

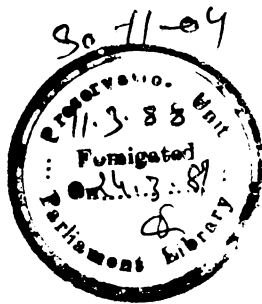
Tuesday, 15th March, 1932

**THE
COUNCIL OF STATE DEBATES**

VOLUME I, 1932

(25th February to 6th April, 1932)

**THIRD SESSION
OF THE
THIRD COUNCIL OF STATE, 1932**



**CALCUTTA : GOVERNMENT OF INDIA
CENTRAL PUBLICATION BRANCH
1932**

CONTENTS.

	PAGES.
Thursday, 25th February, 1932—	
Members Sworn	1
Death of Sir Muhammad Shafi	1—3
Questions and Answers	3—16
Messsages from His Excellency the Governor General	16—17
Committee on Petitions	17
Bills passed by the Legislative Assembly laid on the table	17
Code of Civil Procedure (Amendment) Bill—Introduced	18
Motion for the election of four non-official Members to the Standing Committee on Emigration—Adopted	18
Motion for the election of three Members to the Standing Committee on Roads—Adopted	18
Presentation of the Railway Budget	19—26
Congratulations to recipients of Honours	26
Saturday, 27th February, 1932—	
Questions and Answers	27—33
General Discussion of the Railway Budget	33—47
Elections to the Standing Committee on Emigration	47
Monday, 29th February, 1932—	
Members Sworn	49
Questions and Answers	49—51
Indian Partnership Bill—Considered and passed	52—60
Indian Companies (Supplementary Amendment) Bill—Considered and passed	61
Employers and Workmen (Disputes) Repealing Bill—Considered and passed	61—62
Wheat Import Duty (Extending) Bill—Considered and passed	62—63
Indian Finance (Supplementary and Extending) Amendment Bill—Considered and passed	63—64
Code of Civil Procedure (Amendment) Bill—Considered and passed	64
Wire and Wire Nail Industry (Protection) Bill—Considered and passed	65—67
Tuesday, 1st March, 1932—	
Questions and Answers	69—76
Resolution <i>re</i> Immediate introduction of provincial autonomy—Negatived	77—109
Resolution <i>re</i> Training of young scions of the houses of sardars, jahagirdars, inamdars, etc., for military service—Withdrawn	110—114
Resolution <i>re</i> Decrees passed by courts for interest—Withdrawn	115—119
Resolution <i>re</i> Repeal of the Child Marriage Restraint Act—Negatived	119—124
Wednesday, 2nd March, 1932—	
Bamboo Paper Industry (Protection) Bill—Considered and passed	125—130
Resolution <i>re</i> Hours of work in coal mines—Adopted	131—132

Thursday, 3rd March, 1932—

Questions and Answers	133—141
Resolution <i>re</i> Payment of gratuities to the families of Government servants who die before retirement—Withdrawn	141—145
Resolution <i>re</i> Appointment of a committee to advise on legislation affecting the personal and customary law of the Hindus—Withdrawn	145—150
Resolution <i>re</i> Education in the North-West Frontier Province and Baluchistan—Withdrawn	151—154

Monday, 7th March, 1932—

Questions and Answers	155—156
Nominations for election to the Standing Committee for Roads	156
Motion for the election of six non-official Members to the Central Advisory Council for Railways—Adopted	156
Presentation of the General Budget for 1932-33	157—165

Tuesday, 8th March, 1932—

Resolution <i>re</i> Purchase of all distress gold being exported to foreign countries—Negatived	167—179
Resolution <i>re</i> Mural decorations by Indian artists to Government buildings at New Delhi and India House, London—Withdrawn	179—192
Resolution <i>re</i> Separation of the Telugu districts of the Madras Presidency into a separate province—Withdrawn	192—197
Statement of Business	197

Friday, 11th March, 1932—

General Discussion of the General Budget	199—227
Public Suits Validation Bill—Introduced	227
Date for the election of six Members to the Central Advisory Council for Railways	227—228

Monday, 14th March, 1932—

Statement <i>re</i> Draft Convention and Recommendations concerning the protection against accidents of workers employed in loading or unloading ships adopted by the International Labour Conference at its Twelfth Session held in 1929	229—230
Motion for the election of two non-official Members to the Standing Committee to advise on subjects, other than "Indians Overseas—Emigration" and "Haj Pilgrimage," dealt with in the Department of Education, Health and Lands—Adopted	230
Public Suits Validation Bill—Considered and passed	230—231
Election of three Members to the Standing Committee for Roads	231
Resolution <i>re</i> Levy of income-tax on all pensions and compassionate allowances paid outside India—Negatived	231—236
Resolution <i>re</i> Levy of stamp duty on cheques drawn on banks and bankers in India—Withdrawn	237—238
Statement of Business	238

Tuesday, 15th March, 1932—

Resolution <i>re</i> Procedure to be followed in dealing with the civil disobedience movement—Withdrawn	239—266
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	PAGES.
Thursday, 17th March, 1932—	
Indian Life Assurance Companies (Amendment) Bill—Introduced	267
Resolution <i>re</i> Amendment of the Presidency Small Causes Courts Act—Withdrawn	267—271
Election of two non-official Members to the Standing Committee for the Department of Education, Health and Lands	271
Ballot for the election of six non-official Members to the Central Advisory Council for Railways	271
Thursday, 24th March, 1932—	
Members Sworn	273
Questions and Answers	273—276
Bill passed by the Legislative Assembly laid on the table	277
Statement (laid on the table) <i>re</i> Commercial Treaties and Notes affecting India	277
Resolution <i>re</i> Amendment of the Resolution on Roads adopted by the Council on the 4th March, 1930—Adopted	277—278
Resolution <i>re</i> Increased import duties on galvanized iron and steel pipes and sheets—Adopted	278—280
Statement of Business	280
Wednesday, 30th March, 1932—	
Member Sworn	281
Death of Mr. K. V. Rangaswamy Aiyangar	281—283
Salt Additional Import Duty (Extending) Bill—Considered and passed	283—288
Friday, 1st April, 1932—	
Bill passed by the Legislative Assembly laid on the table	289
Monday, 4th April, 1932—	
Bills passed by the Legislative Assembly laid on the table	291
Bengal Criminal Law Amendment (Supplementary) Bill—Not concluded	291—316
Tuesday, 5th April, 1932—	
Member Sworn	317
Short Notice Questions and Answers	317—318
Bills passed by the Legislative Assembly laid on the table	318
Message from the Legislative Assembly	318
Statement <i>re</i> Working of the Cape Town Agreement of 1927	318—329
Bengal Criminal Law Amendment (Supplementary) Bill—Considered and passed	330—336
Wednesday, 6th April, 1932—	
Member Sworn	337
Messages from the Legislative Assembly	337
Foreign Relations Bill—Considered and passed	337—340
Sugar Industry (Protection) Bill—Considered and passed	341—351
Indian Air Force Bill—Considered and passed	351—355
Indian Tariff (Wireless Broadcasting) Amendment Bill—Considered and passed	355—357

COUNCIL OF STATE.

Tuesday, 15th March, 1932.

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

THE HONOURABLE THE PRESIDENT: The Honourable Mr. Abu Abdullah Syed Hussain Imam.

(Motion* not moved as the Honourable Member was absent.)

RESOLUTION *RE* PROCEDURE TO BE FOLLOWED IN DEALING WITH THE CIVIL DISOBEDIENCE MOVEMENT.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (United Provinces Northern : Non-Muhammadan) : Sir, I beg to move the following Resolution :

"This Council recommends to the Governor General in Council to be pleased to see that in dealing with the present civil disobedience movement Government observe the following points :

- (i) that the special emergency powers which Government have assumed by means of Ordinances should be exercised with the utmost moderation and restraint so as to minimise the chances of abuse of powers on the part of Government's agents,
- (ii) that no methods of violence should be employed against the civil resisters except the use of minimum force necessary for the dispersal of an assembly declared unlawful and commanded to disperse which after such command has conducted itself in such a manner as to show a determination not to disperse, and
- (iii) that persons convicted of non-violent political offences should invariably be accorded special treatment in jails."

Sir, let me state at the outset that I am a moderate and believe in constitutional methods for the attainment of our political emancipation and have absolutely no faith in unconstitutional methods or direct action and consequently no sympathy with the civil disobedience movement. And in stating this viewpoint, I think I am voicing the feelings of almost the entire House. Sir, I also believe in the maintenance of the British connection with India and hold that the two countries, namely, England and India, whose destiny Providence has cast together can better prosper by continued close association with each other, and I therefore wish that the bonds of friendship between the two countries may grow stronger to the mutual benefit of both of them. And it is with this view that I have thought it fit to bring forward this Resolution to-day. But, Sir, while I strongly believe in what I have enunciated above I,

*"This Council recommends to the Governor General in Council that a Committee of three non-official Members of this Council and two officials be formed to prepare the counter-claim of India on the War Office."

[Rai Bahadur Lala Jagdish Prasad.]

at the same time, hold fast to two propositions. One is, that I do not believe that that section of my countrymen which believes in the policy of non-violent civil disobedience, however misguided its activities may be, is prompted by other than the best of intentions and guided by other than patriotic motives. There may be differences between their views and ours, but for that reason we should not be uncharitable to them. Of course the above creed should be distinguished from the creed of violence and terrorism for which no sane person has anything but the severest condemnation to offer. The second is that in spite of my faith in the good qualities of the British, I do not believe that the British Government is infallible, that it can do no wrong; but, on the other hand, I believe that the Government like all other human institutions is liable to err, and that it can certainly make mistakes.

