

5th September 1935

**THE  
LEGISLATIVE ASSEMBLY DEBATES**

**(Official Report)**

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**Volume V, 1935**

*(2nd September to 16th September, 1935)*

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**SECOND SESSION**

**OF THE**

**FIFTH LEGISLATIVE ASSEMBLY,  
1935**



**NEW DELHI  
GOVERNMENT OF INDIA PRESS  
1936**

# Legislative Assembly.

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*Deputy President :*

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**SYED GHULAM BHIK NAIRANG, M.L.A.**

**DR. F. X. DESOUZA, M.L.A.**

**MR. LALCHAND NAVALRAI, M.L.A.**

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# LEGISLATIVE ASSEMBLY.

Thursday, 5th September, 1935.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

## QUESTIONS AND ANSWERS.

### COST OF INDIA'S DELEGATION TO THE INTERNATIONAL LABOUR CONFERENCE AND THE LEAGUE OF NATIONS.

122. \*Mr. S. Satyamurti : (a) Will Government be pleased to state the cost of India's delegation to the Labour Conference and to the League, separately, during each of the last five years ?

(b) Has any member of such delegation, being a Prince or a rich merchant, ever declined to receive travelling and other allowances from Government ?

The Honourable Sir Nripendra Sircar : (a) A statement is laid on the table.

(b) No.

Statement showing the cost of India's delegations to the International Labour Conference and the Assembly of the League of Nations during the last five years.

Year.	Interna-	Assembly
	tional Labour Conference.	of the League of Nations.
	Ra.	Ra.
1930-31 .. .. .	44,449	50,552
1931-32 .. .. .	43,918	21,428
1932-33 .. .. .	15,111	3,710
1933-34 .. .. .	14,967	2,330
1934-35 .. .. .	*20,900	†726-15-0

\*Actual expenditure not available. Figure constitutes revised estimate.

†Actual expenditure not available. A sum of £2,550 has been provided in the revised estimate, and the figure shown above represents the expenditure incurred in India only.

## RATE WAR IN THE COASTING TRADE OF INDIA.

123. \***Mr. S. Satyamurti** : (a) Will Government be pleased to state whether they had any correspondence with the Steamer Companies concerned in the recent rate war in the coasting trade of India ?

(b) Will Government be pleased to lay on the table such correspondence in order to allay and dispel the feeling that Government were powerless and were unwilling to protect Indian shipping interests ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) It is presumed that the Honourable Member refers to the rate war between the Conference Lines and the Small Shipping Companies on the West Coast of India last year. If that is so, the reply is in the affirmative.

(b) The differences between the Companies were settled by an Award made by my predecessor after a Conference of the parties held last January, and Government have no reason to suppose that Indian shipping interests feel that Government are unwilling or powerless to assist them.

**Mr. S. Satyamurti** : Has the Honourable Member's attention been drawn to the recent rate war with regard to shipping in Burma ?

**The Honourable Sir Muhammad Zafrullah Khan** : The question does not relate to Burma.

**Mr. S. Satyamurti** : The question does not relate to any particular place ; it relates to the coasting trade of India. India so far includes Burma.

**The Honourable Sir Muhammad Zafrullah Khan** : I should require notice of that question. The original question did not make it clear.

**Mr. S. Satyamurti** : Has the Honourable Member's attention been drawn, after he took charge of his office, to any such feeling on the part of Indian shipping interests, as is referred to in clause (b) of the question ?

**The Honourable Sir Muhammad Zafrullah Khan** : So far as the west coast lines are concerned, no.

**Mr. S. Satyamurti** : With regard to any other coasting lines, has the Honourable Member's attention been drawn to that feeling in Indian shipping interests ?

**The Honourable Sir Muhammad Zafrullah Khan** : There was some correspondence received from a company in Rangoon with regard to the rates on the Burma line.

**Mr. S. Satyamurti** : Has the Honourable Member taken any action on that representation ?

**The Honourable Sir Muhammad Zafrullah Khan** : As the rate war in that instance was found to have been started by the company itself which complained, no action was taken.

**Mr. S. Satyamurti** : Is the rate war still going on ?

**The Honourable Sir Muhammad Zafrullah Khan** : I have no information on that.

**Mr. S. Satyamurti** : Will the Honourable Member enquire and find out whether it is going on now ?

**The Honourable Sir Muhammad Zafrullah Khan :** I cannot undertake to do so, but I will look into the matter.

APPLICATIONS FOR PROTECTION OF INDUSTRIES.

124. **\*Mr. S. Satyamurti :** (a) Will Government be pleased to state from how many industries they have received applications for protection during each of the last five years ?

(b) How many of these cases did they send to the Tariff Board ?

(c) On how many of these have the Tariff Board reported ?

(d) On how many of these have Government taken action ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) :

*Number of applications  
received.*

1931	..	..	..	..	7
1932	..	..	..	..	11
1933	..	..	..	..	42
1934	..	..	..	..	19
1935	till the end of August	..	..	..	7

(b), (c) and (d). I would refer the Honourable Member to the statement laid on the table of the House in reply to part (b) of Professor N. G. Ranga's question No. 478 on the 23rd February, 1935. Since that date the reports of the Tariff Board on the question of the removal of tariff inequality in respect of shuttles and the grant of protection to the Woollen Textile Industry have been received. With the exception of these reports and the report on the removal of tariff inequality in respect of carbon brushes necessary action has been taken on all reports. A Resolution indicating the action proposed in regard to the last named report, that is to say, the report on carbon brushes, was published in the Gazette of India, Part I, dated the 23rd March, 1935, a copy of which has been placed in the Library.

**Mr. S. Satyamurti :** May I take it then that there are three reports now pending before the Government from the Tariff Board ?

**The Honourable Sir Muhammad Zafrullah Khan :** Two.

**Mr. S. Satyamurti :** May I know for how long they have been pending consideration by the Government ?

**The Honourable Sir Muhammad Zafrullah Khan :** So far as the Woollen Textile Industry Report is concerned, only a few weeks. I have not available the information with regard to the second one.

**Mr. S. Satyamurti :** What is the normal period which Government take to consider a Tariff Board report ?

**The Honourable Sir Muhammad Zafrullah Khan :** There is no normal period ; it depends upon each individual report.

**Mr. S. Satyamurti :** How long will Government take to finish the consideration of the two reports now pending before them ?

**The Honourable Sir Muhammad Zafrullah Khan :** I do not think it will take very long, although I could not fix any date.



**Prof. N. G. Ranga** : When do Government propose to review the working of the Tariff Board ?

**The Honourable Sir Muhammad Zafrullah Khan** : That does not arise out of this question.

**COST INCURRED BY THE GOVERNMENT OF INDIA IN THE TRANSPORT OF BRITISH TROOPS AND OFFICERS.**

125. **\*Mr. S. Satyamurti** : (a) Will Government be pleased to state the cost incurred by them in the transport of British troops and officers to and from India when they are joining service, or when they are retiring, or on leave, during each of the years 1932-33, 1933-34 and 1934-35 ?

(b) How much of this cost was paid to private shipping enterprise and to whom ?

**Mr. G. R. F. Tottenham** : (a) and (b). The expenditure incurred in England on the transport of British troops and officers during each of the years 1932-33, 1933-34 and 1934-35 was as follows :

		Rs.
1932-33	..	49,36,080
1933-34	..	54,67,933
1934 35	.. ..	59,84,000

Most of this expenditure represents India's share of the troop transport service which is paid for through the War Office. No figures are available of amounts paid by the India Office to private shipping firms on account of individual passages engaged by them.

The statement which I am laying on the table in reply to part (b) of the question gives the information asked for in respect of expenditure incurred in India.

*Statement showing amounts paid to various shipping enterprise on account of packet, freight and Lee concession passages.*

Shipping Company.	1932-33.	1933-34.	1934-35.
	Rs.	Rs.	Rs.
1. Peninsular Oriental S. N. Co. ..	18,10,798	12,50,518	13,36,549
2. British India S. N. Co... ..	78,281	78,587	99,138
3. Orient S. N. Co. .. ..	21,336	6,750	25,172
4. Ellarman's City & Hall Line ..	1,07,644	1,52,280	1,03,276
5. Anebor Line .. .. .	1,33,905	1,70,610	1,52,945

Shipping Company.	1932-33.	1933-34.	1934-35.
	Rs.	Rs.	Rs.
6. Bibby Line .. ..	33,858	28,138	29,970
7. Henderson Line ..	28,845	11,970	15,246
8. Lloyd Triestine Line ..	1,67,973	1,48,144	1,45,594
9. Imperial Airways, Ltd. ..	16,392	19,120	51,918
10. Indian National Airways Coy. ..	..	..	1,680
11. Canadian Pacific Line ..	2,920	2,145	3,900
12. N. Y. K. Line ..	6,217	3,775	5,527
13. Blue Funnel Line ..	54	7,513	1,640
14. Cunard Line .. .. .	374	..	2,747
15. Hansa Line .. ..	..	..	1,613
16. Indian African Line ..	560	1,210	3,549
17. Aberdeen Commonwealth Line ..	3,081	..	..
18. Messageries Maritimes .. ..	267	987	..
19. Union Castle Line .. .. .	1,000	..	2,812
20. Union Steamship Coy. of New Zealand. ..	1,600	..	..
21. Indo-China S. N. Co. .. ..	325	1,056	..
22. East Asiatic Line .. ..	..	..	2,805
23. Dollar Line .. .. .	1,063	..	4,434
24. Royal Dutch Mail (Rotterdamsche Lloyd)	2,389	..	4,189
25. C. S. K. Line .. .. .	710	..	..
<b>Total ..</b>	<b>19,74,592</b>	<b>18,82,603</b>	<b>19,94,604</b>

**Mr. S. Satyamurti :** May I take it, therefore, that no Indian shipping interest had any share in this expenditure ?

**Mr. G. B. F. Tottenham :** There is a list of about 25 different shipping companies to whom payments are made. I do not think any of them are Indian shipping companies, and that would not be so, because the traffic is between England and India.

EXPANSION IN THE ROYAL INDIAN MARINE AND FACILITIES FOR THE TRAINING OF INDIANS.

126. \*Mr. S. Satyamurti : (a) Will Government be pleased to state whether, and if so, what expansion in the Royal Indian Marine they are contemplating ?

(b) What facilities they propose to give for the training of Indian officers and men in connection with the defence of India at sea ?

Mr. G. R. F. Tottenham : The Honourable Member should know that the Royal Indian Marine has been replaced by the Royal Indian Navy.

(a) None at the moment.

(b) Facilities already exist at the Indian Naval Dockyard in Bombay for the training of ratings for the Royal Indian Navy. Its Indian officers receive their initial training in England, mainly at Royal Naval establishments or in Royal Navy vessels.

Mr. S. Satyamurti : How many Indians are being trained as officers at the present moment ?

Mr. G. R. F. Tottenham : I should require notice. I think five or six are under training at the present moment.

Mr. S. Satyamurti : How many of them are being trained in India and how many in England ?

Mr. G. R. F. Tottenham : All the officers are trained in England.

Mr. S. Satyamurti : Are there no facilities for training in India ?

Mr. G. R. F. Tottenham : There is no training of officers in India.

Mr. S. Satyamurti : Are there any proposals for their training in India ?

Mr. G. R. F. Tottenham : No, Sir.

Mr. T. S. Avinashilingam Chettiar : Is there no Indian who has finished his training ?

Mr. G. R. F. Tottenham : Yes. There are a good many of them who are already serving in the Royal Indian Navy. They have all been trained.

Mr. S. Satyamurti : Why are there no proposals for training in India Indian officers for the defence of India at sea ?

Mr. G. R. F. Tottenham : In order to train Indian naval officers in India, it would be necessary to establish a training centre, and that would be very expensive for the extremely small naval force that we maintain. It would not be possible to train naval officers at the Indian Military Academy at Dehra Dun, and we should have to have a separate institution at Bombay or elsewhere and the expense would be out of all proportion to our requirements.

Mr. S. Satyamurti : Is expense any consideration of the Army Department of the Government ?

Mr. G. R. F. Tottenham : Oh, yes. Constantly.

**REVISION OF THE MAXIMUM AND MINIMUM CHARGES ON THE INDIAN RAILWAYS.**

127. \***Mr. S. Satyamurti** : (a) Will Government be pleased to state what steps they are taking for a revision of the maximum and minimum charges on the Indian Railways ?

(b) Have they received representations from the Railways expressing their desire to charge under the minimum, through the fear that they would otherwise lose the traffic ?

(c) In how many cases have they permitted the Railways to go under the minimum ?

(d) On what basis were these minima fixed and when ?

(e) Are Government prepared to associate non-official businessmen with the task of readjusting the minimum and maximum at present fixed and also of revising the classification under Railways generally, which has become obsolete ?

**Mr. P. B. Rau** : (a) The question of revising the Indian Railways' General Classification of Goods, which determines the limits within which Railway Administrations may fix freight rates, was referred to the Indian Railway Conference Association in 1933 for recommendations as to the statistics that should be compiled before any action could be taken to consider on what lines the revision should be based. The Association appointed a Special Committee in April, 1934, to report on the statistics that would be necessary. The report of this Committee was considered by the Association at their meeting in October, 1934, when they recommended that as an alternative to the compilation of statistics proposed which would involve an initial expenditure of perhaps about Rs. 20 lakhs, the Calcutta group of Railways should examine whether the revision could not be made on other lines with less preliminary expenditure. The point was further considered by the Association at a meeting in March, 1935, and in accordance with the recommendations then made by the Association, a Committee appointed by them met representatives of commerce, industry and agriculture at Delhi on the 29th July, 1935, for an informal discussion. Meantime, the Calcutta group of Railways are pursuing their investigation and their report will be considered at the meeting of the Conference Association in October next when their conclusions and final recommendations will be submitted to the Railway Board.

(b) No.

(c) Except as regards coal, I have not been able to trace any case in which rates for public traffic below the prescribed minima have been permitted.

(d) The existing minima of 1/10th pie in some cases and 1/6th pie in others were prescribed in 1891 ; the former was for commodities of low value and was apparently fixed as it approximated to the average cost of carrying goods on State lines at the time. The latter was for higher class goods and was the average rate then earned over State lines.

(e) It has always been the intention of Government to consult trade and commercial interests before coming to any final conclusions in regard to the revision of the classification of goods.

**Mr. S. Satyamurti :** In view of the present position of the railways and of the increasing road competition, will the Honourable Member be good enough to say whether the Government of India will expedite a decision on this matter, so as to give proper facilities to the traffic, and also earn maximum revenue for the railways ?

**Mr. P. R. Rau :** Government will do their best to expedite the consideration of this matter.

**Mr. N. M. Joshi :** May I ask whether the reply of the Honourable Member referred only to rates on goods traffic and not to passenger traffic ?

**Mr. P. R. Rau :** The question referred to goods traffic and not to passenger traffic.

**Mr. N. M. Joshi :** May I refer the Honourable Member to the terms of the question itself ? It says :

“ Will Government be pleased to state what steps they are taking for the revision of the maximum and minimum charges on railways ? ”

I do not think there is anything there about passenger or goods charges.

**Mr. S. Satyamurti :** I meant only goods traffic.

**Mr. N. M. Joshi :** May I ask the Honourable Member whether he had read the question carefully ?

**Mr. P. R. Rau :** As a matter of fact, maximum and minimum charges are usually associated with goods traffic and not with passenger traffic.

**Mr. S. Satyamurti :** Here I agree with the Government.

**Mr. N. M. Joshi :** Even for the passenger traffic, there are maximum and minimum charges.

**Mr. P. R. Rau :** By maximum and minimum charges the Honourable Member generally refers to goods traffic and the Honourable the questioner has himself admitted that he had goods traffic in mind.

#### MINTS AT CALCUTTA AND BOMBAY.

128. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) the net cost of the working of the mint at :
  - (i) Calcutta, and
  - (ii) Bombay ;
- (b) what work is done at Calcutta, which is not being done in Bombay ;
- (c) whether Government have considered the desirability of abolishing one of the two mints in the interests of economy ?

**The Honourable Sir James Grigg :** (a) Attention is invited to Account No. 63 of the Finance and Revenue Accounts for the year 1933-34 which gives the full details of the receipts and expenditure of the two mints for that year (the last year for which complete accounts are available).

(b) All coinage work for the Government of India is at present being done at the Calcutta Mint which also carries out coinage work for the Indian States, the manufacture of medals and other miscellaneous work. The work in the Bombay Mint is at present confined to refining and assaying gold and silver. In 1934-35 some coinage of Hong Kong dollars was undertaken at this Mint on payment.

(c) The question is still under consideration.

**Mr. S. Satyamurti** : Have Government considered the question from the point of view of economy ?

**The Honourable Sir James Grigg** : Yes, Sir, and also any other consideration which may be relevant. The prime consideration is economy.

**Mr. S. Satyamurti** : Is the Bombay mint well equipped to carry on all the work, which the Government may require it to do ?

**The Honourable Sir James Grigg** : It is not quite, but it could easily be made so.

**Mr. S. Satyamurti** : When do Government hope to come to a decision ? May I ask for some expedition ?

**The Honourable Sir James Grigg** : There are various disturbing factors at present. An unusually high demand for small coins has manifested itself in recent years, and that is a fact which I should like to study before coming to a final decision.

**Mr. Lalchand Navalrai** : May I know whether, after the establishment of the Reserve Bank, there will be any likelihood of one of the mints being abolished ?

**The Honourable Sir James Grigg** : I do not think the establishment of the Reserve Bank affects the mints at all. The supply of subsidiary coinage is still a function of the Government and not of the Reserve Bank.

#### PASSAGE OF GERMAN AEROPLANES OVER INDIA.

129. **\*Mr. S. Satyamurti** : (a) Will Government be pleased to state whether they have received any representations for the passage of German aeroplanes over India and the use of Indian aerodromes for the Berlin-Shanghai air route ?

(b) Have Government come to any decision in this matter ?

**The Honourable Mr. D. G. Mitchell** : (a) No. Government are, however, aware of a proposal by the Deutsche Luft Hansa, a German company, to operate an air service from Europe to China *via* India. Permission was granted for the flight of one German aeroplane over India *en route* to China in September, 1934.

(b) Does not arise.

**Mr. S. Satyamurti** : How many foreign countries are now having permission to fly aeroplanes over India ?

**The Honourable Mr. D. G. Mitchell** : The Honourable Member presumably refers to regular air services. There is the British line, an Indian line, a Dutch line and a French line.

**Mr. S. Satyamurti :** Is there any principle observed by the Government in granting or refusing the grant of permission, and, if so, what is it ?

**The Honourable Mr. D. G. Mitchell :** The question is somewhat vague. I do not quite follow what the Honourable Member means.

**Mr. S. Satyamurti :** What are the considerations which weigh with the Government in giving or refusing permission to other countries, that is, foreign countries, outside the Empire, when they want to run aeroplanes over India regularly ?

**The Honourable Mr. D. G. Mitchell :** So far I am not aware that we have refused permission to any regular air service. So long as we have the ground organisation in working order, we are prepared to allow any foreign country to operate a regular air service across India in accordance with the ordinary International Regulations.

#### DISABILITIES OF INDIAN RESIDENTS IN SINGAPORE.

130. \***Mr. S. Satyamurti :** (a) Will Government be pleased to state whether they have heard that the Indian residents in Singapore are not receiving proper treatment and full legal rights, and whether the Government of India ever represented this matter to the Colonial Office ?

(b) Have Government received any complaint of the inadequacy of advice and facilities given to Indians by the British Councils in Java ?

**Sir Girja Shankar Bajpai :** (a) and (b). No, Sir.

**Mr. S. Satyamurti :** Is that a technical answer (I mean no offence), or do Government say that they have no knowledge at all of the ill-treatment of Indians in Singapore ?

**Sir Girja Shankar Bajpai :** It is not a technical answer. On receipt of the notice of this question, I actually made inquiries from the Agent of the Government of India in the Federated Malay States and the Straits Settlements, and he says he is not aware of any ill-treatment of Indians. If my Honourable friend will give me any specific instances, I shall be very glad to make inquiries.

**Prof. N. G. Ranga :** Is it a fact that there are certain parks to which Indians cannot have admission ?

**Sir Girja Shankar Bajpai :** No, Sir. I have no information to that effect.

#### MANUFACTURE OF AEROPLANES IN INDIA.

131. \***Mr. S. Satyamurti :** (a) Will Government be pleased to state whether they are aware that the progress of aviation in India is materially checked on account of the cost of imported aeroplanes ?

(b) In connection with the air defence of India has the Military Department represented to Government that it is essential that the aeroplanes should be manufactured in this country ?

(c) What steps are Government taking to promote the manufacture of aeroplanes in India ?

(d) Have Government made any enquiries whether all the materials for the making of an aeroplane are not available in the country ?

(e) In any negotiations with the manufacturers of aeroplanes, do Government propose to give equal opportunity and preference to an Indian company ?

