

THE 10th March 1930

LEGISLATIVE ASSEMBLY DEBATES

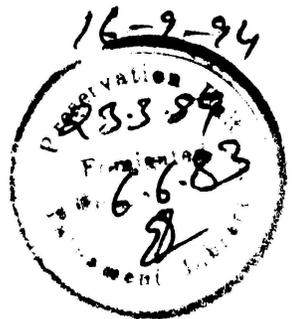
(25th February to 20th March, 1930)

SIXTH SESSION

OF THE

THIRD LEGISLATIVE ASSEMBLY, 1930

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1930

Legislative Assembly.

President :

THE HONOURABLE MR. V. J. PATEL.

Deputy President :

MAULVI MUHAMMAD YAKUB, M.L.A.

Panel of Chairmen :

PANDIT MADAN MOHAN MALAVIYA, M.L.A.

MR. M. A. JINNAH, M.L.A.

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SIR ZULFIQAR ALI KHAN, KT., C.S.I., M.L.A.

Secretary :

MR. S. C. GUPTA, BAR.-AT-LAW.

Assistant of the Secretary :

RAI SAHIB D. DUTT.

Marshal :

CAPTAIN SURAJ SINGH BAHADUR, I.O.M.

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LEGISLATIVE ASSEMBLY.

Monday, 10th March, 1930.

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

MEMBERS SWORN :

Pandit Nilakantha Das, M.L.A. (Orissa Division: Non-Muhammadan); and Pandit Krishna Kant Malaviya, M.L.A. (Cities of the United Provinces: Non-Muhammadan Urban).

MOTION FOR ADJOURNMENT.

ARREST AND CONVICTION OF SARDAR VALLABHBHAI PATEL.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I ask for leave to move the adjournment of the House in order to draw attention to a definite matter of urgent and public importance, namely, the arrest and conviction of Sardar Vallabhbhai Patel. The House is aware, Sir, that Sardar Vallabhbhai Patel is acting along with Mahatma Gandhi and directing and carrying on agitation against the existing Salt Act, under which people are prohibited from manufacturing salt. The whole policy has been previously published. Sardar Vallabhbhai Patel was going to Ras to address a public meeting. When he reached there, I am informed—and I am indebted to the Honourable the Home Member for this information—that the Magistrate served upon Sardar Vallabhbhai Patel a notice under section 42 of the Bombay District Police Act, prohibiting him from delivering any speech for one month. Sardar Vallabhbhai Patel told him that he would disregard that notice. I am informed by another message that he told the people, those who had assembled to listen to him, to preserve non-violence, that he had been served with an order prohibiting him from making a speech and that he was going to disregard that order; but he appealed to the people to remain non-violent. When he told them that he was going to speak, and before he had made any speech he was asked by the Magistrate to accompany him and that he was under arrest. He followed the Magistrate and there the thing ended so far.

Now, Sir, the question that arises in this connection is whether the Government were justified in preventing Sardar Vallabhbhai Patel from making the speech that he intended to make. Sardar Vallabhbhai Patel is a well-known public man, held in very high esteem by vast millions of people of this country. He was going to deliver a speech to the people. I can well understand that if in the speech that he was going to deliver, there was anything which brought him under the law, he might have been prosecuted. I would not object to any man who has offended against any law being properly tried and punished according to the existing Code for the offences

[Pandit Madan Mohan Malaviya.]

that he might have committed. My complaint is not against the prosecution or the punishment of any man who commits a violation of an existing enactment. But I submit that forbidding a man of the standing and well known character of Sardar Vallabhbhai Patel making speech is very dangerous interference with the freedom of speech.

The Honourable Sir James Orerar (Home Member): I do not wish to interrupt the Honourable and learned gentleman; but on a point of order, is he not now speaking on the merits?

Mr. President: I think the Honourable Pandit is speaking on the merits of the case. That stage will be reached if the motion is admitted.

Pandit Madan Mohan Malaviya: Thank you, Sir. I will not speak on the merits. I was drawing attention to the great principle involved in this matter. Sardar Vallabhbhai Patel has been prohibited from addressing the meeting. He has been arrested, prosecuted and punished with imprisonment. Mahatma Gandhi has announced that he is going to pursue the same course and it may be fairly taken as certain that a large number of other people are also going to follow that course. Is this matter not sufficiently important to be dealt with by the Government of India? The Government of India the other day, through the Honourable the Home Member, told the House that they had no information on the subject, when I drew their attention to the conviction and imprisonment of Sardar Vallabhbhai Patel, and asked them as to the section or sections under which he had been prosecuted and punished.

Mr. President: I do not think it is necessary for the Honourable the Pandit to go into all these details at this stage.

Pandit Madan Mohan Malaviya: Very well, Sir. My object in drawing attention to this matter is that it is a matter which involves a great principle and ought to have a policy behind it, and we should have the opportunity of pointing out to the Government the dangers that are involved in allowing Provincial Governments to proceed in a matter of this importance without the direction of the Government of India and without a policy being laid down by the Central Government. In 1921, 25,000 Indians were imprisoned, and on that occasion too the Local Governments took the reins and ran off without consulting the Government of India. This is an occasion when the Government of India ought to lay down a policy. If we do not know what that policy is and if the House is not given an opportunity to discuss the matter, and to guard the Government of India from adopting a course which is likely to lead to great evils, the situation will become very serious. I submit, therefore, Sir, that the matter is of sufficient urgency and public importance. Mahatma Gandhi has announced that he is going to start his campaign on the 12th instant. This case has already happened and in a few days time there will be many arrests and many prosecutions. The matter is therefore of urgent and public importance and requires the attention of the House and I therefore submit that leave should be given to me to move the adjournment of the House.

The Honourable Sir James Orerar: I have no objection to raise.

Mr. President: I rule that the motion is in order, and as no objection is taken, I intimate that leave is granted and that the motion will be taken up for discussion at 4 P.M.

THE GENERAL BUDGET—LIST OF DEMANDS—*contd.*

DEMAND NO. 32—HOME DEPARTMENT.

The Honourable Sir George Schuster (Finance Member): I beg to move:

“That a sum not exceeding Rs. 7,11,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1931, in respect of the ‘Home Department’.”

Policy of Government regarding Political Prisoners and their Treatment.

Maulvi Mohammad Shafee Daoodi (Tirhut Division: Muhammadan): Sir, I beg to move:

“That the demand under the head ‘Home Department’ be reduced by Rs. 100.”

My object, Sir, in moving this cut is to censure Government for their policy in regard to persons detained in custody by the Government for offences arising out of the political movement in the country, as well as for the treatment meted out to them when they are in the custody of the Government. The first part relates to matters which are of paramount importance at this moment in the country.

Mr. President: What is the first part?

Maulvi Mohammad Shafee Daoodi: The first part, Sir, relates to the policy of the Government in regard to persons detained in custody for offences arising out of the political movement in the country. This relates, as I say, to matters which are of paramount importance particularly at this moment in the country.

Mr. President: Is the Honourable Member dealing with the policy of Government in regard to the treatment of political prisoners in jail? The Honourable Member said that there are two parts to his motion. Is it not?

Maulvi Mohammad Shafee Daoodi: The subject is the same, Sir, though I have divided it into two for the sake of convenience. One is the policy of Government in regard to prisoners in general, and the other is in regard to their treatment while they are in jail.

Mr. President: Will the Honourable Member confine himself to the treatment of political prisoners, or does he want to open up the whole question of prisoners in general?

Maulvi Mohammad Shafee Daoodi: Only political prisoners.

Mr. President: I take it that the only question now before the House is the treatment of political prisoners in jail.

Maulvi Mohammad Shafee Daoodi: Political prisoners, Sir, is really my subject—both the policy of Government in regard to political prisoners and under-trial prisoners of course, as well as their treatment while they are in jail. The two things are one and the same; I have only divided them so that I may put the case more clearly before the House. As I said, Sir, the country is passing through a very critical time. In my opinion it is in the throes of a great revolution.

The Honourable Sir James Crerar (Home Member): If I may interrupt my Honourable friend, I should be glad to know whether the issue he raises is the general question of policy, or the particular question of the treatment of political prisoners under imprisonment.

Maulvi Mohammad Shafee Daoodi: Will the Honourable Member please speak up, Sir?

The Honourable Sir James Crerar: The question I asked to be resolved was what was the specific single issue; whether it is the general question of policy regarding the undertaking of prosecutions, or the more specific question of the treatment of prisoners in jail. There would seem to be two distinct issues, and I understand the motion is made on one issue alone.

Maulvi Mohammad Shafee Daoodi: The Honourable Member will see when I make my statement as to what it relates to. It is certainly one and the same thing, but of course one has got to consider political prisoners as a whole, beginning from the moment of their activities in regard to political matters or in regard to offences which arise out of the political movements in the country. We have got to criticise the policy of the Government both in general as well as in particular when they are detained in jail.

I was saying, Sir, when I was interrupted, that we ought not to forget the time through which we are passing. Of course, at times when the political conscientiousness of the country is confined to a very few, the policy of the Government in regard to such prisoners may be of no consequence. But when you realise that the country is passing through a very serious time, you have got to consider your policy in regard to them. Every one concerned, Sir, with the future of India realises the seriousness of the situation, and if you realise the happenings in the country in their true perspective, you will be doing good both to the Government as well as to the people. Sir, the people inhabiting this land are men of culture, men of talent, men of high traditions, men of an once dominating civilization of the East, and they, people of this character, are bent upon achieving their lost glory. They are claiming their birthright. They should be conducted through their struggle in a manner which befits a great nation. The policy of the Government in regard to those who have, or who will take part in the movement, will greatly determine the character of the movement. If the Government are ruthless in their policy towards them, we should be prepared for a similar thing in return. It is no use hiding this plain fact. If you ask me what your policy should have been or should be in future towards these political prisoners, I should express myself in the simplest words that I can think of. The policy of Government in regard to political prisoners should be the policy of a friend in power to a friend in need of him and to a friend under him. It is true that you are sitting over the political prisoners today, but the tables might be turned, and the political prisoners of today may be sitting over you tomorrow. You should recognise the fact that political prisoners are dying for the sake of others who will follow them. They are out to meet with a fate which nobody willingly would court for himself. But these men of courage feel the necessity of dying for the people left behind them. This is no joke and you should not play with them. I say this because we have experience of the past. Without enumerating all the

instances which have happened in this country since the mass political movement has developed, I would quote only two recent instances—one of that young courageous Jatindra Nath Das, and the other of the gentleman in Burma—Mr. Wizaya. My idea is that the lives of such patriots should have much greater value than that which has been apparently put on them till now. That game should not be played again. Ahead of us is coming a time when the Government will be put to the severest trial on this score. All the people might be turned into political prisoners, and the whole country might become a vast prison house. My object is to guard against the coming danger, and my advice to the Government is, do to them as you would wish them to do unto you when you are in the same position. I hope His Excellency the Viceroy feels like that, but he has his environments; on all the four sides he is surrounded by men of the steel frame, which has no heart to feel. That is the danger spot, and I want to sound a note of warning in time. My advice to the steel frame is to place all their cards before the highest authority, namely, His Excellency the Viceroy, and then to allow him to exercise his own discretion freely. I am sure this is the only course to keep the situation in hand.

As regards the treatment of political prisoners in jail, the Government in my opinion have been very miserly. The rules which have recently been announced by the Home Department do not go as far as they should have gone. When we have to deal with big issues, we must have big hearts. A political prisoner is a man of conviction, and is generally a man of character. He has his notions about the policy of the country; he has his knowledge of history of his own country, as well as of others. You cannot treat him shabbily. He cannot brook it. He is an honourable man as well as, if not more so than, ourselves. Treat him then honourably. You cannot deny him a daily newspaper of the first class type available in the country. You cannot ask him to read a paper conducted by the jail authorities, and that also once a week. This is starving him of his intellectual food. You will be killing him intellectually every day that he is in prison in this manner. It would mean an avowed attempt to kill his spirit; and that the representatives of this House will not allow to be done so far as it lies in their power. Political movements in the country are growing at such a rapid rate that no one, howsoever safe he may be today, can think of remaining safe in the near future. When I was in jail in 1921-22, I put the greatest value on the newspapers of the day. My meals, my clothing and other comforts were all of no consequence to me, unless I had devoured the newspaper. My companions, however little literate they may have been, would run to me for the news of the country in the daily papers. It appeared as if they were hungry after the news. This is a matter on which I lay great emphasis. I find that the leaders who advised the Government on this point were not very keen, because, in my opinion, they have not suffered the pangs of a politically minded Indian, who happens to be detained in jail without any news of the country. Government ought to realise that withholding newspapers from political prisoners will not do. The thing is so urgent and important to a political prisoner that it will be smuggled in if you do not allow it openly. I know how zealous and active political prisoners were in order to get news of their country and of the movement which they had taken part in. From my experience I would say that the Government would be well advised to be generous in this respect.

[Maulvi Mohammad Shafee Daoodi.]

My second item of complaint under this head is that the political prisoners, as such, have not been recognised as deserving of special treatment. I know it has been said that political prisoners are not recognised as such in any other country of Europe. I have not made a study of that to be able to say whether that statement is correct or not. But what I think of the question is that, in India, the conditions are absolutely different; and here the same rule which generally applies in Europe cannot be applied. To my knowledge India is the only country with a record of an unbroken high standard of civilisation which is under the domination of a foreign government. The inhabitants of this country have now to undergo ordeals of a unique character. A new civilisation, foreign to their genius, is being imposed on them from without. It does not suit them at all; but it has made great headway in spite of that. The life of the people, though simple, had previously been one of satisfaction; the people had sufficient to eat; there was no exploitation of the kind that they have now to experience. The struggle for existence now is more intense than it was some years back, with the net result that a man cannot have what he wishes to have. One has only to compare his own life some thirty years back with his life in 1980. The comparison is galling to him. He does not require any demagogue to convince him that he, his animals, his goats, his buffaloes, and his cows are emaciated because there is that foreign exploitation going on in a manner which is not visible to the eyes. He naturally believes that there is some force in action which is bringing about this deplorable result for both man and animal living on the soil of India. It is enough to excite him to action, which action must necessarily be against the interests of Government. The Government therefore will take him into custody. Such actions, though they are an offence in the eyes of the Government, are the natural outcome of the life that he is compelled to live by the force of circumstances. Either he starts a movement himself, or he follows a movement started by others; in both cases the object is to save his life from the injurious effects of this exploitation. You cannot dub him a felon, a wretch or a wicked man. He wants to get out of this enforced condition. He has got a right to do it, nay his very innermost feeling is hurt if he does not do anything against it. A man with such notions, is, I should say, a perfect gentleman in the accepted sense of the term, and he should be accepted by the Government also as such. His style of life, his standard of living and his education, though indifferent should not deprive him of the treatment meted out to a gentleman who has, by accident, been put in favourable circumstances.

Mr. President: This is all generalisation. If the Honourable Member will put forward any concrete proposals before the Government, they will be in a position to reply.

Maulvi Mohammad Shafee Daoodi: These are some of my humble arguments. I am coming now to the proposals, Sir. It is the motive behind his action that is relevant in deciding whether he should be in class A, B or C. I maintain that such political prisoners should not be classed as ordinary criminals. I maintain that the struggle for minimising the exploitation of one by the other is a very noble struggle, and the man who has the courage of his convictions to start on such a campaign should be more respected than humiliated. I therefore plead for better treatment of political prisoners as such, and that political

prisoners must stand on a different level from ordinary criminals. It appears to me, Sir, from the revision of the Jail Rules that this aspect of the case has not been either considered or mentioned in the Rules. If the Government are not going to give preferential treatment to political prisoners, as such, at the present moment, I am sure the Government will have to yield to the pressure of public opinion in the country to give preferential treatment to prisoners who have been detained in custody on account of any action which has been prompted by motives not of greed, not of any lower object, but by higher motives of advancing the cause of his fellow beings in the country in which he lives. This is, Sir, the second thing which I want to urge, and I believe if the Government were to accept this view of the case, there would be much less to be said at the present moment. They have made classifications, which do not satisfy politically-minded India. They may have been satisfactory in ordinary times, but are not at the present day when the country is in a turmoil. I do not want to take much time of the House, Sir. I know we have got only an hour and a half more, and my friends here would be willing to contribute their quota to this subject. I therefore move the motion and would ask the House to extend their support to me.

Sardar Gulab Singh (West Punjab: Sikh): With your permission, Sir, I lend my full support to the cut that has just been moved by my Honourable friend Maulvi Mohammad Shafee Daoodi. It has been so well reasoned that it does not require any exhaustive comment.

It is a long established fact that India is determined to be free, and she is bound to gain that freedom sooner or later, with or without the British co-operation. Under the British flag today, a desire to be free is also supposed to be criminal and an expression of the same is enough to lead person by itself to a prison, where the patriots are treated alike as felons, by the current jail regulations. There has been recently a modification of jail rules, and the same have been enacted by the authorities and some party leaders themselves. With due deference to my leaders here, I submit, Sir, that our privileges have been seriously trespassed by not putting the proposed changes for discussion before this House. And the result of the same is that the new rules may have been said to mark a decided advance in the prevailing conditions of Indian jails, but they have fallen considerably short of the popular expectations and demands.

In differentiating between the various classes of prisoners, emphasis has been laid not on the nature of the crime but on the social status, education, and style of life of the prisoners concerned. This was not at all the object of the agitation started last year by several prisoners which even led to the actual sacrifice of some of them. There are prisoners rotting in the jails today, who were sent there by certain laws, that have been repealed since long, and there has been no provision made to include even the non-violent of these into Class "A". The sacred cause, unselfish suffering, patient endurance, and honest endeavours of those great souls, who have accepted the doctrine of non-violence and are in fact the true preservers of peace, are not so easy to picture while sitting in these comfortable benches. They can never be classed as ordinary criminals. Their main sufferings are not for their self interest, and it cannot be said at all to involve any sort of serious or premeditated violence, callousness, personal greed or moral degradation in any respect.

[Sardar Gulab Singh.]

It is only the intent that is of the greatest importance in the political offences, and the nature of the crime has not been considered to be one of the bases of their classification.

I cannot see any moral or legal justification on the part of the Government, nor there seems to be any sound and cogent reason forthcoming to contend that the non-violent political prisoners as such, should not be treated as "A" Class prisoners, irrespective of their social status or antecedents in life. Their purity and nobility of cause alone should suffice to get them included into first class category. I am at a loss to understand why a dissolute corrupt Anglo-Indian criminal, or an Indian swindler living in good style, is worthy of any sort of better treatment than an honest, devoted patriot who has sacrificed his all for the nation, and lives in no way better than a labourer. Incidentally, of course, those who wanted improvement in jail treatment towards the political prisoners, objected also to the special facilities being afforded to the European and the Anglo-Indian convicts. But the so-called reforms constitute the reintroduction of the principle of racial discrimination from the back door. Style of life is an ambiguous phrase, and so is the social status, and both can have a very wide range of varied interpretations. By emphasising the style of life, rather than the nature of offence, Class "B" has been secured and guaranteed for even the worst type of European and Eurasian offenders, even if they are guilty of dacoity, murder, fraud or embezzlement. I cannot see in what way an uneducated, low class, morally corrupt, callous Anglo-Indian guilty of burglary or murder, is in any way deserving of any better treatment than an Indian criminal placed in the "C" Class. Just because the former wears a coat and a necktie, and eats with a fork and knife, is he entitled to preferential treatment to his Indian fellow prisoner, who lives in the style of his own countrymen? The injustice of the arrangement will be apparent, when it is realised that, under the new regulations, a man living in a life of forced poverty, will be sent to Class "C", even if he be convicted of a purely political non-violent offence, while a degenerate, proletariat, depraved Anglo-Indian, for the single reason that he wears a hat and a suit, even though he is guilty of the most heinous crime, will be automatically put in the "B" division.

There was no objection to a classification being made on the basis of education and antecedents of a person if they were to be combined with the nature of the offence as well, but we strongly protest against the "social status and the style of life" being the only distinguishing factors. The fact that a man is educated, has good antecedents, and is guilty of none of those offences which involve serious moral turpitude, callousness or premeditated violence, should be enough to place him in Class "A". All those who do not meet these conditions, but are educated and have good antecedents should automatically belong to Class "B". The rest should be put into the third category.

The final authority for classifying prisoners has been placed in the hands of the Local Government, which again is unfair. The fate of the prisoners should not depend on the whim and caprice of the Local Government. If at all any tribunal for final review in this respect is necessary, it should be the High Court, and not the Local Government; in other words, it should be the judiciary and not the executive. Consequently

I insist, Sir, that any concessions to mere style of living or social status should be definitely eliminated, and I emphatically assert, Sir, that the aim of the revised rules for the jails should be to reduce the direct and the indirect racial discriminations to nil, and insure that genuine non-violent political prisoners, guilty of offences not involving personal greed, or moral turpitude should be placed in Class A or B according to the nature of their crime, education, and antecedents; and that every effort should be made to approximate their environments in jails to the status enjoyed by them in life. Particularly, should they in no case be asked to perform labour which by habit, physique or inclination they are not fit to perform. In the absence of any such assurance there can be absolutely no satisfaction with the so-called improved jail rules, and there is nothing in the aforesaid suggestions that I have made, which may humiliate the administration, country or individual. With these observations, Sir, I conclude my support.

Mr. K. C. Roy (Bengal: Nominated Non-Official): The House is indebted to my friend Maulvi Mohammad Shafee Daoodi for bringing this matter to the notice of the House. If my friend will permit me to say so, he cannot maintain his position that there were none on that committee who had any jail experience. I may tell him that, amongst the gentlemen who were invited to assist the Government in this matter, was no less a person than Pandit Motilal Nehru, and he voiced some of the sentiments which my Honourable friend has expressed this morning, but it was a matter of regret to me that some of the members did not stay long enough to complete the task. But the task, where it was left, was ably taken up by my friend Mr. Jinnah, than whom it is difficult to find a more ardent advocate of the political prisoners, and my friend Pandit Madan Mohan Malaviya was also there. Now, Sir, the point that Mr. Shafee has raised was considered in European countries twenty years ago. In England it arose out of the suffragette movement. In spite of all efforts to find out a class to be called political prisoners, it was found impossible. In no country in the world is there such a class called political prisoners. The conditions under which the political prisoners live and perform their jail duties, the conditions under which they are allowed to stay in a jail, have been the subject of constant deliberation of the entire conference, of which Sir James Creer was the Chairman. While we found that we could not place a definite class of prisoners as political prisoners, we proceeded to find out how best we could improve their conditions. We considered the question of non-violent prisoners. We considered the question of their education, of their social status and even of their motive.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): If I may interrupt the Honourable Member, may I ask him whether his Committee did not consider the question of introducing a sort of caste system among the political prisoners and laying down distinctions of social status between one class of political prisoners as against another class of prisoners?

Mr. K. C. Roy: The answer to that question will be given to him by the Government side.

Mr. C. S. Ranga Iyer: I want to know from the Honourable Member

Mr. President: The Honourable Member must address through the Chair.

Mr. O. S. Ranga Iyer: I want to know, Sir, from the Honourable Member because he was talking of a distinction of status among the political prisoners. I want him to explain what he means by that. Does he not want to introduce a caste system among the political prisoners? I can understand only one status, namely, the political status.

Mr. K. O. Roy: The Honourable Member will have ample opportunity to give his views to the House. I prefer to give my own. The question of creating a class of political prisoners was also raised by me in the Conference, but, Sir, it was found that it was not admitting of practical application. The point is this. We considered this question very thoroughly, and we came to the conclusion that in future, political prisoners in India will be divided into three groups, A, B, and C. An important point arising out of this controversy was raised by Mr. Jayakar last Summer about the racial distinctions in jails, and there was no more ardent exponent of abolishing racial distinctions than my friend Sir Darcy Lindsay. The first thing that the Conference did was to proceed and consider the abolition of racial distinctions in jails. And the second thing we did was how best to secure a better life and a better mode of living for the political prisoners. With this object, we proceeded to classify them. Political prisoners, according to the rules as they stand today, come under classes A and B, and most of the points, which my friends on the other side raised, would undoubtedly come under classes A and B, particularly the non-violent political offenders who are of good character and good social standing.

But let me tell the House, Sir, what is the practice in other countries about the political prisoners. As I told the House earlier in the day, this question was raised in England, and the British Government proceeded to consider it and this is what they did.

"Their claim to be treated as political prisoners was long discussed and warmly pressed."

Finally, the rule was revised and they proceeded to do this:

"Amelioration of the ordinary prison conditions to offenders whose previous character is good and who have been committed to prison for an offence not involving dishonesty, cruelty, indecency or serious violence."

Then, again, Sir, who got the benefit of these new conditions:

"The benefit of the rule has been granted to suffragists, passive resisters to the Education Act, conscientious objectors and isolated cases of Kensis preachers, and passive resisters to the Insurance Act."

These are persons who got the benefit of this special rule, but the benefits of the rule which we have framed will go to a wider class of people. I therefore claim that the rule that we have framed is a great improvement on the present position, and also a great improvement on the Churchill rules.

