

# LEGISLATIVE ASSEMBLY DEBATES

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TUESDAY, 5th FEBRUARY, 1929

Vol. I—No. 6

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## OFFICIAL REPORT



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# LEGISLATIVE ASSEMBLY.

Tuesday, 5th February, 1929.

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

## QUESTIONS AND ANSWERS.

### REVISION OF THE CASES OF CERTAIN OFFICERS UNDER RULE 10 (A) OF APPENDIX B TO SCHEDULE IV OF STATUTORY RULES AND ORDERS, 1924.

400. \*Colonel J. D. Crawford: (a) Is it a fact that it is nearly twelve months since Rule 10 (a) of Appendix B to Schedule IV of the Government of India Statutory Rules and Orders, 1924, No. 1395, was amended, and that the officers who were deprived of the benefits of the Lee Commission under the old rule have not yet had their cases revised?

(b) If the answer to part (a) is in the affirmative, will Government be pleased to state the cause of delay in finally deciding these cases?

(c) Are Government aware that these officers have to pay additional income-tax?

(d) Do Government intend to afford these officers any relief in the matter of assessment of income-tax?

(e) Are Government prepared to instruct the Railway Board to deal with this matter with as little delay as possible?

Mr. A. A. L. Parsons: (a) and (b). The amendment to which the Honourable Member refers was published in December, 1927. At the same time the authorities concerned were instructed to review, and to submit where necessary for the orders of the Secretary of State or Government of India, the cases of any officers who would become eligible for benefits under the new rule. The Government of India believe that the majority of such cases have been settled, though some are outstanding owing to the fact that the information furnished in the first instance was incomplete, or that the cases were of a doubtful nature.

(c) Government are aware that the payment of a lump sum representing the amount due in respect of any concession for which an officer may have become eligible owing to the amendment of the rule may have the effect of increasing the rate of income-tax at which he is liable to be assessed.

(d) No.

(e) I can assure the Honourable Member that it is the desire of the Railway Board to deal with these cases as expeditiously as possible.

## GRIEVANCES OF THE PROCESSION OF EX-SERVICE MEN AT LAHORE.

401. \*Colonel J. D. Crawford: (a) Will Government please make a full statement regarding the recent trouble in Lahore between a *jatha* of ex-service men and the Punjab Government?

(b) What were the grounds on which certain leaders of the *jatha* were arrested?

(c) Will Government please state the grievances which the *jatha* represented to the Punjab Government?

**Mr. G. M. Young:** (a), (b) and (c). The matter is one that primarily concerns the Local Government, and I would refer the Honourable Member to the full statement communicated to the Press by the Government of the Punjab on January the 10th. Subsequently the members of the *jatha* elected a deputation, which waited on His Excellency the Governor on the 21st of January, and then dispersed to their homes. The Government of India have not yet seen any detailed list of the grievances of the ex-service men, but they understand that their principal demand was for grants of land. As I have already stated in reply to question No. 805 on the 30th January, the local authorities are taking all possible steps to deal with any genuine grievances.

**Colonel J. D. Crawford:** Is there any benevolent fund at the disposal of the authorities for dealing with hard cases among Indian ex-service men?

**Mr. G. M. Young:** We have two funds. There is the India and Burma Military and Marine Relief Fund, which has an income of over Rs. 40,000, and is for disabled soldiers and the dependents of those who were killed in the Great War. We have also a fund called the Indian Army Benevolent Fund, the nucleus of which was established out of the Imperial Indian Relief Fund. It is supplemented now by private subscriptions and by a grant from Government. It is to help disabled soldiers and soldiers in distress. The income of that fund is something over Rs. 30,000.

**Colonel J. D. Crawford:** Does the Honourable Member consider that that amount is sufficient to deal with all the hard cases arising which do not come within existing pensionable regulations?

**Mr. G. M. Young:** No, Sir. We should certainly like more. But we have these two funds with a total income of over Rs. 70,000 a year. We get a large number of applications, which are very carefully sifted by the civil authorities and by the Command before they reach us. It is certainly true that the amounts we have at our disposal do not enable us to meet all the demands as fully as we would wish.

**Colonel J. D. Crawford:** Will the military authorities consider the advisability of taking more energetic steps of the nature taken by the Ex-Service Association to secure adequate funds to deal with hard cases?

**Mr. G. M. Young:** We do take all possible steps. In the organisation of the District Soldiers Board we have a machinery whereby practically every case—in fact every case—of distress, whether among ex-soldiers themselves or among their dependants, ought, if the system is properly worked, to be brought to light, and we do endeavour, through this organisation to obtain more funds from private subscription.

**Colonel J. D. Crawford:** Cannot something more energetic be organised than at present exists. The Ex-Service Association is very energetic in the interest of the British ex-service men. Why cannot the same be done for Indian ex-service men?

**Mr. G. M. Young:** I don't think that there is any failing of energy.

**Nawab Sir Sahibzada Abdul Qaiyum:** Cannot adequate provision be made for this purpose in the Military Budget?

**Mr. G. M. Young:** We do make grants to a large extent.

**Diwan Ohaman Lall:** May I ask whether the Government are aware that the *jatha* was sent because the pensioners were dissatisfied with the Soldiers' Boards and that is the reason why the *jatha* came to Lahore?

**Mr. G. M. Young:** At this stage I cannot answer that question fully, but the actual grievances of these ex-soldiers are being examined by the Punjab Government, and if that is the case no doubt the fact will emerge.

**Diwan Ohaman Lall:** May I ask whether that is not a matter within the cognisance of the Army Department, whether the Army Department is not competent to enquire into the grievances of the ex-soldiers and whether the Army Department has any intention of instituting an enquiry into the grievances of ex-soldiers?

**Mr. G. M. Young:** The working of the District Soldiers' Boards is a matter within the competency of the Army Commander, as well as the Local Government. The matter has not yet been considered by the Government of India but it will be considered when we receive a full report of what has occurred from the Punjab Government.

**The Revd. J. C. Chatterjee:** May I ask what the income of the European Ex-Service Association is as compared with this fund?

**Mr. G. M. Young:** I am afraid that I cannot answer that question without notice.

NOMINATION OF A REPRESENTATIVE OF THE BIHAR AND ORISSA CHAMBER OF COMMERCE FOR SERVICE ON THE RAILWAY RATES ADVISORY COMMITTEE.

402. **\*Mr. Gaya Prasad Singh:** (a) With reference to the revised list (published in the Gazette of India, dated the 8th December, 1928, Part I, pages 1040—1043) of persons nominated by the various bodies and Associations for service on the Rates Advisory Committee, are Government aware that not a single commercial body in the province of Bihar and Orissa was asked to nominate any person on this Committee? And why not?

(b) Do Government realize that the commercial and other interests of the province of Bihar and Orissa now go entirely unrepresented in connection with questions that are to come up before the Rates Advisory Committee?

(c) Have Government received any representation on this subject from the Bihar and Orissa Chamber of Commerce, Patna? And do they now propose to ask the Bihar and Orissa Chamber of Commerce to nominate their representative for service on the Rates Advisory Committee? If not, why not?

**Mr. A. A. L. Parsons:** (a) Yes. The panel from which commercial representatives are selected for investigations by the Rates Advisory Committee is large and representative of the various commercial interests involved, and was arrived at after reference to the more important Chambers of Commerce in India.

(b) and (c). With the existing panel Government have no reason to fear that the commercial and other interests of Bihar and Orissa will not receive every consideration; but a letter has just been received from the Bihar and Orissa Chamber of Commerce asking for representation on the panel of the Rates Advisory Committee, and this request is now under consideration.

#### REDUCTION OF LICENCE FEES IN THE SALTPETRE INDUSTRY.

**403. \*Mr. Gaya Prasad Singh:** (a) With reference to my starred question No. 442 of the 25th August, 1927, and the reply of the Government that "in view of the present condition of the saltpetre industry, Government are at present re-examining the whole position, including the possibility of reducing licence fees", will Government kindly state if they have reached any conclusions on the subject?

(b) Has the attention of Government been drawn to the Annual Administration Report of the Northern India Salt Revenue Department, 1925-26, (pages 13—14), in which it is stated that "the difficulty experienced by the *luniya* in going to the headquarters' treasury for his licence (since remedied by the authorization of sub-treasuries)" and "the increase in the rate of fees" have had "a depressing effect on the industry"? Is it not a fact that "where fees have been raised appreciably, the result is that many *luniyas* are abandoning saltpetre for more lucrative employment"?

(c) Are Government aware of the virtual ruin of the saltpetre industry, and do Government propose to reduce the licence fee at an early date and to make it available through the post offices as before?

**The Honourable Sir George Schuster:** (a) No; but the question is under active examination. I can at least promise the Honourable Member that a decision will be reached before the next licensing season commences (i.e., before August 1 next) and that any change made in the present practice will be in the direction of improving the position for village workers.

(b) The answer to the first part of the question is in the affirmative. The Government do not accept entirely the thesis stated in the second part of the question. The raising of the licence fees undoubtedly influenced the number of applications for licences, but the most potent factors have been a severe fall in price and a large decrease in the demand.

(c) The Government are aware that the saltpetre industry has been steadily declining during the past years. As already stated, the Government expect to be able to reach a decision about the reduction of the licence fees shortly. They will consider at the same time the advisability of issuing licences through Post Offices.

**Mr. Gaya Prasad Singh:** With reference to the answer to the latter part of (b), are Government aware that in the Annual Administration Report of the Northern India Salt Revenue Department for 1925-26, it is stated that "where fees have been raised appreciably the result is that

many *lunyas* are abandoning saltpetre for more lucrative employment''? Do I understand Government do not agree with that part of their own Administration Report?

**The Honourable Sir George Schuster:** Government agree that the falling off in the demand for licences coincided with the raising of licence fees, but unfortunately the troubles from which the saltpetre industry is suffering go rather deeper than that, and I am afraid that even if we reduce the licence fees, or abolish them altogether, it is not going to be possible fully to revive the saltpetre industry, because that depends on economic causes. Perhaps the Honourable Member will be satisfied if I say I am very grateful to him for raising this question, and I intend to see that everything possible that Government can do will be done to revive this industry.

#### LOCATION OF THE INDIAN REFRESHMENT ROOM AT PATNA JUNCTION RAILWAY STATION.

**404. \*Mr. Gaya Prasad Singh:** With reference to my question No. 5 of the 4th September, 1928, regarding the location of the Indian refreshment room at Patna Junction Railway Station (East Indian Railway), have Government received any reply from the Agent, East Indian Railway, as to what arrangements are in contemplation to locate this Indian refreshment room at the Railway Station, as the European refreshment room is located? Are Government aware that Indian passengers are put to much trouble and inconvenience? How long is this discrimination to continue?

**Mr. A. A. L. Parsons:** The quinquennial programme of the East Indian Railway shows that the Agent wishes to take up the remodelling of the station at Patna Junction in 1930-31. I am sending him a copy of the Honourable Member's question and of this reply in order that the question of making improved arrangements for the Indian refreshment room may not be overlooked in drawing up any plans for the station remodelling.

#### MONOPOLY OF RAILWAY REFRESHMENT ROOMS BY MESSRS. KELLNER AND CO. AND MESSRS. SPENCER AND CO.

**405. \*Mr. Gaya Prasad Singh:** (a) Are Government aware that the firms of Messrs. Kellner and Co. and Messrs. Spencer and Co., are one and the same, or that they have controlling interests in one another?

(b) Is it a fact that they have practically a monopoly in railway refreshment rooms in Bengal, Madras, and the Punjab?

(c) Do Government propose to give them contracts for other Railways also? If so, what railways? And why?

**Mr. A. A. L. Parsons:** (a) Government are not aware of the exact relationship between the two firms mentioned, but believe that they are connected.

(b) Messrs. Kellner & Co. have the contract on the East Indian Railway and Messrs. Spencer & Co. on the Madras and Southern Mahratta, South Indian, North Western and Mysore Railways.

(c) The contracts are placed by railway administrations and not by Government. Government are not aware of any proposals for giving railway refreshment room contracts on other railways to the firms mentioned.

## ELECTION OF A MEMBER TO THE COUNCIL OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

**Mr. President:** The Assembly will now proceed to elect a Member to represent the Legislative Assembly on the Council of the Indian Institute of Science, Bangalore. There are two candidates whose names are printed on the ballot papers which will be supplied to the Honourable Members in the order in which I call them.

(The ballot was then taken.)

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### THE PUBLIC SAFETY BILL—*contd.*

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

**Mr. H. G. Cocks** (Bombay : European): Sir, the amendment which has been proposed that this Bill should be circulated for the purpose of eliciting opinion is obviously of a delaying nature, and after all the discussion that took place in Simla and the consideration given to the question since, I do not think for a moment that the amendment will appeal to the House. As regards the motion that the Bill should go to Select Committee, for my part, I should have been only too glad to have seen this Bill considered in this House. The original Bill has already been to Select Committee, and the changes which have since been made are, in a sense, more or less insignificant. Therefore, I agree with my friend Mr. Ranga Iyer, who in his little speech yesterday, (Laughter), suggested that this Bill should certainly not be circulated and he also appeared to be in favour of its being dealt with without its going to Select Committee.

There are various lines of argument taken up against this Bill. There are some who say that the evil does not exist. My friend Diwan Chaman Lall, I have no doubt, is one of those who will tell us that no such evil exists in India to-day and that what is called an evil is not merely not an evil, but is something for the country's good. (*An Honourable Member*: "Yes.") Well, Mr. Chaman Lall is a man who is supposed to be in touch with labour, I believe those who are to-day in touch with labour in industrial circles like Bombay and Calcutta will not agree with him. Among those who have seen the distress, I may mention Sir Purshotamdas Thakurdas, because we have sat together in Bombay to consider this subject, more than once I think, and it is admitted, I think, by every one who is really in touch with the troubles of labour to-day that certainly an evil exists. It may be a matter of opinion as to whether we should have had such labour troubles without communism, but I believe the better opinion is that labour troubles have undoubtedly been aggravated by the communist doctrines which have been sweeping up and down the country.

Then there are those who admit the evil; but they say that this is not the right remedy. Mr. Ranga Iyer yesterday appeared to admit that there was an evil, but said that India could stand against it; it did not require legislation. Well, how could it be possible, when we know that there are 800 millions of illiterate people, who cannot read or write, and who are easily led away with a speech on the village green or in a chawl behind the mill, to say that these people are quite safe without legislation, and that they



do not require help from Government to combat this evil and to tread it underfoot? That seems to me to be a very extraordinary notion. From what we have seen in Bombay, we realise that there has been any amount of intimidation going on behind the scenes, and I think it is not doubted by anybody in touch with the situation that that intimidation has grown up as a direct result of the communist doctrines which are being preached in India to-day. Therefore I say, it is the duty of the Government to deal with this matter in the best way they can, and it is not right for any House in any country to refuse its Government powers when they are asked for, as in a Bill like this. They obviously know more of what is going on behind the scenes than we do. We were given a good deal of information yesterday as to what has been happening; but there are certain things of course which cannot be divulged, and I think it is only right that this House should accept from Government the proposition that the evil will be met to some extent by this Bill. Whether it will be necessary to follow this Bill with another, to deal with those who are not brought in under this Bill, is a serious question and one which I am quite certain Government have not lost sight of; but at any rate this is a step. If you take away the source of an evil, it is quite likely that the growth may die away. If certain elements of that growth, brought into existence from that source, are not killed by this Bill, then it will be the duty of the Government to bring in another Bill and deal with the matter in some other way.

As regards the provisions of the Bill dealing with confiscation of the money and treasure, no one will deny that it is very important to get at that money and that treasure, if it can be done. It may not always be easy, but at any rate I consider those provisions are only right and should be included in the Bill. The question of publicity, of course, is a very important one, and if only some additional counter propaganda could be set going by Government to counteract some of the communist propaganda which has been going on, it would undoubtedly be a very good thing. It is very easy to say that, but it is possibly not a very easy thing to effect; but at the same time I think Government ought to do something to counteract this propaganda by some other propaganda, and possibly the science of wireless may in time be useful to that end.

The question of trial which has been referred to many times in connection with this debate, that is, the suggestion that a man should be tried before he is condemned to leave the country or to go to jail, is of course a very important one. We should all like to see these people tried, but if it is impossible to get the evidence together to enable that trial to go through, then the only effective way of doing it is by means contained in a Bill such as the present one.

Mr. Ranga Iyer referred to the question of censorship. Well, that is a matter again which possibly will help; but the fact that the Government decided to undertake more rigorous censorship does not mean that this Bill is not necessary. As long as you have these communists coming from overseas to preach their doctrines to ignorant people, as long as the masses are going to be affected by those preachings, I say that the Government has a bounden duty to undertake legislation to the best of their ability to counteract that evil. I hope that Honourable Members will consider very seriously, before voting against this Bill, the effect of communist doctrines on the masses. They pose over and over again in this House as being friends of the masses and anxious to do them good, but surely

[Mr. H. G. Cocke.]

those who have seen the effects of this evil in the industrial centres, must agree that what has happened has not been good for labour. Think of the lakhs and lakhs in wages that have been withheld from labour owing to the strikes which have broken out. That cannot be good for labour. Is it seriously suggested that these strikes are going in the end to benefit labour? I cannot think that that is so, and I do not believe that is the general opinion of the House. I hope Honourable Members will think very seriously before voting against this Bill on this second and last occasion.

**Mr. N. O. Kelkar** (Bombay Central Division: Non-Muhammadan Rural): Sir, I rise to oppose the original motion, and in doing so I am not going to repeat any of the arguments which I laid before this House in Simla but will try to cover new ground if possible. It is really unfortunate that Government have come with this Bill to this Assembly in this insistent and aggressive manner. I say the manner is insistent because the House has already given its verdict upon the Bill; and it is aggressive for the reason that, not content with the bundle of objectionable provisions contained in the original Bill, Government have added one more objectionable feature to the Bill, namely, the provision about the forfeiture of monies and properties and securities.