**The Honourable Mr. D. G. Mitchell :** (a) No. It is true that the cost of aeroplanes in India is higher than in the countries of origin, but the market in India is at present so small that the cost of manufacture in India would almost certainly be prohibitive.

(b) No.

(c) The first stage in the development of a manufacturing industry is the assembly of imported manufactured components. This business is being developed both by aircraft operators in India and by agents of the manufacturing firms. With business at its present volume it would be unwise to accelerate the process artificially.

(d) The component parts of an aeroplane contain a large variety of materials which are developed to a very high standard of perfection in the course of manufacture. For reasons which I have already given, manufacture in India is not at present possible, and the only profitable line of enquiry is in connection with raw materials. An investigation into the suitability of Indian timber for use in the manufacture of aircraft is in progress.

(e) Does not arise.

**Mr. S. Satyamurti :** May I take it, therefore, that there are no negotiations contemplated with the manufacturers of aeroplanes? I am talking of clause (e) of the question.

**The Honourable Mr. D. G. Mitchell :** There are no negotiations at present going on for the manufacture of aeroplanes in India.

**Mr. S. Satyamurti :** With reference to clause (a) of the question, have Government considered the possibility of developing a market outside India ?

**The Honourable Mr. D. G. Mitchell :** That would be even more unprofitable, when there is no market in India itself.

**Mr. S. Satyamurti :** May I take it, therefore, that we can never compete with foreign countries at some time or other ?

**The Honourable Mr. D. G. Mitchell :** As soon as the demand in India grows large enough to justify the erection of a manufacturing plant for the manufacture of aeroplanes at a reasonable cost, then, after satisfying the Indian demand, we may perhaps hope that India itself will be able to get into the position of an exporting country.

**Mr. S. Satyamurti :** Will my Honourable friend, in conjunction with his colleague to his left, develop a demand for the manufacture of aeroplanes ?

#### AMENDMENT OF THE INDIAN COMPANIES ACT.

132. \***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether Mr. Sen, the Special Officer in connection with the revision of the Indian Companies Act, has submitted his report ;



- (b) when this report will be published ;
- (c) whether it is the intention of Government to appoint a committee consisting of a businessman, a chartered accountant and a senior Registrar of Companies, to consider the issues and make their recommendations, on which a Bill could be framed ;
- (d) when Government propose to introduce a Bill amending the Indian Companies Act ?

**The Honourable Sir Nripendra Sircar :** (a), (b) and (d). The Honourable Member is referred to the reply given to Mr. B. Das's starred question No. 1068 on the 27th March, 1935.

(c) Government have received opinions of the Registrar of Companies, of Calcutta, Madras and Bombay, and also opinions of businessmen, and they are still receiving further opinions. Government has not yet decided whether the appointment of a Committee will be necessary.

**Mr. S. Satyamurti :** Sir, since the last answer was given, has any progress been made ?

**The Honourable Sir Nripendra Sircar :** Yes, Sir ; I believe there is another question directed to that, but I have no objection to giving the information to my Honourable friend. Since the last answer was given, we have received, not only further opinions, but certain bodies representing mercantile interests have also made certain representations to us.

**Mr. S. Satyamurti :** Are Government aware of the imperative and urgent need for the amendment of this Act, and will they be good enough to expedite it ?

**The Honourable Sir Nripendra Sircar :** I can assure my Honourable friend that I am doing my very best to expedite it, and I am losing no time over it.

**Mr. Lalchand Navalrai :** May I know, with respect to clause (d), when the report will be published ?

**The Honourable Sir Nripendra Sircar :** I have got to refer my Honourable friend to the answer given on the previous occasion. There is no intention of doing so at present. The report is purely departmental.

**Mr. Lalchand Navalrai :** May I also know from the Honourable Member if Mr. Sen has given any attention to the question of Provident Funds in Karachi ?

**The Honourable Sir Nripendra Sircar :** If there is no desire to publish that confidential departmental report, I am not going to disclose part of it by answering this question.

#### PLIGHT OF INDIANS IN REGARD TO THE CLOVE TRADE IN ZANZIBAR.

133. **\*Mr. S. Satyamurti :** (a) Will Government be pleased to state whether they have seen a copy of the views of the London Chamber of Commerce, desiring that the clove trade in Zanzibar should be run as a monopoly trade by the Clove Growers Association ?

(b) Is it true that Mr. Menon's report also has expressed an apprehension on this matter ?

(c) If this is true, are Government prepared to consider the plight of the Indian merchants who have built up the clove trade in Zanzibar ?

(d) What do Government propose to do about it ?

**Sir Girja Shankar Bajpai :** (a) The Honourable Member presumably refers to certain Press reports of an alleged resolution of the London Chamber of Commerce, criticising certain functions of the Clove Growers' Association. Government are informed that the reports are incorrect. The Chamber passed no resolution on the subject.

(b) Yes.

(c) and (d). The attention of the Honourable Member is invited to the reply given by me yesterday to his question No. 118.

**Mr. S. Satyamurti :** But, are Government doing anything to protect the rights of Indian merchants, in view of this possibility, because Mr. Menon expressed an apprehension in this matter ?

**Sir Girja Shankar Bajpai :** Sir, Mr. Menon's report was primarily concerned with what he apprehended would result from the operation of the Clove Growers' Decree, and, as I explained to my Honourable friend yesterday, at the stage when he wrote the report, it was merely an apprehension. Since then the matter has been the subject of correspondence between the Government of India and the Secretary of State for the Colonies, and the Secretary of State for the Colonies says that the local authorities say that those apprehensions have not been realised in fact ; and Government are now aiming at ascertaining the exact facts with a view to determining what action is needed.

**Mr. S. Satyamurti :** Are they in a position to say that the Clove Growers' Association has definitely dropped this proposal ?

**Sir Girja Shankar Bajpai :** I do not know which particular proposal my Honourable friend is referring to. The Clove Growers' Association was brought into being for the purpose of being put in a privileged position as regards the purchasing of cloves from the producer.

**Mr. S. Satyamurti :** Have they dropped this proposal to run this, as a monopoly trade ?

**Sir Girja Shankar Bajpai :** Strictly, in the legal sense of the words, there is no monopoly, so far as the export business is concerned, the Clove Growers' Association is exporting, and there are at least six other firms—I am speaking from memory—who are also exporting, private firms.

#### ESTABLISHMENT OF A LONDON BRANCH OF THE RESERVE BANK OF INDIA.

134. \***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) when they propose to establish a London Branch of the Reserve Bank of India ;
- (b) on the Branch being established, whether Government propose to place the whole of their London balances with the Reserve Bank ; and
- (c) what is the amount of their balances and with whom they are at present on deposit or on loan ?

**The Honourable Sir James Grigg :** (a) Government are informed by the Reserve Bank that they hope to be in a position to establish the London Branch about the beginning of October.

(b) Since the Reserve Bank assumed its full banking functions on the 1st of July, Government are placing the whole of their balances both in India and London with it and the Secretary of State's balance is being reduced to a Current Account which he maintains with the Bank of England to fulfil his statutory requirements.

(c) The amount of Government balance with the Reserve Bank can be ascertained from the statements which the latter publishes weekly. The Reserve Bank is bound to keep the Secretary of State's balance with the Bank of England at a figure sufficient to meet his requirements from time to time and has full discretion to employ the remainder as and where it pleases subject to the provisions of the Reserve Bank Act.

**Mr. S. Satyamurti :** As a matter of fact, where are they placing these balances—the balances remaining over after the minimum necessary to meet the Secretary of State's statutory requirements ?

**The Honourable Sir James Grigg :** I have not the recent returns before me, but I shall be quite glad to show them to the Honourable Member and he can see quite readily how much of the balances are kept in India and how much are kept in sterling securities.

**Mr. S. Satyamurti :** Are they being kept to the best advantage of this country ?

**The Honourable Sir James Grigg :** Sir, the Indian Legislature having decided to entrust the control of that sort of thing to the Reserve Bank, I must assume that the Bank will do it better than the Government of India did it in the past.

**Prof. N. G. Ranga :** Will the management of our loan policy in London be entrusted to the Reserve Bank of India ?

**The Honourable Sir James Grigg :** So long as the present regime holds, *i.e.*, until the new Government of India Act comes into operation, the Secretary of State remains responsible for sterling loans in London.

#### PURCHASE OF STORES MADE ABROAD.

135. **\*Mr. S. Satyamurti :** (a) Will Government be pleased to state the result of the scrutiny by the Indian Stores Department of indents by Government Departments sent to the London Stores Department through the High Commissioner ?

(b) Is it true that the purchases made abroad are on the increase in spite of this precaution and that many items are still being purchased abroad, which are either made in India, or could be produced in India ?

(c) Is it true that the rupee tender system is not strictly applied to purchases for :

(i) the Master-General of Supplies,

(ii) the Canteen Control Syndicate.

(iii) the Chief Controller of Stores of various Railways, and  
(iv) the Railway Board ?

(d) If this is so, what is the reason for the departure from this system recommended by the Legislature and accepted by Government ?

**The Honourable Mr. D. G. Mitchell :** (a) The information desired by the Honourable Member is contained in the Annual Administration Reports of the Indian Stores Department which are available in the Library of the House. The Report for 1934-35 will be published shortly.

(b) There was an increase in the value of the purchases during 1934-35, but there has been no departure from the Stores Purchase Rules.

(c) The Master General of the Ordnance, the Railway Board and the State-managed Railways strictly observe the rupee tender system. The Company-managed Railways are free, under the terms of their contracts with the Secretary of State, to make their own arrangements for the purchase of stores and cannot be compelled to adopt the rupee tender system, though efforts are being made to induce them to adopt it as far as possible. The system does not apply to the Canteen Contractors Syndicate, which is a private concern.

(d) Does not arise.

**Mr. S. Satyamurti :** Sir, with reference to the answer to clause (b) of the question, may I know the reason for the increased purchases abroad ?

**The Honourable Mr. D. G. Mitchell :** The increase was almost entirely due to special purchases of equipment made on behalf of the Royal Air Force.

**Mr. S. Satyamurti :** With reference to the answer to clause (c) of the question—I did not hear my Honourable friend clearly—may I take it that of the four classes mentioned there, except two, all others observe the rupee tender system strictly ?

**The Honourable Mr. D. G. Mitchell :** I am sorry I did not hear the Honourable Member clearly. Will he kindly repeat the question ?

**Mr. S. Satyamurti :** With reference to the answer to clause (c) of the question, may I know if, of the four categories I have mentioned there, all of them observe the rupee tender system, except two ?

**The Honourable Mr. D. G. Mitchell :** That is correct.

**Mr. S. Satyamurti :** May I know what are the functions of this private concern, what Departments of the Government they supply, what they supply, and what the values of their supplies are ?

**The Honourable Mr. D. G. Mitchell :** I am afraid I must require notice of that question. I know nothing about the Canteen Contractors Syndicate.

#### RETURN ON THE TOTAL CAPITAL COST OF NEW DELHI.

136. \***Mr. S. Satyamurti :** Will Government be pleased to state what return on the total capital cost (including interest) of New Delhi

they received during the years 1933-34 and 1934-35, stated as percentage on the total outlay ?

**The Honourable Mr. D. G. Mitchell :** The information is being collected and a reply will be placed on the table of the House in due course.

**Mr. S. Satyamurti :** Have Government any proposal to increase this inadequate return ?

**The Honourable Mr. D. G. Mitchell :** Can the Honourable Member ask a supplementary question on an answer which has not yet been given ?

**Mr. B. Das :** May I remind the Honourable Member for Industries that the Accountant General, in connection with the Appropriation Accounts of 1933-34 on the civil works, made out the receipts that are coming in in respect of buildings in certain areas, and that he estimated the actual returns that are coming in in respect of those buildings ? Was not the attention of the Honourable Member drawn by anybody of his Department to those remarks ?

**The Honourable Mr. D. G. Mitchell :** I suggest Honourable Members wait and see the figures given in the reply before they ask supplementaries.

**Mr. S. Satyamurti :** Are Government satisfied that they are getting an adequate return on the capital outlay on New Delhi ?

#### RETURN ON THE TOTAL CAPITAL COST OF SUKKUR BARRAGE.

137. **\*Mr. S. Satyamurti :** Will Government be pleased to state what return on the total capital cost (including interest) of Sukkur Barrage they received during the years 1933-34 and 1934-35, stated as percentage on the total outlay ?

**The Honourable Sir James Grigg :** The figures for 1933-34 are given in Account No. 33 of the Finance and Revenue Accounts for that year, copies of which are in the library. The accounts for 1934-35 are not yet ready.

**Mr. B. Das :** Is the Bombay Government paying any interest on this loan ?

**The Honourable Sir James Grigg :** The Honourable Member had better look into the account first and then put supplementary questions.

**Mr. S. Satyamurti :** Have the respective liabilities of the Bombay Government of the new province of Sind, and of the Government of India in respect of this Sukkur Barrage, been settled ?

**The Honourable Sir James Grigg :** No, but I think they are in the process of being settled.

#### NEGOTIATIONS FOR A TRADE AGREEMENT WITH THE IRISH FREE STATE.

138. **\*Mr. S. Satyamurti :** (a) Will Government be pleased to state how far the negotiations for a trade treaty have advanced with the Irish Free State ?

(b) What are the principal difficulties and objections ?

(c) Who is negotiating on behalf of the Government of India ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Negotiations are still in progress.

(b) I am not yet in a position to make any statement on the subject.

(c) The High Commissioner for India is conducting the negotiations on behalf of the Government of India and under their instructions.

**Mr. S. Satyamurti :** For how long, have the negotiations been going on ?

**The Honourable Sir Muhammad Zafrullah Khan :** I cannot say exactly.

**Mr. T. S. Avinashilingam Chettiar :** What is the answer to clause (b) ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am not yet in a position to make any statement on the subject as to what the difficulties are.

**Mr. S. Satyamurti :** What is the latest information with reference to answer to part (c) of the question ? I am not asking about difficulties, but I want to know what is the latest stage of these negotiations.

**The Honourable Sir Muhammad Zafrullah Khan :** The latest stage is that they are progressing and correspondence is being exchanged.

**Prof. N. G. Ranga :** Do Government give any trade preference to the Irish Free State commodities ?

**The Honourable Sir Muhammad Zafrullah Khan :** The subject is being discussed and certain proposals are being examined by the Government of India.

**Mr. S. Satyamurti :** What is the regime today ? Are we giving any preference to Irish Free State goods ?

**The Honourable Sir Muhammad Zafrullah Khan :** Not so far as I am aware.

**Prof. N. G. Ranga :** Is the balance of trade in favour of India ?

**The Honourable Sir Muhammad Zafrullah Khan :** Heavily.

#### NEGOTIATIONS FOR A TRADE AGREEMENT WITH CANADA.

139. **\*Mr. S. Satyamurti :** (a) Will Government be pleased to state how far the negotiations for a trade treaty have advanced with Canada ?

(b) What are the principal difficulties and objections ?

(c) Who is negotiating on behalf of the Government of India ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) The proposals of the Canadian Government are at present under the consideration of the Government of India ;

(b) I am not yet in a position to make any statement on the subject.

(c) The negotiations are being conducted by direct correspondence between the Governments of India and Canada.

**Mr. S. Satyamurti** : For how long, have these negotiations been going on ?

**The Honourable Sir Muhammad Zafrullah Khan** : For some months.

**Mr. S. Satyamurti** : When do they hope to finish ?

**The Honourable Sir Muhammad Zafrullah** : In the course of the next few months.

GOVERNOR GENERAL'S RECOMMENDATIONS WITH REGARD TO THE SUPPLEMENTARY DEMANDS UNDER THE GENERAL AND RAILWAY BUDGETS.

140. \***Mr. S. Satyamurti** : Will the Honourable the Finance Member be pleased to state :

- (a) the date or dates of the Governor General's recommendations under section 67 of the Act with regard to the supplementary demands under the General and Railway budgets for the year ;
- (b) the form in which that recommendation is made ; and
- (c) whether a copy of the recommendations will be placed on the table of the House, and if not, why not ?

**The Honourable Sir James Grigg** : (a) There were no supplementary demands for Railways during the current year. The Governor General's recommendation for the supplementary demands under the General budget was obtained on the 4th April.

(b) and (c). This is purely a domestic matter and there is no specific form in which the recommendation is made. I would invite reference to the ruling given by the Chair on the 30th March, 1935, that a recommendation of the Governor General for a certain appropriation of revenues need not be communicated to the Assembly in a formal manner through the Chair.

**Mr. S. Satyamurti** : What is the informal manner in which they are usually communicated ?

**The Honourable Sir James Grigg** : That is a question on which the Honourable Member has already been answered.

**Mr. S. Satyamurti** : I want to know whether the recommendation is actually made. I want to know whether the Governor General at all makes the recommendation, or whether the Members of Government simply say that he has made the recommendation ?

**The Honourable Sir James Grigg** : The Honourable Member had better put that question to the legal authorities.

**Mr. S. Satyamurti** : I want to know, for the purpose of the enlightenment of this House, whether this recommendation was actually made by the Governor General as an obligation on the part of the authorities to the Members of this House ?

**Sir Lancelot Graham :** Our position remains unchanged. The actual publication of the blue book which contains the demands is evidence enough of the fact that a recommendation was made. I think you, Sir, were satisfied at the time, but I am sorry to say that we have not been able to satisfy my Honourable friend, Mr. Satyamurti. The endorsement of the recommendation of the blue book has been made merely to comfort my friend. It is quite unnecessary constitutionally.

**ALLOTMENT OF CERTAIN SHARES OF THE RESERVE BANK TO THE EMPLOYEES OF THE IMPERIAL BANK OF INDIA.**

141. **\*Mr. S. Satyamurti :** Will the Honourable the Finance Member be pleased to state :

- (a) whether it is a fact that certain shares in the Reserve Bank were promised to the employees of the Imperial Bank of India, before or after the allotment to the general public ;
- (b) if so, how many and on what principle or authority ; and
- (c) whether it is a fact that shares which are refused to the general public are being allotted to the employees of the Imperial Bank, and if so, for what reasons ?

**The Honourable Sir James Grigg :** (a) No.

(b) Does not arise.

(c) No.

**CREATION OF AN ADDITIONAL POST OF SECRETARY IN THE FINANCE DEPARTMENT.**

142. **\*Mr. S. Satyamurti :** Will the Honourable the Finance Member be pleased to state :

- (a) whether it is a fact that an additional post of Secretary, or Assistant, or Under Secretary is being created in the Finance Department of the Government of India ;
- (b) if so, for what reason ; and
- (c) whether it is not a fact that a not inconsiderable share of the work of the Finance Department has been taken over by the Reserve Bank ?

**The Honourable Sir James Grigg :** The Reserve Bank of India has taken over the currency functions of the Government of India which were previously performed by the Currency Department. The work of the Finance Department of the Government of India itself has not been appreciably affected by the inauguration of the Reserve Bank.

A post of Additional Secretary in the Department was created last winter in connection with the inauguration of the Reserve Bank. This post was held by Sir James Taylor till his appointment on the 11th February last as Deputy Governor of the Bank. It then lapsed. A post of Additional Secretary was again created with effect from the 29th March, 1935, and Mr. J. C. Nixon was appointed to it in order to deal with the special financial problems which arise in connection with the



creation of new Provinces and the inception of Provincial Autonomy, all of which is, of course, new work. It has been found necessary to afford Mr. Nixon some assistance, and Mr. K. C. Srinivasan, a Class II Officer of the Indian Audit and Accounts Service, has been placed on special duty in the Department for the purpose from the 24th July, 1935, for a period of three months. It is proposed further to appoint temporarily an Additional Under Secretary to meet the growth of work in the Department.

**Mr. S. Satyamurti :** Who sanctions these extra appointments ? Is it the Finance Department ?

**The Honourable Sir James Grigg :** I am afraid I do.

**Mr. S. Satyamurti :** May I take it, therefore, that the petitioner and the judge are the same in this case ?

**The Honourable Sir James Grigg :** Unfortunately, Sir, that is only too true.

**Mr. S. Satyamurti :** For how many years have these temporary appointments been going on in this Department ?

**The Honourable Sir James Grigg :** I am afraid my memory goes back only to 15 months.

**Mr. S. Satyamurti :** All this time, they have been having extra appointments ?

**The Honourable Sir James Grigg :** Most of the time.

**Mr. S. Satyamurti :** When do Government hope to have this Department reduced to its sanctioned strength, and not have these extra appointments ?

**The Honourable Sir James Grigg :** I should have thought from the views which the Honourable Member has expressed that the Finance Department ought to be strengthened and not weakened.

**Mr. S. Satyamurti :** Strengthened by the individuals becoming more intelligent and more efficient, and not by adding to the number of officers uselessly ?

