

LEGISLATIVE ASSEMBLY DEBATES

THURSDAY, 7th FEBRUARY, 1929

Vol. I—No. 8

OFFICIAL REPORT



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LEGISLATIVE ASSEMBLY.

Thursday, 7th February, 1929.

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

STATEMENT OF BUSINESS.

The Honourable Mr. J. Crerar (Leader of the House): With your permission, Sir, I desire to make a statement as to the probable course of Government business in the ensuing week. The days available for Government business are Monday, the 11th, and Wednesday, the 13th. The House will also sit for non-official business on Tuesday, the 12th, and Friday, the 15th. The variation from the usual programme of sitting is due to the fact that Thursday, the 14th, is a Gazetted holiday. On Monday the 11th, motions will be made to elect a panel for the Committee to advise the Department of Education, Health and Lands, and to elect members of the Standing Finance Committee. A motion will be made to take into consideration the Bill to amend the Indian Limitation Act, 1909, as passed by the Council of State, and if that motion is carried, a further motion will be made to pass the Bill. Thereafter a motion will be made to refer to Select Committee the Patents and Designs (Amendment) Bill which was circulated by this Assembly in the last Simla session. Thereafter, a motion will be made to refer to Select Committee the Trade Disputes Bill which also was circulated by this Assembly at the last Simla session. It is expected that this business will occupy the Government time on Monday, the 11th, and Wednesday, the 13th.

ELECTION OF THE COMMITTEE ON PUBLIC ACCOUNTS.

Mr. President: I have to inform the Assembly that the following Members have been elected to serve on the Committee on Public Accounts:

Mr. S. C. Mitra,

Kumar Ganganand Sinha,

Mr. Abdul Matin Chaudhury, and

Mr. K. C. Neogy.

Mr. President: The House will now resume further debate on the Public Safety Bill.

Mian Mohammad Shah Nawaz (West Central Punjab: Muhammadan): Sir, I have heard with great attention the eloquent speech of Pandit Motilal Nehruji, the able President of the Congress, and the most popular Leader of the Swaraj Group in this House. The Honourable Pandit had told us that the Congress Group is pledged to subverting the present political Government of the country by all means, and that, if by the end of this year, Dominion Status is not granted, civil disobedience will be started. I remember, Sir, the Panditji making his great speech at Calcutta where he said that the devastating forces which were at work would "swallow" the forces of reason and restraint. Sir, I submit that the ultimatum will serve no useful purpose. As a matter of fact, the ultimatum which he has delivered on the floor of this House, if at all carried into effect, will lead to general unrest which the noble Panditji desires to avoid.

Sir, the situation is indeed very grave. There is no doubt that Bombay has suffered most. In that great city, as we all know, several cases of disorder, of violent disorder, have happened. We all know that murders have been committed, the police were forced to fire, and there is a widespread feeling that there is no security of life and property. I believe that the present appalling panic in that great city, in which 20 Pathans were killed and as many as 153 were wounded, is really an after-effect of the strike of last year and is the result of the constant and sedulous attempts which have been made to work labour up into a state of organized discontent. (*An Honourable Member*: "No, no. Question.") I think that the employment of Pathans by the millowners to guard the mills was disliked by the strikers, and therefore the Pathans most of whom really belong to the North West Frontier Province and Baluchistan were attacked and set upon by infuriated men who found strength and confidence in their numerical superiority.

Now, Sir, the eminent leaders of India regard the situation as indeed very grave. Sir Chimantal Setalvad, the President of the Liberal Federation, has told us and has warned us that communism hangs high on the horizon of politics and that it will sooner or later "swallow" the parties and politics of a strictly constitutional character. Mr. Shiva Rao, the President of the Trade Union, admits that a lot of money has come into this country from abroad and that the South Indian Railway strikers were really in the hands of the Red agents. Sir, in these circumstances, the Government of India in charge of the teeming millions of this country, (Ironical cheers), cannot ignore the fact that the Red agents and their emissaries are carrying on a propaganda which is liable to incite the illiterate and ignorant masses to violent acts. I submit that the general strikes which are happening in this country are half revolutionary symptoms of an intensifying crisis, and incipient germs of the coming evil. I believe that these half-revolutionary strikes will be transformed into wholly revolutionary. These strikes will paralyse the existing political administration of the country, pending the revolution that will strike at the root of the whole economic, social and political structure of society in India. Well,

Sir, there may be legitimate grievances and a perfectly natural desire on the part of the labouring classes to better their lot and ameliorate their condition of living, but there is no manner of doubt that the propaganda carried on by the Red agents and other foreign emissaries here is anti-social and anti-political and aims at a physical force revolution, which, in my humble estimation, is the negation of all that conduces to order and well-being and is against the principle of a genuine democratic life and action.

Sir, these are the hard facts of the situation. Are we going to have communism in this country? I say, no. And yet, on the floor of this House, I am told by my Honourable and learned friend, Mr. Chaman Lall that he wants communism to spread in this country.

Diwan Chaman Lall (West Punjab: Non-Muhammadan): How are you going to prevent the spread of communism by this Bill?

Mian Mohammad Shah Nawaz: Is my Honourable friend going to resort to the methods which were followed by the Russian revolutionaries? I tell you, Sir, point blank that the Russian revolutionaries achieved their object by a simple order of confiscation, by sending hundreds and thousands of thinking people of Russia to the gallows—

Diwan Chaman Lall: What do you know about it? (Laughter.)

Mian Mohammad Shah Nawaz: I know everything about it, more than you know (Cheers)—by sending thousands of people of the Russian intelligentsia to the gallows

An Honourable Member: They must be traitors.

Mian Mohammad Shah Nawaz: Traitors because they possessed brains and property. I say the Russian revolutionaries wanted to plunder the people. The Soviet does not bother about any adequate return on their outlay, because it paid nothing for its undertaking. And has communism succeeded in Russia? Certainly not. The fact is that the principal tenets of communism are not now accepted by the Russians themselves. Trotsky and Zinovieff have been banished. Bukharin, the President of Communist International, is about to be banished, and all are going to take refuge in the much-maligned country of the Turks. I am told by a distinguished Member of this House, Mr. Chaman Lall, that he wants communism to spread in this country, because then poverty will cease to exist. Does he mean to say that no poverty exists in Russia?

Diwan Chaman Lall: On a point of personal explanation, Sir. I never said that I wanted communism to spread in this country. The Honourable Member has no business to charge me with having made that statement. What I said was that socialism should spread in this country and that I stand for socialism.

Mian Mohammad Shah Nawaz: He wants socialism. I think he would have added to his reputation if he had said radical socialism. There is no distinction between radical socialism and communism as I understand it. You want lands to be nationalised, industries to be nationalised, and you want that ownership in private property should cease. Surely Mr. Chaman Lall is the only man in this House who stands for communism,

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pure and simple. I find that communism is condemned by the Honourable Pandit Motilalji and the Honourable Pandit Malaviyaji. Now what is the state of affairs in Russia? It was reported by the International Labour Office, an indisputably impartial body, that the number of unemployed in industry in Russia was two millions. Leaving aside the seasonal workers, the number of unemployed members exceeded a million, of whom 25 per cent. were skilled workers. These are striking figures when it is remembered that the total industrial population in Russia does not exceed eight millions. Fourteen thousand engineers were reported to be out of work. Moreover "unemployed intellectual workers and salaried employees were in a very difficult position, having little chance of finding employment on account of the demand for economy and rationalisation". Further the investigation of some exchanges brought to light "revolting scenes of drunkenness and debauchery on the premises". Women who entered the exchanges "were exposed to outrage and sometimes to violence". Mr. Schimidt, Peoples' Commissary for Labour and Mr. Buskhutor, his assistant, admit these facts, and yet my learned friend Diwan Chaman Lal wants communism or socialism in India. My friend is probably one of the very few persons in India who want this kind of socialism, as he calls it. It should be called Annihilism.

I will now come to the arguments which have been addressed by the various speakers to this House, and I will deal first with the arguments urged with his usual warmth and vehemence and force by my esteemed friend Sir Purshotamdas Thakurdas, the officiating Leader of the Independent Party. What he said is this. Inasmuch as you can proceed against the Indian communist under the existing law, you can also proceed against the British communists. I agree with him that, under the Penal Code, which is a punitive measure, you can proceed against the Indian communist as well as the British Communist. Now, Sir, I am not enamoured of Bengal Regulation III of 1818. I think it should be abolished so far as Indians are concerned, but the fact remains that the Regulation applies to Northern India, and the British communist who is carrying on his pernicious and dangerous propaganda by inciting the masses to violence in the Presidency of Madras and the Presidency of Bombay cannot be deported like the Indian communist, as the Bombay Regulation and the Madras Regulation do not apply to the British communist. The present Bill will apply to the British communist as well as to foreigners and therefore existing law is insufficient to deal effectively with the Red agents and their friends. Again my friend, the distinguished representative of commercial interests in Bombay, says in effect: "Oh the present Government are irresponsible and we do not care a pin for any measure of legislation that emanates from such a Government." Are you going to establish another Government? Is there any likelihood of its being established within two or three years? I know the day will come—I wish that it would come soon—when we will be able to manage our affairs and attain Dominion Status within the Empire. But just at present we cannot carry on the administration of this country without the help of the Britishers. And it is equally true and undeniable that the Britishers cannot administer this country without the co-operation of the Indians. The Britishers may be a bit foolish sometimes, but they are the wisest people in action. They know that India has begun to move. They know

that 800 millions of God's people in India have begun to move in right earnest and they cannot be checked without disaster. The Britishers know perfectly well that they will have to give to Indians a very real and substantial measure of further reforms, including autonomy in the Provinces. I know that India's heart is sound and that of Great Britain is also good. Both of us must adopt a policy of reasonable give and take. We school our manners, act our parts but He who sees us through and through, knows that the bent of both of our hearts is to be gentle, tranquil and true.

Now, Sir, the foremost argument put forward by the opposition is that an offender should not be punished without being heard. In other words there should be a regular trial. In the first place I submit that there may be occasions in which the Executive Government may be compelled to arm themselves with additional powers when they know that they cannot deal effectively with the Red agents and other foreign emissaries from overseas. We know that, having regard to the geographical, political and social conditions of India, the Red agents have made India their special butt. It may fairly be assumed that the Government of India will apply the provisions of this Bill only in the interests of the safety of India and expel those persons, who are working for Moscow's cause of red ruin and the breaking up of law and order. Again it was pointed out by the Honourable the Home Member in the last session that the Secretary of State in England can pass a deportation order against an alien and his order cannot be challenged in any tribunal. He is not bound to hold an inquiry; he is not bound even to hear the accused; provided he says in his order that it is for the public good to make such an order. This is the law in England. No doubt it applies to the alien. But the present Bill is far better than the law applicable to the conditions in England, because the present Bill allows the accused person to appeal against the deportation order made by the Governor General in Council and to challenge it before a Bench of three Sessions Judges of experience. Again it is said that, the Australian law gives a trial to a person who is likely to be deported. It gives him a summary trial but after all it is a trial. I do not find anything at all in the Australian Act to the effect that the procedure as we have it in the Criminal Procedure Code, should be adopted. The speakers have missed the point. The procedure is laid down in the notice which is issued against the offender to show cause before a magistrate why he should not be deported. It is a summary trial, not a regular trial, which entitles an accused person to see the evidence and cross examine the witnesses. An analogous provision is also made in the present Bill. The procedure will be laid down by the Governor General in Council and the Bench of the three Judges is bound to follow it. The Australian law applies not only to aliens but to the Australians themselves. The present provisions of the Act do not apply to Indians. In fact the Honourable the Home Member in his very able and brilliant speech has told us quite clearly that there is no intention on the part of Government to extend the provisions of the present Bill—or of any Act that may be enacted in future, to Indian communists. In the face of that declaration, of that pledge, we are still harping on an imaginary fear that this Bill is a prelude to further repression. Further, I agree with Mr. Keane, who has really delivered a very able speech that we cannot go to see what the law is in England or in Australia or in the United States of America. We will have like practical men to see what laws should be applied, having regard to the present situation in India. We have got to see the geogra-

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phical, the political and the social conditions of the people of India and act accordingly. I submit that a regular trial by a competent court will unnecessarily create excitement and stultify the very object of the Bill.

Well, Sir, I have heard my learned friend, Pandit Motilal Nehru—he is not present—speak with regard to the principle of the Bill. The able and distinguished Leader of the Swaraj Party says that the principle of the Bill is that if an alleged offender cannot be punished by a Court, he should be punished by an executive order. I do not see that that is the principle of the Bill. It is a preventive measure; it is not a punitive measure like the Penal Code. The essence of the Bill is to deport the man to the place whence he came; to lay obstacles in his way and prevent him from committing further mischief. That is the object and principle of the Bill.

Well, Sir, then it is said, "Oh, the present Bill is absolutely unnecessary. There is no communism here, and there is no likelihood of communism being spread in this country. We are all very peaceful." All that is very well to say. We know the aim of the Russians is to Sovietize the whole world, to nationalise the land, to nationalise the industries, and we know the aim of the Russians is to strike at the very root of the whole structure of society. We know that nearly a lakh of rupees has passed into the city of Bombay, ostensibly to augment the strikers' fund in order to contest their case, but in reality to pay the professional agitators, to subsidise newspapers, and to carry on a propaganda of anti-social, anti-political revolution by physical force, which in my humble opinion is very harmful to the best interests of our country. This measure therefore is absolutely necessary and urgent.

I believe, Sir, that nationalism will suffer if we do not pass this important measure of legislation. I honestly believe that, in the interest of industrial development and the peaceful progress of this land of ancient civilization and ancient renown, this demon of communism should be nipped in the bud; should at any rate be checked without further delay. I honestly believe that if we do not pass this measure, communism will create unrest in this country. Communists will promote defiance of authority and lawlessness. I feel, Sir, that the action was long overdue. Close the door against thieves before the horse is stolen. I do hope, Sir, that the sense of responsibility of the majority of the Members of this House will permit the Bill to go before the Select Committee and eventually lead to its passage by a convincing majority.

Munshi Iswar Saran (Lucknow Division: Non-Muhammadian Rural): Sir, there are some speeches which are able or interesting, and there are some which are revealing in their character. The speech my Honourable friend, Mr. Cosgrave made the other day belongs to the latter category. Speeches like his give us a peep into the working of the official and the bureaucratic mind. Mr. Cosgrave, full of righteous indignation, referred to that despicable man, Diwan Chaman Lall for having gone to Canada at Government expense and for having travelled first class.

An Honourable Member: Did he travel first class?

Munshi Iswar Saran: Ask Mr. Cosgrave, if you please.

I hope, Sir, after that reference, Diwan Chaman Lall will be a humbler man and will try to follow the lead of Mr. Cosgrave and of his other colleagues, who are altruists of the first water. May I in all sincerity put

three questions to Mr. Cosgrave and to his other friends on that side of the House. When they come up to Delhi or Simla to attend the Assembly, do they charge Government their travelling expenses, or do they not?

An Honourable Member: We don't "charge," we receive.

Munshi Iswar Saran: The second question is, do they travel third class or first class? The third question is, do they, in addition to their salary, demand and receive the halting allowance of Rs. 20 a day or not? When these questions are satisfactorily answered and settled, I shall join my Honourable friend Mr. Cosgrave in expressing my deep abhorrence at the inequity of Diwan Chaman Lall.

Mr. Cosgrave also told us that the opposition should be responsible. Sir, if there are occasional lapses on this side of the House, I hope Mr. Cosgrave will forgive us because the irresponsibility of the Official Benches is contagious, and little wonder that it sometimes travels from that side to this. To ask the Opposition to be responsible when the bureaucratic Government here is utterly and wholly irresponsible is to ask for the impossible.

Sir Victor Sassoon (Bombay Millowners' Association: Indian Commerce): Why is it impossible?

Munshi Iswar Saran: My Honourable friend asks why it is impossible. It is very difficult for my Honourable friend, whose one object is to distribute fat dividends to the shareholders, to understand this deep political question. (Laughter.)

Then, my Honourable friend says that those who have a stake in the country will support this measure. This is an argument which we have heard *ad nauseum* and with your permission, Sir, I wish on the floor of this House, to make a few observations in regard to it. "Stake in the country", what does this expression mean? Is a big balance in the bank, is the possession of broad acres a *sine qua non* of your stake in the country? Or is not your burning love for your country, is not all that you hold dear and near to your heart, your stake in the country? Men with large acres but with a *paccum* in their brain, men with big balances but with no moral backbone, men who are ever ready to carry out the behests of officials, men whose sole delight in life is dancing to the tune of officials, according to my Honourable friend Mr. Cosgrave and others of his way of thinking, have a stake in the country, and not we, Sir, who happen to be poor, to have no balance in the bank and to have no zamindari property, but whose every conceivable interest is bound with the future of this country. We live here, we shall die here, our children and children's children will be born in this country, will be bred up in this country and will die in this country. To suggest that such men have no stake in the country and to expect that this definition will be accepted by anybody is, I submit, to expect the impossible. My Honourable friend Mr. Cosgrave and others like him, what is their stake in the country? After they retire on their pensions, they go to the East India United Service Club in London and say: "Oh! India, what a delightful country! But for the pestilential agitators and the 'Monkey House', India would be a veritable paradise". When there is any calamity in India, they will only say: "Oh! it is a pity, oh! it is distressing. I liked India for the shooting that I had there and the opportunity for splendid shikar that it afforded me". These are the

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gentlemen, Sir, who want to tell us about our love for our country, about our having a stake or no stake in our country. According to them, the Country League has a big stake in the country and the Indian National Congress has none.