Now, Sir, having made my views clear to the House I come to the political situation prevailing in India at the present day, a resumé of which I think is necessary for the purposes of my Resolution. In this connection I will mostly confine myself to a short narrative of the happenings in India during the last three or four months and will only briefly refer to the political history through which the country passed about a year ago. Last year about this time saw the suspension of the civil disobedience campaign that had been launched by the Congress and after the campaign had been in operation for many months, and this end of the campaign was the result of the well-known settlement arrived at between the premier citizen of India—Mahatma Gandhi—and the head of the Government of India at that time, *viz.*, Lord Irwin. As a result of that pact, the Congress called off the civil disobedience movement, and later Mahatma Gandhi was enabled to attend the Second Session of the Round Table Conference in London last autumn. But during the absence of Mahatma Gandhi from India the Congress launched upon the ill-advised no-rent campaign in the United Provinces which of course was the biggest blunder on the part of the Congress and which was strongly disapproved by a section of Congressmen themselves. One important result of this campaign was that it aroused grave doubts as regards the real Congress objective, among the propertied classes not only in the United Provinces but practically all over the country. It immensely weakened the position of the Congress and lost it many influential sympathisers. Meanwhile, the Government promulgated a number of Ordinances. But, on his return to India, Mahatma Gandhi stated publicly that he was anxious to co-operate with the Government and sought with the approval of the Congress Working Committee an interview with His Excellency the Viceroy so as, in the Mahatma's own words, to receive guidance from the Viceroy as to the course the Mahatma was to pursue in advising the Congress. But the interview was virtually declined to Mahatma Gandhi. This action of the head of the Government of India was resented by the impartial public and rightly alienated the public sympathy from the Government as the Indian public believed and still believe that had the interview taken place there was every probability of a *via media* being found between the two great men of India and England, as, at the time, Mahatma Gandhi appeared to be very anxious not to revive the civil disobedience movement, if he could help it, and thus wanted to avoid a conflict between the Congress and the Government. Thus, while the Congress is rightly blamed for starting the no-rent campaign while Mahatma Gandhi was out of India, the Government of India is equally blamed, and, perhaps, to a greater extent, for deliberately losing a splendid opportunity which would have resulted in easing the situation. This, Sir, was both preceded and followed by the promulgation of one Ordinance after

the other, of which the result is what we find to-day so far as the Indian political situation is concerned. The greatest Indian living soon found his way to the prison followed by thousands of Congress workers. But that is not all. These Ordinances have armed the executive with such drastic and unlimited powers that, Sir, you and I who have got nothing to do with the civil disobedience movement, every member of a peaceful community, however detached and unconnected with the political movement, stands in jeopardy of his liberty and life. The executive enjoy the power of seizure of person and property, with no chance of the subject obtaining relief in the ordinary courts of law to which every citizen of the Empire is entitled. In a section of one of the Ordinances is laid down that :

“ If any young person under 16 is convicted of an offence under the Ordinance or of an offence which in the opinion of the court has been committed in furtherance of a movement prejudicial to the public safety or peace and such young person is sentenced to pay a fine, the court may order that the fine shall be paid by the parent or guardian of such young person as if it had been a fine imposed upon the parent or guardian ”.

But it does not stop here. In any such case the court may direct by its order that in default of the payment of the fine by the parent or guardian, the parent or guardian shall suffer imprisonment, as if the parent or guardian had himself been convicted of the offence for which the young person was convicted. That, I submit, is the position into which these Ordinances have launched even law-abiding peaceful citizens. Is there any wonder then that all right-minded people demand of the Government of India that these Ordinances, if they are to cope with an emergency which is still in sight and is likely to continue, should be brought before the Indian Legislature so that the Legislature may review and consider them and give the Government of India such power as the Legislature might think fit ? And, Sir, although I have made no such demand in my Resolution I make bold to say that I am not in any way wanting in a desire of that nature but share the view that the Government should bring these Ordinances before the Legislature for the latter's decision with regard to them. But, Sir, although I am of this opinion and am no defender of the Ordinances, if I have confined my Resolution to the terms in which I have moved it it is because I take this view of the whole thing that if the Ordinances were to stand in their present form without the Government of India obtaining the decision of the Legislature in respect of them in response to Indian public opinion then the least that the Government should do is to see that the powers with which the Ordinances vest the executive are exercised with the utmost moderation and restraint so as to minimise the chances of abuse of powers on the part of Government's agents. I believe, Sir, that this is a proposition which every fair-minded person will readily endorse and this therefore is what I have recommended in the first part of my Resolution. Sir, the necessity of my laying stress on this point arises from the fact that the experience of the working of these Ordinances gained during the short period that they have been in operation has been that these Ordinances have not always been administered by the Government's agents with due moderation and restraint, as can be proved by a number of instances still fresh in the public mind, in which these extraordinary powers have been, so to say, abused by the executive. With your permission, Sir, I shall quote a few instances in support of my point.

Sir, the incident of Dr. Paton of Madras is still fresh in the public mind. Dr. Paton is said to be a missionary gentleman coming from England who is a humane worker in the villages of Madras. He is not a Congressman, so far as my information goes. He is reported to have gone to Madras to see for himself how picketing was going on there. And what happened to him ? As Dr.

[Rai Bahadur Lala Jagdish Prasad.]

Paton was walking he was accosted by the police sergeants and was beaten. Beaten, he walked home lame. Then the next day, it is said, a false case was foisted upon him before the magistrate which was afterwards withdrawn. If such a thing could happen to a European British subject in this country and that goes unpunished, the House can well imagine what can happen to poor Indians. Then, Sir, there is the well-known *thali* (or *mangal sutra*) incident that took place in Malabar. The *thali* is, so far as my information goes, considered so sacred in the South even by professional robbers that they consider it part of their code of honour not to deprive a woman of the *thali* even when they denude her in the house of everything she possesses. Yet, Sir, this is what is reported to have actually happened. A married woman was deprived of her *thali* by a Government officer as a part of seizure of her belongings. And *thali* is a thing which is held so sacred that it is removed from the person of a woman only when she is so unfortunate as to lose her husband. Is this, Sir, an exercise of the powers by the executive with moderation and restraint? Let us now turn our attention to a case in Bengal which was recited by Mr. K. C. Neogy in the Legislative Assembly last month. It is said that there was a police raid at night in the house of one Rai Bahadur G. C. Nag, a retired Deputy Collector of Dacca and an ex-M. L. A. The armed policemen were said to have been led by a European officer. Mr. Nag was roused from his sleep and was grossly abused by the European police officer and insulted apparently for no fault of his. And the police under cover of searching his house destroyed his furniture and smashed the panes of his book-cases. Mr. Nag's daughter, a cultured lady, was said to be under detention without any charge having been framed against her under any provisions of the Ordinances. Now, Sir, let us come nearer home and see what happened at Saharanpur in the United Provinces. I take it from a leading newspaper that an unusual incident, which is said to have been verified by two respectable witnesses and which the Government have not to the best of my knowledge denied in the public press, happened at Saharanpur. There the police blackened the faces of two volunteers and carried them in a procession with a posse of constables armed with *lathis* behind them in the main streets of the town. One would like to know under what provision of any of the Ordinances such humiliating and outrageous treatment is sanctioned. Some such actions of hooliganism on the part of civil resisters last year were strongly disapproved by everybody. How can they be justified now on the part of Government's agents?

Now, coming to my own native town of Muzaffarnagar, it was brought to my notice that some Congress volunteers arrested for picketing there were, after being taken to the police station, beaten by the police inside the thana. May I know where was the necessity to beat these peaceful volunteers after they had submitted themselves to arrest? Last year in one of the tahsils of my district a virtual reign of terror was established for some time, even when there were no Ordinances. The police not only arrested peaceful picketers and beat them but people were not allowed to go about with Gandhi caps on. In one of the villages which the police raided, a number of Baurias—a criminal tribe—were not only utilised for the assistance of the police in molesting peaceful citizens but were allowed actually to loot respectable villagers of their valuables under the very nose of the district authorities. Sir, I shudder to narrate this tale of woe, and fear that if such things could take place last year when there were no Ordinances, what cannot happen now under the garb of Ordinances? I do not think it is necessary for me to allude to the numerous *lathi* charges in various parts of the country, accompanied by firing in some

cases, and culminating in the use of *lathis* in the Imperial city of Delhi itself so very recently for three days by the police, for they are well known to all. It is the general belief that in these *lathi* charges always an excess of zeal is shown by the authorities, more than is required by the exigencies of the situation.

THE HONOURABLE MR. BIJAY KUMAR BASU (Bengal : Nominated Non-Official) : Sir, were there civil resisters in the Delhi case ?

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : I do not know : my Honourable friend must have read the account in the newspapers.

THE HONOURABLE MR. BIJAY KUMAR BASU : There were no civil resisters.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : Sir, the above incidents should be more than enough to convince the Government and the House that in suppressing the civil disobedience movement the executive has shown that it seldom errs on the side of moderation. This method of suppressing the civil disobedience movement has alienated and is alienating a larger section of public opinion from the Government. It is, I think, the bounden duty of every Government which cares to be broad based on the goodwill of the people to see that it governs according to public opinion, and the more so it is the duty of a Government like ours which is one of the most civilised in the world. I therefore as a friend of the British Government cannot too strongly emphasise on them the need of the exercise of the utmost moderation and restraint on the part of their agents in these difficult times so that the chances of abuse of the emergency powers may be reduced to a minimum. And this is, Sir, what I have suggested in the first part of my Resolution.

The second part of my Resolution is more or less connected with the first part. In this part I have recommended that no methods of violence should be employed against the civil resisters which are not in strict accordance with the law. So far as my knowledge of the law is concerned, the law does not vest the executive with powers of any kind of violence being employed against anybody except for the dispersal of unlawful assemblies under the Criminal Procedure Code, or perhaps as a right of self-defence. The law about the dispersal of unlawful assemblies is clear and I need not waste the time of the House in dilating it at length. It is very necessary, Sir, that on the present occasion, when for some time past meetings, processions and assemblages have become the order of the day, no assembly should be dispersed by force unless the members thereof are given a clear warning beforehand that that assembly has been declared unlawful and that it is commanded to disperse so as to allow any peaceful citizens in the assembly to disperse peacefully. And if after such a warning and after sufficient opportunity had been given to them to disperse, the assembly still conducts itself in a manner as to show a determination not to disperse, then I think the Government cannot be blamed if they use force against the members of such an assembly for the sake of dispersing them. But, Sir, in this case, too, I submit that the bounds of law should not be transgressed which enjoins the use of as little force as possible. If this process is adhered to by the authorities, then I am sure indiscriminate *lathi* charges and indecent assaults on men and crowds and unnecessary beating of volunteers even after their arrest, which no law on the face of the earth condones, would surely be a thing of the past and the Government would be acting in a manner to which no fair-minded man can take any objection. This is, in brief, Sir, the object of the second part of my Resolution.

[Rai Bahadur Lala Jagdish Prasad.]

