stationery, the post of the Assistant Controller of the Stationery Office is under retrenchment ?

(b) Is it a fact that the Assistant Controller of that Office had to deal with all cases relating to Stamp Department as well as a large portion of the cases relating to Stationery Department ?

(c) Is it a fact that the work of the Central Stationery Office has increased due to the arrangement recently made for the supply of stationery to Railways ?

(d) If the answer to (c) above be in the affirmative will the Honourable Member be pleased to state whether it is a fact that a proposal was submitted to Government for the creation of a gazetted officer's post in the Stationery Office as the Additional Assistant Controller ?

(e) If the answer to (d) above be in the affirmative, will the Honourable Member be pleased to say whether Government contemplate the creation of an officer's post in the Central Stationery Office is necessary in view of the fact that the present Assistant Controller has been relieved of the work of the Stamp Department and is free thereby to take up the increased work of the Stationery Department ?

The Honourable Mr. A. C. McWatters : (a) Yes. The post of Assistant Controller of Stamps in the Central Stationery Office was re-trenched with effect from the 1st July 1928.

(b), (c) and (d). Yes.

(e) The matter is under consideration.

SUPERINTENDENT IN THE CENTRAL STATIONERY OFFICE.

353. ***Mr. Satyendra Chandra Mitra :** (a) Will the Honourable Member in charge of the Industries and Labour Department be pleased to say whether the post of Superintendent was in existence when the headquarters of the Controller of Printing, Stationery and Stamps were in Calcutta ?

(b) Is it a fact that the Superintendent had all along to deal with all important cases of the three departments of Printing, Stationery and Stamps, till the headquarters of the Controller were transferred to Delhi ?

(c) Is it a fact that on the transfer of the headquarters of the Controller to Delhi the Superintendent had not to deal with any case relating to the Printing Department ?

(d) Is it a fact that on the transfer of the Stamp Department to Nasik the Superintendent has not to deal with any case relating to the Stamp Department ?

(e) Is it a fact that the transfer of the Printing and the Stamp Departments considerably reduced the volume of duties of the Superintendent of the Stationery Office ?

(f) Is it a fact that each section and branch of the Central Stationery Office has a head assistant who supervises the work of the section or branch under him and submits cases direct to the Assistant Controller or to the Deputy Controller of that office and is primarily responsible for the work of the section or the branch under him ?

(g) If the answer to questions (c), (d), (e) and (f) above be in the affirmative, has the Honourable Member ascertained by facts and figures that the post of Superintendent of the Stationery Office is necessary ?

INCREMENT REGISTERS OF THE EMPLOYEES OF THE CENTRAL STATIONERY OFFICE.

354. ***Mr. Satyendra Chandra Mitra :** (a) Will the Honourable Member in charge of the Industries and Labour Department be pleased to put up the increment registers of the employees of the Central Stationery

Office during the months of January and February of each of the years 1926, 1927 and 1928 ?

(b) Is it a fact that the increment register of the month of February 1927 passed through the Assistant Controller ?

(c) If the answer to (b) above be in the affirmative, is it a fact that the Superintendent of the Stationery Office was then officiating as the Assistant Controller of that office ?

(d) Is it a fact that the increment registers of 1926 and 1928 did not pass through the Assistant Controller of the Stationery Office ?

(e) If the answer to (d) above be in the affirmative, will the Honourable Member be pleased to say why the reply to question 200 (b) at page 1063 of the Legislative Assembly Debates, Volume I, No. 22 of 1928, was in the negative ?

(f) Will the Honourable Member be pleased to say what departmental action he contemplates taking against the person or persons who furnished him with false information ?

TRANSFER OF CERTAIN CLERKS FROM THE STATIONERY BRANCH TO THE STAMP BRANCH IN THE CENTRAL STATIONERY OFFICE.

355. *Mr. Satyendra Chandra Mitra : (a) Will the Honourable Member in charge of the Labour and Industries Department be pleased to state whether it is a fact that Babus Nando Dulal Chatterjee, Sachijiban Gossami and Ajitnarayan Chowdhuri were originally appointed in the Stationery Branch in the Central Stationery Office ?

(b) Is it a fact that the persons named in (a) above were transferred to the Stamp Branch prior to the 7th March 1928 ?

(c) If the answer to (b) above be in the affirmative, will the Honourable Member be pleased to state the circumstances under which the fact was not mentioned in the reply to question No. 196 (f) (ii) at page 1060 of the Legislative Assembly Debates, Volume I, No. 22 of 1928 ?

(d) Will the Honourable Member be pleased to state whether the Superintendent of the Central Stationery Office is responsible for the concealment of this fact ?

(e) If the answer to (d) above be in the affirmative, what disciplinary action does the Honourable Member propose to take against him for furnishing a misstatement to this Assembly ?

(f) If the answer to (b) above be in the negative, will the Honourable Member be pleased to substantiate his answer by placing on the table the salary bills submitted monthly to the Accountant General, Central Revenues, during 1927 ?

LOSS INCURRED BY GOVERNMENT ON DETERIORATED STATIONERY.

356. *Mr. Satyendra Chandra Mitra : (a) Will the Honourable Member in charge of the Industries and Labour Department be pleased to state :

(i) the cost of stationery articles purchased in England, and

(ii) the cost of stationery articles purchased in India,

during 1922, 1924 and 1926 by the Deputy Controller of Stationery (i) with the concurrence or (ii) without the concurrence of the Controller of Printing and Stationery ?

(b) Will the Honourable Member be pleased to state the total value of the stationery articles which have been lying stocked in the Central Stationery Store, which are not fit for issue or which are not demanded by the Government offices any longer ?

(c) Will he be pleased to say (i) when and (ii) under whose orders these stationery articles were purchased ?

(d) Is it a fact that this stock since deteriorated through long storage and is not fit for issue ?

(e) Will the Honourable Member be pleased to state whether any action was taken by the Controller of Printing and Stationery (Mr. E. E. Coombs, O.B.E.) to utilise these items of stationery to avoid loss to Government previous to their deterioration ?

(f) If the answer to (e) above be in the affirmative, will the Honourable Member be pleased to state the circumstances under which his action met with failure ?

(g) Will the Honourable Member be pleased to state how he proposes to adjust this heavy loss to Government ?

(h) Is it a fact that this heavy loss was incurred by Government due to the negligence and want of supervision on the part of the Controller of Printing and Stationery ?

(i) Will he be pleased to state what action does he propose to take against the person or persons who are responsible for this heavy loss to Government ?

The Honourable Mr. A. C. McWatters : With your permission, Sir, I propose to answer questions Nos. 353, 354, 355 and 356 together. Inquiries are being made and the results will be communicated to the Honourable Member in due course.

NUMBER OF BRANCHES OF THE IMPERIAL BANK IN THE PUNJAB, ETC.

357. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah :** Will the Government be pleased to lay on the table the following information :

- (a) Number of branches of the Imperial Bank in the Punjab Province :
- (b) Number of Hindu and Muslim employees in the superior and clerical staff respectively in each branch of the Imperial Bank : and
- (c) Names of branches of the Imperial Bank in the Punjab, where there are either no Muhammadan clerks or Muhammadan officers ?

The Honourable Sir Bhupendra Nath Mitra : (a) 18 on the 30th June 1928.

(b) and (c). The Government have no information and they are not in a position to secure it as the Imperial Bank of India is not a Government institution.

EMPLOYMENT OF MUHAMMADANS IN BRANCHES OF THE IMPERIAL BANK IN THE PUNJAB.

358. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : Is it a fact that there is only one Muslim clerk in the staff of the Imperial Bank branch at Multan (Punjab) ? If so, will the Government be pleased to give the total number of clerks in that branch classwise, and state on what principle such appointments in the various branches of the Imperial Bank are made that the Muhammadan element is reduced to such an extent ?

The Honourable Sir Bhupendra Nath Mitra : The Government have no information and, as just explained, are not in a position to secure it.

NUMBER OF CASES OF EMBEZZLEMENT DISCOVERED BY THE LOCAL FUND AUDIT DEPARTMENT IN THE PUNJAB AND THE NORTH WEST FRONTIER PROVINCE.

359. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : Will the Government be pleased to state :

- (a) the total number of embezzlement cases discovered by the Local Fund Audit Department in the Punjab and the North-West Frontier Province during the last 5 years with names of auditors who detected these embezzlements :
- (b) whether the auditors who detected the largest number of embezzlement cases during each year were given any reward to serve as an encouragement to them in the future : and
- (c) what is the total strength of auditors (junior and senior) in the Local Funds (Accounts) Audit Department of the Punjab and how many of them are residents of the Multan Division ?

RECRUITMENT TO THE LOCAL FUND AUDIT DEPARTMENT IN THE PUNJAB.

360. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : Is it a fact that while recruiting new hands in the Local Fund Audit Department of the Punjab no regard is made to recruit men from every quarter of the Province ? If not, will the Government please say how many hands were recruited during the last five years and whether any of them belonged to Multan, Muzaffergarh and Dera Gazi Khan Districts respectively ?

The Honourable Sir Bhupendra Nath Mitra : I propose to reply to questions Nos. 359 and 360 together.

The Government of India have no information. Local fund audit is a provincial subject and the Accountant General works in connection with it as an agent of the Government of the Punjab.

OPENING OF A BOOKING OFFICE IN MULTAN CITY.

361. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : (a) Is it a fact that a booking office was proposed by the railway authorities to be opened in the City of Multan (Punjab) and the delay in opening it is causing great hardship to the public ?

(b) Do Government propose to issue orders to the Divisional Transportation Officer, Multan, in view of the inconvenience to the public of Multan, to open the booking office without any further delay ?

Mr. A. A. L. Parsons : Government understand that it is proposed to open a booking office in Multan City when a building in a suitable locality can be obtained.

SCHEME FOR A PROVINCIAL HOSPITAL INITIATED BY COLONEL BRIERLEY, CHIEF MEDICAL OFFICER OF THE NORTH-WEST FRONTIER PROVINCE.

362. ***Dr. B. S. Moonje :** (a) Are Government aware of a scheme for a Provincial Hospital initiated by Colonel Brierley, Chief Medical Officer of the North-West Frontier Province ?

(b) If so, how far has the same been completed and how much of it is yet incomplete ?

(c) So far, what donations, if any, have been made for the scheme by the people and the Municipalities of the Province and the Government of India ?

(d) What amount has been so far spent on the buildings and what amount is still required for the completion of the scheme ?

(e) What grant, if any, has been made by the Local Government and the Government of India towards the completion of the building scheme during the last year ?

(f) What grant, if any, do Government propose to make in the next year's Budget ?

(g) What is the estimated annual amount required for the maintenance of the Provincial Hospital ?

(h) What portions of it are contributed annually by the Provincial Municipalities, the Provincial Government and the Government of India ?

(i) Do the Government of India propose to make a fresh donation towards the completion of the buildings, and also increase their yearly grant to make up a substantial portion of the deficit in the maintenance charges ?

(j) Are Government aware of the fact that this hospital is greatly taken advantage of by the trans-frontier border tribes and serves as a great humanising institution ?

Sir Denys Bray : (a) Yes, Sir.

(b) and (d). The total cost of the building scheme is Rs. 8 lakhs, of which work to the extent of Rs. 5,64,000 has been completed.

(c) and (e). The grants up to date are—

	Rs.
Peshawar Municipality ..	3,10,000
Central Revenues ..	2,50,000
Public subscriptions ..	1,31,646
Lord and Lady Reading ..	50,000
	7,41,646

(f) and (i). Are under consideration.

(g) and (h). Rs. 63,000, of which the Peshawar Municipality pay Rs. 43,000 while Government propose to pay the rest. Maintenance charges will be considerably more when the scheme is completed.

(j) Fully aware.

ADMISSION OF INDIAN CADETS TO THE INDIAN CORPS OF SIGNALS AND THE ROYAL TANK CORPS.

363. *Pandit Hirday Nath Kunzru : (a) Are Government aware that His Excellency the Commander-in-Chief stated in this House on the 8th March, 1928, that Indian cadets trained at Woolwich would be "divided between Artillery, Engineers, and possibly Signals"? Has it been decided since then to admit Indian cadets to the Indian Corps of Signals?

(b) Will Indian cadets be eligible for admission to the Royal Tank Corps?

Mr. G. M. Young : (a) The answer to both questions is in the affirmative, except that there is at present no such thing as the Indian Corps of Signals. It has been decided, however, that if Indian cadets from Woolwich elect for service in Signals, an Indian Signal Unit will be raised.

(b) No, Sir, the Royal Tank Corps is a corps of the British Service.

Pandit Hirday Nath Kunzru : If it has been decided that an Artillery unit and an Air Force unit should be formed here, why should not an Indian Tank Corps also be formed here?

Mr. G. M. Young : It is perfectly true that it has been decided to form Indian Artillery, Engineer, Signals, and Air Force units, but it has not yet been decided to form an Indian Tank Corps unit.

Pandit Hirday Nath Kunzru : Is that matter still under correspondence between His Majesty's Government and the Government of India?

Mr. G. M. Young : It is under consideration, but I do not think any correspondence has yet taken place.

Pandit Hirday Nath Kunzru : Is it still under the consideration of the Government of India themselves?

Mr. G. M. Young : Yes. It is under consideration. It will always remain under consideration by the Government of India.

Pandit Hirday Nath Kunzru : Are the Government of India considering the matter in order to represent it at an early date to His Majesty's Government?

Mr. G. M. Young : I cannot disclose the precise intentions of the Government of India in this matter at the moment, but, of course, the consideration of the formation of an Indian Tank Corps unit is a thing which has always been present.

Sir Hari Singh Gour : May I beg to enquire for how long it has been under the consideration of the Government of India?

Mr. G. M. Young : I could not say definitely, but the question of Indianising the Army has been under consideration for a very long time.

and I should imagine the question of having an Indianised Tank Corps has been under consideration ever since there was a British Tank Corps.

Pandit Hirday Nath Kunzru : May I ask whether the matter is being considered in connection with the Report of the Indian Sandhurst Committee ?

Mr. G. M. Young : The matter has been considered in connection with the Report of the Indian Sandhurst Committee and no doubt, as I have said, it will remain under consideration ; but with the formation of these other new Indianised units that I have mentioned, it is probable that Government will have enough on their hands, when they get the officers.

Pandit Hirday Nath Kunzru : Are we to understand that His Majesty's Government has for the present turned down the proposal of admitting Indians to the Royal Tank Corps or forming a separate unit in connection with the Indian Army ?

Mr. G. M. Young : No, Sir.

Pandit Hirday Nath Kunzru : Am I then to understand that the matter was not represented to His Majesty's Government in connection with the Report of the Indian Sandhurst Committee ?

Mr. G. M. Young : No, Sir.

Pandit Hirday Nath Kunzru : May I ask why that was not done when the Indian Sandhurst Committee definitely recommended that there should in future be no racial discrimination in regard to the admission of Indians as officers ?

Mr. G. M. Young : The Honourable Member has misunderstood me. His question was, " Am I to understand that the matter was not represented to His Majesty's Government ? ". I said, No, Sir, that he was not so to understand.

Pandit Hirday Nath Kunzru : Has His Majesty's Government turned down the proposal of the Government of India ?

Mr. G. M. Young : The Honourable Member has already asked me that question.

Pandit Hirday Nath Kunzru : How is it that, although the Government of India have made representations to His Majesty's Government and their proposal has not been given effect to, it is then claimed that His Majesty's Government have not turned down the proposal ?

Mr. G. M. Young : The matter is still under consideration, as I have already told the Honourable Member.

Pandit Hirday Nath Kunzru : Has the matter been under consideration for the last seven or eight years ?

Mr. G. M. Young : The whole question has been under consideration for the last seven years. A decision has been reached on the other matters, but in regard to the Tank Corps no decision has yet been reached.

Pandit Hirday Nath Kunzru : What is the delay due to ?

Mr. G. M. Young : As I have already stated, I cannot disclose that.