Now the first question that arises in connection with this Bill at the present moment is what is the real justification for Government to bring in such a Bill even now. Being a man coming from the Bombay Presidency, I will deal more or less with the situation in Bombay, which is said to be the real justification for the present Bill. The House will remember that the Honourable the Home Member, in his speech yesterday, made many points, but most of the points made by him in yesterday's speech related to the situation in Bombay, and very few related to the situation outside. I suppose he may have once in a way referred to Bengal, but he referred one after another to events that were alleged to have happened in Bombay in connection with one particular industry. I am one of those who regard the situation in Bombay City as very ugly nowadays, but I must add that, as I see the signs before me, the situation is getting clear.

Then there is this question as to whether Government could not really have put down their foot at an earlier date and stopped all this evil. I think Government were for a time dallying or shilly-shallying with this evil. In particular, I may refer to the speech of the present Governor of Bombay who, immediately after he took up the reins of administration in Bombay, received a deputation from one particular industry. In the reply he made to that deputation, His Excellency said that, having regard to the fact that the strike had existed for about eight months, it was surprising, I think he said, that there was so little disturbance. I think the surprise caused to me by that speech itself was perhaps greater than the surprise to which His Excellency himself referred. Can we say that the speech was ironical or cynical, or that it was a straightforward reply? If it was cynical and ironical, well I can only say that it should not have been so. But it was a straightforward reply. I am entitled to presume that it represented a true state of things, which means that in view of the fact that the strike had lasted eight months in Bombay, the situation had not become so serious as to require attention. For all that, I think we may assume, as reasonable men and people, who know something about

even Bombay City, that the present evil in Bombay city may only be a passing phase and we may soon tide over it.

Then with regard to the resources of Government and the police I think they are absolutely sufficient. Have not the Government dealt with similar situations in the past? I know of at least two or three very fierce riots in Bombay City which the Government was able to put down after a short space of time. Then there was the difficult task of rounding up hundreds of Pathans in one night. It is a feather in the cap of the Bombay police that they were able to do so, and it proves conclusively that if they really mean to deal with the situation in an effective manner, they have the means and the resources at hand.

Then I may also refer to the pressure of public opinion, both the general public opinion and the opinion of one particular class, in this respect. Of course the general public opinion must have its own effect, even on the working population, because they work side by side as neighbours in the same city. But I would particularly refer to the pressure which is being brought to bear upon these workers and strikers by the small business men and the traders and shopkeepers with whom these workers come into contact. Now both these two classes of people, the shopkeepers and small business men and the workers, have lost enormously during the strike. The worker has lost his own credit with the small business man, and the small business man in return has lost many things. He has lost his credit in his turn with the big dealer, with the wholesale dealer, and he has lost all hope of recovering arrears from these workers, as also lost his current custom. So the small business man, with whom the worker comes immediately in contact, has lost in three different ways, and I am quite sure that, as there is no escape to the worker from the small business man, or to the small business man from the worker, the pressure wielded on each other by these two classes will ultimately have its effect.

Then attempts are being very seriously made with regard to arbitration, and I am entitled to presume that these efforts will succeed. As a parallel, take the case of the big nations who also hope to succeed in avoiding war in future by reference to arbitration and settlement. Now look at the difference in the state of these big nations and the state of the small working class people. The nations are all armed to the teeth, as they say. Some nations have to defend themselves. Other nations have to acquire and defend and maintain their Empires; and they have perhaps the whole world's wealth to grab. That is the great incentive to them to try the strength of arms and to win wars, notwithstanding any League of Nations or arbitration. But what, on the other hand, has the small worker to lose? He loses his business and he loses his life in the bargain. So as between big nations and these small workers, I think these small workers have every inducement to come to a settlement about their quarrels as soon as possible. The latest we hear from Bombay is that the joint conference of millowners and workers have come to a settlement about the standardisation which, if not the sole, was at least one of the causes of discontent. Then again the Fawcett Committee has practically come to the end of its labours. I do not know the exact truth about it, but I am told the Committee has lessened the reduction in wages, but has maintained it for the greater part. I am told that the representatives of the workers have almost agreed to accept that reduction in the wages.

**Sir Victor Sassoon** (Bombay Millowners' Association: Indian Commerce): Question!

**Mr. N. C. Kelkar:** As I have already said, my friend may be in a better position to know than I am, but that is my information.

**An Honourable Member:** That is not right.

**Mr. N. C. Kelkar:** But on both these points, namely, standardisation of wages and efficiency on the part of the labourers and about the reduction of wages, both parties are practically coming to a settlement, and the latest news that I read in the newspapers was that the mills are already working: I should like to be informed how many mills are not working.

**Sir Victor Sassoon:** All stopped.

**Mr. N. C. Kelkar:** Then the newspaper reports must be untrue. For my guarantee I could point to certain items of news in the Bombay papers.

Then, Sir, there is another matter. After all, the whole animus which has been generated by the strike, which has lasted for several days, could not have exhausted itself. The battery has been charged and it is not yet exhausted: I can presume it. But there is one consideration, that even those who are exposed to the results of this animus are in no worse position than some of the other people in Bombay. Take the average citizen of Bombay who is waylaid by a Pathan; or take the occupant of a lonely bungalow in a Bombay suburb; are not these people equally exposed to the animus of their enemies? Why should the mill worker or mill manager or *muccadam* feel himself exposed in a greater degree to violence at the hands of people in the mill area or amongst a lot of people?

Then, Sir, the second point I would like to make is that the objective of the Bill is in all conscience a very small one. If, as I allege, the objective is a small one, the Bill is unnecessary. But if the objective or target of the Bill is intended to be a large one, then I say that the Bill is inadequate and insufficient. Therefore, Sir, whether it is unnecessary or insufficient, it is useless. Now, Sir, to whom does the Bill really apply? Let us find that out. It does not, in the first place, apply to an Indian British subject. Secondly, it does not apply to a British subject ordinarily resident in India, and it does not also apply to the subject of a State in India. With regard to aliens, it has already been pointed out—and I accept the correction from the Home Member—that foreigners and aliens can be dealt with under the Foreigners Act. Therefore it comes to this: that the Bill does not apply to Indian subjects; it does not apply to State subjects, it does not apply to aliens and furthermore it does not apply to any one who has regularly resided or maintained a residence in India, or has carried on any trade, business or profession, or held any office or employment in India and for the purposes thereof has resided in India at regular intervals during that period. After thus enumerating all these categories of people, to whom this Bill does not apply, what is the real residue? Only a handful of people can be really affected and must be in contemplation under this Bill. When I say "handful," I should say that the fingers of your hand will perhaps be too many to mention these people who are in contemplation in the present Bill.

**An Honourable Member:** What about the future?

**Mr. N. C. Kelkar:** Throughout these days we have been hearing only of two names, Spratt and Bradley, Bradley and Spratt, nothing more. I might make a rhyme about it and say:

"Bradley and Spratt and Spratt and Bradley

They have together made a very fearful medley"

for the Government.

Of these two, Spratt has been put up before the Court and prosecuted, and with what result? A Civilian Judge of the High Court, who was once a Legal Remembrancer of the Bombay Government, heard the case with the assistance of a jury, and he accepted the verdict of the jury and acquitted Spratt on the ground that there was no evidence disclosed against Spratt. So Spratt is disposed of. Then Bradley remains. I think that Bradley, that single individual, fearful and formidable though he may be, must have a limited capacity for evil, because he has been found out as working only in Bombay and causing all this trouble.

Again, Sir, I come back to the point that all the allegations about the unrest and disturbances are confined more or less to the City of Bombay at the moment. (*An Honourable Member*: "No, no."). As regards strikes in Bombay, have not these strikes existed long before the name of Bolshevism was heard in this country? The strike is admittedly a legitimate weapon to be used as between master and servant, and even in England it has been recognised. Therefore, Sir, I think that the Bill is too big a weapon to be used, intended as it is, against so very few and ascertained a number of individuals. You can almost mention them name by name.

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): How does it hurt you then?

**An Honourable Member**: Give it a chance.

**Mr. N. C. Kelkar**: You cannot ask us to pass such a difficult and objectionable measure as this Bill with such a small objective. It is very like, I may say, using a Nasmyth hammer to kill a fly; or, if I may offer you another metaphor of my own creation, it is like using a tractor-harrow to comb out a few fleas from the head of a gypsy woman. (*Laughter*.) The question therefore is why not try other remedies than coming to this Assembly with this Bill? (*An Honourable Member*: "What one?"). The question is, what is the real remedy? I think I mentioned it at Simla as one of the remedies—namely, the manipulation of the passport regulations. I still stick to that argument and contend that much can be got out of the use of that remedy. Then again I have got something else to suggest this time and that is, rather than asking the Assembly to co-operate with the Government in this objectionable Bill, should not His Excellency the Governor General himself take upon himself the responsibility of issuing an Ordinance? It will remain in force for six months without the Assembly having got anything to do with it. During those six months you can comb out all these undesirable Britishers and deport them, and immediately on that, as a supplementary measure, you can put your passport regulations all right and begin the manipulation at the other end. Why do it at this end? So, with the Ordinance to be issued by the Governor General and the proper and effective manipulation of the passport rules at the other end, I suppose the Government of India can get really what they want. I may at once say, Sir, that I am not one of those who have got any sympathy, or much sympathy, with the mere mischief-mongering Britisher who comes into India with his propaganda. I would also say that here are a number of capitalists in this country who are going to object to this Bill; but you cannot certainly allege that these capitalists are in league or unison with communism. Therefore, Sir, you must really appreciate our objection to the Bill and the objection which the Indian

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capitalists themselves raise. I just read in the papers that the Bombay Merchants Chamber and Bureau, itself a capitalist body, has actually passed a resolution saying that while it will co-operate with Government in any other reasonable measures that may be proposed in this respect, it is positively against this particular piece of legislation. Therefore I say that the objective is a small one. This is a big measure and it is going to be made applicable not only to Bombay City but to the whole country and for all time.

**An Honourable Member:** For five years only.

**Mr. N. C. Kelkar:** For five years; I accept the correction.

Now, I come to my chief objection to the Bill, and that is an objection of principle. By this Bill Government is going to institute in this country a kind of Star Chamber, and is asking the Assembly to co-operate with them in instituting that objectionable institution. There is one point of difference between the last Bill and the present Bill. It is this. Whereas in the last Bill the High Court Judges were to form a Bench, in this particular Bill, Sessions Judges have been mentioned to form a Bench, and not High Court Judges, and I think that is a very important point of difference to be noted.

Now, the question is whether the High Courts have expressed their opinion on this measure. It is really significant that the High Courts have refused to co-operate with Government in regard to this Bill. It is very likely that the High Courts with a high judicial sense, must have refused to look at this measure. They must have refused point blank to do this dirty job for the Government.

**The Honourable Mr. J. Orerar** (Home Member): Will the Honourable Member kindly state what authority he has to make that statement?

**Mr. N. C. Kelkar:** That is my impression.

**Mr. K. Ahmed:** How do you infer? There must be some logical conclusion. What authority have you to make that statement?

**Mr. N. C. Kelkar:** As I said, that is my impression. If it were only a question of making any addition to the strength of the High Court Judges to form a Bench, that would have been a different matter. But what are the real facts? The work that will be thrown upon the Bombay High Court, *e.g.*, will be practically a flea-bite, when compared to the enormous amount of work which is already on the hands of that High Court. So far as I know, there are heaps of dung hills of arrears of work already in the present Bombay High Court—thanks to the fastidious and routine-loving nature and the dilatory methods of the present Chief High Court Judges of Bombay.

My second objection of principle to the Bill is that it makes certain acts offences which either are not already offences, or it seeks to make certain acts offences under the Bill which ought not to be made offences. Now, if they are offences under the ordinary Penal Code, it follows also that they should be dealt with like other offences under the Indian Penal Code. On the other hand, there are certain acts which are sought to be made offences under this Bill which, I do maintain, ought not to be made offences, and in this connection I would merely refer for a moment to the

unlawful interference with the ownership of property. That is really a very big question. It sounds only like a dogma or a theory, and I am of opinion that such a theory, or it may be a dogma, should not be penalised.

Then there is the question of forfeiture of money and property. If there is one argument for which one might support the amendment of my Honourable friend here, it is this innovation about the forfeiture of money in the hands of banking establishments; and I would really like this Bill to go out for this reason, if not for other reasons, for eliciting public opinion; because, I am quite sure that the banking establishments, even in this country, have got such a tradition and sense of privilege of their own, that they would rightly object, in my opinion, to the new disabilities that are being put upon them and the interference that is threatened in their work.

Then my last objection to the Bill on principle is that, once we make ourselves a party to this Bill, it is bound to have its natural reactions and repercussions in other ways. Something was said about it: of course it is not the intention of the Government to take action against Indian communists. But who knows what Government will do? There are the guarded words "for the present", which mean that, immediately you pass this Bill, Government may come back to us with a new Bill dealing with Indian communists, or they may begin to operate the objectionable Regulation of 1818.

**Mr. K. Ahmed:** It may be just the other way round; a new Bill may not be necessary.

**Mr. N. C. Kelkar:** Now, I shall briefly deal with one or two larger aspects of the Bill. I have already said that we in India do not like communism in its extreme form, and if I may give one reference to the public opinion prevailing in India about communism, in respect at least of one doctrine of it, namely maintenance of private property. I may at once refer to the Nehru Report in this connection, and point out that the Nehru Report does give a guarantee to maintain the institution of private property; and if we may suppose that the Nehru Report concentrates the enlightened public opinion of India, then you have in it a very good guarantee about the maintenance of private property. That guarantee is in conflict with the dogmas of the Soviet. That should prove to the House that India is not going to tolerate all this nonsense about the abolition of private property.

**Mr. K. Ahmed:** And the Moscow money will be inherited by the real heir.

**Mr. N. C. Kelkar:** After all, Sir, the question of the abolition of private property is a question of opinion. It is after all a theory; and even taking the Soviet dogma at its best or at its worst, it comes to this, that Government seeks to tilt at a mere doctrine, a socio-economic or politico-economic theory,—nothing better or nothing worse than that,—but the real point about that theory is that it does not harm anybody. It is the possible harm resulting from this Bill that is objectionable. Of course, violence in any form or shape or at the hands of anybody we at least, in India, would stoutly oppose. But with regard to mere penalising theories, I would ask some of the Members of this House to remember if they have read John Morley's book entitled "Compromise". He has stated there quite explicitly with regard to opinions, that anybody has got the right of expressing his own opinions, whatever they may be, however extreme they may be.

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He has actually given one instance of freedom of opinion to the effect that it is open to anybody, to any Britisher outside the Parliament, or in the Parliament, to say that the Crown of Great Britain may be put into the melting pot. There is nothing wrong in saying that, because, after all, it is a mere theory, and no violence or any serious results are going to follow from that theory; and so long as a man only sticks to that dogma, theory or opinion, he cannot be punished. That is what John Morley himself has said. We find also, side by side with this, that Soviet literature or Bolshevik literature is actually being allowed to be brought into Britain and is being tolerated to be read by the British public with impunity. After all, the literature about the Soviet and Bolshevism that we get in India is an infinitesimal fraction of the whole literature that is dumped into England and which is being read, devoured and digested by the British public. So far as I can see, there is no prohibition against the dissemination of such literature in England. I may be wrong again in this matter, and I would really feel obliged if the Honourable the Home Member would put before the House the provisions that are used in England itself about putting a stop to the Russian or Bolshevik propaganda being carried on in England. What are the real facts? What is the present Act, and what are the prohibitions issued against literature and propaganda of this kind in England itself?

Then again there is an independent testimony to the toleration which is being accorded to the Soviet propaganda in England itself. For after all the Labour Party has got such a thing as the extreme social democratic party or even a communist party in it; and I want to be told, if it is a fact, that the Labour Party as a whole, has cut off this gangrenous limb from it. So far as my information goes this extreme wing, which is fraternising with Bolshevik propaganda, is still an organic part of the Labour Party in England. If that is so, then it follows that it is not a thing which ought to be dealt with by legislation here.