Now I come to the third part. As I stated in the beginning of my speech, it is generally admitted that, barring those who believe in the cult of violence and for whom nobody has a word of sympathy to express, that section of Indians whose creed is non-violent civil disobedience, and among whom happen to be some of India's best sons, however misguided their activities may be considered to be, are after all undergoing hardships with the firm and honest belief of doing service to the motherland. These patriotic Indians, Sir, should not after all be treated after conviction like ordinary criminals but must be distinguished from them. I would therefore strongly impress upon the Government the desirability of giving them special treatment in jails. To accord them the same treatment as is meted out to ordinary prisoners shows a revengeful spirit which I believe is not the intention of our Government, particularly when it has the good luck of having such a kind-hearted nobleman at the helm of its affairs as His Excellency Lord Willingdon. Last year persons convicted in connection with the civil disobedience movement were generally given superior class treatment in jails, but it is a matter of common knowledge that this year, since the re-start of the movement, the same sort of treatment is not generally accorded. Instances are not wanting to show that a number of persons who had been given A class treatment in jails last time have this year been placed only in B class and those accorded B class treatment last year have had to be satisfied with C class. This, Sir, is not an act of broad-mindedness and magnanimity on the part of the authorities. Statesmanship demands that these children of the soil, many of whom occupied high positions in society, are treated in a manner to which they are entitled by reason of their upbringing, culture and education. And this is what I have advocated in the third part of my Resolution.

In conclusion, Sir, I appeal to the Government to pause and think before it is too late. It is not the policy of a good Government to govern the country with an iron hand. On the other hand, it is the policy of sympathy and conciliation that alone must triumph in the end. If the Government therefore revert to a policy of conciliation and love and adopt a policy of justice tempered with mercy in dealing with their subjects, all dissatisfaction and mistrust will disappear and the Government will grow more and more popular and I am sure they will soon see normal conditions established in India to the satisfaction of the Government and to the peace, progress and prosperity of the country in general. Sir, I move.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal: Non-Muhammadan): Sir, in supporting the Resolution of my Honourable friend Rai Bahadur Lala Jagdish Prasad, at the very outset I should like to make my position perfectly clear by declaring that I have no sympathy with the civil disobedience movement which is an unmixed harm, nor with the action of the civil resisters which is the outcome of a counsel of despair; but when I find that in dealing with this undesirable movement, the police, although armed with Ordinances which have, I think, wide powers and scope to check its growth and expansion, more often than not abuse their powers by using batons, canes, "regulation" *lathis*, and sometimes resort to firing, I cannot but emphatically protest against their action which comes in for a good deal of adverse criticism in the press and parlour (I cannot say platform, Sir, because platforms cannot be now used for such purposes, at least in my part of the province, owing to reasons that are not unknown to you and the Members of this Honourable House!) and which is besmirching

the fair name and justice of British rule in India. Rightly or wrongly, Sir, the report is daily gaining ground in the country that the Ordinances have given the police *carte blanche* and "police raj" now rules the people. If the Ordinances are in the best interests of the country, this idea that the police now hold the reins of government should be removed from the minds of a vast section of my countrymen who think that the police, as limbs of Government, are meant for maintaining peace in the country, should not assume all the powers of Government. Such actions of the police, as I am referring to later on, do not make any great contribution to the reputation they have so far built for themselves by their distinctive services to the Crown and the country and which they ought to sustain; nor does their action bring any credit to Government. And that is the reason why, while protesting against the action of the police, I am supporting the Resolution of my Honourable friend Rai Bahadur Lala Jagdish Prasad, to appeal to our benign Government that, while dealing with the civil disobedience movement by all possible means at their disposal, Government should see that their agents, especially the police, do not commit any action that is likely to cause further embitterment and estrangement of feelings between the rulers and the ruled.

Sir, to substantiate the criticism that I have made against police action, I will relate a few specific incidents that have been brought to my notice by some friends, the veracity of whose statements I can never doubt. To make out a case against somebody one must produce evidence. And unless and until the action.....

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON (Punjab : Nominated Non-Official) : Are the incidents that you are going to quote based on your personal knowledge ?

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : That is not my personal experience ; I may be incorrect in your estimation..... and unless and until the action of the police, to which I am taking strong exception and which is condemned by a large number of my countrymen, is brought to the notice of Government, how would it be possible for them to take necessary action ? I thank the Honourable the Mover of the Resolution for tabling it now, because it is high time that Government took proper steps, great care and necessary action to put a stop to the police excesses.

THE HONOURABLE MR. BIJAY KUMAR BASU : What steps do you suggest ?

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : That depends upon Government and the circumstances. And that is the reason why I support the Resolution and ask Government most fervently to see that the chances of abuse of powers, under cover of the Ordinances by the police, may be minimised and such action of the police, which is strongly denounced by the public, may become a thing of the past.

Sir, here are some instances which will convince you as to how the police misbehaved themselves at a village named Kandbarilla in the Dacca district where, on the 13th January last, without giving previous warning to the processionists, mainly consisting of ladies, they indiscriminately used *lathis*, as a result of which two ladies, named Himansu Bala Mazumdar and Chhamayee Devi, were severely wounded. One Nagendra Prasad Ghose who came forward to reason with the police as to why the ladies were being assaulted,

[Mr. Jagadish Chandra Banerjee.]

was not only arrested by the police but got a severe beating from them ! But still the police were not satisfied. At the police station at Nawabganj, Dacca, poor Ghose was taught such a lesson by the guardians of law and order that there was severe inflammation on the joints of his hands and legs !

On the 25th January last, Sir, Nityananda Chowdhury, a boy of 12, was arrested while picketing a liquor shop at Nandi Bazar in Nawabganj police station, Dacca. We knew, Sir, that the sins of the father visit the son but here the sins of the son visited the father and Nityananda's father Ramani Mohan Chowdhury was brought to the police station under arrest ! It pains me to observe here, Sir, that the Special Magistrate, Mr. Seeraji, after giving a bit of his mind to the father, himself administered a few stripes on the back of the boy and then released him.

On the 29th January last, Sir, Amulya Chandra Shaha and three others were arrested for picketing a liquor shop at Nandibazar, referred to above, but would you believe, Sir, that at night they were severely assaulted by the police at the police station and released at a deserted place in a field far away from the locality ?

On the 6th February last, for the crime of picketing a liquor shop at Agla, in Nawabganj police station, Dacca, Haridas Rudra and three others were mercilessly assaulted by the police.

On the 15th February last, Sir, Sachindra Nath Bose, Chinta Haran Shaha, Birendra Pal, Motilal Seal and Jagannath Karmakar,—these five men who were going to hoist a tricolour flag,—were also callously assaulted by the police and arrested afterwards. On the same day, Sir, Amulya Prasad Chanda, Satyaranjan Chakravarty, Jyotish Chandra Roy, Ananta Kumar Pal and another, while on their way to Dohar in Dacca to hoist a flag, which they called the "national flag," were so severely assaulted by the police that the first-named two became unconscious and Amulya Chanda had a wound in his head, which bled profusely, but none of them were arrested.

THE HONOURABLE MR. H. W. EMERSON (Home Secretary) : May I ask the Honourable Member what is his authority for this statement ?

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : It is a statement of fact.

THE HONOURABLE MR. H. M. MEHTA (Bombay : Non-Muhammadan) : Have you been an eye-witness ?

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : No, I have not been an eye-witness.

THE HONOURABLE MR. H. M. MEHTA : How can you make such statements ? They may be grossly exaggerated ; there may be no bottom to them.

THE HONOURABLE MR. BIJAY KUMAR BASU : Were any of these cases brought before the court and any statement recorded in court ?

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : Nominated Non-Official) : Would you make such statements outside the Council ?

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : No.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON : Hearsay evidence would not be admitted in a law court.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : In all these cases, Sir, the people were non-violent and non-aggressive, yet they were attacked and assaulted. Sir, further instances of such abuse of powers by the police may be cited, but I do not like to tire the patience of the House with them.

In this connection, Sir, I may cite the case of poor Ajit Battacharjee of Jagannath Intermediate College, Dacca, who was done to death by the police while on his way to Dacca University for his admission when the University was being picketed by boys and girls some of whom were severely assaulted.

THE HONOURABLE MR. H. W. EMERSON : May I ask the Honourable Member when this incident took place ?

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : It was about two years ago. In all these cases, Sir, no violence of any nature was resorted to by the picketers or processionists, yet they were assaulted by the police.

I cannot conclude, Sir, without mentioning here the incident that happened at Dacca just after the shooting outrage on Mr. Durno, the late District Magistrate and Collector of Dacca, when the police, while making arrests of the suspects alleged to be in complicity with the culprits, searched several houses and assaulted the inmates most indiscriminately, and the constables even took away money and valuables from the boxes of some of the persons whose houses were searched. In one particular instance, Sir, one constable was sent up for trial for such an offence, convicted of the same and sentenced to rigorous imprisonment by the Sadar Sub-divisional Magistrate of Dacca. These things, Sir, certainly are proof positive of the fact that excesses are being committed and that powers conferred by the Ordinance are abused by the police. I would most pertinently ask the Treasury Bench to show me if there is any section in any of the Ordinances so far promulgated—and I have tried my best to read and understand them carefully—that allows the police to commit such abuses of the powers giving by the Ordinances and to assault the men and women who are at present not on the side of law and order. They may be arrested, tried and sent to prison for their respective offences or even interned or externed but why assault them in the name of law and order ?

Of course the police have to defend themselves to disperse unruly crowds or those that may assume a threatening attitude or indulge in such violence as pelting stones and throwing brickbats, etc., but in no case should there be employed severe methods of violence against the civil resisters except the use of the minimum force necessary for the dispersal of an assembly declared unlawful and ordered to disperse, which, after such command, has conducted itself in such a manner as to show a determination not to disperse.

As regards treatment of political prisoners in jails, it should be the business of Government to see that the classifications are strictly observed by the provincial authorities. In one particular case, I know, Sir, a respectable citizen of Dacca, a senior pleader of the Dacca Bar, Mr. Birendra Nath Mazumdar, President of the Dacca District Congress Committee and an ex-Member of the

[Mr. Jagadish Chandra Banerjee.]