**The Honourable Sir James Grigg :** How can that be done ?

#### NEGOTIATIONS FOR THE INDO-BURMAN TRADE AGREEMENT.

143. **\*Mr. S. Satyamurti :** Will the Honourable the Commerce Member be pleased to state :

- (a) whether the negotiations for the Indo-Burman Trade Agreement have been completed ;
- (b) if not, at what stage they are at present ;
- (c) whether Government propose to place the matter before the Assembly during this session ; and
- (d) if not, why not ?

I do not want answers to parts (a) and (b), as they have already been answered.

**The Honourable Sir Muhammad Zafrullah Khan :** That is what I was going to say myself.

(c) and (d). The Honourable Member will have noticed that the agreement has been drawn up in the form of provisional draft Orders in Council. These Orders will not assume final shape till they have been considered by Parliament under the procedure laid down in sections 309 and 475 of the Government of India Act. The Government of India are, therefore, of opinion that no useful purpose would be served by these Orders being discussed in the House at this stage.

**Mr. S. Satyamurti** : Are Government of opinion that Parliament will not pay any weight to the opinion of this House, before confirming these draft Orders in Council ?

**The Honourable Sir Muhammad Zafrullah Khan** : I have not said that.

**Mr. S. Satyamurti** : Then why do Government say that no useful purpose will be served by discussing that matter in this House ?

**The Honourable Sir Muhammad Zafrullah Khan** : As these draft Orders in Council have not yet been issued, any opinion expressed at this stage could serve no useful purpose.

**Mr. S. Satyamurti** : May I take it, therefore, that Government propose that, after these draft Orders in Council are issued, and before they are confirmed by Parliament, this House will be given an opportunity to discuss these draft Orders in Council, and express its opinion on them ?

**The Honourable Sir Muhammad Zafrullah Khan** : I cannot undertake to afford that opportunity.

**Mr. S. Satyamurti** : May I know the reasons why Government refuse to undertake the elementary duty of consulting public opinion in this country ?

**The Honourable Sir Muhammad Zafrullah Khan** : Government have in their possession a good deal of public opinion expressed on this subject in this country.

**Mr. S. Satyamurti** : Do Government think that this Assembly is not the best authority to express the public opinion of India on this vital matter ?

**The Honourable Sir Muhammad Zafrullah Khan** : I have not said that.

**Mr. S. Satyamurti** : Why, then, do Government not propose to give an opportunity to this Assembly to express its opinion on this matter ?

**The Honourable Sir Muhammad Zafrullah Khan** : I have explained my position.

**Mr. S. Satyamurti** : What is that position ?

**The Honourable Sir Muhammad Zafrullah Khan** : The position is that the matter is at a stage when it cannot be discussed in this House.

**Mr. S. Satyamurti** : Is it too early to discuss it ?

**The Honourable Sir Muhammad Zafrullah Khan :** There will be time enough for this House to express its opinion on the two agreements when they are issued as Orders in Council.

**Mr. S. Satyamurti :** I want to know if the Honourable Member proposes to consult this House after the agreement has been concluded and not before. Sir, you remember the history of this case. Are we to be treated in the same way again ?

**Mr. President (The Honourable Sir Abdur Rahim) :** The Honourable Member, the Chair thinks, has answered that question.

**Mr. S. Satyamurti :** My question is whether Government propose to say that it is too early now to submit the agreement before this House, and they propose to submit it when it is too late ?

**The Honourable Sir Muhammad Zafrullah Khan :** The position of Government is that these agreements have been arrived at between the two Governments, and, therefore, any criticism of these agreements must wait till the question of their renewal arises.

**Mr. S. Satyamurti :** Therefore, Government do not believe in taking the opinion of this House before they make up their minds !

**The Honourable Sir Muhammad Zafrullah Khan :** They have already made up their minds and have published their views on the subject.

**Mr. S. Satyamurti :** And they cannot change their mind ?

**The Honourable Sir Muhammad Zafrullah Khan :** They can, and the House will not be too late in expressing its opinion with regard to any changes which may be suggested in those agreements.

**Mr. T. S. Avinashilingam Chettiar :** When does the Honourable Member expect to place these agreements before this House ?

**The Honourable Sir Muhammad Zafrullah Khan :** It will be open to the House to take proper steps to discuss these agreements once they are published as final agreements.

**Mr. President (The Honourable Sir Abdur Rahim) :** If the Honourable Member to the left continues to interrupt by his loud conversations, the Chair cannot follow the proceeding.

#### SUGGESTION *re* IMPOSITION OF A PROHIBITIVE DUTY ON ZANZIBAR CLOVES.

144. \***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they have received a representation from the Imperial Indian Citizens' Association, Bombay, on the question of the recently passed decrees by the Government of Zanzibar ;
- (b) whether the Association suggested the imposition of a prohibitive duty on Zanzibar cloves so long as Indian grievances remain unredressed ; and
- (c) whether Government have considered their representation, and what action they propose thereon ?

**Sir Girja Shankar Bajpai :** (a) and (b). Yes.

(c) The representation is under the consideration of Government.

**Mr. S. Satyamarti :** With reference to the answer to part (c), do I understand the Honourable Member to say that they are considering all the representations, or the suggestion contained in part (b) of the question ?

**Sir Girja Shankar Bajpai :** I referred specifically to the suggestion contained in part (b) of the question.

**Maulana Shaukat Ali :** May I know whether, in considering the position of Indian settlers in Zanzibar, Government consider the position of Indian settlers to be more important than that of the original inhabitants of Zanzibar who have been doing this clove trade for several years ?

**Sir Girja Shankar Bajpai :** The protector of the original inhabitants of Zanzibar is the Government of Zanzibar, and I, therefore, cannot answer that part of the question which relates to the protection of the interests of the original inhabitants of Zanzibar. The Government of India are the protectors of Indian interests, and those interests are constantly receiving their attention.

**Maulana Shaukat Ali :** While the Indian settlers of Zanzibar complain of being exploited by the White European Settlers, there are also the original inhabitants of Zanzibar who are also exploited. If there is any discrimination made between the Indian merchants and other European merchants, Government are justified in taking action. Is it not the duty of the Government to see that the original inhabitants are not exploited by any outsider and that their interests also are not overlooked ?

**Sir Girja Shankar Bajpai :** I can assure my Honourable friend that the Government of Zanzibar will fully look after the interests of the original inhabitants of Zanzibar.

#### INDIAN MILITARY SERVICE FAMILY PENSION FUND.

145. **\*Mr. F. E. James :** (a) Will Government kindly state when the existing Indian Military Service Family Pension Fund (pre-war for regular officers of the Indian Army) was established ?

(b) What are the conditions of the Fund as to subscriptions and donations, and what are the pension and other benefits enjoyed by the families of subscribers ? When were these last determined ?

(c) When was this Fund closed to new entrants ?

(d) Do Government make any contribution to the Fund, or is it raised solely by the subscriptions of members and interest thereon ?

(e) What is the average rate of interest earned by the Fund, since it was closed to new entrants ? Has the interest thus earned been added to the capital of the Fund ?

(f) Are annual balance sheets published for the benefit of subscribers ? If not, why not ?

(g) When was the last balance-sheet published ?

(h) What is the total amount now standing to the credit of the Fund ? In what account and with what banks is that amount held ?

(i) What is the approximate present number of beneficiaries (1) actual and (2) contingent, and the total amount of pensions now being paid ?

(j) Is any actuarial valuation of assets and liabilities made periodically ? If so, what was the date and result of the last valuation ? If not, why not ?

(k) By whom and through what agency in India is the Fund administered ? Have the subscribers, as such, any direct voice or representation in the Fund ?

**Mr. G. R. F. Tottenham :** (a) 1st January, 1873:

(b) The information is available in Appendix I of Pension Regulations for the Army in India, a copy of which is in the Library. The rates of pension, etc., were last revised from 1st January, 1932.

(c) 1st January, 1915.

(d) The fund is raised solely by members' subscriptions and the interest thereon.

(e) The rates of interest since 1st January, 1915 are :

to 31st March, 1919 . . . . . 4 per cent.

1st April, 1919 to 31st October, 1928 . . . . . 5½ per cent.

1st November, 1928, to 31st December, 1932 . . . . . 5 per cent.

1st January, 1933, to 31st December, 1934 4½ per cent.

Average annual rate 4.977 per cent.

Interest, so far as it is not required for payment of current pensions, is added to the balance each half year.

(f) Yes.

(g) In November, 1934, giving the accounts for the year ending 31st March, 1934.

(h) £6,600,369-18-10 on 31st March, 1934, the last completed year for which figures are available.

The balance forms part of the general balances of the Government of India to which contributions are credited and pensions charged.

(i) As at 31st March, 1934 :

Actual	..	Widows	..	..	..	..	1,592
		Sons	..	..	..	..	205
		Daughters	..	..	..	..	1,018
Contingent		Wives	..	..	..	..	2,931
		Sons	..	..	..	..	1,376
		Daughters	..	..	..	..	2,003

Pensions paid during 1933-34 amounted to £313,729.

(j) Yes, every five years. The report of the Actuary on the last valuation was published in the Gazette of India, Army Department notification No. 672, dated the 14th November, 1931.

(k) The fund is administered by the Secretary of State for India, but the accounts of receipts and payments made in India are maintained by the Controller of Army Factory Accounts. Though the Secretary of State for India in Council has reserved to himself the absolute right to

make any alterations in the regulations of the Fund, it is his practice to obtain the wishes of the subscribers before any major alteration is carried out.

**Mr. F. E. James :** May I ask whether copies of the annual reports are made available to all subscribers and beneficiaries ?

**Mr. G. R. F. Tottenham :** Yes, Sir.

**Mr. F. E. James :** In view of the fact that the fund is raised solely from the subscriptions of members and interests thereon, will the Government of India represent to the Secretary of State the desirability of early appointment of Commissioners under section 273 of the Government of India Act and the removal of the fund from the general balances of the Government of India ?

**Mr. G. R. F. Tottenham :** A reference to the new Government of India Act which the Honourable Member has quoted makes it clear that the initiative in that matter must come from the beneficiaries of the fund. It is not for the Government to take the initiative.

**Captain Sardar Sher Muhammad Khan :** Is there any scheme under the consideration of the Government of India to open this fund to officers recruited from the Indian Military Academy ?

**Mr. G. R. F. Tottenham :** Not this fund. This fund was closed in 1915.

**Captain Sardar Sher Muhammad Khan :** Will Government create this sort of fund for the regular officers of the Indian army ?

**Mr. G. R. F. Tottenham :** I have no doubt that such arrangements will be made.

#### NUMBER OF EXCESS OFFICERS AND SUBORDINATES ON STATE RAILWAYS.

146. **\*Mr. Muhammad Ashar Ali :** (a) Is it a fact that in the Report by the Railway Board on Indian Railways for 1933-34, Volume I, under the caption ' Staff ', it has been stated :

“ It will be noticed from the statement that during the year no appointments were made in the gazetted ranks of State-managed railways, mainly on account of financial stringency and excess of officers in certain departments in consequence of abolition of a number of posts during the years 1931-32 and 1932-33 ” ?

(b) If the answer to part (a) be in the affirmative, will Government please state :

- (i) the number of excess officers ;
- (ii) the railways on which these excesses are ;
- (iii) the number of excess subordinates ; and
- (iv) the railways on which these excesses are ?

(c) If there be no excess among subordinates, will Government please state why this distinction in treatment has been made to these servants of the Crown in India ?

**Mr. P. E. Rau :** (a) Yes.

(b) and (c). Excesses existed in the superior services but were counterbalanced by vacancies in the Lower Gazetted Service ; and there

were no excesses among gasetted officers as a whole. The number of subordinates who were in excess of requirements varied from time to time. Every effort was made to absorb surplus subordinate staff but owing to the large number of such staff as compared with vacancies many of them had to be discharged.

#### INCREASE IN THE BRITISH IMPORTS INTO INDIA.

147. \***Mr. T. S. Avinashilingam Chettiar** : (a) Will Government state whether it is true that the British imports into India have increased since 1932 ? If so, by how many crores ?

(b) What are the reasons for this increase ?

(c) Is it mainly due to the Ottawa Agreement ?

(d) Have the Indian exports to Britain increased ? If so, by what amount ?

(e) Is it true that the export trade of India with other countries has suffered since the Ottawa Agreement ?

(f) If so, are Government prepared to consider the advisability of terminating the Ottawa Agreement and forming new trade agreements with other countries ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) and (d). The Honourable Member's attention is invited to the Annual Statement of the Sea-borne Trade of British India for the fiscal year ending the 31st March, 1934, Volume II, and the Accounts relating to the Sea-borne Trade and Navigation of British India for March, 1935, copies of which are in the Library of the Legislature.

(b), (c) and (e). Government do not propose to offer an opinion on these questions pending the discussion of the results of the Ottawa Agreement which has been promised for next Budget Session.

(f) Does not arise.

**Mr. T. S. Avinashilingam Chettiar** : What is the reply to the second part of (a) ?

**The Honourable Sir Muhammad Zafrullah Khan** : All this information is available in the published statements.

**Prof. N. G. Ranga** : Is it or is it not true that British imports into India have increased since 1932 ? The Honourable Member has not given a reply to that part.

**The Honourable Sir Muhammad Zafrullah Khan** : It is a matter of figures, and the Honourable Member can make the calculation himself.

**Prof. N. G. Ranga** : The Honourable Member representing Government is expected to have made the calculation and given a direct answer to the question, whether it is true or not that British imports have increased.

**The Honourable Sir Muhammad Zafrullah Khan** : I do know the results from the information contained in the published Annual Statements just as it is possible for the Honourable Member to know the results from the same statements. It is for them to draw their own

conclusions. If the statistics say that the one is 5 and the other is 7, then they could surely make a deduction and reply that the result is 2.

**Mr. T. S. Avinashilingam Chettiar** : I want to have a definite answer, " Yes ", or " No ", to my question whether the imports have increased ?

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member is referring him to the publications. He can find out the answer.

**Mr. T. S. Avinashilingam Chettiar** : Then, how to put supplementary questions ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Afterwards.

**REFUSAL OF SANCTION BY THE GOVERNOR GENERAL FOR THE INTRODUCTION OF A BILL TO AMEND THE BOMBAY PORT TRUST ACT.**

148. **\*Mr. T. S. Avinashilingam Chettiar** : (a) Will Government state whether they are aware that Mr. L. R. Tairsee, Member of the Bombay Legislative Council, had given notice of a Bill to amend the Bombay Port Trust Act so as to secure the appointment of an Indian as the Chairman of the Bombay Port Trust and that he had asked for the previous sanction of the Governor General ?

(b) Is it a fact that the Governor General has refused to give sanction for the introduction of the Bill ?

(c) Has the Indian Merchants' Chamber, Bombay, sent up a memorandum to Government in this connection ?

(d) What reply have Government given ?

**The Honourable Sir Nripendra Sircar** : (a) and (b). Yes.

(c) Yes.

(d) A copy of Government's reply is laid on the table.

No. 232-P. & L. (5)35.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE.

*Simla, the 18th July, 1935.*

FROM

H. DOW, Esquire, C.I.E., I.C.S.,  
*Joint Secretary to the Government of India,*

TO

THE SECRETARY,  
INDIAN MERCHANTS' CHAMBER,  
JEHANGIR WADIA BUILDING,  
ESPLANADE ROAD, FORT, BOMBAY.

SIR,

I am directed to reply to your letter No. 1477 of the 12th June, 1935. In that letter you ask Government to define their attitude with regard to legislation recently proposed by a member of your Chamber to render compulsory the appointment of an



Indian to the post of Chairman of the Bombay Port Trust. You further request that measures be taken to secure that all Port Trusts in India, and the Bombay Port Trust in particular, should have a majority of Indian trustees.

2. As regards the first point, I am to point out that the reasons of the Governor General for refusing assent to the introduction of a Bill under sub-section (3) of Section 80A of the Government of India Act cannot be called in question and are not open to discussion. The Government of India, however, have no difficulty in defining their own attitude to the general question. They consider that it would be contrary alike to public policy and to the interests of the port to make a statutory provision that Chairman of Port Trusts should be appointed on racial grounds. In this connection I am also to invite your attention to Section 111 (1) of the Government of India Bill which is now before Parliament.

3. As you point out, the Bombay Port Trust Act was amended as recently as 1922 in order to give wider representation to Indian business interests. It is the policy of Government to see that, in the constitution of Port Trusts, due weightage is given to all important interests concerned in the welfare of the trade of the Port, and, so far as the elected element is concerned, Government are not aware of any recent changes in relative interests of such importance as to make a further adjustment again necessary. At the same time, there seems no reason to doubt that, *pari passu* with the progress of Indianisation in Government services, those interests which have to rely on nomination by the Local Government will be increasingly represented by Indians.

4. The considerations given above apply equally to other Port Trusts in India, with regard to which also you will realise that Government must give greater weight to expressions of local opinion than to the views of your Chamber.

I have the, etc.,

(Sd.) H. DOW,

*Joint Secretary to the Government of India.*

**Mr. T. S. Avinashilingam Chettiar :** What are the grounds on which sanction was refused ?

**The Honourable Sir Nripendra Sircar :** The grounds are contained in the copy of the letter which I have laid on the table.

**Mr. S. Satyamurti :** Do Government consider that, to reserve the Chairmanship of a Port Trust to an Indian in his own country, is racial ? It is never considered racial in any other country. What are the racial considerations involved in this, please ?

**The Honourable Sir Nripendra Sircar :** They are to be found in the letter which I have laid on the table.

**Mr. S. Satyamurti :** I have read that letter where it is said that to give sanction to a Bill of this kind will mean raising racial considerations. I am asking the Government for a statement of the reasons as to why they consider reserving the Chairmanship of an Indian Port Trust to an Indian in his own country will raise racial considerations. I have never heard of such a proposition anywhere in the world.

**The Honourable Sir Nripendra Sircar :** The reasons have been stated in that letter. My Honourable friend is entitled to draw an opinion opposite to that which has been drawn by others.

**Mr. S. Satyamurti :** What is the opinion of the Government of India on which they base this statement that reserving the Chairmanship of an Indian Port Trust for Indians will raise racial considerations ?

**The Honourable Sir Nripendra Sircar :** That is contained in the letter. There is nothing further for me to add.

**Mr. S. Satyamurti :** There is nothing in that letter. *Zero plus Zero* is Zero.

**The Honourable Sir Nripendra Siroar :** That is a matter for opinion, whether it is zero or one hundred.

DIRECT REPRESENTATION OF INDIANS ON THE FIJI CENTRAL LEGISLATURE.

149. **\*Mr. T. S. Avinashilingam Chettiar :** (a) Will Government state whether it is a fact that the Central Legislature of the Fiji Islands has deprived Indians of their rights enjoyed till now in regard to direct representation on the Legislature ?

(b) Has the Indian Association approached the Colonial Office with an appeal to protect the Indian interest ?

(c) What action have Government taken in this matter ?

**Sir Girja Shankar Bajpai :** (a), (b) and (c). The Honourable Member presumably refers to a Resolution passed by the Fiji Legislative Council, recommending that for the system of election to the Legislative Council, the system of nomination should be substituted. The Indian Association, Fiji, have made representations against this proposal to the Colonial Office. The Government of India will consult the Standing Emigration Committee of the two Houses of the Central Legislature and then communicate their views to the Colonial Office.

**Mr. T. S. Avinashilingam Chettiar :** Has the Resolution come into effect ?

**Sir Girja Shankar Bajpai :** The Resolution has not come into effect. As a matter of fact, the dissolution of the Legislative Council has been postponed by one year in order to enable this question to be considered.

**Mr. Sri Prakasa :** Is it a fact that the Government of Fiji have decided to take over the municipalities of Suva and Levuka ?

**Sir Girja Shankar Bajpai :** There is a question on that subject down on the order paper. When that comes up, my Honourable friend will, I hope, get satisfaction.

BENEFIT OF POOR RELIEF TO THE INDIANS IN NATAL.

150. **\*Mr. T. S. Avinashilingam Chettiar :** (a) Are Government aware that the Finance Minister of Natal has stated, in his reply to the recent representation by the Natal Indian Congress for the extension of the benefit of poor relief to the Indian cases, that it is not possible to introduce legislation to include Indians under the Old Age Pension Scheme which applies to Europeans ?

(b) Have Government made any representations to the Government of Natal in this matter ?

(c) If so, what is the result of such representations ?

**Sir Girja Shankar Bajpai :** (a) Yes.

(b) and (c). The Minister promised to do what he could to see that some provision was made for aged and indigent Indians. No representations were considered necessary after this assurance.

**Mr. T. S. Avinashilingam Chettiar :** What is the result of the representations ?

**Sir Girja Shankar Bajpai :** They are still under consideration.

#### DEVALUATION OF INDIAN CURRENCY.

151. **\*Mr. T. S. Avinashilingam Chettiar :** (a) Are Government aware that most of the countries of the world have been devaluating their currencies ?

(b) Are Government aware that through devaluation they have been seeking to give an encouragement to their export trade ?

(c) Are Government aware that the export trade of India has considerably suffered because of this policy of devaluation adopted by other countries ?