Mr. H. G. Cooke (Bombay: European): What about the Public Safety Bill?

Munshi Iswar Saran: These are the arguments which are advanced in favour of the motion which my Honourable friend apparently supports.

Then spoke my Honourable friend Sir Denys Bray (Hear, hear) whose diction and whose eloquence, if I may be permitted to say so, is the despair of most of us on this side of the House, and I hope on the other side as well (Hear, hear). Sir Denys Bray said: "Look, your religion is in danger, the youth of the country should not be allowed to be poisoned". Last time speaking on this motion he said:

"As I listened, I felt that it ill became an Englishman like myself, belonging to a race whose civilisation, however, fine, does not boast of such immemorial ancestry, it ill became an Englishman like myself to bring Hinduism lightly to my lips. And yet—is *Hinduism* to look on, hands folded, while *India* is subjected to an invasion of poisonous ideas infinitely more perilous than any invasion of force? Or am I wrong? Is there something after all in communism that can stir Islam or Hinduism to a new and a fuller life"?

Sir Victor Sassoon: Is there?

Munshi Iswar Saran: Well, Sir, if my Honourable friend had only taken the trouble, I hope he will forgive me for saying so, of carefully studying the Bill, he would have found that a man may come into this country, he may preach the most atrocious doctrines against Hinduism and against Muhammadanism and yet this Bill will not touch him.

Sir Victor Sassoon: All that is for the Select Committee to look into.

Munshi Iswar Saran: My Honourable friend has a childlike faith in the power and the efficiency of the Select Committee. I admire it. Now, if my Honourable friend Sir Denys Bray will pause and consider, he will find that there is not a provision, there is not a word in this Bill which can stop the evil against which he spoke so eloquently and might I say, Sir, so feelingly. But, the disease, Sir, let me tell my Honourable friend with all respect, will continue to grow even if you pass this Bill straight away. But I hope my Honourable friend Sir Denys Bray will pardon me and will not misunderstand me if I put a question to him. What did the Government, of which he is such an honoured and distinguished member do to express its abhorrence of that vile and wretched book, Miss Mayo's "Mother India"?

Sir Victor Sassoon: Ah!

Munshi Iswar Saran: My Honourable friend says, "Ah!" The entire Indian civilisation, the entire Indian culture and everything that Indians hold near and dear was maligned and condemned most shamelessly and I should like to know if the Government of which he is such a distinguished representative took some steps publicly to show that it disagreed with, it disapproved of and it condemned sentiments such as were contained in that book.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Half of what is said in that book at least is true.

Sir Victor Sassoon: You yourself confessed it.

Munshi Iswar Saran: My Honourable friend Mr. Kabiruddin Ahmed is happy that he has found pearls in a dung heap.

Then, Sir, my Honourable friend Mr. Cosgrave referred us to the Acts of Australia and America. I shall ask him to refer to those two Acts very carefully and I shall ask him to point out if there is one single provision either in those Acts or in the Act of Canada or the United States of America about the seizure of money and about forfeiture of funds. If my Honourable friend referred to those Acts, it was up to him to show that there were provisions in those Acts similar to the new provisions that Government has introduced in this Bill.

Then there is another matter. Will my Honourable friend tell us if there are in those Acts restrictions about evidence that has to be shown to the accused? You have it in this Bill here before you that a general statement will be supplied to the accused person and that the facts and the details of the facts and the circumstances will not be communicated to the accused. I challenge my Honourable friend there to point out any provision which in so many words lays down what this Bill intends to lay down. What then, Sir, is the good of referring to those Acts? I agree with my Honourable friend Sir Purshotamdas Thakurdas that it is not necessary to refer to those Acts, but we should consider the question on its own merits. But if you refer to them, it is only fair that it should be pointed out to you that your reference is only partial and incomplete.

My Honourable friend Mr. Keane said to us: "Give us as long as we are in authority, the same powers as you would give to your own Government". I shall ask my Honourable friend Mr. Keane to refer to the various stages of the Bill and to say if his appeal is justified. Look at the original Bill as it emanated from the bureaucratic workshop. What do you find? You will then have an indication of the way in which the official mind is working. They came to the Assembly with the original Bill and wanted it to be a permanent measure. It was only in the Select Committee that its life was limited to five years. Then, again, Sir, in the Bill as it was originally presented to this House, there was no right of appeal. Take that Bill in its original form and then you can understand what the Bureaucracy would have liked to have, had it not been for the Select Committee and for the changes that were introduced by them therein.

Mr. K. Ahmed: That is all the more reason why it should be referred to the Select Committee.

Munshi Iswar Saran: Are you in the Select Committee?

Mr. K. Ahmed: Well, you can come in, if that will satisfy you.

Munshi Iswar Saran: Sir, I submit that a comparison of the successive stages of the Bill is enough to convince anybody that Government is desirous of having arbitrary powers. In order to have a correct appreciation of their desire, you have to refer to the first Bill as it came before this House, and then you have to refer to the last one. The last one is even

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more dangerous than the first one. In the Statement of Objects and Reasons of the last Bill you find :

"There is also evidence to show that bodies under the control or influence of the Communist International have been remitting sums of money in aid of the various industrial disputes recently in progress in India, disputes which, whatever may be their economic basis, have undoubtedly been fomented by communist agents."

and so on. I shall ask the House to bear in mind that there was no such statement in the original Bill. After this House throws out the first Bill, when this Bill makes its appearance again it comes with added provisions and with added powers.

My Honourable friend Mr. Coatman, on whose speech I should like to congratulate him, told us that we were wrong in imagining that communism was an aid to nationalism. I entirely agree. No one in his senses imagines that communism in any shape or form, can be of any assistance to nationalism. But may I ask my Honourable friend Mr. Coatman—whom unfortunately I do not see in his place though he is in another place—what answer, what response has Government made to Indian nationalism? The response is the refusal to establish an Indian Sandhurst. Another instance. The response to Indian nationalism is the appointment of an insulting Commission. The response—let me tell Mr. Coatman—to Indian nationalism is the brutal assault by the police on Indian leaders. Let my Honourable friend Mr. Coatman and his friends think and pause before they begin to talk about Indian nationalism. The newspaper cuttings for which I am sure a grateful Government will duly reward him, do not come within the purview of this Bill. Even if you pass this Bill, how are you going to stop this newspaper propoganda in favour of communism? I shall assume, for the sake of argument, that the whole of the country is seething with communism to-day. Does this Bill help you in eradicating the evil? Does this Bill help you in combating successfully the danger which you say exists in the country to-day?

Mr. K. Ahmed: There will be another Bill following.

Munshi Iswar Saran: My friend unconsciously sometimes speaks sense.

My Honourable friend Sir George Rainy in a speech full of sweet reasonableness said: "Why should you have any objection to this Bill? It may not be a complete measure, it may not be a wholly satisfactory measure, but will the patient decline to take the medicine because it will not completely cure him"? May I say, with all respect to Sir George Rainy, that if I had a doctor who came to treat me, who knew my disease, who had a remedy which would permanently cure the disease but still gave me a recipe and told me that it would give me only partial relief and would leave at least a part of my agony unaffected, I should certainly say to that doctor "Out of my house you go because I do not trust you". What is the good of saying 'Accept this Bill'? On your own showing it does not fight communism, as it ought to. I ask Sir George Rainy and the Government of which he is a distinguished Member to bring before the House a complete and straightforward measure, to come out into the open with all that they wish to do in order to fight this evil. What is the good of giving us this medicine of repression in instalments? If they have to give it to us, let them give it to us all at once so that it may permanently and effectively cure the evil which they are out to fight.

The European group is frank because it does not possess the bureaucratic diplomacy and I appreciate this frankness. What they say is: "You pass this Bill and there is yet another Bill to follow". What that Bill will mean for Indians, I shudder to think of.

Let me say one word. Sir, this Bill is not going to end the trouble. It is futile to expect that this Bill will serve the purpose for which it is said it has been brought into this House. It will not. I am a humble man, Sir, and if I may be permitted to make a personal remark, I shall say, that I am not in favour of anarchy or of chaos or of communism. I am in favour of progress, ordered progress. But I say that the real remedy is different. It is seldom that I find myself in disagreement with my Honourable friend Sir Purshotamdas Thakurdas; but I do differ from him when he says, that the real remedy is that either His Excellency the Governor-General or the Honourable the Home Member should have a sort of Conference with some of the leading men on this side and should produce an agreed Bill. Sir, assuming that you produce an agreed Bill, even that Bill, I submit with all the emphasis at my command, will never be able to meet the situation. The real evil will be met when there is peace and contentment in the country, when there is the feeling that we can manage our own affairs, that we are at liberty to fight all these evil outside influences in our own way, and that we are free to administer our country in accordance with our own traditions and ideals. When we have that freedom it will not be difficult to fight communism or any other disease that may come into the country from outside.

My Honourable friends on the other side will be interested in knowing what an Englishman, not an Indian, has said about China. The author is Lieutenant-Colonel Etherton, and he says that:

"It is safe to predict that communism will obtain little hold on the mass of the Chinese people. Its principles interfere with private trade which is vital to the Chinese, whilst they strike at private liberty, and we see what a strong point that is in social life. To create a communistic spirit there must be certain elements with which to build up the fabric. A republican atmosphere is also difficult to introduce; the component parts are lacking in the national temperament."

I submit, Sir, what is true of China is still more true of India. The remedy lies, I submit, in India getting freedom. And when India is free I may tell my Honourable friends on the other side that Indians will not require a Bill like this but will be able, by other means, to fight communism and other obnoxious diseases which may be introduced into this country from outside.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan Rural): Sir, I am very thankful to have this opportunity of expressing my views on the measure before the House. They are the views of a non-partisan Member, who is anxious to find out and to support whatever is best in the best interests of his country at large. A very critical friend of mine has been telling me that I should be glad of my independence; that if I have not the advantage of any party label, on the other hand I have not the disadvantage of a rigid party mandate which may override my personal convictions. But this is cold comfort to me. I am still a Swarajist of Swarajists, wherever I may sit, and I cannot help feeling sorry that to-day I am not standing and speaking behind my old and venerable leader there, to whom personally my homage is as sincere now as ever it was. But shouldering my burden manfully, I have been trying

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these last three days and more, as I have sat listening to the speeches delivered—some of them eloquent and all of them earnest—I have been trying to sift the logic from the rhetoric, trying to weigh the arguments dispassionately. Those arguments, I think, fall into two categories. There have been arguments based upon appeals to high ideals, high principles of political and legal philosophy; and, on the other side, arguments based on practical considerations and on the unfortunate needs of the hour. Sir, appeals were made by speakers to my right, eloquent appeals to our ideals of freedom, of equality and of democracy, and to our deep-rooted conviction that no human being, foreign or native, should be condemned unheard. Those appeals touched me deeply, very deeply indeed; but I recollected in a moment the very imperfect world in which we live; how in this bad world of ours practice and precept do not always go together; how in this bad world of ours great democrats were oft to tyranny near allied; how even in Parties pledged to equality and freedom, many a member is not only condemned unheard but maligned unseen. In the midst of these ironies of life it seems to me inevitable that a compromise has often to be found between high principles and stern realities, and that without detriment to our higher ideals. Very often, in other words, exceptional circumstances may need exceptional remedies. Only in some such way can any justification be found for a measure like this.

In other words, the moot question is: is there any real communist menace in India to-day? Sir, the gentlemen on my left emphatically and unitedly answer in the affirmative. Those on my right are not so united. Some think there is no menace, others that it is negligible, and others again that it is inevitable. I myself belong to the last group. I believe that for a hundred years India has been subjected to great changes due to outside influences. For the past hundred years and more there has been a great change coming over us in our everyday thought and life. May I ask how few English-educated Indians there are in India to-day who are wholly Indian in sentiment and speech; how many, on the other hand, who not only speak, but even think and feel, in a foreign language? One telling example should suffice. Here in this House we heard the other day the declaration that marriage is a social contract and has nothing to do with religion—a most startling statement to fall from any Hindu lips. The very term "social contract" cannot be translated into any idiomatic vernacular, and why? Because the concept is so utterly foreign to the genius of the race to which I belong, to whom religion is the very science and art of every-day life. There is nothing a true Hindu can do well and nobly without a touch of religion; without the feeling that he is always acting in the presence of an all-pervading Divinity. Therefore in India, at any rate, no problem, whether of capital or labour, whether of sociology or politics, can be discussed seriously without the religious element, coming in. And yet nowadays English-educated Indians wish to divorce religion from politics, from sociology from this and that other field of life, not knowing that religion is the very soul and heart of life and cannot be divorced from any serious thing a human being may do. This is what is coming on us owing to the influx of foreign influences, and communism is only the latest of these influences. Perhaps there is, in its theory, something akin to certain aspects of old Indian thought, which makes it therefore attractive to the unwary Indian; but certainly there is a great deal more of evil in it.

Apart from these general reflections, Sir, a bitter experience of my own has appraised me very vividly of this communist menace. Last year, before the South Indian Railway strike was declared, as one whose sympathy with the workmen was well known, I was anxious to find some way out of their immediate troubles. I wrote to the Agent and the Agent replied to me promptly welcoming my mediation. I wrote to the men communicating the Agent's letters duly; but the men, who at an earlier date sought my intervention, the same men did not reply to my letters. Something strange was coming over them; and within a week after my last letter to them the unfortunate strike was declared. Later I learnt from some of them that they had been given false hopes, that, if they went on strike, plenty of money would be coming from Russia to feed them all for six months or more even. Of course the money never came, and the men were soon in terrible straits. Now, Sir, if this is the way in which the men can be influenced, it is awful to think how these artless working men would be duped, if, besides promises of pecuniary help some foreign *topi-walla* also appeared in their midst to exploit their credulity. This was what weighed most in my mind last September, although I was not permitted to place this before my party then. This is what still weighs most in my mind, Sir, and leads me to think that every foreign communist must be kept out of India by every fair means.

12 Noon. Sir, the next question therefore is whether the Bill before us will accomplish this object. In this connection I find friends on this side raising the question whether similar laws or provisions do exist in other countries. I for one deeply resent such a question; I think it is an indication of our slave-mentality. Why, in the name of goodness, should we be obsessed by the example of other countries, or follow their lead blindly, in our social or economic or political or other problems? In fact that is my main objection to the recommendations of the Nehru Committee's Report. I decline to follow slavishly the example of any other countries; I want that India should solve her own problems, in her own way, and be a law unto herself, and a light unto all the world in the future, as I know she was in the past. That, Sir, is my ideal, and the question is idle to me whether similar provisions exist or not in other countries.

To conclude, Sir, I am not against some kind of legislation to check this communist menace; but I certainly do not think that all the details of the present Bill are satisfactory. I learn that the existing laws are enough to deal with Indian communists and non-British alien communists; and I certainly do not want that the Britisher should be allowed to escape scot-free. The present Bill however in my opinion deserves to be greatly amended. For example I would refer to sub-clause (6) of clause 5, which I would altogether delete. I would not pay a single pie for the holiday adventure of any British communist or of his dependents. Likewise, sub-clause (5) of clause 7 should be so amended as to afford all reasonable facility for the defence of any reasonably aggrieved person. Without these and other amendments, I for one will not accept the Bill; but I see no ground for circulating it for opinion. I see no need even to send this very small Bill to a Select Committee, especially to a Select Committee where there are to be so few lawyers. My considered opinion therefore is, Sir, that the Bill must simply be mended or ended once for all.

Mr. M. S. Aney (Berar Representative): Sir, we have had so much discussion and debate over this Bill, not only in this Session but in the last Session also. That it is now difficult for any man to add a new point to the debate. We have been told by the apologists for this Bill, who favour its immediate passage, that this Bill is the supreme necessity of the hour, and if this sort of weapon be not added to the armoury of the State, serious menace to the State and a still more serious danger to society is likely to overtake us. Now, to examine in detail all arguments advanced will now be needless in my opinion; inasmuch as much effective replies have already been given to them by the speakers who preceded me. A very plausible argument in favour of the Bill was, however, made by my friend Mr. Cosgrave: Mr. Cosgrave has been under fire for the last two days incessantly; unfortunately I have also to fire one more shot at him.

Mr. K. Ahmed: Do not be unkind.