Then are there not communist M. P.'s in England? What about them? Take the case of Mr. Saklatvala, for instance. He is an M. P. He is a Bolshevik, he is a communist, and he has expressed his belief in communism openly. He makes no secret of it, and yet he continues to be a Member of Parliament, without any action being taken against him, even with regard to his utterances made when he is not behind the shield of Parliamentary privilege. What has Government done to Mr. Saklatvala? The real thing is this, that in England they are more tolerant than the British Government in this country. They have been for generations past giving quite equal treatment to opposite kinds of doctrines in this matter. They allow full privilege to capitalism to speak out its own mind and make its own propaganda. They allow communism and extreme forms of social democratic principles also to make their own propaganda in England. And that is the real attitude for any Government to take, namely, allow equal opportunity and equal freedom of opinion to opposite doctrines of any type. For the last fifty years, England has seen socialism advance step by step, and stage by stage, and England has not yet put its foot down against the growth of socialism and its going up to the point of communism. (An Honourable Member: "No, no"). (Another Honourable Member: "Yes".) And if we may care to characterise what is really actually happening in India at the present moment, I will only say that they are the mere beginnings of the growth of an Indian Social Democratic Party



to which nobody can take exception. Capitalism is thriving in India, and why should not the other theory also go on here, so that the people may be able to judge for themselves which of the two is better and more useful for the country? Then, there is one more thing and it is this. England has tolerated this propaganda about social democratic principles for the reason that materially no violence results from these activities. That is the experience in England, and that I assure this House will ultimately be the effect in India also. Propaganda will certainly go on, preaching there will be, dogmas and theories will flourish and will have a full life even in this country, but I may assure the House that, after all there will not be much violence directly resulting from these theories. For even otherwise have we not got enough of crime already in this country? The Honourable the Home Member was reading a sort of diary as to what happened in Bombay during the last two months. If you read the Bombay newspapers at random, you will find therein murders and other acts of violence going on from day to day and how are you going to account for all that? Are they in any way due to this Bolshevik propaganda? Certainly not. There are other elements, evil elements in human nature, which find their manifestation in every city. Therefore it is not right to confuse matters and mix up the results of the ordinary human mind with the results of the preaching of a particular theory even in Bombay City. In England, as I said, the Social Democratic Party and the Labour Party have been working for the last fifty years, and with what result? There has not been any violence. There has not been any revolution. I myself have seen the strike of the Triple Alliance in England in 1919. I saw with my own eyes how that strike failed. Then, again, take the general strike, which was perhaps a more formidable strike, and which happened in England in 1926. It had almost led to a civil war; such at least were the fears of those who contemplated the results of a successful general strike of that character. And yet what was the result? The rationally minded Labour leaders never participated nor encouraged that general strike. It was only the extreme wing, and a very small fraction of the Labour Party at that. Such extreme wings there will always be in any country, but they will always be outnumbered by the more rationally minded men in the country. One particular fact about this general strike of 1926 I may mention, and it is remarkable for this reason. Sir John Simon led a campaign against this general strike in England in 1926, and how did he achieve the result of defeating the strike? By the manipulation, if I may say so, of the little finger of that subtle lawyer, by a little manœuvre of going to a Law Court he got the whole general strike of 1926 abolished and finished. If really there were elements of violence behind that general strike, that strike would not have ended as it did then. Therefore, my point is that, though there are these dogmatic preachings and furious preachings sometimes about Bolshevik propaganda, there are not real or substantial elements of violence behind that propaganda. (Mr. K. Ahmed: "It is a matter of opinion.") And in this connection, I would just quote Mr. Hubert Bland, who gives expression to the resulting and prevailing opinion about the possibility of social revolution actually taking place in England. He says:

"The physical force man, like the privileged Tory, has failed to take note of the flux of things, and to recognise the change brought about by the ballot. Under a lodger franchise, the barricade is the last resort of a small and desperate minority, a frank confession of despair, a reduction to absurdity of the whole Socialist case. Revolutionary heroics, natural and unblameable enough in exuberant puerility, are

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imbecile babblement in muscular adolescence, and in manhood would be criminal folly."

Here is a prominent Labour Party man expressing this view. He continues:

"The threat of shocking clamour of bloodshed is bound to create in any society, a revulsion among the humane section of the middle classes and also the working classes. The section which is blinded by class prejudice to all sense of social responsibility is the only class which treats personal violence from the working class with a superstitious terror that defies enlightenment or control. Some one has said that during the agitation made by the unemployed in England in 1887, the Chief Commissioner of Police in England started at his own shadow and mistook Mr. John Burns for the French Revolution."

Here, in this case, I may add, however, that the cap fitted on both heads, the heads of the people on either side, for we have known that people like Lord Bramwell, blue blooded aristocrats, openly said, as Presidents of respectable Societies from their high place, that they would come out into the streets and oppose physical force if there was a question of the abolition of landed classes. Here, therefore you have got people on both sides; here is Lord Bramwell giving a threat of revolution and physical violence, and why should it not be tolerated and taken at its proper value when coming from a working class man?

There is only the other argument which I will touch, and it is about the youth movement. I am not going to say anything about the Youth movement, for we all know how both to cherish it and treat it at its proper value. The youth in India will be for ever what it has always been, not only in India, but everywhere else in the world. I will not say anything further than that about youth. It is perhaps as it should be—just a little superficial in its thought and thinking and just a little exuberant in its expression. Beyond that, I will not criticise the youth of this country or any other country. And mind you, it is not only the youths of this country that are showing these signs. It is a coming movement, and as Dr. Moonje and Mr. Jayakar pointed out, it is up to Government to take full advantage of the Youth movement, by directing it in proper channels and giving it all facilities for the expression of its youthful vigour and enthusiasm. People in England had to pass through this phase themselves. Take the white bearded Bernard Shaw of the present day. He was at one time a youth himself. He himself has passed through a phase of thought and activity which might have been called revolutionary in his time and I would not like to point to this fact of his once having passed through that phase but with a view to the ultimate results which he points out; and in this connection I will just read an extract from one of his Fabian Essays and you will like to hear it. He says:

"Numbers of young men, pupils of Mill, Spencer, Comte and Darwin, roused by Mr. Henry George's 'Progress and Poverty' left aside evolution and free thought; took to insurrectionary economics; studied Karl Marx; and were so convinced that Socialism had only to be put clearly before the working classes to concentrate the power of their immense numbers in one irresistible organisation, that the Revolution was fixed for 1889—the anniversary of the French Revolution—at latest. I remember being asked satirically and publicly at that time how long I thought it would take to get Socialism into working order if I had my way. I replied, with a spirited modesty, that a fortnight would be ample for the purpose. When I add that I was frequently complimented on being one of the more reasonable Socialists, you will be able to appreciate the fervour of our conviction and the extravagant levity of our practical ideas. The opposition we got was un instructive; it was mainly founded on

the assumption that our projects were theoretically unsound but immediately possible, whereas our weak point lay in the case being exactly the reverse. However, the years sifted and sobered us. 'The Socialists' as they were called have fallen into line as a Social Democratic party, no more insurrectionary in its policy than any other party."

I have quoted this passage to show you that you need not have any fears about undesirable things coming from this youth movement. It is a legitimate movement. It was bound to come. It has come. It will go on. It has got a foothold in the country. One youthful generation always succeeds another youthful generation. There is never a stop put to the succession of youthful generations. The whole country is advancing. Free thinking is advancing—free thinking not only in politics and economics but in the social and religious departments also. Therefore all things are moving to a very happy result, and the youth movement is one of the signs. I therefore say that, neither the youth movement in this country, nor the growth of social democratic party principles in this country, are such that Government should come forward to this Assembly with this drastic and repressive measure of legislation. Lastly, I will say one word about the argument of responsibility which was brought forward yesterday by my friend Mr. Cosgrave. He said "This House must not be irresponsible". I will answer him in a single sentence and say, so long as you do not give us the real responsibility, do not give us the opportunity to occupy those benches, and keep us confined to these benches; so long as you do not play the manly game of in and out of administration, so long the irresponsibility of this House must continue. There is practically no responsibility upon its head.

**Sir Denys Bray** (Foreign Secretary): Ordinarily, Sir, when my Honourable friend Mr. Kelkar gets up to speak, I settle myself down in my chair for a delightful half hour. For I greatly enjoy his charm of manner, his urbanity of speech, his delightful quips and literary anecdotes, his touches of humour, the tolerance and moderation of his views. To-day I missed my usual enjoyment. For I find great difficulty, Sir, in transporting myself from the atmosphere of the Bill—an atmosphere heavy, electric, charged with danger for India—to the atmosphere of Mr. Kelkar's delightful debating society. Mr. Kelkar says that no elements of violence are behind the communist propaganda! Let him listen once more to the burning words of revolutionary sincerity which are made to stand again and again as the prelude to the communist creed:

"Communists disdain to disguise their purpose. They give notice to the wide world that it is through the overthrow of the whole social order as it exists and through its final down-crash alone that their grand aim can be accomplished."

**An Honourable Member:** Mere words.

**Sir Denys Bray:** Words which they themselves have translated into action! With India's safety at stake, are we *really* to chop logic over the doctrinaire rights of the individual, the non-Indian individual—let me underline it again—the individual from outside, the stranger in India's gates, to come to India and disseminate a poison deadly to India, corrosive of her social life? With India's safety at stake, are we *really* to indulge in archaeological research into the armoury of the executive, and guess whether this or that rusty, unhandy weapon cannot be used to ward off India's peril? Are we *really* at this stage to split straws over adding to the armoury of the executive—an executive, irresponsible, imperfectly responsive,

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imperfectly Indianised, bureaucratic, an executive democratically impossible if you will—and yet, for better or worse, the executive with India's safety for the time being in its keeping? Is this House, when India's safety is at stake, once more to halt between two opinions?

For mark, Sir. Neither to-day nor yesterday nor during those long summer debates was a voice, a serious voice, raised in defence or extenuation of the poison or the poisoners with which this Bill seeks to cope. All through those debates last summer there were strong undercurrents in every quarter of the House of revulsion against the poison and the agencies that sought to disseminate it. True, above the undercurrents there lay a spurious calm, an indifference induced, where it was genuine, by a superb racial pride. It filled me with a thrill and a glow then. Yesterday, when I caught some of it in the labyrinthine mazes of Mr. Ranga Iyer's speech, it seemed to me to have lost something of its freshness. But the confidence itself is superb, a confidence that, be the poison ever so deadly to other races, to other countries, India—or rather I should say Hinduism—for my Muslim friends were more robust, less passive, more combative in their racial and religious pride—a confidence that Hinduism would be left unmoved and immovable as this invasion, last of many invasions, passed over it. Unmoved, immovable? If I believed that, I should not be standing here now.

But, note with me, Sir, the immensity of difference between the invasions of the past and the invasion that is seeking to make its way over India to-day. No longer has India to face an invasion of force against force, matter against matter, and invasion bent on a material conquest. To-day the invader comes in the guise of philosopher and friend . . . . .

**An Honourable Member:** Like the British people!

**Sir Denys Bray:** . . . . . bent on a conquest not of matter but of mind. He comes to his victims in many guises. But at no time is he more dangerous—and here I would turn again to my friend Mr. Kelkar—than when he comes like Mephistopheles of the fable,—fable? It is, the embodiment of evil eternal!—and passing by minds set, mature, well balanced, offers the lure of its poisonous gifts to the immature, the adolescent, the youth of India.

It is this thought that has driven me to my feet. For I cannot expel from my mind and conscience the memory of my own youth. How generous, how liberal, how impressionable, how receptive of every wind of doctrine were our minds in the flush and fervour of that youth at Oxford! Any doctrine, however wild, however visionary, however Utopian, that seemed to us to have the power to level out some of the cruel inequities and inequalities of the realities of life—how potent was their appeal! Potent? Long after the doctrines themselves have been weighed, found wanting, discarded, their appeal remains, I suppose, colouring one's thoughts and feelings to one's dying day. But with all my heart I thank whatsoever star that guides my moving that communism was not allowed to shed its deadly nightshade upon our youth. For, mark this. Unlike those rebellious doctrines of your youth, Sir, and mine, there is nothing selective about communism. Communism does not permit of selective treatment. You cannot take from communism this idea or that impulse, and leave the rest.

With communism it is all or nothing. "It is through the final down-crash of the whole social system alone that its grand aim can be accomplished." Shall we, now that we ourselves have arrived at drab years of discretion, look on unmoved, while our youth has this poison insinuated before it? Can anyone who remembers the plastic, impressionable age of his own youth, can we, whose youth was sheltered, look upon the gradual approach of these pernicious doctrines and remain unmoved, inactive, unafraid for India's youth? Not I for one! And it will be a sorry day for India when the older generations cease to be afraid for their youth, and are content—what an idle empty word! But I cannot find the word I want—content to remain afraid of it.

The Honourable the Home Member addressed an appeal, as I understood it, to the Leader of the Opposition to lay aside the role of opposition for opposition sake, in a matter so close to his heart and ours. I would appeal to another Honourable Pandit, Leader of the Nationalist Party, leader—and this is far nearer my thoughts—leader, as no man I know is, leader and inspiration of Hindu youth. I appeal to him dispassionately, for he knows far better than I the perils by which Indian youth is envired. I appeal to him coolly, for he is always alert to feel the sincerity in others; with confidence, for I know the intensity with which the flame of devotion to young India, the fuller India of to-morrow, burns in his breast. I appeal to him, myself a devoted servant of India, to let me share with this leader of Indian youth the glow of a common purpose and let me follow his lead in the passing of this Bill for the better safety of India and India's youth. (Applause.)

**Diwan Ohaman Lall** (West Punjab: Non-Muhammadian): Sir, it is difficult to get away from the spell of the infrequent speeches delivered by the Honourable Sir Denys Bray, and if for no other reason, let me from this side of the House congratulate him on the manner of his speech.

**An Honourable Member:** What about the matter?

**Diwan Ohaman Lall:** I am asked what about the matter of Sir Denys Bray's speech. I intend to deal with the matter of his speech and that is the reason why I have stood up to speak this afternoon. What does Sir Denys Bray say? He says that India's safety is in danger and that therefore we, to-day, must not split hairs over this or that rusty weapon. He presumes that the safety of India is at stake, and then proceeds to assume that once the safety of India is at stake, any weapon that the executive can recommend must perforce be given into their hands. The whole question is, are we going to empower the Executive with the weapons which they can use without resort to the ordinary law of the land? Are we going to empower them with extraordinary weapons which they have no business to use in the enlightened age in which we live to-day? An Honourable Member speaking yesterday, I think it was Mr. Cosgrave, turned round and said that somebody reproached him that the legislation before the House savoured of the Star Chamber method. He turned round and denied the fact that it had any taste whatsoever of the methods which are famous in history and known as Star Chamber methods. May I remind him what the constitution of the Star Chamber was? It was a constitution similar to the one which is being set up under this Bill. Now, under this Bill, three Sessions Judges are called upon by His Excellency

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the Governor General to adjudicate upon cases brought before them and on the evidence brought before them, to which the accused has no right of access. The accused is given just a general statement of the offence that he is supposed to have committed, with no facts and no figures and no data and no dates; and yet he is to be content with whatever is given to him. Discretion is left to the three Sessions Judges chosen by the Executive to act on the documents handed over to them, documents which have probably been concocted by the police, documents perhaps which have been forged by the police (*An Honourable Member*: "Question"), and documents which will not stand the test of the ordinary law of evidence. If the ordinary law were to be made applicable to such cases, the procedure would have been different and the evidence would have been placed before the open Court and the accused and his lawyer would have had the right of access to them. This is, Sir, exactly what happened something like 500 years ago in the land from which my Honourable friends hail. Here is described what the Star Chamber did:

"The Star Chamber took notice of riot, murder, forgery, felony, perjury, fraud, libel and slander, duels and acts tending to treason as well as of some civil matter," and I am certain, Sir they would have included communism, if communism had been known in their time:

"its procedure was not according to law. It dispensed with the encumbrance of a jury. It could proceed on rumour alone. It could apply torture, it could inflict any penalty but death. It was thus admirably calculated to be a support of order against anarchy,"

exactly what my Honourable friends over there have been saying about this Bill,

"or of despotism against individual and national liberty."

Exactly what my Honourable friends over there have been saying. When my Honourable friend said that this Bill did not savour of Star Chamber methods, he should have been more careful in regard to the history of the Star Chamber. He should have known what the history of the Chamber had been. I say again deliberately and would stand the challenge of any Member of this House, I repeat that it does savour of the Star Chamber methods and that the persons who are on trial . . .

**Mr. W. A. Cosgrave** (Assam: Nominated Official): On a point of explanation, Sir. May I say that the Star Chamber was never mentioned in yesterday's debate either by me or by any other speaker. It is an entirely new point.

**Diwan Chaman Lall**: Perhaps the Honourable Member's memory fails. Anyhow that is not the point.

**Sir Victor Sassoon**: But that is what he says.

**Diwan Chaman Lall**: It is not the point whether the Honourable Member does or does not consider these methods to be like the Star Chamber methods. It was, I repeat again, mentioned on the floor of the House yesterday. Probably the Honourable Member does not remember it. But that is not my whole argument. The point that I want to drive at is this, that the persons who are on trial are not Mr. Bradley or Mr. Spratt, but the persons who are on trial are my Honourable friends Sir Denys Bray and his colleagues who are sitting over there on the Treasury Benches.

**Sir Victor Sassoon:** We do not mind.

**Diwan Chaman Lall:** My Honourable friend says that they do not mind.

**Sir Victor Sassoon:** We do not mind being on trial.

**Diwan Chaman Lall:** That is just the tragedy of it. When the Englishman crosses to this side of Suez, he forgets all the traditions which make him an English gentleman. (*An Honourable Member:* "Question".) I challenge my Honourable friend who questions this, to get up in his own country and advocate legislation of this kind, arbitrary legislation of this kind, and see whether he can command either respect or attention of his people. Is there no Communist Party in Great Britain to-day? Has that been declared an unlawful association? Has any man in Great Britain to-day demanded such executive powers as the Honourable Members over there are demanding from us? And yet it is a well known fact that there is in existence a Communist Party in Great Britain; it is a well known fact that it is a very powerful party; it is a well known fact that it elects even Honourable Members to the House of Commons. (*An Honourable Member:* "One Member".) The Honourable Member surely knows history. He knows that several Members were put up for election. (Laughter.) I want to know from my Honourable friend over there, who interrupted me, whether it is a fact that the Communist Party of Great Britain has been in existence for a considerable number of years, and whether it is a fact that on no occasion has the British Government ever suggested the use of extraordinary powers to cope with what they call in this country a menace. If legislation of this kind is not desirable in Great Britain, why, I ask, is it supposed that legislation of this kind is desirable in this country. When the Honourable the Home Member spoke on this motion last time in Simla, as far as I can recollect he predicted the practical breakdown of the entire social, religious, moral and material fabric of this country if this menace was not stemmed in time. My Honourable friend was not allowed the use of this extraordinary power in order to stem this menace, and several months have elapsed since he spoke at Simla. May I ask if the social, religious, moral and material fabric of this Nation has broken down?