Then, a point has been made by the Honourable the Mover, Maulvi Mohammad Shafee Daoodi, about the opportunities for intellectual occupation of the prisoners, who are political or otherwise, because it is very difficult to differentiate between the various classes of prisoners. This was

precisely the point which I raised in the Committee. Of course, I was not enamoured of the jail newspapers, but I agreed in the end that, so far as jail newspapers are concerned, they are good. The practice should not however be extended any further, and every other opportunity should be given for the proper mental and intellectual development of the prisoners. This is what we have done in this direction, and I maintain that even that is a great improvement upon the existing rules. I entirely agree that the rule does not go far enough, but I hope that, in the application of these rules, the Government of India, as well as the Provincial Governments, will see their way to give ample material for intellectual purposes for political and other prisoners.

The next point that my Honourable friend raised was about the motive. We examined this point at considerable length, and we found, as is the case in all other countries, that it is impossible in determining the jail treatment, to take motive as a criterion. That must be left to the judicial authorities.

Another matter that was raised by my Honourable friend on the other side was that the Provincial Governments have been left to classify the prisoners. On that point, I may say, if I am not giving away any secrets, there were considerable differences of opinion amongst ourselves, and my view has been that it is better to have the power of revision vested in the Provincial Government rather than the First Class and Presidency Magistrates and Judges. I know from my own experience, in Bengal, that some of the recent sentences passed by the First Class Magistrates at Alipore and elsewhere in other cases have not been very satisfactory, and to empower them also to classify the prisoners without a right of revision to be vested in the Local Governments would be very unfortunate indeed.

(At this stage Mr. President vacated the Chair which was taken by Pandit Madan Mohan Malaviya.)

Now, Sir, taken as a whole, I am satisfied that we have made a great advance as a first step. Experience will no doubt guide the Government of India, and I have no doubt, as time goes on, there will be more improvements forthcoming for the political prisoners. I therefore feel that I am justified in holding that good work has been done, for which thanks are due not only to Government but also to the Committees in the provinces.

Mr. C. S. Ranga Iyer: Sir, the last speaker, in answer to my interruptions with regard to what he perhaps imagines to be certain very revolutionary changes that have been introduced in regard to jail administration, or rather the treatment of political prisoners, quoted, by way of justification of these alleged revolutionary changes, the opinion of the Honourable gentleman from Allahabad, Pandit Madan Mohan Malaviya, and he also quoted other distinguished authorities. With great respect to the distinguished authorities whom he quoted, I do not know

Mr. K. O. Roy: I am sorry to interrupt the Honourable Member, but I never quoted any authority. I simply said they were the members.

Mr. C. S. Ranga Iyer: He did not quote their authority, but he did mention the fact, which is as good as quoting an authority, that these gentlemen were concerned with the modification or improvement of the

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jail regulations. As I have not had the opportunity of understanding their views first hand myself, I must postpone the examination of that aspect of the question to a later date as I do not rely on second hand authorities. But I know from the newspapers that they have introduced three classes of political prisoners called A, B and C. I think it is an impertinent classification. I have got some knowledge of jail life, and I consider it to be a most impertinent and mischievous classification. The object of this classification is to create jealousy and hatred amongst fellow prisoners. There is nothing more demoralising than to divide the political prisoners by putting under different categories, A B C, men who go to jail for the liberation of their country from the foreign yoke. It is disastrous to agree to any such classification of political prisoners. I am saying this because the previous speaker made those observations.

Mr. K. C. Roy: With due deference to my Honourable friend, I may say that there is no such thing as political prisoners, and all prisoners have been classified as A, B and C.

Mr. C. S. Ranga Iyer: Exactly, I believe there is a classification of all, including political prisoners, according to the new jail regulations, a report of which I read in the *London Times*. I believe they are going to make certain alterations in regard to political prisoners and also certain distinctions. It is alleged that men having a certain status in public life ought to be given a certain kind of treatment in the prison. A man occupying some other status in public life ought to be given some other kind of treatment. Also a provision has been made, if I may say so,—I am guided only by the telegraphic report which appeared in the *London Times* and the *London Times* is fairly accurate in these matters—a certain distinction has also been introduced, namely, that a gentleman imprisoned will have the opportunity of buying his own food and clothing from the money which he might deposit with the jailor or the Superintendent of the jail. Some such provision has been introduced. I need not go into these impertinent divisions. It is not that every prisoner will be wealthy enough to deposit money with the jailor. It is only few people who have plenty of money who can do so. Especially as you are going to get a large number of people into prison as a result of the mass civil disobedience—it is bound to come today, tomorrow or some time—I presume, Sir, there will be a large number of political prisoners. The proletariat is going to walk into prison today, tomorrow or the day after, the whole nation is going to walk into prison unless you give us what we want. I do not know whether you are going to give it to us, unless we take it out of your hands by revolution. There is no getting away from it. You are just altering the rules because you know revolution is near at hand. You know we are out to fill the prisons absolutely completely in the way in which we did when Mahatma Gandhi called us in 1921 and perhaps in a much greater way. But it will take time. We are looking forward to the day when Pandit Malaviyaji will march into prison as His Majesty's guest. We are looking forward to the day when Mr. Jinnah will be a member of the prison, one of His Majesty's guests. I say it will take time. We are just giving a chance to the British Government, the Conservatives, the Liberals and the Socialists: You are now meeting a situation which is going to develop-

What is going to happen? Open cold-blooded non-violent revolution,—that is exactly what is going to occur. By way of anticipation you are introducing these modifications.

I dislike the introduction of any distinction in regard to the status of political prisoners which has been introduced in the past and which is going to be introduced in the future. I dislike it all. All political prisoners, whatever their status, should be treated in the same manner. If you mean to oppress them, oppress them by all means, be impartial in your oppression. If you are going to treat them well, treat them all equally well. If Pandit Madan Mohan Malaviya, the prisoner of the future, is going to get daily newspapers, I cannot see any justification, I do not see any reason why one of his humble followers from the distant villages should not have the same kind of treatment. I do know what a terrible feeling this kind of differentiation amongst political prisoners creates. I was myself one of the political prisoners during the non-co-operation days, and yet I had no cause of complaint against the treatment meted out to me, because I was treated very well indeed. I got what they called special treatment. That was six months before the boycott of the Prince of Wales. Then came other persons to the prison, who were treated differently. They were not treated so well. I was a friend of the Superintendent, or rather the Superintendent of the jail liked to be my friend, and so we got on merrily. A distinguished European visitor to the jail happened to visit me in the jail—she was a charming English lady, wife of Mr. O'Donnell, who was at that time Secretary in the Government of India—when that distinguished lady visited me in the Agra jail, she told me that Mr. Lansbury, who was then in jail, was playing football in England, and she told me that she heard that I was wearing English costume in the jail. I was not wearing English dress then; I had suspended the wearing of it for a while, and I have resumed it since. But then, all the same, I had no complaint whatever of any kind against the treatment I got in the jail. At some time in England, I mentioned this delightful news to Mr. George Lansbury, who was then a contemporary jail-bird in England, but who is now one of His Majesty's Ministers. (Laughter.) When I mentioned this news, he said that he did play football in the prison. That is exactly what I want, similar comfort and conveniences, for political prisoners in India.

India is going to organise a revolt against British rule. The country is going to do it—the extremists, the moderates, one and all, will do it, though not today at least ultimately. There will have to be a combined attack by all the parties in India, otherwise it is absolutely certain that Great Britain is not going to withdraw her rule from India, nor give anything substantial to India, judging from the speech of Lord Birkenhead recently in England. I had the pleasure of listening to the speech of Lord Birkenhead in the House of Lords—he speaks honestly the British mind—he says that for generations, for centuries, for thousands of centuries, he could not see any time when Great Britain would withdraw from India, he could not see any time when the Governor General of India could be reduced to a position resembling the position of the Governor General of the Colonies, and so on and so forth. I think Lord Birkenhead's was an admirable speech free from the camouflage which often the Tory Ministers—even the Socialist Ministers have learnt it today after coming to office—it was free from the

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camouflage which the Tory Ministers often indulge in. It was plain speaking. Therefore, Sir, we have ultimately to offer battle. Indians of all shades of opinion, Conservatives, Moderates, Radicals, Loyalists, Labour, one and all have to join the fray. A stage will come, is coming, coming much sooner than perhaps many of us realise, the stage is coming when there will be several thousands of prisoners. All of them cannot be wealthy people. All of them cannot have the distinction of Pandit Madan Mohan Malaviya; all of them cannot have the wealth of Pandit Motilal Nehru. I cannot understand why one class of prisoners should be treated differently, I cannot see any reason why the leaders, when they go to prison, should be given special and differential treatment, because their followers, when they go to prison, feel, and honestly feel, that they have been victimised by these "wretched leaders" who have accepted special treatment and ask why they are not given the same treatment as is meted out to their leaders. Such expressions have often been used in the prisons. So far as I was concerned, though I was given special treatment, yet my fellow prisoners in the Agra prison were not treated so well as myself and they felt that it was a matter for me to take up with the Inspector General of Prisons. When I represented this matter to the Inspector General of Prisons, who just then happened to visit me in the jail, when I told him I would relinquish special treatment if my fellow-prisoners were not treated similarly, he said, "Well, Mr. Ranga Iyer, I can take the horse to the water, but I cannot make it drink". Since then I relinquished special treatment. I honestly felt that when some of my fellow prisoners, some of my young friends from schools and colleges, who had left their schools and colleges and flocked to the prison because of my inflammatory speeches, because I incited them to revolt, when some of my young friends were treated very badly in the jail, I felt that I should not be enjoying better treatment than what they got. I do not see any reason why this Government, except it be with the most mischievous intention, should contemplate the idea of introducing any distinction among the political prisoners. I stand firmly against the introduction of any kind of distinction in the matter of political prisoners. I do not care whether you give them better treatment or not. Well, the worse you treat them the better, because the treatment given to prisoners inside the jail is known outside, even the fact of a revolt in the jail comes to light. When I was in jail, certain fellow prisoners in the Lucknow jail were denied the right of worshipping an image of Sri Krishna inside the jail, and when we consulted Pandit Motilal Nehru, he did not want that there should be a rebellion on that score—he always takes a reasonable view. (Laughter.) But I led the rebellion myself. No one knows this better than Pandit Khristna Kanta Malaviya—my fellow barrack mate—who was there then is here now. I led the rebellion with the object of getting the right of idol or image worship conceded inside the jail. I was punished for that, and I was transferred to the local district jail. They put me in a solitary cell, very stuffy, later in a separate cell. But that is another matter. The fact remains that my fellow-prisoners got the right of worshipping the image in the prison. The Superintendent of the jail in those days—perhaps he is now the Inspector General of Prisons in the United Provinces—the Superintendent then was Colonel Clementson. He was a dear fellow to talk to; he belonged to the better category of Englishmen and he was always kind to me. He had a very good opinion about myself until I rebelled, and since then he changed his opinion about me. (Laughter.) Well, Sir, I said to the Superintendent, "why I objected to this treatment

was that you just wanted to use your authority against these young fellows. Why don't you try conclusions with Pandit Motilal Nehru or myself? If you try conclusions with some of us, it will appear in the newspapers, and fellow-prisoners in other provinces would come to know of it, for after all prisoners subsist by the sympathy existing outside'. That is what I said to the Superintendent; under jail rules, it was disorderly conduct for a prisoner. I lost all my remission for good conduct and remained in jail for a whole year. It is rather a bad thing to remain in prison for one year. I had one year's rigorous imprisonment. I have a personal knowledge of this problem.

Sir, I do sympathise with all that my Honourable friend Maulvi Shafee Daoodi said. He spoke with great enthusiasm and earnestness on the subject. Now, Sir, I will only refer to the treatment of the latest recruit to the jail, one of His Majesty's distinguished guests in the Guzerat jails. According to the latest information that has percolated through the Press, Messrs. Mahadeo Desai and Kirpalani asked the Superintendent of the prison all about the treatment of Sardar Vallabhbhai Patel, and the Superintendent said that he had no news for them. When asked about interviews and other privileges, the Superintendent said that Sardar Vallabhbhai Patel was entitled to one interview in three months. I do not know what has happened, and what has become of all the beautiful innovations my Honourable friend Mr. K. C. Roy elocutionized about. Perhaps they have been postponed to the Greek Kalends! One interview in three months! Is that the latest improvement? The Superintendent says there might be a change later on. The Superintendent says the Sardar had been given the Ramayana and Gita. Some of these lambardars, convict warders who keep watch over political prisoners, are dacoits and murderers, they also get the Ramayana and the Gita. I say any book that a political prisoner wants, a political prisoner should have, including, if I may say so, works of Mazzini, which I had in prison, and the works of Byron, which I had in prison. When the Superintendent of the prison gave me a volume of Byron, I ask him, "Do you know what it means to give me a volume of Byron? This is the book which was given to Mazzini in a cell and he drew his inspiration from it". He was giving me one of the most objectionable books from the Government point of view and he was giving it to me without awaiting orders from Government.

I think a non-violent political prisoner ought not to be robbed of daily jail interviews. You take the responsibility of putting him in prison; you do not give him any opportunity of expressing any opinion; you just go against the advice given to you by the House of Commons, that there should be no suppression of expression of opinion. That Resolution was passed in December in the House of Commons. It received the support of all parties. It had the approval of Government. You suppress that Resolution. You trample under foot the advice given to you by His Majesty's Government, and you just give Sardar Vallabhbhai Patel one interview in three months and one other interview in place of one letter! I cannot understand this. I do not want the Honourable the Home Member to go and live in a prison to understand the condition of political prisoners occupying the same status that he occupies in this country or in his own country. But I cannot understand this attitude at all. We are going to have a fight, today, tomorrow or the day after. Give us better treatment. We have got a large number of villages in India; buy up a few villages, construct prison houses there, and a big wall, a Chinese wall, round this village of (say) five square miles; give us our servants, give us our comforts

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and give us the life that we used to live. Probably you cannot do that because it is a rather expensive proposition; but make prison life fairly nice and decent for us. Otherwise a good deal of racial feeling will be created. Of course I strongly object to the introduction of any kind of distinction among political prisoners of whatever status.

(At this stage Mr. President resumed the Chair.)

Treat all political prisoners alike. I have no enthusiasm for the so-called alteration of the jail regulations, I am concerned rather with regard to the treatment of the political prisoners. Give them all better treatment, or class them all as ordinary prisoners of the same category. If you class them with ordinary prisoners, you know what the result will be; it will recoil on you as "A devilish engine back recoils" in language Miltonic. But if you mean to treat them well, treat them as gentlemen, although they are deprived of their liberty.

Sir Darcy Lindsay (Bengal: European): Sir, it is a great pleasure to me to welcome back to the House my Honourable friend Mr. Ranga Iyer. His sojourn in Europe has certainly not deprived him of the great eloquence that he has always treated us to. But I cannot help thinking that his speech is an electioneering one, and I do not think that he really believes all that he said. He has referred to the information which the *Times* of London gave him in regard to the new regulations that have been issued. I cannot answer for what the *Times* of London said, but I can assure my Honourable friend that, so far as concerns political prisoners as such, the jail regulations made no reference to them whatsoever. The jail regulations have brought about, in my opinion, a very great improvement in the position of all prisoners. They have divided prisoners into three classes, according to the social position they were occupying in the country. The rules have removed all racial distinction, they have given no special benefits to any class on account of race. They have provided a special class for prisoners not convicted of offences of moral turpitude, and I should imagine that, in that class many of my Honourable friend's friends, the political prisoners, will be classified. But when he asks that all political prisoners should be treated as one, I wonder whether he wishes to deprive himself, and persons in his station of life, of the special privileges which these rules provide for; because surely he does not wish that a political prisoner or any other in a low walk of life shall be given a treatment totally different from the class of living the man has all along received in his own home. That is what would come about if my Honourable friend's views were brought into operation. The jail rules have provided that the Courts and not Government shall decide the allocation of prisoners to particular classes, the idea being that the Courts, with all the papers before them, could best judge as to the class to which the convicted prisoner should be allocated. I am afraid there has been a good deal of misunderstanding on the part of some Honourable Members as to what the real effects of these rules are. There is also a misunderstanding in the mind of the last speaker that the rules were brought in with the particular object of meeting a particular happening that might occur. I can assure my Honourable friend that there was no thought of that in the minds of the authorities who started the amendment of the jail regulations. It was due to the fact that certain hardships had been brought to their attention, and they have done the best they could to put these right. As a member of the Committee that assisted the Honourable the Home Member in formulating the regulations, I

can assure the House that there was great unanimity of opinion on the main subjects that were under discussion, and I do feel that I for one, at least, have done a service to India in assisting the Committee in the way I did.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan Rural): Sir, on a very similar occasion, on the 26th January 1926, speaking on a Resolution about political prisoners moved then also by my Honourable friend, Maulvi Mohammad Shafee, I ventured to make an appeal to this House, which same appeal I shall venture to make today, that the House shall have to look upon the question not with the policeman's eye or with the jail warder's eye, but that the House, and those sitting on the Treasury Benches particularly, will have to look upon this question with what I may call the statesman's eye. I am glad that, today, nobody has challenged either my friend or anybody else on this side to define what "political prisoner" means. All the same, I would say that I was sorry to have noted—I noted it only three or four days ago, while looking up some of the old volumes of the proceedings of this House—I noted that on the 24th September, 1928, in reply to a very simple question put by my Honourable friend, Kumar Rananjaya Singh, as to the total number of political prisoners in India, my Honourable friend, Sir James Crerar, did a very great injustice to himself. His reply—rather his attempt at not replying—was to say, "If the Honourable Member explains what he means by political prisoners, I will say whether the information can be collected". I hope, Sir, he will not ask that question today, for indeed several times, in this House, Resolutions have been moved, and discussed on political prisoners. Several questions had been asked before September, 1928, and answered about political prisoners. It was too late in the day for the Honourable Sir James Crerar to have asked my friend Kumar Rananjaya Singh as to what he meant by political prisoners. It would have been more honourable to Sir James to have said that he was not prepared to give an answer to my friend's question. Let that pass. I wish to appeal today to all my colleagues here to look at the question before us from what I would call the humanitarian view, the higher human standpoint. I would appeal to my Honourable friends even on the Treasury Benches; because, although my friend on my right has stated that they have no heart, I still feel that I cannot deny what God has granted to them, namely, a warm or unwarm heart beating somewhere in their bodies. I shall therefore presume that they have a heart, and I will remind them of what the poet has said:

"Hearts are not steel and steel is bent,
Hearts are not flint and flint is rent."

But how long, oh, how long are your hearts going to remain unmoved?

Verily, as my friend has said, we are passing through stormy times. Any reference to what technical rules have been applied in other countries will not do us any good today, when the air is surcharged with dynamic currents of thought and feeling. Now if you want to be a Government, if you want to retain your prestige as a Government—you have already lost a good deal—but if you want anything like the prestige of a good Government, I say, rise to the occasion, realise the seriousness of the times through which we are moving, and try to set an example to the world, which others may follow in similar conditions. I am very sorry for my friend up there Mr. K. C. Roy, who finds that England has not got a classification, that France has not got a classification called political prisoners; and how

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can we have? Sir, England is not an example, France cannot be an example to us. If England and France have not, how does it follow that we too should not have such a classification? I really cannot understand the slave mentality, which, with respect to every institution, will ask if England has got it or not. The English people are the best judges of the conditions there. I know the circumstances of India better; and now, in these exceptionally strenuous times, in view of the anticipated mass movement in this country in which so many people will be quite ready to go to jail, now if Government will take good heed of the times, it is necessary that they must have a classification, a special classification in India called political prisoners. That is my first quarrel with the recommendations of the Jails Committee. It is not the matter under dispute, whether they have recommended this privilege or that additional privilege, that is not the question today. Shall we or shall we not recognise that, in the present special conditions of India, those who, for the ashes of their fathers and the temples of their gods, are ready to become political prisoners and who are sent to jail as such political prisoners, that these do deserve to be classified as a special class and be given a special treatment? Not that they want it by any means; but is it not wise, is it not humane to give these a treatment of which we may not be ashamed ourselves? That is the real question, Sir.

Who are these political prisoners, is today an idle question, and I hope every one will feel it as such even when we want a special class of prisoners called political prisoners. This is not, I repeat, the time to indulge in all kinds of verbal tiltings, in academical dialectics, in arm chair platitudes and things of that kind. "Who are political prisoners?" If there be any still who want to be enlightened on this, I will try to enlighten them by what we, in the educational world, call the inductive method, that is by setting before them a few concrete examples. "Who are political prisoners indeed?" Well, the latest, only three days ago, Sardar Vallabhbhai Patel became a political prisoner; and very probably, within the next three days, Mahatma Gandhi will be a political prisoner. Does any still ask, "Who are the class of political prisoners to whom you are referring"? I am referring to people like Bipin Chandra Pal, Maulana Mohammed Ali and to him, who was my great hero, my ideal, C. R. Das. My friend, Mr. Ranga Iyer, my friend, Maulvi Mohammad Shafee—both these were political prisoners. Why do these and others of the same heroic mould become political prisoners? Because they want to bear the cross for the benefit of others. I am glad to see my Honourable friend, Revd. Mr. Chatterjee, in the House. I hope he knows his Bible well. Let me tell him that these want to bear the cross. (Interruption.) Yes, I am a great student of the Bible

Dr. A. Suhrawardy (Burdwan and Presidency Divisions: Muhammadan Rural): You are quoting scripture.

Mr. M. K. Acharya: But I am not the Devil yet!—I repeat, Sir, that these want to bear the cross in order to make this bad world a better world for others to live in. Do they want, do they ask for better treatment? They do not ask for better treatment. I know what is in their mind. (Interruption.) It is true I have not had the privilege of being a political prisoner. Perhaps I shall be one, one of these days, very soon, when I may be forced to disobey law which I consider a lawless law. (Hear,

hear.) When I disobey the law which was passed in September last, or any orders in connection with it. I call it a lawless law because it was introduced, not in response to any large public opinion, but in response to a demand made by half a dozen people, who would call themselves social reformers. It is a lawless law because it was passed not by a majority of elected votes in this House, but by a majority composed mainly of the official block and European Group, who morally ought not to have voted on it at all. It is a lawless law passed by 27 elected Members only voting-for, while there were really 80 elected Members against it, 14 who actually registered their votes against it and the 16 Muhammadan Members who had walked out to make their emphatic protest against the official interference. Such is the lawless law that was in September last declared to have been passed, and which is going to come into force from the 1st April. It is a lawless law, not in my opinion only but in the opinion of an eminent lawyer, of one who was till recently the Law Member to the Government of Madras, who has put his opinion in writing and signed and sealed and delivered it to the electors of Tanjore and Trichinopoly, by whom he is going to be returned to this House very soon.

All this however by the way. Now any lawless law the Satyagrahi may decide to violate,—not for the pleasure of it, but in order to claim for his country the freedom that he so ardently desires, in order to claim for his people the liberty to live what religious life they choose, in order to deny to this House and to this Government the right to interfere in such matters. Not that I am in favour of child marriages, not that I want no sane reforms, but that I deny the right of this heterogeneous House to interfere in matters in which all are not equally concerned. Therefore, Sir, whatever the law is he may choose to disobey, whether it is section 144 of the Criminal Procedure Code, or the so-called Sarda Act, or anything else, we are determined to give non-violent battle to those who deny our birthright, to those by whom we are not allowed to live as we think we ought to live with regard to our political rights or our religious rites and usages. Now, Sir, these are to be the kinds of political prisoners with whom the Government of India will have to deal. Have not they to be classified separately? When in England, in recent times, I ask Mr. K. C. Roy, have the circumstances been the same? I ask him when in the history of England or in the history of France, or that of any other European country, there have arisen circumstances like unto those in modern India, where in recent times has appeared another Das, another Vallabhbhai, another Gandhi? Where indeed anyone like the late Andhra-ratna Gopalakrishnah—scholar, poet, musician, above all a patriot of patriots and true God-lover, who died a political prisoner, who sacrificed his life for his motherland, a typical non-violent Satyagrahi, who could bless those that cursed him, even while his life was ebbing out. Is there one such man anywhere else today, any one in Mr. Roy's England or France, who like Mahatma Gandhi or Sardar Vallabhbhai Patel or Maulana Mohammad Ali,—who indeed like the late C. R. Das or Gopalakrishnah is prepared to bear the cross and to say, "Father, forgive the sins of my enemies, for they do that which they know not"? Such is the spirit of the political prisoners of India, of hundreds of them; do they not deserve special classification?

Now, as Mr. Ranga Iyer has beautifully suggested, if these men are so dangerous to you, you have got the power in your hands to put them beyond danger. Put them in groups in isolated places, give them what

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physical food or clothing you choose, but give them plenty of intellectual and spiritual exercise. Ask them to write poetry, to read history, give them plenty of books. Don't say that you will allow them only a single visitor every month, or at the most two visitors. These are not privileges which you are to give or take away; these are rights which you ought to allow to them, because they are human rights. To Government and to people like Sir Darcy Lindsay, it may be a great concession, a great privilege to allow Sirdar Patel one visitor every three months. Is this Sir Darcy Lindsay's love of liberty? Sir, the golden rule is "Do unto others as you would be done by", will my Honourable friend Sir Darcy regard this as a great concession if he should ever have the privilege of becoming a political prisoner?