(d) Do Government intend to devalue the Indian currency to counteract the harm done by the devaluation of currencies by other countries ?

**The Honourable Sir James Grigg :** (a) Government are aware that the currency of some countries has been devalued.

(b) The devaluation was in most cases occasioned by the absolute impossibility of preserving the old parties and not by a deliberate act of policy having for its object the encouragement of export trade.

(c) This is a matter of opinion.

(d) Certainly not. I can imagine nothing more damaging to the true interests of India, particularly those of the cultivator.

#### DEFICIT IN THE RAILWAY BUDGET.

152. **\*Mr. T. S. Avinashilingam Chettiar :** (a) Are Government aware that the actuals in the Railway Budget estimate for the current year are much below the estimates for the year ?

(b) What is Government's revised estimate for the year ?

(c) Do Government expect to have a deficit ? If so, by what amount, and how do they propose to meet the deficit ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes.

(b) It is too early to frame a revised estimate.

(c) The budget estimates anticipated a deficit of about two crores, but they were based on the assumption that our earnings would be about three crores better than last year. As, however, the earnings for the first four months are below last year's, it is likely that, unless the position improves, the deficit in the year will be considerably more than anticipated. Any deficit that is ultimately found to exist will be met by temporary borrowings from the Depreciation Fund ; but I may add that railway administrations have been asked to reduce working expenses wherever possible and to examine every possibility of increasing revenue.

**Mr. T. S. Avinashilingam Chettiar :** Do they propose to impose a cut in salaries again ?

**The Honourable Sir Muhammad Zafrullah Khan :** There is no such proposal at present under consideration.

**Mr. S. Satyamurti :** Have Government heard from the Railway administrations, in answer to their exhortation to reduce working expenses and to increase the revenue ?

**The Honourable Sir Muhammad Zafrullah Khan :** A meeting was held between the Honourable the Finance Member, the Agents of Railways, the Members of the Railway Board and myself some time ago when this question was discussed and tentative suggestions were made. The Agents were asked to consider those suggestions in detail and any others that might occur to them or be sent to them, and the question will be more fully discussed with the Agents next October.

**Mr. S. Satyamurti :** Have Government considered the particular question of rail-road competition, in respect specially of passenger traffic ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is also one of the questions that is being considered.

**Mr. S. Satyamurti :** Have Government decided that, if there is a deficit next year, they will raid the depreciation fund again ? Have they consulted the Finance Department and have the Finance Department any voice in the matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have answered that question in reading out my written answer.

**Mr. S. Satyamurti :** Have Government come to their conclusions, after consulting the Finance Department ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government includes the Finance Department.

**Prof. N. G. Ranga :** Was the suggestion ever considered of offering better facilities for third class passengers and making third class travelling more popular ?

**The Honourable Sir Muhammad Zafrullah Khan :** Yes, Government have considered that.

**Mr. S. Satyamurti :** Have Government taken any steps to see that the third class passenger is made a welcome visitor, and not an unwelcome stranger who is not wanted on the railways ?

**The Honourable Sir Muhammad Zafrullah Khan :** They are constantly considering the comfort and convenience of third class passengers and making such improvements as are possible.

**Mr. S. Satyamurti :** What are the recent improvements made ?

**The Honourable Sir Muhammad Zafrullah Khan :** One of the recent improvements contemplated is a new type of third class carriage which is in course of construction and which Honourable Members or such of them as are interested will be invited to examine in the cold weather at Delhi.

**Seth Govind Das :** Do Government really know what are the difficulties of third class passengers ?

**The Honourable Sir Muhammad Zafrullah Khan :** They are being constantly told.

**Mr. Sri Prakasa :** Does not the Honourable Member think that the best way of making third class carriages popular is to ask the high officers of Government to travel third class and give them only third class travelling allowances ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question.

**The Honourable Sir Muhammad Zafrullah Khan :** May I answer that question, Sir ?

**Mr. President** (The Honourable Sir Abdur Rahim) : It is not necessary.

**The Honourable Sir Muhammad Zafrullah Khan :** I did travel third-class myself last March, to find out.

#### DEPRECIATION ALLOWED UNDER THE INCOME-TAX RULES.

153. **\*Mr. T. S. Avinashilingam Chettiar :** (a) Will Government state whether it is true that under the Income-tax Rules, a definite sum of five per cent. is allowed on machinery for depreciation ?

(b) Is it a fact that this five per cent. is calculated on the basis that the machinery will last for twenty years, under the presumption that it is worked only during day ?

(c) Are Government aware that many of the cotton-mills, factories and others are being worked both during day and night, and yet a depreciation of only five per cent. is allowed by the Income-tax authorities ?

(d) Is it true that under the British Income-tax Law, depreciation is allowed on machineries according to the number of hours of working ?

(e) Are Government prepared to consider introducing in Indian Income-tax law the same principle allowing a depreciation according to the hours worked by the machineries concerned ?

**Mr. A. H. Lloyd :** (a) No. There is a variety of rates ranging from five per cent. to 25 per cent. but the general rate for unspecified machinery is 5 per cent.

(b) It is not a fact that the presumption mentioned by the Honourable Member has been made in estimating the probable life of different classes of machinery.

(c) Yes, except in cases where the prescribed rate of allowance exceeds 5 per cent.

(d) There is no such provision in the British law ; but I understand that in practice the Commissioners have allowed increased depreciation in the case of certain particular industries or particular mills in which unusually long hours have been worked. The industries affected do not include the cotton textile industry.

(e) Government have the whole question under consideration.

**Mr. T. S. Avinashilingam Chettiar :** On what basis is the rate of five per cent. allowed ?

**Mr. A. H. Lloyd :** Roughly on the basis that the machinery will probably last for 20 years.

**Mr. T. S. Avinashilingam Chettiar :** When a greater amount of work is done in mills, etc., as mentioned in clause (c), will Government consider a greater percentage of depreciation ?

**Mr. A. H. Lloyd :** I have answered that question in my reply to part (e) of the question.

**RECRUITMENT OF PROBATIONERS IN THE TRAFFIC DEPARTMENT OF THE CALCUTTA PORT TRUST.**

154. **\*Mr. Basanta Kumar Das :** (a) Will Government be pleased to state whether it is a fact that towards the end of the year 1929, the Commissioners for the Port of Calcutta appointed probationers in their Traffic Department in order to train them up for the officers' posts ?

(b) Were probationers in the Traffic Department of the Calcutta Port Trust appointed in the years 1930 to 1934 ?

(c) If the answer to parts (a) and (b) be in the affirmative, how many such probationers were taken in, and what different nationalities and religions do they belong to ? What are their respective qualifications and on what emoluments were they appointed ?

(d) Did the Port Trust authorities while recruiting these probationers have in view the object of absorbing them in the permanent establishment against probable vacancies which were anticipated to occur by the time the probationers completed their period of training ?

(e) What was the period of training prescribed for these probationers ?

(f) How many probationers completed their period of training in the years 1930, 1931, 1932, 1933 and 1934 ?

(g) Did any vacancy, or vacancies, occur or were any new posts created in the senior rank of Calcutta Port Trust services in the Traffic, as also in other Departments, such as Marine and Engineering, in the years 1930, 1931, 1932, 1933 and 1934 ? If so, how many of these vacancies and posts were filled up by probationers who completed their period of training ?

(h) If none of the probationers were appointed in any of the vacancies or posts in the senior rank of the Port Trust services in the Traffic or in other Departments, will Government be pleased to state the reason why they were not appointed ?

(i) Is it a fact that of the candidates from all over India who applied for appointment as 'Traffic Probationers' on that occasion, those who were, after a preliminary elimination, asked to appear before a Board for final selection were paid second class fare from their respective stations to Calcutta and back ? If so, how many of the candidates living outside Calcutta were granted interviews, and what was the amount spent on their travelling allowances ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes.

(b) Eight probationers were appointed in 1934.

(c) A statement containing the information asked for is laid on the table.

(d) Yes.

(e) Three years with the possibility of the period being extended to four years.

(f) 1930 and 1931—none.

1932—Six.

1933 and 1934—none.

(g) and (h). Vacancies in senior ranks did occur, but none of these were filled by probationers as they were not qualified to fill senior posts. No new posts were created in the senior ranks of the Traffic Department. Traffic probationers had no qualifications for posts in the Marine and Engineering branches.

(i) Yes. Twenty-six candidates were interviewed. Second class fares to and from Calcutta were given to candidates who came from outside Calcutta, but it is not possible now to give the total amount spent on travelling allowance, as a detailed investigation of old records would require to be made, involving an expenditure of time and labour that would be entirely incommensurate with the value of the results obtained.

*Statement showing the qualifications, nationality, etc., of the probationers recruited in the Traffic Department of the Calcutta Port Commissioners.*

PROBATIONERS APPOINTED IN 1929.

Educational qualifications.	Nationality.	Religion.
B. A. .. .. .	Indian .. .. .	Hindu.
Senior Cambridge .. .. .	Anglo-Indian .. .. .	Christian.
B. Sc. .. .. .	Indian .. .. .	Hindu.
Senior Cambridge .. .. .	Anglo-Indian .. .. .	Christian.
B. Sc. .. .. .	Indian .. .. .	Hindu.
B. Sc. .. .. .	Indian .. .. .	Muslim.
Senior Cambridge .. .. .	Anglo-Indian .. .. .	Christian.

PROBATIONERS APPOINTED IN 1934.

B. A. .. .. .	Indian .. .. .	Hindu.
B. A. .. .. .	Anglo-Indian .. .. .	Christian.
B. A. .. .. .	Indian .. .. .	Sikh.
Senior Cambridge .. .. .	Anglo-Indian .. .. .	Christian.
Matric .. .. .	Indian .. .. .	Hindu.
I. A. .. .. .	Anglo-Indian .. .. .	Christian.
B. A. .. .. .	Indian .. .. .	Hindu.
Senior Cambridge .. .. .	Anglo-Indian .. .. .	Christian.

All 15 probationers were appointed on a salary of Rs. 100—50—200 per mensem.

**Mr. Basanta Kumar Das** : With regard to part (i) of the question,  
 12 NOON. how many of those who came from outside were appointed ?

**The Honourable Sir Muhammad Zafrullah Khan** : I have no information at present : if the Honourable Member is anxious to have the information, I shall obtain it for him, if it is readily available.

MOTIONS FOR ADJOURNMENT.

INTERESTS OF INDIANS CONCERNED IN ZANZIBAR.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have received notice of a motion for adjournment from Pandit Govind Ballabh Pant : he proposes to ask for leave to move for an adjournment of the business of the House today with a view to discuss a matter of urgent public importance, namely, the extension of the moratorium by the Zanzibar Government and the failure of the Government to safeguard the interests of Indians concerned in Zanzibar. Have Government anything to say in the matter ?

**The Honourable Sir Nripendra Sircar** (Leader of the House) : If I might make a submission.....

**Mr. F. E. James** (Madras : European) : May I rise to a point of order ? It has been unfortunately quite impossible for Members on this side of the House to hear what the adjournment motion is on. I wonder, Sir, if you would be so kind as to explain to us what the motion is.

**Mr. President** (The Honourable Sir Abdur Rahim) : I will read it again : there is already a notice of an adjournment motion regarding the accoustics of the House. But I shall read out this motion again : it is that the business of the House be adjourned for the purpose of discussing a matter of urgent public importance, namely, the extension of the moratorium by the Zanzibar Government and the failure of the Government to safeguard the interests of Indians concerned in Zanzibar.

**The Honourable Sir Nripendra Sircar** : Sir, I say that if the matter is forced on us today, I have certain objections : but I am proposing a course which can only be sanctioned by the Chair : I understand my Honourable friend has no objection to it or rather he would like it : I have no objection to this matter coming on on Monday, reserving to myself the liberty to raise such objections as I may be advised—such objections as I might have taken today. I find that the Chair has power to do that and it has been done on previous occasions. If you agree with this course, you might let this stand over till Monday, because there is some chance of our coming to some kind of arrangement : if it is not, then the motion could be disposed of then.

**Mr. President** (The Honourable Sir Abdur Rahim) : It is very unusual to adjourn a motion of this sort for several days : I know what has been done before : it has been taken up the next day or the day after—so far as I can recollect : but, so far as I am aware, there is nothing in the rules to prevent me from doing it, and if the Honourable Member, who has given notice of the motion, has no objection, I shall take it up on Monday, and I shall hear any point of order or any objection that may be raised then.



**Pandit Govind Ballabh Pant** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : I have no objection, and I expect that the occasion for raising objections will not arise.

#### ACOUSTICS OF THE ASSEMBLY CHAMBER IN SIMLA.

**Mr. President** (The Honourable Sir Abdur Rahim) : As regards the other motion, several complaints have been made to me regarding the acoustics of this House : we are all familiar with the difficulties of making ourselves heard to the more distant parts of the House. This is a difficulty which has been experienced all along, and the matter has been under consideration whether anything can be done to improve the position, and I am hoping that before the next Session at any rate something will have been done and that the Government will help the Assembly in this matter. In the meantime, I may announce to the Members of this House that if any Member who is sitting far away wishes to speak, he may come closer to the seats available lower down.

**Pandit Lakshmi Kanta Maitra** (Presidency Division : Non-Muhammadan Rural) : What about hearing, Sir ? What about those who want to hear the Honourable Members sitting in front ? We want a ruling in respect of that.

**Mr. President** (The Honourable Sir Abdur Rahim) : Nothing more can be done now.

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#### ELECTIONS OF MEMBERS TO THE STANDING COMMITTEE ON PILGRIMAGE TO THE HEDJAZ AND THE STANDING COMMITTEE FOR ROADS.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have to inform the Assembly that upto 12 noon on Wednesday, the 4th September, 1935, the time fixed for receiving nominations for the Standing Committee on Pilgrimage to the Hedjaz and the Standing Committee for Roads, one nomination for each of the Committees was received. As there is only one vacancy in each of the Committees, I declare Khan Sahib Shaikh Fazl-i-Haq Piracha and Pandit Lakshmi Kanta Maitra to be duly elected to the Standing Committee on Pilgrimage to the Hedjaz and the Standing Committee for Roads, respectively.

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#### THE CRIMINAL LAW AMENDMENT BILL.

**The Honourable Sir Henry Craik** (Home Member) : Sir, I must begin.....

**Sardar Sant Singh** (West Punjab : Sikh) : May I rise to a point of order in this connection ? The copy of the Bill that was introduced in this House some days back contains a mere reference to certain sections of the Criminal Law Amendment Act of 1932. May I know if Honourable Members of this House wishing to propose certain amendments to the various sections—will those amendments be directed to the Act which has not yet expired or will the amendments be directed with reference to the clauses there ?

**Mr. President** (The Honourable Sir Abdur Rahim) : That question does not arise at present : when the time comes, the Honourable Member can raise his point.

**The Honourable Sir Henry Craik :** I was going to say that I owe an apology to the House for the somewhat unintelligible form of the Bill which I am asking it to take into consideration. But that is the worst of amending and consolidating Bills, that they are not intelligible unless they are read in connection with the original Acts. I have, however, made arrangements that copies of the original Acts, that is the Emergency Press Act of 1931 and the Criminal Law Amendment Act of 1932, should be placed in the hands of Honourable Members, and I hope that those are now in the possession of all Honourable Members.....

**Some Honourable Members :** Not all Members : only half.

**The Honourable Sir Henry Craik :** I can only regret that, but I have done my best, and I think probably more copies will be available today. Meanwhile, I might venture to suggest that if Honourable Members would follow my observations by the Act of 1932, they will, I think, be able to find them intelligible.

The House is aware that the Criminal Law Amendment Act, passed in 1932, expires about three months hence. The Bill which I am now asking the House to take into consideration proposes to renew most but not all of the provisions of that Act. It adds nothing new to that Act. I am very conscious that in inviting the House to share the responsibility of renewing those provisions I am asking it to undertake a very real responsibility ; but I would ask the House to believe that we should not have made this request had we not been honestly convinced that we should have been false to our own responsibility if we had decided to take what would obviously have been a far easier course.....

**Sardar Sant Singh :** What is the motion before the House ?

**The Honourable Sir Henry Craik :** I will move it at the end of my speech : I was saying that we would have been false to our own responsibility if we had decided to take what would obviously have been a far easier course and decided to discard the weapons which the present Act provides for dealing with movements which threaten the peaceful progress of India.

**Sardar Sant Singh :** What is the motion before the House ?

**The Honourable Sir Henry Craik :** The motion before the House is that the Bill be taken into consideration. I can move it at the end of my speech.

**Sardar Sant Singh :** In that case, I will be deprived of the opportunity of raising my point of order.

**Mr. President** (The Honourable Sir Abdur Rahim) : That is the usual practice.

**Sardar Sant Singh :** If he moves it at the end of his speech, then I cannot move.....

**Mr. President** (The Honourable Sir Abdur Rahim) : What is the Honourable Member's point of order ?

**Sardar Sant Singh :** My point is that there is no proper Bill before the House.

**Mr. President** (The Honourable Sir Abdur Rahim) : Then the Honourable Member ought to have objected at the introduction stage.

**Sardar Sant Singh** : The convention is not to oppose a Bill at the introduction stage. Now, there is no proper Bill before the House.

**Mr. President** (The Honourable Sir Abdur Rahim) : What is the meaning of "no proper Bill before the House" ?

**Sardar Sant Singh** : My submission is that the Bill is framed in such a way,—for instance, I will read clause 2 of the Bill. It says :

"Sub-section (3) of section 1 and sections 2, 3, 4, 6, 8, 15, 17 and 20 of the Criminal Law Amendment Act, 1932, are hereby repealed."

Then, clause 4 says :

"In sub-section (4) of section 1 of the Criminal Law Amendment Act, 1932, the words and figures....."

**Mr. President** (The Honourable Sir Abdur Rahim) : What is the objection ?

**Sardar Sant Singh** : My objection is that, during the Second Reading stage, if Honourable Members of this House wish to propose certain amendments, it will not be possible for them to do so in the absence of the wording of the clauses that are not given in the Bill itself. We cannot, of course, be expected to propose amendments to the sections of an Act that has not yet expired.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair does not think that is a proper objection.

**Sardar Sant Singh** : Sir, the Act has not expired yet.

**Mr. President** (The Honourable Sir Abdur Rahim) : All the Chair can say at present is that the Honourable Member must make his best attempt to frame any amendment he likes, and, if he finds any difficulty, he can ask for a ruling from the Chair as to whether the form adopted by him is in proper form or not.

**Mr. Mohan Lal Saksena** (Lucknow Division : Non-Muhammadan Rural) : I rise to a point of order, Sir. At page 27 of the Legislative Manual of Business and Procedure, in paragraph 76, it is stated—I am referring to the proviso at the bottom of the page :

"Provided that no such motion shall be made until after copies of the Bill have been made available for the use of Members, and that any Member may object to any such motion being made unless copies of the Bill have been so made available for three days before the day on which the motion is made."

My objection is this, that the motion is being made today, and three days before today copies of the Bill were not made available.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair understands copies of the Bill were placed on the table on the morning of the second.

**Mr. Mohan Lal Saksena** : No doubt, a copy of the Bill was made available on the morning of the second, but my submission is this, it is not three days, and the Bill is not complete by itself, because it relates to another Act which is made available only today, and only a few Honourable Members have got copies.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair does not think there is any substance in the point of order. The Bill was made available on the morning of the second.

**The Honourable Sir Henry Craik :** The Act of 1932 was admittedly directed mainly, but not entirely, against the Civil Disobedience Movement. In putting it before the House in 1932, Sir Harry Haig made it quite clear that Government had in mind not only the Civil Disobedience Movement, but two other threats to peaceful progress, namely, terrorism and Communism. To these I would like to add what now seems to be an even more dangerous threat, and that is the baneful shadow of communal dissension. That evil is, to our deep regret, becoming day by day a graver menace to the peace of the country. It is against these three dangers, terrorism, Communism and communal unrest, as well as against Civil Disobedience, that the existing Act provides most necessary safeguards, and we should be acting contrary to our convictions, and, in our view, endangering the peace of the country, if we had decided to relax these safeguards so long as the triple menace in question is still in existence....

**An Honourable Member :** Quadruple.

**The Honourable Sir Henry Craik :** Triple, I think.

**An Honourable Member :** Civil Disobedience.

**The Honourable Sir Henry Craik :** I am coming to Civil Disobedience. As regards Civil Disobedience, it is, of course, accepted that the movement has been suspended. I have the highest authority, that of the Congress President himself, for the statement that while it has been suspended, it has not been stopped.....

**An Honourable Member :** Thank God.

**The Honourable Sir Henry Craik :** But certain manifestations of that movement have now been quiescent for a long time, and it is for this reason that we have decided to drop those sections of the existing Act that are directed particularly against such manifestations, but at the same time we cannot ignore the possibility that there may be a revival of Civil Disobedience in the comparatively near future. That is another possibility in addition to the triple menace to which I have referred which we have constantly to bear in mind.