**The Honourable Mr. J. Orerar:** I never suggested that the social, moral and material fabric of this Nation would break down in four months.

**Diwan Chaman Lall:** My Honourable friend says he did not say that it would break down in four months and that it was not an urgent measure which the Government wanted. What was the urgency then, if within four months he could prove nothing, nothing whatever which would induce any man to believe that anything has happened to disrupt this Nation? Let me refresh the Honourable Member's memory for a minute. He said:

"There may be, and indeed it is part of my case that there are, dangers which threaten not only the existence of the Government in India, not only the existence of conditions of peace and order, but dangers which threaten the most vital interests, the most essential and the most vital assets and elements of the whole state of our society."

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Agreed. Society still exists, and Honourable Members travel about this country in safety and peace. Honourable Members conduct their business from day to day in peace and comfort. I have not heard of any Member of the Government having been assaulted or murdered or spirited away or kidnapped . . . .

**Colonel J. D. Crawford** (Bengal: European): What about the Indian labourers whom you should be in contact with?

**Diwan Chaman Lall**: I am not aware, Sir, that the social fabric has been disturbed or that the Honourable Mr. Crawford has spent a sleepless night worrying himself over such a thing. Further, Sir, the Honourable Member said:

"If we do not act upon the principle of looking facts in the face, there is a movement which, if left unchecked, may ultimately prove destructive to that whole heritage of culture, of civilisation, of religion, the organisation of agriculture, industry and commerce and the whole structure and the whole basis of society."

The Honourable Member over there must have been talking with his tongue in his cheek when he uttered those high-sounding phrases which meant nothing whatsoever. Was it in this fashion that the Honourable Member attempted to frighten this House into empowering him with authority which any honest man ought to be ashamed of giving?

**An Honourable Member**: Why?

**Diwan Chaman Lall**: For the simple reason that, whatever you suggest, whatever the Government suggest they want to check, they can check by the ordinary law of the land in force at present. Whatever they desire to check, they should check as honest men, honestly dealing with a criminal, bringing him for trial in an open Court of Justice by the ordinary methods of criminal jurisprudence. What right has any man to-day, in the year 1929, to demand that he should be given powers to punish a man without trial?

**Colonel J. D. Crawford**: What about the intimidated labour in Bengal?

**An Honourable Member**: Other countries do it.

**Diwan Chaman Lall**: My Honourable friend over there says other countries do it. I am now going to deal with the other countries. Mr. Cosgrave the other day got up and said that there are other countries which have similar legislation. First of all, let me make it perfectly clear that legislation in other countries like Canada, Australia and America or in Ireland, is legislation which is limited to the question of immigration, immigration, I say, that is, in the case of people wanting to settle in the country. (*Some Honourable Members*: "No.") What my Honourable friend over there was referring to was the immigration laws.

**An Honourable Member**: What about deporting?

**Diwan Chaman Lall**: I will come to the question of deporting later on. Let me clear the ground first of all. My learned friend over there, if he wanted to give an example of similar legislation in any other country, should have given us the example of Ireland, his own country. There is Cosgrave's Government in Ireland and there is Cosgrave's Government in



India. Cosgrave's Government in Ireland did exactly what Cosgrave's Government in India want to do here. They brought in a Public Safety Bill, and having brought in that, they did exactly what Cosgrave's Government in India want to do, namely, limit it to a period of five years; and having limited it to a period of five years, they discovered that it did not satisfy public opinion. I believe—and I speak subject to correction—that since this Act was passed in Ireland, not a single case was reported under that Act. Anyhow, what did Cosgrave's Government in Ireland do, I ask? After a year and a half's experience of this Act, they went before the Legislature and they had that Act repealed. It is no longer on the Statute-Book. It was done a few months ago. After a year and a half's experience of this kind of legislation, they had to go before their Legislature with a repealing measure. Why did not my friend over there cite the example of Ireland? He went on to cite the example of Australia and he said: "We are doing nothing more in this country than what has already been done in Australia". Let me refresh my friend's memory for a minute. Can you show me any provision in Australian legislation, under which a man who is to be deported, can be placed before three Sessions Judges, with no evidence produced before them, with the evidence taken in secret, the man himself not being allowed to examine the charge or the evidence under which he is to be deported? That is practically a secret trial. Is there any such provision in Australian legislation, or in Canadian legislation, or in American legislation?

**An Honourable Member:** Yes.

**Mr. A. Rangaswami Iyengar** (Tanjore *and* Trichinopoly: Non-Muhamadan Rural): No I deny that.

**Diwan Chaman Lall:** I will prove to the Honourable Member who interrupted me that he is wrong. Let me take Australia, an example that was cited by Mr. Cosgrave with much force. This is what their provision is:

"To deport persons other than those born in Australia . . .

'Before action can be taken under the latter provision to deport any person from the Commonwealth, he must be required to appear before a specially appointed Board to afford him an opportunity to show cause why he should not be deported' . . . etc."

So, he has got to show cause why he should not be deported. The evidence is placed before him, the charge is placed before him, to the effect that he has contravened such and such a provision of the Immigration laws. If he can prove that he has not contravened that particular section of the Immigration laws he is not deported.

**Colonel J. D. Crawford:** As under this Bill, as under the laws of Immigration in force in Australia.

**Diwan Chaman Lall:** If my friend over there happened to be deaf or dumb, or suffering from some contagious disease, he would not be allowed to enter Australia, and if he by some means chartered a ship and went to Australia, in spite of the laws existing in Australia, he would then be called upon to go before this Board to prove why he should not be deported. That is what this law means. There is no secrecy about it. Is it the same here?

**Sir Victor Sassoon:** It is the same.

**Diwan Chaman Lall:** I am not surprised at this reply. These are however the arguments with which my friend there is prepared to bolster

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up this Bill, and I now realise why his industry is in such a state. (Loud Laughter.) What are the grounds that were advanced by my Honourable friend? What did he tell us? Let me take his arguments, which fall into three different categories. He says first of all that there is a movement in this country which inflames sources of discontent. Secondly, this movement makes a body of inflammable material and lights a great conflagration. Thirdly, organised efforts are being directed towards industrial discontent. Fourthly, the Youth movement is being brought under communistic influence. Fifthly, he wants to prevent the misleading of the classes that are illiterate. May I ask him, in all solemnity,—in all seriousness I ask the Honourable Member—does he really believe that the passing of this Bill is going to do any of the things he has laid down there? Now let me see what the Bill is actually going to do. The Bill is aimed at non-Indians. Suppose the Bill becomes law and is placed upon the Statute-Book; what will the Honourable the Home Member proceed to do? Who are the people that he can get hold of? A friend of mine showed me the other day a cartoon depicting Mother Britannia in the likeness of the Home Member dressed in a night-shirt getting into bed. Two little mice are trying to crawl up her feet. The mice are marked Spratt and Bradley, while Mother Britannia cries "Police! Fire!! Murder!!! Help!!!!" (Loud Laughter.) Underneath was the caption "Public Safety Bill". (Laughter.) If the measure is passed into law, will my Honourable friend deport Mr. Spratt and Mr. Bradley? And does he really mean to tell me the deportation of these two gentlemen is going to do all the things that he says? He wants not to inflame the sources of discontent. Is that going to stop it, or to prevent organised efforts directed towards industrial discontent or the Youth movement from coming under communistic influence, in spite of what Mr. Ranga Iyer may say? And will the deportation of these two gentlemen prevent the misleading of the illiterate classes? Does my Honourable friend seriously think he is going to achieve all this? No. What is going to happen is this. As the Honourable the Home Member himself suggested, hinted at, in his speech, they are going to consult Local Governments. Once this Assembly gives its assent to the principle underlying this Bill, then it is a definite move forward for the Government to come before this House again and say: "We want to put an end to this menace. We have not yet succeeded in putting an end to it. We want further powers to deal with the Indian as we have powers now to deal with the European." (Cheers.) That exactly is the situation which a vote of this Assembly will create for the non-officials of this House, if the non-officials in this House vote in favour of this Bill. It is no good suggesting that we are not going to be tied down to any principle. Of course we are going to be tied to a principle, and a most vicious principle. It is that Indians clamouring, claiming freedom for our country are going to be gagged with this sort of legislation. (Applause.) Such a thing would stink in the nostrils of every decent Englishman.

Now my Honourable friend the Home Member also gave us another reason, and now I come to the second category. The sixth reason was that this Bill, if it passes into law, will help them to cope with the attempts that are being made by this communist movement to destroy organised government by sanguinary methods. I want to ask the Honourable the Home Member—he knows a certain amount of law though he

is not a lawyer, otherwise he would not be the Home Member—has he never looked into the Indian Penal Code? Does he know there is such a thing as the Indian Penal Code? Does he know there are sections of the Code which relate to things like criminal conspiracy, abetments of crime; which relate to offences against the State, which talk about waging war against the King? If there is a man to-day, Englishman, Indian or any kind of foreigner, who is advocating the destruction of organised government by sanguinary methods, your law, the Indian Penal Code, is sufficient to deal with it. (Applause.) (*A Voice from the Government Benches:* "No!"). Why do you want extraordinary powers? Who is this bright and intelligent lawyer who says "No"? (Loud Laughter.) Now, Sir, if this is all that you want to do, namely, to prevent the destruction of this Government by sanguinary methods, the law is there. What do you want special powers for? Why do you want powers which will enable you to take action against a man, without his being aware of the evidence that is produced against him? I want now to deal with the third category of the Honourable Member's reasons. The third category dealt with this. The Honourable Member said in justification of this measure that there are lightning strikes being caused in Bombay, intimidation being caused in Bombay, that violence still continues in Bombay. There have been riots. One mill worker's head was broken open.

**Sir Victor Sassoon:** He died.

**Diwan Chaman Lall:** Now how is the Honourable Member going to prevent all this by the passing of this Bill into law? Will heads not be broken again, if Messrs. Spratt and Bradley are deported from this country? Can the Honourable Member give me a guarantee, that, if we pass this Bill, no more heads will be broken in Bombay, no more intimidation will take place in Bombay, there will be no further industrial unrest in Bombay? What does the Honourable Member mean by making these observations? I want to draw the Honourable Member's attention to the fact that there was a period very recently in the history of this country when communal riots were prevalent throughout India. Very many heads were being broken, property was being damaged and destroyed. Did the Honourable Member convene a special session of the Legislative Assembly to get extraordinary powers to enable him to tackle that situation?

**Mr. K. Ahmed:** What did the Swarajists do then?

**Diwan Chaman Lall:** I want to ask the Honourable the Home Member. He comes from Bombay. He was in Bombay when I was in Bombay. He knows Bombay pretty well. He was in Bombay I believe in the Home Department when an attempt was made in 1920 to murder me and Mr. Baptista by the Pathans hired by the employers. Were any special powers demanded by the Bombay Government at that time to tackle that situation? In 1925 there was a regular Pathan menace in Bombay. Murders were being committed . . . .

**Mr. K. Ahmed:** Defamation, Sir.

**Diwan Chaman Lall:** Were any special powers demanded by the Government to deal with the situation? No. What they want is this. They want to tackle the Indian political problem, which they know is now

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shifting its ground from the upper and the middle classes to the working classes. They know perfectly well that we in this House have been asserting, year in and year out, that we have not got the sanction behind us. They know that the sanction lies with the working classes of India and with the peasantry of India. They are afraid of that sanction, and they want extraordinary powers by the back door. They want extraordinary powers to deal with that situation which is likely to arise soon.

One last word, Sir, about Mr. Crerar's speech. I do not know the relevance of his remark. He made that remark in all seriousness in order apparently to frighten us. He said: "You want evidence? Well there is evidence enough; in Calcutta the other day 25,000 workers marched into the Congress pandal carrying banners and flags." Is that evidence which is going to compel us to give the Honourable Member the power that he is seeking under this Bill? What is the basis of this measure? What is it?

**An Honourable Member:** The awakening of the masses.

**Diwan Chaman Lall:** My friend says it is the awakening of the masses and he is quite right.

**Mr. K. Ahmed:** Money from Moscow, Sir.

**Diwan Chaman Lall:** I would much rather take money from Moscow—so much the worse for Moscow—and do some work in the interest of the workers, than sit in those chairs and get fat and do not work. (Laughter.) What is it, Sir, that is sought to be done by the Honourable the Home Member? I would suggest this: instead of dealing with a situation which he has created in his own imagination—we shall hear a great deal about it from my friend, Sir Victor Sassoon, who has a very vivid imagination—instead of dealing with the situation which he has imaginatively created, why not deal with the real problem? What is the real problem? The real problem is that the Indian workers are hungry. They do not require a Bradley or a Spratt to go and tell them that they are hungry; nor do they require the services of the Honourable Mr. Crerar to convince them that they are not hungry. The fact remains that the Indian masses are to-day hungry; millions of them go without proper nourishment. You have talked of Calcutta and Bombay. Go to the so-called prosperous Province of the Punjab. What do we find there? 99 per cent. of the houses in the villages are kutchha houses, mud huts. Is that a sign of prosperity? The soil for communism is there, whether Mr. Bradley preaches it or not, whether Mr. Spratt preaches it or not. Hungry masses are told that their salvation lies in an organized effort to nationalise land and industry—that is all that communism is trying to do—(An Honourable Member: "No."), who is going to prevent the spread of that doctrine? Is this Bill going to prevent the spread of that doctrine? The Government of India has the intellectual reputation of exciting upon occasion the laughter of the world. A despotic government which is unmindful that it is being laughed at is either like the Fascist Government in Italy, too strongly entrenched, or like the Government of India heading towards a fall. (Applause.) This measure, if it is placed upon the Statute-Book, will make the Government of India the laughing stock of the world. I do not know when my Honourable friend, Mr. Crerar, laughed last, but if he will only laugh over this measure, he will

realise the ridiculousness of it. I want my friend to bring his mind to bear upon the radical problem. Nowhere in the body of this Bill is the word "communist" mentioned. What is mentioned is this:

"Any one who directly or indirectly advocates the overthrow by force or violence of the government established by law"

—crimes which are covered by the law of the land to-day, for which you do not want extraordinary powers—

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

Now, Sir, I suggest that one of the objects of the Swaraj Party and the Congress Party is to subvert organised government in British India . . .

**An Honourable Member:** By force?

**Diwan Chaman Lall:** The word "force" is not mentioned in sub-clause (b), if my learned friend will only read it. Let my learned friend read the Bill first.

**Sir Victor Sassoon:** I have; have you?

**Diwan Chaman Lall:** Read it again:

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

Where is the word "force"? That is the object of the Swaraj Party and the Congress Party—to subvert organised British Government in India.

**Sir Victor Sassoon:** By fomenting industrial disputes?

**Diwan Chaman Lall:** By any means legitimate within their power, apart from violence.

**Sir Victor Sassoon:** What means?

**Diwan Chaman Lall:** What means? The Honourable Member will know when the day arrives. (Cheers.) Now, the terms of the Bill are such that I do not know whether the Honourable the Law Member himself realises the vagueness and the indefiniteness of the phraseology and the terminology used in the measure. As I said, the word "communist" is not mentioned. If I, an outsider, feel that the policy of the Government is a policy of no prohibition and the Government in India feels that their economic safety depends upon a policy of non-prohibition, then if I, an outsider, send money into this country and ask my friend, Mr. Rangaswami Iyengar, to utilise that money for the purpose of preaching prohibition, then I come under this Bill.

**Sir Victor Sassoon:** No.

**Mr. A. Rangaswami Iyengar:** You do.

**Diwan Chaman Lall:** I wish my learned friend, who is a mill-owner, would consult a lawyer before he talks. Apart from this, the whole reasoning of the Honourable Member and of Members opposite has been on the

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basis that they are out to destroy communism by the passing of this measure. Are they out to destroy communism? Do they destroy communism? Is the Indian Communist Party touched? It is not. Well, be frank with this House and let us know if it is your intention to destroy communism in this country. If that is so, why have you not brought it within the purview of this measure—the Indian as well as the non-Indian communist? What is the reason? The reason, Sir, is that you are afraid of coming out with that admission all of a sudden. You want to break it to us gently. The Government know that we are a sensitive people and they want to break it to us gently; that is the next step they will take. Is India prepared to give them this before giving them the liberty of taking that next step? That is the question I want to ask. As far as the principle of this Bill goes, I want to repeat once again that the Indian labour movement as it is constituted at present—and I have had a great deal to do with the Indian labour movement for the last ten years—the Indian labour movement believes, as does the communist movement, that the end for the working classes is nationalisation of land and industry. Where it differs from the communist movement is in this: that it does not believe in violence as the method by which they would attain that object. That is the sole difference. Am I going to be prevented, as an honest socialist, from preaching my doctrine or receiving the help of a socialist organisation by the passing of this Bill? The aim and object of socialism—I do not know if my Honourable friend, Mr. Crerar, knows anything about it—would come within the purview of this measure if you pass it; and to-morrow, having passed it here, you may be faced with the possibility of a socialist government entrenched in Whitehall.

**Mr. K. Ahmed:** That is to be seen later on.

**Diwan Chaman Lall:** In the whole of my experience I have never come across a more amazing proposition than the one that has been brought up before the House by the Honourable the Home Member. If socialism means the getting hold of land, which is God's gift to man, and not to Sir Victor Sassoon, if socialism means the getting hold of that land for the benefit of the people as a whole, if that is the object, then the object certainly is that we must have a Government which is based upon that principle—and the result—subversion of the present Government. Any ordinary socialist, I say, would come under the purview of this Bill. Does my Honourable friend give me a guarantee that he does not? He shakes his head. Can he show me any provision here in this Bill which prevents it? If Mr. Ramsay Macdonald, who is aspiring to be Prime Minister of England again, sends me money from England, and if he says: "I am a socialist and you are a socialist; your object is to seek to foment or utilise industrial disputes or agrarian disputes or other disputes of a like nature with the direct object of subverting organised government in British India; or to directly or indirectly advocate the unlawful interference with the ownership of property, which is socialism".