Pandit Hirday Nath Kunzru : Will the Honourable Member give any special reason for not dealing with this matter when other matters have been dealt with ?

Mr. G. M. Young : I said that a decision has not been reached. I did not say that the matter had not been dealt with.

Pandit Hirday Nath Kunzru : Has the decision of the Government of India not yet reached His Majesty's Government ?

Mr. G. M. Young : I said a decision on the matter had not yet been reached.

Pandit Hirday Nath Kunzru : Have the proposals of the Government of India reached His Majesty's Government ?

Mr. G. M. Young : No specific proposals have reached His Majesty's Government lately.

Pandit Hirday Nath Kunzru : Were any proposals made in connection with the Report of the Indian Sandhurst Committee in this particular matter ?

Mr. G. M. Young : The Honourable Member is asking me definitely whether the Government of India have proposed the raising of an Indian Tank Corps unit. That is a matter which I cannot give full information about. All I can say is that this matter is under consideration.

Pandit Hirday Nath Kunzru : I do not want full information. I want to know whether any proposal on this subject has been sent up by the Government of India to His Majesty's Government with reference to the Indian Sandhurst Committee's Report.

Mr. G. M. Young : Government are unable to disclose the fact that they have made or not made a specific recommendation to the Secretary of State.

Pandit Hirday Nath Kunzru : Is it not a fact that His Excellency the Commander-in-Chief stated in this House that the proposals made by the Government of India in connection with the Indian Sandhurst Committee's Report were before His Majesty's Government ? If so, what is the objection to the Honourable Member's answering my question now ?

Mr. G. M. Young : I am not certain even now what my Honourable friend's question is. I was referring to the general proposals in regard to the Report of the Indian Sandhurst Committee, not to any specific proposal in regard to the Tank Corps.

Pandit Hirday Nath Kunzru : There is only one proposal remaining. In what other form can the Honourable Member be asked to give information on this particular point ?

Mr. G. M. Young : That particular point remains under consideration. A decision has been reached in regard to all the others.

Pandit Hirday Nath Kunzru : Is that particular point under the consideration of the Government of India or under that of His Majesty's Government ?

Mr. G. M. Young : I have already answered the Honourable Member that I cannot tell him whether a specific recommendation has been made to His Majesty's Government or not.

THE INDIAN INSURANCE COMPANIES BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways) : I beg to present the Report of the Select Committee on the Bill further to amend the Indian Life Assurance Companies Act, 1912, for

[Sir George Rainy.]

certain purposes, and to provide for the collection of statistical information in respect of insurance business other than life assurance business.

THE PUBLIC SAFETY (REMOVAL FROM INDIA) BILL.

(The Honourable the President then called upon the Honourable Mr. Crerar to move his motion. The Honourable Mr. Crerar rose in his seat, when Pandit Motilal Nehru rose on a point of order.)

Pandit Motilal Nehru (Cities of the United Provinces : Non-Muhamadan Urban) : Sir, I rise to a point of order. The point which I beg to submit for your consideration, is that this Legislature has no power to pass the law which is embodied in the Bill before the House. The motion is to provide for the removal from British India in certain cases of persons not being Indian British subjects or subjects of States in India. I submit that this Legislature is positively barred under the law from passing any such law, and that being the case I submit that the motion cannot be allowed.

What does the Bill aim at ? The Bill aims at the exclusion of His Majesty's British subjects, European British subjects, without any trial and without any conviction, from any part of British India, on the mere declaration of the Governor General that the individual concerned is a person to whom the Bill applies. I submit that under section 65 of the Government of India Act, sub-section (2), last paragraph, no such law can be passed by this Legislature. That sub-section runs thus :

“ Provided that the (Indian Legislature) has not, unless expressly so authorised by Act of Parliament, power to make any law repealing or affecting—.....”

I leave out the immaterial passages :

“ and has not power to make any law affecting the authority of Parliament or any part of the unwritten laws or constitution of the United Kingdom of Great Britain and Ireland whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom, or affecting the sovereignty or dominion of the Crown over any part of British India.”

Well, Sir, as is well known, every Englishman is born with the constitutional protection which has been accorded to him by various charters, which are matters of history. The continuance of those rights which are given by those charters form the consideration of the allegiance of the British subject.

Mr. President : Where does the Honourable Member find that ?

Pandit Motilal Nehru : I am prepared with the authorities to substantiate that, but I thought it was very evident. I will refer you to page 302 of Volume I of Halsbury's "Laws of England", note (x) :

“ Ligeance is the mutual bond and obligation between the king and his subjects whereby subjects are called his liege subjects because they are bound to obey and serve him.”

Therefore it is a mutual obligation. From that I think it has been held by writers on constitutional law that protection and allegiance are interdependent, and that one is the foundation for the other. It will appear to you, Sir, and to the House, that no Englishman can be forced to give allegiance unless the protection of the fundamental rights guaranteed to him by the various charters of liberty is accorded to him.

Mr. President : The Honourable Member's point is that protection is the price for allegiance ?

Pandit Motilal Nehru : So it is. If the House will permit me to point out, there are, as the House is aware, four great charters of English liberty, the *Magna Charta*, the Petition of Rights, the Bill of Rights and the Settlement Act. Now the provisions of these are very similar, those of the earlier Acts having practically been repeated in the later Acts. Now confining ourselves in the first place to the *Magna Charta*, you will find that the rule is laid down in section 39 :

“ No free man shall be taken or imprisoned or disseized, or outlawed, or exiled, or anyways destroyed ; nor will we go upon him, nor will we send upon him, unless by the lawful judgment of his peers, or by the law of the land.”

Then section 40 runs :

“ To none will we sell, to none will we deny or delay, right or justice.”

That is part of the contract made by the King. The King grants these rights. Now what happens if these rights are not secured to the subject ? Article 61 of the same *Magna Charta* says in effect that if these rights are not secured to the subject, the subject shall have the constitutional right of rebellion. I will quote from “ English Constitutional History ” by Taswell-Langmead (page 121) :

“ The question, how should the compact between the king and his people be enforced, was at once difficult and pressing. The king was left in possession of the regal power and dignity ; experience had shown the ease with which former sovereigns had broken their most solemn written engagements ; and the insincerity of John was notorious. At this period there were no effective constitutional checks against the king ; and so a rude device was hit upon, in its nature readily impracticable, by which John granted, in effect, to all his subjects a qualified liberty of rebellion. The whole baronage were to elect a Council of twenty-five barons charged to take care with all their might that the provisions of the Charter were carried into effect. If the king or any of his officers should violate the Charter in the smallest particular, these barons, or four of their number, were to complain to the king, or in his absence to the justiciar, and demand instant redress. If no redress be given within forty days, the said five-and-twenty barons, together with the commonalty of the whole land shall distrain and distress us in all possible ways, by seizing our castles, lands, possessions, and in any other manner they can, till the grievance is redressed according to their pleasure, saving harmless our own person and the persons of our queen and children ; and when it is redressed they shall obey us as before.”

On the one hand there are these rights, and on the other hand they are secured by another right which is tantamount to a right of rebellion. So I submit that the allegiance of every British subject depends under the constitution of England upon protection ; and if any law is proposed in India which affects that allegiance, the Indian Legislature has no right whatever to pass it.

Mr. President : Is it the contention of the Honourable Member that the House of Commons has no power to make such a law ?

Pandit Motilal Nehru : No. Parliament is supreme, Parliament can repeal the *Magna Charta* itself and the other Charters I have mentioned ; but this is a subordinate Legislature deriving its authority from Parliament. Parliament has chosen to restrict the law-making power of this House—of both Houses of the Indian Legislature. One of the most important restrictions, one that every Englishman ought to value, is that contained in section 65 of the Government of India Act I have just laid

[Pandit Motilal Nehru.]

before you. In fact, Sir, the point of order I am raising would have come more appropriately from the other side of the House where I see my friends, the group of European Members (Laughter), but they seem to be unperturbed by this Bill which strikes at the very foundation of their liberties, for reasons best known to themselves ; I suppose the reasons are the same as have actuated the Government in putting forward this Bill. However, it is not for me to go into those reasons. But if they cannot save themselves, I am afraid we will have to save them from themselves. I raise the point on principle, the principle being that to-day this attack is made on their cherished rights, and perhaps to-morrow the same thing will be done as against us Indians. We are now graciously excluded from the operation of this Bill (the Indian subjects of His Majesty and the subjects of Indian States). The European British subjects come within the purview of the Bill, but all my European friends, the Honourable Members on the Treasury Benches as well as those on the non-official Benches, seem to be only too anxious that this right should be taken away from them ! Why ? Because they know that they are perfectly safe and the Bill will only be applied against certain undesirable people whom they themselves do not want to come to this country. It is not for me to speculate what their intentions are. What I submit is that this is the first step which is sought to be taken by legislation under the Government of India Act to deprive any class of His Majesty's subjects of their fundamental rights and in a manner which affects their allegiance to the Crown. Of course it is open to my Honourable friends on the other side to say, " We forego our rights ". But it does not lie with them to forego rights of others : there are people outside this House, in this country and elsewhere. I do not know how this Bill will be received in England, especially by the Labour Party. I hold no brief of course for either the people of England or the members of the Labour Party. I object on principle, and I submit it is a very vicious principle which has been adopted in this Bill. Now it may be said that there are certain measures which restrict the liberty of British subjects both in India and in England. You will, however, Sir, invariably find that those measures were undertaken for a specific purpose, that they were mostly war measures, and such war measures are specially and specifically excepted from the *Magna Charta* itself.

Mr. President : In what sections ?

Pandit Motilal Nehru : I will give you the exact section.

" Article 42. In future anyone may leave the kingdom and return at will, unless in time of war, when he may be restrained ' for some short space for the common good of the kingdom '."

That is the exception and a very natural exception. War measures are expressly provided for ; but this is the first time that a restrictive Act which will be applicable in peace time to British subjects has been attempted to be introduced into this House. I suppose the proper place should be Parliament, which, as I submitted, is supreme and can pass any law ; but I submit with due deference to my Honourable friends on the Treasury Benches that this House, being very much restricted in its powers by Parliament, cannot take into consideration a Bill which proposes a law directly affecting the allegiance of any person to the Crown in England and the common law rights under the constitution. That is all I have to say.

Mr. President : I desire to know from the Leader of the Opposition whether Bengal Regulation III of 1818, Regulation XXVII of Bombay and a similar Regulation in Madras, exclude European British subjects ?

Pandit Motilal Nehru : I submit it is very doubtful that they do exclude European British subjects.

The Honourable Mr. S. B. Das (Law Member) : They do not.

Pandit Motilal Nehru : I say it is doubtful, because a doubt has been expressed in certain cases. Therefore, you may say that they do not. But I submit that that is no parallel because those Regulations were passed for special purposes, and there was then no such power in the way of legislative authority. I do not deny that the authority which passed those Regulations was clothed with legislative power, but there was no such power.....

Mr. President : The Government of India Act was not in force.

Pandit Motilal Nehru : Exactly.

The Honourable Mr. S. B. Das : This provision about allegiance has been in existence before all the Government of India Acts.

Pandit Motilal Nehru : But I submit that that is no reason why this Legislative Assembly should pass a law similar to Regulation III of 1818, which was passed by the Deputy President of the Council of the Governor General as then constituted. He certainly had the power to pass the Regulation, but I submit that that is no precedent for the passing of a similar law by this House as now constituted under the present Government of India Act.

The Honourable Mr. S. B. Das : Sir, I propose to take up very little time in replying to the objection which has been taken, because I refuse to believe that a lawyer of Pandit Motilal Nehru's standing and experience really believes in the point he has taken to-day. The first thing I want to say is that this is not a point of order, that it is not for this House to decide or for you, the President, to decide whether this law which we want to pass is *ultra vires* of the Legislature or not. If it is *ultra vires* of the Legislature, it is for a court to decide. When action is taken under this Act, it is open to the person against whom the action is taken to come to the courts and say that the Act under which that action was taken was *ultra vires* of the Legislature.

Mr. President : Is it the point of the Honourable Member that Government is entitled to introduce legislation on a provincial transferred subject not subject to Indian legislation, and that the Chair is bound to allow such legislation to be proceeded with ?

The Honourable Mr. S. B. Das : My point is that if the Government does introduce legislation of that description this House as now constituted.....

(At this stage there was a good deal of interruption.)

Mr. President : Would the Chair permit such legislation to be introduced ?

The Honourable Mr. S. B. Das : I do not know of any instance, and I challenge my friend to show any instance, in which the Legislature has held that any law which is being introduced is *ultra vires* of that Legislature.

Mr. President : I quite understand that it is not a matter for the vote of the House.

The Honourable Mr. S. R. Das : I would go further and challenge my friend to show a single instance in any Legislature, either of this country or of the Colonies or at home, where it has been held—where the Speaker has disallowed the introduction of legislation on the ground that the House had no jurisdiction to pass it.

Pandit Motilal Nehru : Was such a thing attempted before ?

The Honourable Mr. S. R. Das : The next thing I want to say is that I wish I had had a little time to look up this matter. It has come as a surprise. But I know this, that this very point about allegiance was taken by the late Mr. C. R. Das in the High Court of Calcutta before Mr. Justice Jenkins. I forget the exact point but it was about the right of trial by jury which has been denied in certain repressive legislation. His point was that the right of trial by jury under the Magna Charta was bound up with the right of allegiance, and he argued exactly the same point, but it was entirely disallowed by the High Court. I am sorry I am not in a position at the moment to refer you to that particular case. It is a reported case and is a case which created a great sensation at the time. I am unable to recall it exactly.

Mr. President : Do Government want time ?

The Honourable Mr. S. R. Das : No, we do not want time. We do complain that notice of this objection was not given to us, so that we might be in a position to give you the exact authority on this point. I submit that there is nothing in my friend's point. First of all it is not a point of order. Secondly, even if it is a point of order, there is nothing in the arguments of my friend that this Legislature has no jurisdiction to pass this law. The particular section of the Government of India Act which my friend has referred to has been in existence ever since a Legislature was brought into existence in this country, and it has never been suggested that either Bengal Regulation III or the Bengal Criminal Law Amendment Act, which was passed only the other day, were *ultra vires* of this Legislature because they conflicted with the right of allegiance.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I very reluctantly intervene in this debate and my reasons are two-fold. The Honourable the Law Member has stated that it is not for this House and yourself to decide whether any Bill of the Indian Legislature is or is not *ultra vires*, and that if it is *ultra vires* that is a matter for adjudication by the Courts. Now, Sir, I happened to be the author of a Bill known as the Supreme Court Bill, and I sought leave to introduce it in this House. The Government opposed it on the ground that it was *ultra vires* of the Indian Legislature to establish a Supreme Court in India, and the question was referred to the President, Sir Frederick Whyte. I refused to abide by the decision of the Government, and I claimed the right to move my Bill unless I was overruled by the President. The President overruled me and held that my Bill was *ultra vires* of the Indian Legislature. That is the answer to the Honourable the Law Member.

Mr. President : What year was that ?

Sir Hari Singh Gour : I think it was 1922 or 1923. I think any of the old Members here, Mr. K. Ahmed or Mr. Neogy, will bear me out.

There was a discussion on the floor of the House. I said it was the duty of the President to decide and I would not take any decision from the Executive Government whether any Bill was or was not *ultra vires* of the Indian Legislature. I therefore venture to submit that it is your duty to decide whether any Bill moved by either side of the House is or is not *ultra vires* of the Indian Legislature.