Mr. M. S. Aney: Not an unkind shot. Mr. Cosgrave is a sportsman and I am sure he will receive it in the sportsmanlike spirit. The point which Mr. Cosgrave wanted to make out was to meet the criticism which had been made from this part of the House against the Bill, that this was a Bill the like of which was not to be found in the Statute Book of any civilised nation. To that point he wanted to give a reply and he ransacked the Library and got out all the volumes of Canadian, Australian and American legislation and drew our attention pointedly to certain sections of the Australian law on immigration, and triumphantly asserted "Here is a prototype, word for word the section in this Bill is copied out from that." He also pointed out some similar provisions from the Canadian law and the American law on immigration. That point has been very satisfactorily answered by Diwan Chaman Lall, and by Mr. A. Rangaswami Iyengar, and it was also exposed very fully yesterday by the Honourable Leader of the Opposition, Pandit Motilal Nehru. But there is one thing which my friend, Mr. Cosgrave, and all those who seemed to have made so much of that point, including my Honourable friend, Sir Victor Sassoon, missed altogether and it is this: this side has been objecting to the Bill not because it was opposed to the very idea that the State should have no power of deportation under any circumstances at all,—but because the particular manner, in which the State wanted to exercise that right under this Bill, was novel and arbitrary and foreign to any civilised jurisprudence: that is the point which Mr. Cosgrave ought to have understood and tried to have replied to.

There are three points in this Bill which at once show that this Bill is not only of a retrograde nature but one repugnant to the very fundamental notions of civilised jurisprudence. The first point is this: that the Government seeks to set up a tribunal which is to follow a procedure unknown anywhere. Mr. Cosgrave has not been able to show that the Australian law asks the special tribunal in trying the immigrants for the various offences under which they will be treated as prohibited immigrants, to follow the sort of procedure which is laid down in this Bill for the tribunal that is going to be set up. This is an arbitrary procedure in which they deny the accused the right of having access to the information and evidence on which they want to victimise him. That sort of procedure is not laid down

there. My Honourable friend Sir Victor Sassoon was certainly treading upon dangerous ground, of which he had presumably very little knowledge, if any, when he said " Well, there is nothing against it." That is I think the substance of what he said. My point is that he does not know the ordinary elementary principle of criminal jurisprudence, viz., if there is a tribunal set up and there is nothing in that law to show that the ordinary procedure is not to be followed, the presumption is that that tribunal has to follow the ordinary procedure in trying the case. Nothing that is not taken away of the ordinary privileges of citizens can be said to have been presumptively taken away merely by omission. What is given by the ordinary law has to be taken away by statute: if that is not taken away, it remains there and continues to be operative. I call upon my Honourable friend, Mr. Graham, or the Honourable the Law Member, to challenge this proposition; and if the Australian law or the Canadian law or the American law do not specifically lay down in so many words in their immigration laws that the procedure to be followed by their tribunals is different or something extraordinary from the ordinary procedure which the criminal courts of those countries have to follow, under the general law, then the presumption, nay, the inevitable conclusion is that these courts have to follow the ordinary procedure laid down for trials. That is the only inference a lawyer can draw. A man who may be a very good industrialist but unknown to the science of law is certainly not entitled to give any opinion on this point

Sir Victor Sassoon: Why not ask Australia what they actually do?

Mr. M. S. Aney: Those who cannot understand what they ought to, would put that question: those who understand the implications of that law will never put that question. I regret to observe that my Honourable friend has recklessly rushed in where the angels deeply steeped in the study of jurisprudence might fear to tread. That is all that I can say on this question in reply to my Honourable friend, Sir Victor Sassoon.

Then the second point which is rather peculiar to this law is a contribution which the genius of the Indian Bureaucracy has made to the very section which seems to have been copied by them from the Australian and Canadian Statutes. It is certainly the original contribution of the Indian Bureaucracy. I do not say that they have not got in their library all the repressive laws of the world. I am sure they must have. They want to rule by repression in this country and they must have in their library all the laws properly collected for perusal and information or reference whenever they want. But whenever they get hold of a law like that, they have the genius to improve upon it and make it stiffer and more stringent and more stifling. That is exactly what they have done in this case. Even in that little section which they have imitated in this law they have added these beautifully vague words " unlawful interference with ownership of property." This is the original contribution of the Indian Bureaucracy, the precise meaning of which no man will be able to understand, and the precise depth of which no human intelligence will be able to fathom. " Unlawful interference with ownership of property " may cover anything and everything

Diwan Ohaman Lall (West Punjab: Non-Muhammadan): Human intelligence.

Mr. M. S. Aney: This is something strange for anybody properly to understand. Another important thing that is now added to the Bill is sub-clause (4) which deals with the right of confiscation of money, goods, securities or credits. That is another thing which is not to be found anywhere else. Now, Sir, I want to know what that clause really means. I really think that my friends on the European Benches over there have not up to this time seriously applied their minds to understand the analysis of that section which was made by the Honourable the Leader of the Opposition, Pandit Motilal Nehru, yesterday. If that section is properly understood, they will see that the money to be transmitted is forfeited, probably under circumstances in which neither the man who transmits that money nor the person who is to receive the same may ever know that it is forfeited. How is he then going to take advantage of the provisions for appeals and applications which are mentioned here, I really don't understand.

Mr. K. Ahmed: You understand it all right, because you receive the money from Moscow.

Mr. M. S. Aney: Here I should like to remind my Honourable friend of the very pertinent observation just made by my friend Munshi Iswar Saran. You seem to have tremendous faith in the Select Committee, and you think that any number of amendments can be made in the Select Committee and that the Bill can be changed there out of recognition. My point is this, that that section in this Bill, if properly read and understood, may even amount to a virtual declaration by the Government of India of cutting away, at any time they choose and in such manner as they like, even commercial relations with those countries where they suspect communists to exist.

An Honourable Member: It is a matter for the lawyers.

Mr. M. S. Aney: Yes, it is for the lawyers to understand and interpret the law and for ordinary people to pass it after properly understanding it. Now, if money is to come from those countries, and if it is to be forfeited here simply because the Government suspects that that money has something to do with some organization or with some man who comes under clause 3 of the Bill, then it is possible that all dealings with that nation may be brought to a standstill at the sweet will and pleasure of the Government of India. It will be impossible for anybody, in these circumstances, to feel any security or safety in having any commercial dealings where money transactions are absolutely necessary, with such a nation. I believe even England to-day has not cut off all her commercial relations with Russia. It may not do it; but probably under inspiration from Whitehall the Government of India is playing the role of a tool in their hands and attempting to do here what it does not directly want to do there. It may be an attempt on the part of England to cut away her commercial relations with those countries whenever they want to do it. Probably it is in their interests more than those of this country that the power is being claimed here in this Bill. I strongly suspect this in clause 4.

These are the three peculiar sections in this Bill which are fraught with serious consequences, the precise meaning and significance of which most people can not understand; and what is regrettable is that particularly those

who are the apologists of the Bill, do not even care to understand. They are prepared to vote for it, they are anxious that the Bill should be passed into law at once without even making an attempt to understand literally what the spirit and the letter of the law is. Now, Sir, these are the peculiarly objectionable features of this law.

Mr. K. Ahmed: There are Judges who can interpret the law correctly. . .

Mr. M. S. Aney: Then, Sir, I come to some of the general observations which have been made during the course of the debate. Some of the observations that were made yesterday, particularly by my friend Mr. Keane, deserve to be considered by this House. The Honourable Mr. Keane observed that the present law is not a repressive law. He propounded a thesis here to draw a distinction between the ordinary criminal law and the repressive law. The Honourable Pandit Motilal Nehru has given a very crushing reply to him, but I want to make a suggestion.

Mr. K. Ahmed: What is the good? Better remain silent.

Mr. President: Order, order. The Honourable Member is overdoing it.

Mr. K. Ahmed: From both sides, Sir.

Mr. M. S. Aney: I want to make a suggestion. If his researches into or his addition or contribution to jurisprudence relating to the distinction between a repressive law of this kind and other repressive laws is altogether new, as I presume it is, and I request him to carry on his researches further before making any premature discovery, I would ask him to peruse the Rowlatt Committee's Report or the Repressive Laws Committee's Report as it was called, and he will find that laws which have provisions precisely similar to those in this law have been shown there under the category of repressive laws; and he will therefore find that the Criminal Law (Amendment) Act, as well as the other laws have been definitely mentioned under the category of repressive laws. Even the Repressive Laws Committee, which had on it very eminent lawyers and jurists, have held that laws, which deny the ordinary procedure of trial in penalising the conduct of persons under trial, are to be regarded as repressive laws. Now, if my friend would care to read through those laws, he would find that the present law can be brought under the category of repressive laws. His researches in that respect, therefore, are in my opinion considerably incomplete. He will have to establish his thesis, get it recognised as sound by eminent jurists somewhere in the International Conference held for the purpose before he should propound it as an established principle. Until then we cannot swallow the pill on a bare statement of his that the present law does not come under the category of repressive laws, and his earnest plea that the House should not stigmatise it as such, will be of no avail.

Then, Sir, there was another argument that he put forward, and it was this. He said that there may or may not be laws of that kind in the civilized world, but the Indian legislature has to consider the peculiar conditions of this country, and therefore it has to see that its laws even may be peculiar, unlike any other laws to be found anywhere else. He quoted certain instances also in support of his argument. He referred to the tenancy laws of India and said that, when these laws were made in this country, no laws of a similar character existed in England or elsewhere. That may be so. But my point is, in the first place, I deny the fact that

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the Rent Law of Bengal, which was referred to by my friend, was really made with a view to do full justice to those peasants in whose interest it purports to have been made. My friend seems to ignore that the peasants of this country were at one time the proprietors of the land, but their rights of ownership were taken away and conferred upon somebody else, and the Rent Law of 1845 was made with a view to rectify that mistake which the East India Company had in its greed for more money committed by confiscating the rights of ownership which existed in the cultivators in the old times. That mistake was attempted to be partially rectified by the belated measure I mean the Rent Act of 1845. The confiscation of the right of ownership is, I may also point out to the House, not very peculiar to the communist. The Government of India has virtually done it by creating all classes of middlemen and proprietors in India and by denying to the cultivators their rights of ownership which vested in them from times immemorial. The confiscation of the right of ownership in the property is not a doctrine that is preached by the communist for the first time, but it has already been and is being practised by the Government of India, by confiscating the right of ownership of the peasants and calling themselves landlords. Ancient Indian jurisprudence never recognised that the State was the landlord or the owner of the landed property under cultivation. Indian jurisprudence recognised that the cultivator, the man who cultivated the soil, was the owner of the property; but at a time when legislatures did not exist in India, and when the people had no voice in framing the laws, the Government of India passed orders and abrogated to themselves the ownership of the entire property and turned the owner into a tenant-at-will. That is what they have done. And if this sort of confiscation can be done by the Government in the name of law, where is the legitimate ground for them to be alarmed if some other people preach a doctrine like that. At any rate it does not lie in their mouths to tell them to "go back".

Then, Sir, I do not want to dilate on this point which is certainly extraneous to the purposes of the Bill before us; but I would convince anybody, that even attempts made by the people of this country to restore the ownership of those tenants in the soil, have been persistently opposed and resented by the Government of India. An attempt by the Berar Legislative Committee, which succeeded in making substantial amendments in the Berar Land Revenue Code to effect the transfer of ownership in the land from Government to the cultivator was thwarted by the Government of India by rejecting the report twice made by that Committee and again passing a law under executive orders that the cultivators are only tenants and not owners. They have done that quite recently. That is a point though somewhat foreign to the Bill before the House, which I thought it my duty to mention and emphasise by way of reply only, as my Honourable friend Mr. Keane categorically referred to land legislation in India to illustrate his untenable argument in support of the Bill.

Mr. K. Ahmed: What happened to the Bengal Tenancy Bill last session in Bengal? Who sided with the landlords?

Mr. M. S. Aney: Had I been a member of the Bengal Legislative Council, I would have given you a reply.

Mr. K. Ahmed: Ask the Swarajists, your friends there.

Mr. M. S. Aney: Now, let me come to the speech of the Honourable Sir Denys Bray. This House has always paid a compliment to Sir Denys Bray for the intellectual speeches which he generally makes in this House. It is profusely punctuated, at every word he stops, and every word is so smoothly rounded as to elude the ordinary grasp of its significance by ordinary human intellect. That is the difficulty with all his speeches. Last time, when he rose to speak in this House, he characterised the speech of the late Lala Lajpat Rai as a mere cloak of words behind which to conceal the barrenness of arguments. I leave it to the House to say, after having heard his two intellectual speeches on this Bill in this House, whether it had been possible for any Member of the House to understand what Sir Denys Bray had to say, and whether his speech was not really a cloak of words behind which he wanted to screen the barrenness of his argument. While listening to the fascinating speech of Sir Denys Bray, I was reminded of the famous lines of Milton in his *Paradise Lost*:

"The great Serbonian bog
Where whole armies have sunk".

His speech looks to me like a Serbonian bog of words resounding with sonorous and melodious sound, in which the human intellect may sink further and further without ever feeling the bottom of solid sense or reason. That is the sort of speech we have listened to, and yet we cannot deny that it was an intellectual treat! In a speech like that it is difficult to get an argument which we can answer, because there is nothing which you can take hold of, nothing definite or tangible. Everything is vague, beautifully vague and intangible. Owing to this peculiar and, inimicably elusive style of the speeches he makes, when he sits down, he sits down in the midst of applause in token of a genuine delight from every Member on this side as well as on the other side of the House. There was one point, however, which it was expected of Sir Denys Bray to have answered or thrown some light upon. Last time, my Honourable friend Sir Abdul Qaiyum, when he spoke, gave some information, and when Sir Denys Bray got up, we, on this side of the House, expected that some light would be thrown upon it. I may remind the House of the particular point which Sir Abdul Qaiyum then made. He referred to the existence of a communist colony for some time in the Frontier Province in close and constant communication with the base of the communist activities in Siberia, and he also said that it had vanished. I do not now remember the name of the place which he mentioned then. I wanted to know from Sir Denys Bray what were the mysterious methods by which this colony has disappeared, whether the ordinary methods of the law were sufficient to destroy that colony, or whether the soil where the seed was being planted was an uncogential soil and the seed could not grow,—what were the reasons for the sudden disappearance of that colony. It was a point on which he was peculiarly qualified to give a reply, but in his zeal to give an intellectual treat, he forgot that point which was probably inconvenient to him to enlighten to us further. He did not make any attempt to give any explanation to this House how that colony of communists disappeared. The explanation can be one of two; either there were methods by which the Government of India could see that that colony did not prosper and therefore it had to disappear. And those methods were available in the existing

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armoury of the Government of India. The other is that the Indian soil has been found to be too uncogential for the growth of that sort of propoganda. Take any one of these two explanations, and the justification for this Bill ceases to exist. The Honourable Sir Denys Bray did not throw any light on that point. That was really a point for him to explain. But he chose not to do that.

There is one more thing I wish to say. The Honourable the Home Member has heard from a number of Members on this side that they are not in sympathy with communism as such. Nobody is anxious to have it. An authoritative statement was made on that point by the Honourable Pandit Motilal Nehru, the Leader of the Opposition, and yet, it is a surprise to many that we are opposed to this Bill. What is the reason? We really do not believe that the Government are dealing in this Bill with the question of communism at all. That is the whole trouble of it. We do not believe that, because, according to us, if the Government really want to deal with this evil of communism, they have to go deep, have to trace the evil to its root, and to find out how communism grows anywhere and what are the reasons by which communism comes into existence at all. Now, I do not want to enter into details and take the house deeper into that question; I want to tell in one sentence how it comes. Communism is a reaction against Imperialism. Because Imperialism has concentrated wealth in certain hands, because Imperialism has given a sort of monopoly in property in the hands of certain persons, those through whose blood Imperialism has flourished, feel a sort of resentment and indignation against Imperialism, and communism has thus come into existence. I want to know from the Government of India whether they are prepared to fight the evil of communism at all. Is it prepared to join us in fighting out the British Imperialism in this country? If it joins hands with Members on this side, in spite of whatever British Imperialism may dictate, communism will be killed in this country in no time. The very fact that the Government of India and the people of India have joined hands to kill British Imperialism, will be enough to prevent communism from coming into this country. But, unfortunately, we know that the British Bureaucracy is the handmaid of that very British Imperialism against which communism is the greatest protest of the world. That is the difficulty. Therefore, those who are arrayed against the British Imperialism here in India even from purely patriotic motives are considered by the communists outside as their very natural allies. Therefore, if there is a genuine desire on the part of the Government of India to kill the evil of this communism, they should make an honest effort to join hands with Congressmen, and with nationalist Indians in general in stamping out British Imperialism altogether from this land. That is the only way to put an end to it. The proper way for them is to study the demands of the people of India and grant them in good grace without delay. There is no other way. Trying to bring up such a ponderous Bill as this to punish two insignificant and unknown Britishers is something which certainly looks very ludicrous. My Honourable friend, Mr. Kelkar, yesterday gave this House a very numerous simile, when he said that it looked like moving a tractor through the hair of a gipsy woman for the purpose of killing a few fleas in her head. I may give another simile on that point. There is a Mahratta proverb which, literally

translated, reads thus. There was an impulsive and irritable man. He was always angry, and for the sake of warding off the flies from his face, he used to take out his sword and flourish it in front of his face and strike the flies. The danger was whether the sword hit the flies or not, it was sure to cut the man's nose. I warn the Government of India that they are running madly and that they run the risk of cutting off their noses and getting the face of their Statute-Book permanently disfigured in the eyes of the world and becoming the object of ridicule, by insisting upon the passage of this Bill. Better drop it and do away with the whole affair and put an end to the trouble which has been unnecessarily agitating our minds for so many days. I strongly oppose the motion for reference to a Select Committee.