Bengal Legislative Council, representing the Dacca University constituency, convicted of a non-violent political offence was not given a mosquito curtain in the Dacca Central Jail. Dacca, Sir, is notorious for mosquitoes and one cannot do without a mosquito curtain, but I am glad to learn from his daughter-in-law, a talented German lady, that Mr. Mazumdar has been recently moved to Dum Dum Jail near Calcutta and while he was being removed to Dum Dum he asked his son, Dr. D. Mazumdar, Ph. D. (Berlin), to supply more than a dozen mosquito curtains for some political convicts in the Dacca Central Jail, which were sent there almost immediately. If a man of Mr. Birendra Nath Mazumdar's status in life, Sir, could be meted out such treatment by the jail authorities, what could you expect about the treatment that may be accorded to the non-violent political prisoners who are either in "B" or "C" class? Many other cases of the above nature can be cited. In these circumstances, Sir, the non-violent political offenders should be accorded such special treatment in the jails as are now prescribed by Government in their Jail Manuals.

With these few words, Sir, I heartily support the Resolution of my friend the Honourable Rai Bahadur Jagdish Prasad and hope it will be accepted by the House and Government.

THE HONOURABLE MR. H. M. MEHTA: Sir, the House has heard very carefully the Mover of this Resolution and the supporter of this Resolution. I do not think any one who has got any sense of proportion can support either the Mover or the Seconder. The Resolution has been worded very carefully and in very moderate language: that much I admit. But what has he proved by sub-paragraph (1) of the Resolution in which he states that the Ordinances should be exercised with the utmost moderation and restraint so as to minimise the chances of abuse of powers on the part of Government's agents? He has not quoted a single instance in which he has proved that the Government agents have employed such measures as to give a really innocent man the greatest trouble or the least trouble. If he had proved that, I should have changed my mind. It is very easy, off and on, to abuse Government of all crimes as if the Government is always the culprit and no other can do wrong. It has been said that the Viceroy did not give any interview to Mahatma Gandhi. His Excellency was extremely willing to give an interview to Mahatma Gandhi but Mahatma Gandhi wanted to have an interview on his own terms and nothing else. His Excellency was kind enough to inform him that the Frontier troubles were such and the Bengal troubles were such that Ordinances were necessary and he was not prepared to discuss those Ordinances with him; beyond that he was quite willing to have an interview and discuss any measure relating to the Round Table Conference or any other matter which he would put forward. Mr. Gandhi refused point blank and the Government had no other course but to take the step it did. The Ordinances were then restricted only to the Frontier Province and Bengal—and the Honourable Members from Bengal know as well as we from Bombay do how many outrages were committed, how many innocent people were killed for nothing, how even girls took revolvers in their hands and killed men with whom they had nothing to do. Well, if such things happen and one takes action the other can also do the same thing or retaliate. Now, the Mover of the Resolution has said that there are Congressmen who are very meek and who want to do things according to their own way of thinking but are not so criminal as to do something to annoy the Government. Well, there is no such thing in the world as non-violent civil disobedience according to my way of

thinking : Though there may be a few men screwed up to that view and really honest men, these men get always mixed up with the riff raff and the real ruffians who want to make a great deal out of this movement, and to make money by creating an amount of trouble. Well, the police cannot discriminate whether the man is genuine or a ruffian and if any charge is made the former has got to take the consequences. It cannot be otherwise. Will my Honourable friend show me a single instance where by reason of these Ordinances an innocent man has come into jeopardy or has lost anything or has had harm done either to his person or his property ? If the Honourable Member will give me a single instance I will be exceedingly obliged to him. If he asks what my opinion about civil disobedience is and of the men harassing the people, I can cite chapter and verse for it. The shops are compelled to be closed—a man goes round—he does not dare to write a chit but goes from one door to another in such a way that almost all the shops are closed instantaneously. If anybody supports Government he cannot even get food, neither can he get water. He is threatened with being put out of his caste. These things happen. If the Mover wants to know, I will prove it to the hilt. With these remarks I take my seat.

THE HONOURABLE MR. BIJAY KUMAR BASU : Sir, the Mover of this Resolution and his redoubtable Seconder from Bengal have given a lot of advice for good conduct to the Government. I am sure the Government are thankful for it. But has not the present position been brought about by the action of the Congress ? The Honourable Members have not at all appealed to the Congress to forbear its activities so that the Government action complained of which is consequential to Congress action might have assumed a different aspect. Sir, I am very sorry that I do not appreciate the purpose of the Resolution of my Honourable friend. If it is his object to remind the Government of what they already know, that is a different matter. I am quite sure my Honourable friend knows as much as any one else that the principles which he purports to lay down in his Resolution are principles which the Government themselves follow. The powers taken by the Government under the Ordinances are extraordinary powers and Government are fully conscious of that fact. They also realise that because the powers are extraordinary they should be used with the utmost moderation and restraint. My Honourable friend should not forget that His Excellency the Viceroy has himself given the assurance that his Government are fully alive to the importance of seeing that these extraordinary powers are not used with any greater severity than is absolutely necessary. It may be said that in some unfortunate instances the limits were exceeded. In such cases I venture to think the best service which any non-official Member can render is to place the facts before Government and ask the Government for an independent inquiry and, if in any such inquiry it is proved that any particular officers were to blame, then to require that suitable punishments should be meted out to them. It would really be unfortunate and defeat the very object of these special powers, if the impression were to gain ground that Government would not take any notice of any excesses committed by their agents. That is why I feel that it is only fair that in such instances an inquiry should be made and punishment awarded to the delinquents. All the same there is also a duty cast upon the public in this matter. It will not do to look at one side of the shield only. Just try to visualise for a moment the situation in which the police may sometimes find themselves when faced with an angry mob, swayed by passions—more easy to excite than to quell—it is not to be expected—human nature being what it is,—that in such trying conditions the police should always be able to

[Mr. Bijay Kumar Basu.]

take a precisely mathematical view of the limits up to which they should proceed. Processions and public meetings are not exactly a tennis court where the players can keep within the line. If my friend is a tennis player, he should know that even in such a peaceful game the players do sometimes overstep the line. Is it to be wondered, therefore, that when you are dealing, not with soft rubber balls, but with stones and brickbats, you must sometimes, even with the utmost desire to act with restraint, be driven by the pressure of emergency to cross the boundary? Therefore, I say, we should all try to be just and fair to both sides. Why, I ask, give the provocation at all to incidents which Government deplore, I am perfectly sure, as much as we do? As I said at the beginning of my remarks, Sir, if the Honourable Members, instead of giving this advice of good conduct to the Government only would also give some advice of forbearance to the Congress, I think the situation that has arisen in the country to-day would never have arisen.

THE HONOURABLE MR. H. W. EMERSON: Sir, before I deal with the three particular points mentioned in the Resolution, I should like to make some observations of a general character. The Honourable Mover of the Resolution has raised the issue of why the Ordinances were promulgated and the object for which they were promulgated, and he has incidentally taken the opportunity, while protesting that he has no sympathy with civil disobedience, of censuring Government for the line of action they have taken. The reasons why the Ordinances were promulgated were to deal with a lawless revolutionary movement. The first Ordinance of a general character was issued in regard to a province to which the Honourable Mover himself belongs and in circumstances brought about by the Congress and which the Honourable Mover himself has condemned in the strongest terms, namely, the no-rent campaign. That campaign was deliberately started at a time when the representative of the Congress was in London conferring as a delegate to the Round Table Conference with His Majesty's Government. It was started at a time when the Local Government of the United Provinces were in consultation with the local leaders of the Congress regarding various agrarian problems. Everybody knew, and nobody knew better than those leaders of the Congress who were responsible for starting the no-rent campaign, that it made practically impossible the procedure by conference and conciliation which had proceeded ever since the Delhi settlement made a year ago. Now, Sir, the Government of the United Provinces held their hands as long as it was possible to hold them before they asked for an Ordinance to deal with the situation. Eventually, about the 11th of December, they wired to the Government of India stating in the most explicit terms that unless they were given drastic powers to deal with the situation, it would pass entirely out of their control. I think the Honourable Mover, who is a big landlord in those provinces, will agree with that diagnosis of the situation. Can anybody believe that it is possible to encourage tenants, the majority of whom are ignorant persons, to refuse to pay their rents on a widespread scale without practically producing an agrarian revolution and all the acts of anarchy and violence that such a revolution involves? The deliberate action taken by the Congress in the United Provinces was the direct cause of the first Ordinance that issued. The second cause was the red shirt movement in the North-West Frontier Province carried on in the name of the Congress, under the auspices of the Congress, and with the full support of the Congress. Government did their utmost to refrain from taking action against that movement, and in particular they made every effort to hold up action—should action become necessary—until Mr. Gandhi's

return to India. This House can dismiss absolutely from their mind any idea that Government took deliberate action in the North-West Frontier Province with a view to making Mr. Gandhi's position impossible. The contrary is true. They did everything to defer action and it was the activities of the Congress leaders in the North-West Frontier Province that made it impossible to delay action further. Here also, those activities were carried on in spite of the utmost efforts by the Chief Commissioner to co-operate with Abdul Gaffar Khan and other leaders of Congress in the province.

THE HONOURABLE SHAIKH MUSHIR HOSAIN KIDWAI (United Provinces East : Muhammadan) : What were those activities.