Therefore, Sir, if today I plead against the jail regulations, if today I condemn them, and if I want better treatment for political prisoners, it is not primarily in their interest; it is in the interests of this Government, and because we on this side happen to be for the time being in some small measure part of this Government. In the interests of this very Government, therefore, I say before the high Powers Above, fall down on your knees, retrieve, repent, change heart. These are special times through which we are passing. Don't cite examples from England or France, America or Australia; conditions are different there; we know better the conditions here, and out of love we, from this side, tell you, out of goodwill we tell you in all brotherly love, do not think that these are trivial matters. These are matters which inflame the populace, and you cannot, you dare not, inflame the passions of the masses over whom you are set to rule. Therefore, Sir, if I support this motion, it is not because I am anxious for Mahatma Gandhi. I know Mahatma Gandhi will say, "Give me the worst treatment you can". Yes to him, as one day perchance to me:

"Stone walls do not a prison make,
Nor iron bars a cage."

Therefore, Sir, if there should be any peace in this country, if we are going to set an example to the world,—and I contend that India has really a great message to give to the whole world—do not look at this question from the policeman's standpoint; do not look at this question from the jailor's standpoint, look at it from the higher human standpoint, from the true Christian standpoint, which is also the true Hindu, the true Mussalman standpoint. Once more I plead, Sir, let us not be misled from the real point at issue. Let the European prisoner have a little more of this wordly something, or the Anglo-Indian prisoner a little more of that; I do not mind all that; that is not the point at issue today. Sir, the point really is, are or are not conditions in India today such as to demand a special classification of political prisoners? My answer is emphatically in the affirmative. My answer is emphatically in the affirmative to the question whether conditions in India are such as to demand that these political prisoners should be given a treatment altogether different from that given to those who, for vile deeds of brutal greed or passion, are incarcerated in the jails of my country. Are not political prisoners of nobler cast? Do they not observe all the higher privileges of humanity? This, Sir, is the whole question; and I am sorry that we should be drawn sideways into what this committee or that committee has said. Therefore, Sir, I hope the Honourable the Home Member will not raise any technical difficulty in regard to the special classification of political prisoner, that he will not

trot out dialectically his difficulty of defining a political prisoner. We all know what the term political prisoner means. We demand from Government that these men, whom we know well, should be classified separately. Men like C. R. Das, men like the late A. Gopalakrishnayya, who died in jail with blessings and prayers, not curses on his lips; these men are the salt of the earth. To these men we owe a duty even when they are gone, and that duty demands that we should press for the special treatment of all political prisoners. There is only one more word that I have to say. Don't trot out the bogey of law and order; do not be obscured with your great responsibility for the preservation of law and order. We know what it is. I am not at all insensible to your difficulties; and yet in all frankness let me tell you this. Not all your resources for preserving law and order, not all your colossal brute force, will stand before the dynamic force of suffering and of love. That is going to be the great lesson which the rest of the world will have to learn from India, from Mahatma Gandhi, from me and other Indians, that soul force is mightier far than brute force. Don't completely rely upon brute force. Recognise in time the strength of soul force and pay homage unto it. Regard those who are trying to create and to spread soul force all over country, and indeed all over the world in due time, as the greatest and truest of your friends. They are going to be honoured all over the world in future; will you alone dishonour them now, and bound them as felons? Let Government beware not only what verdict is going to be passed upon them in the future; let them beware what immediately is going to happen to them; and in time let them retrace their hasty steps for their own good, no less than for the good of the country at large. Therefore, I say, this motion ought to be supported by everybody; it is the duty of one and all, of even those who are sitting on the Benches there. Yes; I tell the Government in all friendliness, "You must begin to cultivate a change of heart." By all means have your jail rules, modify them as you please; the *atma-shakti*, soul force, of political prisoners is quite indifferent to your rules. But in your own best interests, I tell you in all sincerity that you must meet the new situation in the country in quite a new manner which will recognise the true strength of those who are ranged against you, in a manner which will be worthy of yourselves as a civilised Government.

Mr. M. S. Aney (Berar Representative): Sir, in supporting the motion before us, I wish to emphasise only one or two points and not make a long speech. The question which the Committee that was appointed a few days ago had set before itself to solve was prominently brought to the notice of the Government on account of certain events that took place in Lahore jail in the Punjab. We must recall to our minds the tragic circumstances under which Government had to take up this question for consideration, and in giving our verdict on the rules promulgated by the Government on the basis of the Report of that Committee, we must try to see how far those rules can meet the points that were prominently raised on that occasion. It was known that a hunger strike had occurred in Lahore jail as a protest against the treatment given to political prisoners, and one of the points that was made at that time was this, that the political prisoners in jail were not getting the treatment to which even a European prisoner guilty of the worst possible offence is entitled. That was the main point emphasised very prominently in the debate that took place in this House, and it was expected that, when the new rules were promulgated, they would at least be of such a nature as would eliminate the

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possibility of a distinction like that once and for ever. It is from this point of view that we have to look at these new rules and see whether they do really eliminate the possibility of distinction on which so much stress was then laid. I am sorry I have to differ on this point from my Honourable friend Mr. K. C. Roy, who is one of the Honourable Members that have certainly done their best to produce the present rules, and who have claimed that they have done everything they could possibly do to remove this invidious distinction. The system of classification which they have adopted is based, as has been very ably and aptly pointed out by the Honourable Member who moved this motion, and those who supported him, not on the nature of the offences for which the convicts are undergoing the imprisonment, but on the social status and habits of life of those who are convicted as offenders. In this classification one point appears to me to be perfectly clear, namely, that either on account of his social status, or on account of his habits of life, the European prisoner will be entitled to the privileges which he is getting today, whatever the nature of the offence, but a political prisoner, as such, may not be entitled to those privileges notwithstanding the fact that the offence which he has committed is entirely of a different nature, and not at all of a kind involving moral turpitude or any violence. This was the distinction which was regarded by those noble souls in Lahore jail, who went on hunger strike, as most galling, and as one for which they thought they should lay down their lives rather than submit to the wrong. That was the real grievance. Do these present rules eliminate the possibility of a thing like that? They do not, and in so far as they do not, I make bold to assert that the Government have failed to achieve the real result which it was their duty to bring about.

That is the one great failure of that Committee. It has been stated that it is impossible to define a political prisoner. We are told that they would have endeavoured to remove the distinction had it been possible for them to define a political prisoner. I want to know the precise nature of the difficulty which the Committee felt in defining a political prisoner. Is it because they do not find a definition of political prisoner anywhere else in the code of any civilized country? Or does the difficulty arise on account of the inconvenience which the authorities might experience in recognising the political prisoner as a distinct class for special and better treatment? I feel that the difficulty is more of the second category than of the first category. You can easily imagine why and when a prisoner should be called a political prisoner; a man is tried in court; the motive for which he has committed the offence is laid threadbare during the trial and the trying Magistrate can know at once whether the man has committed the offence with a selfish purpose or with a sordid motive, and whether he wanted to advance any personal ends of his own by the perpetration of the offence, or whether he had a higher motive in his mind in committing the offence. If you find he committed the offence with a political motive, that is for the purpose of gaining a political advantage for the nation, then he is certainly a political prisoner, notwithstanding the gravity of the offence that he may have committed. There is no difficulty about it; and therefore it would not have been very difficult for the Government to have recognised that class in my opinion; and in so far as they do not recognise that class, I do not think that the present Committee has done adequate justice to the

demands of the suffering people. On the other hand, I feel that Government of India have lost a very golden opportunity in not recognising this class and giving the political prisoners the concessions which they are prepared to extend in the case of the A and B class prisoners. They should have said that these political prisoners should be usually treated as A or B class prisoners; the Government could have certainly said that; it would have settled the question once for all and thus prevented it being brought up at any future time on the floor of this House. If they had done that, it would have been taken as a gesture of friendship on the part of the authorities, indicating that they really intend to create atmosphere in this country for the consideration of the bigger political issues on which the Government profess that their hearts are set. On the other hand, by not recognising political prisoners for better treatment owing to their very status as political prisoners, they are virtually saying, "I am not going to treat any man as a prisoner of a higher status or class because he has committed a political offence". So far as political offenders are concerned, the attitude of the Government is one of contempt and indifference. They do not want to make any change in that attitude at all. If they get a political prisoner occupying a very high status in society and if they have reasonable grounds to apprehend that a wrong treatment of him might create a row all over the country, then they have now provided themselves with certain powers to get themselves out of the difficulty. Their present system of classification of prisoners is nothing more than that so far as political prisoners are concerned. They do not recognise that men who are committing offences out of their convictions are for that reason entitled to special treatment, and the reason is this; they are not sufficiently imbued with the spirit of toleration; they are not sufficiently imbued with that magnanimity which apart from its apparent illegality, pays its tribute to one who suffers for freedom of expression and freedom of action according to his convictions. Unless they are imbued with that spirit, it would be impossible for the Government of India to recognise political prisoners as a class by themselves, entitled to certain privileges, privileges to which the prisoners under the higher classes under the proposed classification, are entitled. Government must treat them as men swayed and influenced by their moral convictions and not men who are merely moved by sordid impulses. In India we do not respect any body merely for his social status or the money he has in his pocket. India is a country in which the moral fibre of the man is the only criterion for him to be entitled to the respect of the people, notwithstanding the fact that he has not got a pie in his pocket; India is a country which recognises the class of *Sannyasis* as the highest class which requires to be honoured, a class of *fakirs*, with not a shilling or penny in their pockets—as the one class to be honoured by the entire community, and to occupy the most exalted position in society. In a country like that, Sir, a distinction based on social status and habits of living cannot appeal to the people; and if the Government have made these rules with a view to indicate to the world that this is a further proof of a change of heart in them and that the Government of India is thus creating an atmosphere for a better consideration of higher problems, they are sadly mistaken in that. I definitely tell the Government that these rules, though they may have improved the position a little bit over the previous position, have made no advance whatever so far as political prisoners are concerned.

There is only one more point to which I would like to refer. It was very rightly pointed out by Sir Darcy Lindsay that the proposed rules have

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given the right to fix the class of the prisoner to the Magistrate and not to anybody else. That is an improvement no doubt, but I believe, if I am not mistaken—I read the rules some days ago and if I am wrong I am open to correction—that discretion is given to the Local Government or some other authority to change the class. Am I wrong on that point?

Sir Darcy Lindsay: I think so.

Mr. M. S. Aney: If there be anything like that, if there is some authority which can change the class fixed for the offender by the Magistrate, it will be a serious mistake. If there is no such thing in the rules, there is no meaning in my criticism; but if there be some such provision by which the class fixed by the Magistrate can be changed by some other authority, except the higher judicial authority at the instance of the prisoner alone, it is a very serious defect and ought to be immediately rectified. That is another point I wanted to mention.

For these reasons, Sir, I think that, in spite of the promulgation of these new rules, a genuine grievance exists, and if a real change in the atmosphere is necessary; then the Government should immediately revise the rules again and find some way to recognise political prisoners as a class by themselves, entitled to the privileges given to classes A and B according to the present rules.

The Honourable Sir James Orerar: Mr. President, the question now before the House has occupied the attention of the Assembly on several occasions in the course of the last few years. The matter has been very fully discussed, but since the matter was last before the House, there have been some important developments and some very important and significant consequences. Therefore, so far from having any quarrel with my Honourable friend, the Mover of this motion, for having once more directed our attention to the problem, I welcome it because it gives me an opportunity, I think, of removing some misapprehensions and misconceptions under which it is obvious that some Honourable Members at least are labouring. I listened to the debate with very close attention and with very great interest, but at times I must confess, with some sense of disappointment, because I claim that Government have recognised the serious importance of the problem; they have recognised the fact that the public mind was seriously occupied with it; and I claim that they have dealt with it promptly and effectively.

Let me remind Honourable Members of one or two of the facts bearing upon that contention. It was in August last year that the Government of India had before them the report of a committee appointed by the Government of the United Provinces which dealt with this question and raised some issues which are now directly before the House. It would thus have been necessary for the Government of India to deal with them in any case, but there were circumstances at the time which had concentrated public attention upon the matter, and we took the earliest opportunity of issuing a communiqué announcing our intentions of having a general re-examination of the position with regard to under-trial and special class prisoners. In response to the views so strongly expressed in this House during the course of the debates in September, that inquiry was enlarged. Inquiries were held in every province in India; a non-official opinion was closely consulted, and in many provinces special committees were appointed. I think one very good effect of the action then

taken has been that, far more non-official persons have come in direct contact with the problems of jail administration and have realised, more fully than they did before, the great difficulty and complexity of the problem. Well, Sir, at the earliest possible date a conference of representatives of Local Governments was called. The whole matter was fully discussed, but certain outstanding points remained on which further opinion was required. Those were received in January, and I proceeded, with the least possible delay, to avail myself of the assistance of some leading Members of this House who were good enough to discuss the matter with me. I do not think that we can be charged with any dilatoriness in the matter. Indeed, during the course of the discussion, it was urged upon me that greater time ought to be allowed for considering the complexity of the problem. I should have been very glad if it had been possible to continue and prolong the discussions, but the matter was urgent, the House recognised that it was urgent, and we felt ourselves constrained to take the earliest possible opportunity of conveying to Local Governments our conclusions and of inviting them to take the necessary action.

Now, Sir, I shall proceed to consider what the actual results of those discussions have been, and I shall endeavour to meet some of the criticisms which have been made in the course of this debate. The first, and I have no doubt, the most important is that the principles now laid down for the revision of the jail rules do not specifically recognise the class of political prisoner. Well, on that point I must claim that the attitude of Government has from the very first been one of complete candour. That question has occupied attention not only in India but in other countries also for many years past. As my Honourable friend, Mr. K. C. Roy, pointed out, in England it has been carefully considered, with results which he described, and which I do not intend to recapitulate. We made it clear at the outset that in whatever direction the Jail Rules were modified, we could not take motive as a basis, as a criterion, without regard to the nature of the offence. I have been told that a definition of political prisoner is a perfectly possible thing to attain. Nevertheless, not a single Member, so far as I could discover in the course of this debate, was able to produce anything of the kind. One Honourable Member suggested that the matter could easily be settled by illustration. Well, Sir, I assure the House that this question was considered with the greatest care and attention at the conference of representatives of the Local Governments, and the unanimous conclusion was, as it has been, I think, in almost every country in the world, certainly in England and America, where the matter has been examined, that that was an impracticable proposition.

Now, Sir, what in effect has the result of this revision of the jail rules been? I maintain myself that it has been to mark a very definite step of progress. Some Honourable Members were inclined to question the basis on which the rules have been revised; that is to say, the question of taking into consideration the previous standard of living of a prisoner in assigning him to a particular class. Well, there is no doubt very great room for difference of opinion on that point, but the principle involved is clearly this. It is a principle of equity that the actual impact of the penalty of a sentence of imprisonment should be graduated so as to equalise it in its effect upon the various classes of prisoners in the jail. It is a principle of equity. The second important principle which has been dealt with, and, I claim myself, carried out in the principles now adopted

[Sir James Crerar.]

is the elimination of those grounds of suspicion that there is an element of racial discrimination in the existing jail regulations

Dr. A. Suhrawardy: The Chinese and Japanese were given special treatment as Europeans. Has that distinction ceased to exist now?

The Honourable Sir James Crerar: The basis for classification is now entirely, so far as A Class is concerned, the character of the offence and the antecedents and previous standard of life of the prisoner, as regards B Class, the second criterion alone; and the basis of classification now eliminates all questions of race.

Now, the third criticism of substance which has been brought against the rules was the classifying authority. As Honourable Members are aware, the principle which has been adopted is that classification should ordinarily be made, in the first instance, by the Court originally trying the offence, and it is subject to confirmation and revision by the Local Government. That principle has been criticised, but the ground for it has, I think, ample justification. A very large number of Courts of different grades and of varying degrees of experience will be called up to deal with what is in point of fact an administrative act. It is important, especially when a new system is being initiated, that a reasonable degree of uniformity should be imported into the matter, and that was the reason indeed why the Government of India came to the conclusion that the classification made by the Court originally trying the offence should be subject to confirmation and revision by the Local Government.

My time is very short, Sir, and I do not wish to encroach upon other matters which will shortly be coming before the House, but I
 1 P.M. do trust the House will recognise that a very complicated and a very difficult task, which was presented by this revision of the jail rules, has been carried through in a really sympathetic, careful and attentive spirit, and that the conclusions which have now been reached mark a very definite improvement on the conditions previously existing.

Mr. President: The question is:

“That the Demand under the head ‘Home Department’ be reduced by Rs. 100.”

The Assembly divided:

AYES—39.

Abdoola Haroon, Haji.
 Abdul Matin Chaudhury, Maulvi.
 Abdullah Haji Kasim, Khan Bahadur
 Haji.
 Acharya, Mr. M. K.
 Aney, Mr. M. S.
 Ayyangar, Mr. K. V. Rangaswami.
 Bhargava, Pandit Thakur Das.
 Ohaman Lall, Diwan.
 Chetty, Mr. R. K. Shanmukham.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Dutt, Mr. Amar Nath.
 Farookhi, Mr. Abdul Latif Saheb.
 Gulab Singh, Sardar.
 Haji, Mr. Sarabhai Nemchand.
 Ismail Khan, Mr. Muhammad.
 Javakar, Mr. M. R.
 Kelkar, Mr. N. C.
 Kunzru, Pandit Hirday Nath.

Lal, Mr. Hari Prashad.
 Lalchand Navalrai, Mr.
 Malaviya, Pandit Krishna Kant.
 Malaviya, Pandit Madan Mohan.
 Moonje, Dr. B. S.
 Munshi, Mr. Jehangir K.
 Neogy, Mr. K. O.
 Pandya, Mr. Vidya Sagar.
 Rahimtulla, Mr. Fazal Ibrahim.
 Rang Behari Lal, Lala.
 Ranga Iyer, Mr. C. S.
 Rao, Mr. G. Sarvotham.
 Reddi, Mr. T. N. Ramakrishna.
 Sarada, Rai Sahib Harbilas.
 Shafee Daoodi, Maulvi Mohammad.
 Siddiqi, Mr. Abdul Qadir.
 Singh, Mr. Gaya Prasad.
 Sitaramaraju, Mr. B.
 Talatuley, Mr. S. D.
 Ziauddin Ahmad, Dr.

NOES—52.

Abdul Aziz, Khan Bahadur Mian.
 Abdul Qaiyum, Nawab Sir Sahibzada.
 Alexander, Mr. W.
 Anwar-ul-Azim, Mr.
 Banarji, Mr. Rajnarayan.
 Baum, Mr. E. F.
 Chatterjee, The Revd. J. C.
 Coatman, Mr. J.
 Cocke, Sir Hugh.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Crerar, The Honourable Sir James.
 Crosthwaite, Mr. H. S.
 Dalal, Dr. R. D.
 Ferrers, Mr. V. M.
 French, Mr. J. C.
 Gidney, Lieut.-Colonel H. A. J.
 Gwynne, Mr. C. W.
 Hamilton, Mr. K. L. B.
 Heathcote, Mr. L. V.
 Hira Singh Brar, Sardar Bahadur,
 Honorary Captain.
 Howell, Mr. E. B.
 Jawahar Singh, Sardar Bahadur
 Sardar.
 Jehangir, Sir Cowasji.
 Kikabhai Premchand, Mr.
 Lamb, Mr. W. S.

Lindsay, Sir Darcy.
 Mitra, The Honourable Sir Bhupendra
 Nath.
 Mitter, The Honourable Sir Brojendra.
 Monteath, Mr. J.
 Moore, Mr. Arthur.
 Mukherjee, Rai Bahadur S. C.
 Noyce, Sir Frank.
 Pai, Mr. A. Upendra.
 Parsons, Mr. A. A. L.
 Patil, Rao Bahadur B. L.
 Rainy, The Honourable Sir George.
 Rajah, Rao Bahadur M. C.
 Rau, Mr. H. Shankar.
 Roy, Mr. K. C.
 Sahi, Mr. Ram Prashad Narayan.
 Sams, Mr. H. A.
 Sarfaraz Hussain Khan, Khan
 Bahadur.
 Schuster, The Honourable Sir George.
 Scott, Mr. J. Ramsay.
 Shah Nawaz, Mian Mohammad.
 Slater, Mr. S. H.
 Suhrawardy, Dr. A.
 Tin Tut, Mr.
 Yamin Khan, Mr. Muhammad.
 Young, Mr. G. M.
 Zulfiqar Ali Khan, Sir

The motion was negatived.

Mr. President: The question is :

“That a sum not exceeding Rs. 7,11,000 be granted to the Governor General in Council to defray the charges, which will come in course of payment, during the year ending the 31st day of March, 1931, in respect of the ‘Home Department.’”

The motion was adopted.

DEMAND NO. 36—FINANCE DEPARTMENT.

The Honourable Sir George Schuster: I beg to move :

“That a sum not exceeding Rs. 11,50,000 be granted to the Governor General in Council to defray the charges, which will come in course of payment, during the year ending the 31st day of March, 1931, in respect of the ‘Finance Department.’”

Retrenchment throughout the Administration.

Sir Hugh Cocke (Bombay: European): Sir, I beg to move :

“That the Demand under the head ‘Finance Department’ be reduced by Rs. 100.”

From the storm of political prisoners we come to the calm of dull finance. The convention under which various subjects are taken up by different parties is, I think, an excellent one, but I am not sure that the selection ought not to be made by drawing numbers from a hat instead of each party selecting its own. The more spicy items have already been dealt with, but as the Finance Department controls the finances of all Departments, I presume, I am entitled to move my cut and refer to any expenditure which the Finance Department controls. Therefore, this opens up a very wide discussion. Sir, we often hear retrenchment being

[Sir Hugh Cocke.]

discussed in very wide and general terms and my desire today is that we should get much more into details. I do not intend to take more than ten minutes myself, and if the Honourable the Finance Member can limit his reply to 20 minutes, we should be left with 90 minutes in which, I suggest, possibly 45 Members might make two minutes speeches and tell us on what particular items, they suggest retrenchment and economy could be effected, because it is constructive suggestions which will be useful, and it is for that reason mainly that we decided on this particular item. If we can arrange for 45 speeches, and if we can get four suggestions of Rs. 10,000 from each speaker, the amount will come to 18 lakhs of rupees, which will be very good work for two hours. And if we go on as successfully as that, possibly other parties might like to withdraw their cuts and we could carry on the retrenchment campaign tomorrow and get to a much larger figure. Sir, as I said, I am anxious that the Members of this House should really direct their minds in particular channels in which definite savings can be effected. I may say at once that I have nothing very stirring to suggest in that direction, but I have one or two suggestions.

With regard to the Army expenditure generally, I quite agree with a good deal of the criticism which has been offered by the other side during the last few years in connection with the reductions which have been made in comparison to the reductions which the Inchcape Committee foresaw. I should like to see another *ad hoc* committee appointed at no very distant date to deal with the Army expenditure, with the idea of putting before this House a constructive programme of decreasing expenditure over a period of, say, five years. I cannot help feeling that we are rather in a maze at the present moment. We have been told that the Army have had additional expenditure thrust upon them in connection with the customs duty and postal duties. On the other hand, they have saved money on account of exchange and on account of the reduced price of materials. But we do not know the cumulative effect of these various differences and what proportion it bears on the figures of 55 and 50 crores mentioned in the Inchcape Committee's Report. I think if we can have another small expert committee—I do not mean an expert committee consisting of only soldiers; that will not be desirable—a small business committee, to consider this question and try to put up a programme for expenditure of the next five years, it might be fruitful of very good results.

Colonel Crawford, the other day, expressed a note of anxiety about mechanisation developments and he spoke of the bill we were going to have to meet for renewals. I heard of a staff car the other day which was practically out of action after two years use, due to thoroughly bad driving and cheap oil. That is an example of an item which this Committee might go into, whether the officers should have staff cars in peacetime or whether it would not be better to use their own cars and get an allowance. From my own experience of offices, I can say that the cost of running motor cars by the firm is about double what it is when you give an allowance to individuals, for the simple reason that cars get proper attention when they are under the control of their owners, and they do not get proper attention when they belong to a big concern like the Government or a Company. Therefore, I suggest that, in the matter of staff cars, there is a definite possibility of some small reduction, and in connection

with the mechanisation there is a particular item which this Committee will go into, having regard to the possibility of renewal expenditure in years to come.

As regards the expenditure which Mr. Jukes is going to review, I cannot help feeling that his review would have carried more weight with this House and with the country generally had two non-official expert business men been associated with him. We all know Mr. Jukes is an expert in Government finance and he is a man who knows where to look for the particular items which should not be there or which could be reduced. But I think outside opinion would have been helpful, and possibly it is not too late even now to consider the addition of two or three names to Mr. Jukes' investigations.