Having said so, Sir, I feel constrained to offer a few remarks upon the objection raised by the Honourable Pandit Motilal Nehru. The powers of the Indian Legislature are defined and limited by section 65 of the Government of India Act, and my Honourable and learned friend is perfectly right in referring to section 65 (2) of that Act. Now, if you will kindly look at that Act, Sir, you will immediately find these facts, that the Indian Legislature has no power to make any law—I am leaving out the unnecessary words—affecting the unwritten law or constitution of the United Kingdom whereon may depend in any degree the allegiance of any person. Now, Sir, the first question I wish to ask of the Honourable the Leader of the Opposition is this. Where is there any law, unwritten law or constitution of the United Kingdom which entitles a European British subject to reside in India? That is a short question. If he has got the inherent right to reside in India, he has equally the inherent right of residing in all parts of the British Empire, and as the unwritten constitution of England makes no distinction between British subjects, Europeans or Indians or Colonials, *a fortiori* it follows that if that were the law an Indian could not be excluded from residing in South Africa, in Canada and in Australia. If the allegiance of a British subject were conditioned and dependent upon the protection as understood in the terms of his right to reside in any part of the British Empire, I wish to ask what becomes of the laws, the emigration laws, that have been made, excluding British people, undesirable British people, paupers and others, European British subjects, from entering Canada, Australia and the Union of South Africa, and what becomes of the laws which exclude Indians from all parts of the Colonial British Empire? Therefore, I submit the unwritten laws could not and were not intended—and indeed there is nothing explicit or implicit in any of the laws to which my friend had referred, the Magna Charta included—to extend to Englishmen and for the matter of that a British subject, European or Indian, the right to enter and stay in any part of the British Empire. And this being the case, no such limitation can be spelt into the proviso on the legislative power of the Assembly. The question is a general one. Has the British subject the inherent right of living in any part of the British Empire? That is a short question and unless you are prepared, Sir, to rule that it is the inherent right of every British subject, European or Indian, to reside anywhere he likes in the British Empire and that right flows from his allegiance to the British Crown, I am afraid the Honourable Pandit Motilal's objection seems to be on that point unsound. I regret.....

Mr. President : Has the Honourable Member seen the Dominion Acts on the subject?

Sir Hari Singh Gour : I have not seen them just now, but I made a study of that subject, and I think I have referred in one of my published books to this very question.

Mr. President : Does any provision in any of the Dominion laws similar to the one that we are considering, namely, section 65, exist ?

The Honourable Mr. J. Crerar (Home Member) : The question you put Mr. President is whether in any similar provision to the provision contained in this Bill.....

Mr. President : That is not the question. The question I put to the Honourable Member was whether a provision similar to section 65, which prevents the Indian Legislature from enacting any law which affects the unwritten laws or constitution of the United Kingdom of Great Britain where on may depend in any degree the allegiance of any person to the Crown of the United Kingdom, exists in any of the Colonial laws.

Sir Hari Singh Gour : Sir, my argument is that there is no law of the United Kingdom regarding residence to be safeguarded by the proviso. I speak subject to correction, but as far as my memory serves me, I believe some such provision occurred in the South African Constitution before its union and it also occurred in the Commonwealth Act of Australia before 1900. I think, and it also occurred in the old Canadian Constitution of 1870 or thereabouts. What we have got here is copied from all these old Colonial Statutes, and if reference is made by you, Sir, you will find similar provisions occur there also ; and it is in pursuance of this provision that the question was raised by the Indians in South Africa when they were ordered to clear out of that country that they have an inherent right and the Supreme Court of South Africa held—I do not know whether anybody has got the cases decided by the Supreme Court of South Africa—the Supreme Court of South Africa held that the Colonial Government had an absolute right of excluding any person, British or not, and consequently the Indians could not assert their inherent right of residence in South Africa ; and it is in consequence of that, if you remember, Sir, that the controversy between India and South Africa became acute, which has since been settled by negotiation.

Mr. President : I understand that no other Honourable Member wishes to throw any light on this difficult and intricate question.

The Honourable Mr. J. Crerar : I had no notion I should have to deal with this alleged point of order forthwith.

Mr. President : As the Government do not want any time, what has the Chair to do ?

The Honourable Mr. J. Crerar : In view of the legal point involved, in the absence of any notice of such a point being raised as a point of order, I submit for your consideration whether it would not be desirable that the debate should be adjourned to 3 O'clock, in order that this point may be considered.

Mr. President : The question raised by the Leader of the Opposition is one of great constitutional importance. It is no doubt true that the Honourable the Leader of the Opposition has not given notice either to the Chair or to the Government. I am not prepared to say that he is bound to give such notice, but the fact remains that both the Chair and the Government are taken by surprise. The Government were not prepared to meet the arguments advanced by the Leader of the Opposition who has cited a large number of authorities, and it is only fair that both the Government and the Chair should have time to consider this great

constitutional question raised by the Honourable Pandit ; but at the same time I do not want to arrest in any way the progress of this Bill, and therefore the course that I propose to adopt in this case is not to accept the suggestion of the Leader of the House, because that would give me only an hour or so at the outside, and I frankly confess it is not possible for me within that short time to deal adequately with the question that has been raised. But the course that I propose to adopt is this. I propose to allow the discussion of the Bill to proceed. Section 65 merely says that this Legislature has not the power to *make* any laws. Before the final stage of the Bill is reached it is open to the Chair, if on examination it is found that it has the power, to intervene and say that this last motion, namely, that the Bill be passed, shall not be made. Therefore, the course I propose to adopt is at present to go on with the motion of Mr. Crerar with the amendments that may be moved in this House and thus get time for myself and also time for Government to consider this question raised by the Leader of the Opposition. It may be necessary, and I think it will be necessary, for me to hear once again both the Opposition and the Government on the floor of this House, on this important question after they have made full preparations to argue the case. The question being of the greatest importance, I do not wish to give my judgment or decision at 3 O'clock to-day or to-morrow or even the day after. I propose to allow the motion for consideration to be moved by the Honourable Mr. Crerar and reserve my judgment on this question. It may be, as I have already said, I might in consultation with the Leader of the Opposition and the Leader of the House think of asking Honourable Members to argue the case once again before me on the floor of this House.

Pandit Madan Mohan Malavya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : There will be a tremendous waste of time if you should later on come to the conclusion that this House has not the power to proceed with the Bill.

Mr. President : That is inevitable. The Government not only attach great importance to this Bill but they consider it very urgent, and they do not wish that the progress of this Bill should in any way be held up. That is the position of the Government as I understand it, and I do not wish to come in the way of the Government in this matter. I allow the Government to go on with the Bill and if at a later stage, after studying the authorities and after hearing the parties, if necessary, I find that this Legislature has no power, I will not allow the Honourable the Home Member to make the last motion, namely, that the Bill be passed.

Pandit Madan Mohan Malavya : May I submit, Sir, that the matter may be allowed to stand over till to-morrow morning which will give you and the other side sufficient time to consider the point of order. If, on the other hand, we proceed with the Bill now and spend our time over it, and if to-morrow or the day after you come to the conclusion that this House cannot deal with the Bill as it stands, it will be impossible to compensate the Members of this House for the loss of time that they have suffered.

Mr. President : The Government have agreed to refer this Bill to the Select Committee and accept the motion of Sir Hari Singh Gour in that behalf, and if the Bill goes to the Select Committee or for the matter of that if the motion for circulation is carried, then both the

[Mr. President.]

Government and the Chair will have plenty of time to consider the whole question. It is not a question to be lightly treated. It is a question which will lay down once and for all a great principle of great importance to this House and the country, and therefore I would beg of the Honourable Pandit not to ask the Chair to rush this matter through.

The Honourable Mr. J. Crerar : Sir, I beg to move that the Bill to provide for the removal from British India in certain cases of persons not being Indian British subjects or subjects of States in India, be taken into consideration.

The object, Sir, and the justification of this Bill, as its title indicates, is the preservation of public safety. Public safety is a comprehensive phrase and there are various measures, there are various provisions within this ambit which can be distinguished in intention and effect. In the first instance, every Government, every organised Government of whatever kind and in whatever country, must necessarily assume to itself or retain powers for its own preservation and for the carrying out of its functions. What precisely the nature of those powers should be or how on particular occasions they should be exercised must naturally be matters which occasion controversy, but no responsible person will ever controvert the proposition that such powers are necessary. (Hear, hear.)

Another class of power which is necessary for the maintenance of public safety and which, though it may be connected with the first which I have named, can yet to some extent be distinguished from it, is the power necessary to Government for the maintenance of peace and order, for the preservation of all those conditions which are the fundamental basis of all forms of organized society. But occasions may arise, conditions may arise in which even greater issues are at stake than those for which measures of those two classes are necessary. There may be, and indeed it is part of my case that there are, dangers which threaten not only the existence of the Government, not only the existence of conditions of peace and order, but dangers which threaten the most vital interests, the most essential and the most vital assets and elements of the whole state of our society. If we do not act upon the principle of looking facts in the face, there is a movement which, if left unchecked, may ultimately prove destructive to that whole heritage of culture, of civilisation, of religion, the organisation of agriculture, industry and commerce and the whole structure and the whole basis of society. I submit, Sir, that if there is any question of these vital possessions of the country being threatened, then there ought to be no case in opposition to the taking of proper measures for their protection. We are indeed familiar with protective legislation in the economic sphere. What I wish to urge upon the House is this, that there are interests far more vital to the country, far more vital to the people of this country, than even the most vital of economic interests, and I say that when the whole constitution of Indian society, all her traditions, all her culture, all her civilisation, all her religious institutions and ideas are threatened, then this House ought to agree to any necessary measure of protective legislation.

Now, Sir, these dangers which now threaten and which, if they are unchecked, will continue to threaten in an increasing measure, are not entirely new things in the world's history. The mad instinct for destruction, and

what is even more dangerous, the insidious and calculated design of destruction, are not entirely new things. They have raised their head more than once at different epochs of the world's history, generally after some great cataclysm of war or revolution.

The particular variety of revolutionary activity to which I wish the House to-day to direct its most careful attention came into prominence, and its activity developed into more dangerous activity, sometime after or about the time of the conclusion of the great world war. The world war saved us from a great menace, the menace of a military domination of the world, but its consequences have created and exposed us to other dangers. The world has not yet succeeded in reconstructing itself after that great upheaval. Every country, every State, is still in bitter need of restoration and reconstruction and of all the forces that are at present abroad in the world, there is none more generally hostile to reconstruction than the doctrine and the practice of Communism. Well, Sir, it may be said that Communism, as far as India is concerned, is merely a theory, merely an academic frame of mind.

Now I deny that, but even if it were a mere theory, I do not think that its propagation should be allowed to continue unchecked. The danger is that the theory may be converted into practice. I say that merely to meet the objection of those who say Communism is merely a theory. My case is quite the contrary. It is Communism in action to which I wish to draw the special attention of the House. Now, Sir, those whose opinion I referred to just now will probably object that opinions of this kind ought to be tolerated. But opinions which are being translated into action are in a different category. Toleration in regard to such opinions must have some limitation. I do not think that any sane person would deny that doctrines so totally opposed to all principles held by common consent to be repugnant to the most fundamental notions of morality and humanity should be permitted to be preached and practised unchecked. Such opinions and the practice of such opinions in such a manner as to be an infringement of the liberties of others are not to be tolerated. They threaten the liberties of others, their lives and their property. These are activities which ought not to receive the benefits of toleration ; and of all such doctrines those which are most properly to be resisted and to be repelled are these subversive and reprehensible doctrines which are hatched and intruded and brought in upon us from abroad. Every country carries its own crop of dangerous movements and ideas ; but we are entitled to refuse permission to the dumping of superfluous foreign stock. I admit that it may be required of me to show that the Communiste doctrines, especially in their application to India, come within any or all these categories and combinations, and I shall attempt to do so by giving a summary of the facts. Some Honourable Members might not unnaturally be disposed to suspect me of prejudice or partiality in this matter if I gave my own interpretation of them. I shall therefore ask the indulgence of the House while I quote some documents which I have here. I shall attempt no running commentary upon them because they have the merit of being quite explicit in themselves ; and I think Honourable Members will find a great deal of interest, as I have done myself, in some of the extracts I propose to read.

Mr. H. G. Cocke (Bombay : European) : Will the Honourable Member say what these documents which he is going to read from are ? We could not hear him on this side of the House.

The Honourable Mr. J. Crerar : I will explain in each case what I quote. I take the first document. It is evidence which was produced in the High Court of Allahabad, in the revolutionary and conspiracy case of 1924. This is an extract from the propagandist manifesto issued by the Communist Party in India.

Mr. President : The Honourable Member is aware that he will have to place these documents and papers on the table of the House if he wishes to refer to them ?

The Honourable Mr. J. Crerar : I am quite prepared, Sir, to place these documents on the table of the House.

“ Mass action thus began, will develop into organised agrarian strikes, into food riots, the plunder of corn-stocks and assaults upon large estates with the idea of confiscation. The down-trodden peasantry must be made conscious of their right to live like human beings and our propaganda should be aimed at making them understand that they should conquer this right by military action. Such action properly organized on a large scale will arouse them from their age long mental and spiritual slavery and make them conscious of their own right. Reactionary passivism must be repudiated. What burst out spontaneously at Gorakhpur, Rae Bareilly, Chauri Chaura, Malabar, Central India and what is going on in the Punjab must be developed by every possible means.

“ Peasant revolts should spread like wild fire from one end of the country to the other. We must formulate our program to correspond to the economic interests of the masses, then go forward boldly with that program till we reach our goal.”

I now propose to read some extracts—and I am prepared to lay the document—from a draft programme of the Communist International, which was recently laid before the Annual Congress of the Communist International which met in July this year. I understand that this draft programme has since been approved in principle.

“The conquest of power by the proletariat is not the peaceful ‘conquest’ of the existing bourgeois State machine by means of a parliamentary majority. The conquest of power by the proletariat is the violent overthrow of bourgeois power, the destruction of the capitalist State apparatus (bourgeois armies, police, bureaucratic hierarchy, courts, parliament, etc.) and its replacement by a new organ of proletarian power, primarily as a weapon for the suppression of exploiters.

The Soviet State presupposes the complete disarming of the bourgeoisie and the concentration of arms in the hands of the proletariat: it is the State of the armed proletariat. The organisation of the armed forces is carried out on the basis of the class principle, which corresponds to the whole system of the proletarian dictatorship and guarantees the role of leadership to the industrial proletariat. This organisation rests on revolutionary discipline, but at the same time provides for the maintenance of close and constant contact between the members of the Red Army and Navy and the masses of the toilers, and for their participation in the administration of the country and in the work of building up Socialism.

The victorious proletariat utilises the conquest of power as a lever of economic revolution, i.e., the revolutionary transformation of the property relationship of capitalism into relationships of the socialist method of production. The starting point of this great economic revolution is the expropriation of the landlords and capitalists, i.e., the conversion of the monopolised property of the bourgeoisie into the property of a proletarian State.”

The other items included in this programme are the overthrow of the rule of the feudal rulers, the nationalisation of large enterprises, the confiscation of landlord, church and monasterial lands and nationalisation of all the lands.

“When the revolutionary tide is flowing, when the dominant classes are disorganised, the masses are in a state of revolutionary ferment, the intermediary strata are inclining towards the proletariat, and the masses are prepared for action and for sacrifice, the task of the Party of the proletariat is to lead the masses into the direct attack upon the bourgeois State.

This includes strikes, strikes combined with demonstrations, the combination of armed demonstrations and strikes, and finally the general strike conjointly with the armed uprising against the political power of the bourgeoisie. This struggle must be subjected to the rules of military art: it must be conducted according to a plan of war and in the form of a military offensive."

Now, Sir, on that document I propose to read some extracts from another document which is an interesting commentary. This is a letter written by a gentleman commonly called M. N. Roy, copies of which have been laid in the Library of the House.....

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadian Rural) : Are the Government aware that the authenticity of that letter has been denied, that Mr. M. N. Roy has dissociated himself from the authorship of that letter and that a telegram has reached India to the effect that the letter is a faked letter ?