THE HONOURABLE MR. H. W. EMERSON : The activities were the encouragement of the non-payment of land revenue, deliberate disobedience of orders under section 144, a Resolution denouncing the constitutional proposals of His Majesty's Government as entirely unsatisfactory, the refusal to co-operate; and an invitation to the Congress immediately to declare civil disobedience throughout the country. Those were some of the activities. That, Sir, was the position when Mr. Gandhi arrived in Bombay. That was a position created not by Government. It was a position created, in spite of the greatest efforts of Government to prevent it, by the deliberate action of Mr. Gandhi's co-workers and lieutenants. It was, however, a position from which neither the Government could extricate themselves nor extricate Mr. Gandhi unless the latter was prepared to denounce the activities that had taken place in his absence. In regard to the question of an interview between His Excellency the Viceroy and Mr. Gandhi, I would suggest to the critics of Government that they will better understand the position if they will realise that Mr. Gandhi was not at the time in the centre of the stage. His lieutenants had placed themselves in the centre of the stage and had hopelessly compromised his position. If, as I say, the critics of Government will realise this, they will see why events proceeded as they did. That, Sir, is a brief account of the events leading up to the declaration of the civil disobedience movement and the promulgation of four Ordinances on the 4th of January. The Ordinances are intended to combat the civil disobedience movement. Now, the programme of civil disobedience as announced in the Working Committee's meeting at Bombay is as comprehensive as it is possible to make any programme, the object of which is to paralyse the administration and to subvert the government of the country. If Honourable Members will study that programme I think they will see that hardly any mischievous activity is omitted which can embarrass the Government or make its administration impossible. The programme is not in full operation, but that is no merit of the authors of the programme. Its mischievous potentialities are restricted by the opportunities which the authors are given of carrying it into effect. Any relaxation in the vigilance of Government would immediately be followed by an extension of activities, the result of which can only be to plunge the country into chaos. Therefore when we consider the exercise of the powers conferred by the Ordinances we must bear in mind that those powers are intended to defeat a revolutionary movement of the greatest danger to the peace and well-being of the country. I would like to explain, Sir, that the powers granted by the Ordinances represent a part—and really only a small part—of the machinery with which Government is fighting this movement. There is a tendency—perhaps a natural tendency—to regard the action taken by Government as dependent only on the Ordinances. Now, I looked this morning at some figures for convictions up to the end of January

[Mr. H. W. Emerson.]

in connection with the civil disobedience movement. Roughly the total is about 15,000; of these 11,000 have been convicted under the ordinary law and 4,000 have been convicted under the Ordinances. I think those figures are striking. I believe the figures for February will be still further striking. And that raises a point in regard to which I would like to supplement the Honourable Member's Resolution. It is necessary that Government should exercise the special powers conferred by the Ordinances with moderation and restraint. It is also necessary that all their measures against civil disobedience, the majority of which are taken under the ordinary law, should also be exercised with moderation.

Now, Sir, before I pass on to the attitude of Government towards the first part of the Resolution, I should like to say a word or two about the various instances of abuse that have been brought forward this morning. I tried to follow them. There were, so far as I can recollect, two instances, well established, of which I knew the facts. The rest of them were stated in such very general and vague terms that I find it difficult seriously to consider them. The Honourable Member from Bengal read out a list the items of which he had obtained from friends, who had possibly obtained them from other friends, which contained allegations without any evidence at all to support them and the most serious of which went back to two years,—long before the present civil disobedience movement. The Honourable the Mover of the Resolution cited two instances in Madras of which the facts are publicly known. He cited several instances from his own province and one from his own town. The one from his own town related to the allegation of beating of civil disobedience prisoners by the police. I would like to ask the Honourable Member—has he satisfied himself as to the accuracy of that particular allegation? If he has satisfied himself, has he brought it to the notice of the Local Government or of the District Magistrate? If he has brought it to the notice of the Local Government or the District Magistrate, has either or both of them refused to make the necessary inquiry? But in spite of the vagueness of the allegations made we should I think all of us be unreasonably sceptical, if we failed to recognise that, when activities embrace practically the whole country, regrettable incidents do occur from time to time, incidents which everybody deplores and no one more than Government. But I would suggest that we should view these matters in a proper perspective. The civil disobedience movement has been in progress generally for two and a half months and for three months in the United Provinces and I suppose there have been about 25,000 arrests. There have been widespread and deliberate attempts to defy the law. Events in Delhi during the last few days provide an excellent instance of the deliberate defiance of an order under section 144. While we may deplore individual instances that occur of abuse of powers or the use of powers on an excessive scale, viewing the events of the past three months as a whole, can we as reasonable persons accept the proposition that the few instances—alleged instances in most cases—of abuse that have been put forward this morning are such as to constitute a general charge against the Government or their officers of the misuse of powers? (Hear, hear.)

I proceed now, Sir, to deal with the specific recommendations contained in the Resolution. In regard to the first, the Government have accepted the principle and have acted on it. I would like to read a few extracts from a letter that issued to Local Governments some weeks ago which I think states the position of Government. The letter laid down the principle that the Government of India having advised the Governor General to confer these

extraordinary powers had a particular responsibility to see that they were not abused and they requested Local Governments to give effect to that principle. It then mentioned in particular the Emergency Powers Ordinance and specific provisions in it that give exceptional powers and asked that Local Governments should exercise the utmost control and supervision over the exercise of those powers. It then dealt with individual cases of excess or abuse of powers—just the sort of cases to which prominence has been given in the debate this morning—and this is what it said :

“ In regard to individual instances of excess or abuse of powers, the Government of India recognise that in dealing with a widespread movement like civil disobedience which affects in one way or another many branches of the administration, it is unreasonable to expect that every servant of Government concerned, often in face of grave provocation, will always act with restraint and justice ”.

To expect perfection would be to ignore human nature altogether.

“ They also accept the principle that in considering the action of individual Government servants proper regard must be paid to the circumstances, and they have no desire to add to the difficulties of the task of those who are fighting the battles of Government. At the same time, they have no doubt whatever that the value of the services which Government servants of all ranks are rendering at the present time is impaired whenever reasonable cause for complaint is given that a particular action is arbitrary or vindictive or is designed deliberately to cause humiliation. Such action are the cause of embarrassment to Government and their friends, they tend to alienate supporters and they give the opponents of Government the opportunity of propaganda inside and outside India. When Government have to admit the truth of particular allegations their position is definitely weakened in combating the campaign of misrepresentation and exaggeration which it is the policy of Congress to pursue ”.

It goes on to say that when specific complaints are made it is incumbent on Government to inquire into them. And then it proceeds as follows :

“ The Government of India request Local Governments (a) to satisfy themselves in accordance with the usual procedure as to the facts of particular complaints or allegations brought to their notice if they appear to be of such importance as to require such action ; (b) to counteract false or exaggerated accounts of particular instances by giving publicity to the actual facts ; (c) in genuine cases of abuse to take such action as may be necessary by way of redress (that is redress to the sufferers and victims) or by disciplinary measures ”.

And finally the letter ends up by pointing out the obvious fact that in fighting the civil disobedience movement the object of Government which is to defeat the movement is more likely to be achieved by adherence to strict discipline than by any relaxation of it. I think the House will agree that the recommendations of the Honourable Member in the first part of his Resolution have been anticipated by Government. (Applause.)

We now come to the second part of the Resolution. With one slight qualification the second recommendation represents the principles that have for years been in force in dealing with the disposal of unlawful assemblies and in the use of force. There is one qualification necessary because the recommendation assumes that it is always possible for the police or the magistrate or the troops who are dealing with a dangerous unlawful assembly to give a warning. It is not always possible to do so. The law does not require a warning. The executive instructions require that wherever possible a warning should be given and effect is given to those instructions except where the situation is so dangerous as to make a warning out of the question. In this connection I think it is only fair to Local Governments and to the police who have to deal with dangerous situations to remind the House that the non-violence on which the Honourable Mover has laid stress is often conspicuous by its absence. He perhaps is not aware that during the last three weeks in Bihar and Orissa and in Bengal there has been an organised campaign, which was

[Mr. H. W. Emerson.]

started by the Dictator of the Congress—the All-India Dictator—to plant the national flag on Government buildings, for instance, to lead processions to police stations and there deliberately attempt to place the flag on the buildings. In Bihar and Orissa those attempts have already resulted in two serious clashes, in one case with a crowd of 4,000, in another case with a crowd of 7,000. In both cases, resort had to be made to firing and in both cases, if the executive officers present had not acted with great courage and great coolness their lives and the lives of the whole of the police force would have been very greatly endangered. This campaign is still being deliberately carried on in two provinces, and anything more provocative than leading processions to plant the Congress flag on police stations one cannot conceive of. And it is done not as a local act but in pursuance of a circular which was sent out by the Dictator of the All-India Congress. It is therefore well to remember that the police are confronted with organised defiance of authority often of the most dangerous character. However, the principles which are to guide them in dealing with demonstrations of that sort have been laid down, first of all, in the Criminal Procedure Code, secondly, in the various police manuals, and thirdly, in instructions which have been issued to regulate the conduct of both the civil authorities and of the military, when the military are called out to aid the civil power. The principle is well known and well recognised, that the minimum of force necessary to achieve the purpose should be used and only that amount of force.

I now come to the third recommendation of the Honourable Mover. This recommendation Government cannot accept. The purport of it is that mere participation—apart from other circumstances, apart from social status, education, mode of living and so on—mere participation in a revolutionary movement which is designed to paralyse the administration should give the participator the privilege of special treatment in jails. That is what the proposition amounts to. Now, Sir, Government have consistently declined to recognise a class of political offenders. The question of the treatment of special class prisoners was thoroughly examined less than three years ago. A Committee of the Legislative Assembly was appointed and the whole matter was thrashed out with that Committee and between the Government of India and the Local Governments. Certain rules were accordingly laid down. Those rules involve the classification of prisoners in three classes, A, B and C. Only those persons can be classified in class A who have not committed acts involving violence, and to be so classified, they must, by their social status, education and habit of life, be accustomed to a superior mode of living. B class includes those persons who satisfy the above tests except that there is no qualification as to non-violence. C class includes all the rest. The Honourable Mover made the extraordinary statement that during the first civil disobedience movement, most of the civil disobedience prisoners were classed either in class A or class B. I have not the figures before me, but I can assure him that at least 80 per cent. of the total were classed as C class prisoners, and such a classification is almost inevitable considering that the vast majority of those convicted consisted of persons of low social status and of little if any education, who would be included in C class as a matter of course and without any question, if the issue of a political movement did not arise. The Honourable Member made the further statement that on this occasion more rigour is being shown in the classification than on the last occasion. I do not know his authority for that. The Government of India have no information to that effect. The position of Government is that they desire the rules framed less

than three years ago,—framed with the approval of a Committee of the Legislature, framed after consultation with Local Governments—to be followed and if a person is entitled to be in class A, he should be put in class A whether he is convicted in connection with the civil disobedience movement or of any offence outside the civil disobedience. We do not want any discrimination against him because he was convicted in connection with a political movement. On the other hand, Government cannot accept the principle of discrimination in his favour merely because his offence is connected with civil disobedience. While therefore Government can accept, and are in fact giving effect to the first recommendation, while the second recommendation with some qualification is a principle on which they have always acted, they are unable to accept the third recommendation. But they do accept the principle that full effect should be given to the rules as they now stand. If the Honourable Member is satisfied with this position of Government in these respects, I hope he will see his way to withdraw the Resolution.