Sir Darcy Lindsay (Bengal: European): I am very sorry not to have been present at Simla at the full dress debate on a similar Bill to the present one. My Honourable friend Mr. Ranga Iyer, who I notice has joined the Government Benches, has explained to the House the reasons for my absence. Sir, I have been very much struck in this debate with what appears to me its hollowness. We do not appear to have our heart in trying to remedy the evil which all sides of the House admit there is among us. I think it is admitted by all parties. (*Honourable Members:* "No; we do not admit it.") I think it is admitted by all parties that the communist movement in India is a very grave evil that requires stamping out.

Honourable Members: No, no.

Sir Darcy Lindsay: I am very sorry to hear these interruptions and to think that there are people in this country who support or wish to support a movement that is doing incalculable harm to the working people. My friends in Bombay have put very plainly before me the miseries this movement is creating. My friends in Calcutta—Indian friends, I am not talking of my own countrymen—have brought home very forcibly the great miseries to the people—the poor ignorant working people. Sir Purshotamdas Thakurdas told us yesterday that it is the fault of the British Government in India that the people have remained ignorant people so long and unable to understand the poison that is handed out to them by these communists. Surely, Sir, in the interests of the working people of India, any attempt that can be made to stamp out this evil should be welcomed. I want to put before you how one industry is made to suffer by strikes in another industry. I quote for instance the strike at the Tata Steel Works. The Tata Steel Works were supplying steel to the tin plate factory which makes the tin plates for the kerosine tins. Now, the various oil companies, being unable to see before them the necessary supplies coming forward, had to place heavy orders out of India. Those orders have been executed. The goods have arrived in India and they have got to be got rid of. What is the result?—closing down for, I think, three days in the week of the tin plate factory.

An Honourable Member: Is that the result of communism?

Sir Darcy Lindsay: Yes. You bring these people out on strike and force them by intimidation to remain out.

An Honourable Member: How?

Sir Darcy Lindsay: It is all very well to say, "How". There is the actual fact; go to Calcutta and you will find the workers in the Gloucester Jute Mills called out on strike, intimidated, threatened with death.

Diwan Chaman Lall: What do you pay them?

Sir Darcy Lindsay: There is no question of what you pay them. What do you pay your servants?

(There were also other interruptions.)

Mr. President: Order, order. Sir Darcy Lindsay.

Sir Darcy Lindsay: Well, Sir, the point I wish to make is this, that it is bringing misery upon innocent people. (*Honourable Members:* "No".) I am pained to see that my friends in this House should resist any action on the part of Government that can remedy the position. It seems to me that the opposition is really a political opposition and against the Government because it is a Government measure.

An Honourable Member: It is a political measure.

Sir Darcy Lindsay: I deny it is a political measure. If there are any flaws in the Bill, go to the Select Committee and remedy those flaws. I quite recognise the strong point that has been made by the Congress Leader and others, that if they give their assent to this Bill it will mean they are in agreement with repressive measures. I am not in agreement with repressive measures, Sir, and I dislike Regulation III and similar measures as much as any on that side of the House. Here is a particular case that we have got to deal with that cannot be met by the laws of the land as at present in force, and therefore a special Act has to be brought in. It has been made as mild as it can possibly be made and I do think that it would be a more dignified action on the part of the Congress Party and the Nationalist Party to desist from active opposition to the Bill. Do not come and vote for the Bill, but abstain from voting against the measure. The Parties have thoroughly explained to the House their grave objections to the Bill as a repressive measure. Let it rest at that. (Laughter.) It is all very well to laugh. Have you put forward any proposals to meet the dangers that are before the country?

An Honourable Member: What are the dangers?

Sir Darcy Lindsay: It is only one or two Honourable Members who say there are no dangers. We have had speeches from responsible members who say the danger is there and communism must be stamped out, but Mr. Kelkar is about the only one who has put forward any concrete proposals to deal with this danger. He said, "pass an ordinance." I have not heard any other suggestion from others. Sir Purshotamdas Thakurdas certainly did put forward a suggestion that the Government, or the Governor General in Council, should invite some of the leaders in the House to consider as to what could best be done. That is a perfectly reasonable suggestion from my point of view and if it was acted upon I would be only too happy to give such assistance as I could. There is one point that I wish to make as regards other countries, as

for instance China and Japan. We have heard from Sir Victor Sassoon as to what has been done in China, while in Japan only a few days ago we read in the telegrams how 98 or 99 Japanese had been arrested (I do not know under what Regulation) and prosecuted for communism, and they have received very severe sentences. I am only trying to put before the House that other countries also are suffering from this evil that is coming into India.

An Honourable Member: Try the same remedies, prosecute.

Sir Darcy Lindsay: I am not arguing as to that. I am only putting before my friends, who are sympathisers with communism, the dangers in other countries. (*An Honourable Member:* "That won't frighten us!")

My friend, Munshi Iswar Saran, in his speech, in going over what various Members on the Government Benches had said, made one remark, Sir, that pained me, and that I had hoped you, Sir, would have drawn him up over. He referred to this Assembly as the "Monkey House". I strongly object to this House being referred to in those terms. I noticed in the Simla Session you reprimanded a Member for having made use of such a term. I would ask you to have that reference expunged from his speech. (*An Honourable Member:* "He was only quoting someone else.")

Sir Victor Sassoon has told the House of the dangers of allowing this communistic gospel to spread in India, and he has told us in very clear terms that, by next May, there is to be a general strike. If on the other hand measures are taken to remove the wire-pullers who are underground, Sir—they don't come out in the open, they are underground—if steps can be taken to remove these men from India, it will go a long way to scotch the movement. And, further, Sir, if it is known amongst the communists in England that there is a measure that can bring about their removal from the country, even though they may slip through the passport regulations, I very much doubt if we will see any more of them here. Sir, I support the Bill.

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province: Nominated Non-Official): Sir, I did not intend to take part in this debate, as I had already spoken on the subject in the Simla Session, but there are one or two points which I should like to bring to the notice of the House. These are of recent occurrence and that is my reason for bringing them before the House.

After the very eloquent speeches made by Members of this House, I feel very nervous to express my humble views, but one has to rough it out as best he can, and that will be my attempt. Sir, last time when this matter was discussed in this House, there were very few Members who really sympathised with communism or the communistic movement. It was only Mr. Prakasam, who had, in a straightforward way, expressed his views in favour of communism. But this time there is a little difference and we find many more Members who think that communism is not an evil and is not a danger, and that it is sure to come or creep into this country whatever measures we may take to stop it. Well, I am a man, Sir, who cannot make much difference between communism, socialism, nationalism, or anything of the sort (*An Honourable Member:* "What a happy man"), which preaches the doctrine of going out of the ordinary way and adopting

[Nawab Sir Sahibzada Abdul Qaiyum.]

methods of moving things or of expressing views or of taking united actions in extraordinary ways. Anything which means the adoption of unconstitutional methods must, in my opinion, be considered dangerous and must be stopped. Well, I cannot say whether these strikes and these movements, which disturb the peaceful working of mills and other industrial activities in the country, are constitutional or unconstitutional, but I see that they are likely and have actually created trouble in the country, and a layman like myself must call them unconstitutional, whether they come within the purview of the law, of which my friends on the other side know so much more than I do, or not. If the ordinary law of the country can give a man redress for his grievance, whether it be the smallness of his wage, or whether it is his unemployment, or anything of the sort, he must have recourse to that method, for the redress of his grievance in the law courts. But if he joins hands with other men of his way of thinking, in large numbers, and goes out on strike and brings pressure to bear on his employer to raise his wages, I as a layman will call that unconstitutional. It will only be leading to trouble and disturbances, and I will call everything which is likely to create such trouble unconstitutional.

Well Sir, I have already said that I cannot see much difference between communism, nationalism, socialism or the notorious Bolshevism! All that I can see is the result of these things, and so far as I can make out, the result is almost the same, *vis.*, disturbing the peace and harmony and the peaceful working of the various activities of life in the country. I have noticed that there is no strong opinion in favour of communism, although several of my friends over there have expressed their opinion that they have no objection to it. If communism, according to my understanding of the word, means the nationalization of the properties earned by individuals or partitioned by individuals—and mind partition has been going on since the days of Adam and we have been trying to partition common properties and common lands and trying to solve the question of private rights in these lands—if according to communism we are going to make all properties common again, then we shall be creating trouble again, because even Adam's sons fought over this question. I do not think any real and genuine interest in the management of properties will be felt if they are to be made common again.

Now, Sir, I see that communism does exist in this country, and that it has played havoc in the country in more than one centre. I will not go to Bombay, Calcutta or Kharagpur and describe what has happened there, because the Honourable the Leader of the Opposition has told us that what he saw at the Congress Pandal at Calcutta was not really communism and that the mistake was easily rectified by his advice, though I have not heard what effective steps were taken with regard to the troubles which arose in Kharagpur, or the troubles which are happening nowadays in Bombay. I should rather like to confine myself to the activities of the communists across the border and of those in Afghanistan. I am glad my Honourable friend Mr. Aney has given me the opportunity of referring to the story I narrated to the House last Session. I will continue that story. Mr. Aney said that I had mentioned the existence of a colony of communists on the border which had since disappeared, and that he would have liked to hear from Sir Denys Bray as to what measures were taken to effect the removal of that colony from the border. I will, in my own simple way, refer him to a law which exists on the Frontier. I will draw the

attention of my Honourable friend to the freer action that the authorities can take in that Province under that law, called the Frontier Crimes Regulation, in which there is a section, I believe it is section 36, under which you can not only expel a foreign communist, but also a landlord of the country, and expel him within a very short time. That is the law which has proved so effective in dealing with such things. I am sure the House will not like the extension of that law to the rest of India. But a law of that kind does exist on the frontier and action can be very easily taken under that law against such mischief-makers as the communists. In this connection the state of affairs in Afghanistan must also be borne in mind. According to the newspapers we are told that this revolution which has so suddenly taken place there as the result of certain extraordinary reforms, introduced into that country by the late ruler of the place. Perhaps there may be some truth in that, but to my mind it seems there is something beyond that. As I said last time, Bolshevism or communism existed on the frontier and so also in Afghanistan. The King of Afghanistan could not perceive it and could not make much difference between liberty of thought and action, and, with his broad-mindedness, was introducing all sorts of reforms into his country. But all this time this pernicious communism was acting quite imperceptibly, without his knowledge and without his knowing what was happening and was working at a very rapid pace too. There was liberty of conscience and liberty of action in the country and he was, with his usual broad-mindedness, giving reforms to his people and was adopting various other methods for improving the administration of his country. But, like our friends on the Opposition Benches, he did not perceive or realise at the time that, imperceptibly, this communism was going on in his country and of course it resulted in the overthrow of the settled government, of which he was so sure.

Mr. B. Das (Orissa Division: Non-Muhammadan): Was it communism or British diplomacy in Afghanistan that was responsible for the overthrow of the Amir?

Nawab Sir Sahibzada Abdul Qayum: Communism really works in different ways, and very few people can realise how subtly it works. Communism, wherever it finds a rich soil to work in, always exploits the situation. In Afghanistan it found the opposition to the introduction of reforms as the means by which it should work, just as the same communism finds labour troubles in Bombay to work through. And this very communism finds communalism in India to work through. It is the same communism which works in different shapes and different ways (Hear, hear). It is the same deity which shows its face in different garbs, and there can be no great secret about it that it harps on the tune which it thinks will appeal to the people with whom it wishes to deal. So, whether it has exploited the introduction of reforms in Afghanistan, or whether it has exploited the labour troubles in Bombay, or similar troubles in Kharagpur, etc., it is the same communism—I must be very careful in using the word “communism” as against “communalism” which is at work throughout the country. For these reasons, I call it an evil. Any movement which will upset the slow but steady and methodical and regular progress of a nation from barbarism, or from its lower stage to the higher level of civilization such as that which we find in Europe at present, and to which we are aspiring, must be considered as the reaction of this communism. As I said, in Afghanistan, the poor King

1 P.M.

Sir Denys Bray: On a point of order, Sir. Is it in order for the Honourable Member to talk of the state of affairs in Afghanistan or any other country?

Nawab Sir Sahibzada Abdul Qaiyum: Sir, I am not referring to the politics of that country, but simply to the poisonous effect of communism working in various shapes and forms in that country and that is all!

Coming now to Bombay, Sir, I think I must say a word about the poor Pathans who are being butchered there like so many dogs. They are really suffering for their opposition against communistic movements. They are generally watchmen and, as such, are protecting capitalists. The labourers do not want that they should be used in that way and are furious against them. The peasant labourers were at one time against them for having come to the assistance of Government and capitalists in the Bardoli land revenue troubles. I think it is that sin of theirs for which they are now suffering.

Sir, if we are really anxious to stop this evil,—at least I admit it to be an evil—then we should not grudge the Government a measure such as the one they have now introduced into this House. The measure is criticised and opposed on three grounds. The first is that there are already laws existing in this country which can be as effectively used; the second is that the Bill is very vague and comprehends a good many things which ought not to come within the scope of its provisions; and the third is, what may be called the political objection to it. As regards the existing laws, I am not a lawyer to say whether all the provisions made in this Bill can be found in other existing laws or not; but if there are certain things which can be met by the ordinary law of the country, that, along with the vagueness and indefinite wording of the Bill, if any, can be remedied by the Select Committee. As regards the political reasons, which means that there is something else behind the mind of the authorities in introducing it, I think the Benches opposite should not be afraid of that. We know of the activities of the present Government. This Government dare not apply even the existing laws in a good many places where they should apply them. They are over-cautious, if not timid. They have always proved themselves to be very weak in applying the ordinary laws to emergent cases. We know that they have issued warrants, summonses, etc., for the violation of their orders and their laws and then withdrawn them. They have convicted and sent people to jails, and for no reason then let them go out again—I mean without any reason at all. Similarly, various actions which they can take, they hesitate to take. They are over-cautious, or their civilization has reached such a stage that more for reasons of conscience than for anything else, they hesitate to apply some of their laws. Though they are too careful, they are not doing enough for the protection of the life and property of the people. Although they run the risk of getting a bad name from the people, they have never tried to make some of their laws more effective than at present, as they should. They are simply sharpening their weapons without meaning to use them!

Some Honourable Members of this House have referred to the crushing of the spirit of nationalism by the introduction of this law. I do not know if we should have such a low opinion of our national leaders in the country, as to think that they will be affected very much by this law. I believe they are very strong-willed people, and no measure of this kind can dishearten

them. As a matter of fact, they have often gone to jail for their views and convictions and I do not believe that they will be afraid of going on with their propaganda or with their activities for spreading nationalism, because of a small Bill like this. But if a layman of my humble capacities can advise them, I think it is the spirit that will create nationalism and not these strikes and demonstrations against the Royal Commission and various other activities that they are adopting for the exhibition of their nationalistic spirit. The chains of bondage, according to my mind, are threefold. The first is the political bondage, the second is the economic bondage, and the third, which is stronger and more effective, is the bondage of love or appreciation for a thing. The love of a thing is a more effective element to captivate a man or keep him in bondage. My remedy for the solution of this question of the establishment of Swaraj would be just the reverse of this order in which I have given the above list of the chains of bondage. I would not attach so much importance to freedom or emancipation from the political bondage or from the economic bondage; I would solely and entirely lay stress on doing away with this third bondage of the love of a certain civilisation. If with all our spirit of nationalism, India could not adopt *khaddar* and this is a very small and simple matter, why should they object to the passing of a measure like this? It won't do more than that. Did we agree to the adoption of *khaddar* as a whole? When I first came to this House, Sir, I saw nearly two-thirds of the people in that dress. I do not find very many of them now. Has that love for nationalism gone? That is quite a simple matter. A great friend of mine—he was sitting on this bench here but is now over there—has quite recently removed his long flowing beard which I remember seeing in the first Assembly. His *swaraj* dress has changed into a full dress! I am a greater nationalist than he because I have not changed my trousers. And yet, when he gets up and speaks, he seems to be the embodiment of nationality. There is also another gentleman of the type over there. If you love a thing, you cannot get rid of its clutches or its influence. If you don't love a civilization you do not need to change your dress. For instance, if I love to dress in *khaddar*, what economic pressure is there to prevent me from doing so? I am free. There is a Persian couplet which says:

“*Anchi mā darkār dārem aksare darkār nēst.*”

I wish the Pandit Sahib, Pandit Motilal Nehru, were here to translate that for the House. It means that there are many things which we use and still we do not need them. After all, if we can get along with a little *khaddar*, where is the necessity of buying these expensive clothes imported into the country, which my friends say they have not got the money to purchase? They do not require them. Well if there is no love for that civilisation, for that dress, then there is no room for the economic bondage. And if there is no economic bondage, if we are self-contained, and if we have no love for anything foreign, then whether British rule or whether Afghan or Mahratta rule, it will not matter to us. They will be only watchmen; they will be simply keeping watch at our gate. I may be mistaken, as I have said before it is only a layman's opinion, but that is exactly what Mahatma Gandhi has been telling you. Have you been able to adopt that very little and simple thing *khaddar*? You are always fighting and quarrelling for legislation, but it is in your power to adopt simple lives, simple dress and simple ways of living. You cannot do that.