The Honourable Mr. J. Crerar : I propose to deal with that. The Honourable Member has anticipated the point which I was about to make immediately. I understand that some doubts have been cast on the authenticity of this letter. I saw in a Reuter's telegram a statement—whether correct or not I cannot vouch for—that the British Communist Party had addressed a reproach to Mr. M. N. Roy to the effect that he had given ground to Government to take action by the introduction of compromising matter of this kind. The answer which the Communist Party is alleged to have received is that the letter was not written by M. N. Roy. Well, Sir, there may be some measure of literal accuracy, but not of truth, in that statement, for the letter in point of fact is for the most part typewritten. It is here. It is addressed on the outer cover "to be delivered personally to Muzaffar Ahmad, 21, European Asylum Lane, Calcutta." The words "to be delivered personally to" have been expunged and the cover bears the postmark of Aden, the 16th May. It has also an interesting covering letter. The letter itself is apparently one of a number of copies intended for circulation to the various committees of workers' and peasants' parties instituted in India. (*An Honourable Member* : "What is the date of the letter ?") The covering letter is to the following effect :

"Dear Muzaffar,

Please give some kind of note to the bearer of this letter to you, so that he can carry it back so as to show that he has discharged his mission. If you have any talk with the bearer you might indicate your opinion as to his usefulness as a helper in our communications. It is very important to establish something in this connection."

Nor is that all.

Mr. D. V. Belvi (Bombay Southern Division : Non-Muhammadian Rural) : May we know the date of that letter ?

The Honourable Mr. J. Crerar : It is dated the 15th February.

Mr. C. S. Ranga Iyer : Is that letter signed by Mr. M. N. Roy ?

The Honourable Mr. J. Crerar : There is a point of further significance which I wish to lay before the House quite frankly. The letter, as I have said, is mainly typed, but there are certain corrections. We have already now in our possession certain letters in the handwriting of M. N. Roy.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadian) : Is it signed by M. N. Roy ?

The Honourable Mr. J. Crerar : My point is this, that these authentications and corrections have been compared and identified with the manuscripts we possess.

[Mr. J. Crerar.]

Now, Sir, as the letter has been laid in the Library of the House, I do not propose to quote very extensively from it. There are one or two passages which I think I should bring to the special notice of the House.

“ With these considerations we do not share the illusion that the Communist Party can be organized in India legally. But as mentioned above, we are not in favour of self-liquidation. Fight for legal existence, but build the party illegally. Remain a legal body as long as possible, but build up a powerful underground organization. Preserve your legality as long as you can, but don't have it at the expense of activities essential for the growth of the party. The existence of the Communist Party should be known, every worker and peasant must know it, but don't emasculate the party with the banal and cowardly doctrine of bourgeois nationalism that all our activities are above board, we have nothing to hide. Every little act of a real Communist is a blow to Imperialism, and the Imperialist knows it; therefore, if the Communist does not act illegally he must pass his life in prison. There is no 'fair play', no gentlemanliness, in the revolutionary struggle. How to organise an illegal party? I am afraid that the failure to answer this question contributes to the dangerous legalist deviation. Political party is a comparatively new thing in India; and there prevails a rather faulty idea about it. An illegal organization is traditionally associated with terrorist conspiracy, bombs and revolvers. It is not understood how a party can be illegal and carry on political activities.”

I emphasise that point because a marked feature of Roy's propaganda and of his manifestoes, which have reached us, is the insistence on the necessity of both legal and illegal activities in the Communist Party in India. Then he refers to the Workers' and Peasants' Party.

“ Undoubtedly a party develops more quickly and wields a much greater influence, if it can function legally. Illegality is specially disadvantageous in India where the working class is largely illiterate, and therefore the propaganda must be carried on mainly orally. Therefore we proposed the formation of the Workers' and Peasants' Party through which the Communist can function legally, through which agitation and propaganda can be carried on legally, and the workers and peasants can be organized to defend the interest of their class.”

But he leaves no doubt on the point that his conception of the matter is that these legal organisations are merely the cloak and the means for a simultaneous policy along illegal lines. He speaks of the importance of the Party press. And this is a rather significant passage :—

“ Our Party press, built up on this principle, applied in practice with the necessary international support will rapidly develop and be a powerful factor in the political life of the country.”

“ International support ” presumably meant foreign subsidies. Well, Sir, I do not intend to weary the House by reading to any greater extent from that document, but I trust the Honourable Members will study it for themselves. One thing you will observe and that is, that the Communist propaganda deals with a certain amount of dexterity with the question of Nationalism which is not entirely an easy question for a convinced Communist to handle. But as their energies and activities are directed not only against organised society generally but also against the British power, it is natural that they should endeavour to find allies in the National movement. But no one can suppose, taking into account their other doctrines, that any form of Nationalism in India or elsewhere will profit by them. The fraud is too apparent. No Government and no organisation of society which does not comply with tenets and prescriptions of Communism would be exempt from its hostility. The attack is being specially directed upon India, and I contend, and I contend very strongly, that in this matter the interests of India and of Britain are identical.

Well, Sir, I have spoken on the doctrine and the tenets of Communism. I shall now say a few words upon its extension to India. I think that the history of it can most conveniently be dated from 1920, when the Communist International published a Thesis which expressly contemplated the direction of activities towards India and the East. In 1922, Mr. Roy directions of activities towards India and the East. In 1922, Mr. Roy naps of the Honourable Members present at the time of the Gaya Congress. Then came other manifestoes which were published in 1923. By this time a certain amount of activity was going on in the country. Government found it necessary to institute a prosecution. The prosecution took place in 1924 and the extract which I read was from the judgment passed in that case. It resulted in the conviction of 4 persons, who were all correspondents of Mr. Roy, for conspiracy to wage war against the King. The result of that prosecution was that Communist activities to a certain extent slackened and suspended themselves. But since 1926 there have been renewed activities, and a great deal of stimulus has been given to the movement in this country by the arrival of certain British Communists. I have already informed the House the other day of the arrival of the person who passes under the aliases of Allison and Campbell.

It was he who first started the formation of Workers' and Peasants' Parties in India in a really active form. After his incarceration and removal from India, another British Communist—in fact two others—came and those activities have been continuously carried on for the last year and a half to the very great detriment, as I believe, of the country.

Now, Sir, it will probably be alleged against this Bill that it is to the prejudice or detriment of labour activities and labour organisations in this country. I do not propose to deal at length with that, but I should ask the House to consider in their own minds whether fomenting of industrial disorder—and that undoubtedly is one of the objects of the activities of the Communists—whether this fomenting of industrial disorder, quite irrespective of any economic merits there may be in the dispute, is going to be of any value to labour, and whether, on the contrary, apart from the suffering and privations which are immediately caused, it is not ruinous to the cause of labour and ruinous to the prospects of the healthy development of labour organisations in this country on a sound basis. I observe that the British Trade Union Congress has recently passed by a very overwhelming vote a decision to purge English Trades Unionism of Communism (Hear, hear), and the effect of this measure.....

Mr. N. M. Joshi (Nominated Labour Interests) : May I ask, Sir, whether in England they have passed an Act deporting Communists? (*An Honourable Member* : "Yes". *Another Honourable Member* : "Aliens.")

The Honourable Mr. J. Crerar : The British Trade Union Congress by a very large majority have decided that British Trades Unionism should be purged of Communism, and in so far as this Bill will assist that consummation in India I contend strongly that this would be to the benefit of the labour movement in India. (Hear, hear.) Now, Sir,.....

Mr. C. S. Ranga Iyer : Has a measure similar to this been introduced in the British Parliament?

The Honourable Mr. J. Crerar : Let me attempt to summarise briefly what all this means in its relation to the Indian social edifice. Indian

[Mr. J. Crerar.]

States are to be destroyed, religious endowments, whether of temple, mosque or church, are to be confiscated, religion itself has to go, landlords and landed proprietors should go, industry and trade in any capitalist form are to be abolished, the professions are to be submerged. In this House there is not, so far as I know, a single Member who would survive unless he consented to be submerged.

Now, Sir, I turn very briefly to the provisions of this Bill. I would ask the House to pay special attention to the fact that no Indian can possibly come within its danger. Its purposes are strictly limited, and as I say, no Indian subject can possibly come within its danger. It may be alleged that this will give further discretionary power to the Executive Government. I do not deny that that is the case. But I contend that the circumstances are such that discretionary power must be given to Government on whom lies the primary responsibility of dealing with this extremely difficult and dangerous situation. The question before the House then is, what is its attitude towards doctrines and activities which definitely aim at the complete subversion of Indian society as it now stands ?

The answer surely cannot be doubted. If the danger were in the form of open, undisguised direct action, I trust that the Government would be supported by the unanimous authority of this House. If the danger is insidious and subterranean, I submit that the answer ought to be equally in the affirmative.

Now, Sir, I do not propose to detain the House much longer. I do not know whether the existence of the grave dangers which I have pointed out, or their even graver potentialities, will be challenged. Such a challenge, I submit, could proceed only from a determination to ignore the plain and incontestable facts of the Communist propaganda, the aims and objects of which have been avowed and reiterated by its agents and instruments in the most unequivocal terms, or it must proceed from a failure to appreciate their significance. I do not know whether these plain and obvious facts will be challenged. But it may be said that there is no urgent necessity for any measure of this kind to deal with them. The view of Government on that point is simply this, that they cannot accept the responsibility of allowing the present state of affairs to continue unchecked even for a few months or a few weeks ; that they should be armed with these powers with the least possible delay, and that it would be inexcusable folly and dereliction of duty on their part to wait until mischief very hard to remedy had been wrought.

The fundamental question is this, whether the avowed objects and expedients of the Communist doctrine and activities are to be taken seriously or not. My contention is that they must be taken seriously and dealt with without delay. I do not think that any observer, even from the outside and regarding only the surface of things, will readily believe that the course of events, especially in the industrial world, during the last few months represents merely normal incidents and vicissitudes of industrial depression or trade disputes. Some of these troubles are no doubt economic in their origin. But the prolongation of strikes long after any party had anything to gain by their continuance is not normal. Train disasters accompanied by shocking fatalities and other violent sabotage are not normal incidents. But they are entirely in accordance with the tenets of the doctrine which I ask this House to condemn and to oppose. I have convincing

evidence that a sinister and external influence has been and is at work. It is not within my power to expose in a public utterance the ramifications of its working of which I have knowledge, for the obvious reason that to do so would be to give valuable information to the enemy and to weaken and impede, or even defeat, our own defensive measures. I must ask the House to credit me when I say—speaking with a very heavy sense of my own responsibility in this matter—that we have not to deal with mere visionary and fantastic theories, the realisation of which postulates a complete destruction of the existing social order, but with a persistent and definite design to take the first and then the ultimate steps to put them and their postulates into operation. I do not think, Sir, that the responsibility of taking the necessary measures to deal with such attempts should be left to Government to sustain alone. It is a responsibility which every citizen should be prepared, so far as in him lies, to share. (*An Honourable Member* : “ After Swaraj ”.) It is a responsibility of which I now ask this House to take its part. (Applause.)

(After some time Mr. President rose in his place.)

Mr. President : The question that I have to put is.....

(At this stage Mr. Jamnadas M. Mehta rose in his place.)

Mr. President : No Honourable Member rose in his place and therefore I began to put the question.

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban) : I thought, Sir, that the Chair was, as usual, first reading out the motion just moved by the Honourable the Home Member.

Mr. President : The House now stands adjourned till 2-30 P.M.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, I beg to move the amendment that stands in my name. It runs as follows :

“ That the Bill be circulated for the purpose of eliciting opinions thereon.”

I shall not be long in trying to convince the Honourable the Home Member of the necessity of an amendment which he may consider to be a little dilatory, as I have come to learn from his speech that he is eager that this Bill should be passed as early as possible. But I think I shall be able to convince him that there is no necessity for any indecent haste in a matter like this. No doubt we have precedence for legislation being rushed through and passed in one sitting of the House. But I beg to submit that no case has been made out as yet for such indecent haste, and I hope with this enlarged Council that it will not be attempted to be carried through with such haste. What I ask for merely is circulation for eliciting public opinion thereon.

[Mr. Amar Nath Dutt.]

Sir, certain facts have been given to us about which we had no knowledge before we heard the Mover of this motion. I hope he will excuse us if we do not accept either his *ipse dixit* or the *ex parte* evidence that he has placed before us, without careful, sifting and consulting public opinion, in order to arrive at the truth or otherwise of all that has fallen from him. I mean no disrespect to him by saying so.

Sir, you will be pleased to see that though the Bill is a very short one containing seven sections only of which three or four deal with the procedure and such matters as "whereas" and so forth, it covers grounds embraced by at least a half of the Indian Penal Code. I hope I shall be able to convince the House of what I say that this is a comprehensive Bill that it ought not to be precipitated in the way in which it has been attempted to be done. It begins with "whereas it is expedient". Wherein the expediency lies we do not know, and for whom it is expedient I do not know. Certainly the Honourable the Home Member means that it is expedient for the safety and good government of India,—and in that I am at one with him (*The Honourable Mr. J. Crerar* : "Hear, hear"), because we are as much interested in the good government of India as the Honourable the Home Member (*Honourable Members* : "Hear, hear"), if not more. The House will be pleased to see that in section 2, sub-section (1) we have the words "directly or indirectly". I have a great objection to words like these ; unless we are assured that words like these are absolutely necessary, for such vague words may be interpreted in various ways according to the whims and caprices of the courts. Then the phrase occurs, "advocates the overthrow by force or violence of the Government established by law in British India". Now that covers a whole chapter of the Indian Penal Code. Then the world at large is involved, in the words "abolition of all forms of law or organized Government whether in British India or elsewhere". By the words "elsewhere", we are not only asked to be patriotic but also philanthropic and that under compulsion, namely, we have a duty towards ourselves to discharge and we should see that there will be no revolution or any such thing not only in India, but we must go further : we must look to Soviet Russia, we must look to China, we must look to the trans-Atlantic countries. Sir, since the coming of Englishmen to India there has never been such philanthropy, I should say philanthropic legislation introduced in the Indian Legislature, in which Indians have been asked not only to guard their own interests but to guard the interests of the peoples of the world at large. Then come, Sir, the words "or the assassination of public officials". There is a Chapter in the Indian Penal Code about assassination. Then the words occur, "or the promotion of enmity between different classes of His Majesty's subjects". They also find a place in the Indian Penal Code. Then, "or the destruction of property or unlawful interference with the ownership of property", which cover another Chapter of the Indian Penal Code. A very few of the sections of the Indian Penal Code have been omitted such as assault and defamation. It were better, Sir, if these sections also had found a place here. I am only trying to convince the House, of the all-comprehensive nature of this legislation though it has been couched in a very few sections, and I would ask the House that we should not pass this legislation in such indecent haste. Then in sub-section (b) of section 2, we have a bait thrown out to our capitalist magnates and to landholders. Only a few minutes ago, Sir, I had the honour of having the opinion of

one of the biggest territorial magnates, from whom I learnt that all these statements about industrial and agrarian disputes are mere false pretences, and they are not aware of any menace from the so-called Communist activities. Then occur the words "and other disputes of a like nature" with intent to subvert "organized government". Subversion of organized government, that is the thing which is probably in the minds of the framers of this Bill. Then in sub-section (c) we have "is a member of"—mark the words—"is a member of or is associated with." This is not only vague, but it can be stretched to such a length that any one living in India can be made to say that he is associated with it. The word "member" is not enough. It goes on, "or is associated with any society or organization, whether in British India or elsewhere, which advocates or encourages any such doctrine". This then is really a fight against doctrines. The other sections deal with the method of removal, etc. Sir, with reference to such comprehensive curtailment of the liberties of the people of India, what are the reasons given in the Statement of Objects and Reasons? "Evidence has accumulated." With whom, we do not know. If we had been taken into confidence, certainly we would have given our heartiest support to any desire on the part of the Honourable the Home Member to protect our lives and property in our own country. Sir, I remember that just a day or two after the Bill was published in the Gazette of India I had a conversation with—I am not disclosing any secret I hope—the Director of Information. He inquired of me what would be our attitude. I clearly told him that we had no facts before us to justify our sanctioning such legislation. If I remember aright, I was told that he would see that we get such information as was possible. But, Sir, up till now we have not received any such information.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : What about those quoted by the Home Member ?