THE HONOURABLE RAJA SIR RAMPAL SINGH (United Provinces Central : Non-Muhammadan) : Sir, while I sympathise with the Resolution—I may call it a pious Resolution—I do not associate myself with certain expressions of opinion and feelings of the first two speakers. The Resolution itself is a very simple one and I am glad to say that the Honourable the Home Secretary has, with certain necessary modifications, accepted its first two parts. As far as the third part is concerned, I myself doubted whether it would be proper and just for the Government to accept it, because I know that certain persons who call themselves civil resisters have joined that movement simply for the sake of certain wages. Their social position is absolutely nothing and they command no regard from the society or the public. There are one or two things which I take the liberty of putting before the House. There is one thing which is quite plain and which must have come to the observation of many who might have cared to watch events in the past and, at the present time, namely, that the Government of India, despite all the administrative machinery that exists, have seldom been able to feel with exactitude the pulse of the Indian nation. They never see sufficiently beforehand in what direction the wind is going to blow. Only when a storm rises, they awake from their slumber of, I may call it, self-complacency. They do something when it becomes too late to tide over the storm and then again go to sleep. Never have they been found to initiate reforms gracefully and at the proper and psychological time. They feel the force of public opinion only when some more dead bodies are cremated or buried, a large number of beds in hospitals are occupied by the wounded and thousands entrapped in jails. Sir, is not this policy an incentive to political upheaval ? Take the advice of all those whose advice may be worth relying upon ; let the interest of India be the paramount, pre-eminent and foremost concern of the Indian policy. Treat the claims of India with full justice. Give her an honourable place in the Commonwealth of the British Empire. But be strong where strength may be needed, do not yield to terrorism or lawlessness even at the risk of losing all control. In administration it is far better to do things gracefully and sufficiently early than to yield when public movements overstep the limits of law. By using the word strong I do not mean that humane consideration should not guide their actions in dealing with misguided youths and others.

I may mention that 11 or 12 years ago when the Rowlatt Bill was introduced into the old Imperial Legislative Council I was second to none in criticising the Government on unforgettable happenings in the Punjab and I would

[Raja Sir Rampal Singh.]

do the same if similar atrocities are enacted anywhere else. But, Sir, I condemn with equal force the movement of lawlessness that has been engineered by short-sighted persons. It is doing incalculable harm to the social, moral and economic structure of this country. This spirit of lawlessness and indiscipline engendered in the youths of this country will only lead to ruination and nothing else. My experience of the last few years emboldens me to say in unequivocal words that this spirit should be crushed. I confess I never have been in my heart or outside an opponent of the Ordinances that have been promulgated—drastic though they are; no Government, having a sense of duty, could have tolerated so long defiance to the authority of law as the Government of India did. I do not think it would be worth while to go more into the details of the misdeeds of the hirelings of the so-called non-violent civil resisters.

Sir, as some of my Honourable colleagues have cited some instances, I am also in a position to show how cruel these so-called non-resisters have been to the people. I found in certain villages that persons who refused to give subscriptions to these civil resisters were boycotted and treated in a very cruel and tyrannical manner. I know instances, Sir, where these non-co-operators—secretaries and office-bearers of the Congress Committee—squeezed money from the people, and if the money was not forthcoming beat the people; they extorted money from people by all these means. Even respectable men were treated with great discourtesy and such law-abiding men were really cursing the policy of the Government for not interfering in those days. With these few words, as the Honourable Mr. Emerson has already accepted certain principles of this Resolution, I would beg my Honourable friend to withdraw it.

THE HONOURABLE MR. G. A. NATESAN (Madras : Nominated Non-Official) : Sir, when I first saw on the agenda this Resolution standing in the name of the Honourable Mr. Jagdish Prasad, I requested him not to discuss it, because I thought at the present time and in the present temper of the people and the Government much good purpose will not be achieved. But I must say that after listening to the exceedingly sober and temperate manner in which he put his case and after listening also to the method of exposition adopted by the Honourable Mr. Emerson in stating the policy of the Government one thought has been looming largely in my mind—that is also the thought of several other people who are interested in putting down lawlessness and maintaining law and order. The question which I would like to ask not only the Mover but the Honourable Mr. Emerson on behalf of Government is this. Whither are we drifting? It is quite true that Government have been confronted with a very grave situation. It is undoubtedly the duty of even this irresponsible Government of India, constituted as it is, to meet the situation. We may have responsible Government shortly. But now Government is directed from so many miles away by an irresponsible Secretary of State to whom India is only a geographical expression. What will be the outcome of all this? Your motive in adopting some of these Ordinances, your motive in taking drastic steps to put down disorder may be quite correct. Your objective, my objective and the objective of my Honourable friend the Mover is the same—to put us on the road to self-government as quickly as possible. Are the Ordinances or the methods that you are adopting calculated to achieve the object in view. The loss of trust in the rulers is the chief cause of all the trouble. Are your methods now calculated to gain back that lost trust? While making allowance for all the difficulties of Government, I feel bound to tell you, belonging as the Honourable the Mover

does to a school of politics called moderates, I do feel that you are not pursuing all the methods that are necessary to avoid the present situation. I ask myself, supposing within six months or a year or even two years you are able to evolve a constitution, a constitution fairly acceptable to many people, have you imagination enough to ask yourself what will be the way in which it will be worked? What will be the situation when, in the future, as soon as the gates of the gaols are opened and thousands of men, many hundreds of women, young men and women are released? Do you expect them, having regard to all that they have undergone—it may be just or unjust, that is quite different—to work the constitution? I am only asking you to take human nature as it is, just as the Honourable the Home Secretary wanted also to pay sufficient attention to the human nature of the police in putting down disorder? Do you think the sullen discontent of these people, the thought of their wrongs and their sufferings, whatever may be the justification for Government, is likely to be forgotten? I submit in all humility that it will be long before these things are forgotten, and therefore I must express a feeling of disappointment at the debate to-day. There has been no approach to solve the question that I have raised. How long are you going to continue thus? Do you think it is good for the Government or for the people or for the cause you have in view, the stability of the British Empire in India, that this state of things should last long. I tell you honestly I am not happy and many others who are of my school are not happy. Here are the observations of a gentleman like Sir P. S. Sivaswami Aiyer, a man, I am sure, who is respected by the Government and the people. After stating all the difficulties of the Government, after condemning in unmeasured terms the starting of the civil disobedience movement and the no-rent campaign, after giving his most careful attention, as he himself says, as a detached liberal, he makes certain observations which I trust it is my duty to draw the attention of the Government to:

“ Suffice it to say that they (Ordinances) practically amount to martial law and that if the people have any freedom, it is only by sufferance of the executive. The provisions are sweeping and the penalties severe ”.

Then again :

“ If the Ordinances are sweeping and draconian, the manner in which they are enforced is also calculated to estrange the sympathy of the public. The sentences imposed upon persons accused of trivial offences almost invariably reach the maximum limit of the law and suggest executive instructions to that effect. There is no proportion between the nature of the offence and the amount of the punishment ”.

One observation more of Sir Sivaswami Aiyer I would like to quote :

“ The severity of the repressive measures and the method of their enforcement can only have one effect : instead of winning popular support to the cause of law and order they are alienating the goodwill of the people and promoting feelings of sullen discontent especially at a time of terrible economic depression, when people are disposed to throw the blame on the Government for all the ills they suffer from ”.

I think, Sir, this is a very fair and honest statement of the case and if this debate merely ends with answering the objections given by my Honourable friend Lala Jagdish Prasad, and others, I think it will not have served a good purpose. I am aware that under the terms of the Resolution the question that I have raised could not be discussed but I say in all conscience the time has come when you must evolve a different course to solve the problem that is confronting us. After all, it is no use denying that the root cause of the trouble is due to hopes deferred, promises not carried out and a fear that even the promises for the future will not be fulfilled. You have to take note of these

[Mr. G. A. Natesan.]

facts. There are warnings uttered and suspicions engendered in the minds of people who have been your best friends and who, perhaps, even with your excesses, may try to stand by you for a long time to come. As my Honourable friend, Sir Cowasji Jehangir, said in another place, if you are trying to convince the people who feel that British rule is best for them and who will never think of severing their connection you must soon change your methods. From all that I have seen, from all that I have observed, from the talks that I have had with officials and non-officials, Europeans and others, it is clear that in many cases you have defeated the very ends you have in view. So far as the boycott is concerned, allow me to tell you that a European non-official merchant friend of mine said that these Ordinances had been among the most effective means of propaganda for boycott. So far as the *lathi* charges are concerned, I am surprised that the Honourable the Home Secretary has made no mention of it—allow me to tell you that we are willing to forget everything else, we are willing to support some of the measures of the Government, but the very sight of people being beaten publicly I must tell you produces a feeling of anger and resentment which it is the duty of every honest citizen, whether here or elsewhere, to draw the attention of the Government to. I refuse to believe that Government is not alive to the situation. I recollect years ago as a young boy listening to a speech by the late Sir Narayan Chandravarkar who said at a social conference that a woman of the depressed class beaten in the street by her husband at once ran up to the police and said : “My husband is beating me, therefore give me the protection of the law.” If an ordinary convict or a prisoner in the lock-up was beaten by a policeman it was an offence in the old days, it is still an offence, and therefore I ask you to consider in all earnestness in the best interests of the country, whether you think this beating of people publicly is in the least calculated to promote the object you have in view, that is, the restoration of the confidence of the people in the maintenance of law and order. It is these *lathi* charges that alienate from you the sympathy of a large number of people who would otherwise sympathise with you much more heartily and sincerely than they do. The sight of a boy being beaten—and allow me to tell you—do not provoke me by asking for further evidence—my friends in the highest positions, men who have occupied positions of trust on Executive Councils, men who have been acting as Advocates General have seen these things—boy volunteers being beaten till they fell down and beaten again.

THE HONOURABLE SIR MANECKJI DADABHOY : Why did you not bring these cases to the notice of Government ?