Mr. President: Example is better than precept.

Nawab Sir Sahibzada Abdul Qaiyum: Quite so, Sir. That is why I find myself incapable of running *Swaraj* yet. There is one word more, Sir. I would like to say. We are always being told, in season and out of season, that we are not given responsibility and authority and that is why we are lacking in administrative capacity. Perhaps there may be something in it. If I were in the place of Government, I should have handed over a small Province like the Central Provinces to my friend Dr. Moonje to give us a model of *Swaraj*, where everything would be plentiful, with very few taxes, where there would be no riots and where everything would be happy and peaceful. I do not find myself capable of running a paradise like *Swaraj* and do not feel inclined to try the experiment or ask for *Swaraj* in the North-West Frontier Province.

I am afraid I have gone astray from my point. I would like to go back to my point, that this little measure of ours, if adopted, will not change the world very much, especially in the face of similar or even harder measures existing in several parts of India. If an improvement in the wording of the Bill is necessary, that to my mind can be done through the Select Committee; but I am afraid it will be rather giving the Government an excuse to say that they asked for certain measures and the House would not give them to them, and that is why they could not cope with the troubles arising every day. I would not like to give them that excuse. I would rather give them a free hand and say we want you to fire on the strikers who take the law into their own hands and kill people indiscriminately, although they have the laws of the country under which they can claim better wages, etc. If they collect in hundreds and thousands and rush against the capitalist or against their poor watchmen, they must be fired at and shot.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, after the very long debate that we have had on this question it is very necessary that we should be brief in the remarks that we have to make and this is all the more necessary in my case because I have to travel over a great deal of ground which has been travelled over again and again. For it seems to me that the question which is before the House still requires a great deal of calm consideration, firstly, on the side of the Government, and secondly on our side. The Government have based their whole case upon the existence of a great menace to public peace and tranquillity, to law and order. The Honourable the Home Member depicted that menace, the menace of communism, in very lurid colours,—the evils that communism has wrought, as he imagines, it, in this country,—and the greater evils which are likely to follow in its train, and he has asked the House to be unanimous in condemning it. Now, Sir, communism has two aspects; one aspect of it is the one in which it seeks to promote the good of the common people. The Government have circulated a pamphlet, which has been honoured by some by the name of a blue book, in which they have put in extracts which have helped us in understanding the mind of the Government a bit. One of these extracts is a report of a speech delivered by Mr. Saklatvala in Madras. In that speech Mr. Saklatvala said, expounding his theory of communism:

"The society should be so constructed that those who worked for it should be rewarded. That reward was living happily and comfortably. If the society took to distribute that reward equally to all and according to their needs, where was the necessity to keep bank accounts and accumulate wealth? All human beings were born

in the same way and all were subject to the same laws of growth and development. If all people were subjected to the same kind of education, the results produced would be similar, only the form and expression of it would distinguish one man from the other. The communist idea of society was to reward its citizen by supplying him to the fullest all his needs so long as that individual was honestly doing that work to the society according to his qualifications."

With the exception of one clause in which the necessity of keeping banking accounts and accumulating wealth is questioned, I endorse every word of it, and I venture to say that the Honourable the Home Member also will endorse every word of it. Now, Sir, this aspect of communism is one which is entitled to the wholehearted support of every right-thinking man, and I venture to point out that this is a part of the ancient creed of this country. We have been taught to think that the ray divine shines equally in every man, however humble. We have been taught to regard all life as worthy of reverence, and every man's comfort as worthy of our earnest consideration. I will quote a *śloka* here which brings this out very fully:

*Ko nu sa sydupayotra ye naham dukkhitatmanam,
Antah pravishya bhootanam bhavayam dukkhabhaka sada*

The same idea is very closely embodied in a verse of Cowper:

"Still let my melting bosom cleave,
To sufferings not my own,
Still let my heart responsive heave,
Wherever is heard a groan."

That has been the creed of our ancient land, and that has been the creed of a considerable section of mankind in all countries. I submit, Sir, this aspect of communism is entitled to the support of every right-thinking man, and I hope that both sides of the House are unanimous in lending it their support.

But there is the other aspect of communism which objects to a man keeping accounts in banks and accumulating wealth, which desires that property should be evenly distributed and held in common not by a change in the opinions of men but by the pressure of force and violence. This aspect of communism is one to which many people in this country are opposed, and so far as this side of the House is concerned it is at one with the Government in being opposed to it. The Leader of the Opposition, Pandit Motilal Nehru, stated it in as clear terms as any man could use that he was opposed to this aspect of communism. Now, Sir, it is this aspect of communism which the Government say they want to deal with. I take it that no Honourable Member on the Government Benches desires to interfere in the least degree with activity of the first kind of communism. And we are at one with the Government in desiring that we should devise proper measures to keep out men who want to advocate the use of force or violence to promote certain objects which they have in view, however good those objects may be. I do not think I need say more than what Pandit Motilal Nehru has, expressing the best mind of India, said on the subject.

What then is our difference with the Government? We need not dwell on the lurid details of what has taken place nor draw exaggerated pictures

[Pandit Madan Mohan Malaviya.]

of what is likely to happen in the future. We are opposed in principle to any man being disturbed in the enjoyment of property lawfully acquired except according to the provisions of law; we are opposed to any man being interfered with in the enjoyment of his ownership of property, except by proper legislation and by proper executive action, taken under the law. The whole difference between us and the Government is as to the method by which we should proceed to bring about the object about which we are agreed. The Government have brought before us, for the second time, a measure to achieve that end. Let us examine it carefully. The Bill says that the object is to deal with men who:

"directly or indirectly advocate the overthrow by force or violence of the government established by law in British India, or the unlawful destruction of property, or unlawful interference with the ownership of property, or seeks to foment or utilise industrial or agrarian disputes or other disputes of a like nature with the direct object of subverting organised government in British India or with any object the attainment of which is intended to conduce to that result; or is a member of, or is acting in association with, any society, or organisation, whether in British India or elsewhere, which advocates or encourages any such doctrine or activity as is described in sub-clause (a) or sub-clause (b) of this clause or which is affiliated to or connected with any such society or organisation."

That is the object of the Government, according to their profession, and according to the language of the Bill. And what is the measure they have proposed for the acceptance of this House? The measure that they have proposed is a measure by the authority of which the Executive Government will usurp the place of the Judiciary, condemn a man without trial and then give him the chance of a farce—as I submit with great respect—of an appeal before three Judges. That is the measure which the Government have put forward. And what is our objection to this measure? Our entire objection to it is that it substitutes executive power in place of judicial authority. We are therefore opposed to it, and I should have expected that every Englishman would be opposed to it. But I am surprised to find that so many of my esteemed friends on the other side of the House seem to have persuaded themselves that there is nothing wrong in urging or accepting a measure of this kind. I am surprised at it because they of all people know that in their own land, in their own free country, a measure like this has never been put on the Statute-Book. They know, not overlooking what the Honourable Sir George Rainy said in his excellent form and style, that there is no law in England by which a man can be condemned without a trial. It is, therefore, Sir, that I am surprised that any of my English friends should support this measure. No one can dispute that this measure is one which seeks to instal the Executive in the place of the Judiciary. The Bill makes it perfectly clear. On principle, therefore, in the best interests of justice, in the best interests of our country, we on this side are absolutely and entirely opposed to it.

An attempt was made to show that there was a precedent for this measure in the statutes of some other countries. One of the statutes to which reference was made was the Immigration Act of Australia. Let us see what is the precedent it furnishes. We must remember that the Bill before us seeks to condemn a man without trial. The Governor General in Council is given power under section 8, if he is satisfied that any person is a person to whom this Act applies, to direct, by order in writing, such person to remove himself from British India within such time and in such

manner as he may direct. The order is passed, the man is condemned as a man who comes within the provisions of this Act, behind his back. It is said that the man may appeal against that order within seven days. But what is the order that he is to appeal against? An appeal against an order which has not been judicially passed,—an order which has been passed by the Executive, the Governor General in Council, sitting in his office in Simla or Delhi. He is satisfied, on representations made to him, that a certain person comes under the category mentioned in clause 2, and he passes an order against him without intimating to the man what the charge against him is, and without giving him the least opportunity to prove that the charge is untrue. That is the kind of authority which the Government seek to obtain under this Bill. But, Sir, the very precedents the Government have relied upon show that the Government have gone beyond the limits which have been laid down for such cases in any country, and I submit, that there is no precedent to be found anywhere in support of the measure which this House is asked to assent to. Let me take the Australian Act. In the first place, it should be remembered that it is an Immigration Act, consolidating the Acts of 1901—1925. What does it say? This is what it lays down in section 8A:

“Where the Minister is satisfied that, within three years after the arrival in Australia of a person who was not born in Australia, that person”—

—here I omit clauses (a), (b) and (c)—

—“that person is a person who advocates the overthrow by force or violence of the established government of the Commonwealth or of any State, or of any other civilized country, or of all forms of law, or who advocates the abolition of organized government, or who advocates the assassination of public officials, or who advocates or teaches the unlawful destruction of property, or who is a member of, or affiliated with, any organization which teaches any of the doctrines and practices specified in this paragraph, he may, in the case of a person to whom he is satisfied that the provisions of paragraphs (a), (b), or (c) apply,—make an order for his deportation, and, in the case of a person to whom he is satisfied that the provisions of paragraph (d) apply, he may, by notice in writing, summon the person to appear before a Board at the time specified in the summons and in the manner prescribed, to show cause why he should not be deported from the Commonwealth.”

Paragraphs (a), (b) and (c) apply to a person who has been convicted in Australia of a criminal offence punishable by imprisonment for one year, or who is living on the prostitution of others, or who has become an inmate of an insane asylum or public charitable institution. In such cases only the Minister can make an order for his deportation, and in the case of a person to whom he is satisfied that the provisions of paragraph (d) apply, namely:

“a person who advocates the overthrow by force or violence of the established government,” etc. . . . “he may by notice in writing, summon the person to appear before a Board at the time specified in the summons and in the manner prescribed to show cause why he should not be deported from the Commonwealth.”

The Act goes on to provide that:

“A Board appointed for the purposes of the last preceding sub-section shall consist of three members to be appointed by the Minister.

The Chairman shall be a person who holds or has held the office of Judge, or Police, or Stipendiary, or Special Magistrate.

If the person fails to appear at the time specified in the summons to show cause why he should not be deported or the Board recommends that he be deported from the Commonwealth, the Minister may make an order for his deportation.”

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Now, you have got here the horse right before the cart. A man is first called on to show cause why he should not be deported from the State, and then an order is passed against him. But the Government have in the measure which is before us put the cart before the horse. The Governor General in Council passes in the first instance an order that a man has to remove himself from this country and then he is to be given an opportunity to appeal against the order to a Bench of three Judges. This is the very opposite of what the Minister does in Australia when he calls upon a man to show cause why he should not be deported from the Commonwealth before passing an order against him. And I submit, Sir, that that makes a tremendous difference between the procedure that is followed in Australia, which is a judicial procedure, and the procedure that is proposed to be followed here. The same is the case in Canada. Section 3 of the Immigration Act defines persons who are not allowed to enter the dominions. Among these clauses (n) and (o) include :

"(n) Persons who believe in, or advocate the overthrow by force or violence of the Government of Canada, or of constituted law and authority, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials, or who advocate or teach the unlawful destruction of property—" and

"(o) Persons who are members of an affiliated organization entertaining or teaching disbelief in or opposition to an organized government, or advocating or teaching the duty, necessity or propriety of the unlawful assaulting or killing of any officer or officers either of specific individuals or officers generally, of the government of Canada, or of any other organized government, because of his or their official character, or advocating or teaching the unlawful destruction of property."

Then come sections 18 to 20. Now, what do these sections say? They lay down :

"13. The Minister may nominate at any port of entry any number of officers to act as Boards of Inquiry and any three officers so nominated shall constitute a Board of Inquiry.

14. A Board of Inquiry shall have authority to determine whether an immigrant, passenger or other person seeking to enter or land in Canada or detained for any cause under this Act, shall be allowed to enter, land or remain in Canada or shall be rejected and deported.

15. The hearing of all cases brought before a Board of Inquiry shall be separate and apart from the public, but in the presence of the immigrant, passenger or other person concerned whenever practicable, and such immigrant, passenger or other person shall have the right to be represented by counsel whenever any evidence or testimony touching the case is received by the Board, and a summary record of proceedings and of evidence and testimony taken shall be kept by the Board.

The Board, and any member thereof, may, at discretion, administer oaths and take evidence under oath or by affirmation in any form which they deem binding upon the person being examined.

16. In all such cases, a Board of Inquiry may at the hearing, receive and base its decision upon any evidence, considered credible or trustworthy by such Board in the circumstances of each case; and in all cases where the question of the right to enter or land in Canada under this Act is raised, the burden of proof shall rest upon the immigrant, passenger or other person claiming such right.

17. The Board of Inquiry shall appoint its own chairman and secretary to keep the record of its proceedings, and in all cases and questions before it, the decision, in writing, of a majority of the Board shall prevail.

18. There shall be no appeal from the decision of such Board of Inquiry as to the rejection and deportation of immigrants, passengers or other persons seeking to land in Canada, when such decision is based upon a certificate of the examining medical officer to the effect that such immigrants, passengers or other persons are afflicted with any loathsome disease, or with a disease which may become dangerous to the public health, or that they come within any of the following prohibited classes, namely,

idiots imbeciles, feeble-minded persons, epileptics, and insane persons: Provided always that Canadian citizens and persons who have Canadian domicile shall be permitted to land in Canada as a matter of right.

19. In all cases other than those provided for in the last preceding section an appeal may be taken to the Minister against the decision of any such Board of Inquiry or officer in charge by the immigrant, passenger or other person concerned in the case, if the appellant forthwith serves written notice of such appeal, (which notice may be in the form C in the schedule to this Act), upon the officer in charge or the officer in whose custody the appellant may be. . . . In case of the appeal being dismissed by the Minister, the appellant shall forthwith be deported.

20. Notice of appeal shall act as a stay of all proceedings until a final decision is rendered by the Minister

Mr. President: Perhaps it might suit the convenience of Honourable Members if we adjourn at this stage.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

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

Pandit Madan Mohan Malaviya: Sir, before we rose for Lunch, I drew attention to the provisions of the Australian Act which lay down that a man suspected of extreme communist views will, in the first instance, be called on to show cause why he should not be deported from Australia and will be permitted to be represented by Counsel and to examine the evidence tendered against him before an order will be passed against him; also to the provisions for an appeal against such an order. Entirely contrary to this and the Canadian Act, the Bill before us seeks to substitute executive authority in the place of judicial authority, and for an order without trial and without evidence tendered against a man being shown him. I submit that this is the principle of the Bill, that is to say, the condemnation of a man without trial, and it is this principle which we oppose. The provisions of the Bill make this quite clear. And what does it mean? It means a very serious curtailment of the right which every British subject coming into India has enjoyed up to this time. If this Bill is not passed, as the law stands at present, any British subject coming into India would be entitled, on a charge that he directly or indirectly advocates the overthrow by force or violence of the Government established by law in British India, to a proper judicial trial. He will be tried under section 124-A of the Indian Penal Code. The trial will be a Sessions trial, and every precaution, every safeguard which the Legislature has provided to see that no injustice is done to an accused person will be available to him. If this Bill becomes law, it will empower the Government to condemn a British subject coming into India of the gross crime of directly or indirectly advocating the overthrow by force or violence of the Government established by law in British India, by a mere order of the Governor General in Council. Without giving the accused person any opportunity to have his say in the matter, without giving him an opportunity to face his accusers, to examine the evidence upon which they want that he should be condemned—the Governor General

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in Council will condemn him as a man who directly or indirectly advocates the overthrow by force or violence of the Government established by law in British India! Where is the justification for depriving a British subject of the protection of law which he at present enjoys in our country, and exposing him to this drastic executive action?

Sir, the second clause is not less important. It says: Any man who:

"seeks to foment or utilise industrial or agrarian disputes or other disputes of a like nature with the direct object of subverting organised government in British India"

will be dealt with under this Bill. The man is charged with a gross crime. Here again he is not given an opportunity of defending himself before judgment is passed against him.

Sir, it was said that this Bill is intended to apply only to British subjects and that therefore we, Indians, ought not to be very particular if the method is somewhat drastic. I repudiate the suggestion that we should be less concerned about the liberty of a fellow British subject, or of any fellow man than we are of our own countrymen. International Law provides that we should deal with the people of other States on the same civilised footing on which we deal with our own people. Professor Oppenheim Whewell, Professor of International Law in the University of Cambridge, rightly says at page 494 of Volume I of his book on International Law:

"Although aliens fall at once under the territorial supremacy of the State they enter, they remain, nevertheless, under the protection of their home State. By a universally recognised customary rule of the Law of Nations every State holds a right of protection over its citizens abroad, to which corresponds the duty of every State to treat foreigners on its territory with a certain consideration which will be discussed below."