Mr. Amar Nath Dutt : "Evidence has accumulated recently of the subversive intentions and activities of the Communist International generally." Here, Sir, before I go any further I must admit before this House that I know very little or nothing—though I have been in public life for more than a quarter of a century—I know little or nothing about this Communist movement about which we hear so much in Europe. But in India, Sir, I have travelled through the length and breadth of this country several times ; I have never met a Communist. At any rate no Communist have ever come to me and I do not really know whether their intentions are like those which are set out here, namely, "the subversive intentions and activities of the Communist International generally, and in particular of the efforts it is directing against India". What are the efforts ? Now, Sir, we had some illuminating news from the Honourable the Home Member. But those facts in themselves, even if they were true, I beg to submit, are not sufficient to warrant giving legislative sanction to a Bill like the one before us. We have heard, Sir, the name of M. N. Roy in connection with this and the Honourable the Home Member read from a typed copy certain things, and he was convinced that this must have come from that gentleman, M. N. Roy. Very few of us here have heard the name of this M. N. Roy save and except that it is given by the Government. It is said that he sent some letter to some one in India in order to bring in Communist activities in India. But I do not think that any of us here have received

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any letter like the one referred to, much less our less educated brethren, who are likely to be influenced by such subversive doctrine. If that be so, Sir, I beg to submit that the very fact of such a letter does not at all warrant introduction of legislation like this. Apart from that, we have grave doubts about the genuineness of the letter itself, of which the Honourable the Home Member could not assure us. On the other hand, we have such information with us which warrants us coming to the conclusion that that letter is nothing but a pure and simple fabrication and a forgery, and a forgery with a purpose. I shall read before this House Pandit Jawahar Lal Nehru's statement first :

“ I have received a cable from the office of the League against Imperialism in Berlin informing me that they are authorised to state that the letter alleged to have been written by Mr. M. N. Roy which was published from Simla recently is an absolute fabrication.”

The Honourable Mr. J. Crerar : Did not Mr. Jawahar Lal Nehru state or was he not reported to have stated that he could not say whether the letter was genuine or not ?

Mr. Amar Nath Dutt : No. I shall read further. If the Honourable the Home Member had waited for a few minutes more, he would have seen :

“ When this letter was published in the press I could not of course say whether it was genuine or not. I do not know what Mr. Roy's views may be in regard to the Communist work in India. It struck me as a peculiar horror that this letter which is stated to be dated some time in December last should suddenly be given publicity eight months later. On the face of the letter it contains statements which appear improbable. The manner and the tone of publication increases the element of suspicion ”

and so forth.

Mr. K. Ahmed : Where is it stated ?

Mr. Amar Nath Dutt : Wait and you will see :

“ The Trade Disputes Bill and the so-called anti-Bolshevik measure coming at about the same time made it clear that the publication was designed to frighten a number of people and then facilitate the passing of the measure. The cablegram I received from Berlin stated that after enquiry it has been found that the letter is a fabrication and justifies the suspicion that it raised. I trust that no one will be deluded by this letter.”

Then here is a Reuter's telegram, dated September 4th :

“ Reuter learns that Mr. M. N. Roy has informed the London branch of the Indian National Congress that he did not write the letter mentioned in the message of 1st September.”

In fact there was an enquiry by the London branch of the Congress about the genuineness or otherwise of this letter. That this letter is a pure and simple fabrication, no one can now be in any doubt. (*An Honourable Member* : “ Question ”?) That it is not a genuine document should be deduced from such historical incidents as the Zinovoff letter which brought about the fall of the Labour Government. This sort of dodge is not a new thing. Whenever repressive legislation is to be brought about, whenever Government want to be armed with any repressive measure and weapon, they generally find bomb factories and arms and ammunitions. That has been the case in Bengal before the deportations and the introduction of repressive legislations. The Government found some bomb factories, and discovered some arms and ammunitions very opportunely. I am emboldened to think that this is one of those insidious steps of publishing a letter just before the introduction of a repressive measure and asking

us to believe that it is a genuine document. I challenge that it is a genuine document. Even if it had been a genuine document, so far as I know my countrymen, they will throw it into the waste-paper basket and will not pay even the least attention to a document like it. For more than 2,000 or 3,000 years we have never known what a revolution is. We never want a revolution. We do not want subversion of the ordered state of things however miserable may be our lot under the present system of administration. This much assurance I can give to the Honourable the Home Member, and he can take it from me, that I shall be one of the first men to support his measure if he can really convince us that there is danger to person and property, not only of Indians but of any foreigner in this country, be those foreigners exploiters of this country or others. I shall support the Government in any measure to arm them with any power if I am convinced of the necessity of such measure.

Sir, there are some words in the Statement of Objects and Reasons which I want to bring to the notice of the House. It is said there :

“ destroying by violence both the Government established by law and the present economic organisation of society, and substituting what they describe as the dictatorship of the proletariat ”.

What do the words “ dictatorship of the proletariat ” mean ? I do not know what these words mean in Europe and in fact in India for generations past. This proletariat—if by proletariat is meant the working classes and the labouring classes—have been subjected to such inhuman treatment and have been reduced to such poverty that every right thinking man will try to raise their standard of living and comfort. In fact it is one of the elementary rights of a human being to have a full meal and to clothe himself properly. That has been denied in India for at least more than a century. To what this is due to, it is unnecessary for me now to discuss. But if these poor people rise to an appreciation of their own miserable condition and if anybody shows any sympathy with them and if it is made penal for any foreigner to sympathise with their lot, then, I beg to submit, Sir, that this is not only an unnecessary but an inhuman legislation. The ill-clad and the ill-fed peasantry of our country—and remember India is mainly an agricultural country—is a standing commentary of your trusteeship which was characterised on the floor of this very House by my friend Diwan Chaman Lall as a fraudulent trust.

Mr. K. Ahmed : But in Bengal the rumour is that they have taken one lakh of rupees for the Swaraj Party's fund from the Zemindars in order to pass the Bengal Tenancy Bill.

Mr. Amar Nath Dutt : From what I have already said you will see that if it is your intention to suppress Bolshevik or Communist propaganda in this country you must supply us with facts in order to enable us to be with you. But if you do not do that, we shall go to the country and ascertain public opinion to find out if the public wants legislation like this, and if we find our country wants legislation like this we shall be with you. But if both these alternatives fail, I regret I for one shall not be able to be with you in a matter like this. We have heard many things about the destruction of religion, of order, of property, of the state of society and so forth. Now, Sir, whenever any new thought or any doctrine comes into the world, we have seen that in this world of ours people do not accept easily a new doctrine. I do

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not know what the doctrine of the Communists is fully, but I believe their doctrine cannot be any thing but food and clothes for everyone in this world, and with this doctrine I think no one can have any quarrel whatsoever. If that be so, I beg to submit that to wage war against such doctrines, to legislate against such doctrines, will not be proper for any Legislature. Now in the history of civilisation one will notice that the prophets have always been persecuted ; they have been put on the cross or had to flee for their lives from their persecutors. I do not know whether this Bill is to throttle a doctrine which wants to give food and clothes to the poorest and to share as much as possible the goods of this world equally, whether this doctrine is to be put down by its opponents and persecutors in the way in which it is being attempted to be done. If that is so, I may warn the Honourable the Home Member that you cannot crush a truth. You may imprison it, but remember that it acquires an electrical elasticity within the dungeon-walls and shakes the whole world when it comes out, as has been the case with all the religious teachings in this world. Do not put a ban on this world wave of thought. I would be the first man to have all the foreigners deported from my native country. Why did they come here at all ?

Mr. K. Ahmed : To hand over a purse and distribute money among the Swarajists.

Mr. Amar Nath Dutt : Any way they are here now and for more than 100 and 200 years we have lived side by side and probably we are destined to work side by side for many hundred years yet to come. (*Cries from the Congress Party Benches of "No, no."*) Because that has been our lot. India has given home and shelter to many foreign and alien nations. Even the Aryans were an alien race. The true inhabitants of this land were the so-called non-Aryans. So in India every one will find a home, a peaceful home. But to exclude a certain section of foreigners for the benefit of another section of foreigners is a thing which I do not support. Our real apprehension in this matter is this, if I am to be frank, we think that they will deport men who have any pro-Indian feeling under the guise of this. We cannot invest the six Honourable Members of the Viceroy's Executive Council with such wide powers. We have seen how the power given to any executive authority is always abused. It is not always that we will have

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good men of the type of the Honourable Mr. Crerar at the helm of affairs ; others may come in whose honesty we may not have the same faith and who really may not be the same good men as the Honourable the Home Member. So, Sir, before arming the executive with such drastic powers over the liberty of any man in this country, I beg to submit that we must be satisfied that there is necessity for legislation like this immediately. What I ask for is this : let us go to the country and let us ascertain public opinion and then come to a judgment ; and then, if our judgments vary, of course the legislation will take its course. But what is the use of asking us to accept certain facts about which we have no knowledge and with which you come to-day before us and ask us to believe too much every word of which probably has been supplied to the Home Department by some underling of the C. I. D. ? In fact, if there was a

law like this, many of us are old enough to remember that probably men like Sir William Wedderburn, Charles Bradlaugh or Robert Caine and others who used to come to the Congress would have been deported ; I do not know if even Sir Henry Cotton would have been free from it. So, Honourable Members of this House who have any sympathy with Indian aspirations will not also be safe, unless they themselves be Members of the Executive Council.

Another very objectionable feature of the Bill occurs in section 7. Sir, there is no law of *habeas corpus* in India, except the meagre provisions contained in section 491 of the Criminal Procedure Code ; but that section has been so framed that it is almost of no avail, and in fact such things as Regulation III of 1818, and the analogous Regulations of Madras and Bombay have been exempted from it. Of course the Code of Criminal Procedure is a later act although there is no such reservation in the Regulations ; but here the Government has been very careful to introduce a provision that no such writ of *habeas corpus* can be had under section 491, *i.e.*, that section will not be applicable to any one against whom such an order has been passed. Not only that, but the Executive Council has been clever enough to guard itself against any damage that they may be liable to pay for their unjust orders ; and they have said " and no suit, prosecution or other legal proceeding whatsoever shall lie against any person ". Sir, they are afraid of their own machinery of the courts of justice, which has been at times too docile to oblige them, and, if I may be pardoned, the Executive Government is also too docile to allow them to indulge in their freaks as we have witnessed recently in a High Court. I do not wish to take up more time of the House on this subject, and I appeal to the Honourable the Home Member to give us a little more time to consider the necessity of legislation of this character. The whole world is not going to be upset by a month or two or three, and I think there can be no objection to the acceptance of my amendment which I have just placed before the House.

Mr. C. S. Ranga Iyer : Sir, the Honourable the Home Member made a speech on which I for one, seldom accustomed to congratulate the Treasury Benches, should very sincerely congratulate him. I congratulate him because, Sir, it is so difficult to speak against logic, it is so difficult to speak against common sense ; it is equally difficult to speak against justice, and when the Honourable the Home Member comes to this House and makes such a speech, we must certainly congratulate him. His speech, Sir, lacks common sense ; his speech lacks logic, and his speech lacks justice.

The Honourable the Leader of my Party had raised, before this debate began, a point of order, which has yet to be decided on by the Chair,—all compact with common sense. We are here, Sir, speaking in a Legislature, which, we have been told time and again, is subordinate to another Legislature in another part of the world. We are, Sir, at the same time asked to legislate on things on which the House of Commons, " the Mother of Parliaments ", as it is called by the House of Commons people, and " a barren woman ", as it is called by Mahatma Gandhi in his book, the " Hind Swaraj ",—that august Mother of Freedom dare not take up an attitude which the Honourable the Home Member has taken up in this House to-day. Sir, those who have had the privilege, those who have had the opportunity, of witnessing the meetings of the House of Commons, will agree with me that, were a motion of this kind brought forward by

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Mr. Joynson Hicks, the well known "Jix", had such a motion been brought forward in that august Mother of Parliaments, you could imagine the storm that would have risen from the opposition, you could picture to yourself the storm in the country. Sir, it was a well-known poet of the nineteenth century that spoke of England :

" It is the land that freemen till
That sober suited freedom: chose,
A land where girt with friend or foe
A man may talk the thing he will."

Well, that is England, and when Englishmen come to India they do not want their own countrymen here who do not belong to what I may call, the bureaucratic club.

This is a legislation, Sir, that is directed not against my countrymen. It is a legislation directed against their own countrymen who do not join in the unholy business of exploitation. It is a legislation directed against their own countrymen, because an Englishman in India hates to see another Englishman going against England's Imperialism in India. It is a malicious piece of legislation. It is a racial piece of legislation, racial in this sense that there can be only one race in this country—the Imperialist race, and not the Socialist race. It is a legislation directed, instigated, I should say, partly by that group that sits over there, more powerful than the bureaucracy, the Anglo-Indian group, and when I say the Anglo-Indian group, I do not include in it the group to which my friend Colonel Gidney belongs. I use the word "Anglo-Indian" in its old classical sense. I use the word to mean the non-official British in India.

Sir, that group has instigated the Government publicly, openly instigated this Government to deport Mr. Spratt. (*An Honourable Member* : "Why not?") I hear a voice from the European Benches : "Why not?" That is exactly my whole case. (*An Honourable Member* : "Shame.") My friend over there (pointing to the Congress Benches) says "Shame". They are perfectly entitled to have their own countrymen deported from this country, from their point of view. From our point of view they are not entitled. I am coming to that point.

I am very glad, Sir, that the Anglo-Indian group has endorsed my statement that they have instigated the Government to take action against Mr. Spratt. Sir, students of Indian history will remember that the same group in another century wanted to deport another gentleman. I would ask those Anglo-Indian gentlemen who are in this House to read Lord Curzon's stately volumes, "The British Government in India". And if they read the second volume of Lord Curzon's works, they will find that Lord Curzon has referred to that wonderful incident, I think an incident about which Anglo-India can never be ashamed, even though India may be ashamed. Sir, in spirit, that is nothing more than the deportation which they ask now of Mr. Spratt and which they wanted then of a Viceroy of India. (*Mr. D. V. Belvi* : "Lord Ripon.") My friend Mr. Belvi has supplied the gap. Of the fate that Lord Ripon was threatened with, every student of Indian history knows, and we must be grateful to Lord Curzon for having placed the fact on record. They wanted to deport Lord Ripon. And why? Because Lord Ripon came to this country with an idea of abolishing that racialism in the administration of justice. Here I would ask Honourable Members in this