**Sir Victor Sassoon:** Socialism?

**Diwan Chaman Lall:** If Sir Victor possesses property and says that it is his, we say that it is not his. The law may say that it is his, but we say it is not his. (*An Honourable Member:* "Change the law.") Now, Sir, it seems to me that Honourable Members on the other side of the

House have been so frightened out of their wits by the force of communism, that they have not stopped to think what the implications of this measure would mean, what their significance is, or what their extent is. Whatever their significance, whatever their extent, I say that no honest Indian has any right to attach his signature to a writ being placed in the hands of the Government for them to act in the manner in which they are seeking to act, that is to rob any man in this country, be he an Indian or non-Indian, of his liberty without a fair and just trial, and that, Sir, is the crux of the whole matter. We do not want to discuss anything else but this. The crux of the whole matter is that extraordinary powers are claimed by the Government to arrest and deport a man without a fair trial,—here I use the word "trial" in the legal sense. It is indeed very extraordinary, Sir, that Honourable gentlemen on the other side who spoke of Magna Charta, the Bill of Rights, and things like that, should have forgotten their own traditions. Their traditions have been that the liberty and the freedom of the British Constitution are the blood and marrow of the British people. That is exactly what we demand in India,—the liberty and freedom of our constitution, that no man shall be tried except by the duly constituted Courts of Law; and we will not empower you, lest you should use these powers even against the humblest, we shall not empower you, lest you should use these powers against Indians later on, with such weapons in order that you may go outside the law and rob a man of his liberty. It is up to you to realise that, if you want to use your powers against any movement which menaces the existing system of Government, you have got ample provision in the existing law if you would only use it. But if you want to be dishonest and make use of information which no Court of Law would care to look at, then you can go on demanding it, but you will not get the support of the popular Party. It is no good my friend Sir Denys Bray appealing to Pandit Madan Mohan Malaviya and saying that he is the leader of Hinduism, and he is the acknowledged leader in India. My friend Sir Denys Bray must realise that Hinduism is the most socialistic religion the world has ever known.

**Mr. K. Ahmed:** Why, there are Brahmins and non-Brahmins?

**Diwan Ohaman Lall:** My friend has heard, I daresay, of the village community system which prevails in Russia and which prevails in India, where the village land is commonly owned, where every artisan is an owner in the land itself and gets no wages, where a shoemaker presents a pair of shoes to the villager, and does not get a price for it, but shares in the produce, and the land is owned in common by all.

**Mr. K. Ahmed:** What about water? Have you got a common well for all?

**Diwan Ohaman Lall:** That is socialism. That is why I said that if you are trying to preach against socialism, if you are demanding powers to suppress socialism, you will have to walk over our dead bodies before you can get that power, and I say as a responsible labour man, a man who has had a great deal to do with the labour movement in this country, a man who was responsible for setting up the All-India Trade Union Congress in this country, I say with all deliberation, that if extraordinary powers are taken by Government over our heads, then we shall take all steps that lie within our power to defeat your object of suppressing legitimate grievances. (*An Honourable Member:* "With or without violence?") We are

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not in the Department for communism. We have had to fight with communists, and we have had to fight with communists that there are. I do not believe that there are more than 10 legitimate honest communists in the whole of India.

**An Honourable Member:** Honest?

**Diwan Chaman Lall:** I give them that credit. I wish my friend would also give them that credit; I wish he would give his opponents credit for their honesty, and I suggest that the majority of the Members—and I suggest it deliberately,—I have repeated it elsewhere,—I suggest that the majority of the members of such organizations are really men who are paid by the Criminal Intelligence Department. (*An Honourable Member:* "Where is the evidence"?) Will the Honourable the Home Member take my challenge? Will he now at this meeting constitute a committee of Pandit Madan Mohan Malaviya and Pandit Motilal Nehru, and let them go and examine the secret files in his department? Let my friends examine the secret files and find out how many of these so called members of these organizations are in the pay of the Criminal Intelligence Department. The Honourable the Home Member knows it perfectly well; he is fully aware of it.

**An Honourable Member:** See Bannerjee's case.

**Diwan Chaman Lall:** Not only is there Bannerjee's case, but one could cite several cases, of which my friend the Home Member himself is aware. And this is the insidious manner in which these movements have been corrupted by Members who are sitting on the opposite Benches. Now, as I said, we in the trade union movement are not afraid of communism. We want a clear fight. The aim and object is the same, but as I have said, the method differs. The aim and object of socialism and communism are the same. But we do not want these extraordinary powers to be used even against the two non-Indian communists, and I am not so sure that either of these is a communist.

**An Honourable Member:** They are communists.

**Diwan Chaman Lall:** I take it from the Honourable Member that they are communists, but as I said I am not so sure that either of them is.

**Sir Victor Sassoon:** It is admitted.

**Diwan Chaman Lall:** It is admitted by Sir Victor Sassoon that they are communists. But they are not. Mr. Phillip Spratt has denied that he is a communist. Mr. Bradley has never asserted that he is a communist.

**Sir Victor Sassoon:** He has admitted it.

**Diwan Chaman Lall:** So far as I know, he is a member of the Workers' Party, and I do not know what its constitution is. Whatever it might be, are we going to arm the Government with this extraordinary power, after having fought bitterly against the use of such legislation against Indians themselves, are we going to empower them to use these powers against foreigners? And even the constitutional position is perfectly clear. It is wrong under the International Law for the Honourable Member to make use of extraordinary and differential legislation like this. (*Mr. K. Ahmed:* "Go to the Geneva Conference"). I suggest in the circumstances, both as



a matter of policy and as a matter of convenience, and indeed as a matter of constitutional propriety and certainly as a matter of principle, that it would be unwise for any non-official Indian to vote for this Bill, but still, if this Bill is passed, it is the Honourable Member over there, who seems to have been very ill-advised in bringing up this matter once again before this House, who will be held responsible for any agitation that arises on account of his action. (Applause.)

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

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

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**\*Mr. J. Coatsman** (Director of Public Information): Sir, my object in speaking in this debate is a limited one. I wish only to elaborate to some extent certain remarks which the Honourable the Home Member made yesterday morning on the subject of communist propaganda in this country. To me one of the most notable features of the debate last session on this Bill was the unanimity, obviously perfectly sincere and genuine, with which speakers on the opposite side of the House rejected the arguments, first, that communist ideas and propaganda had spread to any extent in this country, and secondly that the communist agents and their activities were anything but negligible. Well, Sir, it is my fortune, whether good or bad I do not say, to have to read more newspapers than any other Honourable Member in this House, not even excepting my friend Mr. K. C. Roy and I can assure the Members of this House, and I am prepared to back my assurance with proof, that communist propaganda is very widespread in this country, and the activities of communist agents are very far from negligible. In fact I believe that a wide and careful survey of Indian newspapers to-day will prove what I have said. I also think that such a survey will show that this propaganda and these activities have increased both in scope and in intensity since this Bill was rejected last session. Well, Sir, as I listened to the debate last session I could not help feeling that, if I could prove what I now say, many Honourable Members on the other side would take a different line from what they were apparently determined to take. I therefore determined, that if this Bill came up again, I would try to supply the proof to which I have referred. I therefore went through my office records and I have collected a very large number of cuttings illustrating communist propaganda in this country in all its different aspects. I have placed those cuttings in the Library. I can hardly expect that Honourable Members will read through them all—there must be at least a quarter of a maund of them—but I think that if they will merely glance through them rapidly, read the headlines and dip into them here and there, they will get a good idea of the extent and also of the variety and the subtlety of that propaganda. I said that I have placed a large number of cuttings in the Library, and although I placed so many there, I must inform the House that they are far from exhaustive. Had I thought that any useful purpose would have been served by adding to that number, I could have

\* Speech not corrected by the Honourable Member.

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multiplied them very largely. It will also be noticed that all those cuttings are cuttings from newspapers published in English. No vernacular newspapers are represented there. I thought that I had better leave the vernacular newspapers alone, because they are of course printed in so many different languages and the amount of labour that would have been required to collect them would have been quite inordinate, but in order to give Honourable Members a bird's eye view of what the vernacular press is doing in this respect I have put a few, a very few representative cuttings into a pamphlet which is now in the hands of Honourable Members and I would like to say this before I leave the subject of this pamphlet. I would draw particular attention to the extracts from the vernacular newspapers contained in that pamphlet partly because of the crudity and violence of their expression and the consequent effect it is likely to produce on uneducated and ignorant minds, and secondly because of the immensely greater range of the vernacular press as compared with the English press. We have got to remember that, for every newspaper printed in English, literally dozens are printed in the vernacular and as the Honourable the Home Member pointed out to the House yesterday, the range of even one copy of a vernacular newspaper is very great potentially, because one literate man can read the paper to his companions. As I say, if Honourable Members will just cast their eye over these extracts from the vernacular press of this country and realise that they are just half a dozen out of literally thousands which could have been collected, I think they will agree that a good deal of direct communist propaganda is going on in the vernacular press and it has been carried on by people who are the most susceptible to that propaganda.

**An Honourable Member:** This Bill does not touch that.

**Mr. President:** Honourable Members must realise that Mr. Coatsman is making his maiden speech.

**Mr. J. Coatsman:** Thank you, Sir. Well, Sir, the extracts which I have placed in the Library are very numerous, and as I said I can hardly hope that Honourable Members will be able to read through them all and I trust they will bear with me if I try to expound their purport and the reasons why I placed them in the Library. They will find in those cuttings the subject of communism treated from a very large variety of points of view, and as Honourable Members know, the most effective form of propaganda is indirect propaganda, and particularly is this true of communist propaganda, because a bald statement of communist ideals is far more likely to repel than to attract the average man, and direct communist propaganda, by which I mean the open extolment of communist aims, and the whole hearted advocacy of them, is far more likely to miss the mark than to hit, and even to produce a hostile reaction, and therefore the communist propagandist goes about his business by devious routes, and I would like to point to just a few of the different forms which this indirect communist propaganda takes in the Press of this country. In the cuttings to which I have referred, you will find an enormous number relating to the achievements of the Soviet Government in Russia, and the moral and material benefit which have occurred to the people of Russia from the Soviet rule is extolled in myriad newspapers in this country. The idea, of course, of all this praise

of the Soviet Government is to inculcate sympathy with communist ideals. A very favourite form of propaganda, to which I would particularly refer Members, is the form which consists in the refutation of charges made against the Communist International. Now, in the cuttings in the Library there are quite a number of examples of this form of propaganda, and I would like to point out to Members that many of the charges which are replied to in these cuttings are charges which never appeared in the Indian Press at all. In fact many of them are purely artificial charges and are made with the sole object of effective destruction.

And, of course, any reader, even the most honest and unbiassed reader, reading these very convincing refutations of alleged charges made against the Communist Internationals, and particularly the Soviet Government, cannot help concluding not only that a widespread campaign of calumny is being carried out against communists and the Soviet Government, and that the people making the charges are mistaken, but he must feel that the people making the charges must be hostile, and in this way sympathy with the communists is spread.

I would like to draw your attention to a very important matter. The replies to these charges all betray very intimate knowledge of communist personality, events in communist history, communist grouping, and so on. And it is quite obvious that their replies are, at any rate, inspired by men on the side of the communist movement. Now the significance of this I shall return to later on when I try to show how all this affects the Bill before us.

Another form of propaganda, to which I would like to draw your attention, is the immediate denial of statements made by leading communists in Russia or England, and in various foreign countries, who occasionally are incautious enough to admit in public speeches or public documents that the aim of the Communist International is the overthrow of organised government everywhere by violence, and particularly that the Communist International seek to foment revolution in India. A very good example of this was given to us last September when a Polish comrade, speaking at Moscow at the Third International, admitted that the immediate end of the Third International was to cause revolution in this country, and the significant thing is that, as soon as that news came out, immediately all over India refutations appeared in Indian newspapers, and the Polish comrade was denounced as a man of no standing, and of speaking without authority.

**An Honourable Member:** Then what happens?

**Mr. J. Coatman:** Well, Sir, I don't want to weary the House by citing other examples of forms of indirect propaganda, but I would like to draw your attention to the very large number of examples of this which I have collected and I want you to regard them as different lines of approach to the same objective which is the inculcation of sympathy for communist ideas and for the party which has accepted communist principles and made them the basis of government. It might be said that this indirect propaganda is after all indirect, but I shall try to give you many examples, and if I may say so, striking examples, of direct propaganda. And here again I would draw your attention to certain examples which you will find in the pamphlet in your hands, and to the very much greater number of cuttings in the Library. You will find there articles written by leading

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communists, reports of meetings, lectures, and so on; and when I tell the House that among the specimens of direct communist propaganda which I have placed in the Library will be found manifestos direct from the Bureau of the Communist Internationals, articles by high communist leaders in Russia, India and England, it will be realised that communist propaganda in India is not the mere bogey which it is so often represented to be. If anyone will take the trouble to study the very large selection of cuttings in the Library, I think he will come to the conclusion that all this propaganda, both direct and indirect, has created a sort of Russian communist method in the minds of, not only the uneducated people, but of, educated people also, and this propaganda, you will find, has its own organisation in this country, its own instruments of publicity and other means of disseminating itself.

Well, Sir, hitherto I have spoken of propaganda in favour of communism generally, but of course here in this country we are naturally mostly concerned with the spread of communistic ideas and principles in this country and the activities of communist agents here. Now, Sir, among my cuttings in the Library will be found a number of bundles all relating to India, and in those bundles will be found ample proof that an organised communist party, not ten strong but much stronger, does exist in this country. It will be seen that this Communist Party has regular officials, has branches in various parts of India, and is unquestionably in touch with communists outside, both in Russia and in other parts of Europe. Cuttings will be found relating to the work of the Workers and Peasants Party, which nobody will deny is a communist organisation, and, above all, cuttings will be found illustrating dangerous activities of the very people against whom this Bill is directed, certain foreign communists, and a thing which to my mind is of very great significance, that the activities of these foreign communists have become more open and more bold within the last five months.

Well, Sir, I think, if anybody studies the material which I have laid before you carefully, he will find that widespread sympathy is expressed by the newspapers with communist ideas and communist ambitions; and if you will permit me to say so, I would like to say that my very close touch with this side of the subject during the past few months has convinced me that this sympathy arises entirely from a misconception, a misconception which, if I did not misunderstand him, is shared by Diwan Chaman Lall. That misconception is that the communist movement is in some way complementary to and can help and foster the Indian national movement. That, Sir, I believe to be a profound mistake. (Applause.) Communism is the very negation of nationalism. It is hostile to all that nationalism stands for in intellectual, industrial and economic and political achievement and it is hostile to all that nationalism stands for in domestic and social traditions. A good deal of lip service is paid by the communist propaganda to the freeing of subject nations. But those who will read the sayings and writings of the communists themselves in the material which I have placed at your disposal will find that this is after all mere lip service. The methods by which this freeing is to be accomplished is the same always, namely, organising the lower strata of society against the upper strata. Ample evidence of that is to be found, and I would like to draw attention to the cuttings relating to the last Trade Union Congress at Geneva, and also to certain cuttings relating to

meetings held by communists and also to the speeches made by communists after the Trade Union Congress. There again ample evidence would be found that communism has struck its root in this country and that it is being sedulously watered and nursed by open communistic activities. I would also like to remind my hearers of this, that if so much has appeared in public and if so much has been made known, what of others which have not been made known, what of those which have been going on underground? The communist movement is like an iceberg which floats in the water; only a small portion floats above water but a much longer portion floats beneath the water and it is the most dangerous. That also is a point which I think Honourable Members ought to remember.

Another section of the cuttings to which I would like to draw the attention of the House is that relating to the general strike in this country. Now, Sir, references were made to the general strike this morning. My Honourable friend Mr. Kelkar had a lot to say about the general strike in England, and he showed how feeble a thing it was and how illusory was the danger therefrom. Well, Sir, England is a very different place from India. (Hear, hear.) Mr. Kelkar will remember that the general strike in England lost its force simply because of the reserve of willing and able citizens who were prepared to break that strike and who organised themselves to break that strike. I do not wish to dilate on this subject at any length, but I would like Honourable Members to ask themselves what a general strike in this country would mean. Think of the immediate dislocation of all communications in services, and I would like them to ask themselves where they would find the large reserve of citizens, the enormous supply of alternative means of communication afforded by motor cars and good roads and so on. Where is all that in India? What would a general strike mean? I do not wish to make any body's flesh creep. I would like Honourable Members to consider this for themselves. But in this growing advocacy of a general strike I think we have a feature which deserves the serious attention of everybody here.