On the question of interest which is an item of expenditure, I was very much struck with the paragraph which I read in the leading article of the *Daily Chronicle* yesterday. It runs as follows:

"Some time ago an examination was undertaken of the budgets of some 2,500 families whose average monthly income was shown to amount to about Rs. 52. Approximately 47 per cent. of these were indebted to the extent of an equivalent of two and half months' earnings. The usual interest paid was at the rate of one anna in the rupee per month. In other words, these unfortunate beings were paying to *baniyas* an average interest of 75 per cent. a year, and as often as not this 75 per cent. was compound interest. A little simple arithmetic will show that these families were indebted on an average to the extent of Rs. 130 on which they paid in simple interest Rs. 97-8-0 a year.

If people who declaim so vociferously on the burden of a tax (they are referring to the Salt Tax) 'amounting to annas three per head per annum' would take steps to reduce a system of iniquitous usury which is one of India's greatest handicaps, they would be doing something of real value to the country."

Well, Sir, we all know that we have got the Banking Inquiry Committee and that is one of the problems they are facing. But it struck me, in connection with the reduction of expenditure, that if the Government could lend money to the people at 10 or 15 per cent. instead of allowing the people to borrow at 75 per cent. from the *baniyas*, provided they avoided heavy bad debts, they would be doing good business. Although, of course, the expense of the Department to be detailed to do this work would be heavy, one cannot help referring to an earlier paragraph in this leading article dealing with the salt tax, where it is pointed out that the present burden of the salt tax is reckoned at 3 annas per head. You could put on another 3 annas on the people to enable you to pay for this organisation and you will then confer a very substantial benefit on the masses.

There is one other direction which I think is worthy of investigation and that is the post offices. I got by the mail yesterday the *Times*, Special India Number, and in it there is an article by Sir Geoffrey Clarke dealing with the postal development in India in the last 50 years. He points out that the number of new rural post offices, which, of course, we all know, has been increased very materially. In 1927-28 no less than 748 post offices were opened. I quite agree that this is excellent from the point of view of spreading education, but it is expensive. Sir Geoffrey Clarke remarks that they do not yet pay their way. They may not pay their way for years, and the question arises whether a certain amount of retrenchment ought not to be effected in that direction, having particular regard to the fact that the Post Office is drawing heavily upon the Central revenues at the present time.

One other matter, and that is the general question of pay. I only said the other day that this House was very sympathetic towards increasing the

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pay of grades of staff, and that sympathy had been reflected in very heavy expenditure in the last few years. It occurs to me to suggest that the time may come, and perhaps ought to come even now, when some sort of move in the other direction is necessary, because, as we all know, and I think it was stated in this House the other day, that the British soldier's pay has been cut down as the result of living expenses going down. Railway employees at home have had to take reduced wages from top to bottom on that account. Taking the Bombay figures of cost of living, which have been quoted often in this House, Honourable Members may remember that, from 1923 to 1927, there was practically no change, the average figures of percentage over July 1914, for those five years, being 54, 57, 55, 55 and 54. But in 1928-29, we dropped to 47 per cent. above July 1914 and a slight rise took place in 1929 to 49 per cent. In the first month of 1930, the figure is again 47 per cent. I suggest that there is a possible ground for some retrenchment in pay.

Sir, I am not going to occupy the time of the House any longer because I am anxious that we shall hear as many of these two minute speeches as possible, and I hope Honourable Members sitting behind Government, who have great knowledge of the country, will take part in this discussion.

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

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

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammedan): Sir, in supporting Sir Hugh Cocke, I wish to make my own position clear. I have always insisted, and I insist once more, that the question of the reduction of Army expenditure does not depend upon the lines suggested by the Honourable the Mover of this motion, but upon a change of policy. It is the change of policy for which we have been fighting, struggling and agitating during the last ten years. As Honourable Members of this House may not be aware of the history of this agitation, I may, in a few sentences, explain to them what we have been fighting for. Ever since the close of the war, the point of view of the British war policy was that the Army in India should be regarded as part of the Imperial forces, and with that object in view, a Committee was appointed presided over by Lord Esher, in which it was expressly laid down that the Army in India must be regarded as a wing of the Imperial forces. We immediately protested against it, and we appointed a Committee of our own, with the consent of the Government of India, and unanimously passed a Resolution to the effect that the primary and sole purposes of the Army in India was the defence of India, and that its equipment must therefore be strictly in accordance with the requirements of India's needs. That policy is one which, as I have said, was accepted by the Government of India for the time being. But that policy, I am afraid, has been overruled by the Home authorities, with the result that, for the last ten years, the Indian Army has been regarded as a part of the Imperial forces. I have already read to you a passage from a leading article in an English newspaper, and I could read to you much more from the newspapers and from the pronouncements of responsible persons at Home to the effect

that the Army in India is treated as a part of the Imperial Reserve, and it is with that object in view that the mechanisation and the re-equipment of the Indian Army is ordered in this country. My Honourable friend, Colonel Crawford, the other day said, "You are provided with a different equipment; if you are to take part in a world war what will be the result? Look at the result you had in 1917; your men went there armed with inferior weapons and when they landed at Marseilles these weapons had to be changed." But we are not concerned here with a world war. We are here concerned with the defence of our country and the army which India claims to keep is only an army which is necessary for the defence of the country. If this policy is once accepted, we shall have an immediate reduction, not to the tune of one or two crores, but I venture to submit, something like 20 crores, in the gross expenditure upon the Army in this country. Look at the map of the world; think of England's possessions, East of Suez. You have South Africa, you have Australia, you have Ceylon, and you have the Malaya Peninsula and Hong-Kong and places like that. Do they keep any armies at all? They do not, because they know that the Indian Army is a stand-by, and that in case of necessity they can call upon the Army in India to come to their defence. As the British Navy is presumed to protect the outlying possessions of Great Britain, so the Indian Army is maintained for the purpose of safeguarding the integrity of the Eastern possessions of England. But not one penny is contributed by these possessions to the Indian exchequer for the maintenance of the Indian Army. Imperial Conferences have been held, and we are told that an Imperial Conference will be held in September or October this year. I ask the Government of India, in all seriousness, to instruct their delegates that they should raise this question before the Imperial Conference, that India is not in a position to pay for and maintain an Imperial force stationed in India, and unless that policy is altered India will not be happy, and will keep on insisting upon the Government of India the desirability and necessity of fulfilling their own promise, that the Army in India is intended for the defence of India. That, Sir, is the main point. A small *ad hoc* committee can do no good. I strongly oppose the appointment of an *ad hoc* committee, that will decide the policy of a few rupees' cut here and a few rupees' cut there. When the Inchaape Committee was appointed—let me remind Honourable Members that I was the author of the Resolution which forced upon Government the necessity of appointing that Committee—I then pointed out that, what we really wanted was a complete change of policy regarding the military and civil expenditure of the Government of India. The other day I pointed out to this House that all the provinces are crying and the province of Burma is blatant, that the expenditure of the Central Government is so high that they are not in a position to bear their proportion of it, and Burma is regarding that as one of the chief grounds for demanding separation; and the nation-building departments in all the other provinces are being starved because the overhead expenditure of the Central Government is very excessive, and out of all proportion to the burden that they can legitimately call upon the taxpayers of this country to bear. The provinces are in united revolt against the Central Government. I wish therefore to ask this House whether it can tolerate a policy which has been going on for the last 20 years or more, that India is being bled for Imperial purposes, and we are required to keep an Army the strength of which bears no relation to the requirements of this country. The equipment of it is ordered by a body overseas, with strict reference not to the Indian requirements, but

[Sir Hari Singh Gour.]

the Imperial commitments. It is that which we wish to stop; it is against that that we wish to protest. It was asked the other day in connection with the military cut by the Honourable Mr. Jinnah, "Why do you want any reduction of British troops, because that is not possible? How shall we replace them?" And therefore we were told that what we require is the fulfillment of all the recommendations of the Skeen Committee. With due respect to him, I submit that, what we require is the immediate reduction of the British troops in India, (Hear, hear) because the British troops in India are not kept for the purpose of the defence of this country. I venture to submit that one-third at least of the British troops in India can be immediately sent away, and I say to the Government of India that, if they are so inclined, they should immediately give notice—a year's notice—for the reduction of one-third of the British Army in India. That, I submit, would relieve the taxpayer of a large burden which he has to bear. I ask the Honourable the Finance Member to support us in this motion for this reason. You know, Sir, that the more you give the people, the less tax you impose upon them, the greater is their purchasing power, and we know we have been told by the Empire Crusaders that one-fifth of the British trade is with India, and therefore we say to those Empire Crusaders that, if the people of India have more money to spend, they will buy more British goods, and therefore it is in the economic interest of Great Britain herself that the people of India should not be bled to the bone, as they have been bled all these years, for the maintenance of their bloated armaments in this country. We have cases after cases, whenever there is a overseas war, whether it is in Iraq or in Mesopotamia or Egypt or Palestine or China, the Indian reserve are called upon to serve overseas, and we are told that the British Exchequer is extremely fair, in that, for the time being, when these troops are overseas, their expenditure is borne by the British Exchequer, forgetting altogether the capitation charges that India has to pay for the troops which are only lent to us and a part of the British Army stationed in India for only a short period. But what becomes of the training and why should not India similarly levy capitation charges from England in respect of the troops which are kept here for Imperial purposes? Sir, it is a long story. The time at my disposal is short; but I feel very strongly on this subject and I therefore feel that, if the Government of India wish to appoint a committee—and I do want that the Government of India should appoint a committee—it should not be an *ad hoc* committee. It should be a committee which should carry out to the letter and to the spirit the Resolutions which this House has passed with the concurrence of India, that the primary duty and the sole duty of the Army in India is the defence of India. That is my first point.

As regards the civil expenditure, Sir, I find from the explanation given here in this book that the civil expenditure has been rising and rising partially because of the commitments consequent upon the recommendations of the Lee Commission. Now, the Government of India must remember that, under the Preamble to the Government of India Act, the progressive Indianisation of all services is the accepted policy of the Government. Now I wish to ask, where is the progressive realisation if you do not reduce the expenditure by Indianising the service. What Indianisation of the services has been made since 1919, or since 1921, when this Legislative Assembly first took office? I wish to ask the Honourable the Finance Member to make a statement, or if he is not prepared to make a statement, to prepare a statement and lay it on the table of the House,

to what extent Indianisation has been brought about in consequence of the changed angle of vision which is said to have been brought about by the Imperial declaration of 1917. That is my second point.

My third and last point is this, Sir. Whatever the Government of India may do, the Government of India may feel strongly with you and me, and in many cases they do, but so long as they remain a subordinate of a Government 6,000 miles away, their position is almost as deplorable—or I may say as pitiable—as ours. They can only beg and plead and occasionally send a deputation of the Finance Member to go and try to convince the authorities at Home as to the impæcunious condition of the people of India. But so long as the fulcrum of power is in Whitehall, and that power is used primarily for the purpose of safeguarding and upholding Imperial interests, we shall have no relief in this country. Whatever the Government of India may do, so long as we do not make the Government of India independent of Whitehall, and responsible to this House in the truest and fullest sense, we shall never be able to get any real reforms or any real retrenchment. The Honourable Mr. Keikar brought forward a Resolution that the Government of India are not responsible in their nature to this House. How can the Government of India be responsible to you? Under the Statute, the Government of India are responsible to the Secretary of State and the Secretary of State is a Member of the British Cabinet. I can well understand occasionally a Member of the British Cabinet saying that this does not suit the Government of India or the people of India. But after all, you must remember you have all done team work, and the Secretary of State has to do team work too. He is only one Member of the British Cabinet. When he finds that he has to carry out the policy of the Cabinet, is he to look at you or at the British Cabinet of which he is a Member? This places the Secretary of State in an awkward position. Look at the illogical and absurd position in which the Secretary of State is placed. He represents a British constituency, whose interests are his first obligation. He is under the disciplinary control of the British Cabinet. The Prime Minister has to formulate the policy. The other Members of the Cabinet have conjointly to decide upon a line of policy. Can you expect that a Member of the British Cabinet can go, time after time, against the joint wishes of the Cabinet and say that he shall not do this or that? Do you think that such a Secretary of State is likely to remain a Member of the Cabinet for long? And look at the question from your own standpoint. If you had in your cabinet a man who always disagreed with you and with the policy of his own electors, would you not say, this a quarrelsome fellow, and he does not understand team work; he is a most ill-disciplined fellow; he does not understand that the Cabinet has decided on a line of action; well, we will appoint him Lord of the Admiralty and somebody else as the Secretary of State for India. You should understand a man, however, strong or however conscientious he may be, in the position in which he is placed. That once more raises the main question, namely, that if you are to remain as a part of the great machine of Imperialism, your interests will always be subordinated to those of Great Britain, and naturally, Great Britain has got her own commitments, and so long as those commitments have to be adhered to, India has not got the first place, but has got the second place there, and it makes all the difference in the world whether India has the first place or the second place in the determination of Imperial policy.

Nawab Sir Sahibzada Abdul Qayyum (North West Frontier Province: Nominated Non-Official): What about your Central Committee's Report?

Sir Hari Singh Gour: My friend, Sir Abdul Qaiyum, asks me what about my Central Committee's Report. I am paraphrasing it. I am paraphrasing the main recommendations of the Central Committee, and my friend is welcome to read the Report *in extenso*, the line of arguments which we have pursued and the recommendations which we have made. I, therefore, strongly support this Resolution, but not on the grounds on which the Honourable the Mover has placed it.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Sir, as a new arrival in this House, you will allow me to make a complaint. Sir, we have been discussing the Demands for two whole days and a part of today, and yet I have not had an opportunity of learning anything about the Budget, either from Honourable Members on this side or from Honourable Members on the Treasury Benches. I congratulate my friend, the Finance Member, on the comparatively light time he has in this House. He has practically had to answer no question, give no explanations, has not been held responsible for a single item in the Budget for the last two and a half days. The whole of the first day

Mr. President: Order, order. The Honourable Member must speak on the motion.

Sir Cowasji Jehangir: I am explaining that we have done nothing to retrench during the last two and a half days that we have been discussing the Budget. My Honourable friend, Sir Hugh Cocke, now wants us to come back to the Budget and speak about retrenchment, but we have been talking high politics for the last two days. I cannot understand how it is possible to make suggestions for retrenchment and to ask for retrenchment when, out of the five days allotted, two and a half days have gone. Tomorrow will be the same, and only the last day is available for making practical suggestions. That is my complaint, Mr. President. I do not understand the practice of this Honourable House, but I only throw this out as a suggestion.

Today Sir, we have been extending yesterday's debate on the Army. On the first day we enunciated a great principle. I was quite prepared to agree to the enunciation of that principle, namely, the irresponsibility of the present Government. On Saturday we discussed the Army Budget and protested that Indianisation has not been effected by Government. I was quite prepared to support that protest. Today I find the same thing is going on again, and the Army is being discussed. But since I am given an opportunity of saying a word or two, I will only draw the attention of this Honourable House to one point. We hear a good deal about retrenchment in the Army. I am all for making a cut in the Rs. 54 crores which the Army requires. But, Mr. President, I would remind those who are so anxious to reduce the numbers, that, so long as they reduce the force in other parts of India and leave my Presidency alone, I can have no objection. Sir, my Presidency makes no small contribution to the Government of India which helps them to pay for this Army. On some occasions Bombay has had to make use of a very small, infinitesimally small, portion of that Army for internal peace. Now, Sir, if a reduction takes place, and knowing as I do the importance of the North West Frontier, I have no doubt that the Army will be concentrated somewhere in that direction, and that, when we do want the assistance of the military as a little return for the money we give to the Government of India, we shall be told that there are no troops to spare. The result will be that we shall have to increase our police, and therefore,

while the Government of India will reduce their expenditure, the Provincial Governments will have to increase it. I do not think that is at all fair. If a reduction in the Army is to take place, then, Sir, some of the expenditure should come back to the Provincial Governments. We should not be called upon to make the contributions that we are now making, and I think Provincial Governments will then be prepared to spend a part of that money in increasing their police force.

Sir, I would revert for just one minute to the question of retrenchment as a whole. I will just tell you what the position has been in my part of the world on more than one occasion. The analogy may not be quite correct, the Opposition in the Provinces being in a stronger position than the Opposition on these Benches. There is a greater sense of responsibility in Provincial Legislatures than there is here, because there are transferred subjects and there are Ministers, and in those subjects we never hear of certification; we cannot. And let me further add, that I am proud to say that, as far as my province is concerned, never once has an item been certified. On an occasion or two, when the Opposition Benches felt very strongly that retrenchment was necessary, they effected that retrenchment by taking advantage of the time given to the House to go into the Budget. They said to Government, "We refuse the Finance Bill, we want retrenchment". They frankly admitted that they were unable to point out, or put their finger on, the exact items which could be retrenched. They hadn't the knowledge, and as a little knowledge is a dangerous thing, they might do a great deal of harm in retrenching items which might be really most useful to the country and the people. Therefore, they put the responsibility on Government. They said, "You are the people who know where you can cut with the least amount of damage; all we know is that we are not going to supply you with the money. If you are prepared to make a retrenchment of X lakhs of rupees in your Budget, we will pass your Finance Bill; if not, we shall not". Well, the Government had to think; they could not pass over a threat of this sort unnoticed, and on more than one occasion they have agreed to make the cut demanded.

Mr. N. O. Kelkar (Bombay Central Division: Non-Muhammadan Rural): You once cut down Rs. 50 lakhs.

Sir Cowasji Jehangir: Yes. I am not now going into details. Now, Sir, I would suggest to my Honourable friend, Sir Hugh Cocke, that he might take up the same attitude. He might fix a figure which he thinks can be retrenched, and tell Government "Retrench in any direction you like, you are the best judges; we have not the information; we haven't the knowledge; we do not wish to do any damage; but retrench you must to this extent; and if you do not, we do not pass your Finance Bill". I know the answer will be "Government will resort to certification". But believe me, I do realise that these demands for retrenchment have an effect on the Treasury Benches. I am not speaking from experience of this Honourable House. I am only speaking from experience in another House. My experience is that the speeches are taken note of, and that cuts do have their effect, if not immediately, some time afterwards. It may not be apparent to non-officials; it is very apparent to the official, and therefore when we do effect these cuts, or make criticisms, it does have an effect on the opposite Benches. But we must have time to do so. The complaint may be that the time for general discussion is not enough, that it should be extended from two to four days. It will have

[Sir Cowasji Jehangir.]

to be extended from two to six days if the present state of affairs is to continue. Let there be cuts on policy for a day or so. Now we have been discussing policy yesterday and the day before, but let us now get on to the Budget, and force the Government to retrench. No conscientious Member of this Honourable House can go into the lobby and vote against the Finance Bill when he has not made any attempt to force the Government to retrench.

I am in an atmosphere of unreality; the system forces me to a position of unreality. It is my humble opinion—with due respect to the many Honourable Members I see round me with much greater experience than myself—that we are making the position worse. Therefore, Sir, irresponsible Member as I am, and the position being as unreal as it is, I will probably walk into the lobby and vote against further taxation. But I feel that I have not had an opportunity—perhaps members with much greater experience will take the opportunity later—of pointing out to the Government that retrenchment in such and such directions is possible and if you do not retrench you will have to use your powers of certification. I have nothing more to say, Mr. President.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I have a considerable amount of sympathy with Sir Cowasji Jehangir, in his complaint that we in this House have not been very business like in disposing of these Demands for Grants for these two and a half days; and I would remind him that we, who have worked in the first Assembly—I mean the Assembly that sat from 1921 to 1923—were as a matter of fact faced with similar circumstances; and on one occasion we made all round cuts of five per cent. from the various Departments. In those days, however, there were no party organisations on the lines on which we find them today in the House; but still we could arrive at a sufficient amount of understanding between the different sections of the House to be able to accomplish this; and, by this method, we were enabled to effect considerable reductions in the Budget. It must not be forgotten, however, that in those days the Railway Budget also formed part of the General Budget, and for that reason it was possible for this House to effect a very large cut in the Railway Budget itself. Now the Railway Budget is sacrosanct; we cannot touch it—we have already disposed of it. Whatever that may be, it is possible even now for this House to effect a sort of five per cent. reduction under all the various heads that are to be voted by us. I understand Sir Hari Singh Gour has given notice of motions for the reduction of all the various demands by 5 per cent. I do not know whether it will be possible for this House to reach those particular heads after we have disposed of the general sort of discussion that we at the present moment are having. But I would remind Sir Cowasji Jehangir, with reference to what he said about the incongruity of the position of a non-official Member who votes against the Finance Bill, and who at the same time has not been able to effect any saving in the Budget while there was time for it, that the analogy of the provincial budget does not hold good here. Because my Honourable friend will remember that here, apart from the general division of voted and non-voted expenditure, we have the entire Military Department removed from the vote of this House. I therefore think that, even if we fail to achieve any retrenchment by our own action in regard to the various votable items of expenditure that are before us just now, there would be ample justification for us to vote against the Finance Bill when that comes up.

Now, Sir, in 1921—the Honourable the Finance Member will bear me out—the British Treasury sent out a circular to all the spending Departments of the Government, asking them to effect drastic reductions in expenditure, and I have a recollection that the *Times*, in an appreciative article, stated that this meant the recognition of a sound economic principle, namely, that the policy of the Government should not determine expenditure, but that, on the other hand, the policy itself should be determined by the nation's capacity to pay. Sir, I want my Honourable friend to say that he recognises this principle today. That is exactly what Sir Hari Singh Gour has been pleading for, and what everybody on this side of the House has been pleading for. It is no use trying to tinker with this Budget, either on the civil or military side. Unless there is some substantial change in the policy itself, we cannot hope for any remarkable reduction in expenditure. My Honourable friend, Sir Hugh Cocks, is not quite satisfied that the duty of retrenching expenditure should be left to an individual officer. He said that, so far as the Army Department was concerned—I hope I am correctly interpreting what he said—he might be associated with two other non-official experts.

Sir Hugh Cocks: I said that Mr. Jukes should be associated with two other non-official business men. So far, I do not think that Mr. Jukes is dealing with Army expenditure at all; he is dealing with only civil expenditure.

Mr. K. C. Neogy: These are matters of detail, which will not help us very much. The Government themselves can come to a determination that they are going to retrench expenditure, and that they are going to adopt a different policy, which will enable them to carry on the administration at a cheaper cost. It is only in that case that any effective retrenchment can be carried out. It is no use sending away a few *chaprassies* here, or a few typists and clerks there, at the same time maintaining a highly paid superior staff. I know the Finance Member suggested the other day that, so far as the staff was concerned, the increase in expenditure had been caused, not so much by what the higher paid staff got, but by the revision of salaries of the lower-paid staff. I agree with him there, but, Sir, so far as the lower-paid staff are concerned, it must be admitted by the Honourable Member in charge that, in their case, the relief was in very many cases mostly overdue and that the scales of salary which are at present admissible to the lower-paid staff cannot be considered to be excessive in any sense of the word. Sir Hugh Cocks also referred to this point; he said that, now that prices have fallen, an attempt might be made by Government to reduce the increments that had been granted. I do not know—he was not quite clear—us to whether he included the superior services too in this particular recommendation. But, Sir, I want to remind the House of the circumstances in which the Lee Commission recommendations were made. I do not want to read out any extracts from the Lee Commission's Report, but it is well known that their recommendations were based on circumstances which no longer exist today. Furthermore I want to point out that, while the Lee Commission were considering the cases of certain superior services, the relief that has been given on the lines of their recommendations has been extended to very many other people subsequent to their Report.

Mr. B. Das (Orissa Division: Non-Muhammadan): Even to Anglo-Indians.

Mr. K. C. Neogy: My friend, Mr. Das, says, even those who want to be classed as statutory Indians, have in many cases been given the benefit of those recommendations on the plea of a non-Asiatic Domicile. I appeal to my Honourable friend, the Finance Member to go into this question very carefully, and find out as to how far exactly the original scope of the Lee Commission recommendations has been extended by analogy to people belonging to other grades and other services.

There is one other point. Along with these Lee Commission concessions, there have been revised rules regarding pensions and commutation of pensions and things of that kind. These rules also, I think, should be looked into very carefully in the light of the present circumstances. I do not know whether my friend, Sir Hugh Cocke, will support me in this demand, but I think he did not intend to exclude any class of public servants when he said that the question of reduction of salaries should be gone into. I find that he nods assent, and I am very glad to see that he is in agreement with this side of the House on this particular point.

Sir Darcy Lindsay: Sir, I am very glad that my Honourable friend, Sir Hugh Cocke, has brought forward this cut, as it brings before the House a very important subject, and that is, to see if it is at all possible to bring about any further retrenchment on the lines of the Inchcape Commission. Personally, I would like to see a committee from India set up on the lines of the Inchcape Commission. Any attempt on the part of Departments to effect real retrenchment is met with grave difficulties in the Departments themselves, whereas an independent committee can probe far more deeply into things than the officials of the Departments are altogether able to do. That is why I should like to see an independent committee set up from India.

My Honourable friend, Mr. Neogy, referred to the 5 per cent. cut. It was effected, I think, in 1922, and was a very excellent piece of work. The Departments groaned and groaned; they said it was quite impossible to carry on, it could not be done and so on; but when they got back to their offices and faced this all round cut of 5 per cent. and looked into things, they found there were possibilities, and I think I am correct in saying that, when the Simla Sessions came round, there were only something like half a dozen supplementary grants to restore the cuts. In each case the Departments had to put their shoulders to the wheel and make up the 5 per cent. cut. Any such drastic measure as that I do not advocate, because I do not think there is room for it in the present expenditure, but that does not get away from my suggestion for the appointment of an independent committee from India.