Then he says:

"In consequence of the right of protection over its subjects abroad which every State enjoys, and the corresponding duty of every State to treat aliens on its territory with a certain consideration, an alien, provided he owns some nationality, cannot be outlawed in foreign countries, but must be afforded protection for his person and property. The home State of the alien has, by its right of protection, a claim upon such State as allows him to enter its territory that such protection shall be afforded, and it is no excuse that such State does not provide any protection whatever for its own subjects. In consequence thereof, every State is by the Law of Nations compelled to grant to aliens at least equality before the law with its citizens, as far as safety of person and property is concerned. An alien must in particular not be wronged in person or property by the officials and courts of a State. Thus, the police must not arrest him without just cause, custom-house officials must treat him civilly, courts of justice must treat him justly, and in accordance with the law. Corrupt administration of the law against natives is no excuse for the same against aliens, and no Government can cloak itself with the judgment of corrupt judges."

So clear is the authority against the principle of special abnormal legislation against our British fellow subjects coming to our country which the Honourable the Home Member asks us to accept. I submit that it is wrong to urge that because the Bill is directed against British subjects therefore we should examine it less critically than we would examine it if it was directed against our own countrymen. We claim that we

should all be treated as equal fellow subjects. Our English fellow subjects have proclaimed times without number that we are equal fellow-subjects. Where does the equality of our fellow-subjectship come when you treat two Britishers who come to this country in the manner in which you propose to treat them? You do not treat them, you dare not treat them in that way in your own country. But you wish to treat them in that way when they come to this country, by creating a special law to deal with them. I submit you are entirely in the wrong.

The provisions relating to the confiscation or control of monies are not less revolutionary. Under the existing law in India you cannot touch any man's money, except in accordance with the provisions of the law. Section 528 of the Criminal Procedure Code is one such provision. Under the law, as it stands, unless there has been a money decree or order of court passed against a man, you cannot touch any money he may have in bank or any where else. But you cannot show any provision of law in any civilised country by which you would confiscate a man's money in the manner in which you propose to do it here and if there be any such country, I refuse to follow the precedent of such a country. What do you propose to do here? Section 4 (a) says: "any monies, securities, goods or credits which have been or are about to be transmitted from any place outside British India to any place in British India by or on behalf of any such person as is described in sub-clause (a), (b) or (c)", etc., etc., may be forfeited by order of the Governor General in Council. That does not take note of the purpose for which the money may be sent. If the man who sends it holds certain extreme views, that taints the money which he sends to this country, even for an unexceptionable object. I ask my Honourable friends on the opposite benches to consider how ludicrous would be the position if a man sends money to this country for a charitable purpose and that money is brought within the operation of the proposed law. The money becomes tainted by the mere fact that the sender holds some extreme views and on that ground alone it becomes liable to be confiscated. How utterly ridiculous this is. It is no answer to tell us, as the Honourable Sir George Rainy, in his own excellent way, told us "This is a matter for the Select Committee. These are Select Committee points". With great deference, I submit that this is not a Select Committee point. It is a matter of principle. This constitutes a part of the basis of the Bill. The principles of the Bill must be discussed here, and accepted or rejected before the Bill is allowed to proceed to the Select Committee. I submit there is no justification for taking this power of confiscation. Let us now look at the second clause. Suppose an organisation such as is mentioned in the Bill sends money here. There is a strike going on and that organisation sends money to prevent the women and children of the workmen from suffering, distinctly ear-marked for that purpose. Will the Government be justified in confiscating that money? Nobody can say that every strike is wrong from beginning to end. You have had in your own country numerous strikes, great strikes, which have sometimes shaken the foundations of your industrial society, or at least threatened to do so. How did you settle them? You did not settle them by legislation of the kind that you propose here. You settled them with the help of your great national leaders, leaders of parties, and you settled them to the satisfaction of your own people and to the admiration of the world outside. Why can you not be satisfied with adopting the very same methods here? Why do you

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want such drastic power in your hands for the purpose? How ridiculous will be the position of confiscating any money simply because the man who remits it holds extreme views, is made clear by the fact that the speech of Mr. Saklatvala, which I quoted, would bring him under the provisions of this Bill if it ever became an Act. Mr. Saklatvala is a free man in free England. But if he sent any money to help his countrymen who might be on a strike, or for any other purpose, the money would be regarded as tainted and confiscated. Mr. Saklatvala does hold extreme communistic opinions. He does not conceal them. The Communist Party in England do not conceal their opinions and you do not penalise them for holding those opinions in England. How absurd that you should penalise them the moment any of their members comes over here, or remits any money to India. It has been said that the situation here is different. I will deal with that later on, but I wish to point out that no argument has yet been advanced, either by the Honourable the Home Member or, by any other Member speaking in support of the Bill, to justify the action which the Government propose to take, that is to condemn a man without trial or to confiscate or control certain monies. They have spoken of the evil incidents which have occurred during the last twelve months. We must judge the value of these incidents at their proper worth. None of those incidents mentioned by the Honourable the Home Member or by other speakers would justify the infliction of a wrong upon a fellow-subject. I am glad to note that the *Pioneer* received to-day supports my view. It says:

"It is fundamentally unfair to condemn any man without making him fully aware of the charge he has to face. It is not British justice to deport even a notorious communist unless the charge can be proved and the man in question has the fullest opportunity of answering."

I think every Englishman who is not committed to a particular view, and who is not bound by the traditions of official etiquette not to speak out his mind, and who loves liberty, would endorse that sentiment. At any rate that is the sentiment which we cherish. That is the sentiment that we stand for here.

It has been said that we should not show such extreme distrust of the Government as we do. Are we wrong in showing distrust of the Government? Have we not abundant testimony in the history of our country during the last four decades of glaring mistakes Government have made in exercising their discretionary executive power, in the wrongs they have committed upon Indians as well as on some of their own countrymen? Let me remind Members on the other side of a few facts. Regulation III of 1818 still exists on the Indian Statute-Book. Some would say that it still disgraces the Indian Statute-Book, but I will content myself by saying it still exists on the Indian Statute-Book. Will anybody deny that that Regulation was meant for troublous times, when the British power had not been consolidated, when it was having wars with Indian Princes and States? But that Regulation passed in 1818 having been allowed to remain in the Indian Statute-Book, the Government deported the Nattoo brothers under that Regulation in 1897. Under that Regulation in 1907, the Government deported our lamented friend Lala Lajpat Rai, about that time. Under that same Regulation they deported Mr. Aswini Kumar Dutt, and a number of other prominent men in Bengal. Under that Regulation the Government interned Dr. Annie Besant.

An Honourable Member: It was under the Defence of India Act.

Pandit Madan Mohan Malaviya: I am sorry. The Defence of India Act happened to be handy at that time. But if it did not exist, I venture to say that Government would not have hesitated for half a moment to use the Madras Regulation against Dr. Besant. Now, I ask—is that record such as to lead us to trust the Government with more executive power? Take another enactment—Act XIV of 1908. It was passed when anarchism was rampant in certain parts of Bengal. The first part was repealed some years ago, but the second part was allowed to continue. The Government deprived a large number of men of their liberty, declared the Congress Committee and the Congress volunteers as members of an unlawful assembly and sent the late Deshabandhu Das and many others in Bengal, the Honourable Pandit Motilal Nehru, and many others in the United Provinces, the late Lala Lajpat Rai and altogether about twenty-five thousand of my countrymen to prison under the provisions of that Act. That was the result of trusting the Government with greater executive powers. The sight of the instruments of evil has, in history, not often led to the evil being committed. If the Act did not exist, I do not think that Government would have thought of depriving so many of our innocent countrymen, the very best amongst us, of their liberty by the procedure which they followed. They ask us to trust them with more power on this record, with this history of the Government of India and of Local Government, with the history of the detention of so many of our countrymen in Bengal, against which this Assembly passed its condemnation and protest? You ask us to trust the Executive Government with greater powers? Are you right in doing so? Are you justified in doing so? I submit not. And if we refuse to accede to your request, you tell us that we are acting as irresponsible men. Does it lie in the mouth of such a Government to say that we are acting as irresponsible persons, if keenly realising our own responsibility we refuse to be a party to legislation which must be condemned by all right-minded men? Responsibility such as there exists in the Government of India to-day is divided between that side of the House and this side. I hope this will be conceded. When we were given power to put statutes on the Statute-Book by our votes, we were given the responsibility to try to prevent the Executive Government from falling into wrong courses. This responsibility we have exercised in the past, though unsuccessfully. This responsibility we propose to exercise today, and if we are still unsuccessful in doing it, if we still fail to save Government from adopting the perilous course which it proposes to adopt, surely the responsibility for it shall not lie on our shoulders?

It has been said, if you admit that we should combat communist propaganda of the wrong kind, will you leave the Government helpless in the face of the trouble that has arisen? What is the remedy for it that you suggest? That was what Sir Darcy Lindsay asked. The remedy we have suggested. We have said repeatedly that the existing law is sufficient to deal with the case. And what does the sum total of our contention on this head come to? We have shown to you that you have made a mistake and have done a wrong to yourself and to this Assembly, in badly mangling the piece of legislation which you have copied from the Immigration Acts of Australia and Canada. You have not copied it entire. You have eliminated some parts. You have not copied the vital portion which gives the person accused or intended to be proceeded against an opportunity to defend

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himself. I say you have done an injustice to yourselves and a wrong to this Assembly in mangling the provisions of those statutes. Those statutes clearly lay down that a man shall in the first instance be called upon to show cause before a magistrate why he should not be ordered to leave a country. You have substituted for that an order in the first instance, of the Governor General in Council condemning the man without giving him any opportunity to show such cause. You have substituted for it a procedure which does not give him a trial, not even the mockery of a trial, because I consider that the provision of an appeal to the Governor General in Council is to be heard by a Bench of three Judges appointed by the Governor General in Council, after he, the highest authority in India, has considered the case of the man and has thought it fit to pass an order against him, i.e., to ask three Judges called by the Government of India, to give their verdict as to whether that Government has acted correctly or incorrectly, is worse than a mockery of a trial. I ask you to consider if you are fair even to the Judges in doing so. Why can you not put a clean slate before the Judges to write upon? Why should you not be content to place the evidence you find against the man before the Judges? I have shown that the statutes you have copied from provide that all the evidence shall be available to the man who is accused. There is no such reservation as you propose as to any part of the evidence being treated as confidential. There is provision that a summary of all the evidence which has been given shall be recorded, and that the order shall be in writing. When that first magisterial authority has adjudicated upon a man's case, then only the provision for an appeal comes into operation, which is consistent with reason and with law as we understand it. You have put it entirely topsy-turvy and you ask us to support it. We cannot do so.

I now come to the question whether there is, under the existing law, any provision by which you can deal with such cases, and if there is not, what is the additional provision of law needed to enable you to deal with them? It is not for me, it is for the Honourable the Law Member and other legal advisers of the Government to say whether the existing law is sufficient or not. If they told this House that the existing law is not sufficient, and if they satisfied this House, I venture to think the House would consider any reasonable measure, as my Honourable friend Mr. Birla said in his speech, which may be necessary. But I submit the existing law is sufficient. There is such a chapter as Chapter V in the Indian Penal Code. That chapter is a chapter of abetments. It deals with cases of abetment, and there is another chapter which is called the chapter of offences against property. Now in that chapter of offences against property there are provisions which will apply to a man who advocates the unlawful destruction of property, or unlawful interference with the ownership of property. I submit that those two chapters contain provisions under which an offender can be brought to book and punished. As for the first portion of clause (a), I have already submitted that section 124(a) of the Indian Penal Code is ample to enable you to deal with a man who is directly or indirectly advocating the subversion of organised government by the use of force or violence. You must of course make a distinction between such a case and an advocacy for a change in the system of government, for everybody is free to preach a change in the system of government, and we hope to preach it again and again until we see that change introduced and established. But if anyone advocates the

use of force or violence to obtain that object he verily brings himself under the provisions of the existing law, and I submit that the Government should be content to use those provisions and not seek this extra judicial power. I do not think it necessary to take the House through the details of these provisions. They are well known to lawyers, and I am glad many lawyers are to be seen in this Assembly. But, I submit that the said provisions of the law are quite sufficient except to meet one case and that is a case where you want to proceed against a man merely because he happens to be a member of a society which holds certain views.

An Honourable Member: You may declare that society unlawful.

Pandit Madan Mohan Malaviya: I do not think there is any provision in the existing law to this effect:

"Where a man is a member of, or is acting in association with, any society or organisation, whether in British India or elsewhere, which advocates or encourages any such doctrine or activity as is described in sub-clause (a) or sub-clause (b) of this clause."

In my opinion no provision in the existing laws covers this, and I am glad it does not, because I submit with great respect that it is an outrageous thing to say that merely because a man is a member of or is acting in association with any society or organisation which advocates or encourages any such doctrine or activity as is described in clause 2, merely for the reason of his being a member that he should not be given an opportunity to defend himself or that justice should be denied to him. I ask Honourable Members, particularly the Honourable Member who interrupted me, to remember that I am not pleading here for any man who is found guilty of advocating the use of force or violence against established government or against life and property. I am not saying that such a man should be allowed to escape justice. All that I am pleading for is that he shall receive a trial and shall not be condemned without it. I submit therefore that the existing law is sufficient to deal with cases with which the Government may find it necessary to deal. Suppose a man does belong to one of these societies. These societies, as has already been pointed out by other speakers, preach many doctrines which have been preached from very ancient times. Unless a man does something which makes his action directly or indirectly illegal and unlawful, I submit he should be allowed to go on. The preaching of ordinary communistic doctrines, *viz.*, the promotion of the welfare of the common man, is not actionable and is not condemnable. This pamphlet to which I have once referred before contains extracts which show that there is a great deal of legitimate criticism in the vernacular press which the Honourable gentleman in charge of the Publicity Bureau is alarmed at. But no man with sufficient sense and sobriety should be alarmed at it. There is nothing surprising when some of these papers say that the existing industrial system is very bad and that it ought to be changed, that the existing system works mainly to the benefit of capital and that labour has to sweat every day without getting sufficient return. There is nothing in all these doctrines which need alarm us.

And here, I wish to ask what is it that has led to the present situation, and what is the present situation? Do my friends opposite deny that the condition of the agriculturist in this country as a whole is most lamentable? Do they deny that the man who tills the soil, who labours in season and

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out of season, in cold and rain, that that man does not get enough to maintain himself and his family? Is not the condition of the agriculturist taken as a whole a matter for deep shame and pain, to all of us, officials and non-officials? Dare anybody deny that the condition of a large body of these agriculturists is such as to expose us to the condemnation of every civilised Government? After 165 years of British rule, go to the Gorakhpur district, go to the other eastern districts of my province, you will find a large number of persons shivering in the cold, little children going about naked with little to protect themselves from cold. Go to many other parts of the country, you will find that cold nights are passed by many of our poor fellowmen sitting up because they cannot get sleep; and that because they have not got enough of clothes to protect themselves from cold. (Shame.) They do not get enough to eat. Their physique has deteriorated. They supply the food that you, and I, we all of us enjoy, but alas they do not get enough of that food for themselves. They do not get enough to clothe themselves, they have nothing for medical relief, they have nothing for the education of their children. That is their condition, the condition of 80 per cent. or so of the population of this country.

You talk of the condition of the industrialists. You are surprised that there should be riots. I am surprised that there were not riots much earlier and much greater in number. Let anybody go to Bombay. I have been to Bombay and I have seen the *chawls* where these industrialists live. I have seen the conditions under which they live. I have seen other places too. Will anybody say that the conditions under which these poor men, these industrialists live are quite satisfactory, that they do not need improvement and that the treatment which has been extended to them has been quite fair? I know there are millowners who treat their workers with great consideration. I honour them for it. To condemn all millowners would be to condemn oneself; but who among my millowner friends themselves will deny that there are millowners who do not look with sympathy, with that amount of sympathy and considerateness towards their workmen which they are entitled to expect from their employers.

Nawab Sir Sahibzada Abdul Qayyum: Then, why cannot they go to the capitalists themselves instead of their watchmen?

Pandit Madan Mohan Malaviya: The reason for that I will give. My Honourable friend knows that the Government, as it exists at present, has often blundered, and it blundered when it employed the poor Pathans who come here for trading purposes as watchmen. It has used the Pathans for purposes for which they should not have been used.

An Honourable Member: For terrorist purposes.

Another Honourable Member: I do not think the Government employs them at all.

Pandit Madan Mohan Malaviya: Who employed them in Bardoli? (Laughter.) It is not a pleasure to me. . . .

Nawab Sir Sahibzada Abdul Qayyum: It is the Bombay millowners who employ the Pathans.

Pandit Madan Mohan Malaviya: It is not a pleasure to me to say that the Government committed this mistake. I mention it more in sorrow than in anger. It is a matter of pain to think that Government should ever have employed these Pathans and set an example to the millowners to employ them in their mills. (Hear, hear.) You, my English friends, have educated your own people. You started with the Education Act in 1870 in England and you have educated your masters. Here in India you have been all this time spending money like water on anything that you decided to do. But you have spent very little money in educating the workmen and the agriculturists. You have left them in ignorance and you have therefore left them exposed to the evils of ignorance, to sin, to crime, to misery and to destitution. On the top of it you all employ these men who come across the frontier, who are even less educated than my own countrymen generally here, and therefore who have not all the considerateness which a man would show against his own fellow countrymen. You employ them against your own fellow subjects, and when they resent it you express surprise at it. In this case I say it with regret that the Government statement itself says that the Pathans were in the wrong, that they put themselves in the wrong—and when the people resented it, it led naturally to a conflict, and to regrettable loss of life and injury.