Another thing which Mr. Kelkar said this morning was that nothing had happened in the last four months to make this Bill any more necessary than it was last September, and in particular he said that we have always had labour troubles with us. I think everybody here will agree that the labour troubles we are now witnessing in Bombay and Calcutta are different in kind from the labour troubles which have happened previously. The objective is different, the slogan, the war-cry and the incentive, are all different. They all have a much wider and more subversive aim. I regret very much that I have not been able to present to the House what I regard as the most effective part of my material, namely, extracts from the vernacular Press, and I hope that as much stuff as I have included in the pamphlet will be carefully studied. It is true that some of the newspapers, from which extracts are taken, are obscure and ephemeral. But they can all do harm, and some of them are important, and this also I would like Honourable Members to reflect upon. While you have these newspapers, you have also the men preaching those doctrines and directing the operations. These men again are obscure men themselves. On the other hand, they also are working among obscure men. Honourable Members know it; the day to day writings, particularly in the vernacular Press, are proof positive that this work is being carried on, and is being

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carried on on a very large scale. How do all these affect the Bill in front of you? They affect it in this way. Communism is not indigenous to this country. It is imported from abroad and its mainspring is abroad. Throughout this present debate, and throughout the debate last session, I heard no word in praise of communism, unless what my Honourable friend Diwan Chaman Lall said this morning could be interpreted as that. But in view of what he said only a few days ago to the Press, that interpretation would be wrong. At any rate, no voice has been raised in praise of communism and that means that the classes represented by the Members here, like their fellows elsewhere, recognise communism for what it is worth, namely, that it is an anti-social and degrading tyranny, imposed by a minority, using the agrarian and industrial disputes as their instruments. That, Sir, is what these foreign communists, with whom we are now trying to deal, have come to India for, namely to organise the peasants and the industrial workers against the upper classes of this country. There is ample proof of that, even in the small pamphlet which I have put in your hands. What is their interest in India? None of them, as far as I remember, are hypocritical enough to suggest that they come here for anything except to bring India into the orbit of the Communist International, and as I have been trying to point out till now, this vast amount of propaganda which I have made available to your inspection is the outcome of that organisation, and these are the men who are carrying on that organisation. Look through the cuttings which I have placed in the Library and ask yourselves what interest, what possible interest can the middle class, say in Bombay, have in obscure men who impose their communist intrigues on them here; and you find ample examples of that sort of stuff. Again, when a comrade is incautious enough to blurt out what he really means to do in India, and what the International really stands for, and what it wants him to do in India, where does the responsible denial come from? It must come from these very people whose object is the same in every case, namely to go on inculcating sympathy with communist ideals. The best example of all, to which I can draw your attention, is the very large number of cuttings in praise of the Soviet Government in Russia on the occasion of the tenth anniversary of the founding of the Soviet Republic. All over India there is a chorus of praise of the Soviet Government and the bulk of the articles, the bulk of the special articles written in praise of the Soviet Government are written by men who are known to be important communists either in Russia or in England or here. The whole of the propaganda is the work of

3 P. M. men who have been nurtured in ideas and ideals very different from those of this country. And if I may, without impertinence, say this to this House, I would like to add that the communist ideal, so far from being complimentary to the Indian national movement, is hostile to it and for this reason. What are the communists trying to do? According to their own statement, clothed in their own words, what are they trying to do? To set up class against class, to create industrial unrest, and in fact to set up civil war. That is a legacy which the communists and their propaganda would give to the national movement.

Well, Sir, I had never thought of speaking so long when I rose to speak. I have tried to give to Honourable Members a bird's eye view of the question of communist propaganda and its extraordinary variety,

and I have tried to show how it is all directed to the one set purpose, *viz.*, the glorification of the communist ideal and the overthrow of everything that is purely national. I have also tried to show that the main-spring of this propaganda is outside India, that certain trained and able propagandists have been sent out to this country to give effect to the principles of the Communist International. Now, Sir, a good deal of what I regard as irrelevant matter has been introduced into this debate. We have heard a good deal about deporting, and about people being condemned without trial and so on. Might I suggest that the subject before the House is limited to one thing? We all admit that there are certain features in the public life of this country at the present moment. I think most of us will admit that foreign communist agencies have had something to do with rousing up these features—I think we all admit it. The question before the House therefore is, are these men to be dealt with; is it necessary to deal with them; and does this Bill deal with them satisfactorily? All I have been trying to do is to present to this House certain data to enable Honourable Members to come to a conclusion on this very restricted and very important question. (Loud Applause.)

**Mr. A. Rangaswami Iyengar:** Sir, my Honourable friend Mr. Coatman made a maiden speech to-day on which I desire to congratulate him. (Cheers.) But I do not think, from the tenor of the whole speech, any Member of this House would have gathered that the substance of it was at all relevant to the Bill before the House. My friend Mr. Coatman has had a good deal to do with newspapers and journals and things of that kind, and he has apparently spent a lot of midnight oil in preparing his pamphlet for the Members of the House. But for the life of me, I fail to understand what it is he has tried to make out in this pamphlet. If he wanted to say that news about communism and news about communistic activities outside this country, as sent to the Indian newspapers, were growing and that the Indian newspapers have shown some enterprise in the publication of news regarding all sorts of subjects including communism, he would have done better than by publishing this pamphlet. But what is his object in putting it all as the case for the Bill before the House? He has, curiously enough, collected a lot of extracts from newspapers of all kinds, and I find that the very first extract is from the *Hindu*. I was taken aback when I saw it and wanted to know what exactly it was that he wanted to refer to and I found he had put the *Hindu* in the forefront, merely because it has published a very wellknown and excellent speech delivered by Shapurji Saklatwala in Delhi in the Assembly Chamber here in March 1927, a speech which was very widely appreciated by those who agreed and by those who disagreed with communism, in the midst of a very big and influential gathering of all Indian parties in this Assembly. I was puzzled to know what this was all for, and why this speech was republished. Does Mr. Coatman mean to show thereby that communist principles, having been thus broadcast in this country by Shapurji Saklatwala and to the immediately present Members of this Assembly, he desired us to resort to violence, to break down this very place and all that? I do not, however, think so. I have not had time to go through the pamphlet, and I have only glanced through it. It contains the most valueless extracts from the point of view of proving that this country is honey-combed with a very big plot of Reds. I should have expected a pamphlet of red cuttings with a red coating of blood all over

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it. I find, on the other hand, a simple little, very harmless, blue-book put into my hands, which merely gives a good deal of news about communism and communistic activity in this country, and which newspapers, if they are worth their salt, are bound to make public and bound to make their own comments on. There is very little use in this document so far as the Bill is concerned, and I am very sorry that my friend has been put to all this trouble for absolutely no use.

Sir, I desire, on the substance of the Bill itself, only to refer to the speech of my friend Mr. Cosgrave, to which my friend Mr. Chaman Lal also referred, in which he sought to prove that both in the Dominions of Australia and Canada and also in the United States of America, there are legislative enactments of exactly the kind which this House is now asked to give its assent to. Sir, I happened to take, in the little time that was before me, some trouble to find out what these legislative enactments were, and why they were passed; and I was really surprised that my friend Mr. Cosgrave should have put himself to all the trouble of citing those pieces of legislation without understanding the obvious intention and object of the legislation in those three countries. As my friend Mr. Chaman Lal pointed out, the whole of the legislation in Australia, Canada and the United States was legislation dealing with restrictions as regards immigration. Those are laws which deal with the conditions under which immigration shall be permitted in those States. And laws pertaining to the question of immigration in newly settled countries like the United States, Australia and Canada are absolutely different from laws which have to be made either in England or in India in connection with populations which have settled for centuries, in countries which are practically over-populated countries. Therefore, when I found that this was nothing more than an immigration restriction law, I naturally thought what this restriction was intended for. It has been generally conceded that, in so far as restrictions in regard to immigration are concerned, there are two ways in which these new countries proceeded to restrict immigration. First of all, there is the general principle which applies to old and new countries alike, by means of which aliens are dealt with and all undesirable aliens can always be deported. And that is part of the general civil law of all countries. That is not touched by this. This law in Canada, Australia or the United States deals with the cases of those who come into the country and settle there and do their work there and become naturalised citizens. The law of Australia is called the Law relating to Immigration Restriction. The Canadian law is similarly styled. They are all laws intended in respect of immigration into that country and this is a clause relating to those who are going there with these intentions, namely, to subvert organised government, or destroy property and do things of that kind. There are forty clauses dealing with all sorts of restrictions to immigration, and this is only one of the restrictions to immigration, and it is obviously wrong to quote a law intended for one definite purpose in support of a law intended for a very different purpose. What is this law the Honourable the Home Member proposes to introduce in India to-day:

"Whereas it is expedient in the interests of public safety to check the dissemination in British India from other countries of certain forms of propaganda, and for this purpose to provide for the removal of certain persons from British India," etc.



It is not for the purpose of restricting immigration; it is for the purpose of putting down certain propaganda which the Government consider objectionable. I say the point of view is entirely different. Then you will find in regard to these prohibited immigrants, all that these three States have done is to adopt what may be called very proper methods of enquiry and trial and conviction. (*An Honourable Member*: "Trial?") If you give me the book I am prepared to refer you to the sections. The book is at present in my friend Mr. Graham's hands.

**Mr. L. Graham** (Secretary, Legislative Department): He can have the book and I should like him to read out the section.

**Mr. A. Rangaswami Iyengar**: So far as the Canadian Act is concerned, section 3 defines "prohibited immigrants" and out of 30 clauses only clause (3) refers to the immigration of this undesirable class of aliens who are coming here. Section 7 of that Act provides for summary trial and punishment for a prohibited immigrant who enters into the country and for deportation of that man after conviction and trial.

**Sir Victor Sassoon**: Before whom?

**Mr. A. Rangaswami Iyengar**: Trial before the ordinary court in that country. Section 8A provides—Mr. Cosgrave read it yesterday—that, in the case of a man who has already entered these colonies and who, within three weeks of his entry into that country, begins to indulge in propaganda of the character specified in that clause, he is asked to show cause why he should not be dealt with under the Act, and forthwith a Board is set up, which also is a Magisterial Board . . . . .

**Mr. L. Graham**: No! Only the Chairman is a Magistrate.

**Mr. A. Rangaswami Iyengar**: I am sorry; the Chairman is a Magistrate, and before that Magistrate he is entitled to appear by pleader. He is entitled to bring all the evidence he wants and, the evidence is recorded. That is the main point. There is no *in camera*, no confidential character about any of the proceedings against him. The only thing that the law says is that it is not open to the public. But so far as the accused man is concerned, he is entitled to tender evidence and to hear what has been urged against him, and he is entitled to appear by counsel and do everything that is required in an ordinary court of law.

**Sir Victor Sassoon**: Is that in the Act.

**Mr. L. Graham**: No!

**Mr. A. Rangaswami Iyengar**: I challenge my friend Mr. Graham to show the contrary.

**Mr. L. Graham**: I am prepared to put the book in the Honourable Member's hands and I shall be very glad if he will read out what he has announced to be the law there.

**Mr. A. Rangaswami Iyengar**: Will you kindly pass me the book.

(The book was passed to the Honourable Member.)

Now Section 7 says:

**Mr. L. Graham**: You do not want section 7.

**Mr. A. Rangaswami Iyengar:** That does not suit you. Then I will read section 8A. Section 7 however says:

"Every prohibited immigrant entering or found within the Commonwealth in contravention or evasion of this Act shall be guilty of an offence against this Act and shall be liable upon summary conviction to imprisonment for not more than six months . . . ."

Conviction means conviction by a court of law . . . . .

"and in addition to or substitution for such imprisonment shall pursuant to any order of a Minister be deported from the Commonwealth."

That is section 7. Section 8A says:

"Where the Minister is satisfied that within 3 years after the arrival in Australia of a person who was not born in Australia . . . that person is convicted . . ."

Then various clauses are given and it says the Minister:

"may by notice in writing summon the person to appear before a Board . . ."

**Mr. L. Graham:** The Honourable Member is not reading the section; he is reading extracts which suit him.

**Mr. A. Rangaswami Iyengar:** I am reading the section itself.

**Mr. L. Graham:** I would ask the Honourable Member to read the section and not extracts from it.

**Mr. A. Rangaswami Iyengar:** I will choose my own method:

"He may by notice in writing summon the person to appear before a Board at the time specified in the summons and in the manner prescribed to show cause why he should not be deported from the Commonwealth.

"A Board appointed for the purpose of the last preceding sub-section shall consist of three persons to be appointed by the Minister. The Chairman shall be a person who holds or has held the office of Judge or police, stipendiary or special magistrate. Then if the Board recommends that he be deported from the Commonwealth the Minister may make an order for his deportation."

**Sir Victor Sassoon:** Where is the evidence?

**Mr. A. Rangaswami Iyengar:** So far as this is concerned, the Australian Act says that he should appear before the Board at the time specified in the summons and in the manner prescribed, show cause, etc. What the manner is, is provided for in the Canadian Act. (Laughter.) Surely, my Honourable friends may all laugh, but it is for Mr. Graham to show that "in the manner prescribed" means in the secret manner prescribed in this Bill.

**Mr. L. Graham:** The manner prescribed in the Australian Act is not the manner prescribed in the Canadian Act.

**Mr. A. Rangaswami Iyengar:** I am citing the Canadian Act to show the manner in which the accused is allowed to appear by counsel, and the accused is allowed to have evidence taken on oath or by affirmation and that he is allowed to have all the facilities which a fair and open trial before a Magistrate always involves.

**Sir Victor Sassoon:** But not in Australia.

**Diwan Chaman Lal:** Is there any secret trial in Australia?

**Mr. A. Rangaswami Iyengar:** I challenge Mr. Graham to show that "in the manner prescribed" in the Australian Act means the secret Star Chamber method prescribed in this Bill.

**Mr. L. Graham:** I ask my Honourable friend to produce the manner prescribed.

**Mr. A. Rangaswami Iyengar:** If my Honourable friend Mr. Graham cannot produce it, it is not my fault. I presume that in any country governed by British institutions no Star Chamber methods, such as is prescribed in the Bill before the House, would be tolerated. As I say, both in the United States Act, as well as in the Canadian Act, the accused has the right to appear by counsel, and the accused has also the right to tender evidence. The evidence has to be taken on oath or affirmation and every facility that is given for the fair trial of an accused in an ordinary court of law is given to him; and the order is made by a Board on which there is a Magistrate or Judge in Australia, or by a similar authority in Canada and by a similar authority in the United States. And then, both in Canada and the United States, there is from that an appeal to the Minister, and there also he has got the right to represent his case, and the whole evidence and the proceedings are asked to be made a public record in both those Acts. Therefore, Sir, I say there is all the difference in the world between the procedure which my friend Mr. Crerar has prescribed in this Bill and the procedure which has been prescribed there. The object of this legislation in Canada and Australia is wholly different from the object which my friend has in view.

**Mr. K. Ahmed:** Give notice of amendment at the next stage.

**Mr. A. Rangaswami Iyengar:** Why is it, Sir, if Canada and Australia and the United States, having self-government and having their own responsible ministry, have thought fit to prescribe limitations in regard to immigration in their own way, we in this country should give the fullest facilities for exploiters to come into this country in their thousands, for planters to follow in the wake of the missionary, for the trader to follow in the wake of the British flag, for the British flag itself to be waved in India and elsewhere with a view to exploit all these Eastern countries? Why should we provide the fullest facilities for them, and why should we now be asked, on the other hand, to prevent any other man who honestly believes in the principles regarding the state of society, which differ from those of the exploiter and the capitalist, from coming to this country and doing peaceful propaganda as much as the other kind of man who wants to bleed this country, who has already bled this country for so many generations? Therefore, Sir, I do not see that the analogy of Canada or Australia can avail the Government much.

Then, Sir, there is another matter. My friend Mr. Cosgrave read certain sections very vehemently yesterday: but I want to know whether those sections comprise all that this Bill seeks to provide. Here you have the words "person to whom this Act applies means any person who directly or indirectly advocates the overthrow by force or violence of the government established by law in British India." That is there, I agree; "or the unlawful destruction of property", that is all right; "or the unlawful interference with the ownership of property"—that is not there. I want to know what this means. Unlawful interference with property can occur

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in many ways. There are various things which are done in the pursuit of even legal rights, which may be considered in law unlawful interference with property. Those who are conversant with Mayne's famous Commentaries on the Criminal Law will know that, when the Indian Penal Code was enacted, they originally wanted to insert a section called the illegal pursuit of legal rights, but then they found that it would be obviously opposed to all principles of jurisprudence to enact such a section in the Indian Penal Code. But here my friend, Mr. Crerar, says "unlawful interference with the ownership of property." Anything may be unlawful interference: if I were to get into this Chamber after it was locked up and tried to get out by some door which might be open, it might be unlawful interference with property. It is trespass; and is that going to be dealt with under the provisions of this law? Then the next clause says:

"seeks to foment or utilise industrial or agrarian disputes or other disputes of a like nature with the direct object of subverting organized government in British India and with any object the attainment of which is intended to conduce to that result."

Now, I want to know what it is that the Government are at by this section. So far as I can see, fomenting industrial disputes, etc., is in effect to say that no industrial dispute or agrarian dispute should be assisted or helped by the political parties in this country on peril of deportation under this clause.

**An Honourable Member:** No.

**Mr. A. Rangaswami Iyengar:** I challenge you to prove the contrary, because the moment you go and interfere with it the government will say "your object is subverting the organised government". If there is a railway strike and the Congress organisation expresses sympathy with it, you will say it means interference and fomenting, or utilising an industrial or agrarian dispute with the direct object of subverting the organised government. What is subverting organised Government? Is it, as my friend, Diwan Chaman Lall said, subverting organised government by force or by peace? Take Bardoli. Take any number of instances in which the politicals have had to interfere in industrial disputes, for the benefit sometimes of even my friends the capitalists, and settle those disputes. Would that be an interference which would come within the four corners of this section? This section is so vague and so sweeping that the object of the Government seems really to be to get some kind of control over forces which, as my friend Diwan Chaman Lall said, were rising against the perpetuation of bureaucratic government in this country; and they want at this juncture to put out a feeler in the shape of this Bill. We say that this Bill is really intended to strengthen the power of the Government as by law established at present in this country, that is, the bureaucracy; and that it is not intended for the benefit of the people of this country, because if that is so, if it were really intended for the benefit of the people, then we on this side say that we do not think the communist movement has at all made any headway in this country or that it is of such a character that we should go about legislating in the manner, for instance of Canada or Australia. But when we are clear that there is no necessity for this Bill, where is the necessity for Government to come and say: "Everything is in danger; it is all red; you are going to see red ruin before you, unless you pass this Bill, by means of which two foreigners might

be deported." After all, foreigners or aliens can be dealt with without the aid of this Act, and only the British people who might come and preach the communist doctrine are expected to be dealt with by this Bill. I ask, Sir, why this anxiety, if it were not for a certain sinister purpose behind it all? I think, Sir, that, so far as this Bill is concerned, the Government have absolutely no case to come to the House again and ask the House to enact this Bill. Government had a full perception of the entire unanimity of public opinion against this Bill on the last occasion; and it is a clear defiance of the verdict of the country for the Honourable the Home Member again to come to this House and ask that this Assembly should enact the same legislation which it had rejected very definitely at the last Simla Session.