Sir, before coming to the actual details of the Bill, I think I owe it to the House to explain why my motion is for consideration and not for reference to a Select Committee. For one thing time is an important consideration, though not, I quite admit, the conclusive consideration, but my main reason for not suggesting that the Bill should be referred to a Select Committee is the fact that while we are dropping certain provisions of the existing law, we are not adding in any way to the existing law,—our Bill includes nothing whatever that is new. Now the provisions of the existing law have of course been before the country for the last three years, and all interested in the question, directly or indirectly, must be familiar with those provisions. The existing Act was discussed at very great length in this Assembly in 1932. The discussion lasted, I think, for no less than 19 days, apart from the discussion in the Select Committee. In these circumstances, we do not consider that it is desirable or necessary that this Bill should be committed to a Select Committee to be considered in detail. We think it preferable that consideration should take place before a Committee of the whole House.

Sir, the first operative clause of the Bill is that which repeals certain sections of the Criminal Law Amendment Act of 1932, and perhaps the

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most important and certainly the most contentious of these is the sub-clause which repeals the sub-section of the Act of 1932 which limited the duration of that Act to three years, or, in other words, the sub-clause which proposes to give permanency to those measures which we suggest should be retained. The House will, of course, expect some justification of that proposal. It may be argued, and no doubt will be argued, that if the Act of 1932 was limited in its duration to three years, why should it be now considered necessary to make part of the Act permanent? In the first place, I would like to remind the House that the Act of 1932, when introduced in the form of a Bill, was designed to be permanent. It was only in its passage through the Select Committee that Government accepted the proposal that its duration should be limited. Events have proved, in our view though I have no doubt not in the view of Honourable Members opposite, that the period given was not, in fact, long enough. Then there is the general consideration that temporary legislation designed to counter subversive movements must have this unsatisfactory feature, that it encourages those who are promoting such movements to cherish the hope that the time will come when their unlawful activities can be resumed. There is no inducement for them to drop plotting and planning for the future. There is, in fact, no inducement for them to bring about what we so ardently desire, and that is a change of heart. On the other hand, a permanent Act can always be repealed if the Government and the Legislature are satisfied that it is no longer required. Now, Sir, that of course is a general consideration with which no doubt all will not agree. And it is not really our primary or main reason for proposing to give this Bill permanency. Our main reason is that of the three dangers to which I have referred, terrorism, communal unrest, and the communist movement, it is impossible to foresee any reasonable period of time within which, at any rate, the first two of these will not be a serious menace to the public peace. The terrorist movement has now been in existence for over thirty years, and though I admit that there has been some improvement recently in this respect, at any rate in Bengal, partly owing to the sterner measures adopted to deal with it, and, partly, I gladly acknowledge, owing to the revulsion of public opinion against the movement, yet the movement is still active and is still drawing recruits and it is impossible at present for us to relax any of our more important precautions. In the last three or four months, there have been several murders and attempted murders—I am speaking of India as a whole and not only of Bengal.....

**An Honourable Member :** Including Jubbulpore.

**The Honourable Sir Henry Craik :** .....and numerous other instances pointing to the conclusion that terrorist conspiracies are still in being. In the north of India we have reason to think that there has been within the last few months a distinct revival of terrorism. As regards the second grave danger, I mean communal unrest, I regret that I can recall no time within my long experience of India when tension has been more acute.....

**An Honourable Member :** So long as the third party remains.

**The Honourable Sir Henry Craik :** .....and more widespread, nor I think any time when all thoughtful opinion, both official and non-official, has been more apprehensive of the future.

**An Honourable Member** : Is not the Communal Award responsible for it ? (There were other interruptions also.)

**The Honourable Sir Henry Craik** : I would ask Honourable Members not to interrupt me.

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order. The Honourable Member is making a serious proposal, and the Chair hopes Honourable Members will listen to what the Honourable the Home Member has to say without interrupting him.

**The Honourable Sir Henry Craik** : I have dealt with terrorism and communal unrest. As regards the third menace, the Communist movement the danger of that movement is one which, I think, is not perhaps fully appreciated by the general public. And that is, of course, very natural. It is not for obvious reasons possible for us to publish all the information we obtain about that movement, but I can assure the House that it is a movement which is becoming steadily and increasingly active and that it is a serious threat, not merely to Government, but to the whole fabric and organisation of society as at present constituted. I will, if the House will allow me, amplify that point at a later stage in the course of my remarks.

I have given very briefly our reasons for making this measure permanent. I do not propose to examine the question of permanency in relation to each individual clause ; that would hardly be within the scope of a second reading speech. But I would like to emphasise this. The Bill is intended as a safeguard against revolutionary and subversive movements generally, and in particular, against the three imminent dangers to the public peace which I have described. As regards none of these dangers can we foresee at present any reasonable time when we can safely relax our precautions.

I will now deal with individual clauses of the Bill. To begin with, as I have said, recognising the fact that Civil Disobedience is in abeyance, we are proposing the repeal of five sections which deal with particular forms of the illegal manifestations of that movement. The first is section 2—I am referring throughout to the Act of 1932. We propose to repeal section 2 which deals with the offence of dissuading from enlisting in the Army, Navy, Air force or Police service, section 3 which deals with inducing or attempting to induce public servants to fail in their duty, section 4 which deals with the boycott of public servants, section 6 which makes penal the dissemination of false rumours, and section 8 which confers power on the Courts to compel the parent or guardian of a young person convicted of certain offences to pay the fine inflicted. All these provisions are proposed to be repealed. We propose to retain section 5 which, as I explained at the introduction stage, fills an obvious gap in the ordinary law. That section makes it penal to republish, in whole or in part, a document which has once been proscribed.

Now I come to section 7, a more important section than any of those with which I have dealt already. Section 7 deals with the offence of picketing. It is proposed to retain this section and also to retain the provision that it does not automatically come into force in any area but comes into force only when it is notified by the Local Government. It might, of course, be argued and perhaps will be argued that picketing was a form and indeed one of the principal forms of the Civil Disobe-

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dience Movement. We recognise that that movement is in abeyance, that picketing by promoters of that movement has been stopped, but that is not the reason why we are seeking to retain this section. Every Local Government or practically every Local Government, every Administration in India has stressed the necessity for its retention, for although it is perfectly true that picketing was started as part of the Civil Disobedience Movement or anyhow became a very prominent feature of the Civil Disobedience Movement, it is what I feel I must describe as an evil legacy left by that movement, which has been adopted as a regular method of expressing opposition to Government or opposition to any private persons with whom the picketers happen to differ on religious, political or economic grounds. I will develop that point in a moment but in any case picketing is undoubtedly a form of intimidation and a grave invasion of private rights. As my predecessor said, the public must be protected against this particular form of tyranny. To illustrate what I said just now about picketing having been adopted as a regular method of expressing opposition either to Government or to private persons, I have information to show that picketing is now constantly employed in strikes, more particularly in strikes of Communist origin, and that when so employed it almost invariably leads to violence. Section 7, the section which we propose to retain, has actually been found most useful in dealing with that form of picketing, quite apart from the Civil Disobedience Movement, particularly in Bombay and in Nagpur. In Burma, picketing of an intensive type is a very common feature of school strikes and rapidly becomes intimidation in an extreme form. In the Punjab too this feature has been present. Picketing was employed there only recently in a strike by the students of a Hindu technical institution, not a Government institution. The strike was directed not against Government in any way but against the private persons who were the managing body of that institution. There was another case of picketing in a Government Engineering College which certainly did lead to force and violence. I have rather an interesting story to tell the House as to this form of the use of picketing. In Amritsar there were two rival cinema houses, situated close together, and the proprietor of one of those houses managed to get hold of a particularly popular film, an Indian film. The proprietor of the other house saw all his clientele going day after day into the rival house. So he decided that that would not do at all. He spread about rumours that the film in question contained several gross insults to the Islamic religion and he hired men to picket the rival Cinema house. That went on for several days. The police had to be called in. There were several assaults and so far as I remember there was a really grave danger to the public peace. The movement was put down only by dealing with the picketers under this section. Eventually a small committee of leading and respected Muslims was appointed to undertake a private censorship of the film. They said that there was nothing whatever in the film that could be claimed even by the wildest stretch of imagination to contain any sort of insulting reference to Islam. It was merely a trade dodge to prevent people going into the rival cinema house.

Sir, the experience of every province has been that picketing almost invariably leads to disorder and violence even when it was employed by people who nominally follow the creed of non-violence and that, I think, is sufficient justification for the retention of section 7.

I need not detain the House for more than a minute or two on the next two sections which are of comparatively minor importance and which it is proposed to retain with a few small consequential amendments. The offence of picketing will continue to be cognisable and non-bailable. This is essential, because persons, who are exposed to picketing, have very seldom in our experience the courage to institute complaints. Section 11, another section which is to be retained, gives the Government of India, as opposed to Local Governments, power to declare an association an unlawful association. That was a provision of the original Act of 1908 but it was dropped when the Act was amended in 1922. It is obviously a matter of convenience that in the case of associations of an all-India character which it is necessary to declare unlawful the declaration should be by the Government of India.

Next I come to an important and, I admit, a very controversial section, that is section 13 of the present Act of 1932. That was the section that added six new sections to Act XIV of 1908, the Act which gives Government power to declare associations to be unlawful. The new sections gave Government power to notify and take possession of places used by unlawful associations, to take possession of moveable property found in such places, and to forfeit the funds of such associations. Now my broad general case for the retention of these powers is as follows. If you admit that Government should have the power of formally declaring as unlawful certain associations, certain subversive movements, then I claim that that power should be of an effective nature, that is to say, it should be sufficient to enable Government to bring to a halt the activities of the association which has been declared unlawful. The Act of 1908, without these additions, has been found in practice to be of comparatively little use. It only makes possible the institution of proceedings against individuals either for being members of the unlawful association or for assisting in its activities or in its management. Without these additions, the Act gave no practical power of suppressing the association itself; and in the case of dangerous subversive movements, I submit that what you want, what is really a more effective and indeed humane remedy, is not to prosecute individuals but to suppress the association. Assuming that the revolutionary movements which I have spoken of continue, then it is our case that Government will remain under the duty of countering such associations, and this, we consider, can only be effected if Government has the power to seize their headquarters and to confiscate their funds. Remember that such headquarters have only one purpose, and that is an unlawful purpose. These powers will be specially useful, in our judgment, in dealing with Communist associations—and there are many such associations operating secretly and underground. Their literature, their propaganda and their stock-in-trade are often secreted in carefully concealed headquarters. They are, to our knowledge, receiving regular and steady remittances of money from abroad; and although it is not easy to lay hands on such remittances, the knowledge that we have the power to do so at any rate closes the ordinary channels of communication and adds to the difficulties of the organization. It is, moreover, likely to deter people from subscribing to such movements.

I am well aware that the use of the special additions made by the Act of 1932 to the Act of 1908 has been criticized; the use of these sections has been criticized especially in regard to their application to



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Congress organizations. Now, I am not at the moment going to defend their use ; it would hardly be relevant, but I want to point out that those powers have frequently been used in the past against unlawful associations completely distinct from and having no connection with Congress. They have been used against terrorist organizations and latterly against several Communist bodies, and I believe in Burma against a number of associations connected with the recent disastrous rebellion.

Sir, I have spoken more than once of Communism, and I have said that it is a growing danger the seriousness of which is perhaps not generally appreciated by the public. Perhaps I may be allowed at this stage to amplify those remarks, because Communism is one of the three subversive movements against which this Bill is directed. The movement, as I have said, works underground, in India at any rate, and the average citizen knows comparatively little about it. But those of us who have had the chance of studying its methods and its literature are left in no kind of doubt that it aims at bringing about, as quickly as it can, an armed revolution. That revolution is to be brought about—I quote their own words—"by the armed insurrection of the widest possible masses of the working class, the peasantry, and the revolutionary petty bourgeoisie". The movement is, of course, aimed against all forms of what is broadly described as "imperialism", but it is even more hostile to the political aims and methods of the Honourable gentlemen opposite. (Laughter.)

**An Honourable Member :** Not hostile to yourself ?

**The Honourable Sir Henry Craik :** The Communist movement condemns the objects and aims of the Congress Party root and branch, and it seems to be specially hostile, curiously enough, to the left wing of the Congress—to what is generally known as the Congress Socialist Party, which in a very recent publication it described as "having the aim of drawing the oppressed and exploited masses to its side under the show of sham socialist promises". Its latest pronouncements are absolutely opposed to any alliance, any form of alliance, with any section of the Congress. Its object is—here again I quote its own words—"to be a completely independent political organization of the vanguard of the working classes, carrying on a merciless struggle both against Imperialism and against Bourgeois National Reformism", that is, against the Congress movement. (Laughter.) The first step in its struggle is to be the organization of political general strikes, and from that it is of course an easy step to an armed rising of the masses, with the object of sweeping away, not only the Government but the whole fabric of society as now constituted, including of course eventually all religions and all the great social structures which in this country are based on religion. At the moment the objects of the Communist Party are directed especially towards a general strike ; and with this object it is trying—I am glad to say not very successfully—to capture the genuine trades unions. What the genuine trades unions themselves think of the Communist Party, I have ample evidence to show. They are perfectly alive to the danger, and in some cases have expelled from their unions people who are avowed Communists. (Interruptions.) In one case an important Railway Union, one of the largest, I believe, in India, expelled the Communists from its body,

and the General Secretary of the union issued a statement which I should like to quote. He said :

" We have now come to realise that these organisers (*that is the communists*) are not primarily interested in the immediate work of the genuine trades unions. Belonging as they do to the communist school of thought and openly professing the communist philosophy involving undisguised preaching of violence, they were primarily interested in exploiting the union for their specific objective. We find them giving the slogan of a general political strike in season and out of season, when we definitely know that the workers in their present disorganised condition cannot be effectively mobilised to a strike even for their own economic demands."

He added :

" Many of the branches strongly protested against the activity of these Communist workers and the headquarters of the union have been called upon to disown and denounce their policy."

Now, Sir, surely nobody can deny that that is potentially a most dangerous movement. Remember that it is financed largely from outside India. There is a regular traffic, I am sorry to say, of young Indians being sent to Moscow for training in Communist and revolutionary methods.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Question !

**The Honourable Sir Henry Craik** : I am absolutely sure of my facts, and I can quote instance after instance. It is absurd to say "question". Some of these young men actually found their way back to India and are actively engaged in propagating the Communist doctrine of violent rebellion.

Now, Sir, I leave that subject and come to what is probably the most controversial part of what I fear is likely to be an extremely controversial Bill, and that is sections 14, 15 and 16 of the existing Act, which continued in its present form the Emergency Press Act of 1931. We propose that those provisions should be continued. Now, on this subject of the history and activities of the Indian Press I have an almost embarrassing amount of material and I have had considerable difficulty in picking and choosing what I should place before the House today. I think, however, that it is desirable that I should begin by briefly reminding the House of the recent history of press legislation. In 1910 a Press Act was passed which was broadly, though not in details, on the lines of the Act now in force, that is to say, the Emergency Act of 1931. It enabled security to be demanded and in certain cases to be forfeited and so on. That Act was passed in 1910 and continued in force till 1922 when it was repealed. After its repeal for a period of about eight years, that is until the promulgation of the first Ordinance of April 1930, the only control that could be exercised over the Press was under the ordinary law, that is the Indian Penal Code and the Criminal Procedure Code. The experience of those eight years showed that the ordinary law was entirely insufficient to stop inflammatory writings of the most dangerous description in support of terrorism, in praise of terrorist murderers and in the most violent incitement to communal hatred. I think a collection of extracts has been circulated or is going to be circulated to Honourable Members to illustrate that and I will not weary the House with extracts now. I hope at a later stage of the debate other speakers may have an opportunity of amplifying this point and may also have an opportunity of describing how for those eight years a large section of the Press—I do not say, of course, the whole Press but I must say that it was an important section of the Press—was

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devoted to encouraging terrorism and to praising terrorist murderers. I would only like to read to the House one little extract to show that my view is shared (or was shared) in a somewhat unexpected quarter. The extract is from an article published on the 28th of May, 1931, and the writer said :

“ I have before me extracts from journals containing some gruesome news, that is, communal incitement, gross misrepresentation and incitement to political violence bordering on murder.”

The writer of those lines, Sir, was Mahatma Gandhi himself and the article appeared in his paper *Young India* on the 28th of May, 1931.

Now, I have said that, apart from encouragement to terrorism in those eight years in which the press was under no control, there was steady fomentation and encouragement of communal hatred by a certain section of the press. The House will remember that in April, 1926, there were very serious communal riots in Calcutta which lasted, so far as I remember, for some months off and on. In 1927 the Bengal Government reported that since the riots of April, 1926 :

“ Almost every Indian newspaper, forgetful of the larger issues at stake, completely lost its balance and ranging itself uncompromisingly on the side of dissension proceeded to fill its pages with the most provocative articles and to indulge in the most extravagant and biased accounts of alleged incidents. Naturally, the result of this irresponsibility on the part of the Press, together with the equally irresponsible references of a number of prominent Indians, was to spread discord and unrest throughout the mofussil.”

The same thing was happening at the same time in the Punjab, where I was then working. Throughout 1926 and in the early part of 1927 the communal situation was most serious and it culminated in severe riots at Lahore in May, 1927, when 27 persons were killed and about 300 wounded as a result of mob violence. Shortly after these riots, the Punjab Government reported as follows :

“ It is notorious that many weekly and daily newspapers depend for their circulation on the publication of matter deliberately designed to increase communal hostility and that there exists a considerable class of pamphleteers and cartoonists who thrive by the dissemination of such matter. It is generally admitted by those in close touch with the journalistic profession that the more exaggerated are the stories to which they give currency and the more alarmist the rumours which they spread, the greater is their sale.”

That is the sad part of it. It is done only for pecuniary gain. The letter went on to say :

“ Attacks on religious leaders are by no means the only stock-in-trade of these journals, nor are they the monopoly of any one community. Vilification of historical personages is another common feature. Thus, abuse of Shivaji appears in Muslim papers, while Timur, Aurungzeb and Mohammad Bin Kasim are frequently held up to obloquy in Hindu journals. Several papers make it a practice to quote obscene passages, especially those dealing with sexual relations, from the scriptures of the opposite religion and the social habits of the different communities are constantly held up to ridicule.”

Now, Sir, that was the situation which led up to the promulgation of the first Press Ordinance in April, 1930. The situation was, of course, aggravated by the launching of the Civil Disobedience Movement and the Ordinance was necessitated partly by that but mainly by the very dangerous situation that had by then arisen in regard to terrorism. The Ordinance was promulgated in April, 1930, and expired towards the end

of October of the same year. Within one month of its expiry inflammatory writings were again appearing in the Press and, of course, the Ordinance having expired there was no means left but the ordinary law from checking them. Writing on the 13th December, 1930, that is, about six weeks after the expiry of the Ordinance, the Punjab Government reported :

“ Since the Indian Press Ordinance of 1930 lapsed the tone of the Indian-edited newspapers in the Punjab has steadily deteriorated and recently articles of such virulence have appeared as to indicate that the ordinary law has no terrors for editors who are bent on creating disaffection against Government. Since the expiry of the Ordinance prosecutions under section 124-A of the Indian Penal Code have been ordered in two cases and proscriptions in two other cases on account of articles published in the newspapers. But these are only extreme cases where the law has been manifestly broken. Apart from such cases there is a daily flood of articles on the border line, all of which are calculated to arouse disaffection, although they may not be of sufficient virulence to make it worth while to prosecute.”

Only 19 days after the lapse of the Ordinance, a Bihar paper published the following poem which is a rough translation :

“ Set fire to every house ”  
 “ Stir up life everywhere ”  
 “ Allow the breast to be riddled by gun shot ”  
 “ Drive out the country's enemies ”  
 “ Dye the cloth with your blood ”  
 “ Destroy the British rule ”  
 “ Let the head hang on the gallows ”  
 “ Throw away the foreign goods.”

**An Honourable Member :** What is the name of the paper which published this poem ?

**The Honourable Sir Henry Craik :** I had better not mention the name of the paper. All the other Local Governments similarly reported a rapid deterioration in the tone of the Press and the publication of articles which would have come within the provisions of the Ordinance had it been in force. The Bengal Government, for instance, said :

“ Many papers threw off all pretence of opposition to violence. Several papers openly expressed sentiments of approval of the Chittagong Armoury Raid. The *Swadhamith* features an article entitled ‘ Bravo Chittagong ’. An attempt on the life of Sir Charles Tegart passed almost un-noticed, such sympathy as there was being almost entirely for the assassins, one of whom was killed by his own bomb. The assassinations of Mr. Lowman and Lieutenant-Colonel Simpson were condemned so half-heartedly as to leave no doubt as to the insincerity of the writers, while the murderers were praised.”