House to read that fascinating book of Lucian Wolfe which they will find in the Library : " The Life of Lord Ripon ". I would also ask them to read Lord Curzon's book. But I shall presently for their benefit quote a passage from the one book as well as the other regarding the occasion, for the contemplated deportation of a great Viceroy, and the same mentality prevails there to-day. If a Viceroy dares to venture conclusions with the Anglo-foreign group he will be deported, even as Spratt will be deported or an alien rat will be deported. Has the Anglo-Indian community at any time, I ask, stood for the reign of law ? The Honourable the Home Member was talking of " discretionary power ". I should say they stand for the reign of indiscretionary power ! They not only want the strength of a giant, but they want to abuse it like a giant. Who does not remember the Ilbert Bill agitation, the storm which was raised in European circles when Lord Ripon proposed—I am now quoting—" to remove from the Code at once and completely every judicial disqualification which is based merely on racial distinctions " ? " The Viceroy " says Lord Curzon in the volumes to which I have just referred, " was personally insulted in Calcutta." The Anglo-Indians—by which I mean the European Civil Service as well as the non-Civil Service people,—insulted the Viceroy in Calcutta ! Lord Curzon goes on to say that " the Government House was partially boycotted by the British community ", not by Indians of the type of my esteemed friend Pandit Jahawar Lal Nehru but " by the British community." " The Services " Lord Curzon goes on to say " were exasperated and estranged ". And what next ? Lord Curzon goes on to say : " A plot was hatched for kidnapping the Viceroy, hustling him on to a ship and sending him on to the Cape." That was before the famous Frenchman pierced the Isthmus of Suez. (*An Honourable Member* : " You cannot do that under this Bill.") Yes, I agree with the Honourable the European Member, you cannot do that under this Bill, but you can do something worse. You can make the Viceroy a tool in your hands to sanction the deportation of anybody you like. (*An Honourable Member* : " Not Indians.") Any one of their own community. I am not talking of Indians so far as this Bill is concerned. Indians are deportees in their own country, whether they are deported or not deported. I am referring, Sir, to an incident which took place in the nineteenth century and which is taking place in this century in a ghastlier form. I use the expression " in a ghastlier form ", because under this Regulation, which is no more or no less than an Externment Regulation, they want to deport their own countrymen who do not join them in singing " Rule Britannia ", because they fell Britain rules the slaves as truly as Britain rules the waves. They would chant a new hymn of how " Britain rules the slaves " ! Must those, I ask, who do not sing that old song of " Rule Britannia " be deported ? Mr. Spratt, Sir, is as honourable a gentleman as I could find on the opposition benches. (*Honourable Members* : " More honourable.") My friends over here say " more honourable ". I know he is a pleasant man to talk to, and if he is such a dangerous character, is not the law strong enough to proceed against Mr. Spratt ? That is the man they want to catch. They want to deport him without delay. That accounts for the anxiety of the Honourable the Home Member. They want to deport him just as they deported another gentleman, an Englishman, from Bombay. It may be asked : " Why should they not take action against him, if they choose, and take also, in future, similar action against the opposition members in the House of Commons " ? But, I say, there is the ordinary law if

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they want to take action against Mr. Spratt or against any Englishman or Russian, though I do not know either from the newspapers or from the speech of the Honourable the Home Member of any Russian going about in this country ; that evidence at any rate has been denied to us and Russians are not fools to come to this country. (*An Honourable Member* : " Question.") As Great Britain has cut off all diplomatic relations I do not think Russia issues passports to Russians going to England or other parts of the Empire even as England does not issue passports to Englishmen or other British subjects to go to Russia. Sir, I was referring to the law, and when another piece of repressive legislation was being enacted, a gentleman whom the King delighted to honour made the following observations which are appropriate on this occasion. He made it in the old Imperial Legislative Council, and what he said can be quoted word for word here :

" Not only is the measure in my humble judgment uncalled for and impolitic but it is also superfluous....."

(*An Honourable Member* : " Who is he ?")

So said Sir Rash Behari Ghose,—not a Swarajist—

" as the Indian Statute-book gives the Government ample powers to put down sedition."

The Honourable the Home Member was referring to a certain letter. If it was seditious, why was not action taken against the newspapers which published it ? Why was the Associated Press permitted to publish it and to broadcast it all over India ? If Mr. M. N. Roy's letter is seditious, why has action not been taken against the *Statesman* of Calcutta for publishing it ? My friend Mr. Amar Nath Dutt was quoting the opinion of Pandit Jawahar Lal Nehru. Pandit Jawahar Lal Nehru knows as little about that letter as any gentleman sitting on this side of the House. I think the views of Pandit Jawahar Lal Nehru about the authenticity or unauthenticity of that letter could be no better or no worse than the views of any other gentleman on the subject. One may be prepared to grant, as Pandit Jawahar Lal Nehru has granted, that that letter, judging from the clumsy circumstances of its publication, might be a faked document. One may be equally prepared to grant, as the Home Member has granted, and I agree with the Home Member that his views as well as Pandit Jawahar Lal Nehru's views on the subject might be alike. I am prepared to grant, that the letter is authentic. But, then, supposing a lunatic writes a letter from abroad, supposing you get another lunatic to telegraph it to the Indian newspapers, and supposing a few other lunatics publish it, can sane men bring forward a legislation worthy only of lunatics ? Sir, Mr. M. N. Roy's letter may be an authentic document, he may be a revolutionary—I have not had the honour of knowing the gentleman. There are revolutionaries at home and abroad. I do not for a moment say he is a revolutionary—I do not know him, I do not know anything about his letter. There are revolutionaries abroad, there are Indian exiles abroad. Are they not entitled to be revolutionaries ? Are they not entitled to send letters, and is not the Government entitled to proscribe these letters ? Is not the law of proscription strong enough ? Sir, I thought that the Honourable the Home Member, knowing his business as he does, would not have come and said : Here is the letter of Mr. M. N. Roy compelling this new legislation. It may be an old letter, it may be

a new letter, but he would not have come to this House for more powers. He would have taken action against the *Statesman* of Calcutta for publishing it just as he has taken action against the *Forward* of Calcutta in another matter. I would, Sir, have asked him to take action against the Associated Press for broadcasting this seditious document, if the Associated Press is, as claimed by my Honourable friend, Mr. Roy, an Indian and not a pro-Government agency. I believe it is not a Government agency, and I presume that this is not a Government document. But then why has action not been taken for preaching sedition openly? Why should the Honourable Member come to this House and say, "Give us the power to deport Tom, Dick and Harry, honourable Anglo-Indians, Indo-Britishers?"

Mr. K. Ahmed : What about the *Muslim Outlook* and its editor?

Mr. C. S. Ranga Iyer : The Honourable gentleman over there knows more about that paper of whose existence I am not aware. (Laughter.) To continue the quotation from Sir Rash Behari Ghose, he said, "You will find the iron hand concealed in the velvet glove in section 108 and also in section 144 of the Criminal Procedure Code which enabled the Magistrate of Calcutta only the other day to take action in certain matters. Unlawful things could be dealt with under sections 127 to 132 of the Criminal Procedure Code, while open sedition may be punished under sections 124A, 153A and 505 of the Indian Penal Code." The Indian Penal Code is meant not only for Indians but also for offending Englishmen. Therefore, why should the Anglo-Indian group ask for an Externment Regulation even as there is an internment Regulation? This is no more, and no less than Regulation III of 1818 for foreigners. They could as well have promulgated a new Ordinance and a new Regulation. That would have been more simple instead of coming to the Legislature and asking for new power. Sir, it is a craze of modern autocracies to ask for more power. More power was asked for even by a King of England, I believe it was George III. It was during King George III's administration, however, that the House of Commons moved a Resolution that "the power of the Crown has increased, is increasing, and ought to be diminished." If you delete the word "Crown" and use the word "Executive in India", I think that Resolution might as well be carried in this House. I could read to you, Sir, the opinion of prominent legal authorities on a lawless measure of this kind. This measure is only worthy of a bureaucracy which seeks legislative sanction to increase its powers and which has already unlimited powers.

"It is a commonplace,"

said Lord Hewart to the American Bar Association,—

"that the rule of law involves at least two things : one is the absence of arbitrary powers on the part of Government, and the other is equality before the law.

"But is it quite certain that this system of ours—the rule of law, equality before the law and the exclusion of arbitrary power—is quite free from risks of invasion and diminution? Has there not been during recent years, and is there not now a marked and increasing development in bureaucratic pretensions, the essence and aim of which is to withdraw more and more matters and topics from the jurisdiction of the court and to set them apart for purely official determination?"

Lord Hewart delivered that speech to the American Bar Association. America is a country where liberty has run riot, and the Government in America dare not clothe themselves with extraordinary powers against American citizens which the Government here asks us to give them

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against British follow-subjects. When a danger of that kind is dreaded in self-governing countries like America, how much more fearsome must this arbitrary power be to an executive which is not responsible to the people ?

Sir, it is unnecessary for the Honourable the Home Member to come and talk to us of the constitution of society, of India's culture, and so on and so forth, being put in jeopardy. I wish the Honourable the Home Member had read the observations of my friend, Pandit Jawahar Lal Nehru, in the Unity Conference at Lucknow. If he had read that speech of Pandit Jawahar Lal Nehru, he would find in that speech a suitable reply to the speech he was pleased to deliver here. Pandit Jawahar Lal Nehru observed in effect : " Can a few alien gentlemen, call them Bolsheviks, set India on fire ? " That one sentence contains the reply to all the arguments, to all the pretensions, to all the claims that the Honourable the Home Member lays before us. Indians are competent to protect India's culture which could not be killed by alien invasion in the course of centuries, which cannot be protected by legislation of this kind. India's culture does not want alien protection by legislation of this kind. I would not have much respect for India's culture if it could be put in danger by half a dozen secessionists or revolutionists or republicans or Bolsheviks or Communists from foreign lands. India's culture had better be left alone by the Honourable the Home Member.

Then he talks of India's society. India's society is not put in a steel frame, though Mr. Lloyd George, when I had the honour of lunching with him was not . . . (*An Honourable Member* : " What about champagne ? ") (Loud laughter.) The Honourable Member who interrupted obviously thinks of lunch and of champagne and of Welshmen who are not generally teetotallers.

Mr. K. Ahmed : What about yourself ?

Mr. C. S. Ranga Iyer : I thought the Honourable gentleman knew something about myself. Has the Honourable gentleman concluded his very interesting enquiries ? (Laughter). Mr. Lloyd George, who used that historical phrase, " steel frame ", said, " I got into a lot of trouble over that phrase ", and you know, Sir, how phrases are used in the House of Commons.—I thought that the constitution of Indian society did not stand in need even of the steel frame of Mr. Lloyd George's bureaucracy in India. Indian society has stood the onslaught of time, the onslaught of alien invasion. It has withstood even the Europeanisation of Indian customs, and it does not stand in need of protection by legislation of this kind.

Then the Honourable the Home Member talked of the last world war. Then I think there is going to be another world war, it is rather pathetic of the Honourable the Home Member to talk of the last world war. To-day it is a dream and a nightmare, and Indians have their own opinions of what they did in the world war and what they got in return. Indians during the last world war loyally stood by England, saying " England's calamity is not our opportunity " but India's calamity to-day is obviously the Home Member's opportunity, otherwise he would not have brought forward legislation of this kind. (Laughter). Sir, at a time when at Lucknow all the parties have sworn by a resolution which stands for Dominion home-rule and the British connexion, surely the Honourable the Home Member need not have acted as if the whole country were disloyal

and indicted a whole race by bringing forward legislation of this kind fearing that a few wandering Englishmen or continentals can set it on fire. I consider, Sir, that this legislation is an unhappy reply to the plea for Dominion status, for Dominion Home Rule. It is not an encouraging response to an attitude of loyalty to the British Throne which all the parties in the country have truly shown. Surely, if India is loyal as Lucknow gave proof that India is loyal, it is not for the Honourable the Home Member to say that a letter from Mr. M. N. Roy could disturb the equanimity of India or shake the loyalty of its people ; it is not for the Home Member to say that the one or two other documents that he mentioned could set the whole country ablaze. Sir, this Bill is an aspersion on the whole race ; it is a piece of legislation which I say the Home Member in his calmer moments will not be prepared to support. Then, Sir, he talked of " Communism in action ". Was that the phrase the Honourable the Home Member used ?

The Honourable Mr. J. C. Crerar " Communism "

Mr. C. S. Ranga Iyer : Not communalism ? (Laughter.) The Home Member could have more appropriately thought of communalism in action : if Communism were in such a diabolical action as communalism, I might have sympathised with the Home Member. The Home Member has made some study of the Indian constitution and of Indian culture : and India has, as he ought to know, no genius for Communism. That is a foreign growth. You cannot transplant it either from the Soviet Opposition in England's Parliament or Soviet Russia to this venerable country. Therefore, the Honourable the Home Member, if he knew Indian culture as some of us do, would not have liked to bring in a thing which Indian culture and Indian society do not want, do not support and do not ask for. Therefore, frankly speaking, the Home Member was not really concerned about India's culture or India's society ; he was observed with Communism which is on the brain of the Government. Then he talked of a conspiracy case of 1924,—and we are now in 1928. But, Sir, he ought to tell us who are the " conspirators ", to use an expression which I may not ordinarily like to use but I use that phrase under quotation. Who are the so-called conspirators to-day ? As for the 1924 incident, were they not hanged or were they not imprisoned ? Were they proceeded against or were they not proceeded against ? Having punished those people declared guilty in 1924, no man with a sense of the law, leave alone logic, with a sense of justice, leave alone administrative virtue, would have come to this House and said, " Oh, the conspiracy case of 1924 ". If the conspirators had escaped, if they had not been punished, if no action had been taken, I might have pardoned the Home Member for making that statement.

And then he talked of " peasant revolt ". Sir, I had the honour of taking part in a peasant revolt. I may yet have the honour of taking part in numerous peasant revolts, for I do believe that there is a crying necessity for helping to bring about a higher standard of life for India's impoverished, doubly-oppressed peasants. Does the Honourable the Home Member know that there was really a peasant revolt in the United Provinces ? He referred to Chauri Chaura. Well, I shall come to it presently if time permits, but I am talking now of the peasant revolt. There was a peasant revolt in Rai Bareilly when I happened to be in charge of a newspaper in Allahabad called *The Independent*. A few peasants were shot. I do not want to go into the details of that case. I stood for the

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peasants, wrote against the violence that was inflicted on the peasants and I of course had to pay the penalty. Peasant revolt can be put down ; it has been punished. " You have the Seditious Meetings Act, have you not ? " I put that question to the Honourable the Home Member. Is not the Seditious Meetings Act intended to put down the peasant revolt ? I put that question again to the Honourable the Home Member. As compared to his predecessors in office he is a younger man, a newer man to this House, and I would ask him to go through the entire literature bearing on that subject. Was not the Seditious Meetings Act meant to put down the peasant revolt ?

The Honourable Mr. J. Orerar : No, Sir.

Mr. C. S. Ranga Iyer : Then the Honourable the Home Member does not know the subject ! I am afraid the Honourable the Home Member is rather raw to that subject, if I may say so without offence. If only he could remember what his own Government did ! Perhaps he lacks information. The Honourable the Home Member ought to be aware that four of the principal peasant districts of the United Provinces were suppressed. He may not like that word " suppressed ", but they were dealt with under the Seditious Meetings Act, and the Governor in Council acting with his Ministers supported the application of that measure. The Government of India supported it. The most effective manner in which the peasant revolt was dealt with in the United Provinces, in spite of the opposition of the Indian papers, was under the Seditious Meetings Act.

And then he talks of the landlord and the capitalist. I ask, is the British Government meant only for the landlord and the capitalist ? Have not the Indian peasants the right to carry on an agitation in this country ? Have we not the right, I ask, to bring friends from abroad so that the Indian peasants may know that all Englishmen are not tarred with the same brush ? I consider, Sir, that a Spratt, that an English socialist, is incidentally making India more fond of Britain by telling Indians in India that all Englishmen are not tarred with the same Imperialist brush. This is, Sir, a Tory legislation meant to put down the little help that we might get, if not to-day, then in the future, from the British socialists. As a staunch adherent of the Socialist Party in Great Britain I do think that this is aimed at my British comrades. I say it is a malicious piece of legislation which could not stand a moment's oration from the Tory Benches in the House of Commons. It is not a question, Sir, on which the Tories dare go to the country and take the verdict of the country. Let the Tories go to the great English public during the general election on this particular issue, and they will have meted out to them the same fate that was meted out to Labour on a former occasion. Sir, it is well and good for Englishmen here who are more Imperialistic than their own Imperialistic countrymen at home to take up this attitude of absurdity towards their own countrymen. If the Honourable the Home Member had the common sense to confine this legislation to Russians, because the British Government has cut off all relations with Russia, I would say the Honourable the Home Member is richly endowed with the quality of statesmanship. But he wants to take action against our British fellow-subjects under a law which is no law, because there is no trial here, nothing of the kind. A ukase will be issued by the Viceroy

of India, as it used to be issued by certain types of monarchs in the nineteenth century in Europe. A ukase is issued and the "undesirable" gentleman is deported, even as the Anglo-Indian community wanted to deport a Viceroy. That is a kind of legislation which no Legislature can support. Any Legislature which respects other people's rights and liberties will throw such legislation into "the waste-paper basket"—to quote, Sir, your own historic phrase uttered on another historic occasion.