Now, Sir, my Honourable friend, Sir Hari Singh Gour, dealt mainly with the expenditure on the Army. I sympathise with him in some degree when he refers to the protection that the Army in India gives to other dependencies in the East, and I think he advocated that there should be a contribution from these dependencies, and also, I think, from Great Britain. Now, Sir, as I say, I sympathise with that view, but I do not think my friend took into account the protection that India gets from the Navy, and pays practically nothing for it.

Mr. B. Das: What about the Colonies?

Sir Darcy Lindsay: So, Sir, if we are to collect a contribution, and⁷ very rightly so, for the protection that the Army that we pay for gives

to the other parts of the Empire, it is not unreasonable that we should be charged with a bigger contribution towards the Navy. Whether one will balance the other, I cannot say; but I should imagine that the benefit would be with us, that is, India.

Now, my Honourable friend, Sir Hugh Cocke, asked that Members, in their two minute speeches, should put forward certain concrete suggestions, and the one that I have to make, Sir, is this. In certain papers that were sent to me by the Finance Member, as a member of the Standing Finance Committee, giving details of the increase of expenditure in various Departments during the past few years, it was very illuminating to find that the main source of the increase has been on the establishments. Very rightly so. I do not grudge any clerk his natural increase in his pay; but, Sir, I think there should be a corresponding increase in the work that that clerk gives, and here I would like to allude to what I have always considered a somewhat extraordinary position, that is the hours of work. I understand,—I may be wrong,—that the regulation is from half-past ten in the morning to half-past four in the afternoon. I quite admit that, in a great many instances, certain of those clerks work a good deal longer owing to particular pressure at a particular time in the year, but in the generality of cases you see them streaming out of office at half past four. If you go to Calcutta, or any other big business centre, you will find that the clerks are in office from half-past nine to ten o'clock in the morning and it is not before five o'clock in the afternoon that they leave

Sir Hugh Cocke: Not before six o'clock.

Sir Darcy Lindsay: Not before 6 o'clock, my friend says. I am giving what I consider to be the earliest. If in commerce our
3 P.M. clerks work for such length of time, say from 10 in the morning to 5 in the evening, why can we not get the same service from clerks in all Government offices? And there, Sir, I consider, is a very fruitful source of retrenchment. Give the clerks their increase of pay, give them their increments by all means, but get the work out of them that we are paying them for.

Pandit Hirday Nath Kunzru (Agra Division: Non-Muhammadan Rural): Sir, I do not agree with those of my predecessors who have regretted the time we have so far spent in discussing the votes relating to the Executive Council and the Army Department. We have known, Sir, by our experience of the last three or four years, that, whenever any important question either in regard to expenditure or to any other subject has cropped up, we have been met by the reply that the issues that we have raised relate to matters of policy which cannot be discussed by the Government of India on the spur of the moment.

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

The other day during the general discussion of the Budget, when questions relating to the Army were put forward, my Honourable friend the Finance Member gave us a similar reply. We shall deal with his argument when the Finance Bill comes up. I will only say for the present that it would be dangerous, on the part of any Member of the

[Pandit Hirday Nath Kunzru.]

Government of India, to assume that the function of this Assembly is not to get questions of policy discussed, but to vote money quietly to satisfy the needs of the Government. Sir, questions of policy arise not merely with regard to the Military Budget, but also with regard to the civil departments. I have had some experience of a Provincial Government. Some years ago I was a member of an Economy Committee, appointed by the United Provinces Government to reduce expenditure at a time when practically every Government was faced with a deficit. The Committee probably worked harder than any committee ever appointed by the United Provinces Government, but so far as I know, the principal result of our recommendations was a reduction in the number of peons and *duftaries* and low paid subordinates. We made recommendations with regard to a reduction in the number of Commissioners of Divisions, in the higher grades of the Public Works Department and in regard to the superior staff of many other Departments. Most of our recommendations were rejected by the United Provinces Government, either because they did not think that questions of policy could be discussed when we were concerned merely with matters of retrenchment or economy or because they thought that our recommendations raised issues which concerned more than one province. If today we appoint a committee of the kind recommended by my Honourable friend, Sir Hugh Cocke, what assurance have we that a similar result will not come about? My Honourable friends, Mr. Neogy and Sir Hari Singh Gour, referred to what the Assembly did in 1922. It effected a 5 per cent. reduction in the budget of every Department, but I should like to know whether that 5 per cent. reduction led to any decrease in the superior staff in any Department, or whether the brunt of the reduction fell on *chaprasis* and *duftaries* and other low paid employees

Sir Hari Singh Gour: May I explain? It led to a reduction of about 10 crores, and the appointment of the Incheape Committee, which recommended the reduction of a large number of members of the superior staff, some of whom were sent away but have been re-employed. Some of those appointments have been recreated.

Pandit Hirday Nath Kunzru: My friend referred to the 5 per cent. out effected in the various Departments. In replying to my question, however, he referred to the Report of the Incheape Committee, which is a very different matter altogether. My point is not that this Assembly should be debarred from making concrete suggestions for reductions but that we must make the Government of India realise that we shall not be satisfied with any policy which depends for effecting economies entirely on a reduction in the subordinate staff. My Honourable friend, Sir Cowasji Jehangir, complained that the Assembly had not concerned itself with making concrete suggestions. He knows perfectly well,—he was in the House when the General Budget was discussed,—that several concrete proposals were put forward with regard to the Army Budget. What reply did the Army Secretary, or the Honourable the Finance Member make to those suggestions? Their short and sharp reply was that our suggestions related to questions of policy which could not be considered at the moment

The Honourable Sir George Schuster: May I correct my Honourable friend? What I did say was that, at the present stage, when we are just

on the eve of considering constitutional reforms, it is extremely difficult to deal with questions of policy. That was my point.

Sir Hari Singh Gour: And my point was that, ten years ago, they should have reconsidered the question of policy to which they stood committed, in agreement with the Legislative Assembly, and that had nothing whatever to do with the constitutional changes now pending.

Pandit Hirday Nath Kunzru: I do not think that I misrepresented my Honourable friend, the Finance Member, in what I said, but perhaps he has put his own case better. My point is that the suggestions that we put forward did not relate to questions of policy. They related to matters which were brought under review either by the Welby Commission, years and years ago, or by the Inchaape Committee. Those matters can be decided independently of any constitutional considerations. Why the Honourable Member did not take up those questions in connection with this Budget, or why the Government of India as a whole did not think that the time was opportune for taking up those questions now, I really fail to understand. If we had put forward a demand for the reduction of the British Army, or for its removal and replacement by the Indian Army, I could have understood the force of the contention of my Honourable friend, the Finance Member, but our suggestions related to administrative questions, which have been discussed more than once by various committees, and which have, in the main, been accepted by the Government of India themselves. It is unreasonable, therefore, to ask us to keep quiet on this point. On the other hand, the Government ought to be grateful to us for raising these questions and strengthening their hands in their negotiations with His Majesty's Government. My Honourable friend, Sir Cowasji Jehangir, suggested to us that instead of asking for the appointment of a committee we should tell the Government of India plainly that we are in no mood to vote any expenditure and enhance the burden of taxation and that they must cut their coat according to their cloth. I am entirely in favour of that policy. I trust that my Honourable friend, the Finance Member, or the Government of India, will not think that we are blameworthy if we adopt such an attitude in connection with the Finance Bill. Just one word more, Sir, and I have done.

My Honourable friend, Sir Hugh Cocke, suggested that the Retrenchment Officer should consider the question of reducing either the salaries of the subordinate staff or its strength.

Mr. K. C. Neogy: He corrected himself later on.

Pandit Hirday Nath Kunzru: The Honourable Member is in this House and he can correct me if he chooses.

Sir Hugh Cocke: I included all staff. I did not limit it to any particular branch.

Pandit Hirday Nath Kunzru: I accept his explanation, whether it be in elucidation of what he said before or by way of addition to it. In so far as the Government of India adopt the policy of reducing all branches of their staff, no reasonable objection can be taken to a reduction in the number of the subordinate staff or in their salaries, but I should like them to bear one special consideration in mind, even when they deal with their superior staff in the manner this House has suggested. There is no doubt that, even with the increase that has been made in the salaries of the low paid employees since 1920, their standard of living is not what might be

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expected of any decent man. If the needs of the State are urgent, every man must be called upon to make his own contribution. But I do hope that the axe will not fall lightly on these low paid subordinates because, in spite of the increase made in their salaries, their position is a difficult one. We have to think of these low paid subordinates, not in the light of the enhancement made in their salaries in the past, but with reference to some standard of living which we ought to have in our minds. I am certain that their present salaries do not enable them to live in accordance with any decent standard of human comfort.

Colonel J. D. Crawford (Bengal: European): Is there any competition for the Government posts?

Pandit Hirday Nath Kunzru: Does the Honourable Member imagine that, if the salaries of the superior staff were reduced, there would be no competition for those posts? Has there ever been a time when there was no competition for those posts? Besides, when Government deal with a question of such importance, we hope, they will not take advantage of the immediate necessities of the people, but will see that they set a standard by which the commercial firms and other private concerns might be guided. You may, if you like, reduce the salaries of your subordinates and employ a low paid staff, but in that case you must be prepared for the difficulties that have arisen in many Departments, and notably in connection with the Railway Department. Is it any advantage to you to engage your low paid staff on initially low salaries and then face strikes outside and debates in this House? I think, on the whole, it would be wise for you to recognise the existing facts and not to believe unduly in pure competition but to take account of all human factors that enter into the consideration of these subjects and try to treat your staff in a just and humane way.

I have no doubt that if you proceed with a drastic curtailment with regard to the strength or salaries of the superior staff, the subordinate staff will not complain of any hardship that it might have to suffer. But the House ought to realise that the demand for higher salaries from the provincial and the subordinate services began in 1920, partly because of the rise in the necessities of life, and partly of the example set by the higher services. When the Financial Relations Committee reported, it was expected that every Local Government would have a decent surplus available for being spent on beneficial objects when the reformed Councils came into existence, but it was found in 1921 that these surpluses were imaginary. They had been eaten up by the increases in salaries. Then came the Lee Commission, whose recommendations increased the charges owing to the pay and allowances of the superior civil staff in the Provincial and Central Governments by about a crore and a quarter. Further charges were incurred because of the revision in the pay of and the grant of free passage allowances to Army officers on the analogy of the concessions made to the civil officers. These concessions cost us an additional 50 lakhs. Unless you hear the history of this question in mind, and keep these figures prominently before yourself, it is not possible to consider the question of the subordinate staff in its proper perspective.

Sir, I do not wish to lengthen this debate any more. It is not in our power to make detailed suggestions, but I will once more say that I am in hearty agreement with the suggestion made by my Honourable friend.

Sir Cowasji Jehangir, that our only business is to tell Government that the limits of further taxation have been reached; that they must manage its expenditure within the existing limits, and that they must find out where they can make retrenchments and economies. But if they do not pursue the course that we have suggested, they must be prepared to expect trouble when the Finance Bill is discussed. I am glad that my Honourable friend, Sir Cowasji Jehangir, has promised us his support in this connection. (Laughter.) I am sure the House will be only too glad to follow his lead in this matter.

Mr. Deputy President: The Honourable Member (Lieut.-Colonel H. A. J. Gidney) will remember that we have got to discuss the adjournment motion at 4 o'clock. Therefore, I hope he will try to be as brief as possible so as to give the Honourable the Finance Member a chance to reply.

Lieut.-Colonel H. A. J. Gidney (Nominated: Anglo-Indians): I shall be very brief, Sir. I rise to support the remarks made by my Honourable friend, Sir Cowasji Jehangir. He has brought before the House an aspect of the budget discussion which is, I think, new, and which omission, I hope will not be repeated. We have not been allowed any opportunity of suggesting to Government practical measures of retrenchment to any of the Demands for Grants. We have upto now in this discussion indulged in what one might call ærial or high class politics relating to certain policies initiated by Government which should be discussed by means of Resolutions and not on cuts for Demands for Grants. Sir, I came to this House, as I am sure my friend, Mr. Neogy, and others did, prepared with many points which I intended to present to the heads of various Departments as their Demands for Grants were presented. But the arrangements come to by the Parties have denied us this opportunity. I protest against this, but anyhow I seize even this indirect opportunity to bring to the notice of the Finance Member certain concrete means by which retrenchment can be effected.

I am a supporter of retrenchment, but that retrenchment must go hand in hand with efficiency. As a rule retrenchment and efficiency are generally incompatible factors if carried to extremes. But, if you can retain efficiency with retrenchment, then I am in sympathy with this motion. Let me take the Army estimates which we discussed the other day. We have concrete instances where retrenchment can be effected in the Army and without loss of efficiency. I have, on the floor of this House for the last five or six years, been trying to din into the ears of the Army Secretary a practical and a concrete measure of real economy, but the Army Department has turned a deaf ear to it. I have proved to the Army Department that it can save lakhs and lakhs of rupees by administering their medical services in a manner different to what is being done today. What is the Indian taxpayer asked to pay for the administration of the Army Medical Department which today costs $1\frac{1}{2}$ crores or about $1/30$ th of the total Army estimate? He is asked to pay for the maintenance of two Departments, the Indian Medical Service and the Royal Army Medical Corps, the majority of whose officers consist of senior Majors. Indeed, nearly two-thirds of the Royal Army Medical Corps officers, and about half of the Indian Medical Service officers consist of senior officers, such as, Majors, drawing salaries from Rs. 1,200 upwards, and who are performing the hospital duties of junior officers such as Captains and Lieutenants. The Army Department have said that this position is inevitable as they cannot get junior medical

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officers, because they will not come to this country. Sir, is it right to ask the Indian taxpayer to pay for the inability of the Army Department to get junior Captains and Lieutenants to come out to India especially if we have a remedy at hand? We have a means of retrenchment here. It is this: Return the Senior Majors to England and use the 70 odd Indian Medical Department officers who possess British qualifications, to perform these duties. In short do the same as is being done in the provincial medical services. If the Royal Army Medical Corps apply this retrenchment it will effect economy to the extent of many lakhs of rupees. The same criticism applies to nurses attached to the British military hospitals. These nurses are engaged in our British military hospitals in India—very estimable ladies—who do good work but are paid salaries ranging from Rs. 400 a month upwards, inclusive, more than a superior Service Assistant Engineer gets on the railways. Why should these nurses be imported from England when we have in India hundreds of fully qualified efficient European, domiciled European and Anglo-Indian nurses waiting for such employment? Then, we have a class of servants, called the India Unattached List—ancillary branches of the Army in India. Here we find a Sergeant coming straight from the regiment to the India Unattached List on a salary of Rs. 300 a month inclusive, rising to Rs. 1,200 per month, the same initial pay of an Assistant Engineer in the superior railway service, but with better prospects. These are in my opinion concrete cases in which the Finance Member can effect retrenchment without reducing efficiency. Again, I ask, why does the Army Department turn a deaf ear to this? They have never been able to answer this question except that for the first time this year the Army Secretary says that birds of one feather flock together. (Hear, hear.) But at the time of the war, there were many birds of many feathers in your regiments and ancillary branches, and who are not wanted today.

Mr. B. Das: Why do you flock to them again and again?

Lieut.-Colonel H. A. J. Gidney: You keep quiet, Mr. Das.

Mr. B. Das: Can the Honourable Member use personal slang to me, Sir?

Lieut.-Colonel H. A. J. Gidney: Don't interrupt me! There is another aspect of the question which my Honourable friend, Sir Darcy Lindsay, introduced

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): The Honourable Member addressed personally my Honourable friend, Mr. Das, and said, "You keep quiet". Is he in order?

Lieut.-Colonel H. A. J. Gidney: I want to bring out another aspect of the question.

Mr. M. S. Aney: My Honourable friend, Pandit Nilakantha Das, raised a point of order and it has not been decided.

Mr. Deputy President: There is no point of order.

Lieut.-Colonel H. A. J. Gidney: I want to refer to another matter. My Honourable friend, Sir Darcy Lindsay, struck a true note when he said that clerks in the Army Headquarters offices get away from their work at

4-30 O'clock. I want to know at what time do Army officers get away from their offices?—earlier than 4-30 or later. Introduce the Geneva and Washington Conventions into the Army Headquarters offices and Department and the staff could be easily reduced by one-third. Let both officers and subordinates give eight hours work in the Army Headquarters and Department and I am sure the Finance Member would be able to effect considerable retrenchment without effecting efficiency. Will he try this simple remedy?

Mr. M. R. Jayakar (Bombay City: Non-Muhammadan Urban): They will die, I suppose, if required to work so hard.

Lieut.-Colonel H. A. J. Gidney: There is another point. My Honourable friend, Pandit Hirday Nath Kunzru, very truly referred to retrenchment on the railways. I can give the House an instance of retrenchment—a most unjust one—in which the Railway Board although the difference in cost of living between 1926 and 1928 was only 5 per cent. made a very drastic retrenchment in the salaries of subordinates of the East Indian Railway of amounts from 10 to 50 per cent. to be able to pay an extra-allowance to the menials. In short, it has dissatisfied one staff of servants to satisfy another, the object being to satisfy the Labour Commission at present in the country, and yet not a penny has been cut from the railway officials' pay. Sir, in my opinion, railway officials can easily do with a wholesale cut of 5 to 10 per cent. of their pay, which is far too high for the work they perform today—efficiency would not be decreased if this were done. It is ridiculous for any one to say that, because there are many applicants for appointments, for that reason alone you should not improve the menials' wage. Sir, I have been with the Labour Commission for the last four and a half months, and my chief conviction amongst many others, is this, that there is no class of labourer who is so underfed, who is so under-paid, who is so under-clothed and who is so under-housed as the Indian unskilled labourer on railways. I think that, if retrenchment is made anywhere, it should be done primarily with the idea of improving the lot of menial servants on railways and other departments (Hear, hear). The Honourable the Finance Member, in his speech, made reference to one of his difficulties in connection with future, increased expenditure on services and said it was due to the time-scale promotion that had been introduced in previous years in grading the scales of pay in various Departments. I am sure that the Actuary who decided those time-scale rates of pay did not realise that the time would come when this would create an increasingly heavy financial burden on the State. As a remedial measure, might I suggest, for his consideration, that the new pension rules of these various Departments be more liberally framed so that senior employees would be able to go on pension or take leave preparatory to retirement at an earlier age than at present. *i.e.*, those who enjoy the higher time-scale rates of pay will have the advantage, both in their interests and that of the State, of going on leave or retiring at an earlier age.

Sir, my Honourable friend, Sir Purshotamdas Thakurdas, made a statement the other day about the Lee Commission concessions. I was very glad to hear him make that statement. It has been frequently referred to in the House today. The Lee concessions have certainly been a very severe drain on the finances of India. One cannot complain of them at this

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distant date, but I agree with my Honourable friends on the opposite side in their complaint that these concessions should not be extended and should be confined to the departments they were originally intended to include. I understand these concessions are being extended. I believe that new rules have been issued which give these concessions to upper subordinates in the military and civil services, also railways. I am sorry to admit that there are many members of my community who have disowned their domicile, and by doing so, have been able to obtain the Lee concessions. Sir Purshotamdas Thakurdas was quite right in exposing this matter. Sir, if there is any means by which this dishonourable practice can be stopped, I would ask the Honourable the Finance Member to do so and to give his serious attention to the matter and to stop this additional drain on the revenues of India.

I now come to my last point—the suggestion of my Honourable friend, Sir Hugh Cocke, about the appointment of a committee to enquire into retrenchment. In my opinion this is an excellent idea, but my experience of such committees in this House is that a committee is the quickest way of taking a subject to *post mortem* room. Result *nil*. Such Committees generally talk a lot, discuss many matters but do very little. We have had experience in such Committees, *c.g.*, in 1922 when the Military Requirements Committee sat, witnesses from all parts of India gave evidence before that Committee, and I have yet to know what retrenchments were made as a result of the recommendations of that Committee. I remember that Committee took evidence on the Military Stores Department, but the condition today is as it was then and we still have the Supply and Transport Department in which young inexperienced officers gain their experience at the expense of the Indian taxpayer. If there is to be a committee, I agree with my Honourable friends on the opposite side, let that committee not consist of any Member belonging to this Assembly or to the Government. Let it be an independent committee charged with the serious desire of reducing expenditure, and I am confident that its labours will result in considerable economies being effected in the same manner as has been achieved in both the British Army and Navy in England and I would add at a critical time in the history of England (Hear hear, and applause).

(Sir Purshotamdas Thakurdas rose to speak.)

Mr. Deputy President: Sir George Schuster.

The Honourable Sir George Schuster: Sir, I bow to your ruling, but I shall be very glad to hear from Sir Purshotamdas Thakurdas what he has got to say.

Mr. Deputy President: We have got only 25 minutes more.

The Honourable Sir George Schuster: I suggest that two minutes from Sir Purshotamdas Thakurdas might be worth more than five minutes from me.

Mr. Deputy President: If you are so anxious, I would call on Sir Purshotamdas Thakurdas to speak. Sir Purshotamdas Thakurdas.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): Sir, I have to be very brief on this occasion after the speeches we have heard. I wish to say a few words on the discussion on this motion. The discussion has revealed the difficulty of effecting any substantial retrenchment which can come up to the expectation of this House.

(At this stage Mr. President resumed the Chair.)

What appears to be essential is a substantial change in the policy of the Government of India which has obtained till now. Take the instance, two or three items indicated by my Honourable friend, Colonel Gidney, namely, regarding the Royal Army Medical Service, recruitment of nurses and two more items. How is this going to be effected, I ask Colonel Gidney? By a senior officer of the Government of India being appointed to go into the likely heads of retrenchment, or by a committee either of Members of the Legislature or outsiders? Is it not a question of State policy, and if that be so how is it going to be of any practical use recommending the Government of India to appoint a committee, whether from here or from outside? I have come to this conclusion after my experience on the Retrenchment Committee of 1922-23, that, in order that any retrenchment which can come up to the expectation of this House, as I know it, may be attained, we want not a committee which will go into the heads of expenditure and reduce expenditure only, but a substantial change at the very root of the policy by which we are governed. Let us examine the military expenditure. Honourable Members, who remember the few words that I said on the general debate, will bear me out when I say that I am most anxious that there should be substantial retrenchment and curtailment of expenditure there. But no committee appointed to examine the Army expenditure, not even the committee indicated by my Honourable friend from Bombay, can do anything effective, because I have an idea in my mind that, at the moment, the War Office in England has a very substantial voice regarding military expenditure. That is my impression: I will be very glad to hear from the opposite Benches that it is not so. But my impression is that the British War Office has a very substantial voice in the expenditure on our Military Department, and if that be so, what is the good of wasting the time of any committee or of any officer on going into the expenditure on the Military Department? I therefore am inclined to agree with what the Finance Member said in his reply on the general debate that, in view of the change in the constitution within the next year or so, the appointment of a committee at present will bear no fruit.

One word more regarding what has been said about the civil Departments. I personally believe that, after the end of next month, the Government of India will be very busy giving expression to their opinion on the Simon Commission's Report, and I feel that, if anything, they will fully require all the assistance they can get from their various heads of Departments in order to be able to deal with the Report as expeditiously as possible. At that juncture, can we usefully suggest a committee going into the expenditure of the various Departments, with the experience that my Honourable friend, Pandit Hirday Nath Kunzru, mentioned about the Retrenchment Committee they had in the United Provinces, namely, chopping off a few *auftries* and a few *chaprassies*? I suggest that we should not unduly press that question today, bearing in mind all the time the main thing which I said at the start, that we really want a substantial change of policy and not mere playing with reports and statements from the various Departments. I therefore feel that we had better leave the Finance Member to do his best through the officer whose appointment he indicated, and, I hope that within the next six months at the most he will be able to put before us a report of what can be done. What we want is a change of policy which will satisfy us. What we want is at least rupees two or three crores when we ask for retrenchment.

The Honourable Sir George Schuster: Sir, my time for reply is very short, but I feel that that is perhaps no disadvantage, because I have come really rather as a listener than a speaker to this debate. Sir, in a debate of this kind I find myself in a rather peculiar position. I must oppose the motion because it takes the form of a vote of something like censure on my Department; but in the course of the debate I find myself listening to a great many arguments which I myself very often use, and I should be the last person to resist the expression of a desire for economy and retrenchment from this House. The Honourable the Mover of this motion suggested that the debate should take the form of two minutes' speeches containing practical proposals. From the nature of that suggestion I suppose he had in mind rather the suggestion of proposals for economy in detail. I would remind Honourable Members that, in replying to the general discussion on the Budget, I took the line that one must distinguish between economy in detail and major economies, which involve large changes of policy. I take it that it was this kind of economy in detail that my Honourable friend had in mind. As regards that I think that the steps which I have initiated do offer the most satisfactory way of pursuing the search for economy. But I will return to this subject again before I have done. As regards economy in principle, economy on a large scale which involves questions of policy, it is quite clear that the main subject which interests Honourable Members in this connection, the subject that has received the most general attention, is the question of the Army and of military expenditure; and therefore I should like to clear up certain misunderstandings which I think exist in the minds of Honourable Members, partly as to the actual situation and partly as regards what I myself have said on this subject.