Nawab Sir Sahibzada Abdul Qaiyum: To protect capital they were put in the wrong. It was only to protect capital and capitalists.

Pandit Madan Mohan Malaviya: But the last report that you have seen says that the Commissioner of Police argued with them, but that they would not listen. I am sorry to say they began the aggression in this case.

Nawab Sir Sahibzada Abdul Qaiyum: Still the Government did not open fire on the 5,000 strikers, while they did open fire on a few Musalmans who had sympathised with them.

Pandit Madan Mohan Malaviya: I do not stand here to apologise for the Government. (Hear, hear.) If the Government committed a wrong against a single fellow man, Pathan or no Pathan, the Government are to blame for it. (Hear, hear.) The fact of a man being a Pathan does not make him less human than anyone else.

Mian Mohammad Shah Nawaz: Do you know that those who live on the Frontier and in British Baluchistan are our fellow-subjects as well?

Pandit Madan Mohan Malaviya: That is what I have said. They are our fellow-subjects and what is more they are fellowmen. Any wrong done to them or to any other man which is not justified by law is a wrong and I condemn it. My regret is that these men should have been employed at all where they were. I submit that uneducated as the workmen are, it is not to be wondered at if, after eight months of the stress of strike, when their liberty of action was interfered with by those who had power to do so, some of them lost their heads and committed wrongs which we all deplore and condemn. But I submit that the responsibility for the present state of things lies mainly upon the Government. It rests upon the Government, for they have not spread education sufficiently in this country, have not promoted more diversity of employment among the people, have not secured to them those moral and material advantages of enlightenment which were promised to them in the Educational Despatch of 1854, and which are secured to the people for whose welfare they are responsible by every civilised

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Government in the world; in short, because the Government have failed to discharge one of their primary duties to the people of this country.

In addition to that general charge which I level against the Government with much regret, but in all seriousness, I submit the Government have been guilty of an atrocious wrong which is largely responsible for the situation. The Honourable the Home Member said: "Look at what has happened during the last few months; when you think of what has happened, how can anybody refuse to support the Government in its attempt to deal with the situation?" But who created the situation, Sir? I say, the Government. Two years ago. . . . (Laughter from the Government Benches) Laugh you may, some of you, if that pleases you; but you will weep in sorrow if you understand what that laughter means. The Government is all powerful. It is not responsible to the people, it is not responsible to anybody. The Secretary of State sitting 8,000 miles away sends an order and the Governor General in Council acts upon it. That does not in practice make the Government responsible to anybody, not even to the British Government, much less to the people of India. This Government, in the teeth of the opposition of the elected representatives of the people in this Assembly, passed that wretched measure by which it placed the 1s. 6d. ratio on the Statute-Book. What has this meant, Sir? It had been predicted by Sir Purshotamdas Thakurdas in his minute of dissent that that measure would lead to disaster. In the evidence that had been given before the Royal Commission, it had been predicted that it would lead to strikes and that it would make the competition with foreign mills and manufacturers much more difficult. We here urged, Sir Purshotamdas Thakurdas urged and many others urged—and I am glad to think that among them were my Honourable friends Sir Victor Sassoon and Mr. Gavin-Jones—that the Government should not take that step. We pleaded in vain, all arguments were exhausted; but the obstinacy of the then Finance Member was not conquered. And what has happened? Everything has happened as it had been predicted. Sir Purshotamdas predicted that there would be strikes. He predicted that you would deplete your reserves and have to borrow on terms most unfavourable to India in order to prop up that ratio, and that it would most seriously injure Indian trade and industry. Has not all that happened? What is the result to-day? Yesterday my Honourable friend Mr. Gavin-Jones said that never in his life here in India had he known an year of greater depression in trade than the present one; and I am sure many Members of the European Group who are connected with business will endorse that statement of Mr. Gavin-Jones. Let me make another quotation from the *Pioneer*. This paper—you can not dismiss it as an irresponsible vernacular journal—under the heading "The 1s. 6d. rupee, and Sir George Schuster's Opportunity", which is an appeal to the new Finance Member to reconsider the question, says:

"As the result of the deliberate policy of his predecessor, Sir Basil Blackett, the peasantry of India are poorer to-day than they have ever been, the middle classes are groaning beneath increasing burdens and trade is hopelessly paralysed. When the other day we mentioned that this country was rendered poor by the British Government, we were further cogitating this matter. Since Sir Basil, by the help of spurious arguments by enlisting the dubious aid of un-understanding supporters and by availing himself of methods of canvassing which would have disgraced Tammany Hall at its worst, established the one and six-penny rupee, economic conditions in this country have gone from bad to worse. To-day the scandal is so great and glaring that it behoves every friend of India to speak out."

In another part of the same article the writer says:

"Never for over a generation has there been such a bad year in business; and everywhere the reason given is the same—the people of India cannot afford to buy. Even in quarters where Sir Basil received support, there is now resentment and criticism and complaint. The Blackett ratio has been tried; and the result is disaster."

An Honourable Member: What connection has it with the present question?

Pandit Madan Mohan Malaviya: Now, let me show to you what direct connection this has with the question before you. Says the writer in *The Pioneer*:

"Not only has the agriculturists' debt and land tax been increased by twelve and a half per cent., but his savings, mainly in silver and ornaments, have depreciated by a similar amount. How could it be otherwise? India's internal trade has from ten to fifteen times the volume of her international trade. It is useless, foolish and callous to say that what the cultivator has lost as an exporter he has gained as an importer. It is doubtful whether seven per cent. of India's total imports are consumed by the masses. The argument has been proved by time, and there still remains the unalterable proposition that the cultivator is entitled to get the fullest value on the commodities he exports; and no Government on earth has the right to gild its budget at his expense."

But he does not get it, and his impoverishment has meant the impoverishment of the whole country. The markets are stocked with goods, but the people have lost the capacity to buy them. But I have yet to explain the full tragedy of it all. Faced with foreign competition, the millowners of Bombay came to the Government protesting against that iniquitous injustice of the cotton excise duty. The Government appointed a Tariff Board. The Tariff Board recommended relief, but at the same time recommended that the Bombay millowner should try to economise his methods of production. The Bombay millowner set about trying to economise the cost of production. He made certain cuts, asked the workmen to work for longer hours, to give more work for the same wages. In some cases, the workmen refused. They struck work, and they continued to keep the strike on for so many months. What was the direct contribution of the Government in this situation? It had passed a law by which it gave a bonus of 12½ per cent. to Japanese manufacturers and a benefit of 12½ per cent. to English manufacturers. It had placed the Bombay millowner at that serious disadvantage in competing with Japan and England. He found himself non-plussed and unable to fight his competitors. Government told him: "We have given you relief in the shape of the abolition of the cotton excise duty, but you have not managed your business properly; you must improve." He tried to improve. On the one side you gave his competitor an advantage of 12½ per cent. over him; on the other side he was faced with workmen who demanded more wages and better terms. He found himself between the devil and the deep sea. You condemn the Bombay millowners. There may be Bombay millowners who are heartless and callous. I don't know. But I know there are many among them who are very fine men with sympathetic hearts for the working man and who have been anxiously trying to improve his condition. But I also know there are among them men who wanted to take advantage of the strike to save themselves from loss. Why did they want to do so? Because, owing to the effect of your legislation, they found themselves in that predicament. They did not show, in the first instance, any eagerness to make a settlement

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with the strikers. I was in Bombay in June. I myself tried to bring about an agreement between the two parties. I got a list of their grievances from the workers and showed it to the Bombay millowners. I discussed the matter with them, but while some were willing that the matter should be taken up and decided as early as possible, there were others who frankly said it was not to their disadvantage that the strike should continue. The Government has placed us in such a position, they said, that it is an advantage to the industry that the strike should continue, because if they continued to produce all they could, they would be working at a loss. Is it not the saddest commentary on the evils of the 1/6d. rupee—that whilst the Bombay mills were closed for so many months, the production of the remaining mills in the country and the imports from abroad did not find a sufficient number of purchasers? Has there been any period in the history of this country for the last fifty years, except during times of widespread famine, when fewer purchasers were found for cloth both imported and produced in this country? That has been the saddest part of the business. You have helped Japan, you have helped foreign importers, but you have hit your own men, the Bombay millowner among them. It is human and not unbusinesslike that he should try to take advantage of the situation. Not all of them can be expected to be so generous that they should sacrifice their own interest to the interest of the workers. But I submit that the strike should have been settled long ago. If we had a national Government, a Government responsible to the people, we would not have allowed that Government to continue its business from day to day if it did not use all its power and influence to bring about an early settlement between mill-owners and workers. How long does it take you to settle your great national strikes? Take the Coal Strike. How long did you take to settle the strike of the miners? What is His Royal Highness the Prince of Wales busy about now? The Bombay Government did not contribute its quota for many months and the situation therefore continued to get from bad to worse. And yet I ask every Member of the House to think how during these eight months since the trouble began, the workmen of Bombay acted with restraint. Except during this one month or a little more than a month, these Bombay workmen acted with patience and with restraint, trying to make a settlement through the leaders whom they had elected, and we had no cases of any violence or use of force. But if you try the patience of any individual or group of individuals too long, should you be surprised if, being human as you and I are, and less capable of restraint than you and I are, they should give way to the feelings and passions which hunger and uncomfortable conditions of life excite? I submit therefore that the responsibility for the present situation lies mainly upon the Government, and you must seek to correct the situation from that point of view. You may deport these two Englishmen, fellow-subjects of your own without trial, though I hope you won't—at least we won't help you to do it; but you will not be able to root out the ideas which have taken root in the country. There are many men in the country now who hold communistic ideas. I am willing to think that some of these preachers of communism have tried to lead and mislead people in accordance with their own doctrines. I am not surprised at it. If I were one of these workmen living in the conditions they are living in, God knows, how long I would have been able to resist the preachings and the teachings of those who told me that there would be a very great change for the better in my condition in life

if I continued to abstain from work. Do unto others as you would others do unto you. Your own great poet has said :

"Take physic pomp,
Expose thyself to feel what wretches feel,
And show the heavens more just."

Put yourself in their places. As Lord Morley once said, get into the skin of these men. He said that of us Indians. I ask you to put yourself into the skin of these workmen and to think what they think and try to understand what they feel.

Of course the situation requires to be cured. I am not for succumbing to it. I am not afraid that things will go half so wrong as the Honourable the Home Member is afraid they will. But the remedy lies in a different direction. The remedy lies in a direction of which nothing has been said from the Government Benches on this occasion. The present trouble in Bombay should be settled when the Fawcett Committee has reported. I have every hope that this present trouble will soon subside and that there will be a settlement which will endure for some time. It does not require any extraordinary legislation. The trouble in Calcutta also has subsided, and I hope there won't be a revival of it for some time. These, however, are symptoms. At the worst they are like carbuncles which occasionally appear in a man's constitution, but once they are cut out or subside, let us hope and pray there will be a flow of healthy blood and there will be peace and concord and goodwill all round. I do not apprehend that these troubles will spread and constitute a constant source of friction between labour and the millowners.

But these settlements will not improve the general situation. The general situation demands a different treatment. You have to deal with a larger problem there. Sir Denys Bray made a very friendly and kindly appeal to me to think of the interests of youth. Of course I am deeply interested in everything that concerns the youth of my country. I have tried to serve them in my own humble way for the last 50 years. But I wish to tell Sir Denys Bray and all other friends like him that the attitude of our youth towards the Government will depend not on the passing of this measure or its failure. It will depend on the measure of reforms which will be introduced in 1929 or 1930. And the reforms will not affect the minds of the youth alone. They will affect the minds of the general population of this country, of the peasants, of the agriculturists, of the labourers, of the workmen. You do not realise,—I am sorry to think my Honourable friends opposite do not realise—the depth of feeling which exists in the country now against the present system of government. Does anyone think it is a pleasure to us to be using our lungs constantly to condemn that system? It is not, but we feel it our duty to do so. And our regret is that in spite of all that we say, many of my Honourable friends on the opposite side do not yet take a correct view of the situation. The youth of the country have no faith left in the words of British statesmen. Their faith has been destroyed. Some of my friends here say "Nor have we". That is unfortunately true. A large number of our people, and their number is growing, have lost faith in the sincerity of the words of British statesmen. They have lost faith because decade after decade has passed and we have not seen that betterment of the condition of the people which we had a right to expect. We find that when it was high time, for you to introduce full responsible government in this country, your Government contented itself with sending out a Commission the

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constitution of which has been taken by the best minds of India all over the country as an insult to our intelligence and our patriotism. Instead of wasting time in inquiring how many primary and how many secondary schools there are in a particular province, and what grants are being given to girls' schools or to other schools here and there, instead of inquiring about all that which only adds to the evidence of the failure of the present system, the situation demanded and does demand that there should be a serious consideration of the large constitutional reform which we plead for. But you have refused to listen to us and you oppose us in every measure of national importance that comes up before the Assembly. There was the debate on the Skeen Committee; the recommendations of the Skeen Committee were unanimous and yet how did you deal with them? Did the Government accept our views? Most of us, I am sorry to say, have lost faith in the sincerity of the words of Government. (*An Honourable Member*: "Every one.") I am sorry to say that I also have come to believe that you do not mean all that you say. I have come to this sad conclusion; and if that is so, what do you expect us to do? Do you expect that we should let our youth continue to be ignorant of the political conditions, the degrading political conditions, under which we are living? Will you not, as Englishmen, expect that we should try to foster in them the patriotism which found a warm place in the breasts of Sivaji, of Guru Govind Singh and of Maharana Pratap? Do you not think that we should train them to think that, if they do not establish self-government in their own country, they do not deserve to be treated as men by their fellow-men any where in the world? Would you respect us if we allow this condition of things to continue? Would you not honour us if we tried our best to change this feeling and to create in the minds of every Indian—man, woman and child—the feeling that the existing system of government is not only detrimental to the interests of India but is a matter of great degradation to every Indian, also to create in his mind a desire that he should do everything that lies in his power legitimately to acquire full self-government for this country, as you have got it in your own country? That being my view, I am not afraid that some people should come and try to rouse our young men from apathy, to infuse some spirit into them. I assure Government and every one who is a genuine friend of India, that the youth of our country have a great deal more ballast in their judgment than you give them credit for. I should invite any of my friends to a debate on any public question at any university, and I am sure he will come away with the feeling that the youth of India give great promise for the future of our country. They are not out to destroy the organised system of government; what they want is that the present organised government should be replaced by a system of complete self-government, such as the Dominions of Canada enjoy. That is their objective. That is our objective. If you will not yield to this reasonable request, which is supported by leaders of all parties in India, you will create in its place a growing feeling that there should be a complete separation between England and India. That feeling nobody will be able to resist. The armaments that you possess, the military strength that you have, will be of no avail to you against this body of opinion in the country, except to destroy a few human lives here and there. You will be face to face with that opinion every day and it is high time you began to think seriously of the course you should adopt in order

to satisfy it. That opinion affects as I have said not merely the youth of the country; it affects the great mass of the people and rightly so. Why should we continue to live in the humiliating conditions under which we are living? Will any Englishman place his hand upon his heart and say that he really would respect us if we continued to live in the present condition and did not try our best in every legitimate way to establish complete self-government in our country?