Mr. K. Ahmed : You will be tried by a first class magistrate ; there is the Evidence Act and the Criminal Procedure Code to be followed.

Mr. C. S. Ranga Iyer : Will the Honourable gentleman stand up and put his question ? (Laughter.)

Sir, then the Honourable the Home Member shed some tears, as the old crocodiles according to the fable, over "the privations and the sufferings of labour." Surely the Honourable the Home Member is not assisting labour by passing a legislation of this kind, but proclaiming to the world that Indian labour is in the hands of a few European Communists, which is far from true. That is his advertisement of Indian labour to the wide world, that it is like potter's clay in the hands of a few European Communists. Sir, I do think that the people who will have the heartiest laugh over the speech of the Honourable the Home Member are the Communists in Russia—if only my friend the Publicity Officer will spend a little Government money and send a cable to the newspapers of Moscow about this. There will be nothing to encourage them better than the speech of the Home Member ! Who could have imagined that a pamphlet could have made all the mighty bureaucrats of India panicky ? Who could have imagined that a leaflet could have made them shake in their shoes ? Surely, if the communists of Russia had been told that the Government of India was panicky—all foreign Governments are panicky—if they had been told that the Government of India were quaking, they might not have believed it, but to-day the Honourable the Home Member has furnished a proof. He has really issued an invitation for war to the Communists of Russia. He has really advertised that India is under the influence of Communism. He thinks India is ablaze with Communism. His whole speech was soaked with Communism. We thought we were going to get some proof of the existence of Communism, but we were told about stale pamphlets which were reproduced partly in newspapers and for which the newspapers have not been punished, obviously because the pamphleteer and the pamphlet have not been seditious. Then he dwelt on the course of events in the industrial world. I would ask him to read, if he has not refreshed his mind, the reply that was given to this House by Mr. Parsons about the course of events in the industrial world. Was it Communistic or was it economic ? Sir, the course of events in the industrial world can take care of itself.

Then he talked of protective legislation. I should think, Sir, that this is not a protective but a destructive legislation—and a destructive legislation of this kind, aimed not at me, not at my friend Pandit Jawahar Lal Nehru, not at my other friends in the Congress, not at Mr. Subash Chandra Bose, not at my friend Mr. Satyendra Chandra Mitra, not long ago a Regulation prisoner,—who, we were told, by the way, was a terrible anarchist, though he does not look an anarchist. We all know, Sir, how Regulation III was abused and it was a Home Member of the Government of Bengal who said 14 or 20 years after, speaking about Mr. Dutt of

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Eastern Bengal and Assam, that he never believed he could have been involved in a revolutionary conspiracy and he was really sorry that the Regulation was used against him. We can have similar confessions about these deportations 20 years after from these very energetic persons. But what we are really concerned with is not their confessions, but the dealing of justice ; and in this matter, Sir, we are entitled, the House is entitled, to hear the opinion of two Europeans, independent Englishmen in India, who can be deported, just as Mr. Satyendra Chandra Mitra was deported. I should give the two sample opinions of the Editor of the *Pioneer*, Mr. Wilson, and of the Editor of the *Herald*, Mr. Horniman. Both of them, as this House is aware, are the *bête noire* of the powers that be. It was only the other day, replying to a question of mine, that the Army Secretary enlightened the House with very interesting information that at least so far as the Government were concerned the *Pioneer* had ceased to be a newspaper of any "reputation"! We all knew the reputation that the *Pioneer* used to have until lately. One need not be surprised, Sir, now under this Bill the Editor of the *Pioneer* could be deported without trial as a Bolshevik agent! Let us hear what the *Pioneer* has to say on this subject :

"It is an extension on a larger scale of the infamous Regulation III. The seventh century in England witnessed the attempt to make the judiciary dependent upon the executive. It cost one King his head and the other his Crown. The liberty of Englishmen was vindicated by independent Judges against all encroachments of the executive, whether regal or parliamentary and it is no exaggeration to say that these particular provisions in this new Bill are a retrograde step towards a doctrine which has long been viewed with righteous hatred in Great Britain."

Well, Sir, this is what an Englishman says and not a bureaucrat. The latest attempt to revise the principle of liberty of persons has been met with the strongest denunciation. The *Pioneer* very wisely and truly and justly concluded :

"If the liberty of British subjects is to be in the hands of officials, it will be a bad day for India."

Of course by "India" it means the few independent Englishmen in India. Now, let us hear what Mr. B. G. Horniman has to say on the matter :

"The true reason is that the bureaucracy wants to get rid of non-Russian, non-Indian British public workers who are an inconvenience to the capitalist policy of domination and exploitation. A few weeks ago the Bengal Chamber of Commerce was fulminating against the activities of Mr. Spratt"

—a fact which my Honourable friends over there have since approved and endorsed—

"The Anglo-Indians in Calcutta, Bombay and Madras demanded with one voice his removal from the country. The demand was preposterous because no British subject can under any law whatsoever be removed from this country without trial. The Government saw their limitations and now seek to have unbridled powers to deal with such persons. It will thus be clearly seen that it is not against the agents of the Communist International, of whom there are none in India, that the Bill is directed, but it is against the British subjects who, instead of joining the rank of their exploiting countrymen, come here to organise resistance to exploitation."

Now, then, Sir, I must speak out the Congress view. We Congressmen have an idea, a very old idea, perhaps older than the quotations which the Honourable the Home Member placed before us from certain communications. I think the Honourable the Home Member is aware, and if he is not aware of Indian politics as he does not seem to be much aware, he ought to acquaint himself very soon about the real Indian politics. He must be

aware that Indian politicians wanted to organise, as the late lamented Desbandhu Das described in the speech at the Gaya Congress, a pan-Asiatic federation, a federation of Asiatic culture. With a Regulation like this of externment on the Statute-book, how can we think of a pan-Asiatic federation, a federation of Asiatic culture? It is all well and good for the Honourable the Home Member to come to this House and talk of Indian culture. Indian culture has always been in touch with Asiatic culture. There is give and take. Cultural currents have been flowing into this country, and when we propose to organise, when we aspire to have a pan-Asiatic federation of oriental culture, the Honourable the Home Member comes up with this legislation. Once this Bill is passed, which foreign delegate will care to come to this country? Therefore, Sir, I submit that it is a sinister attempt, the immediate object being the deportation of "undesirable" Englishmen, undesirable from their point of view and not from our point of view, but the ultimate object of the Government in bringing forward this Bill is to cut off India, to isolate India from other countries. The Himalayas are obviously not big enough for the bureaucracy for that purpose. For the purpose of isolating India, they want a mightier Himalaya, they want a bureaucratic legislation to supplement the internment Regulation. This legislation should not be approved by this House.

Before concluding, I submit that the economic aspect to which the Honourable the Home Member referred is not based on Bolshevism or the activities of Communist or semi-Communist agents or their suspected victims, but it is based on hunger. "Hunger", said a great Irishman of the eighteenth century, I refer to Edmund Burke, "is the prolific cause of revolutions". The strikes have taken a revolutionary turn as the Home Member perhaps fears they have or they are likely to. I do not think so. It is based on the hunger of the Indian people. Readers of Miss Mayo's "Mother India" are aware what a poor country India is. Even that wonderful woman has not denied the poverty of the peasants, the poverty of the working men, of India. The Government are unwilling to increase the standard of life of the peasants, they are unwilling to improve the lot of the industrial and agricultural labourers. Is there any other country in the world with this terrible difference between labour and the gentlemen-at-large with a little money, a little income, as in India? In no country in the world is labour so poor, is life so wretched, is existence so miserable, as in India; and that, Sir, has to be tackled and nothing else, if the root cause of present discontents is to be removed. This Legislature cannot tackle it. I know a few Englishmen came to this country to investigate the condition of things and published it in their own country much to the disadvantage of the bureaucracy in India. I know they come constantly and go back and tell their countrymen that India is no longer a land of pagoda trees. It is a land of regrets not only for Englishmen but for Indians also; and, Sir, the Government do not want this kind of home truths to be published in England as it is being published to-day. This legislation is aimed at our friends in England. I believe, as the Honourable the Home Member truly said, "the interests of India and Britain are identical". I know that Britain is going the Socialist way. It is bound to go because Englishmen want more bread and butter; and India is bound to go the same way because our interests are identical. To-day you do not have a Socialist opposition in this House as you have in the British House of Commons. His Majesty's Opposition in the House of Commons is Socialist. This legislation is aimed at Socialism in this country (*Sir Denys Bray*: "No!")—

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not as preached and practised by Indians. I heard the Honourable the Foreign Secretary say "No". I am afraid I must answer that question. The Foreign Secretary said, when I stated that this legislation is aimed at Socialism, "No". I was saying it is legislation aimed at Socialism not as carried on by Indians but Socialism as it might be assisted occasionally by our friends in England who visit India. And then, Sir, look at the far-reaching character of the legislation :

"Anyone who is a member of or is associated with any society or organisation which advocates or encourages any such doctrine or activity as is described in clause (b) seeking to foment or utilise industrial or agrarian disputes or other disputes of a like nature with the direct object of subverting the authority of law or organised government in British India or with any object the attainment of which is intended to conduce to that result."

How wide, how elastic this is—"any object the attainment of which is intended to conduce to that result" and "a member of any organisation". For instance, many members of the House of Commons and British public life are members of what the Honourable the Home Member was, I thought, not bold enough to tell this House, namely, the anti-Imperialist League. I do not happen to be a member of that organisation though I had the invitation from that organisation to attend numerous meetings of its members held in England. As I did not agree with certain of its principles I did not join that organisation, but I have some admiration for certain members of that organisation whom I happen to know, and I should think that India would be none the worse nor England for sending these people to this country. Some of them are not so bad as the Honourable the Home Member might imagine. Some of them do want to abolish the Empire, but they want to bring into existence a Commonwealth of Free Nations and I do think that they are as great friends of England as Sir Campbell-Bannerman was. He saved South Africa for England and, even so, their intention is to save the Empire for the future by recreating it into a Commonwealth of Free Nations. Under the new law, some of my friends in England, if I happen to invite them to this country, can be deported the moment they land in Bombay.

I think some Honourable Members in this House might be inclined to say: "That is just the right thing, because when they go back they will speak in the House of Commons and before the British public how wretchedly India is governed". That, I believe, Sir, is a case of extremes meeting. (*Mr. C. Duraiswamy Aiyangar* : "Hear, hear.") My Honourable friend from Chittoor says, "hear, hear". I know he shares that opinion and I know others in this House do share that opinion. "Why put obstacles in the way of the Government? Let dog eat dog." That is their attitude and that is one way of looking at this new move; but it is not the way for a legislature to look at it; it is not the way for lovers of justice to look at it, because justice is neither racial nor is it governed by latitudinal or longitudinal limitations.

One strong objection, Sir, and that is almost the last observation that I have to make on this subject is this: the Bill says:

"all charges and expenses incidental to the removal from British India of any person in respect of whom a removal order has been made and of his dependants, if any, and of his or their conveyance to such place outside British India, etc., etc., shall be borne by the Governor General in Council"

that is to say, by the Indian tax-payer. Sir, it was on a former occasion that this House resisted but resisted in vain—as the bureaucracy nullified

our verdict—that we protested against giving a free passage to every new born babe in a European home in India under the Lee dispensation ; and now we are asked to give free passage also to English undesirables. That is a thing that the Indian tax-payer can not very much relish. Why should the tax-payer pay for their passage ? There is terrible unemployment in England and some of those unemployed might come to this country on the cheap and just for the satisfaction of getting a free passage deliver one or two Communist speeches. (Laughter.) Not only are they to be given a free passage, but their children and their dependants ! India is “ our large Dependency ” in European verbiage, but surely she need not provide for the dependants of English undesirables also. We have very much provided for the desirables and for the children of the desirables. It is cruelty to the Indian tax-payer to call on him to provide for the undesirables.

Lastly, Sir, I shall say this : let the Home Member wait for another year if he is a sportsman. I have said some very hard things against him and I have almost questioned the fact that he is a statesman, but I ask him at least to be a sportsman. If he were a sportsman I would ask him to wait for another year and to await the general election ; and then after the general election, well, if the Tories are returned, which I doubt, he might perhaps be supported by His Majesty's Government ; but he ought to give a sporting chance to the great country from which he comes ; and if the Socialists are returned to power and if then he intends to promote a legislation of this kind, they will not like their own colleagues in England to be deported from India, he will either cease to be a Home Member or the measure will cease to exist. In any case I will ask him to be a sportsman and not try conclusions with the destinies of his own countrymen in India because India's interests, in his own words, are identical with England's interests. England wants Socialism and liberty to preach it, and India wants Socialistic friends from England to come out here and teach her how to preach it.

Sir Hari Singh Gour : Sir, I beg to move the following amendment :

“ That the Bill be referred to a Select Committee consisting of Lala Lajpat Rai

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : Please omit my name.

Sir Hari Singh Gour : You agreed.....

Lala Lajpat Rai : I have since changed by mind.

Sir Hari Singh Gour : May I suggest Mr. Jayakar ?

(Mr. Jayakar nodded dissent.)

Mr. D. V. Belvi : On a point of order, Sir. I want to know what has become of Mr. Amar Nath Dutt's amendment for circulation of the Bill in order to elicit public opinion ?

Mr. President : Mr. Amar Nath Dutt's amendment is there.

Mr. D. V. Belvi : Are we now considering the whole Bill on its merits ?

Mr. President : I have called upon Sir Hari Singh Gour to move his amendment to refer this Bill to a Select Committee and I then propose to throw open the discussion on the whole Bill. The consideration stage,

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Select Committee stage, and the motion of Mr. Amar Nath Dutt—the whole Bill will be discussed on these three motions and it will be open to Honourable Members to deal with the whole question.

The Honourable Member, I hope, has ascertained from the Members whose names he is reading out that they are willing to serve on the Select Committee.

4 P.M.

Sir Hari Singh Gour : I did so, including Lala Lajpat Rai, though he has since changed his mind.

Mr. President : Then the Honourable Member must drop his name.

Sir Hari Singh Gour : Yes, Sir. I have consulted all the Members before hand.

Now, my motion is :

“ That the Bill be referred to a Select Committee consisting of (omitting Lala Lajpat Rai) Mr. Fazal Ibrahim Rahimtulla, Sir Victor Sassoon, Nawab Sir Zulfiqar Ali Khan, Mr. S. Srinivasa Iyengar, the Honourable the Home Member and the Mover, with instructions to report within three days, and that the number of members whose presence shall be necessary to constitute a meeting of the committee shall be four.”

Sir, to this I would formally move an amendment that in place of Lala Lajpat Rai the name of Mr. K. C. Roy be substituted.

Mr. K. C. Roy (Bengal : Nominated Non-Official) : I am not prepared to serve.

Mr. President : The Honourable Member should not go on suggesting names.

Sir Hari Singh Gour : I had previously consulted Mr. Roy before mentioning his name.

Mr. K. C. Roy : That is absolutely incorrect.

Sir Hari Singh Gour : I told the Honourable Member.....

Mr. President : Order, order.