THE HONOURABLE MR. G. A. NATESAN : I am afraid my friend Sir Maneckji Dadabhoy is so engrossed in his own affairs that he does not know what is happening elsewhere. Have you not seen what is called the lawyers’ protest from Madras, where a number of leading lawyers have protested to the Madras Government against the *lathi* charges. *Lathi* charges are not only made in an illegal fashion but they are made very improperly. I hope you have listened to the cautiously worded reference in the Honourable Mr. Emerson’s speech to the isolated cases of ill-treatment, namely, that of Dr. Paton. Well, I will not take the time of the House any longer. My object is not to add to the acerbities of the situation or to ulcerate the wounds that have been inflicted but to ask Government to consider the situation as it is to-day. I am very pleased to-day to see that the Government thought it necessary through their spokesman to divulge publicly the terms of their instructions to Local Governments but kindly remember that when there exist side

by side the provisions of the ordinary law and the extraordinary powers under the Ordinances you are expecting something beyond human nature if you think they will use the former and not resort to the latter.

THE HONOURABLE SIR MANECKJI DADABHOY : That is what Mr. Emerson has said—because there were 12,000 prosecutions under the ordinary law and 4,000 prosecutions under the Ordinances.

THE HONOURABLE MR. G. A. NATESAN : My dear Sir, one or two isolated instances of abuse of a provision under an Ordinance is calculated to do much more damage than anything else. However, I will not dwell upon this point further and I would not have referred to it but for the interruptions. I would therefore ask the House and particularly the Honourable Members opposite—“Are you satisfied with the present situation? How long will it continue? And will you not take early steps to bring about a state of things that I and everyone else is looking forward to?”

THE HONOURABLE SIR PHILIP BROWNE (Bengal Chamber of Commerce): Sir, I have listened to the last speaker with considerable interest and his remarks are very much on the lines of a great deal one reads of speeches and statements made by Members of the so-called Moderate Party. The general cry is that Government should adopt a different attitude to help the position in the country but they never seem to make any constructive suggestions as to what Government should do. If you discuss it with them they say law and order must be maintained but that Government is not doing it on proper lines. The Honourable Member talks about the terrible tragedy of a small boy (who he mentions quietly is boycotting) being beaten. Well, Sir, I think small boys are made to be beaten. It makes men of them. In any case I do not think it is a terrible tragedy for a young rascal who is making a nuisance of himself that he should be well spanked. This is the type of tragedy we hear about and Government are appealed to to change their attitude. But no one ever suggests how they should change their attitude and the extraordinary thing is one never hears of the members of that party appealing to the Congress to adopt a different attitude. We never hear of them coming out in public and saying to the Congress; you have adopted the wrong attitude. They tell us here that they do not approve of the lines on which the Congress have instituted civil disobedience, etc. My friend the Honourable Mover said that he entirely disapproved of civil disobedience. I have never read of any speech made by him appealing to Congress to drop civil disobedience with its resultant subversion of law and order. Why cannot these people, instead of moving Resolutions asking Government to change their methods, get on to the other line and tell the Congress: “We do not approve of civil disobedience, we do not approve of many of your methods. Will you not change your methods?”

THE HONOURABLE MR. G. A. NATESAN : On a point of personal explanation, Sir. At every council of the Moderate Party and the Liberal Association, and individually and at the last two sessions of the Council of the League, civil disobedience has been denounced, non-co-operation has been denounced and the actions of the Congress have been denounced. If my Honourable friend

THE HONOURABLE THE PRESIDENT : The Honourable Member is making a second speech.

THE HONOURABLE SIR PHILIP BROWNE : I am very glad to hear that in the Honourable Member's case I was wrong. But still I do maintain that we hear very little or nothing of such suggestions. They may condemn the Congress line of action in a sort of general resolution, but we do not hear of any appeal to the Congress to adopt a patriotic attitude and to support law and order. We hear any amount of appeals to Government that the small boy should not be beaten for bad behaviour or that when a policeman is hit on the head by a brickbat, he should offer the other side of his head and not retaliate. I do ask the Moderate Party to come out more into the open, to make speeches, and write letters condemning the present attitude of the Congress. If they will do this I am sure it will be a help to their country and also a help to Government.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI (Madras : Non-Muhammadian) : Sir, I rise to oppose the motion. Whatever constitution we are going to have in the future, we must all see that law and order is maintained at any cost. I entirely agree with the previous speaker when he said that the moderates ought to publicly denounce civil disobedience and ask the Congress to co-operate. Sir, except in stray speeches like these, we do not hear much of the moderates appealing publicly to the Congressmen to stop civil disobedience and picketing and co-operate with those who want to solve the future constitutional questions. What we want is that they should come out and say that what the Congress is doing is wrong. My Honourable friend Mr. Natesan said just now that some resolutions were passed in this connection. There has been nothing publicly announced so far that these resolutions have been passed by the moderates expressing their displeasure of the Congress activities and their picketing.

Coming to the Resolution of my Honourable friend, the first part says that :

"the special emergency powers should be exercised with the utmost moderation and restraint".

Sir, speaking for my own province, I think Government have issued strict instructions to the police that minimum force only should be used. They were doing it first with *lathi* charges. The *lathi* was condemned and now they have substituted *lathis* by small canes. The police might have no doubt in one or two instances exceeded their limits, but I do not think we can blame the Government for that. Of course, if specific instances are brought to the notice of the Local Governments, I am sure that Local Governments would take disciplinary action against those who have exceeded their instructions. Sir, a great deal has been said about these excesses. My Honourable friend Mr. Mehta has said that sometimes there are a few people collected in a place, a boy throws a stone, and immediately there is confusion, and pedestrians stop and a big crowd collects. These things can be avoided if only the Congress will cease picketing and co-operate with the members of the Round Table Conference to see that whatever future constitution we are going to obtain must be satisfactory to all.

Sir, coming to the third part of the Resolution, namely,

"that persons convicted of non-violent political offences should invariably be accorded special treatment in jails".

As my Honourable friend Raja Sir Rampal Singh has said, it is very difficult to do this. A man may simply picket and court jail, and then want the best treatment to be accorded to him in jail. This cannot be done. I have seen

many political prisoners in jails, and so far as I can see, they are given the best treatment possible. I am only returning this morning from a place where I have seen political prisoners. So far as I can see, they are comfortably looked after in jail. I am glad that my friend does not condemn the present treatment of politicals in jails. He only wants that persons convicted of non-violent political offences should invariably be accorded special treatment. This is impossible. The tax-payer cannot be asked to pay for their luxuries. I would make special appeal to my moderate friends to do what they can to dissuade Congressmen from picketing. Sir, I oppose the Resolution.

THE HONOURABLE SIR JOHN THOMPSON (Delhi : Nominated Official) : The Mover of this Resolution, Sir, in describing the sweeping nature of the Ordinances, said that they placed both him and you in daily jeopardy of your property and your life. I do not know, Sir, what percentage of unsoundness you would attribute to that argument so far as you yourself are concerned, but I think I shall probably not be going too far if I put it somewhere in the neighbourhood of a 100, and I would suggest that a great many of the arguments and the instances which have been advanced to-day should be subject to the same percentage of discount. The Mover and the Seconder of the Resolution and one or two other speakers who have while opposing the Resolution expressed their sympathy for it and for the motives which prompted it, have given us a number of instances. They have, as it were, led an attack on Government. But I think we shall all agree that they have been, as the papers say, most effectively dispersed by the mild *lathi* charges of Mr. Emerson, Mr. Mehta and others. What I really want to say something about is these *lathi* charges, especially the *lathi* charges which have been referred to as having taken place recently in the streets of Delhi. The Honourable Mr. Natesan has spoken of the bitterness which these *lathi* charges produce. The Honourable Sir Philip Browne has twitted him that he can suggest no alternative, and that is the line with which I feel myself in sympathy. What is to be done if you do not deal with crowds, with violent crowds, by *lathi* charges ? Is it not the mildest method of dealing with them that you can devise ? What would the Honourable Member have us do ? To have the sub-inspectors of police palavering with threatening crowds who are hurling stones ? Surely the thing is quite impossible. It is in the nature of a *lathi* to hurt and once there is a *lathi* charge it is quite impossible to regulate its strength as you regulate the pace of your motor car. There is no such thing as what I might call a slow motion *lathi* charge. The thing is impossible. As regards the Delhi Police, I would ask Honourable Members to bear in mind that these men, under strength, have been subjected to all manner of provocation, barracking and abuse. They have been pelted with stones : we found cases where stones had been collected at strategic points in order that they may be used if necessity arose, and in one case, a policeman was the subject of a murderous attack with a knife. I think if you total up the casualties and the severity of the casualties, you will find undoubtedly that it is the police who have suffered more than the crowds, and it is my belief that the Honourable Sir James Crerar, in the remarks he made in another place yesterday was not going one fraction of an inch beyond the truth when he spoke of the self-restraint and self-control that had been displayed by the police in the capital of India.

THE HONOURABLE MR. Y. RANGANAYAKALU NAIDU (Madras : Non-Muhammadan) : Sir, the Resolution which the Honourable Rai Bahadur Lala Jagdish Prasad has moved is mild as milk and water.
1 P.M.
There is no reason why the Government should not accept

[Mr. Y. Ranganayakalu Naidu.]

it.. Parts of that Resolution appear to be a mere paraphrase of the instructions of the Government of India to the Provincial Governments. For instance, take the first part :

“That the special emergency powers which Government have assumed by means of Ordinances should be exercised with the utmost moderation and restraint so as to minimise the chances of abuse of powers on the part of Government’s agents”.

The Secretary of State for India in his last speech in Parliament has revealed that instruction on similar lines has been issued to Local Governments. Here are the words of the Secretary of State :

“First, the Government of India, recognising the responsibility attaching to the assumption of extraordinary powers would again bring to the notice of Local Governments the great importance of exercising control and supervision over the exercise of those powers, and second, they would request Local Governments to satisfy themselves with regard to alleged instances of abuse brought to the notice, which is, of course, the normal practice and procedure.

“Some of the powers contained in the Ordinances are drastic and the Government of India attach great importance to control by Local Governments of their exercise”.

In the light of the Secretary of State’s revelation, I do not see why the Government should not accept the first part of the Resolution. Yet, there is no denying the fact that there have been several cases in which immoderation and lack of restraint have been displayed by the agents of the Government. Adequate reference had been made in the other House to the well known Dr. Paton’s case in which this good missionary doctor of Tiruppur was belaboured by the European sergeants because he wore *khaddar* and went to see as a mere spectator how picketing was carried on. Dr. Paton belongs to an aristocratic family in England, being a relation of Lord Shaw. He was not a Congressman. His only offence was he wore Indian homespun. He had been doing it for some years. He is a most popular missionary doctor of Tiruppur ; fancy the hose being turned on him and then severely thrashed.