As regards economy in detail, as applied to the Army, I would remind Honourable Members that there is being pursued now within the Army a domestic inquiry, an economy campaign, on very energetic lines. I am satisfied myself from what I have seen that they are working energetically in this direction. It is quite possible that there may be measures such as have been suggested by my Honourable friend, Colonel Gidney; there may be measures which they might take and which, for reasons of policy, they are not at present taking. I can only say now that I shall take note of all that has been said, and take the earliest opportunity of discussing it with the Army authorities. But I would ask Honourable Members to appreciate this—that at the Army Headquarters, since the introduction of this stabilised budget scheme, which I explained very fully in my budget speech last year, there has been carried out a really genuine and whole-hearted attempt to eliminate waste in every department of the Army. Now there is no apparent result from that, and why? Because, under the arrangement that we have introduced, the Army is left to effect such economies as it can within the stabilised budget figure, and it is left to apply the balance for carrying out the scheme of re-equipment and mechanisation which has very often been explained to the House. The full fruits of what is being done now in the way of elimination of waste will be apparent when that re-equipment programme is completed, and I hope then that, quite apart from any changes of policy, there will be a very substantial reduction in Army expenditure.

Now as regards the other heading, the heading of policy as applied to the Army, I do still maintain the position that I took up, namely, that at the present moment, on the eve of constitutional reforms, on the eve of the publication of the Statutory Commission's Report, which will probably deal at quite considerable length with questions of military policy and the

relations between India and His Majesty's Government in that connection, I say that, on the eve of the publication of this Report and the consideration of the questions that will arise out of it, it is impossible, as a practical proposition, for Government to tackle questions of changes in Army policy. And therefore I adhere to the position that I took up that we cannot tackle these major questions of economy in connection with the Army today. Now, Sir, a considerable number of suggestions were made to me by various speakers. It will be impossible for me, in the course of the time at my disposal, to reply fully in regard to all those suggestions. I can only say that I will go into all of them with great care.

My Honourable friend, Sir Cowasji Jehangir, referred, in the course of his remarks, to what had been done in Bombay as regards effecting substantial cuts. Now, as this raises a question of principle, I just want to take up his point in that connection. I would say this; the possibilities of economy at any particular moment depend very largely on the situation in which you find yourself. If you have behind you a long record of extravagance or, at any rate, looseness of control in public expenditure, you will be in the position of having a swollen Budget, with plenty of "meat on the bone" which you can cut off. Now I make no charges against Bombay, but I do say that, several years ago, Bombay did embark on very ambitious programmes (Hear, hear) of public expenditure, and I am not going to be impressed by the arguments that, because Bombay at a particular moment found that it could cut off 60 lakhs of expenditure

Sir Cowasji Jehangir: I did not refer to capital expenditure; I referred to revenue expenditure.

The Honourable Sir George Schuster: I have no doubt that my friend referred to revenue expenditure, and that was precisely what was in my mind when I was speaking. I would refer my Honourable friend to the sort of comparison which he could make between the scale of expenditure in Bombay and the rates of salaries paid in Bombay, and the scale of expenditure prevailing in other provinces. I will not specify the provinces; that might be invidious. But I think my Honourable friend will find, and I have no doubt the subject will be dealt with in the financial sections of the Statutory Commission's Report, some evidence to support my contention that there was room for economy in Bombay. I am not going to be impressed, as I was pointing out, by the argument that, because at a particular moment Bombay found that 60 lakhs could be cut off, at this moment the Central Government have an equal margin for economy. I did not intend to bring this point up with any idea of criticising the record of Bombay, but I did intend to make the point to meet any attempt to draw a comparison between the situation in which we find ourselves today and the situation which existed when the last all-round 5 per cent. cut was made just prior to the appointment of the Inchcape Committee. I feel that the circumstances are entirely different, and that if this House were to adopt today such a course of indiscriminate restriction in expenditure, they might do a very grievous injury to the public service. That, Sir, brings me to a few remarks which I should like to make on the subject of retrenchment in general.

If retrenchment is to be of any value, it must be carried out with determination and with intelligence. It is no use having indiscriminate operations. In that way you will cut off good wood together with dead wood, and very likely, in the end you will find yourself landed not only in great waste as a result of the operation, but with an irresistible demand for restoring expenditure, which will come up with such a strong case that

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a good many wasteful items will creep in again with the necessary items. For a proper and effective retrenchment campaign, a long preparation is necessary. Before the Incheape Committee was actually appointed, I believe that three senior officers of the Government of India were occupied for nine months in preparing the ground. Now, I should like to say that I am very grateful to my Honourable friend, Sir Purshotamdas Thakurdas, for giving the House the benefit of his experience in connection with that Incheape Committee's inquiry, and I should like to say this—it is indeed a point which he touched on, but I should like to emphasise it still further—that the conduct of retrenchment inquiry, when it is carried out as it was by the Incheape Committee, by an outside unofficial committee, is a tremendously disturbing factor in the conduct of Government business. It means—I have instituted inquiries of that kind myself in other countries—it means that, for a long time, the whole of your administrative staff is engaged in preparing memoranda and investigating questions for the retrenchment committee. I do not say that that is not work which ought to be done; but I would ask you to look at the realities of the case, because it was looking at the realities of the case, that induced me to take the line of action that I have taken. Look at the realities of the case and ask yourselves whether at this moment, when all Government officials are going to be very fully occupied with considering the constitutional reforms, it is the time to launch a large scale economy campaign. I feel quite certain myself that it is not.

Then, as regards expenditure and as regards the part that this House can play in dealing with the purpose of retrenchment—and I might almost say in strengthening the hands of the Finance Member in doing what he conceives to be his public duty—I can appreciate the point which was made by my Honourable friend, Pandit Hirday Nath Kunzru, that there are times when this House must discuss questions of policy in connection with the Budget. But I equally appreciate—in fact he took the words out of my own mouth—what was said previously by my Honourable friend, Sir Cowasji Jehangir, about the way in which the time of this House seems to be allocated when it comes to a discussion of the Budget. I was going to say myself that, in answering my Honourable friend's motion, I found myself with surprise, in the time allotted to the discussion of grants, actually called upon to deal with the Budget. Of course I appreciate the two and a half days' rest which I have had very much; but, as I have always been one who has been anxious to get public opinion properly and intelligently expressed on these matters, I should be prepared to take a much greater share in the debates, and I should welcome intelligent criticism and intelligent examination of the demands which are put before you. Now I should like to refer specially to the way in which I presented the budget proposals of this year, because I did so with the definite purpose of making it easy for this House to consider exactly where we were in our financial position. I was at great pains to show the House exactly what new items of expenditure we were asking them to approve this year. I have given a list of them, and there they are. If you want to stop the growth of expenditure this year, you know exactly where to put your finger on the spot and cut out the items. I did hope to accompany my budget papers with a full analytical report of the growth of expenditure in the last five years, so that you would not only have been able to see exactly what new expenditure was coming on this year, but exactly where the growth had come in the preceding five years. I am very sorry that, although much material was ready,

it was not possible for me to present a report in a form which I felt satisfied to make public. I did take the opportunity to circulate to members of the Standing Finance Committee those departmental reports which my Honourable friend, Sir Darcy Lindsay, has mentioned in his speech. I think that the Standing Finance Committee cannot complain that they have been kept without full knowledge of the Government's financial position, and I look to my colleagues on the Standing Finance Committee to make intelligent interventions in the debate. To take certain particular items now out of that list of new expenditure, I have heard it said, merely by way of reference, by certain speakers in the course of the general discussion on the Budget, the country is too poor to afford expenditure on items like civil aviation and broadcasting. Well, if that is the sense of public opinion, surely it can be expressed in this Assembly. Those are questions on which the Government certainly have views, but undoubtedly also they are questions on which public opinion should decide. Let me take as an example, the question of broadcasting. I was myself criticised for having admitted an item of that kind. But in that particular case I said to my Honourable colleague, "At this time I cannot find money for this kind of expenditure unless you can convince me that there is an overwhelming demand from the public that the service ought not to be allowed to die out". What did he do? He approached the Leaders of the various Parties and presented me with a letter signed by all Party Leaders, and I said, "I must admit that you have proved to me, in the only way in which you can prove it, that there is a united feeling in this House that we ought to go on with that project".

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): May I ask the Honourable the Finance Member whether any suggestion was made by any Leader that further taxation should be resorted to in order to provide money for broadcasting, or was it mentioned to them that this could only be done at the risk of new taxation?

The Honourable Sir George Schuster: I am not aware exactly what took place between my Honourable colleague and the Leader of the Opposition.

Pandit Madan Mohan Malaviya: We signed it in the belief that, if there was money available, this was a matter to be considered. We never imagined that taxation would be resorted to in order to provide money for it.

The Honourable Sir George Schuster: Well, Sir, in every case the expenditure of public money involves either the maintenance or the imposition of taxation. I think that any one who had followed the course of affairs must have known—certainly any one who read the intelligent anticipations in the Press—must have known that there was at least an extreme probability that new taxation would be imposed this year, and if it was only on one condition my Honourable friend expressed his view, I think it was open to him to express that condition in clear terms.

Pandit Madan Mohan Malaviya: We shall be more careful in dealing with Government Members in future. But I withdraw my support to that proposition.

Dr. A. Suhrawardy: The Government should be more careful in consulting the Leaders.

The Honourable Sir George Schuster: I would suggest that that taunt is not well-merited. As a matter of fact, it makes absolutely no difference

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to my point. My point refers not so much to the past as to the future. The money has not yet been voted. Honourable Members have still their opportunity. Now they have a full and complete knowledge of the facts to express their views to the Government and to say that this particular item must be cut out.

There is another point that I want to make. Here we are and we put our proposals before you. We have put them before you as clearly as possible, and if Honourable Members do not take the opportunity to criticise particular items, then I maintain they cannot blame the Government if those are included and if money has to be provided. But, Sir, I do not want to close with any sort of controversial note in this matter, because through the whole of this debate, I have been trying to consider with myself how far I can go to meet Honourable Members. I would suggest to the Honourable Member, the Mover of this Resolution, that the appointment of any committee now would be inappropriate and badly timed. I will do my best to see that the report which I have in mind is ready to be distributed to the Members of this House at the time of the Simla Session. If it is not ready by then, it will be distributed very soon thereafter

Mr. President: Order, order. The House will now proceed to discuss the motion for adjournment of the House in order to draw
4 P.M. attention to a definite matter of urgent public importance, namely, the imprisonment of Sardar Vallabhbhai Patel.

MOTION FOR ADJOURNMENT.

ARREST AND CONVICTION OF SARDAR VALLABHBHAI PATEL.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I wish to draw the attention of the House to the arrest and imprisonment of Sardar Vallabhbhai Patel, and to ask the Government to consider and declare the policy which they are going to pursue in relation to the movement with which it is related. It is important, Sir, to remember that Mr. Gandhi's movement represents the cry of India, at least of a very large section of the people, for self-government. Mr. Gandhi has resorted to this after a long period during which that cry has been before the Government. I do not wish to weary the House with the history of the reform movement. It is sufficient to say that when, during the period of the war, in 1918, the Government of India, on the suggestion of the Prime Minister of England, called a war conference, Mr. Gandhi was present at the conference and offered his whole-hearted support to the Government. It is hardly necessary to remind the House that, during the entire period of the war, Mr. Gandhi actually served the British Government. When the war broke out, Mr. Gandhi went about asking for recruits for the war. When Mr. Gandhi found, after the war, that the hopes which had been created during the war were not realised, he had recourse to the non-co-operation movement. Since that time, the Congress and the country have made it clear that they are dissatisfied with the reforms which have been introduced, and the first Assembly, which met in this very hall, passed a Resolution declaring that it was dissatisfied with the reforms, and making recommendations for a fresh and satisfactory advance. During the last ten years this Assembly has many times

expressed its opinion as to the urgent necessity for further reforms and for the establishment of Dominion Status. During this period there is no important political association in the country which has not declared itself in favour of the establishment of Dominion Status. When the Simon Commission was appointed, it came as a shock to the country, and this Assembly knows how it was boycotted by all parties in the country. After the boycott had proved to be successful, His Excellency the Viceroy, showing great statesmanship and courage, during his visit to England, persuaded the Prime Minister and the Cabinet of England and leaders of important parties also to agree to an announcement being made holding out the hope that Dominion Status would be established at the next revision of the statute. His Excellency's announcement was so carefully couched that it created the hope that Dominion Status was in sight. It was so read by leaders of all parties who met at the Delhi Conference; it was so read by Lord Reading, by Mr. Lloyd George, and by Lord Birkenhead, who complained that it justifiably gave rise to that hope. Everybody knows what an excellent situation was created at that time. Mr. Gandhi and the leaders of most of the parties who assembled at Delhi, put forward certain conditions. But, after mentioning what was necessary to create an atmosphere favourable for the Conference, they said they assumed that Dominion Status was agreed upon, and that they were to agree at the Conference to the principles of the constitution to give effect to that idea. We assumed it, because we all felt that that was what the statement meant. We remember also the great speech which shortly afterwards Mr. Wedgewood Benn made in the House of Commons. That speech was one of the best we have ever been fortunate enough to read on the subject of India's relations with England. It was the speech of a man who wanted to stand by what he said, and who wanted not to disappoint the hopes which he created. It was the speech of an honest, earnest friend who wanted not to disappoint the hopes which the announcement of the Viceroy had created. He was much heckled; many efforts were made to make him draw away from the position he had taken up; but he stood to his guns and firmly adhered to the announcement, and that fact gave great satisfaction here. But subsequently Mr. Gandhi felt that, by reason of the discussions which took place in England and particularly the speeches of Mr. Lloyd George, Lord Birkenhead and Lord Reading, and also the comments of the English Press, it was not possible any longer for practical statesmen to assume that Dominion Status was virtually agreed upon, and he therefore felt it his duty, a week before the Congress, to meet His Excellency the Viceroy and ask for a definite assurance that Dominion Status was agreed upon. We know what answer His Excellency the Viceroy gave; he could not, speaking as the Viceroy, say anything more than he had said in his speech. No one could have found fault with that if the matter had stood there; but unfortunately, subsequently, Earl Russell, holding the high position which he does in the Labour Party, made a speech in which he clearly said, what Mr. Wedgewood Benn had stoutly refused to say, in spite of the invitation of Mr. Lloyd George, Lord Reading and others; and he repeated what others before him had said, that progress towards responsible government was to be made by stages. That created a great deal of dissatisfaction in this country, and I ventured to cable to the Prime Minister and to the Secretary of State to point out what effect it had produced and to urge that the speech should be authoritatively contradicted—otherwise it would create a disastrous effect. I had hoped that Earl Russell's speech would be contradicted; but it has not been

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contradicted! On the other hand, very unfortunately, in his last speech on the subject, His Excellency the Viceroy modified the position which he had taken up in the announcement. I do not wish to read what he said—it will be in the recollection of Honourable Members. The general effect of His Excellency's statement was to create an impression that Dominion Status was a distant goal for India and had to be reached after a long journey. That was the situation created by the speech of His Excellency.

Now, Sir, after that, reading the comments of the English Press, Mahatma Gandhi felt that the hope of Dominion Status being established in India was really very far remote, and he therefore wrote a letter to His Excellency the Viceroy to express his pain of heart that this should be so, and still to emphasise the urgent necessity of Dominion Status being agreed to. It is true that he had, at the Congress, adopted the resolution of Independence; but he had made it clear, in more than one place in his subsequent writings, that if full Dominion Status was agreed upon, the Congress would surrender and would accept that status. He has repeated it in his last letter. That shows, Sir, what an honest and honourable position Mahatma Gandhi has taken up. Now, we know His Excellency's reply—I am not blaming His Excellency for the reply, though I wish that it was a little less curt than it was; but the deplorable fact remains that Mahatma Gandhi has found that there is no hope of Dominion Status being agreed upon by the British Government. It is in this situation that he is launching his new movement in order to draw the attention of the British public and of the civilised world to the state of affairs in which India finds herself. It is not a movement of an ordinary character; it is not a movement for violating laws in the ordinary sense and acceptance of the word: it is a movement of civil disobedience—non-violent civil disobedience, a movement which is perfectly justifiable by law and to which no constitutionalist can take exception, a movement by which a person invites suffering on himself in order that attention may be drawn to what he considers an evil, a movement in which he who joins it pledges himself, takes the vow that he shall not use any violence in revenge, but that he will patiently suffer whatever punishment may be inflicted on him for disobeying the law. I do not know, Sir, that there is any other movement, short of open rebellion, which a nation placed as India is can in the last resort have recourse to. Some of us may not agree that this movement should have been started. I personally wish that it had not been started, at present, I wish a longer period had been allowed for negotiations and settlement. But I have drawn attention to the facts which I have mentioned to show that there is room enough, justification enough, in any impartial view, for Mahatma Gandhi and those who think with him, for believing that they have no hope of getting Dominion Status from the British Government; and if that is the conviction that has dawned upon Mahatma Gandhi, I ask every Member of the Assembly to say whether, having regard to the enormous importance of the early establishment of self-government in India, having regard to the vast interests which are at stake, Mahatma Gandhi was not justified in adopting what, according to his conscience and his light, was the only method of inviting the attention of Great Britain and of all the civilised world to the position in which India finds herself today. It is a movement of a very high scale; it is not a movement of the ordinary type. It is a movement with which even those who wish that it had not been started can sympathise and appreciate the motives of those who have joined it.

That, Sir, is the position. In the pursuit of this movement, Mahatma Gandhi has selected the much-hated Salt Act as the one he is going to disobey: he is going to advise the people to disobey the rule prohibiting the manufacture of salt. Sardar Vallabhbhai Patel is his first and best lieutenant. Mahatma Gandhi has made no secret of his propaganda; he has given Government every information which courtesy and expediency demanded, and Government are aware of what he intends to do. The Government have started by taking action in the matter. Sardar Vallabhbhai Patel was going to address a meeting at Ras, and the Government, without waiting to see what address he would deliver, issued a notice on him under section 42 of the Bombay District Police Act. That section runs like this:

"The Magistrate of the district, or in his absence and subject to his order, the Magistrate of the first class having jurisdiction in any town or village and present therein or in the neighbourhood thereof, may, whenever and for such time as it shall appear necessary, by a notification publicly promulgated or addressed to individuals, prohibit in such town or village or the vicinity thereof the carrying of arms, cudgels or other weapons, the carrying, collection and preparation of stones or other missiles or instruments or means of casting or impelling missiles, the exhibition of persons or of corpses or figures thereof, the public utterance of cries, singing of songs, playing of music, delivery of harangues and use of gestures or mimetic representations and the preparation, exhibition or dissemination of pictures, symbols, placards or of any other object or thing, which may be of a nature to outrage morality or decency or, in the opinion of such Magistrate, may probably inflame religious animosity or hostility between different classes or incite to the commission of an offence, to a disturbance of the public peace or to resistance to or contempt of the law or of a lawful authority."

Mr. Vallabhbhai Patel told the Magistrate he was going to disregard the notice, and before he had made his speech, he was arrested, tried and imprisoned.

Now, Sir, I ask the Government to pause and consider what this movement is and what it is likely to be. I can say that so far as my information goes, not less than 50,000 persons have already pledged themselves to go to jail, following in the wake of Mahatma Gandhi, and my own estimate is that, not less than a lakh of people will go to jail in pursuance of the preaching of Mahatma Gandhi. Of course he will start with a small number. But the numbers will grow to swell. What is to be the policy of Government? What are you going to do? I have been asked, "Should not the law be enforced? Should not a man who disobeys the law be punished?" Yes, by all means; but tell me, is that the policy with which you are going to deal with this movement? Is this a movement of the ordinary type? Is it an ordinary incitement to an offence? Do you think you can deal with this movement as you will deal with one of the ordinary crimes mentioned in section 42 of the Police Act? Can you forget that this is a movement of non-violence, a fight for a principle—that the Government of India should be a government of the people, by the people and for the people? Can you omit to consider that the object of the movement is to establish the principle, the great principle, that you cannot continue to rule India without the consent of the people? That is the point which has been raised, and I ask the Government to say whether they can, merely by prosecuting some people and putting them into jails, defeat this movement or make it subside? I submit that it will be an utterly vain thought to think that this movement can be dealt with in that fashion. The people who are joining it join it with deliberation; they are prepared

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to undergo sacrifice and suffering. You may inflict that sacrifice and that suffering, or you may not do so; but so far as they are concerned, they are prepared to undergo it; and the question the Government have to answer is, what is the right way of dealing with such a movement? I submit, Sir, that that question demands the immediate attention, not merely of the Government of India but of His Majesty's Government. I submit that the Government should now declare what policy they are going to follow. No man with any sense of responsibility will dispose of this big question by merely asserting that, if any body violates the law, he must take the consequences. In 1921-22, about 25,000 Congressmen were put into jail, under the operation of notifications which had been issued by Provincial Governments without the Government of India being consulted. I gathered from the reply of the Honourable the Home Member yesterday, that he had no information as to the section or sections under which this prosecution had been started. Is it right on the part of the Government of India, I ask, to leave Provincial Governments to decide what action they should take in dealing with a movement of this character? I submit it is not. The Government of India allowed the Provincial Governments

Mr. President: The Honourable Member must now conclude.

Pandit Madan Mohan Malaviya: Thank you, Sir. The Government of India allowed the Provincial Governments to take action without previously consulting them in 1921-22, which led to much undeserved suffering and yet failed to crush the movement. They cannot succeed in crushing the present movement in this fashion. I submit, Sir, that His Majesty's Government should be informed that the present is a very serious situation and that they should be prepared to agree and to announce that Dominion Status shall be established at the next revision of the statute. I submit that His Majesty's Government should be made aware of the full possibility of development of this movement and the evils which might result from the continuance of the present tension. I submit, Sir, that if His Majesty's Government do not think that this is a situation on which they should make such an announcement, if they will not respond to this reasonable demand, the matter will have to go before the League of Nations, of which India is also an original Member, and will have to be discussed before the bar of public opinion not only in England but in the whole of the civilized world. Not only in this country, Sir, but throughout the civilized world people will be watching the action of the Government, and, therefore, I say that the Government of India should not depend upon the policy of merely prosecuting such persons, but should immediately resort to a wise and statesmanlike policy, the only policy which can succeed, promise to India what is her birth-right, thereby avoid strife and suffering and bring contentment and happiness to the people in India.

The Honourable Sir James Orerar (Home Member): Mr. President, I rise to oppose the motion which has been moved by the Honourable the Leader of the Opposition. I do not intend to follow him in his recital of political events and developments of the last few months. I am not prepared to agree entirely, indeed in some respects I must dissent from the construction which he has placed upon them, and therefore if I pass them over without dealing with them in detail I hope that nothing will be inferred from my silence.

I cannot follow the Honourable and learned Pandit into these wide fields involving constitutional issues, possibilities of the future and the course of events in the next few months. It must be a plainly impossible task for me, even if I were competent and authorised to speak definitely and finally on these grave issues, to do so in the short space in which I can ask the indulgence of the House. The Honourable and learned Pandit has moved the adjournment of the House in order to call its attention to the arrest and imprisonment of Sardar Vallabhbhai Patel, and I propose to address myself directly and immediately to the definite and particular issue which he has raised. I think it is important that the House should have a clear conception of the law and of the facts in so far as I am in a position to give them. The Honourable and learned Pandit read rather rapidly through one section of the law. I will very briefly put before the House what the law in the matter is. The law under which action was taken begins with section 42 of the Bombay District Police Act, and I shall recite only the relevant words. It says this :

"The Magistrate of the district, or in his absence and subject to his order, the Magistrate of the first class having jurisdiction in any town or village and present therein or in the neighbourhood thereof, may, whenever and for such time as it shall appear necessary, by a notification publicly promulgated or addressed to individuals, prohibit in such town or village or the vicinity thereof . . . delivery of harangues . . . which may be of a nature to incite the commission of an offence, to a disturbance of the public peace or to resistance to or contempt of the law or of a lawful authority."

Section 54 of the same Act prescribes that :

"Whenever a notification has been duly issued under section 42, or an order has been made under section 43 or 44, it shall be lawful for any Magistrate or police officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and, in case of refusal or disobedience, to arrest the person offending."

Section 71 of the same Act prescribes the penalty for an infringement of this section.

Now, Sir, what were the facts? I have not yet received detailed reports, but I think I have got the essential facts. Sardar Vallabhbhai Patel was travelling through this area and notices of meetings at various villages had been given. I regret that I have to deal with matters which may be painful to some Honourable Members present, but I must be candid and honest in my recital of the facts. The authorities, judging by the nature of the speeches which had been made by this gentleman, advocating breaches of the law and non-payment of taxes and the boycott of Government servants, considered it necessary, in the interests of the peace of the district, to take action. Sardar Vallabhbhai Patel arrived at the village of Ras, where a crowd immediately assembled, and he began to deliver a speech. The notification in due process of law was served upon him having been framed by the First Class Magistrate of Borsad Taluka. He was called upon, in the terms of section 54 of the Bombay District Police Act, to desist. On his refusing to do so, he was arrested. He was tried before the District Magistrate and he pleaded guilty.