Sir Hari Singh Gour : I feel, Sir, in moving this amendment I have to accept the principle of the Bill, but at the same time would suggest certain safeguards without which I consider the Bill unacceptable. Now, Sir, so far as the acceptance of the principle of the Bill is concerned, I wish to state to the House quite frankly why I am constrained to accept it. I am not at all enamoured either of the Bill or of its phraseology, or indeed of its conception. I should have thought that the Government after the reforms, if they wished to bring any repressive legislation to be placed on the Statute-book, would overhaul all their repressive laws and come to this House and say that this is a collective Code of repressive laws which we want you, as representatives of the people, to agree to. We have Regulations ; we have the Criminal Law (Amendment) Act, and we have the limitations of section 491 of the Code of Criminal Procedure. Added to that, we shall have this short *ad hoc* Bill which would be added to the already abundant armoury of the Government. Honourable Members are aware that I have been struggling ever since 1922 to purge the Statute-book of all these repressive laws and to insert in the Code of Criminal Procedure a salutary check upon executive vagaries, but I have been unsuccessful. When I have said this, I feel, Sir, that my first inclination when I saw this Bill was that I should stoutly, vehemently and consistently oppose

it, but I will explain to the House why I am constrained to give a qualified support to this Bill. The Honourable the Home Member has mentioned to this House Mr. M. N. Roy's letter. I wish to point out, Sir, to the House that, whether Mr. Roy's letter is genuine or a forgery, the fact remains that a letter of that kind was received in this country, and I wish to point out to this House that in the Bolshevik Manual the despatch not only of this kind of letter but of stronger letters is advocated, and if I can show to this House that the Bolshevik conspiracy for the purpose of overthrowing religion, family life, destruction of social order and the paralysation of all industries of the country is the very fulcrum upon which the Communist propaganda is based, then I shall have given to this House the reason why I reluctantly feel compelled to accord my support to the broad principle of this motion. Now, Sir, I want to point out to this House that the Bolshevik propaganda against religion, family life, social order, and the industries of the country is laid down in unmistakable terms. Here is a book called "The Assault of Heaven" by A. Valentino, which I have obtained from the Assembly Library. Now this is what is said in this book : It is a book which gives quotations from the original instructions issued by the Bolshevik organisation. On pages 238 and 239 we find the following instructions :

"The methods, the form and the tactics of the anti-religious campaign are determined by the general situation. The latter is changing in such a direction that soon even the blind will see that he must resolutely fight the priest, whether he be called pastor, rabbi, mullah or pope. At some further stage that struggle will inevitably become a struggle against God whether he be called Jehovah, Jesus, Buddha or Allah."

Mr. N. M. Joshi : May I ask the Honourable Member to what religion he belongs ?

Lala Lajpat Rai : The organisation of India.

Sir Hari Singh Gour : Perhaps the Honourable Member has a religion to protect.

"Perhaps in Europe the time has not yet arrived for such forms of anti-religious propaganda as are possible with us but it is not far away. We must prepare for it."

Then on page 142 we have the following instructions given :

"The comrades are reading while in the corners there hang ikons. Some even say : 'I am an atheist but my mother, my uncle, my wife are devotees. What can I do with them'. The answer is : Pay no attention to them. The room is yours and you can throw all the idols away and not listen to all the aunts and old hags."

Mr. C. S. Ranga Iyer : Sensible thing, I think.

Sir Hari Singh Gour : At page 146 we have the following instructions :

"Drunkenness and religion are the two damned problems of the majority of small industrial places."

Sir, I have said enough to show that, so far as the Bolshevik organisation is concerned, it is anti-religious ; anti-religious in the sense.

Mr. M. R. Jayakar (Bombay City : Non-Muhammadan Urban) : The Bill does not provide for attacks against religion.

Sir Hari Singh Gour : I am talking about the Bolshevik propaganda.

Lala Lajpat Rai : The word "Bolshevik" is not used at all in any way.

Sir Hari Singh Gour : You should have pointed that out in the Select Committee. Why don't you join the Select Committee and move the amendment ?

Lala Lajpat Rai : I am against the Bill root and branch.

Sir Hari Singh Gour : Then you cannot say the Bill should be better than it is.

Lala Lajpat Rai : I am not saying that. I say the motion is not contained in the Bill.

Sir Hari Singh Gour : Move an amendment.

Lala Lajpat Rai : Why should I ? You move an amendment.

Sir Hari Singh Gour : Then, Sir, we have another testimony furnished by another book called the " Socialist Movement ", and I will read to you two short passages which will speak for themselves. At page 70.....

Mr. M. S. Aney (Berar Representative) : Who is the author ?

Mr. K. Ahmed : Don't take any notice of them ; go on please.

Sir Hari Singh Gour : At page 70 we read—this is a quotation from the Bolshevik Manual,—Instructions given for the dissemination of Bolshevik ideas throughout the world :

“ In almost all European and American countries the class conflict has entered on the phase of civil war. In these circumstances Communists can place no reliance on civil legality. They are in duty bound to create everywhere a parallel illegal apparatus, which will assist the party at the decisive movement to fulfil their duty towards the revolution.....”

Mr. K. Ahmed : What will happen then to my friend Mr. Birla ?

Sir Hari Singh Gour :

“ In all countries where it is impossible on account of a state of siege and exclusion regulations, for Communists to carry on the whole of their work legally it is absolutely necessary to combine legal with illegal activities. The duty of disseminating Communist ideas includes the special obligation of an intensive systematic propaganda in the Army. Where this agitation is repressed by prohibitive regulations it is to be illicitly carried on. To abandon this task would be equivalent to a betrayal of revolutionary duty, and incompatible with membership of the Third International.”

At page 60 we read other instructions :

“ The methods of force. The revolutionary era compels the proletariat to make use of the means of battle which will concentrate its entire energies, namely, mass action with its logical resultant, direct conflict with the governmental machinery in open combat. All other methods such as revolutionary use of bourgeois Parliamentarism will be of only secondary significance.”

Mr. M. S. Aney : May I know who is the author ?

Sir Hari Singh Gour : It is a book called " Socialist Movement " by Arthur Shadwell.

An Honourable Member : When was it published ?

Sir Hari Singh Gour : In 1925. I will pass it on to my friend who can examine it.

At page 80, Sir, we find the following passage :

(1) Widespread propaganda and agitation for the ideas of the class war, the social revolution, the dictatorship of the proletariat and mass action for the overthrow of the capitalist order of society and the bourgeois State.

(2) Opposition to the policy of conciliation with the bourgeoisie and to the hope of a peaceful transition from Capitalism to Socialism, which poisons the trade union movement.”

Then, Sir, it has been pointed out that you must attack trade unionism as well, because, unless you attack trade unionism you will never be able to bring about the overthrow of the bourgeois Government.

I am now reading from page 72 :

“ But every party which wishes to belong to the Communist International must develop a systematic and persistent Communist activity within the trade unions, works committees, co-operative societies, and other mass organisations of workmen. Within these organisations it is necessary to organise cells, which, by continuous and persistent work, must win the unions, etc., to the cause of Communism. The cells are bound to expose everywhere in their daily work the treason of the social patriots and the vacillation of the Centre. The Communist cells must be completely subordinated to the party as a whole.”

Sir, I hope I have explained sufficiently how, after reading this manual which lays down the fundamental creed of the Communist Party, can I possibly oppose a measure which is intended to defeat the dissemination of Communist ideas in this country ? Honourable Members may say, “ Communism is a vile thing, but what evidence have you got that Communism is being preached in this country ? Well, Sir, I have lived sufficiently long in this country to know that while I have seen strikes of one or two days' duration I have never seen a strike that has silenced the whole of the textile industry in Bombay since the middle of April last. I have never seen a strike which was financed from Moscow, as my Honourable friend, Mr. Joshi, admitted the other day that he had received money from Moscow.

Mr. N. M. Joshi : May I inform the Honourable Member that I have received more money from England than from Moscow ?

An Honourable Member : That does not matter.

Sir Hari Singh Gour : I repeat what I said before, and my statement is confirmed, that my Honourable friend had to admit, though he is himself an anti-Bolshevist, that he had received money from Moscow for the purpose of keeping up these strikes.

Mr. N. M. Joshi : Because you would not give money.

Sir Hari Singh Gour : Sir, I further find that a national industry which is the pioneer in making iron and steel in this country, I mean the Tata Iron and Steel Works in Jamshedpur, has been silenced on account of these strikes. Now, I wish to give the reason. These prolonged strikes are aided and abetted by Red money received from Moscow and if these people come to this country or send their money, that is part of their world-wide propaganda.

Mr. C. S. Ranga Iyer : Was not the British General Strike a much more formidable and terrible thing than the strikes in India ?

Sir Hari Singh Gour : My Honourable friend, Mr. Ranga Iyer, asks, was not the British General Strike a far more formidable thing than the Indian strikes ? Remember that British industrialism is 350 years old, whereas Indian industrialism is scarcely 30 years old, and that while British capitalists can withstand British strikes for years, the Indian capitalists are not able to withstand Indian strikes for even a year or two. There has been a complete paralysis, a complete prostration of the textile and iron and steel industry, and I wish to ask you, is it not an answer to the Communist organisation, to the Communist propaganda sedulously, secretly and subtly preached from across the frontiers of India ? I have been asking

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my Honourable friends if they would account for the general paralysis of the trade of this country, railway strikes, systematic derailment of trains and loss of innocent lives in Bengal and in Southern India.

Now, Sir, if you will only read this book—I have not got time to give you more extracts from it—you will find that it is on a certain plan and with a preconceived purpose that these strikes and mischievous sabotage take place throughout the length and breadth of the country. Can we tolerate this display of Empire-wide lawlessness? Can we ignore this display of conspiracy for the purpose of overthrowing law and order? Sir, I am not a lover of the bureaucracy. I have always fought against the bureaucracy, but when I see in front of me that a house is on fire, I shall be failing in my duty if I did not contribute a pail of water which I hold in my hand for the purpose of extinguishing it.

Mr. C. S. Ranga Iyer : Does the Honourable Member really see it in front of him? (Laughter.)

Sir Hari Singh Gour : Sir, it is very easy to be sentimental, and I am sure that if I had been a little more sentimental, my Honourable friends on the opposite side would have cheered me to the echo (Ironical Cheers), but truth is truth, and when I see these danger signals ahead of me I do not care whether M. N. Roy's letter is genuine or fabricated, because I see the handwriting on the wall. I see an exhibition of this lawlessness which is not accountable for by any ordinary economic outburst. It is not due to mere economic causes, but is of set purpose, helped, financed and supported by an outside world-wide Communist organisation. When I feel this I feel that I should be guilty of gross dereliction of my duty if I did not support some measure for the purpose of suppressing this world-wide anarchical organisation, I now turn to the present Bill. Having demonstrated the necessity for some Bill of the kind, the next question with which we are confronted is, can we trust the Executive to exercise their unfettered and unbridled power to turn out of this country any person at their sweet will and pleasure? If I had not been opposed to it I would certainly not have given notice of this amendment for the purpose of adding safeguards in the Bill, so that while the guilty do not escape, the innocent do not suffer, and if I was free to go into detail, I have thought out a scheme for the purpose of hedging this Bill round with sufficient safeguards against its abuse by the executive. My friend, Mr. Lal Chand, asks what are the safeguards that I have in my mind. I will show them to you. In the first place I would very much like that the provisions of the Habeas Corpus Act should be inserted in section 491 of the Criminal Procedure Code, for the purpose of safeguarding the rights of all Indian British subjects, and then the Government may be free to utilise Regulation III of 1818 against dangerous foreigners. The other thing is that I am opposed to the permanent expulsion of anybody from my country and I would limit the expulsion to a period of two years. It may be two or three years.

An Honourable Member : Twenty years.

Sir Hari Singh Gour : Then, Sir, I am also indisposed as at present advised to give the Government unlimited power, because I feel that the Government must be not only responsive but in this matter responsible to the Legislature, and I would therefore suggest that the period of this Bill should be limited to two or three years, it being continued after

that period if necessary in accordance with a Resolution of the Legislative Assembly. Then, Sir, I have another suggestion, that we might give an appeal to the High Court on a question of law, or that all these externments might be placed before the Advisory Committee of the Legislative Assembly attached to the Home Department.

Mr. Amar Nath Dutt : And advocates might be allowed to appear before them ?

Mr. K. Ahmed : And Mr. Amar Nath Dutt might be heard ?

Sir Hari Singh Gour : Yes, advocates might appear. Lastly, there may be a reference to two Judges of the High Court. I have put this last because I feel that the precedents that have been created by the Executive Government of asking the Judges to report on political cases is unsound. The Judges should not be used by the Executive Government as their law officers. If they advise in favour of expulsion, they incur the popular odium and the confidence which the public ought to feel in the impartiality of their highest judiciary would be seriously impaired.

Mr. Lalchand Navalrai : How would you prove him to be objectionable ?

Sir Hari Singh Gour : My friend asks me how I shall prove the externnee to be objectionable. Well, I shall examine the evidence, I shall examine witnesses and I shall consult Mr. Lalchand Navalrai if necessary. (Laughter.)

Mr. Gaya Prasad Singh : Will the Home Member agree to your suggestion ?

Sir Hari Singh Gour : It is not for the Home Member to agree. I make no terms with the Government. This is *my* suggestion : and if the Home Member and the Select Committee do not agree, then I shall be bound by the decision of the Select Committee, and if the Select Committee agree to any of these proposals, then Home Member or no Home Member, I shall press them home from the floor of this House.

An Honourable Member : Report them.

Sir Hari Singh Gour : Sir, I have two more objections to this Bill, and one of them is a serious objection as regards the principle. Clause 7 of this Bill does not exempt Indian British subjects or the subjects of an Indian State from recourse to the High Court if *volens* they are also externed and they challenged the right of the executive to extern them on the ground that they are British Indian subjects and therefore not within the comprehension of the Act. I pointed out, Sir, to the Legislative Department some days ago this serious flaw in the drafting of clause 7, and they admitted that it was a flaw and promised that it would be set right. The only place where it can be set right is the Select Committee : and therefore I say that so far as this Bill is concerned, it requires to be overhauled. There are other provisions in this Bill. My friend, Mr. Amar Nath Dutt, drew the attention of this House to clause 2 (a). Now I do not see eye to eye with the Home Member and I shall ask him in the Select Committee to justify the insertion of this clause, for as the Bill is worded it applies to any person who directly or indirectly is concerned in "the promotion of enmity or hatred between different classes of His Majesty's subjects". Now, can you promote the indirect

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promotion of hostility ? That is the language of section 353-A, but that has been the subject of a judicial difference of opinion and it led to the passing of the Prophets' Protection Bill. And when you borrow the language, the ambiguous and uncertain language of one Statute and transport it into another Statute, you do not solve the ambiguity : you double it. It will be my duty to ask the draftsman to justify that clause, what its meaning is and whether it is not susceptible of improvement. And there are other details in the Bill which I will not mention. I am not at all pleased with the drafting of this Bill. The same phrase has been repeated several times over and it is in accordance with Parliamentary conveyancing procedure that you must not repeat the same clause half a dozen times. I do not wish to go into detailed criticism of this Bill. I have pointed out to the House that while we must accept the broad principle of this Bill we must limit its scope and further limit its extent and give some salutary check to prevent its abuse by the executive. It is for that reason that I wanted the Select Committee to be strongly representative of the legal talent in this House and I asked many of my legal friends if they would join with me.

Mr. Amar Nath Dutt : You never asked me.

Sir Hari Singh Gour : I asked several of my legal friends whether they would join with me in improving this measure which I think might be so improved as to become substantially, if not entirely, innocuous, and that is I submit the best thing we can do in the circumstances. We can place the executive on trial and if they abuse their powers given to them under the Act, we can immediately refuse to renew it after a period of years. No harm is done and at the same time the menace with which the peace of India is seriously threatened, that menace might be controlled and averted. If we do not give at this moment the assistance that the Government want, the Government could say : " Let all your industries be paralysed, your industrial life destroyed ; we asked you for power and you refused it ; now it is too late ". The Bolshevik organization begins from the moment the child is born. Subtle education is given to the child as soon as he is able to imbibe fresh ideas, and then it goes on and on in a crescendo till the man is able to perform what is stated here to be the illegal purpose of destroying all property, destroying all social order, destroying religion and destroying family life. If you think that this is not a menace to this country, I am surprised, and I should be surprised if you think that such a danger to the peace and advancement of this country and to the growing industrial prosperity of this land is not a menace. Sir, it is these considerations which impel me to make the motion which I now move.

Mr. President : This debate must now go over to Wednesday, the 12th. To-morrow is a non-official day.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 11th September, 1928.