Here is another case which was mentioned in the Bombay Legislative Council and which shows how the instructions of the Government of India are honoured in the breach. Mr. L. R. Gokhale, M.L.C., brought a specific case before the Council on the motion for a cut in the expenditure on the special police and gave an account of the manner in which a public meeting was “dispersed” in Poona on “Motilal” day, which called for specific replies on the part of the Government. About 6,000 to 7,000 people attended the meeting and on a sudden signal the police made a rush on the meeting hammering every one with *lathis*. It is this sudden and indiscriminate hammering of all and sundry, which is utterly indefensible. The methods which are employed on these occasions are a clear proof that the police are being given too great a licence and allowed to ignore the main consideration that should govern their conduct, namely, that there is no duty imposed on them to punish people for assembling on an occasion that has been declared unlawful, but their duty is to make the people disperse and, if force is necessary to achieve that object, to use only the minimum amount of force. There has been a similar abuse of the Ordinances in regard to the Press. The Press Act was amended by the Ordinance in regard to the Press. The Press Act was amended by the Ordinance behind the back of the Legislature. And the Press Act and the Ordinance are recklessly applied. I shall give you two glaring instances of the Press Act and the Ordinance being applied to non-Congress papers. *Week*, an independent Roman Catholic weekly, nationalist in outlook, but not in

any way connected with or affiliated to the Congress, has been ordered to deposit a security of Rs. 2,000 and is compelled, in consequence, to close down. The circular issued a month or so ago by the Bombay Government to newspapers said that there was no intention to penalise journals "ordinarily well-conducted" for an occasional offence against what the executive authorities may conceive to trespass on the field of forbidden comment. The *Week* is not a Congress organ, it has not supported or sympathised with unlawful activities, it has not incited to crime. It has not published anything which could be described as seditious under the Code. Take again the case of the *Daily Herald*, Lahore. It is a champion of the Hindu cause and it was threatened with heavy security for an article in which it championed the Hindu cause and denounced the weakness and folly of a neighbouring Government in an Indian State. The proper thing for the Government to do, if they were moderate, was not to threaten a responsible newspaper edited by a responsible and famous journalist under the Press Act as amended by the Ordinance with heavy security, but to have sent for him and had a friendly talk. If they found that he was unreasonable, then they could have sent a written warning, though in my opinion instead of threatening to take a security they should have decided to prosecute the editor. Perhaps they were afraid that the editor, not being a non-co-operator would defend himself and the Government had no case. Hence their resort to the short cut of the Ordinance, the abuse of the Press Act. It is the megalomania caused by the extraordinary powers which the Government have assumed under the Ordinances which is tending to take away from them the sympathy of all reasonable people who are not anti-British but pro-Indian.

Lastly, Sir, I would urge that political prisoners should be given special treatment. They should not be classified as criminals so long as they are not guilty of violence. In several cases they are put under the category of ordinary prisoners. This will leave a trail of bitterness behind, which all friends of India and Britain will sincerely deplore. In their pursuit of Ordinances, the Government must not forget the goal. The goal is Indo-British understanding. For that, we must have a settlement satisfactory to both countries. The chances of such a settlement will not be improved by lack of restraint, lack of moderation and lack of discrimination in the application of special laws and administration of the Ordinances.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON :
 Sir, I rise to oppose the Resolution. The circumstances which compelled Government to issue the Ordinances have been fully explained by the Honourable the Home Secretary. As to the use of the minimum force necessary, I say, Sir, that when a mob is bent on violence it is not easy to decide what is the minimum force necessary to cope with it. Opinions always differ as to the minimum force necessary on different occasions and we have to remember that the use of less force than is necessary at the proper time results in the situation getting out of control with disastrous consequences. (Hear, hear.)

As to special treatment regarding certain classes of prisoners, this Resolution if I may say so is vague and incomplete. No attempt has been made to define special treatment. The question is—is special treatment to be extended to the so-called political prisoners irrespective of their standard of living and social status. Perhaps further the question will be raised : "Are the short-term prisoners to be treated better than others because they shall have soon to part with the comforts of jail life?" I hope the Honourable Mover does not

[Nawab Malik Mohammad Hayat Khan Noon.]

intend that the prisoners should be made so comfortable in the jail that when they are released they should have the desire to repeat their offence to go back to jail? With these words I beg to oppose the Resolution.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : Sir, I am very thankful to the Honourable the Home Secretary for the conciliatory manner in which he has replied to the debate. But some of my Honourable friends who have criticised my speech have, if I may say so, overstepped the bounds which the Honourable Mr. Emerson set before him in speaking on my Resolution. And had it not been for the criticism of these Honourable Members I would not have attempted to make a reply. The Honourable the Chief Commissioner has criticised me for making a statement that the Ordinances have placed even respectable and peaceful citizens in jeopardy of their liberty and lives.....

THE HONOURABLE SIR JOHN THOMPSON : I rise to make a personal explanation, Sir. What I said, quoting from the Honourable Member, was not that they had placed all respectable citizens in danger but that they had placed you and the Honourable Member himself in danger.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : Well, Sir, you being the occupant of the Chair, I think I must exclude your personality from being brought into this discussion. But as to myself, I would say that although I may be a peaceful citizen but I cannot guarantee that a young son of mine who is below 16 may not turn a Congressman to-morrow. In spite of my wishes to the contrary, would it after all be possible for me to control him and to keep him within bounds? You know, Sir, that in these days when even parents and guardians are at a discount it can hardly be conceived that a son could be under the complete control of his father. And if my son should happen to go beyond my control do you think that the Ordinance concerned will not affect me and that I will not have to suffer imprisonment for an offence committed by my son?

Then, Sir, the Honourable the Chief Commissioner said that once a *lathi* charge was begun it was impossible to regulate its strength like the pace of a motor car. It seems to me, Sir, that in making this statement the Honourable Sir John Thompson has by implication shown, if I may say so, that his policy is at variance with the policy dictated by the Government of India, to which reference was made earlier by the Honourable Mr. Emerson, viz., that instructions had been issued to the Local Governments that due moderation and restraint should be exercised in administering the Ordinances. So, Sir, I am rather surprised at the attitude taken up by the Honourable the Chief Commissioner in this matter.

Now, Sir, one of my friends here, the Honourable Mr. Mehta, said that if one could retaliate the other could do the same thing. Sir, do you think that the Government should take up the attitude that has been suggested by my Honourable friend?

THE HONOURABLE MR. H. M. MEHTA : Sir, I rise to a point of order. I never meant the Government. I said if one can do something the other can retaliate. It was a case of individuals, not the Government.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : Who is that other, may I ask ? My Resolution only recommends to the Government—and I had made it clear in my speech—that the Government should not act in a manner as to show a revengeful spirit.

THE HONOURABLE MR. G. S. KHAPARDE (Berar Representative) : Has it done so ?

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : No, I never said so.

THE HONOURABLE MR. G. S. KHAPARDE : That is the charge implied in the Resolution.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : I simply said that it would be an act of magnanimity on the part of the Government if they adopted a policy of conciliation and love.

THE HONOURABLE MR. G. S. KHAPARDE : Have they not adopted it ?

THE HONOURABLE MR. H. M. MEHTA : That is only one side of the picture.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : Some of my friends said that the Congress did this and the Congress did that. I admit that the policy adopted by the civil resisters last year was, generally speaking, a policy of hooliganism. Every sane-minded person deplores that policy. But the question is that, if a certain section of the people has taken it into their heads to break the law, whether they should be dealt with in a retaliatory manner ? I do not impugn that motive to the Government but I simply mention this for argument's sake. The Honourable Raja Sir Rampal Singh said that the civil resisters had been very cruel to the people. I admit that. Nobody approves of their actions. Then, the Honourable Mr. Emerson referred to a recent campaign that is going on in the province of Bihar and Orissa and in Bengal. Sir, my criticism covers this sort of campaign also. I am not a defender of this kind of conduct either on the part of the Congress or on the part of any section of Indians. What I advocate in my Resolution is that in face of the grave situation with which the Government are faced to-day, they should have due regard to the exercise by their agents of the utmost moderation and restraint in dealing with the situation in which we find ourselves to-day. This principle has been very gracefully accepted by the Honourable Mr. Emerson. He has publicly declared on the floor of this House that the Government of India has issued letters to all Local Governments, advising them that the powers under the Ordinances should be exercised with the utmost control and should not be abused as far as possible, and he has given us the contents of the circular letter. These instructions, Sir, would serve the object that I had in view in moving this Resolution. My Honourable friends Sir Philip Browne and Mr. Narayanaswami Chetti took the moderates to task for not preaching to the Congress the doctrines which we enunciate for the Government. To that, Sir, my Honourable friend Mr. Natesan has already replied. He has said that the moderates and liberals have made it unequivocally clear that they strongly disapprove of the present policy of the Congress, viz., the policy of civil disobedience. The Honourable Mr. Emerson

[Rai Bahadur Lala Jagdish Prasad.]

asked me, and rightly asked me, whether I had satisfied myself about the allegation of certain excesses committed in the district of Muzaffarnagar and if I had brought them to the notice of the local authorities. Sir, I did satisfy myself with regard to those allegations and I did approach the District Magistrate with a request that that state of things should be remedied. And I may tell him that the district officer on almost every occasion admitted that there had been certain excesses on the part of the police and their helpers, and that the district officer was trying to undo the mistakes of his subordinates. As I said, Sir, I am very thankful to the Honourable the Home Secretary for the way in which he has approached this subject, and I am glad that the Government of India have already issued instructions to Local Governments that the powers under the Ordinances should be exercised with due moderation and restraint and that there should be no abuse of powers so far as possible on the part of the executive. I am satisfied with these assurances.....

THE HONOURABLE MR. G. S. KHAPARDE : Will you withdraw ?

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : Although my Honourable friend has not seen his way to accept the third part of my Resolution, I think the time may come when the Government will recognise the class known as political offenders. If they do not recognise political offenders as a class at the present moment let them not do so. But as the Honourable the Home Secretary has said that the Government accept in principle the first two parts of my Resolution, I do not wish to create a feeling of bitterness by further pressing my point. I am satisfied with the assurance given and therefore, Sir, beg leave of the House to withdraw the Resolution.

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

The Council then adjourned till Eleven of the Clock on Thursday, the 17th March, 1932.