Well, Sir, those are the facts. But I must say something about the general position in which the authorities concerned had to deal with the matter. I have myself, Sir, a very melancholy recollection of the course of events in that particular district in the first years of the non-co-operation movement. It was a district in which the non-co-operation movement

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was extremely active. It was a district which had a bitter experience of that after-math of tragedy and terror from which many parts of India at that time and subsequently suffered. An important element in the population is the tribe of Dharalas, a notoriously turbulent tribe. I have a very clear recollection of the period immediately succeeding the non-co-operation times in 1921 and 1922, and of the consequences of that movement, which inspired, particularly in this element of the population to which I have referred, an habitual disrespect for the law. There resulted an epidemic of dacoities and murders, and it took the Bombay Government two years before peace was restored. Now, Sir, if the local Magistrates, realising the inflammable character of the material to which incitement of the kind I have mentioned had been made or were likely to be made, realising the probable consequences to the safety of the district and the public peace, had not taken action, I submit that they would have been guilty of a very grave dereliction of duty. I commend the courage and the resolution and the promptitude with which the local officers took action. Those are the facts. But the Honourable and learned Pandit has asked me to pronounce on the general policy of the Government with regard to the movement in which this may be treated as an incident. I do not propose to take it upon myself here and now to do so in my own words, but I venture to remind the House of the solemn words of admonition and counsel which were recently delivered in this House by His Excellency the Viceroy, in which he announced, in perfectly clear and unmistakable terms, what was the policy of the Government of India and of Government in India in this respect. I will take the liberty of reading a passage from that speech:

"It has, however, recently been announced that the immediate goal of some who claim to represent India is repudiation of the allegiance to the British Crown. It has further been made clear that those who desire to achieve that goal contemplate resort to the unconstitutional and unlawful methods of civil disobedience, and with reckless disregard of consequences, public profession has been made of the intention to refuse recognition of India's financial obligations, to which her credit has been pledged. I am confident that the great preponderance of Indian opinion, which is both loyal and sane, will, when it understands its implications, condemn decisively a programme, which could only be accomplished through the subversion of the Government by law established, and which would strike a fatal blow at India's economic life. It is evident that there are already some who regard violence, whether of individuals or of mobs, as the speediest and most effective solvent of political problems. Between such persons and all who believe in ordered society based upon the sanctity of life and respect for property and other lawful rights and interests, there can be no composition and no truce. And although the very authors of the present policy deprecate, some on grounds of principle and some on grounds of expediency, resort to violence, they can hardly be so lacking in either imagination or recollection of past events in India as not to be able to picture the results in this direction which must follow, as they have always followed, from the adoption of the policy they recommend. It remains my firm desire, as it is that of His Majesty's Government, following the recently professed wish of the British House of Commons, to do everything that is possible for conciliation in order that Great Britain and India may collaborate together in finding the solution of our present difficulties. But it is no less incumbent upon me to make it plain that I shall discharge to the full the responsibility resting upon myself and upon my Government for the effective maintenance of the law's authority and for the preservation of peace and order. And in the fulfilment of this duty, I do not doubt that I should have the full support of all sober citizens."

That, Sir, is a statement of policy on the particular issues raised by the Honourable and learned Pandit which I shall not myself presume to endeavour to improve. When I spoke of the maintenance of law and order the other day I was reproached by one or two Honourable Members opposite for not having regard to other considerations which must be borne in mind

at the same time. I thought I had made it plain, if not at great length yet quite specifically and clearly, that the Government of India had those considerations in mind. I cannot pronounce on the specific issues which the Honourable and learned Pandit has invited me to pronounce upon, but I do say, this, that it is the desire of the Government of India to do all in its power to preserve all the conditions that are necessary to enable the policy which has been announced to be pursued, a policy which will, I trust, in the near future be developed, to preserve all the conditions which are necessary for the fruition of that policy. But, Sir, I cannot myself believe that breaches of the law, with whatever motive committed, that a course of action which is likely to inspire a general contempt for the authority of the law, is one which can possibly do good either to the political or to the economic or to any other interest of India. I cannot believe that. Another and a better way has been offered, and I trust that that other and better way will be followed. I repeat that nothing in the way of progress towards that goal will ever be contributed by breaches of the law and by the propagation of a contempt for law. If the Government and its servants in this particular instance have been compelled to take action, they have done so under the compulsion of a public duty any dereliction in which would have been open to the gravest condemnation. Sir, I oppose the motion.

Mr. O. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): Sir, the Honourable the Leader of the House enlightened this House, and through this House the country at large, of what he was pleased to describe as the "broad issue" by quoting a part of a speech of His Excellency the Viceroy, and spoke of "the other and the better way." Sir, His Excellency the Viceroy not having, I believe, the constitutional powers of the Czar of Russia, is responsible to a higher authority, who is also responsible to a still higher authority, who is also responsible to the highest authority; the Viceroy's higher authority being the Secretary of State for India, his higher authority being the Cabinet, its higher authority being Parliament and the highest of all, the British people. We do not at present possess the view of the last authority, the British people, a referendum not having been taken on the Indian question. We are not admitted into the secret of what is going on in the Cabinet itself. Therefore we do not exactly know the conspiracies of Cabinet Ministers. (Laughter.) But we are in possession of the policy emanating from a higher authority than the Viceroy, namely, the Secretary of State and a still higher authority, namely, the British Parliament.

Now, Sardar Vallabhbhai Patel, who has now been arrested, is an old friend of mine. He was my leader when I was a No-changer. He appointed me as the spokesman of the No-change Party to reply to Pandit Motilal Nehru, the Pro-change Leader. My following stanchly his leadership brought on my head a vote of censure nine years ago in the All-India Congress Committee from none other than his intransigent elder brother, who sits today in the presidential Chair of this House. The censure motion could not be passed. The Mover withdrew it himself after discussion. His younger brother who stood by me had an overwhelming majority in the House. Sir, I am today dealing with a matter which is certainly one of deep personal feeling to me. I am certainly very much affected by it, but that apart, putting my feelings aside, I shall deal with the points of the

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Honourable the Leader of the House—that “broad issue” and “the other and the better way.”

In opposition to the speech of His Excellency the Viceroy, which the Home Member quoted, I shall quote from a speech of a higher authority, the Secretary of State, who spoke on the 7th November, in the House of Commons. I was listening to it from my place in the Dominions Gallery. Here in this speech the Secretary of State says: “There has been a change.” And what is that change? “We have got rid of the Birkenhead tone”. And then he endorsed Mr. George Lansbury’s thrilling message of love to India in these words:

“I will say love, that is, goodwill is the keynote of British policy. There has been an effort to make the Indian people realise the position which they occupy in the British Commonwealth, to give them an assurance of equality.”

Sir, there is no love in the treatment accorded to Sardar Vallabhbhai Patel (Hear, hear.) and in the speech of the Viceroy on the broad issue, which really contradicts the speech of the Secretary of State on the still broader issue of love which Lord Birkenhead ridiculed. I can only say that I reject the authority of His Excellency the Viceroy and accept the authority of the Secretary of State. But above that authority is a higher authority, whose authority has been trampled under foot by the manner of procedure against Sardar Vallabhbhai Patel, by suppressing his right to express an opinion, by setting in motion the powers under the Police Act to deny him the right of expressing his opinion.

What did Parliament say? Parliament passed the following Resolution in December, with the approbation of all parties in the House, and this also happens to be the cardinal policy of the House of Commons to-day:

“That this House welcomes the evidence of the *co-operation* of Indian representatives in the settlement of the constitutional question and relies upon the Government of India to encourage goodwill by the sympathetic conduct of its administrative and executive functions, *particularly in relation to the expression of political opinion.*”

Sir, I do not know whether the Honourable the Leader of the House has served the cause of co-operation or non-co-operation by imprisoning Sardar Vallabhbhai Patel. That is a matter on which the future, and not I, will give an answer. I am at present concerned with what Parliament calls “particularly in relation to the expression of political opinion”. I have listened to the speech of the Honourable the Leader of the House giving us the reason why Sardar Vallabhbhai Patel was asked by the Police to “desist” from expressing his political opinion. There are methods other than procedure of desistance emanating from a police authority, but here is the suppression of the right of what Parliament calls the “expression of political opinion”. Therefore, today the Bureaucracy in New Delhi has trampled over not only Whitehall but Westminster. Whether the Indian nation will triumph over both is a matter, as I said, for the future. But, Sir, here is a first class constitutional issue raised today on the floor of the House by the great Pandit Madan Mohan Malaviya, to whom we are very grateful, namely, whether the Government of India, with the Viceroy as its head, is the Supreme Government, or whether, under the constitution, the British Parliament is Supreme. I am afraid it is the man on the spot who is all-powerful now. Realising this I think they were no fools who said that there is no use going to the Round Table Conference, which

is going to be held in London. But the Honourable Pandit Malaviya, perhaps wisely, thinks that Whitehall is not New Delhi! Be that as it may . . .

Pandit Madan Mohan Malaviya: Who will go to the Round Table Conference with Mahatma Gandhi in jail, or with Sardar Vallabhbhai Patel in jail?

Mr. C. S. Ranga Iyer: I do not think any Indian with a spark of patriotism in him will go to the Round Table Conference with Mahatma Gandhi in jail. (Hear, hear and Nationalist Cheers.) They have today not only imprisoned Sardar Vallabhbhai Patel, but they have imprisoned the idea of co-operation. Mahatma Gandhi will welcome it and Sardar Vallabhbhai Patel will welcome it. As for myself, in times of their prosperity, the leaders quarrelled with me, but in times of their adversity, I do not propose to desert them, but personal issues apart, I must say that the Government of India have, by arresting Sardar Vallabhbhai Patel in the manner in which they have arrested him, rejected the advice of the House of Commons, and have set up a higher authority in its place. Therefore, it is a first class constitutional issue. Why did you not proceed against Sardar Vallabhbhai Patel under section 124-A? That is what I want to know. Say that he preached violence and racial hatred and give him two years or three years, but why do you suppress the expression of political opinion? Surely, Sardar Vallabhbhai Patel has not set all the rivers and mountains of Gujrat on fire yet? (Laughter.) He had only begun his pilgrimage, and you have suppressed the right of the expression of opinion, although you were definitely told by the House of Commons not to do so. What you have been told in private by the Secretary of State, I do not know, but you have been definitely advised by the Secretary of State publicly to adhere to a policy of love, and you have rejected it, taking advantage of the fact that the Government in England is a minority Government. That is, Sir, what the Government of India have done. They have taken advantage of the fact that the Socialist Government is a minority Government and being a minority Government, it is not prepared to go to the country on the question of Indian Dominion Status straightaway. Though it is a very clever manoeuvre, still it is a manoeuvre which is not constitutional. The exhibition of such ugly tactics, at any rate, in the arrest of Sardar Vallabhbhai Patel should be condemned by every gentleman in this House who holds constitution dear. (Applause.)

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, the times are out of joint. The Honourable Pandit Madan Mohan Malaviya, in his motion for adjournment, has raised a question which has not been answered at all by the Honourable the Home Member. He asked the Honourable the Home Member to stay his hands and not to allow the Provincial Government, or the subordinate executive under them to take any drastic step and thereby undermine the constitution as they did unfortunately some 25 years ago. If the Government have not taken a lesson from the dark pages of their annals in the rule of Bengal, they are not likely to take any lesson from the present political situation. What was it for which the Honourable the Pandit asked for an adjournment of the House? It was not on the issue of imprisonment of a particular individual, but

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with regard to the circumstances that brought about the imprisonment of that particular individual. Unfortunately, the Honourable the Home Member has avoided that question altogether. He has given a reply which every student of law can easily answer. He has quoted certain sections of the Bombay Police Act. He evidently has never been in a Law College, as suggested by my Honourable friend over there. I do not know whether he was in any of the Inns of Court. Be that as it may, he has commended the action of the executive in putting Sardar Vallabhbhai Patel into jail, and what are his offences? Non-payment of taxes, boycott of Government servants and breach of law. Breach of what law? The Honourable Member has only pointed out certain sections in the Bombay Police Act. I am not familiar with the Bombay Police Act. But let us concede, for the sake of argument, that there is a provision in the Bombay Police Act, as stated by the Honourable the Home Member, but what of that? I ask him, in all seriousness, to say whether boycott of Government servants is an offence under any law of the country. As a lawyer of some standing, and perhaps not altogether inapt, I have some acquaintance with the penal laws of this country. I have not been able to come across any provision in any Act which says that boycott of Sir James Crerar, or for the matter of that, boycott of Sir Bhupendra Nath Mitra, or Sir Brojendra Lal Mitter, is an offence. In fact you will not be surprised to learn, Sir, that many of the orthodox Hindus have boycotted these two Mitras.

The Honourable Sir Brojendra Mitter (Law Member): Not you!

Mr. Amar Nath Dutt: I have not boycotted the two Mitras, because I happen to be a Hindu of advanced views. I am speaking of the orthodox community, which would not have any social intercourse with these two Kayastha Members. Is that an offence? Can the Honourable the Law Member himself, who adorned the office of Advocate General of Bengal, find out any section from the law of this country under which boycotting him is an offence? Then, as for non-payment of taxes, I also do not see any provision of law anywhere that non-payment of taxes is an offence under any law. For non-payment of taxes and for non-payment of revenues, you have remedies and summary procedures, which are not available to others. In spite of that, the Bombay Government took it into their heads to think that these are offences and, therefore, before he commits these offences, they wanted him to be put into jail. Perhaps there is some provision in the Bombay Police Act which enables the Government to put Sardar Vallabhbhai Patel into jail.

The Honourable the Home Member has said that he knew the district in the first years of non-co-operation, and wants to profit by his experience of those days. It recalls to my mind that during the Sepoy War there were massacres at Cawnpore and there was retaliation more ferocious, more savage and more brutal by the Britishers in those days. You remember, in the streets of Delhi, one of the descendants of the Great Moghal, was shot down by Captain Hodson himself, because the Indian soldiers would not shoot him then and there. Am I to understand that they are going to repeat those barbarities in the religious war which is going to be waged by the saint of Sabarmati? Rebellion, there is going to be, but who is responsible for this rebellion? Your dilatoriness in considering the case for India. That is the main point which our revered leader, Pandit Madan Mohan Malaviya, has placed before the Government. He wanted to warn you that you cannot imprison a whole population. You cannot

crush the movement. You can put some people into jail. But you cannot imprison truth. It gets an electric elasticity within the dungeon walls, and shakes the whole world when it comes out. What is it for which Mahatma Gandhi and Sardar Patel are fighting? Some of us may differ from them, but I may be permitted to point out that the circumstances have been such, that the conduct of the Bureaucracy has been such, that they have been goaded to take the stand they have taken. It was in the power of the Government to prevent all these drastic steps, it was within your power to prevent the great body of political workers from taking the step which they took in Lahore last December, if you had only been a little in time and your time-table had not been a little too late. You came in with certain proposals too late, and what are those proposals? They are so vague that we cannot make anything out of them. You have been harping about them. When are you going to have the Round Table Conference? Do you want to expedite it or not? You cannot give us any assurance. You cannot say whether you are going to hold it in the near future. The other day we heard from the Honourable the Finance Member that we are going to have it within the next few months. Such vague expressions as "few months" are not going to satisfy us. Times are such that we cannot afford to lose time. If the Government are really serious, if the Government do not want to drive the people to rebellion—because I read in the papers that more than a lakh of people are willing to follow Mahatma Gandhi instantly, and if that be so, is it not in the interests of the people whom you rule, for whom you profess so much love and sympathy and whose trustee you proclaim yourself before the world, to be—what sort of trustee I do not know, but it was characterised some years ago by my Honourable friend, Diwan Chaman Lall, as a fraudulent trust and whether it was a fraudulent trust or honest trust, it does not matter—is it not in the interests of all that we should put our heads together and evolve a solution? In all seriousness, let us put our heads together and say, these things cease from today, let Indians and the British Government put their heads together immediately and find out a solution for this difficulty. First of all, release those men who are kept in jail. For what are they kept in jail? For the offence of loving their motherland. You may not approve of their action, but you cannot deny that they are actuated by the best of motives and that motive is nothing more than the liberation of their motherland from her thralldom. It may not be pleasing to you, but you ought to appreciate it as men who wrung from the unwilling hands of King John a Charter in the fields of Runnymede in 1215 and up till now, for the past seven centuries, the history of your country has taught us all these things. If I have read your country's history well, I think we ought to have had some respect for the great English race, which liberated the slaves and carried the flag of liberty everywhere, save and except to this unfortunate land of ours. What glory would have been ours and what glory would be yours still if you unfurl the flag of liberty and take the unhappy children of this ancient and sacred land and march them on towards freedom. This is what our venerable leader, Pandit Madan Mohan Malaviya, asks you today; but you have not replied to that. You said that they had broken the law. Who does not know that? There may be certain provisions in your Acts which they have violated. But was that necessary? He wanted to draw your attention to the serious state of things which have resulted because you have not devised remedial measures. My Honourable friend Mr. Ranga Iyer has been

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pleased to remind you of some high authority and some higher authorities. I shall remind you, Sir, of one other authority, the highest in this astronomical universe, the bar of humanity before which you will be judged one day, if you do not take the right step today, and I invite you here and now to take the right step, and in all sincerity, I pray that you will still retrace your steps without indulging in the orgies of mad repression, and I appeal to you to act like sober people and take statesmanlike view of the situation and bring peace and prosperity to this unhappy land. (Applause.)

Mr. M. S. Aney (Berar Representative): Sir, the motion before the House has been opposed by the Honourable the Leader of the House. I propose to examine some of the grounds on which he tried to justify the action taken by the Magistrate of the district. The grounds on which the motion was argued by the Leader of the Opposition were of a broader nature, but the Leader of the House has deliberately tried to narrow down the issue, and confined himself to the limited task of defending the particular action, looking at the action of Sardar Patel as an individual act unconnected with the movement of which it undoubtedly forms the beginning or prelude. When a detached view of an action like that is taken, it is possible sometimes to find some plausible justification, but even from that detached point of view, I am trying to show the fallacy of some of the arguments advanced by the Honourable the Leader of the House. Why is it that the Magistrate thought that a particular speech that was going to be delivered by Sardar Patel was going to result in something so calamitous that preventive action was deemed necessary and indispensable? That is primarily the question which the Honourable the Leader of the House should have put to himself and answered. He has no doubt made an attempt to do that, and his reply implied that the Magistrate of that district was fully aware of the circumstances under which Sardar Patel was going to address the meeting. He had delivered several lectures before in that district, and the Magistrate therefore knew the trend of his speeches. If this was a fact, the Leader of the House should have informed this House as to how many lectures he had delivered before and for how long a period, what was the trend of those lectures and what were the consequences produced on the people by those lectures. One thing is quite certain, that Sardar Patel and men of his way of thinking are pledged to non-violence. In every lecture they are doing the duty of keeping the people under control, asking them to remain calm and undisturbed under any provocation. Although he had been delivering lectures inciting people to break certain laws, yet we have seen that, during all that period, there has not been any riot or any inclination on the part of the people to rise in rebellion. Can the Honourable the Leader of the House quote even one instance to show that any untoward event happened as a result of these lectures? If not, the District Magistrate, I maintain, had absolutely no justification to apprehend that the particular lecture which Sardar Vallabhbhai was going to deliver that day, and which he tried to prevent, would end in disorder and violence. And therefore his order, which requires some grounds of this nature before it is legally promulgated, is *ultra vires*. It is very easy for the Honourable the Leader of the House to defend that action here, because persons pledged to the policy to which men of the type of Sardar Patel are pledged, do not want to defend themselves in a court of justice. They do not want to recognise these courts as proper courts of trial. It is because of that

that many of the illegalities are perpetrated but remain unexposed. The Honourable the Leader of the House can conveniently stand here triumphantly to defend the petty District Magistrate and even applaud the courage and promptitude with which the District Magistrate has taken action. He can indulge in that sort of talk, because the accused in these cases do not want to try the real issues in a proper and legal manner, and bring out the full illegality and the impropriety on the part of the Magistrate in promulgating this order. And some of our friends even, on the other side, not fully knowing the law, as well as the circumstances under which this sort of high-handedness is perpetrated, feel diffident whether they have got the proper materials before them to oppose the view of Government. But I feel from the very argument which the Leader of the House has put forward, and the circumstances which he has narrated, that Sardar Patel has been delivering lectures in that district, which did not result in any disturbance of peace and order; there was no reasonable ground for considering that this particular lecture, for the prevention of which the order was promulgated, was going to result in any disorder. There is absolutely no basis for that. And I therefore think that the step is taken owing to an idea that a seditious movement was going to be launched, and as this was the beginning of it, they were obliged to stop that movement, and therefore they began action against Sardar Vallabhbai Patel.

My second point is this. The situation of that district, of which the Honourable the Leader of the House seems to have personal knowledge, is described by him as very peculiar, and in describing the peculiarities of the situation, he referred to the old days of non-co-operation. I must confess that I have no personal knowledge of that district, but one of the things that struck me as something extraordinary was this. He said that, on account of the strong non-co-operation movement in that district in 1920-21 and 1922-23, there was an increase in crime, and it took Government nearly two years to restore normal conditions there. And therefore he said that, knowing all that previous history, it was necessary for the District Magistrate responsible for the peace and order of that district, to be very prompt and alert, and therefore he has commended his action, and my Honourable friends, who sit behind him, loudly applauded him, showing their approbation of that Act. But my point is this. In the first place I say that it is blasphemous to connect crime with the non-co-operation movement. One may say anything about the non-co-operation movement, and if you like you may call it a law-breaking movement, but let me tell the House that one non-co-operator like Mahatma Gandhi does the work of ten thousand policemen. He stands for a principle in which violence has no place, and if the non-co-operation movement was really working in that district for some time, it does not stand to reason that it has resulted in any crime there. Probably there was a criminal element already, which may have received support from some other source, and the Government are attributing the increase of crime to a movement which stands for absolute non-violence and nothing else. Unfortunately no statistics have been produced before us. What were the statistics of crime during these two years, as compared with the crimes that generally took place in that district in previous years? You talk of generalities here without giving the actual facts on which your conclusions can be justified. I should certainly like to know what was the average number of crimes which took place in that district,

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even after normal conditions were restored, and the number of crimes that used to take place there before and at the time of the non-co-operation movement. Had these facts been placed before us, I should have considered whether there was any foundation for the allegation. In the absence of these facts, I say, with due deference to the Honourable the Leader of the House, that it is blasphemous to assert that this was the result of the non-co-operation movement. It may be the result of many other intrigues which might have been deliberately used by the authorities to subvert the non-co-operation movement, and of many other diabolical movements, of which the enemies of non-co-operation wished to take advantage, and having worked for some time with the connivance of officials against the non-co-operation movement, they might have gone beyond control, and it took Government two years to check them. A position like that is quite possible in my opinion. It is no use making a dogmatic assertion that this was the result of non-co-operation. I repudiate that assertion with all the earnestness and emphasis I can command.

Then, Sir, there is a third point. After all what are these sections of the Police Act meant for? These sections and the discretionary power which is vested in the Magistrate under them are intended to be used only with a view to prevent crime. I ask the Honourable Members on the Treasury Benches whether they honestly believe that the step which the District Magistrate has taken is going to prevent the agitation that is going to be launched? Is it going to bring about the prevention of the crime of law-breaking? These sections are intended with a view to prevent crime. I ask the Government whether, with all their power of circumspection and their reason, they really think that the action taken by the District Magistrate of Ahmedabad is going to prevent the occurrence or prevent the starting of the great movement against which you now seem to have definitely ranged yourself? Would it prevent it or would it accelerate it? What will be the result at the end of it? Are you really conversant with the history of the non-co-operation movement during the year 1922 and 1928? What is the lesson you have learnt? Was it that, by action of this nature, the movement could be stopped? You have, on the other hand, in my opinion, accelerated the date of the no-tax campaign and have appealed strongly to those forces which will go to strengthen that movement and to give an impetus to the people to rally round the standard of Mahatma Gandhi with a greater earnestness, determination and vigour than what would have been the case in the absence of any action like this. That is the position. So it is not going to prove a preventive measure. From that point of view also it is a wrong policy to pursue in a matter of this nature.

For these reasons, Sir, leaving aside the question of broad policy, the issue which the Honourable the Leader of the House has carefully refrained from answering, and about which he quoted and acted on certain passages from the speech of His Excellency the Viceroy, leaving aside those broad issues for the time being, I confine myself to the arguments on which the Leader of the House sought to justify the action of the Magistrate. I hope I have shown that these are not the arguments by which he can successfully make out a case in justification of the step taken against Sardar Vallabhbhai Patel. These weapons are not going to help you in suppressing a great movement in the midst of which you and your adminis-

trative machinery in that district are likely to be swept away and washed out for sometime at least. Leave these methods of repression, be careful to reconcile public opinion and great leaders like Mahatma Gandhi; try to accelerate those political reforms by virtue of which you can solve these problems. Be careful about that, and not rely upon these rickety, and rotten weapons in your armoury for suppressing the great movement of Mahatma Gandhi. You must courageously but sympathetically face the situation, and if you want public opinion to stand by you, give in on those demands for which people have been clamouring. It is no use giving them stones when they are asking for bread. You are giving them stones and no bread. For these reasons, Sir, I strongly support the motion for adjournment.