That was the situation when the second Ordinance had to be promulgated in December, 1930. It was necessitated by the complete and rapid deterioration of the Press all over the country in every Province, practically immediately the first Ordinance lapsed. The second Ordinance lasted till the 6th March, 1931, when all the Ordinances were withdrawn after the Pact. Then, again, from March, 1931, till October of that year, a period of about seven months, there was no further control over the Press other than the ordinary law, but unfortunately any hope that the extremist Press would observe a reasonable amount of restraint was disappointed. In all Provinces there was once again an immediate and steady deterioration. In Bengal direct or indirect approbation of terrorism in the Press gained in volume and boldness of expression. Apart from the open glorification of terrorist murderers there were constant histories of revolution

[Sir Henry Craik.]

in different countries and of the lives of revolutionaries, constant poems extolling revolutionary activities in language designedly obscure and professed condemnation of terrorist crimes, coupled with the praise of the self-sacrifice and idealism of the terrorist murderers :

“ There can be no manner of doubt ”,

—the Bengal Government wrote at that time, that was in 1931,—

“ that this elevation of cowardly murder to the plane of heroism and the criminal's expiation of his crime to that of martyrdom had an enormous effect in inciting immature and sentimental minds to follow the example of these so-called patriots. There is no possibility that better counsels will prevail or that the more sober and saner section of society will have any influence in restraining the Press. It is true that there has been a slight improvement in the local Press in the last few days, but this is attributable solely.....”

—this, I think, is significant,—

“ to fear bred of talk and rumour that the Press Ordinance is to be revived.”

Thus, in the periods from 1922 to early 1930, in November, 1930 and in March and April, 1931, similar causes produced exactly similar effects.

So much for past history of Press legislation. I have shown, I think conclusively, from the experience of no less than three periods, that whenever the control of the Press has been relaxed there has been in certain sections an immediate and dangerous deterioration in its tone. It is idle to argue in face of these incontrovertible facts that all sections of the Press are actuated by a proper sense of responsibility. But the point I wish to make is this, that responsible and properly conducted newspapers which do not indulge in such writings have nothing to fear from this law.

Now, there is one other point in this connection and that is the complete inadequacy of the permanent laws embodied in the Indian Penal Code and the Criminal Procedure Code to restrain the undesirable activities of the Press. I quote again from a letter of a Local Government dealing with this very point :

“ The power of proscription under section 99-A of the Procedure Code is of little avail because the objectionable matter is already published and in circulation before Government can take action. In fact in some cases proscription merely gives an undesirable advertisement to the document which is proscribed. Action under section 108,”.....

—that is the security section of the Criminal Procedure Code,—

“ and prosecutions under sections 124-A and 153-A ”.....

—that is, for promoting communal hatred,—

“ are rendered fruitless by the employment of dummy editors, publishers or printers who are put up for prosecution while the actual person responsible cannot be touched by the law. This practice was not new in 1927.”

This practice is a very old one and has been I believe common in Bengal so far back as 1907. In the north of India during the eight years that there was no control over the Press it became in the case of these gutter journals a regular practice :

“ While proceedings under the Criminal Procedure Code or the Penal Code are frequently protracted, there is nothing in the existing law to restrain the offending press or newspaper from republishing the very matter which is the subject of prosecution.”

Actually to my personal knowledge there is nothing which some of the lowest class of journals welcome more than a criminal prosecution.

Only the dummy editor goes to jail, and the more protracted the prosecution, the greater is the advertisement and the higher goes the circulation of the paper. In the Punjab in the year 1926,—that was when there was of course no special law,—prosecutions under section 153-A, i.e., for incitement to communal unrest, were instituted against the editors of seven newspapers, three being Muslims, two Hindus and two Sikhs. In the first eight months of 1927,—that was when communal unrest was extremely bad and the House will remember that there was a serious communal riot in May, 1927,—the Punjab Government proscribed 11 newspapers and eight books. During the same period 17 papers were warned and proceedings taken under section 153-A of the Indian Penal Code or section 108 of the Criminal Procedure Code against these newspapers. These proceedings, however, had little or no effect in restraining the dissemination of undesirable matter. The Punjab Government's letter went on to say :

“ At the present moment (August, 1927), the tone of the vernacular press as a whole is probably more virulent and more obscene than at any time since 1922.”

That was the year when the Press Act was repealed :

“ The power to proscribe publications that offend..... is of little practical use in the case of newspapers, for objectionable articles can obviously only come to the knowledge of Government after publication, and once a newspaper has obtained two or three hours' start the mischief is done.”

Then, the letter went on to deal with what I have said was a common practice, and I am afraid still is in some cases, of employing dummy editors, and I should like the House to listen to this quotation because it shows how this practice renders the common law of the land entirely futile :

“ Within a short period as many as 10 successive editors were registered for the *Siyasat* of Lahore. The *Zamindar* has in recent years been warned no less than 14 times ; and about a dozen separate prosecutions under the Penal Code have been instituted, most of which have ended in conviction. In not one of these prosecutions, however, was it possible to proceed against the real editor and proprietor. On each occasion a dummy editor had been the victim. Only a few days ago on the arrest of such a nominal editor under section 153-A..... a man who is illiterate and totally blind has been registered as editor of the journal. Similarly on the recent conviction of the editor and proprietor of the *Muslim Outlook* for contempt of court in respect of an article commenting on a High Court judgment, the nominal editorship of this daily paper passed to a man who was formerly a railway guard and later a member of a gang of currency notes forgers, who has escaped conviction by becoming an approver. The present editor of a Sikh newspaper which is now being prosecuted under the Indian States (Protection against Disaffection) Act, 1922, is an *ex-convict*, a barber by caste, who was for a time a *syce* in a labour corps and was sentenced to imprisonment for desertion. Nearly all the worst vernacular journals have dummy editors of this type, most of them being *ex-convicts* for whom imprisonment is no real deterrent.”

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : We are all *ex-convicts* on this side.

**The Honourable Sir Henry Craik** : Then imprisonment has no terror for you also. But you don't forge currency notes.

As regards the press provisions I want to emphasise the point that we have no desire whatever to throttle criticism even of the most vigorous kind, provided it is not based on malicious lies and false rumours. The Act is not directed and has not been used against responsible newspapers or presses. It has been used, I claim, with moderation and restraint. I will not quote figures now but no doubt they will come up later in the debate.

[Sir Henry Craik.]

So much, Sir, for the Press Act. I do not think I need trouble the House at this stage with any observations on the remaining sections of the Act of 1932 as none of them are really of any great importance.

Sir, I have endeavoured to present the case for my Bill as dispassionately as possible. I have endeavoured to justify its provisions in no offensive spirit. I am extremely grateful to the House for the patient hearing which they have given me. I should like, before I sit down, to repeat my hope that the debate which will follow will be conducted, though I know it must be controversial, without undue heat or undue bitterness. Many Honourable Members will no doubt differ from us but I would ask them at any rate to give us credit for acting on our sincere convictions. We have to bear in mind two main considerations, we have to keep before us two objects which we think it our duty to pursue. The first is that we have to hand over to the new Governments which are very shortly coming into existence an administrative machine provided with the necessary means of countering the subversive and disruptive forces which may attack it. The new Governments will, as I see the future, be probably more sensitive to the more subtle and dangerous forms of agitation than the present Governments. In particular I fear that they may find more difficulty in dealing effectively with dangerous situations arising out of communal strife. It would obviously be unfair to deprive them at the outset of their career of weapons which we have found indispensable and to place on them the odium of having to forge such weapons anew.

The second object which we conceive it our duty to pursue is this. There is a large section of the population of this country which really has very little interest, if any, in political movements of any kind. All up and down the country there are millions, even in the constituencies represented by Honourable Members opposite, there are millions of quiet decent people with but little interest in national development, who take no part, if they can help it, in any form of agitation. (Interruptions.) I think Honourable Members might allow me to conclude without interruption.

**Some Honourable Members :** Please go on.

**The Honourable Sir Henry Craik :** All that these people ask for is to be allowed to pursue in peace "their lawful occasions", to enjoy freedom and toleration in their possessions and freedom and toleration in the observance of their religion. To these innumerable and voiceless millions what is called in cant phrase "countrywide agitation" of any kind usually entails a certain amount of suffering and misery, either economic or domestic. From being drawn into such suffering it is the duty of Government to protect these people.

Sir, my final word is this : that the object of this legislation is not to crush the spirit of nationalism. That spirit we are doing our best to develop on peaceful and orderly lines. (*Cries of 'Oh !' and Opposition laughter.*) While we pursue that object, we must keep before us the words of a very wise statesman, the present Prime Minister of England :

"The price of liberty is eternal vigilance, and it is our duty to keep the State steady at a point where liberty is neither curtailed by untoward restrictions nor abused by unseemly licence."

Sir, I beg to move :

“ That the Bill to amend the Criminal Law be taken into consideration.”

**Mr. President :** (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the Bill to amend the Criminal Law be taken into consideration.”

There was a notice from the Honourable Member, Mr. Gauba, that he intended to move an amendment, to refer the Bill to a Select Committee : the Chair understands the Honourable Member does not wish to move it.

**Mr. K. L. Gauba** (East Central Punjab : Muhammadan) : No, Sir : I do not wish to move it.

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

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

**Mr. S. Satyamurti :** Mr. President, the Honourable the Home Member, whose absence from his seat I regret, in his opening speech the other day, as well as today, appealed for the elimination of bitterness from this discussion. I think, Sir, I can promise him in advance that, so far as in us lies, we shall do our best to avoid all bitterness. But, Sir, he claimed that he introduced this Bill on behalf of the Government of India, with a very real sense of responsibility. I want him to believe, Sir, that when we oppose the consideration of this Bill, we do so with an equally serious sense of full responsibility. If today, Sir, we are to run this Government, we shall have no use for this Bill at all. We are absolutely confident that we can govern this country peacefully and in its best interests, without the help of this Bill. He also wanted us, Sir, to believe that they were honestly convinced that this Bill was necessary. I again want him to believe that we are equally honestly convinced that this Bill is not in the best interests of this country. Nearly a generation ago, Mr. President, Lord Morley, the then Secretary of State for India, wrote to Lord Minto, the then Viceroy, “ for intractable blindness to all the signs of the times give me a certain sort of high Indian Civilian ”, and, I think, Sir, for a generation now, the Honourable the Home Member has remained stationary, not only sartorially on his own admission, but also mentally ; and today, we have the same phenomenon of purblindness to all the signs of the times ; otherwise, I cannot understand why, if they have passed the Government of India Act with a flourish of trumpets saying that Swaraj is on the horizon, they should introduce this Bill. A sane but not very progressive Viceroy, Lord Minto,—I read this in Lady Minto’s very interesting book “ India, Minto and Morley ”,—said :

“ As to repressive legislation, it is all important that it should precede your announcement of reforms in Parliament. I am most anxious that we should get our disagreeable work over, before your announcement is made. We must give the medicine first, and then do all we can to take the case away. If we were to follow up your announcement with stiff legislation and deportation, we should make a fatal mistake. The taste of the last dose would remain in the patient’s mouth.”

I commend the last sentence to the Honourable the Home Member and his advisers.



[Mr. S. Satyamurti.]

Then, Sir, in answer to a point I raised about the prepublication of the contents of the Bill in the *Statesman*, the Honourable the Home Member categorically and with some temper, I was sorry to note.....

**The Honourable Sir Henry Craik** : No, no.

**Mr. S. Satyamurti** : I accept the correction,—stated that the Government had two categories of press in this country, the “friendly” and the “unfriendly” press, and they would use the friendly press for their propaganda and look askance at the unfriendly press....

**The Honourable Sir Henry Craik** : I did not say that.

**Mr. S. Satyamurti** : You did not say that, but you meant it, and I want to commend to him a piece of advice which a very ancient man, Maricha, gave to a very ancient Rakshasa, Ravana :

*Sulabhā purashā rājan satatam priya vādīnah,*

*Apriyasya tu kashyasya vaktā shrotācha durlabhah,*

I will translate it for the Honourable the Home Member :

“Men who talk pleasant inanities are plenty, but those who speak the truth, be it pleasant or unpleasant, are very few, and those who listen to that truth are fewer indeed” ;

and I would suggest to my Honourable friend, the Home Member, that, after that admission,—I am very glad the Honourable the Law Member appreciates it, and I hope, Sir, he will act on that, in his dealings with the Government and talk the unpleasant truth, and not the pleasant untruth.

**The Honourable Sir Nripendra Sircar** (Law Member) : I have always done that.

**Mr. S. Satyamurti** : Sir, I suggest to my friend, the Home Member, that when a Member of Government says “I look upon one section of the press as friendly, and upon another section as unfriendly”, he is giving away the entire case for any confidence being reposed in the Government to administer the Press Act impartially. On their own showing, all editors of presses are not equal in their eyes. Some of them are black, some of them are white, some of them, I believe, are black and white in their eyes ; and, therefore, I say that this attitude of the Government is proof positive that the Press Act is a dangerous weapon in the hands of this Government.

Sir, the ugliest feature of this Bill is the cool, audacious assertion that it shall remain permanently on the Statute-book ; and in trying to justify that, Sir, the Honourable the Home Member said temporary legislation against subversive movements encourages the hope that those movements may be resumed. Now, Sir, the Honourable the Home Member evidently believes in only one method of dealing with these movements, namely, attempting to suppress them, but I suggest to him that, from the political philosophy and history of his own country, there is another, saner, better and more effective method of dealing with these movements, and that is, to remove the causes which cause these movements. (“Hear, hear” from Congress Party Benches.) And, so long as the Honourable the Home Member believes that he can suppress these movements, he will find he is grossly mistaken, if he does not adopt ameliorative measures to remove

the causes entirely. I congratulate, Sir, the Honourable the Home Member on having paid the Mahatma the sincerest form of compliment by adopting his phrase "change of heart". Now, I want to know whether there is any change of heart on the part of this Government when, after having made an Ordinance for six months, after having enacted a law for three years, they now come and say : " We want a permanent measure on the Statute-book ".

Then, my Honourable friend said that it is impossible to see any reasonable period of time within which terrorism, communism or communal menace may come to an end. On that matter, I desire to make two submissions. The Honourable the Home Member read a series of extracts. I listened to them very carefully, and I think I am right in saying that all those extracts came from Bengal or from the Punjab....

**The Honourable Sir Henry Craik :** There are plenty of them from other provinces.

**Mr. S. Satyamurti :** I know my Honourable friend's resources are unlimited, but he thought that, for the purpose of proving his case, those extracts were enough. I take him at his word....

**The Honourable Sir Henry Craik :** No.

**Mr. S. Satyamurti :** Should I not take you at your word ?

**The Honourable Sir Henry Craik :** I did not wish to weary the House with more extracts.

**Mr. S. Satyamurti :** You chose the most important, the most significant, and the most dangerous.

**The Honourable Sir Henry Craik :** The most telling.

**Mr. S. Satyamurti :** Therefore, so far as the Honourable the Home Member's sense of values is concerned, the danger is very great in Bengal and in the Punjab. The danger is admittedly, I put it at the lowest, not so great in other provinces. Now, I want to put it to him that, in Bengal, they have a special Act which they have passed recently into law, I believe, for another period of five years, and there are many other Acts besides this permanently on the Statute-book. The same is the case in the Punjab. I want to know why, when these two provinces are supposed to be particularly criminal and when in those provinces there are special Acts, an all-India permanent Act should be sought to be placed on the Statute-book. As for communal troubles I do not want to say a word which will make a bad situation worse. But I do suggest to the Honourable the Home Member to lay his hand on his heart and to say to himself and not to us, whether this Government have done all that they can to promote communal peace and harmony in this country, whether they have not on the whole played the game, sometimes successfully, sometimes unsuccessfully, of pitting one community against another. I, therefore, think that, if the communal situation is not better than what it is, part at least of that responsibility must lie at the doors of this Government.

**Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) :** It will end with them.

**Mr. S. Satyamurti :** Therefore, it seems to me that there are no valid reasons given for making this measure permanent. For that one reason

[Mr. S. Satyamurti.]

alone, we should oppose this. The Honourable the Home Member's predecessor, Sir Harry Haig, in the course of more than one speech on this Bill in the last Assembly said, "The origin of the Bill is Civil Disobedience," "So long as the movement continues we must have these powers". And in the Statement of Objects and Reasons of this Bill you will notice in paragraph 2 the first sentence reads as follows :

"The Civil Disobedience Movement is at present in abeyance. Government have, therefore, decided not to continue the provisions against those forms of intimidation which were a special feature of that movement, namely, etc."

I do suggest to the Honourable the Home Member that, if he is to go by the statements of his predecessor he should not have introduced this Bill, and I suggest to him the wise words of a statement :

"When a political emergency becomes the normal state of affairs, the time has definitely passed for dealing with it either by executive decree or by legislative enactment. The question, then, is of ameliorative and conciliatory statesmanship."

Then, Sir, we had a few words from the Honourable the Home Member which showed deep and grave concern for the future of the new Governments to be established in this country. The Honourable the Home Member's heart is overflowing with sympathy for these unfortunate new Governments, and, therefore, he must put this weapon on the Statute-book in order to help them start the administration peacefully. What are these new Governments? On the Government's own showing the new Governments in the provinces are going to be fully responsible Governments, Governors' safeguards being there merely for the sake of being there, and never going to be used. If there is a little of sincerity in that claim for these new Governments, I put it to my Honourable friend that he should show that sincerity by allowing these Provincial Governments to administer these provinces on their own responsibility. Law and order are supposed to be, under the Government of India Act, provincial transferred subjects, for which there will be Ministers responsible to the provincial Legislatures. I want to know why the Honourable the Home Member thinks that he must give a free gift of this Bill to the provincial Ministers, when they have to start their work under the new reforms. And I suggest that the Ministers can be trusted to deal with the situation, with a full knowledge of their own responsibility. Moreover, I want to point out, if I may, that unlike under the present Government of India Act, under the new Government of India Act there are at least seven authorities who can make emergency laws besides the Legislatures,—the Governor General, all the Governors, the Ministers, and so on, and so forth. Therefore, even if an emergency arises, there is ample statutory provision under the new Government of India Act. The real reason, may I suggest, is this, that they contemplate the Government of this country by means of safeguards, and, therefore, in order to protect these autocratic Governors and the Governor General, they want this Bill on the Statute-book, in order to stifle public opinion in the Press and on the platform. Otherwise, I can see no justification for this measure at all. Again, whenever we ask questions here on any matter, even of an all-India importance, if it is technically Local Governments', the questions are over-ruled.—I am not questioning your ruling at all, Mr. President. I am merely drawing a lesson from it—on the ground that they are questions which primarily concern the Local Governments. Do

not law and order primarily concern Local Governments? Why should the Government of India be so anxious to pass this all-India legislation? Is it not inconsistent with the spirit of the so-called provincial autonomy?

I hope that even this Government have not yet become wholly impervious to public opinion. I would ask my Honourable friend, the Home Member, to tell me, apart from Local Governments, what public opinion is in favour of this Bill? Which associations have sent memorials to the Government in support of this Bill? Have any public bodies supported this Bill? Has any Indian newspaper supported this Bill? For whom are you enacting it?

**An Honourable Member :** *The Statesman.*

**Mr. S. Satyamurti :** What is this idea of naked autoeracy? Why do you want to enact the law in the teeth of all relevant public opinion? And, I submit, public opinion is the most relevant consideration in a repressive measure of this extensive kind. I will read the words of a man, whose authority even this Government dare not question on the floor of this House :

“ This Bill is a mere copy with certain provisions of the Ordinance which was passed by the Governor General in exercise of his prerogative. But we are asked now to add to the ordinary criminal law of the land, provisions which, I submit with entire confidence to the House, are absolutely inconsistent with the principles of criminal jurisdiction, even as prevalent in this country. The importance of this measure, the serious character of its effects on the lives of the citizens, on their most cherished rights, on their rights of personal protection, and personal liberty, on their rights of property, on their rights of association are all of a character which cannot be said to be at all slight or which can be brushed aside as something unimportant. Now, a measure of this magnitude and importance and seriousness can only be passed by us if we find it absolutely necessary to meet a condition of things which exists at the present moment and if we had the support of public opinion. If public opinion is against it, does he expect us to defy public opinion? We are here in order to represent and voice public opinion, to din it into the ears of the Government; and are we the persons to be asked to act contrary to public opinion? Is not this enough to show that this measure is wholly unjustified and cannot be forced down upon us? The officials are in a different position. I understand that, they can defy public opinion and they have often done it. But our position is very different. So, I say, we are not in a position to support this measure as admittedly public opinion is hostile to it. This is one conclusive answer. Another conclusive answer is that Government have not proved their case.”

These were your words when the Criminal Law Amendment Act was before this House, and even this Government dare not question the impartiality of your judgment or your capacity to pronounce on public questions.