We know that there are vested interests. We are willing that these vested interests should be safeguarded; we do not want to injure any fellow-subject; we desire that these questions should be discussed by our English fellow-subjects with us in a larger spirit, and that there should be a desire in them to understand the position of us Indians and to meet it. If the British Government will try to understand our wishes and to meet them, I say there is no danger so far as the country at large is concerned. If, on the other hand, the Government will try to adopt unnecessary repressive measures, such as the one before us, it will only make the situation worse, because let me tell the House that though the men against whom this Bill is directed are Englishmen, there is a great deal of sympathy with them among Indians on the ground that they, having come to India with, as the general public think, the idea of helping the Indian people, drastic steps are being wrongly taken to send them out of the country. To guard against the effect of such a feeling, what is the course that we have suggested? We have told you—every criticism that you have heard from this side of the House has indicated to you—that if you only decide to proceed according to the ordinary procedure of law, you will receive a large measure of support for a Bill duly drafted for the purpose. May I ask, why is it that the Honourable the Home Member and those who work with him stick so obstinately—if I may use this word—to the Bill that they have prepared? Do they realise that their insistence upon passing this measure as it is, in spite of all the criticism that has been levelled against it, is another cause which is stiffening our attitude against the Bill? We fail to realise why, when we are agreed about the object, namely, of providing a measure by which we shall keep out or send out those who come into this country with a view to preaching the use of force or violence to subvert organised government, etc., when at least many of us are agreed about that object, why we should not agree about the method that we should adopt to achieve it. What difference will it make to the Government if, instead of the Governor General in Council dealing with the papers of a Spratt or a Bradley or any other man like them, all the evidence against them is placed before a duly constituted magisterial authority and if he is asked to listen to the evidence and the arguments which the accused person may place before him and then pass an order as to whether he is to be removed or not? I should like yet to be enlightened on this point: I have sought this enlightenment in private: I have sought it in public. I shall still be grateful to be told what difference it will make to the Government if, before sending out a man against whom they have formed an opinion, under the provisions of this or any similar measure, in the first instance, instead of the Governor General in Council passing an order of removal against him, he is called upon to show cause before a magistrate why he should not be removed. (*Mr. K. Ahmed*: "That you have dealt with already.") I submit if that opportunity is given to the accused, Government will lose nothing. The man will not remain in the country if he cannot show proper cause; but he may be able to show cause and no final

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order may be passed against him. That is the main difference between the Government and many of us on this side. I submit, Sir, that it is a matter for deep regret that in this situation the Government should insist upon having the half pound of flesh and nothing less. I submit they passed one piece of legislation last year, the 1s. 6d. Ratio Bill, by means of which the *Pioneer* characterised in the strong words which I have already read. If they will attempt to pass this Bill by obtaining a majority of a few persons, I venture to say that they will not win; they will lose. They may place the Bill on the Statute-Book with the help of a few votes of persons who, when they accept a nomination or when they come here on the recommendation of a Local Government, feel that they are bound to vote with the Government but they have the solid phalanx of opinion of the popular parties against them. If in opposition to this opinion they will place this Bill on the Statute-Book, the responsibility will be theirs; the condemnation will not fall on our shoulders. They will be responsible before this country and before other civilized countries for having placed a piece of legislation on the Statute-Book against their own fellow subjects to prevent them from coming to India when they have not dared to pass any such legislation against them in their own country.

Mr. M. Webb (Bombay: Nominated Official): Sir, I move that the question be now put.

Mr. President: The question is that the question be now put.

The motion was adopted.

The Honourable Mr. J. Orerar (Home Member): Mr. President, the main subject matter of this Bill was the subject of a prolonged and exhaustive debate in the last session. It has again been the subject of a prolonged and exhaustive debate, and I feel that I should be trespassing unduly upon the patience of the House if I attempted, at this stage, at this advanced hour of the day, to traverse in detail everything that has been argued or contended in the debate. The main question which was before the House last Session, and which I placed before the House in making the motion which initiated this debate, is still the main question before the House; that is to say, Sir, the question whether or not the Government and the country are confronted with a grave and serious situation in respect of which it is necessary that special, though I hope it is possible that they may be temporary and terminable, measures should be adopted.

Now, Sir, that a situation of that gravity exists was not, with few exceptions, challenged or contested in any part of the House,—with few exceptions, I say, and I propose to deal with them briefly later.

The Honourable and learned Pandit opposite, in his long and careful examination of the Bill, did not himself deny the major premise on which I based my arguments. Well, Sir, I say that that is on every ground, in every respect, by far the most important practical issue before the House; and the further question is in what manner does this House propose to deal with it. I said that if the House was prepared to confer upon Government the powers which are detailed in this Bill, that it was their hope that, combined with the use of the ordinary law, it would be possible, by this means, for this dangerous movement to be brought under control. I trust, Sir, that eventualities will enable that hope to be fulfilled, but it is of

course impossible for me to prophesy. I hope also,—and this is my present appeal to the House,—that it will do, on its part, that part which is necessary to enable that hope to have some prospects of fulfilment. I contend, Sir, that no serious attempt has been made (*Several Honourable Members from the Swarajist Benches*: “Question”), to challenge my statement that the Government and the country are confronted with a grave situation, (*Honourable Members from the Swarajist Benches*: “Question, question; nobody has admitted it”), which requires special measures to deal with it. (*An Honourable Member*: “You have not proved it.”) It is true that Diwan Chaman Lall’s is one of the dissentient voices. He upbraided me, as I understood him to say, for the fact that the prophecy which I was alleged to have made in the last session of the complete destruction of society had not yet eventuated. Now, Sir, apart from the fact that I never made any such prophecy,—I indicated to the House, I urged very strongly, that if a movement of that kind were allowed to continue, unchecked, those consequences might ultimately be entailed, but I did not prophesy it as a matter likely to happen in two or three months,—it would be no satisfaction to me, if I had been a witness of such a cataclysm, to be able to say to Diwan Chaman Lall, and his friends “I told you so”. In short, Sir, if this House were not prepared to accept any evidence except the accomplished fact, its purpose of its existence, the responsibility imposed upon it, would be completely frustrated.

I was told that communism after all was a perfectly harmless thing. The Honourable and learned Pandit, who has just resumed his seat, pointed out to us that there was one aspect of communism which was harmless, but the whole point of my case was that Government did not propose themselves to proceed, they did not ask the House to proceed, against communism which was merely an opinion but against something very different,—against communism in action.

Pandit Madan Mohan Malaviya: That is not the Bill.

The Honourable Mr. J. Orerar: It was suggested to me that in England communism was regarded merely as a harmless and indeed perhaps a rather amusing aberration of some limited forms of public opinion and indeed that it forms a recognised branch of one of the great constitutional parties in England, the Labour Party. I very much doubt, Sir, whether that is an accurate statement of fact. Unless I am much mistaken, it was only last September, at a very important meeting of the British Trade Union Congress, a Resolution was passed by an overwhelming majority to the effect that trade unionism in England should be purged of communism. (Cheers.) And indeed, Sir, if the report which has recently appeared in the Press is true, the leader of the Labour Party in England has expressed himself quite recently in no uncertain terms. Writing in the British Labour organ, *Forward*, Mr. Ramsay MacDonald dealt at some length with the subject and he concluded apparently by saying, “Monkeying with revolution at a safe distance is not the sort of thing in which we should indulge. The Labour policy is altogether different.” (Cheers from Government Benches).

I maintain that the situation which the House has to deal with is an extremely grave one. The Honourable and learned Pandit, dealing with what perhaps was not an immediate issue, but nevertheless, a very important issue, spoke of the policy of the Congress Party. He said that the

[Mr. J. Crerar.]

policy of the Congress Party was to subvert the existing form of Government, but he added that that policy distinctly eschewed violence. He said, however, that it intended to resort to non-co-operation. I note that statement of the Honourable and learned Pandit and am prepared to accept it as on his part sincere, that the policy of his Party eschews violence. But when I recall, as I am sure the House will also recall, what were the violent consequences a few years ago of the adoption of non-co-operation, I regard the Honourable and learned Pandit's corollary to his main proposition as one by no means auspicious. (*An Honourable Member*: "To whom?")

Now, Sir, as regards what has fallen from the Honourable Pandit Madan Mohan Malaviya, it is impossible for me to follow his very extensive and very discursive argument with any particularity. He spoke at great length about the failure of the Government to adopt remedial measures. He said that that aspect of the question has been completely ignored by the Government in dealing with this measure. Sir, I venture to recall to Pandit Madan Mohan Malaviya's memory that I did not fail to deal with this important question in my initial speech. I recognised, as he himself now so strongly urged, that the radical and the permanent remedy of the kind of discontents on which communism finds an easy foundation to build is not, in point of fact, the remedy which this Bill purports to achieve. I pointed out then, and I venture to repeat it now, that the rectification of every abuse, of every form of grievance, must necessarily be the work of time. Nor indeed can it be solely—as the Honourable Pandit appeared to contend, and as I myself at an earlier stage pointed out was frequently the argument directed against the Government—it cannot be wholly and solely carried out by Government. It must be a great work carried out by the co-operation of Government, of the Legislature, of every authority in the land and of every grade of society. I pointed out that remedial measures were necessarily slow, but the evil against which this Bill is directed is rapid in operation and demands equally rapid measures to counteract it.

Now, Sir, it is impossible for me to deal in detail with the various criticisms which have been made upon the details of the Bill. Indeed, I doubt whether, moving the motion which I have moved, I should be in any way justified in doing so. But I venture to point out that, while most of the arguments object to this Bill as being in contravention of the normal principles of judicial procedure, that contention overlooks the fact that this is a measure intended to deal with a very particular emergency, and that it is hoped that it may be temporary in operation.

Reference has very frequently been made in the course of this debate to Regulation III and other Regulations. I fear that I should weary the House if I reiterated again the answer to that contention which I have had frequently to make. Regulation III does not allow Government, does not empower Government to do what is the express purpose of this Bill, namely, to get rid of external subversive elements. But, Sir, I am not entirely discontent that the question of those Regulations should have been raised, and that the former debates regarding them should have been recalled, and for this reason. On almost every occasion on which those and other special enactments have been referred to, Government have received the reply: "If you are confronted with any emergency, if you are confronted with any serious state of affairs which requires special powers, come to us and we will give them." Sir, I contend that I have established a

case of a very grave and very dangerous situation which demands special powers, and I urge Honourable Members who have previously indicated a willingness, in the circumstances, to grant us special powers to give effect to what they promised.

Mr. Jamnadas M. Mehta (Bombay City: Non-Muhammadian Urban): That is not a fair construction to place on our promise.

The Honourable Mr. J. Crerar: That the present condition of affairs is grave, as I said, has not been seriously contended, and that it is deteriorating no one who has examined the reports of recent grave events in Bombay will be inclined to question. The reports which have appeared in the Press of a most serious and alarming state of affairs have unfortunately been confirmed in substance by the official telegrams which we have received.

An Honourable Member: What has that to do with this?

Nawab Sir Sahibzada Abdul Qaiyum: What is the use of sharpening the weapons when you cannot use them?

The Honourable Mr. J. Crerar: I say the situation which has been reported in the Press as existing in Bombay has unfortunately received only too much confirmation in our official telegrams on the subject.

Mr. T. C. Goswami (Calcutta Suburbs: Non-Muhammadian Urban): Is that due to communism?

The Honourable Mr. J. Crerar: Now, Sir, whether these unfortunate disturbances, which are still continuing were due merely to some temporary cause, such as an unreasoning panic—whether that was the true proximate cause of these disturbances or not, is a matter on which at the present moment, on my present information, I should not be prepared to hazard an opinion.

Mr. N. C. Chunder (Calcutta: Non-Muhammadian Urban): Did not a thing like this happen in Calcutta some years ago?

The Honourable Mr. J. Crerar: But that, Sir, is not the fundamentally important point. The situation which has developed in this alarming way is in my judgment due to the fact that, for all these months, the most sedulous attempts have been made to collect every conceivable source of grievance and to create an atmosphere which any single spark might light into conflagration. Sir, I venture to impress very strongly upon the attention of the House that, if these recent disturbances are due to a purely casual rumour, that circumstance in itself emphasises the extent and the gravity of the danger. For, if it is possible to create in the great industrial centres and elsewhere throughout India an atmosphere which is ready at any spark, on any occurrence, however fortuitous, to explode or become a conflagration, then, Sir, the danger is even greater than I have yet represented it. And surely the House would be well advised to take this into account. If the materials for disturbances of this character are effectively disseminated throughout India, it is far more probable that the ultimate conflagration will be caused by those who intentionally created them for their own ends. It is in the light of the grave and alarming intelligence which we have just received from Bombay and which emphasises in the most tragic manner the significance of other similar events, though on a smaller scale which have been repeatedly reported during the last two months, that I ask this House to give its judgment upon my motion.

Mr. President: The original motion was:

"That the Bill to check the dissemination in British India from other countries of certain forms of propaganda, be referred to a Select Committee consisting of Sir Darcy Lindsay, Sir Victor Sassoon, Nawab Sir Sahibzada Abdul Qaiyum, Rai Bahadur Tarit Bhusan Roy, Mr. K. C. Roy, Mr. Fazal Ibrahim Rahimtulla and the Mover, with instructions to report on or before the 28th February, 1929, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

Since which the following amendment has been moved:

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

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

The motion was negatived.

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

"That the Bill to check the dissemination in British India from other countries of certain forms of propaganda, be referred to a Select Committee consisting of Sir Darcy Lindsay, Sir Victor Sassoon, Nawab Sir Sahibzada Abdul Qaiyum, Rai Bahadur Tarit Bhusan Roy, Mr. K. C. Roy, Mr. Fazal Ibrahim Rahimtulla and the Mover, with instructions to report on or before the 28th February, 1929, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

The Assembly divided.

AYES—61.

Abdoola Haroon, Haji.	Lall, Mr. S.
Abdul Aziz, Khan Bahadur Mian.	Lamb, Mr. W. S.
Abdul Qaiyum, Nawab Sir Sahibzada.	Lindsay, Sir Darcy.
Abdullah Haji Kasim, Khan Bahadur Haji.	Mitra, The Honourable Sir Bhupendra Nath.
Ahmed, Mr. K.	Mohammad Ismail Khan, Haji Chaudhury.
Alexander, Mr. William.	Moore, Mr. Arthur.
Allison, Mr. F. W.	Mukharji, Rai Bahadur A. K.
Anwar-ul-Azim, Mr.	Mukherjee, Mr. S. C.
Ashrafuddin Ahmed, Khan Bahadur Nawabzada Sayid.	Parsons, Mr. A. A. Lr
Bajpai, Mr. G. S.	Rafique, Mr. Muhammad.
Bower, Mr. E. H. M.	Rahimtulla, Mr. Fazal Ibrahim.
Bray, Sir Denys.	Rainy, The Honourable Sir George.
Chalmers, Mr. T. A.	Rajan Bakhsh Shah, Khan Bahadur Makhidum Syed.
Chatterjee, the Revd. J. C.	Rao, Mr. V. Panduranga.
Coatman, Mr. J.	Row, Mr. K. Sanjiva.
Cocks, Mr. H. G.	Roy, Mr. K. C.
Cosgrave, Mr. W. A.	Roy, Rai Bahadur Tarit Bhusan.
Crawford, Colonel J. D.	Sams, Mr. H. A.
Crerar, The Honourable Mr. J.	Sassoon, Sir Victor.
Dakhan, Mr. W. M. P. Ghulam Kadir Khan.	Schuster, The Honourable Sir George.
Dalal, Sardar Sir Bomanji.	Shah Nawaz, Mian Mohammad.
French, Mr. J. C.	Shillidy, Mr. J. A.
Gavin-Jones, Mr. T.	Simpson, Sir James.
Ghazanfar Ali Khan, Mr.	Singh, Rai Bahadur S. N.
Graham, Mr. L.	Singh, Raja Raghunandan Prasad.
Hira Singh, Brar, Sardar Bahadur, Honorary Captain.	Stevenson, Mr. H. L.
Hyder, Dr. L. K.	Svkes, Mr. E. F.
Ismail Khan, Mr. Muhammad.	Webb, Mr. M.
Jawahir Singh, Sardar Bahadur Sardar.	Yakub, Maulvi Muhammad.
Keane, Mr. M.	Yamin Khan, Mr. Muhammad.
	Young, Mr. G. M.

NOES—50.

Abdul Matin Chaudhury, Maulvi.
 Aney, Mr. M. S.
 Ayyangar, Mr. M. S. Sesha.
 Badi-uz-Zaman, Maulvi.
 Belvi, Mr. D. V.
 Bhargava, Pandit Thakur Das.
 Birla, Mr. Ghanshyam Das.
 Chaman Lall, Diwan.
 Chetty, Mr. R. K. Shanmukham.
 Chunder, Mr. N. C.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Dutt, Mr. Amar Nath.
 Goswami, Mr. T. C.
 Haji, Mr. Sarabhai Nemchand.
 Hans Raj, Lala.
 Iswar Saran, Munshi.
 Iyengar, Mr. A. Rangaswami.
 Jayakar, Mr. M. R.
 Jogiah, Mr. V. V.
 Kelkar, Mr. N. C.
 Kidwai, Mr. Rafi Ahmad.
 Kunzru, Pandit Hirday Nath.
 Lahiri Chaudhury, Mr. D. K.
 Lalchand Navalrai, Mr.
 Malaviya, Pandit Madan Mohan.

Mehta, Mr. Jannadas M.
 Misra, Mr. Dwarka Prasad.
 Mitra, Mr. S. C.
 Moonje, Dr. B. S.
 Mukhtar Singh, Mr.
 Murtuza Saheb Bahadur, Maulvi
 Sayyid.
 Naidu, Mr. B. P.
 Nehru, Pandit Motilal.
 Neogy, Mr. K. C.
 Pandya, Mr. Vidya Sagar.
 Purshotamdas Thakurdas, Sir.
 Rang Behari Lal, Lala.
 Ranga Iyer, Mr. C. S.
 Rao, Mr. G. Sarvotham.
 Shafee, Maulvi Mohammad.
 Shervani, Mr. T. A. K.
 Siddiqi, Mr. Abdul Qadir.
 Singh, Kumar Rananjaya.
 Singh, Mr. Gaya Prasad.
 Singh, Mr. Narayan Prasad.
 Singh, Mr. Ram Narayan.
 Sinha, Kumar Ganganand.
 Sinha, Mr. Rajivaranjan Prasad.
 Sinha, Mr. Siddheswar.

The motion was adopted.

(Cries of "Shame, shame" from Opposition Benches.)

The Assembly then adjourned till Eleven of the Clock on Monday, the 11th February, 1929.