Colonel J. D. Crawford (Bengal: European): Sir, I would like to place a somewhat different issue arising out of the matter which we are discussing before the House. There can be no one of us who is not absolutely and thoroughly alive to the aspirations of India, or to the knowledge that she desires to reach that goal as speedily as possible. The choice which we have to make in this House today is whether we get to that goal most speedily by constitutional means or by unconstitutional means. It seems to me, from what I have read in the papers, that there is a grave danger, if, unconstitutional means are followed, of a recrudescence of serious communal trouble. It is possible

Mr. C. S. Ranga Iyer: Is that danger really there or only in your imagination?

Colonel J. D. Crawford: I do not want to be interrupted. Many Members have recently returned to this House on what I can only interpret as a determination to work constitutionally. In the new circumstances thus created the leaders have been able to create an atmosphere in which there is hope of reaching that agreement amongst ourselves, the absence of which is really the obstacle to our setting up our own constitution in this country. The success of our efforts to win Dominion Status, I am convinced, depends upon the employment of constitutional means and on those lines my Group are thoroughly prepared to work with you.

Mr. M. S. Aney: Then why didn't you vote with us on the Executive Council issue?

Colonel J. D. Crawford: That is the issue. Do we believe in bringing pressure to bear by constitutional means? If we are agreed on that point, we must stand by Government in saying that those who seek to do it by unconstitutional means are wrong. (Interruption.) There are few who can fail to remember the very serious trouble that followed a similar movement some years ago. There are few of us who can fail to realize that it is the evil elements in society who take the opportunity of such movements and it is the poor ryots who suffer. I would therefore beg the House to consider that point and to come down on the side of real constitutional pressure.

Mr. Jehangir K. Munshi (Burma: Non-European): Sir, I am not in agreement with the policy laid down by the Congress at Lahore. I am against this movement for independence. I view with grave apprehension the campaign of civil disobedience started by Mahatma Gandhi. But these, Sir, are my own personal views. I claim the right to entertain my own views. I claim the unfettered right to express my views. At the same time

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I do insist that the fullest liberty of speech should be allowed to Mahatma Gandhi, Sardar Vallabhbhai Patel or any other man belonging to that other school of political thought; and I do maintain that, in depriving Sardar Vallabhbhai Patel of the elementary right of free speech, the Government of India have acted unconstitutionally. (Applause.)

Sir, I do not know to what constitution my Honourable and gallant friend Colonel Crawford referred when he sought to draw a distinction between constitutional methods and unconstitutional methods. Is Colonel Crawford for denying us Indians the right to express our views in this country? Are we not to have, in British India, the same liberty to express our views on matters of public importance as the people enjoy in England? If that is the constitution which Colonel Crawford is laying down for us, then I am afraid we must resort to unconstitutional methods. (Hear, hear.) But I do not accept Colonel Crawford's conception of the British constitution. We have a constitution which, if worked and administered in the manner promised by Mr. Wedgwood Benn recently in the House of Commons, should give us the fullest liberty to express our opinions and views and to discuss our programme, so long as—I am trying to reproduce his words from memory—so long as there is no commission of acts of violence or incitement to commit acts of violence. We were anxious to hear from the Honourable the Leader of the House whether the speech delivered by Sardar Vallabhbhai Patel incited any body to commit acts of violence, but we listened in vain.

Sir, only a few days ago the Secretary of State for India claimed on the floor of the House of Commons that there was "Dominion Status in action" in India. Now let us examine the Government of India's conception of "Dominion Status in action" as illustrated by the prosecution and imprisonment of Sardar Vallabhbhai Patel. Mahatma Gandhi and Sardar Vallabhbhai Patel had given warning days ago to the Government of India that they were starting this campaign of civil disobedience. The Government of India must have realized that, in the course of this campaign, speeches must necessarily be delivered. Having received this warning did not the Government of India apply themselves to this problem? Have they or have they not thought out what they were going to do when the emergency did arise? Were they, or were they not, in communication, with the Government of Bombay? Have the Government of Bombay communicated any views to the Government of India on this subject? Have the Government of India issued any instructions to the Government of Bombay? On these important points Sir James Crerar was studiously, amazingly silent. All that we are told is that Sardar Vallabhbhai Patel addressed a meeting; he had not completed his speech. The Honourable the Home Member has characterised that partly delivered speech as being an "inflammatory" speech. Now what does that signify? What does the Honourable the Home Member mean by an "inflammatory" speech? Has not the Honourable the Home Member sat here day after day listening to and replying to "inflammatory" speeches on the floor of this House? The real question is this. Did Sardar Vallabhbhai Patel preach violence? Did his speech incite the audience to commit acts of violence? That is the test which the Secretary of State for India has laid down; that is the only test that the Government of India can apply. (Hear, hear.)

But, Sir, what do we find from the reply given by the Honourable the

Home Member? We are told that a local petty Magistrate, without any authority either from the Government of Bombay or from the Government of India, makes up his mind on the spot, after hearing a partly delivered speech, and serves on Sardar Vallabhbhai Patel an order under the Bombay District Police Act. Sardar Vallabhbhai quite rightly refused to obey the order; and he was arrested. The Honourable the Home Member has told us triumphantly that Sardar Vallabhbhai Patel pleaded guilty. Guilty of what? Guilty of disobeying that most unconstitutional order (Hear hear.)

Now, Sir, I do ask the Government of India whether they can justify their attitude of treating a question of all-India importance, as a purely local matter. Is this movement, which, as I have said, is causing anxiety to a great many members of the Opposition in this House, to be treated in this manner by the Government of India? Should a petty local Magistrate be left to decide whether the leader of a great movement should or should not be arrested? Is this the Government of India's idea of "Dominion Status in action?"

Sir, my Honourable and gallant friend Colonel Crawford has offered sage advice to the Opposition Benches in this House to follow constitutional methods. I am one of those who stand by the Constitution, the British Constitution, as it is understood in the House of Commons and by the public in England, but certainly not the novel constitution which Colonel Crawford is trying to evolve for our benefit. (Hear, hear.)

Sir, the important issue, which the Honourable the Home Member has deliberately evaded, is this. Are the Government of India going to prosecute and imprison persons for expressing opinions or for preaching propaganda even though they do not commit and do not invite anybody to commit acts of violence? That is the principal question before this House; and to that question we are entitled to receive a clear and unequivocal answer from the Government of India. Are the Government of India going to prosecute Mahatma Gandhi and his followers in spite of their doctrine and methods of non-violence? If the Government of India prosecute and imprison them, then they themselves will be responsible for removing the dividing line between violence and non-violence and, by doing that, the Government of India will practically tell the school of political thought which is out for violence that there is no distinction between violence and non-violence, and the Government of India will be giving an impetus to the movement for violence which I am sure this House condemns. (Hear, hear.) Sir, the Government of India had three days to get the necessary materials to be placed before this House; and all that we have heard today is this fragmentary, evasive and unsatisfactory statement from the Honourable the Home Member. I feel, Sir, that the Government of India, either consciously or unconsciously, are treating this House with contemptuous indifference. Certain sections of the British Press have praised the action of the Government of India in arresting Sardar Vallabhbhai Patel. Naturally they assumed that, before such an important step was taken, the Government of Bombay consulted the Government of India and that with the approval of the Government of India, Sardar Vallabhbhai Patel was arrested on a broad question of policy; they never dreamt that the Government of India could allow this important question to be dealt with by a petty local Magistrate on his own authority and initiative. I wonder what the British Press would feel about our position in this country when an all-India

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movement of this type is allowed—if we are to accept the statement of Sir James Crerar *in toto*—to be dealt with locally by a petty judicial and executive officer. The issue before the House, Sir, is clear and specific: Is this House going to arm the Government of India with authority to arrest and imprison Indians if they deliver speeches which are unacceptable to the Government of India, regardless of the test laid down by the Secretary of State for India and in spite of the absence of violence or incitement to violence? Are we going to arm the Government of India with authority to refuse Indians the right of delivering speeches? If we extend our approval to this action of the Government, we shall express our approval of the policy of ruthless repression. We are not at the present moment concerned with the questions of non-cooperation or civil disobedience. We shall be voting for or against liberty of speech; we shall be voting for or against ruthless repression. (Applause.)

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, the motion before the House, as has been said, involves two issues. One is the personal issue, that is the arrest and imprisonment of Sardar Vallabhbhai Patel. The other is the issue of the broad policy to which reference was made by the Honourable the Mover of the motion, and also the Honourable the Leader of the House. Now, Sir, as regards the first issue, whether the arrest and imprisonment of Sardar Vallabhbhai Patel was justified under the law or not, I would only submit, Sir, that the Honourable the Mover of the motion himself did not seriously contend and did not seriously argue, that the action which was taken by the authorities on the spot was quite illegal and contrary to law. The burden of the speeches of the Honourable Members in this House has been that the Sardar was arrested and imprisoned before he had made any speech, that the right of public speech was taken away, and therefore the action of the authorities was unjustified. But if we carefully read the section under which the action was taken, we find that the next section shows that it is not the actual commitment of the offence by which a man makes himself liable to the penalty imposed thereunder, but also if a man is about to commit a particular offence, that is incitement for the breach of law, the man renders himself liable to the punishment. Now, Sir, it is clear, and I say it without imputing any motives to the action which was taken by Sardar Vallabhbhai Patel, and we know it very well that not only in this speech but in other speeches he was delivering, the Sardar was carrying on a strong propaganda, and that he was not only favouring but was actively prosecuting, a policy which involved a breach of law, and actually at the time of arrest, when a notice was served upon him, that very meeting which he wanted to address was for the purpose of inciting people to a breach of law, and therefore the action which was taken by the authorities at that time was perfectly within the boundaries of law and cannot be said to be in any way unjustifiable.

Now, Sir, as regards the broader issue of policy, I would submit that, as the Honourable the Mover of the motion has himself said, we are confronted with a serious situation in the country; there can be no doubt about it; we have seen that the Congress at Lahore has passed a resolution of independence. We know that strong propaganda is being carried on in the country; and people are incited to commit disobedience of laws, and peasants are asked not to pay taxes. People are asked not to take

money in the form of currency notes; people are asked to manufacture salt and disobey the law. The Honourable the Mover of the motion says that the cry of independence is the cry of the country. What does it mean? It means nothing but anarchy, disobedience of law and nothing but chaos in the country. Now, Sir, while I agree with the Mover that there is a large section of the people who support this cry of independence, I do not agree with him that it is the cry of the country. We have seen that, even very strong supporters of the Congress, have resigned from the Congress on this very issue, that they did not subscribe to the cry of independence

Pandit Madan Mohan Malaviya: I said cry of self-government.

Maulvi Muhammad Yakub: No, no; but I say that many staunch members of the Congress have resigned the Congress because this resolution of independence was passed. Moreover my friend the Mover of the motion himself says that personally he does not agree with the programme which Mahatma Gandhi has launched; he says that he would have preferred that this programme should not have been taken up at this juncture. So, if this is the state in the country, if the state of the country is such that one lakh of young men are ready to disobey the law and to go to jail, I ask the Honourable the Mover, through you, Sir, whether Government ought to take any action under these circumstances or they should not, whether Government are responsible for keeping order in the country or whether they are not. I ask him through you, Sir, if the peasantry of this country, which number crores and crores, refuse to pay taxes to the zemindars, what would be the result? They talk of non-violence. It is preposterous. I do not know what the word non-violence means. I mean to say that violence does not simply mean any active commission of violence, striking a man with a *lathi* or shooting a man with a gun; I submit that at the very moment a man refuses to obey the law, or refuses to discharge a liability for which he is liable, he commits an act of violence. Violence does not mean merely physical violence; it means doing anything which is contrary to the law, or refusing to respond to a liability for which a man is responsible. It is rot to talk of non-violence. We know that the scheme of non-co-operation was launched a few years ago—it was also then said that it was a programme of non-violence—but we all know what was the result of that non-violence and—how much violence it created in the country. So, if the Government are not to sit with folded hands, they are bound to take some action. What action can they take? They can only take such action as the law authorises them to take. They can only ask the people to obey the laws of the country, and I think the Government would be guilty of a grave dereliction of duty if they did not take definite, strong and consolidated action for securing peace in the country.

Of course there is one thing, and I would like to warn the Government against committing that mistake; and it is this: that the programme of Mahatma Gandhi and his whole scheme is that they want to court arrest; they know that their scheme cannot succeed; they are in the wilderness, but they want to incite the people, and if Government starts a policy of ruthless repression, then certainly they would be playing into the hands of those who want to foment agitation in the country and they would be serving their purpose. What the Government ought to do, in my opinion, is that they should adopt a definite policy, a precise policy, a

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policy which should run from one part of the country to another. They should give up the shilly-shallying policy and the slippery policy which they have been following for some time past. The state in which we find the country is the result, probably, of that policy which the Government have been pursuing. So I say, do not adopt ruthless methods of repression and thereby play into the hands of those who want to rouse the country against an orderly state by courting arrest, but adopt a definite and strong policy of maintaining order and law in the country. (*An Honourable Member: "How?"*)

As regards the motion before the House, as I have just submitted, a vote cannot be taken on general policy. Under the Standing Orders, we are bound to give our vote on the terms of the motion before the House, and the terms of the motion are clearly there, whether the Government of India have done anything in bringing about the arrest and conviction of Sardar Vallabhbhai Patel, for which they are liable to be censured or not. I have not yet heard an argument from any Honourable Member in the House that this action, which was taken by the Government of Bombay, is such as to make the Government of India liable to be censured. (*Cheers from the Government Benches.*) Of course there is one aspect of the question more, and it is this, that these gentlemen who have taken up this policy of courting arrest, when any of them is arrested, congratulatory meetings are held and votes of congratulation are passed and the arrested people are garlanded when they go to jail. So it looks as if these people get what they want when they are arrested, and I do not see how we are logical in censuring the Government for doing a thing for which these people themselves are craving in their heart of hearts.

One point was made by the Honourable the Mover when he said, "Why do not the Government say that they are ready to give us responsible government in India immediately and then the whole thing will be settled?" I say, Sir, have we settled our own disputes? Have we decided among ourselves what should be the form of responsible government which India wants? (*"Hear, hear" from the Government Benches.*) We were holding a meeting of the leaders of the country, in order to arrive at a settlement among ourselves, the other day here in Delhi, and what did we hear in that meeting? We heard the people saying "This is not the time when we should arrive at a settlement; this is not the time when we should hold a conference to come to a reconciliation among ourselves." If that is the state of affairs among ourselves, if we do not know ourselves what form of self-government the country wants and what form of self-government will be suitable and proper for India, then how can we blame the Government that they do not make an announcement straightaway that they are ready to give us responsible government? I say, the key to the Indian problem is not civil disobedience or non-co-operation, or breaking of laws. The key of the problem is in the unity of the Hindus and Mussalmans; the salvation lies in bringing about a settlement between these two communities, and in settling the share which each of them will have when responsible government comes in India; and until and unless we have decided the question among ourselves, unless we have come to a settlement on this point, I do not think that Government are justified in making an announcement that we will straightaway be given responsible government. For these reasons, Sir, I oppose the motion.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, it seems to me that there is a vast conflict in the opinions that have been expressed by speakers who have preceded me. It seems to me, Sir, that there is a very simple issue and one issue only with which we are concerned. The Honourable the Home Member said that, according to section 42 of the Bombay District Police Act, an order was issued, prohibiting Sardar Vallabhbhai Patel from speaking for one month at public meetings and that order was disobeyed and hence followed the arrest, prosecution and conviction. Sir, I want the Honourable the Home Member to follow me for a minute if he will. It is very elementary that in every Code of penal laws, you have got two kinds of laws, one is preventive and the other is punitive. Now, the section with which we are concerned for the moment is section 42 of the Bombay District Police Act. It is a preventive provision, and I think the Honourable the Home Member will not dispute that proposition. Sir, in ordinary times, in normal circumstances, if the Magistrate in a district felt that there was some unexpected, some unknown emergency which had arisen, and if he resorted to a provision of this character on the spot, and if that was disobeyed and the authorities said, "Well, we must prosecute you and convict you", I could understand it. But is that the issue before us now?

Sir, the movement with which we are concerned this evening is a very well known movement. Here you have an organized movement of civil disobedience, which is going to be resorted to by a certain section of my countrymen. Now, the question before the House is not whether you agree with it or not. Sir, I, standing on the floor of this House, say emphatically that I do not agree with it. I want to make no secret of it. I will go further and say that I do not want to use this movement as a sort of threat or coercion so far as the Government are concerned. But, Sir, there is this movement in the country. Now, I want an answer to one question from the Government of India. The Government of India do not like it, I do not like it; your reasons may be different from my reasons; but we agree, I do not like it; and you do not like it. Now the question that I want to put you is this. Are you going to deal with this movement with the responsibility of the Government of India, or are you going to leave this movement to be dealt with by petty Magistrates in such manner as they may consider proper?

The Honourable Sir James Orerar: Certainly, Sir. I shall give the Honourable Member an immediate answer. The general direction of the policy is necessarily with the Government of India and it will remain with the Government of India, but to deal with an emergent situation which requires emergent action must necessarily be left to the responsible authorities on the spot.

Mr. M. A. Jinnah: Sir, I am very pleased to hear the first part of the statement. I am very glad that the Government of India realise that they must themselves, as the Government of India, as a Central Government, be responsible for direction of policy to maintain law and order, and I have no hesitation in stating here that I want you to maintain law and order. But are the policy and the reins of this policy to remain under you or in the hands of any petty Magistrate in a district? That is the question I want to ask, and I have got the answer.

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Then the Honourable the Home Member, in the second part of his statement, said that, in case of emergency, the question must be left to the officer on the spot to deal with. Sir, that statement is very easily made and it is difficult to challenge it. But now let us examine what was the emergency which justified this officer in passing this order? What was the emergency, I want to ask, Sir, to pass this order? According to the statement of the Honourable the Home Member, Sardar Vallabhbhai Patel had made several speeches before. Were those speeches against the law? Did he transgress the limits of law or did he not? I have no information. If he was going to make a speech or speeches of the kind which he had already made in regard to which he had already transgressed the limits of law, and if he had already committed offences or infringed the law, then, Sir, your proper course, the proper course on the part of the authorities in that district should have been that Sardar Vallabhbhai Patel ought to have been prosecuted long ago for an offence, but an order should not be passed which goes to the root of the principle of liberty of speech. Sir, the precedent that the Government of India are creating,—this is what I am afraid of and that is where the danger lies—the precedent they are creating is a dangerous precedent, and I want this House to understand that this is a very important issue. Do not let us be carried away for the moment with other side issues and various other arguments that have been advanced. What is the real issue before the House? Sir, I will read in the language, which is certainly much better than I can command, a small passage to the House, and I think any one who is a student of history and of political movements in other countries will appreciate this passage and will see the point that I am trying to impress upon the Government. “Liberty of opinion of course is open to abuse. . . .”

Sir Hugh Cocks: What is that book please?

Mr. M. A. Jinnah: It is called “American Government and Politics” by Beard, 4th Edition, Library Edition. It is not mine. It is the Library Edition of the House. Therefore, I think my Honourable friend Sir Hugh Cocks is now thoroughly satisfied.

Sir Hugh Cocks: Quite.

Mr. M. A. Jinnah:

“Liberty of opinion, of course, is open to abuse; it is constantly abused; but far more open to abuse is the right to suppress opinion and far more often, in the long history of humanity, has it been abused. Still all matters of sentiment may be put on one side. It is a hard, cold proposition: by what process are we most likely to secure orderly and intelligent government, by the process of censorship or that of freedom? On this question a comparison of English and Russian history is illuminating.”

Do you want to follow the Russian history or the English history?

Dr. A. Suhrawardy (Burdwan and Presidency Divisions: Muhammadan Rural): Russia is the ideal now.

Mr. M. A. Jinnah: I think my Honourable friend is rather backward in his history. Russian history is not the modern history which he is talking of now. . . .

Dr. A. Suhrawardy: I am not.

Mr. M. A. Jinnah: I was not talking of India; I was talking of Russia.

Dr. A. Suhrawardy: I say that in India Russian history is the ideal.

Mr. M. A. Jinnah: I am very glad to hear it. But do the Government admit that?

Dr. A. Suhrawardy: I am not concerned with the Government.

Mr. M. A. Jinnah: I am not concerned with you then. I am concerned with the Government at the moment. I am sure the Government will not admit that, nor do they mean to follow that. When my friend is on the Treasury Benches, we may expect the Russian methods then. Sir, I shall continue to read the passage now:

“Again and again those who have attempted to stop the progress of opinion by the gallows and prison have merely hastened their own destruction by violence.”

I therefore ask the Government not to allow, in the first instance, their policy and their programme to deal with this serious situation to be deflected in the slightest degree by the whimsical or fanciful action of a district officer about whom the Honourable the Home Member said that, if he had done anything else, he would have been guilty of a dereliction of duty. The Honourable the Home Member may stand there and support that officer, but let us remember that the Home Member did not know anything about it. He had no idea. I have not heard that the Bombay Government have been consulted. Therefore it comes to this—that there was no emergency and I maintain most emphatically that there was no emergency. Vallabhbhai Patel had made no speech or speeches which came within the purview of the Penal Code. My proposition before the House is that he ought to have been arrested long ago and convicted in due course, if he had and if that had been done, I should be the last person to stand up and complain against that. But the order under discussion was not warranted.

Mr. President: The question is that the House do now adjourn.

The Assembly divided:

AYES—30.

Acharya, Mr. M. K.
Aney, Mr. M. S.
Ayyangar, Mr. K. V. Rangaswami.
Bhargava, Pandit Thakur Das.
Birla, Mr. Ghanshyam Das.
Chaman Lall, Diwan.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Rai Bahadur S. C.
Gulab Singh, Sardar.
Haji, Mr. Sarabhai Nemchand.
Jayakar, Mr. M. R.
Kelkar, Mr. N. C.

Kunzru, Pandit Hirday Nath.
Lal, Mr. Hari Prashad.
Lalchand Navalrai, Mr.
Malaviya, Pandit Krishna Kant.
Malaviya, Pandit Madan Mohan.
Moonje, Dr. B. S.
Munshi, Mr. Jehangir K.
Neogy, Mr. K. C.
Pandya, Mr. Vidya Sagar.
Rang Behari Lal, Lala.
Ranga Iyer, Mr. C. S.
Reddi, Mr. T. N. Ramakrishna.
Sarda, Rai Sahib Harbilas.
Singh, Mr. Gaya Prasad.
Talatuley, Mr. S. D.

NOES—53.

Abdul Aziz, Khan Bahadur Mian.
 Abdul Qaiyum, Nawab Sir Sahibzada.
 Alexander, Mr. W.
 Anwar-ul-Azim, Mr.
 Banarji, Mr. Rajnarayan.
 Baum, Mr. E. F.
 Chatterjee, The Revd. J. C.
 Coatman, Mr. J.
 Cocke, Sir Hugh.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Crerar, The Honourable Sir James.
 Crosthwaite, Mr. H. S.
 Dalal, Dr. R. D.
 Ferrers, Mr. V. M.
 French, Mr. J. C.
 Ghuznavi, Mr. A. H.
 Gidney, Lieut.-Colonel H. A. J.
 Gwynne, Mr. C. W.
 Hamilton, Mr. K. L. B.
 Heathcote, Mr. L. V.
 Hira Singh Brar, Sardar Bahadur,
 Honorary Captain.
 Howell, Mr. E. B.
 Jawahar Singh, Sardar Bahadur
 Sardar.
 Jehangir, Sir Cowasji.
 Kikabhai Premchand, Mr.
 Lamb, Mr. W. S.

Lindsay, Sir Darcy.
 Mitra, The Honourable Sir Bhupendra
 Nath.
 Mitter, The Honourable Sir Brojendra.
 Monteath, Mr. J.
 Moore, Mr. Arthur.
 Mukherjee, Rai Bahadur S. O.
 Noyce, Sir Frank.
 Pai, Mr. A. Upendra.
 Parsons, Mr. A. A. L.
 Rainy, The Honourable Sir George.
 Rajah, Rao Bahadur M. C.
 Rau, Mr. H. Shankar.
 Sahi, Mr. Ram Prashad Narayan.
 Sams, Mr. H. A.
 Sarfaraz Hussain Khan, Khan
 Bahadur.
 Schuster, The Honourable Sir George.
 Scott, Mr. J. Ramsay.
 Shah Nawaz, Mian Mohammad.
 Slater, Mr. S. H.
 Suhrawardy, Dr. A.
 Tin Tut, Mr.
 Tirloki Nath, Lala.
 Yakub, Maulvi Muhammad.
 Yamin Khan, Mr. Muhammad.
 Young, Mr. G. M.
 Zulfiqar Ali Khan, Sir.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 11th March, 1930.