**The Honourable Sir Henry Craik :** The Bill was passed by a large majority.

**Mr. S. Satyamurti :** You will find a different tale this time.

**An Honourable Member :** He had a foretaste of it yesterday.

**Mr. S. Satyamurti :** I want to ask a question. It arose also on my point. Did Government consult public opinion? Did they consult only the European Chambers of Commerce? Did they consult the European associations? I want to ask another question—are all Local Governments in favour of this Bill and do Local Governments mean Ministers also, especially in my province?

**The Honourable Sir Henry Craik :** I cannot recollect.

**Mr. S. Satyamurti** : Did that Government say in their opinions that their Ministers support them in their demand ?

**The Honourable Sir Henry Craik** : Some of them certainly but I cannot remember.

**Mr. S. Satyamurti** : Have the Madras Government said that their Ministers are in favour of this Bill ? Now, Sir, so far as this Bill is concerned, there are four matters really sought to be dealt with. First is picketing, the second is unlawful associations, the third is more control of the Press, and a new offence, section 5, reading from a proscribed book or document. Now, I suggest that, so far as picketing is done by illegal or unlawful means, it can be dealt with by the ordinary law of the land. I ask my friend, the Law Member, to use his legal conscience, if he interferes in this debate at all, and to tell the House whether I am not right, humble as I am, in my contention that picketing carried on illegally or by unlawful means can be dealt with by the ordinary law of the land.

**The Honourable Sir Nripendra Sircar** : Are you charging me with having a conscience ?

**Mr. S. Satyamurti** : I apologise. As for other forms of picketing, if it is peaceful, I suggest that it should not be interfered with by the Government. I will come to that presently, but let me deal at once with section 5 of the old Act. I must say, as one who has spent two weeks on this very difficult task that it is almost impossible to follow this referential legislation. We have got two or three Acts and we have got to go backwards and forwards. However, I will do my best. Section 5 of the old Act is sought to be re-enacted. That section says :

“Whoever publishes, circulates or repeats in public any passage from a newspaper, a book or other document, copies whereof have been declared to be forfeited to His Majesty under any law for the time being in force, shall be punishable, etc.”

The second clause says :

“No Court shall take cognisance of an offence punishable under this section unless the Local Government has certified that the passage published, circulated or repeated contains in the opinion of the Local Government seditious or other matter of the nature contained in section 99A of the Criminal Procedure Code or sub-section (1) of section 1 of the Press Emergency Powers Act.”

These are very comprehensive words. Sub-section (1) of section 4 of the Press Emergency Powers Act contains only two clauses, inciting to the offence of murder or other offences involving any violence or expressing admiration of any such offence or person, but according to this Criminal Law Amendment Act, which is sought to be made permanent, there are six clauses added to it, seducing any officer or soldier from the army, sedition, causing annoyance to any person engaged in the administration of law, inducing public servants to resign from office, etc., promoting feelings of enmity, prejudicing the recruitment of persons, etc. Now, Sir, if you take the very comprehensive nature of this clause and see what is exactly sought to be done, you will see at once the mischief of this clause. What is sought to be prohibited is not the publication of a seditious book, not the publication of a document which comes within any one of these numerous and comprehensive categories, but the publication of a document or a passage which the Executive in its own unaided discretion will declare to be seditious or otherwise. It may have been proscribed by the Government, but the Government is the last person in the world

to administer any law judicially. Every civilised Government knows it, and leaves it very rightly to the Courts of law.

My objection to section 5 is that it enthrones executive arbitrary discretion in the place of the decisions of the ordinary Courts of law in this country. And that I am right there, I will prove by a quotation from the Honourable Sir Harry Hailig himself when he was Home Member. Replying to a similar attack as mine on this clause, he said :

“ It has been said that in fact the magistrate will have very little to do in such cases. Now, I quite admit it ; this is really in essence an executive proceeding—the proscription of a book or document. Now, in order to make that executive proceeding effective, one must provide that the publication of any portion of that book or document in defiance of that order should be punishable, and that it is required to prove that the book has been proscribed and that it has been deliberately published or circulated. I frankly admit it—that this is an executive proceeding which, if there is any defiance of it, has got to be completed and followed by a legal process.”

Therefore, there is no judicial discretion in the matter at all ; and I think I may point out that, so far as this particular offence of publishing a seditious document is concerned, if the Government are merely anxious to prevent really seditious books from being published, the Government have got ample power, under section 124A of the Indian Penal Code, section 108 of the Code of Criminal Procedure, and section 99A of the Criminal Procedure Code. They need not have this power at all. Only they want to substitute pure executive discretion for judicial decision in such matters. I submit that this is a very dangerous position, and no Legislature, which claims to be representative or even reasonable, can allow the executive Government to usurp these powers. On this matter again, I have the high authority of a distinguished Englishman which I trust this Government will not brush aside. I am referring to Chief Justice Hewart's book, ‘ The New Despotism ’. This is what Chief Justice Hewart writes about the tendency of the executive in such matters :

“ The business of the executive is to govern. The only persons fit to govern are experts. The experts in the art of Government are the permanent officials, who, exhibiting an ancient and too much neglected virtue, ‘ think themselves worthy of great things, being worthy ’. Two main obstacles hamper the beneficent work of the expert. One is the sovereignty of Parliament, and the other is the rule of law. To this end, let him clothe himself with despotic power and then because the forms are Parliamentary, defy the law courts.

This course will prove tolerably simple if he can :

- (a) get legislation passed in a skeleton form, fill up the gap with his own rules, orders and regulations, (b) make it difficult or impossible for Parliament to check the said rules, orders and regulations, (c) secure for them the force of statute, (d) make his own decision final, and (e) arrange that the fact of his decision shall be conclusive proof of its legality; (f) take power to modify the provisions of statutes, and (g) prevent and avoid any sort of appeal to a court of law.”

I think, Sir, every Member of this House will agree with Chief Justice Hewart when he says that :

“ We cannot really prefer the executive jurisdiction to the jurisdiction of courts, and our faith in courts is not a mere fetish. It is based on certain fundamental reasons. The work of a court involves many important ingredients, as for example the judge is identified and is responsible for his decision, the case is conducted in public. The result is governed by impartial application of principles. All parties to the controversy are fully and fairly heard. All these elements are absent from executive decisions.”

My objection to section 5, therefore, is that it seeks to punish as an offence, not an offence which is found on evidence, sifted by Courts of law

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in public and found as such, but offences so prescribed by the executive ; and if, perhaps, Chief Justice Hewart is a little too strong for the Members of the Front Treasury Bench, I may quote a more respectable individual. Lord Morley. Sir, in one of those numerous delightful letters which he wrote to Lord Minto—he writes in answer to a high official like one of those Honourable Occupants of the Treasury Bench :

“ So and so said to me this morning ”—*he has left out the name unfortunately*—“ You see the great executive officers never like or trust lawyers.” “ I will tell you why.”—*I said*—“ It is because they do not like or trust law.” (Laughter.) “ They in their hearts believe before all else the virtues of will and arbitrary power.” “ That system may have worked in its own way in old days, and in those days the people may have had no particular objection to arbitrary rule, but, as you have said to me scores of times, the old days are gone and the times breathe a new spirit, and we cannot carry on upon the old maxims. This is not to say that we are to watch the evil-doers with folded arms, waiting to see what the Devil will send us. You will tell me what you think is needed. I trust and fully believe that you will not judge me to be callous, sitting comfortably in an armchair at Whitehall, while bombs are scattering violent death in India, while men like—so and so are running the risk of murder every hour, for year after year, upon the frontier, while all sorts and conditions of men and women are enveloped in possibilities of hideous horrors like those of fifty years ago. All I can say is ”—*and I respectfully commend those words to the Honourable the Home Member*—“ we have to take every precaution that law and administration can supply us with ”—*not this illegal law, lawless law*—“ and meanwhile to face what comes in the same spirit of energy and stoicism combined in which good generals face a prolonged and hazardous campaign.”

Then, Sir, the next section in this Bill which is sought to be perpetuated is section 7—“ molesting a person to prejudice of employment or business.”

Now, Sir, in paragraph 2 of the Statement of Objects and Reasons, we find these statements :

“ Picketing has not ceased with the civil disobedience movement. It is now recognized not only as a means of opposition to any form of constituted authority but also of causing annoyance to private persons who differ from the political, economic or religious views of the picketers. It is likely to be a main feature of any subversive movement and it cannot be dealt with effectively under the ordinary law.”

I propose, Sir, to contest every one of these statements. As for the question of annoyance, Mr. President, I speak with great hesitation, but it does seem to me to be that public morality, to a certain extent at least, depends upon the fear of annoyance by others, if we do certain flagrant acts in public. No one can live in a community or society without fearing some kind of annoyance or other. We annoy our friends opposite, and I am sure they annoy us. Are we then to enact a law that, to prevent annoyance to my friends, we shall all be wiped out, or *per contra*. Sir, annoyance is inevitable in some form or other in the scheme of society. Not all of us are made of the same sweet temper always, and it does seem to me that to try to protect a man from annoyance, even God cannot do it, and it is only the Government of India that dare attempt to do it. No man can do just what he pleases, and I put it to my Honourable friend, Sir, that, if social reform in any civilised society is to depend merely on legislation, on the fear of punishment, this poor humanity of ours would have made no progress at all. It is because there have been great reformers who, to the annoyance of others, have perpetually brought forth their doctrines, reiterated them and educated public opinion that we have made some progress from the level of the savage and the barbarian :

and it, therefore, seems to me, that we should not attempt this impossible task of eliminating annoyance altogether from public life.

Then, Sir, the Statement of Objects says this :

“ It is likely to be a permanent feature of any subversive movement.”

Now, why should there be a subversive movement ? Are there subversive movements in England ? Why not ? Because you govern yourselves : and if we govern ourselves, there will be no subversive movements here. Therefore, the cure for every subversive movement is not suppressive or repressive legislation, but to remove the causes which precipitate such subversive movements. Moreover, I want to suggest to the Government, who have such a pathetic faith in repressive legislation, that affection for Government or respect for law and order cannot be manufactured to order, any more than affection for anybody else.

As for the Civil Disobedience Movement, Sir, to which reference is made in these paragraphs, I am quite sure my Honourable friend, the Home Member, realizes that the Civil Disobedience Movement, as such, cannot be put down by prescribing imprisonment for those who break the laws of the land. That is part of the Civil Disobedience creed, and there is no point in saying that we shall send people to prison. Therefore, so far as that aspect of this paragraph is concerned, there is no point in imagining that by prescribing imprisonment you can put down this picketing.

Then, Sir, there is another sentence in this paragraph : “ It cannot be dealt with under the ordinary law ”. I join strong issue with the Honourable the Home Member on that. I will merely state the sections, Sir, and read them presently : section 141 of the Indian Penal Code defining unlawful assemblies, especially the fifth clause, sections 349 and 350 of the Indian Penal Code, section 351, section 120A and section 43 and section 505 : all these are sections under which, as I say, if there is any molestation by illegal means, people can be punished.

Now, Sir, I want to read only the fifth clause of section 141 of the Indian Penal Code which defines unlawful assemblies. It runs thus :

“ An assembly of five or more persons is designated an ‘ unlawful assembly ’ if the common object of the persons composing that assembly is—

*fifth*—by means of criminal force or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.”

**The Honourable Sir Henry Craik :** Suppose there are not as many as five persons.

**Mr. S. Satyamurti :** I will come to that. Does my Honourable friend agree that at least so far as five persons are concerned, he will eliminate this section ?

**An Honourable Member :** No.

**Mr. S. Satyamurti :** Then what is the use of asking this question ? Now, do you know what criminal force means according to the Indian Penal Code ? My Honourable friend, the Deputy Leader of the Congress Party, reminds me that there can be no organised picketing, except by at least five people, and Congress Members are much more numerous than



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this number. Criminal force is defined in section 349 of the Indian Penal Code which runs thus :

“ A person is said to use force to another if he causes motion, change of motion, or cessation of motion to that other, or if he causes to any substance such motion, or change of motion, or cessation of motion as brings that substance into contact with any part of that other's body, or with anything which that other is wearing or carrying, or with anything so situated that such contact affects that other's sense of feeling :

Provided that the person causing the motion, or change of motion, or cessation of motion, causes that motion, change of motion, or cessation of motion, in one of the three ways hereinafter described :

*First*—By his own bodily power :

*Secondly*—By disposing any substance in such a manner that the motion or change or cessation of motion takes place without any further act on his part, or on the part of any other person :

*Thirdly*—By inducing any animal to move, to change its motion, or to cease to move.”

Therefore, whatever I may do by means of a show of criminal force in order to prevent a person from doing what he is entitled to do or to cause him to do what he is not bound to do, comes within the ample scope of the Indian Penal Code. Then, my friend talks of annoyance. Do you know what section 351 says ?

“ Whoever intentionally uses force to any person, without that person's consent, in order to the committing of any offence, or intending, by the use of such force, to cause, or knowing it to be likely that, by the use of such force, he will cause, injury, fear or annoyance to the person to whom the force is used, is said to use criminal force to that other.”

Then, section 352 says that, whoever assaults or uses criminal force to any person, shall be punished. There is no question of there being five persons here. Therefore, if I am walking along on a street and I touch somebody else with my scarf in order to draw his attention to the fact that he can buy only foreign cloth in a particular shop, I come within the scope of this section. Then why do you want this section ? Then, we have also got section 120A in the Indian Penal Code which says :

“ When two or more persons agree to do, or cause to be done—

(1) an illegal act, or

(2) an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy.”

Sir, whether it be one, two, or five persons, Government has got ample powers to proceed against these persons under the ordinary law of the land. Then, Sir, we have got section 503 of the Indian Penal Code which says :

“ Whoever threatens another with any injury to his person, reputation, or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.”

Having quoted all these sections, I now ask the Honourable the Home Member if he has ever considered those sections, and if he knows that there are such sections, and if he has ever applied his mind to the question whether, apart from these sections, there is any need for a section of this kind. But I will tell you what is all this due to. They do not trust the

Courts of law. Unfortunately, the Indian Penal Code, although it is comprehensibly worded, can be administered only in Courts of law. Unfortunately the Government do not want to go to these law Courts. They want to have a simple, speedy and effective means of punishing what they consider is wrong.

I said that peaceful picketing ought not to be prevented and I will quote from the Gandhi-Irwin Agreement, which is perhaps no longer in force, but at one time the head of this Government, the Viceroy, was a party to this Agreement :

“ The position of the Government is as follows. They approve of the encouragement of Indian industries as part of the economic industrial movement designed to improve the material condition of India, and they have no desire to discourage methods of propaganda, persuasion or advertisement pursued with this object in view, which do not interfere with the freedom of action of individuals and are not prejudicial to the maintenance of law and order.”

I say, Sir, that this clause goes against at least the spirit if not the letter of the paragraph of the Gandhi-Irwin Agreement. And Lord Irwin himself said :

“ No Englishman can, without being false to his own history and in recent years to his own pledges, take objection to pursuit by others of their own political liberty, nor have I ever been able to appreciate the attitude of those who might be the first in Great Britain to exhort their countrymen only to buy British goods and yet would regard a movement for the encouragement of Swadeshi industry in India as something reprehensible and almost, if not quite, disloyal.”

Then, Sir, we shall be told, and, I am sure, some Member from the other side will do it : “ Why do you distrust the Executive ? We shall apply the law very carefully, and will take everything into consideration.” My answer is : “ The Executive will exercise discretion in applying the law. That is all very well. If that be enough, then abolish all the Courts of law ; abolish all law and leave it to the Executive to administer the country without any law.”

**Mr. Sri Prakasa :** My amendment are to that effect.

**Mr. S. Satyamurti :** I am glad, my very talented friend from Benares has given notice of a series of amendments, and I congratulate him on his cleverness. I think, clever as they are, they give a fairly accurate picture of the object of this Bill :

“ Abolish all law and leave it to the executive to administer the country without any law. I daresay, even among the executive, there are men who are highly civilized and highly educated, and knowingly they will not oppress the people of this country. But that is not the point. We cannot consent to live under this kind of law which empowers the executive to do whatever they like.”

And this is what you said, Sir.

Then, Sir, we have got two sections which are also continued as in the old Act, which the Honourable the Home Member slurred over. I do not blame him because they are comparatively unimportant, but from my point of view they are somewhat important. Those are sections 9 and 10 of the Criminal Law Amendment Act. They say that offences under section 7 shall be cognizable and non-bailable and offences mentioned in section 10, while they are now non-cognizable and bailable under the Criminal Procedure Code, shall be cognizable and non-bailable. The Honourable the Home Member gave no reasons for the continuance of these sections. I had some legal doubt in the matter and had almost raised a point of order,

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but I decided not to do so. But I will suggest as an argument that the Criminal Procedure Code is an All-India Act, enacted by this Legislature for the whole of India. This section says :

“ In certain areas at the discretion of the Local Government the Criminal Procedure Code shall not apply.”

Perhaps it is technically right, but I suggest to the House that it is very dangerous to give power to the Executive to abrogate from time to time and in certain selected places the application of All-India laws. It is a dangerous thing, and I think this House, on that single ground, must reject these two clauses, along with the other clauses of the Bill.

We have sections 12 and 13 which really contain a number of sections. This is a most extraordinary Bill. Section 13 is called one section, while really there are five or six sections under that one section. I hope, Sir, that the Government have got some good draftsmen who can really make sense out of these, at least in words. I am sorry these references forwards and backwards are really outrageous. Now, Sir, these two sections are sought to be made permanent. The Statement of Objects and Reasons says that it was enacted to strengthen the Criminal Law Amendment Act of 1908, which is a permanent Act. How do the Government know that it is a permanent Act? My Honourable friend, Mr. B. Das, has got a Bill to repeal only a part of the Criminal Law Amendment Act. Have the Government already made up their mind that even if this House passes that measure, they will advise the Governor General to veto the measure and that the Governor General will listen to their advice and certify the Act to be a permanent Act? It is rather very cool even for the Government of India, when there is a Bill to repeal a particular Act, to say that that Act is permanently on the Statute-book.

**Mr. B. Das :** They take shelter behind the Governor General. They have also postponed the date for the discussion of my Bill.

**Mr. S. Satyamurti :** They have also postponed the date. There is another aspect of the question, on which I should like to say a few words :

“ If the Governor General in Council is satisfied to the effect, he may by notification declare an association unlawful.”

The original Act gives power only to the Local Government, whereas this Act wants to give the Government of India that power. The Honourable the Home Member says, if there is an all-India organization, how are we to prohibit it? I submit, Sir, this provision is likely to provoke conflict between the Provincial Governments and the Government of India. Suppose a Provincial Minister in charge of law and order says, “ I do not want to proclaim the Congress an unlawful association in my Province ”, then what is the position of the Government of India? Are they going to treat the association as an unlawful association in spite of the opinion of the Provincial Minister? Otherwise, why do Government want to have this power?

Now, let us see what is an unlawful association? For that, we have got to go back to an ancient Act, Act XIV of 1908 :

“ If the Local Government is of opinion that any association interferes or has for its object the interference with the administration of the law or with the maintenance of law and order or that it constitutes a danger to the public peace, the Government may declare such an association to be unlawful.”

Again, I submit, if there are associations whose object is interference with the administration of the law or with the maintenance of law and order, the present law is amply sufficient and adequate to meet the activities of those associations. The danger comes in only when the Local Government wants to declare as unlawful associations, those which in their opinion "constitutes a danger to the public peace". That power, in the hands of any executive Government, is a real danger to the public peace, not the unlawful association. Who is to be the Judge as to whether these associations are unlawful or not? In this connection, I want to draw your attention, Mr. President, and the attention of the House, to section 17-F, which is the last clause of section 13 of the Criminal Law Amendment Act which says :

"Save as provided in sections 17-B to 17-E no proceedings purporting to be taken under section 17-A to 17-E shall be called in question by any court and no civil or criminal proceedings shall be instituted against any person for having done, etc.....".

These two sections, sections 17-B. and 17-E. are very small protection. Section 17-B (vi) merely says "that when movable property is forfeited, a person may make a representation that the property is not liable to forfeiture and the District Judge or the Chief Judge of the Small Cause Court will decide whether the property is or is not liable for forfeiture". On that matter, Sir, he cannot go into the question whether the association is really an unlawful association or even whether the information of the Government is correct that this property is likely to be used in furtherance of the activities of the association.

We have got the other section, section 17-E, which gives them power to forfeit the funds of the unlawful associations, and under sub-section (iii) they can again go to a Court, but here again the Court's jurisdiction is limited. They can only say whether the sums are not liable to forfeiture. With these two special exceptions, all the activities of the Government in connection with what they call unlawful associations, on their own judgment—f forfeiting the property and taking possession of immovable property—all these things are not to be questioned in any Court of law. The Government say that their decision is final.

On this matter, I again want to draw the attention of the House to the words of Chief Justice Hewart who said :

"It is usual to provide that the decision of the Minister shall be final and conclusive. When this is the case, the Courts are powerless to intervene however unjust and absurd a decision may appear to be, and even though it is obviously based on an erroneous view of the law."