**Sir Victor Sassoon:** Mr. President, I have gathered from some of the speeches we have listened to with great interest that there is still a considerable amount of opposition to this Bill. But the opposition seems to be taken from some very different view points. The very eloquent speech of my friend Diwan Chaman Lall, has apparently received its reward at the hands of his Party, because I notice that he has now been promoted to the Front Bench.

**Diwan Chaman Lall:** I came here more closely to listen to you.

**Sir Victor Sassoon:** It was speech which I listened to with great interest. His eloquence was not only appreciated by us here, for outside, during the lunch interval, I heard compliments paid to his undoubted forensic ability. Personally I appreciated the manner of his speech, if I did not, to use his own words, entirely appreciate the matter. I felt that my Honourable friend Diwan Chaman Lall was using his professional gifts rather to throw dust in the eyes of unfortunate laymen like myself. I think that was really made clear when his neighbour, Mr. Rangaswami Iyengar, attempted to quote and read out the various clauses from the American and Australian Acts. I think most of us, common-sense people here, will appreciate that in fact, whether those sections are attached to an Immigration Act or any other Act, the Governments in those countries have powers very similar to those under this Bill.

**An Honourable Member:** No.

**Sir Victor Sassoon:** Practically the same. Unless of course if Mr. Rangaswami Iyengar is going to assume that the prescribed forms, which nobody here apparently knows anything about, lay down that you can ask the Government to bring evidence against the delinquent, when all that the Act says is that the person concerned is to show cause why he should not be deported. He points out that in Canada the delinquent can be represented by counsel.

**Mr. A. Rangaswami Iyengar:** After evidence taken on oath.

**Sir Victor Sassoon:** I have an idea that under this Bill he can also be represented by counsel.

**Mr. A. Rangaswami Iyengar:** Read that section please.

**Sir Victor Sassoon:** I understand that my friend is very much exercised in spirit, because the counsel can bring evidence before this tribunal,—mark you, not one of the ordinary tribunals of the land, but a special

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tribunal, which has been brought into being by the Minister concerned, and which in some cases consists of three people, of whom one would be a Magistrate; whereas under this Bill you have three Sessions Judges of 5 years' experience . . . .

**Mr. Rangaswami Iyengar:** What about the last clause? Either he or any pleader on his behalf, etc.?

**Sir Victor Sassoon:** If my Honourable friend wishes to know whether he or his pleader would be allowed to bring evidence before this tribunal; if my Honourable friend wishes to know whether this evidence can be taken on oath, I have not the slightest doubt that the Honourable the Home Member will assure him that this shall be done. But because the American Act, the Canadian Act and the Australian Act do not definitely say that the evidence against the delinquent is to be revealed to him and is to be proved before these judges, I see no reason why it should be assumed that secret evidence would be shown to him, evidence which may affect other countries and which we all know in practice would never be shown to the delinquent, because that evidence I maintain, would never be shown in any country; so in practice the result is exactly the same. It may be that we have definitely specified that evidence against the defendant would not be brought forward, but I am perfectly certain that if the Honourable Member will make a reference to Australia, Canada or America, he will find that all the information that is put before those three judges nominated by the Minister is not put before the delinquent. At any rate, Sir, it is not in Australia, which is a country enjoying Swaraj, and which, I understand, is often put forward as the ideal of what India is striving for.

Then, Sir, there is one other point which I have undertaken to prove to my Honourable friend, and that is with reference to clause 2(iii) (b), which reads thus:

“seeks to foment or utilise industrial or agrarian disputes or other disputes of a like nature with the direct object of subverting organised government.”

Now, according to my friend Diwan Chaman Lall, and according to Mr. Rangaswami Iyengar, supposing he were to utilise an industrial or agrarian dispute to subvert the present Government of India, he would be liable under this clause. Now, Sir, I am only a layman and I am no lawyer; but I do not read the clause that way. I say that this clause is directed against anarchists, against that class of individuals, not against a communist, not against a socialist, not against a member of the Swaraj Party, but against an anarchist who is against all forms of organised Government.

**An Honourable Member:** Not even against a millowner.

**Sir Victor Sassoon:** Yes, not even against millowners, for even they want organised government, though it may not be exactly the same form as that advocated by my friend Diwan Chaman Lall. But supposing my friend Diwan Chaman Lall was fomenting these disputes with the object of doing away, not only with the present Government of India, which, I gather, is not particularly favoured by him but with any form of organised government, then I say he would come in under this particular clause. That, I think, is the meaning of this clause. But personally I would be prepared, if I were the member in charge of this Bill, to make it clearer by adding in front the word “all” because that is the actual phraseology in the similar section in the American Act. But I am

sure that that is what is meant. It does not say the present Government of India; it says organised government in British India. So I think my friend Diwan Chaman Lall may safely continue fomenting and utilising industrial and agrarian disputes on behalf of a socialist form of Government no worse than that presided over by Mr. Ramsay Macdonald.

**Mr. Jamnadas M. Mehta** (Bombay City: Non-Muhammadan Urban): I don't think they visualise any other Government.

**Sir Victor Sassoon:** Now, it is not a question of visualising any other government; it is a question whether the government, the Honourable Member favours, is an organised form of government; if so, he would not come under the purview of this section.

Now, Sir, there is another point. It is an argument that my friend Mr. Ranga Iyer brought forward, and that was, that although it might be perfectly in order for legislation of this kind to take place in Dominions like Canada or Australia, it was not proper that such legislation should be brought forward in this country, because India did not enjoy Swaraj. I have a recollection that certain Members of this House at the Simla Session stated publicly that they would be prepared to give powers to the Government of India if that Government was a Swaraj Government. Now, Sir, it appears to me that, however keen, however desirous one might be that India should achieve Swaraj,—and it may be said that some of us on this side are in the same position as those on the opposite side, in that we have the same ideals and aims, but differ in regard to the routes we use—however much we may desire that this country should have Swaraj, I think it is dangerous to say that, until India has Swaraj, no legislation should be undertaken to deal with an undoubted evil, one which only those who refuse to see, can deny, exists to-day. I should like to emphasize once more what has been emphasized by Mr. Kelkar and Mr. Coatman, and that is the very restricted scope of this Bill. I am rather inclined to sympathise with Honourable Members who might have felt that the Honourable the Home Member and the Honourable the Foreign Secretary were rather exaggerating the good points of this Bill, because this Bill is extraordinarily restricted in scope. In the first place, it admittedly does not deal with Indian communists, though a large number of mercantile interests in Bombay would be very glad—I can assure this House about—if there were clauses in this Bill which would have enabled Government to deal with Indian communists.

**Mr. Jamnadas M. Mehta:** Question?

**Sir Victor Sassoon:** And though the Bill covers foreign communists, it is not necessary in their case, because, under the Foreigners' Act, foreign communists like Mr. Johnstone can be effectively dealt with under provisions which are more drastic than the provisions in this Bill, and under which provisions there is no appeal of any sort or kind. This Bill merely deals with British Members of the Third International or similar associations, and only with those members who do not escape under the provisions of clause 2 (i). Now, Sir, there were certain Members of this House in Simla who even doubted the existence of communists in India. I remember one Member saying that he had never seen a communist.

**Mr. B. Das** (Orissa Division: Non-Muhammadan): I said that, and I still maintain it.

**Sir Victor Sassoon:** My friend says that he has never seen a communist and he refuses to believe in the existence of communists in India, because he has never seen a communist. I do not know what Mr. B. Das thinks communists look like. I do not know whether he considers that they are very easy to differentiate from his fellow citizens in this country, whether he thinks that they parade the streets clothed in red or waving a flag. But I can assure Mr. B. Das that, not only have I seen many communists not only British but Indian, but I also have the advantage of having met them, and I am perfectly prepared to promise Mr. B. Das that, if his business will enable him to visit Bombay, I will arrange for him to see a British communist and an Indian communist, and he will then be able to come here and stand before the House and probably say that he believes in communists since he has now seen one (Laughter.) Of course, I may be wrong; I may be misjudging Mr. B. Das. Mr. B. Das may have the same kind of temperament as the lady who went to a zoological garden and saw a giraffe for the first time. She stood in front of the giraffe and ejaculated, "I do not believe it". (Laughter.) Sir, I can assure this House that communism not only does exist in this country, but it has progressed, as some of us foreshadowed, during the last four months, and the organisation which was laid down six months ago has unfortunately borne fruit, and that, as I said before, we foreshadowed. It has captured the Trades Union in the textile trade in Bombay. The legitimate Trades Union, which was run by Mr. Joshi, has lost the larger part of its numbers. The Union which was called *Girni Kamgar Mandli*, and which has been captured by these communists, has probably got over 90 per cent. of these textile workers within its ranks. Only the other day it decided that it should change its name to the Red Flag Union. I do not remember the Indian name, but that is what it means. I have seen copies of the receipts which it gives to its members in return for their monthly dues, on which the Red Flag is stamped. Now, Sir, they have captured this Union. They have captured the Trades Union of the Railway; they are in the course of capturing, if they have not already captured, the Oil Union; and I am informed that they are spreading further afield and have begun their activities in Calcutta. These Unions are very different to the genuine type of trades unions presided over by men like Mr. Joshi and Mr. Chaman Lall. With unions of that type we can work. With unions of that type I advocate working. Unions of that type will enable capital and labour to come together for the benefit of both classes. Sir, I entirely agree with some of the speakers when they say that the soil of India at the present time is fruitful for these communist organisations. I also entirely agree with them when they say that we should attempt to remove the fruitfulness of this soil. Let us try and help the agriculturists to be more prosperous.

**An Honourable Member:** How?

**Sir Victor Sassoon:** That is the point. The great difficulty is to know how to do it. We all want the agriculturist to be prosperous. Nobody wants to feel that the agriculturist is starving; but when you say how, you have hit on the difficulty of the problem. It is so easy for people to say, "Oh, take everything from somebody else who has got it and give



it to them". That may be all right in theory, but it does not work out in practice. I think that one way to help the agriculturist is by means of co-operation between the Government and commercial and other interests, by which modern methods of agriculture should be put at the disposal of the agriculturist. I think another way is that small factories should be established all over India so as to absorb the surplus agricultural population, because if you make your agriculturist more efficient, the necessary corollary is that a fewer number of men will produce the same amount of produce as before, and therefore something must be done to take care of the surplus men. And the suggestion that I now throw out is the establishment of small factories all over the country to absorb this surplus population so as to enable it to manufacture some of the goods now being imported in exchange for the food which they are consuming. (*An Honourable Member*: "A very good idea, but a pious one".) Another is that capital and labour should work together for their mutual benefit, and that, I think, is shown, as far as Bombay is concerned, by the negotiations that are taking place before the Enquiry Committee, where the representatives of the Millowners' Association are working hand in hand with men and bodies like Mr. Bakhle and Mr. Joshi's Union, and even occasionally members of the Red Union. We are trying to meet them where we can, and although it is not true that we have come to an agreement over all points of dispute, there has been a large measure of agreement on details, so that the only question which now will come before the Enquiry Committee will be as to whether a cut at all is justified. If that cut is justified, then the two parties have agreed that the various rates for the different classes of goods should be laid down on an agreed basis.

**Mr. K. Ahmed**: You do not give a portion of your income to them.

**Sir Victor Sassoon**: Unfortunately, the activities of the Red Union are not limited to this kind of work. They are not limited to merely attempting to improve the status of the millhand. Unfortunately, they are consolidating their position. They are drawing away members from the other unions by threats, and these threats have, in some cases, been accompanied by murder. At the present time, they are building up a fighting force of 5,000 men, of whom something between 600 and 1,000 are being drilled to-day and a definite programme has been laid down designed to culminate in a general strike next May. And there is nothing secret about this programme.

**An Honourable Member**: Are not the Bombay Government aware of it?

**Sir Victor Sassoon**: The Bombay Government are as much aware of it as any of us. It is openly admitted by the Red leaders; it is openly admitted by the Red Flag Union, and yet, under the ordinary course of the law, apparently, nothing can be done at the moment.

What do we ask? We are asking you merely to pass this little Bill, which enables the Government to deport the British communist leaders who are organising all this behind the scenes. These British leaders do not come out into the streets; they do not harangue mass meetings; but they are the brains, the general staff, of the movement, and there is no question about it that they have improved the organisation of these communist parties enormously during the last few months.

**Diwan Chaman Lal:** You said that it is not aimed at communists but only at anarchists.

**Sir Victor Sassoon:** I did not say that. I said that that particular clause was aimed against anarchists, and not the whole Bill.

My criticism of this Bill is not that it goes too far. My criticism of it is that it does not go far enough. (Ironical cries of "Hear, hear" from the Swarajist Benches). My criticism is against the Honourable the Home Member's action yesterday when he pledged himself to limit the provisions of this Bill, or any other Bill, to a few British communists, and stated that he did not propose to deal with Indian communists, except by the ordinary process of the law. My friends on my right affirm that the ordinary criminal law is sufficiently drastic to deal with this undoubted danger. It may be so in theory to lawyers but it is not so in practice in Bombay.

**An Honourable Member:** How long have you practised law?

**Sir Victor Sassoon:** I have not practised law, but let me tell my friend the position as it is to-day. We see men being threatened with death in Bombay and Bengal. Men have been murdered, and the lack of faith in the protection of the law in India to-day is such, that even though men are threatened they dare not come into the open and lay charges against this sinister organisation. Though you can get all the evidence you want privately, witnesses will refuse to jeopardise their lives, —I am speaking of something which I know personally—by revealing what they know in a court of law. My Honourable friend Mr. Kelkar said that the small business man was against the strike. He told us of the influence the small business man had with the mill hands. That is perfectly true. The large bulk of the mill hands to-day do not want to go on strike. The large bulk of the mill hands to-day want to be allowed to work quietly, but they cannot help themselves. They are being overawed by an organised murderous body that threatens death to them and worse than death, to their families. Now, Sir, the law in practice to-day has not protected mill hands or others in Bombay. It is all right for Honourable Members to say that this talk of violence is all mere words. If they will go to the widow of the weaving master in the Pearl Mills in Bombay, they will know whether the violence in Bombay only consists of words.

**Pandit Nilakantha Das** (Orissa Division: Non-Muhammadan): Is this the work of foreign communists?

**Sir Victor Sassoon:** They are the guiding force at the back. I have already told the House that we in Bombay do not consider that this Bill is sufficient to deal with the danger. I have said that this should be a wider Bill, or that it should be followed by another Bill which will deal satisfactorily with this danger, and in that respect I am not very far from the point of view of my Honourable friend Sir Purshotamdas Thakurdas. The position to-day is this.

**Sir Purshotamdas Thakurdas** (Indian Merchants' Chamber: Indian Commerce): Will the Honourable Member leave me to express my views?

**Sir Victor Sassoon:** I merely gave it as my opinion that my views in that respect would not be very far from those of my Honourable friend. I did not dream . . . . .

**Sir Purshotamdas Thakurdas:** That is the Honourable Member's hope, I take it:

**Sir Victor Sassoon:** I based my remarks on speeches that he has made. The position to-day is that the law does not give the protection we need. What has been the result? As is always the case when the law does not afford the protection it alleges it does, individuals take matters to deal with the situation into their own hands. Men are engaged who are prepared to meet violence with violence. A guerilla warfare is in existence in the streets of Bombay, and today all the mills have stopped due to a fracas between two groups of men. Now, Sir, in my opinion, instead of taking up a lot of time in opposing this Bill merely in the hope of annoying the Government, if we were to press on Government the essential need of dealing with all communists, the Red movement in India would not be indirectly encouraged, as it is at present. The motion before this House is to refer this Bill to a Select Committee, and an amendment has been moved that it be circulated for public opinion. I gather from the speeches that have been made that this obviously dilatory motion will be lost. The essential part of this Bill has been before the country for four months and I can see no justification for further delay. There is in fact a good deal to be said for Mr. Ranga Iyer's point of view that it should not be necessary to send the Bill to a Select Committee at all. The additional matter in the Bill refers to funds remitted by communist associations and individuals abroad to further illegal acts in India. I put it to the House, if an association in this country, had sent funds to Afghanistan for the purpose of helping the revolution against the ex-King Amanullah, would not every Member of this House have considered that the Afghan Government was justified if it seized those funds? I expect they would. Why should not the Government of India have the right to seize funds intended to promote bloodshed in India, if it can get hold of them? The Third International has voted a large sum—something like a quarter of a million sterling—to be expended in India when it is considered that the moment is ripe for revolution. I only hope that, when this Bill is passed, my Honourable friend the Finance Member will get a windfall. I will tell the House very frankly that I do not think he will get a great deal, because these clauses in my opinion are by no means water tight and I think it is more than likely that funds may get into this country, unless a mistake is made, without the Government being able to seize them, but still they may act as a deterrent and for this reason I support them. I know there are Members in this House, like Mr. Jinnadas Mehta, who have visions of using the Red communistic movement to pull the chestnuts out of the fire for the Party of which he is so prominent a member. Let me disillusion him of such hopes:

**Mr. Jinnadas M. Mehta:** I never said that. The Honourable Member attributes to me what I never said.

**Sir Victor Sassoon:** If my Honourable friend will read his speech at Simla. . . . .

**Mr. Jinnadas M. Mehta:** I remember it.

**Sir Victor Sassoon:** He stated that he was prepared to join any association or group of people who would help him to free India, or words to that effect. In other words he is prepared to use the communistic party to pull the chestnuts out of the fire for the Swaraj Party. I take it when

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the Honourable Member wants Swaraj, he is envisaging a Government of which his friends, if not himself, will be members. I suggest he will be disillusioned, for with all their faults, the members of the Third International are no fools and the Honourable Member and his friends are more than likely to be hoist with their own petard. Now we are told that the red terror no longer exists in Soviet Russia. Of course it does not exist in Soviet Russia now. (*An Honourable Member*: "Why"?) It is not necessary now. When the Comintern of the proposed Indian Soviet republic has had its revolution and has had its red terror and when it has liquidated all the capitalists and land owners and members of the intelligentsia, including my friend Mr. Jamnadas Mehta, even including my friend Diwan Chaman Lall, when it has eliminated the large bulk of those in this House and most of their friends outside, when it has established its autocratic rule in India as it is established in Russia—and I would remind this House that although there are millions of inhabitants in

4 P.M. Russia the communist party of Russia only consists of thousands—when that state of affairs occurs, then you will find that the Comintern of the Soviet Government will make use of those members of the classes I have referred to who have been left behind. They will use them for their technical knowledge under the strictest supervision. They will probably make hostages of their families, and then they will proclaim to the world that wholesale executions are no longer the order of the day. But let no one imagine that in Moscow, even to-day, anyone can attack or criticise the policy of the Soviet Government, as my friends on my right are able to do here with perfect impunity (Cheers), and if they do attempt to do that under a Government similar to the Soviet Government they will be very lucky if, like Trotsky, they are allowed to leave the country whole in body, if bruised in spirit.

There is one argument, and a very pertinent argument, which was brought forward by Mr. Kelkar. Mr. Kelkar said, "Why can you not achieve what you are trying to achieve by this Bill by asking the British Government to keep a stringent watch on the issue of visas to this country? Deal with it under the Passport Regulations." I want the House to realise what that will mean. There are thousands of visas issued every year to India. They are issued not only in England but in every British Consulate all over the world. If you are going to suggest or lay down that no visa is to be given until the Government of India is satisfied that the individual who asked for that visa is a desirable person to enter into this country, it would mean a great deal of hardship to a very large number of innocent individuals who would not be able to get visas probably for months. Surely it is much more practical that, rather than disturb the existence of thousands of innocent people, you merely pass this Bill which enables you to deal with the one, two, three or four, or half a dozen people you object to when they have landed and when you have found out that they are the people who are objectionable. It is much simpler and more efficacious.

**An Honourable Member:** Very!

**Sir Victor Sassoon:** I am told that this legislation savours of Star Chamber methods. When that word was used I saw visions passing before me of racks and thumbscrews and boiling lead. At least I thought of

dungeons below the water level and large big hungry rats sitting up and watching the unfortunate beings who might have broken the provisions of this Bill. Whereas what is the practical effect, what is the penalty in this Bill? What would happen to one of these unwelcome people if he got a *visa* which he would not have got under Mr. Kelkar's method? There, when he asked for his passport, he would not get a *visa* and would not be able to come to this country. Under the Bill, he might get a *visa*, and comes here. If he fails to show that he is not one of the people who contravene the provisions of this Bill, he is sent back again. The only difference is that he has paid his passage from Europe to this country. And yet we have Members opposite talking of Star Chamber methods, of the liberty of the subject, fulminating about *habeas corpus*, etc., while what we are really arguing about is whether it is fair on the British communist to waste his fare from England by sending him back. I do feel that the passionate rhetoric to which we have been treated has been rather wasted when we realise what in effect this little Bill is. I do emphasize to the House that at any rate the individual who comes under this Bill has some sort of appeal to a tribunal and some form of justice, however, much you may criticise it; whereas if the authorities at Home refused to give a *visa*, there is no question of appeal, there is no question of shipping cause.

I, therefore, oppose the amendment and am prepared to support the Resolution if Government press it, though I do not see any necessity for reference to a Select Committee.

**Mr. Ghanshyam Das Birla** (Benares and Gorakhpur Divisions: Non-Muhammadian Rural): Sir, I was very eager to hear the speech of Sir Victor Sassoon. Coming as he does from Bombay, and being in close touch with the situation at Bombay, I expected to hear some very strong arguments from him in favour of this Bill, and I must confess, Sir, that I am sorely disappointed in that expectation. I know it is not at all due to any lack of eloquence which he possesses in good measure but it is probably because Sir Victor did not himself feel much confidence in the cause which he was advocating. That probably was the reason that he could not make out a good case for the acceptance of this Bill.

Let me make it very clear at the outset that I am not at all in favour of communism, and this not because it is not in my interests. I know that in spite of all upheavals and disorders of the past, capitalism has survived and I know that in spite of all communism and bolshevism, capitalism is going to survive.

**An Honourable Member:** Don't prophesy until you know.

**Mr. Ghanshyam Das Birla:** But I honestly believe, Sir, there, in the best interests of the country, of the labourer and of the industrialists, communism is a thing which we all ought to oppose. I am quite prepared therefore to support any reasonable measure which might be brought before this House to check communism, but this Bill, as it stands, is, Sir, very wrong in principle, and therefore I am not prepared to support it as it stands.

Sir, I and other Indian capitalists very strongly disapprove of any principle which vests the Government with a power, enabling them to deport or intern or imprison people without a trial. That is my chief objection. We on this side of the House have all along strongly opposed the retention of Regulation III of 1918, and it would be too much for the Government

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to expect us to support a similar measure to be placed on the Statute Book. My Honourable friend Mr. Cosgrave cited instances of other countries. I do not profess to know anything about the legal aspect. His arguments have already been replied to by this side of the House. But I will put him one question. Is there any country in the world where the Government had the courage to intern people, to intern popular leaders of the country under such an extraordinary measure. Is there any other country in the world where popular leaders could be assaulted with impunity by the police? It is no use comparing other countries with India. The bitter experience of the past is sufficient to warn us that if under measures like Regulation III of 1918 persons like Lala Lajpat Rai and Dr. Beasant could be interned,—a sheer misuse of power—it would be much more dangerous to give any further powers of a similar nature to the present Government, constituted as it is, being neither responsible to the people nor removable by the people. Until the Government is so constituted as to be responsible to the people, I would be the last person to agree to granting any further power enabling the Government to deal with persons in an arbitrary manner. This is Sir, my chief objection. It has been suggested from this side of the House, why not utilise the existing laws. It has been suggested that the Penal Code is quite sufficient to deal with communism. That point has not yet been met by Honourable Members on the Treasury Benches. My Honourable friend Colonel Crawford interrupted my Honourable friend Lalchand Navalrai when he was making his speech and asked him to show as to how under the existing law communists could be dealt with. I again confess Sir, that I have no knowledge about legal matters. But the best answer to that was given by the Honourable the Home Member when referring to the Indian communists. He remarked yesterday that, so far as the Indian communists were concerned, the Government hoped to deal with them under the existing law. He went so far as to say that they have been prosecuting Indian communists successfully in Bengal and other parts of the country. Sir, if Indian communists could be successfully prosecuted under the existing law, I do not see any reason why English communists could not be prosecuted in a similar manner. (Hear, hear). I think, Sir, that is the best illustration which my Honourable friend Colonel Crawford, who is not now in his seat, wanted. The answer to the question as to how the Indian communists could be dealt with under the existing law had already been provided by the Honourable the Home Member. I think, Sir, it is not fair for the Government to shirk their responsibility by not facing a trial. It would be fair to the Government, to the people, as well as to the communists if they thought it necessary in order to deal with the communist, to go before the courts and get the men prosecuted. To deal with them in an underhand manner is a thing which I am afraid this side of the House is not prepared to agree to.

Now, Sir, every supporter of this Bill assumes that it is one calculated to deal with communism. The Honourable the Home Member, when delivering his opening speech, cited a train of events which took place during the last few months and arrived at the conclusion that communist organizations were responsible for these events. He referred to the Youth movement, he referred to the Calcutta procession, press propaganda and so on and so forth. Surely, Sir, this is not

all being brought about by the English communists, and we should not forget that this Bill is meant to deal only with the English communists. I am quite sure that, in spite of the deportation,—if that may happen at all—of the English communists, all such activities are bound to continue in this country. It is very difficult, under the present circumstances, for an Englishman, whether a communist or an Imperialist, to command sufficient confidence of the people to lead any such movement in India. If communism is at all to grow, it must grow under the leadership of Indian communists, and eventually the Government must come before this House with a measure similar to the one before the House to deal with Indian communists. It is no use saying or assuring the House that we want only so much and no more at present and that we shall be prepared to deal with the Indian communists under the existing law. Once you agree to the principle of deporting people without trial, the logical course for us would be to agree to any other proposal of a similar nature which comes from Government and is intended to deal with Indian communists. For this reason we have to be very cautious in accepting any such principle at this stage. Now, Sir, I believe it is absolutely a false notion to believe that you could kill any such movement by such extraordinary measures. My own personal feeling is that we have unnecessarily advertised communism in India. Mr. Coatman referred to the Press propaganda, and he went so far as to tell us that the vernacular press was full of such propaganda. Surely we, on this side of the House know more about the vernacular press than Mr. Coatman or any other gentleman on the Treasury Benches knows. I am personally a reader of various vernacular papers in Hindi as well as in Gujerati, and it was for the first time that I came to know at Simla that such a thing as communism had existed in India. (Laughter.) I never find any such propaganda being sedulously carried on. I do not believe at all that communism is prevailing to such an extent in India as to require any drastic measure at all. But even if it were so, I do not believe in such repressive laws. I know that between 1880 and 1920 all sorts of repressive measures were enacted in Ireland to suppress the national movement and the result was that things went from bad to worse and from worse to worst until Home Rule was granted. It was only then that, peace and order was restored. Even in India, if we take the history of the last thirty years, we shall find that laws after laws of a repressive nature, have been promulgated without any success, and almost all the repressive laws in India were more or less followed by bloodshed. As we all know, the Rowlett Bill was followed by bloodshed in the Punjab. Things have not improved in spite of all these repressive laws. I am quite sure that, until people get what they want, you will not have peace and good will in this country, and the responsibility therefor will rest on the Government. If they cannot see things as they are, if they go on with these wild measures and place all kinds of repressive laws on the Statute Book, they cannot improve the situation. The situation can only be improved by giving to the people what they want. I do not make much discrimination or much distinction between swarajism, communism and all such other 'isms' because I know they are descended from the same stock. It is due to discontent prevailing in the country that all those movements find good soil. It is the yearning of the people for swaraj, their thirst to free themselves from the foreign domination that is reflected

[Mr. Ghanshyam Das Birla.]

in all these movements. If you remove the causes, if you give to the people what they want, I am quite sure that peace and good will will be restored. Until then, Sir, it will be futile to try to perform by repressive measures what can only be performed by sympathetic means.

As regards the Bombay strikes, I quite agree that law and order is at a great discount in Bombay. But I wish Sir Victor Sassoon had the courage to tell the Government why that is so. It is not entirely due to the labour trouble. I know there are mills in Bombay which look upon these strikes with mixed feelings. If only the mills had been making profits, they would in no time make a settlement with labour and the cause for discontent would disappear in a moment. Because the mills are losing money, they are not very keen to come to terms with labour (Hear, hear.) And all that is due to the ruinous financial policy pursued by the Government, by their putting an appreciated ratio on the Statute Book (Hear, hear), and thus giving a blow to the industry. We warned the Government at that time as to the consequences that were going to follow. We warned them of the strikes, of the severe depression, and all the evil consequences which generally follow on economic depression, and, Sir, what we apprehended then has unfortunately now turned out to be correct. The money is very tight, trade is very much depressed, purchasing power has gone down and even the Government loan floated in England has been a total failure. If the Government really want to improve the situation, let them revert back to the 1s. 4d. ratio, and let them accept the recommendations of the Tariff Board about protection to the Indian textile industry, and they will then find that the mills will prosper and that these causes of discontent will disappear in no time. What I say is, restore prosperity and you will restore law and order; but if you want to restore law and order by repressive measures, it will be something like gagging a hungry child that is crying for milk. The child does not want gagging, it wants milk because it is hungry. Give it milk and you will be able to stop it crying. But, Sir, gagging won't do.

Now, Sir, this Bill was put before this House and rejected last September. If the intention of the Government was to check communism, surely it was the duty of the Government to take the Indian industrialists into their confidence. I do not know whether they consulted the European capitalists or not, but I am quite sure that they have not taken the Indian mercantile bodies into their confidence. So far as I know,—I do not know anything about the Bombay Millowners' Association—of the 29 bodies affiliated to the Federation of Indian Chambers, none suggested to the Government at any time to bring in such a measure before this House. (Hear, hear.) When this measure was put before the House, I wired to all the affiliated bodies of the Federation of Indian Chambers and invited their opinion. Sir, I think the House will allow me the indulgence to read some of the telegrams which I received in reply:

The Bombay Bullion Exchange support the principle of having some measure to control and eliminate communist agitation engineered by foreigners.

The Indian Merchants' Chamber of Bombay wired:

"Committee Indian Merchants Chamber fully realise the gravity of foreign communist menace and appreciate Government's anxiety to deal with it. They would be



prepared to support Government in all legitimate measures in achieving that end. Committee regret however they cannot support present Bill as it stands because it deals only with foreign communists and because it contains provisions which are too drastic and arbitrary. Committee would welcome any special measure dealing comprehensively with all fomenters of industrial disorders and providing reasonable safeguards against arbitrary curtailment of liberty of subject."

The Maharashtra Chamber of Commerce, Bombay, replied saying :

"Nothing has happened since this Bill was last thrown out by the Assembly to justify its re-introduction with the additional clause about Red money. The Committee still emphatically protests against the Bill and its new clause and expresses its opinion that there is no necessity for a measure of this kind in this country."

The Indian Chamber of Commerce, Calcutta, opposes; the Seeds Traders' Association, Bombay, opposes; the Grain Merchants' Association, Bombay, opposes; the Shroff Association of Bombay opposes; the Indian Produce Association, Calcutta, opposes; the Telikanta Brokers' Association, Calcutta, opposes; the Burma Chamber of Commerce of Rangoon opposes. The Millowners' Association, Ahmedabad, gives a qualified support. They say :

"The committee of the Ahmedabad Millowners' Association endorses the principle of the Public Safety Bill and supports it but would desire deletion or amendment of provisions which give arbitrary and unrestricted powers to Government particularly in the matter of forfeiture of monies securities, goods or credits, etc."

So, they also do not want this sort of deportation without trial. The United Provinces Chamber, Cawnpore, from where my Honourable friend Mr. Gavin-Jones comes, opposes. The Southern India Chamber of Commerce, Madras, opposes. The Marwari Association, Calcutta, again gives a qualified support. While supporting the principle of the Bill they say :

"Care should be taken to introduce safeguards in sections likely to be open to abuse."

The East India Jute Association, and the Bengal Jute Dealers' Association of Calcutta, the Indian Tea Planters' Association of Jalpaiguri, the Bihar and Orissa Chamber of Patna, the Bihar and Orissa Mica Association of Giridih, the Mysore Chamber of Bangalore, the Indian Merchants' Association of Karachi all oppose the Bill. The Marwari Chamber, Bombay, while generally favouring the Bill, consider clause 2 sub-clause (c) too wide, vague and liable to misuse and urge suitable amendment thereof. The Skin and Hides Association of Madras considers the Bill "very arbitrary", though it suggests a comprehensive measure to deal with communist activities "with unambiguous liberty of ordinary appeal". The Buyers and Shippers Chamber of Karachi suggests radical amendments, including trial with help of jury and opportunities of defence, with the proviso that :

"No detail, particulars or circumstances should be withheld from accused or his pleader."

Now, Sir, what is the reason for these capitalist associations opposing this Bill? If this Bill is to check communism, as has been stated by the Government, surely the capitalist bodies ought to have supported the Government. But the very fact that the capitalist associations and the industrial bodies are not prepared to support this Bill shows that they are not prepared to give the Government any extraordinary powers. And I hope, Sir, the Government will take a lesson from this.

[Mr. Ghanshyam Das Birla.]

Now, Sir, I have made it very clear that I am not at all in sympathy with communism; not alone in my own interests, but in the interests of the people and the best interests of the country, I am not in sympathy with it. I am employing nearly 20,000 workers under me in different parts of the country, and so know something about the labour problem. I sincerely believe that communism is not going to help this country. I sincerely believe that industry at present is in an infant stage in this country, and we are passing through a very severe depression. Therefore I think it is the duty of every well-wisher of the country, every patriot, to help industry in order to increase its production and bring down the cost of such production. Any one who disturbs the cordial relations between labour and capital is in my opinion, working against the interests of the country. Sir Parshotamdas Thakurdas, in his opening speech at the Annual Session of the Federation of Indian Chambers in Calcutta, remarked that the Government could count upon Indian Merchants' support for any reasonable proposal which they might bring forward to check the communistic movement, and I endorse every word uttered by him. But, Sir, this is not what I call, or what other industrialists call, a reasonable measure. This is, if I may adopt the term used by His Excellency the Viceroy for Mr. Haji's Bill, a heroic measure, and as such, I oppose it. (Loud Applause.)

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 6th February, 1920.

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