"But where one is dealing with a decision given without reasons, by an anonymous official, who is not ascertainable, how can any such matter be proved."

"It may be that the decision is apparently so perverse that the party against whom it is given has a reasonable suspicion that it was dictated by spite or vindictiveness, or was even corrupt. But without knowing who the deciding official is, it is of course impossible for a person aggrieved to prove anything of the kind, or even to furnish grounds for suspecting it. The victim is, in such a case, perfectly helpless, and entirely without remedy."

"It may be said that there is no substantial ground for the fear of unfairness or corruption in the Civil service. As to unfairness, people who have had disputes with public officials may sometimes conceivably hold a contrary opinion. As to corruption, that is a vice from which the Service is completely and undoubtedly free. It is of vital importance that it should so continue."

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These are the important words :

“ But if there were any great extension of the system of giving uncontrolled and arbitrary powers to public officials, it is as certain as that night follows day that corruption might creep in. We might then be cursed with the corrupt bureaucrat. The bureaucratic despot we already have.”

Therefore, it seems to me that from whatever point of view you look at it, these sections cannot be tolerated. I want merely to state how these provisions have been applied in the past. Almost every Congress Committee throughout India was suppressed, as unlawful associations. In Madras, I was in charge of a Khadi and Swadeshi exhibition, run not by the Congress, but by the Madras Mahajana Sabha. This exhibition was invaded and all articles were forfeited. But, afterwards, they were returned on our representation. Perhaps my Leader, when he speaks, will add to this list from his ampler knowledge, but I may tell you, Sir, that I know that in Bombay they declared the following associations as unlawful associations :

Labour Welfare Centre,  
Foreign Cloth Boycott Swadeshi Committee,  
Anti-Untouchability Committee,  
Prohibition Committee,  
Municipal Sub-Committee,  
Swadeshi Prachar Mandir,  
Women's Association,  
Nationalist Muslim Party,  
Nationalist Christian Party.

**An Honourable Member :** Sweetmeat shops.

**Mr. S. Satyamurti :** Yes, and even sweetmeat shops.

I hope, Sir, as Honourable Members on this side speak later, they will give their own experiences from their own provinces. This law has been ruthlessly abused in the past, and I suggest, therefore, that there is no guarantee that this law will be properly used.

Then, Sir, I come to the *piece de resistance*, as I may call it, of this Act, and that is the provision for what they call the better control of the Press. I suggest that the extracts which my Honourable friend, the Home Member, read prove that in two provinces there are journals which write such things. But I want to ask him whether these journals were proceeded against under the ordinary law, and whether they were convicted and sentenced.

**The Honourable Sir Henry Craik :** Yes.

**Mr. S. Satyamurti :** I want to know whether, in spite of his punishment and sentence, all these papers went on writing in the same strain. What I want to know is this. There is no use throwing at me extracts for which the editors were prosecuted and sentenced, unless the Honourable the Home Member is able to supplement that information with the further information that, in spite of these continuous punishments, the newspapers went on publishing such extracts and articles.

**The Honourable Sir Henry Craik :** Yes.

**Mr. S. Satyamurti :** I have not heard that yet. I shall be obliged if at the proper time that can be stated. If that is so, I suggest that the

remedy is under the ordinary law to find out who the real man is who abets this crime. You know perfectly well, Sir, that abetment is an offence under the Indian Penal Code. Why are the police so helpless? They shadow us all the time; they waste public money, but they are not able to get the criminals. That is what it comes to. If there are people who go on abetting these dummy editors, why do you not find them out?

**The Honourable Sir Henry Craik :** We cannot prove it.

**Mr. S. Satyamurti :** And, therefore, you punish the innocent people, against whom you cannot prove the guilt. That is the greatest confession which you can make against this Bill. You cannot prove a thing against a man, and yet you want to punish him.

**The Honourable Sir Henry Craik :** But we know.

**Mr. S. Satyamurti :** You know nothing. What do you know about us? You think we are all *ex-convicts*, but you really know nothing about us. What do you know about your own Colleagues? All civilised jurisprudence is based on this—that every man shall be presumed to be innocent, until he is proved to be guilty. Is this Government of India going to say, “I cannot find out who the real editor is; I am helpless, I am not able to prove it but I know who he is and, therefore, I will punish him”? When it suits them they say, *Fiat justitia ruat coelum* (let justice be done even though the heavens fall). What is this justice? You want this power. I am glad I got this from the Home Member, “I cannot prove the charge against certain people, and, therefore, I want to punish those whom I suspect. Therefore, enact this law”. Is any single Member of this House going to give this power to this Government to punish, not those who are found to be guilty, but those who may be guilty or innocent but against whom there is no evidence worth proving? It seems to me, therefore, that they give away the whole case for these Press provisions.

Then they say that when the Press Act was in force it was all very good and when the Press Act was removed it was all very bad. Sir, I shall tell you one thing as to how they administer the censorship of news in this country. You know the incident in Jubbulpore, which we could not discuss. Do you know that a week before the news appeared in any Indian paper it appeared in the London papers? The *Daily Herald* flashed it on its front page with big headlines. This Government of India suppressed that news in this country. That is their idea of running the Press Act, and publishing news or running the Government. They have neither the big imagination of a decent Government nor the sense of justice of even the ordinary man. And you have got ample powers to deal with seditious newspapers,—sections 124A, 153A, 99A and 108 of the Criminal Procedure Code. Why don't you use them? And, Sir, I shall quote the distinguished editor of the *Leader*, Mr. C. Y. Chintamani, who cannot be confused even by this Government as a Congress extremist. He says, and very rightly :

“While in one breath we are mockingly told that while the dogs bark the caravan passes on, even the consolation of a cry or a bark is grudged to us and laws have been placed on the Statutebook in restraint of our legitimate liberty to speak out our mind. Frederick the Great told Voltaire that there was a complete understanding between him and his subjects; they were to say what they liked but he was to do what he pleased. Here in India, God knows our Government do what they please but are jealous of our liberty to say what we think.”

[Mr. S. Satyamurti.]

That is a most eloquent commentary on these provisions which are sought to be continued in this Press Act.

Now, what do we stand for? We stand for the liberty of the Press, that no man ought to be punished for what he writes in his Press, except by due process of law and after trial and conviction. We do not want any special freedom of the Press, but we do not want any special restriction on the Press. Now, Sir, in contrast to the present Home Member's attitude towards the Press, dividing them into sheep and goats and patronising the sheep and leaving the goats outside, a previous Home Member, Sir James Crerar, had a slightly different conception of Government's attitude towards the Press. He said :

" Now, Sir, the main argument which was repeated by those who opposed the Bill was that under colour of a measure directed against the terrorist movement Government were seeking to establish a general control over the press for other, and it was implied, for illegitimate purposes. I hope I have already made it clear that it is not the case. But if it is necessary, I desire to repeat in the most emphatic terms that that is not the case, and it is our desire to enlist the press as a whole in the best interests of the country."

And I suggest, Sir, to the Honourable the Home Member that this attempt to antagonise the Press bodes no good to anybody in this country. We must have the help of the Press, especially when the electorate is going to be enlarged; and if the Press is to be put under a ban of suspicion and to be treated under these repressive laws, we are mounting up difficulties for ourselves.

Now, Sir, in answer to my friend, Seth Govind Das' question, a statement was placed on the table yesterday morning, copies of which, thanks to the courtesy of the Secretary, have been circulated to us this day; and I have made a rough calculation. In 1935, 72 newspapers were proceeded against and securities of Rs. 25,950 were taken; and for publishing articles on the Quetta earthquake 15 newspapers were penalised.

**Mr. F. E. James :** Have you read them?

**Mr. S. Satyamurti :** I have read some of them, but not all. And I think that, because an article is mischievous, you ought not to forfeit the securities. If you do that, the *Statesman* ought to have been dealt with long ago because it writes more mischievous articles than any other paper.

Under the Act of 1931, 166 newspapers have been proceeded against, and security to the extent of two lakhs and a half has been forfeited and 343 papers ceased publication. I submit that this is a ruthless application of the Press law in this country.

**An Honourable Member :** 448.

**Mr. S. Satyamurti :** 448 : I stand corrected. The words of this section are—I only want to read one of these—" If it appears to the special Bench on an application, etc., etc., that the words, signs or visible representations contained in the newspaper, book or other document were not of the nature described in section 4..." then the High Court may set aside the order. I had intended to refer to all these cases, but I do not propose to do so. I will read again, with your leave, what you, Sir, said on

this : I want to remind the House that you, Sir, presided with distinction in the Madras High Court for many years and that you were acting Chief Justice : and you said—and I respectfully agree with every word of what you said :

“ I have had something to do with the administration of the old Press Act : and I know what the difficulties are. Every judicial authority has felt and has expressed it in unmistakable terms. Are you going by this Bill to relieve them of those difficulties ? Most certainly not. You are having the same provisions which have been condemned more than once. Cannot Government learn by experience, the experience of the past ? ”

They have not learnt. Like the Bourbons of old, the Government of India neither learn nor forget :

“ When you vest the control of the press in the Government, that is, to find whether certain sections of the press have or have not offended against the provisions of clause 4 of this Bill, it really means that the Government will exercise that control, as we know from past experience, against the press which criticises its measures, and it will not apply those provisions to that section of the press which carries on propaganda in favour of Government.”

I did not say that, Sir. You did ; and I agree with that. All these sub-sections which are sought to be added to this by section 16 of the Criminal Law Amendment Act are provided for in the ordinary law. As regards this seduction of the army, it seems to me, according to the Government it should be an insult : for Sir James Crerar said :

“ The section to which he refers is no doubt a good punitive section against seduction of troops from their allegiance ; but what we rely far more upon than that section is the unshaken and steadfast loyalty of our troops and not on any punitive measure whatsoever.”

Then why do you want this sub-section (d) ? Sub-section (e) is already provided for in the Indian Penal Code. Sub-section (f) <sup>4 P.M.</sup>—refuse or defer payment of any land revenue or tax—according to this, if I advise a man who is poor not to borrow money to pay land tax, but to defer it until he gets some money after harvest, I shall be guilty of an offence. Clause (i)—to prejudice the recruitment of persons to serve in any of His Majesty's Forces. What “ prejudice ” means I do not know, and, therefore, either this section is already provided for in the ordinary law or is mischievous to the extent it tries to go beyond that.

I submit that, on a careful reading of all these sections, you will find that it is impossible for any one to escape the wrath of the Executive. If I criticise a Government measure, if I am an editor of a press, the heavy hand of the Government can come upon me and the High Courts can give me precious little relief. I have got cases reported in 41 Calcutta, 35 Madras and 56 Bombay. I do not propose to take more of the time of the House by quoting from those decisions ; but I think I should commend to those who are interested in this matter to peruse those decisions—one of them by Chief Justice Jenkins, one by yourself, Sir, and one by Chief Justice Beaumont : and all of them say that this so-called appeal to the High Court is illusory and meaningless. These sections are intended to strengthen the control of the Executive over the press.

I want to make another point—it arises from one of these decisions. What does “ government established by law ” mean ? Does it mean or does it not mean the executive government ? A high judicial authority says it means that. In the provinces we are going to have, I am told,



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responsible government, which means that the entire Government will be the government established by law. Supposing I am in the Opposition, how can I displace that Government, by an appeal to the electorate, unless I bring them into hatred and contempt, by exposing their actions, their omissions and pointing out where they have failed and where they have misbehaved? It seems to me that a moment's thought ought to convince anybody that the working of responsible democratic party government is wholly inconsistent with this Bill. In England you have no such section: you have got to prove overt acts: you cannot punish a man for holding an opinion or expressing it; and it does seem to me that in the future executive Government once a ministry becomes a ministry, it can prevent its being destroyed any time, because whatever the opposition may say will come within the all-pervasive clauses of this Bill and democratic Government will become impossible.

While on this matter, may I say one thing more? The reason why in democratically governed countries there is no necessity for such laws at all is that the oppressed people know that by the use of the ballot box, they can change the Government and put themselves in power. It is this sense of impotency in this country against an irremovable executive, against a conscienceless bureaucracy which goes on governing as it likes in spite of the people, which does cause these various movements; and it does seem to me that the way to deal with these movements is not to try to suppress them, but to deal with them in the only manner known to democratic and civilised countries, namely, by establishing responsible party government in those countries.

I want again to echo your own words, Sir:

"I submit that unless there is really something much deeper behind this Bill than we can fathom, on the face of it, this Bill is a measure which lacks justification altogether."

We are not able to see any justification for it; and in the words of Lord Irwin:

"In so far as the present movement involves any of the forces that we call nationalism, I would repeat what I have said more than once, that an attempt to meet the case with rigid and unyielding opposition is merely to repeat the unintelligent mistake of King Canute."

On the whole, Sir, it seems to me that the Government are legislating in a fit of temper; and legislating in a fit of temper is not statesmanship. The futility of repressive legislation ought to be apparent to the Government. The history of all countries shows it. Has repressive legislation killed nationalism in Ireland, in Egypt, or in Russia, or in any country? Why do you believe that you can kill nationalism by this repressive legislation? And after all are Government so clear in their minds that Civil Disobedience ought to be killed? It is the inherent right of man, and it does seem to me that all government must depend upon this fundamental basis that while in normal times subjects ought to give unquestioning obedience to the Government, when crises arise it is undoubtedly the duty of citizens to break unjust laws, so long as they take the consequences; and you cannot put down that movement by any stretch of imagination. They may feel horrified. Supposing we come into power and we enact that Europeans in this country shall wear Khaddar dhoties alone and go about in Khaddar shirts, I should not be surprised if these

gentlemen break into Civil Disobedience then. Therefore, it does seem to me....

**The Honourable Sir James Grigg** (Finance Member) : Not civil.

**Mr. S. Satyamurti** : My friend says not civil,—I agree,—disobedience, but not civil, and that is the note which I want to strike. Sir, is the Government perfectly clear that the ills of humanity can be better solved by physical warfare, and not by Civil Disobedience ? Today Italy and Abyssinia are almost going to war. Britain and France stand helpless, Germany's ways are mysterious, Russia, no one knows. And is the Honourable the Home Member perfectly clear in his mind that Mahatma Gandhi in India is not doing a service, not alone to his own country but to the whole of humanity, by substituting soul force for physical force ? ("Hear, hear", *from Congress Party Benches*.) Are we clear in our own minds that Civil Disobedience may not be the saviour of human civilization to set right individual and national wrongs, that Civil Disobedience may not be the far more humane, the far more civilized method, than the brutal warfare which kills innocent women and children ? It does seem to me, therefore, that even on fundamentals, the Government is hopelessly wrong. The true remedy is Swaraj for all these things. Even then there may be Civil Disobedience, but we shall meet it by administering the laws judicially, or by resigning and giving place to those who want to practise Civil Disobedience. Then, they will learn that they cannot or need not practise Civil Disobedience.

And what is the object of the Government in this Bill ? I suggest they want to enthrone bureaucracy, they want to stifle all criticism, they want to obstruct Swadeshi and prohibition and any kind of decent social reform. They want to interfere with peaceful picketing, they want to introduce a new criminal procedure in the country, they want to prevent all associations which the Government dislike from functioning, they want to stifle the Press. What is the kind of public opinion or public activity they want ? A certain class of animals whom I shall not name, invited another class of animals to attend and sing at a marriage party. At that party music was going on, and each said to the other. "Oh, what a fine voice you have, what a fine figure you have !" I shall not name the animals....

**An Honourable Member** : Who are those animals ?

**Mr. S. Satyamurti** : ... I suggest, therefore, that the Government want to live in their own way, taking public opinion from their sycophants who say "Oh, what a Sircar ! What a Grigg, what a Sir Henry ! There is a lot of statesmanship in them ; they know what there is to know, what they do not know is not worth knowing, and they are serving and working for the best interests of the country. Long live the Executive Government of India". Is that the kind of public opinion they want ? It seems to me, Sir, that this Bill shows the wicked intention that is behind their minds.

Therefore, I come to these conclusions. You don't believe in your own reforms. You treat yourselves as an armed camp in a hostile country, and therefore you want these powers. You do not trust your own Courts of justice, and you want the angry planter or the angry colonel or the angry civilian to rule this country. I know you will enact this measure in spite of us, but I want to say this. This is not only bad law, but it

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purports to abrogate whatever rule of law we have to regulate the political activities in this country. This measure seeks to substitute executive discretion and power for the judgment of the Courts. And it seems to me, Sir, that if in spite of the warning of this House, if in spite of the experience of other countries, if in spite of the experience in their own country, the Government will enact this measure in spite of public opinion, they are ignoring the writing on the wall and they are driving another nail in their own coffin, for, Sir,—

“ The moving finger writes and having writ  
Moves on ; Nor all thy piety nor wit  
Shall lure it back to cancel half a line,  
Nor all thy tears wash a word of it.”

I oppose this motion. (Loud and Prolonged Applause.)

**Mr. P. J. Griffiths** (Bengal : Nominated Official) : Sir, it is with no little trepidation that I rise to make this my maiden speech in this Assembly upon so controversial a matter, a matter which has already called forth the splendid eloquence of Mr. Satyamurti and will no doubt attract into the arena other speakers of his calibre. I can only justify my temerity on this occasion by the fact that I have some personal experience of the matters to which this Bill relates. During the past two years as District Magistrate of the notorious district of Midnapore, I have been in close contact,—may I say, Sir, in unpleasantly close contact,—with terrorism and other subversive movements, and, as a result, the point of view from which I regard this Bill is entirely different from that from which the Honourable Member opposite regards it. To many Members of this House, Sir, this Bill deals with abstract principles, and they are content to oppose it upon academic grounds, but to us, who are called upon to maintain peace and tranquillity in the districts of this country, it deals with powers which we know are vitally necessary for the maintenance of the peace and that tranquillity. (“Hear, hear” from *Official Benches*.) I must congratulate Mr. Satyamurti upon the restraint with which he has conducted his opposition, but, unfortunately, Sir, that same restraint has not been practised in the campaign carried on against this measure in the press in recent weeks. We have been told that this Bill strikes a serious blow at the liberties of India, that it symbolises the enslavement of the Indian people, and that it indicates the unfitness of the bureaucracy to govern this country. I hope to satisfy Honourable Members of this House that those apprehensions are quite groundless, that this Bill is in no sense drastic, and that it in no sense interferes with any of the fundamental liberties of the subject. I challenge Honourable Members opposite on this point. Which fundamental liberties of the subject does this Bill touch ? Does it touch the right of *Habeas Corpus* ? Does it touch the right of open trial ? (*Several Honourable Members* : “Yes.”) Does it touch the liberty of the individual to record his vote ? Does it affect the right of Honourable Members to use every possible legitimate influence in their own constituencies ? All these things are the main ingredients of the fundamental liberties of the citizen and they are left untouched by this Bill. The ordinary peaceful citizen is untouched in pocket, unhampered in his work, and unrestricted in his recreations by this measure, unless Honourable Members contend that picketing is one of the reasonable recreations of a peaceful

citizen. That this measure is in no sense drastic may be readily seen, Sir, by comparison with the legislation in other countries which have a terrorist problem to face.

May I, in the first place, call the attention of my friends to a country which is, I believe, dear to the hearts of many of my friends,—I refer to Soviet Russia. No doubt, Honourable Members have read in the press recently an account of the execution of 63 citizens of Soviet Russia without trial, without evidence, simply on suspicion that they were hatching a conspiracy. Again, let us turn to a more civilized country. Let us turn to Italy. During the past few years, confiscation of wealth of leading citizens without trial, and without evidence, has become part and parcel of the ordinary administration of the country. I am not here to defend those acts, but I am here to ask Honourable Members to preserve a sense of proportion and to remember that, if they are prepared to call methods of this kind drastic, they will have no words left in their vocabulary to describe the measures in force in those other countries.

**Several Honourable Members:** There they have National Governments.

**Mr. P. J. Griffiths:** As Honourable Members will probably not be prepared to accept the analogy of Italy or of Soviet Russia, may I call to their attention the analogy of England? Honourable Members have no doubt very much more detailed knowledge of English history than I can claim, and they will remember the exceedingly severe legislation which was passed in England before, at the time of and after the Chartist movement. England, at the time of the Chartist movement, was in very much the same position as India has been in during the past few years, and the legislation which is now being proposed is very much milder than the six Acts or the other legislation which was enacted in the early part of the nineteenth century in England. The plain truth is that no country, which has to deal with subversive movements, can avoid having special legislation, but the Government of India, largely because it is a Government based upon the will of the people. . . . (*Some Members on the Opposition Benches:* "Oh!")—I repeat, largely because it is a Government based upon the will of the people, has always had a rooted dislike to unnecessarily drastic legislation, and that Government has, therefore, placed before the House a Bill which would be considered milk and water in any other country where the terrorist problem exists.

Now, Sir, let us consider briefly what the effect of the present Bill will be. Its effect is fourfold. In the first place, it will make the Indian Press Emergency Powers Act permanent. In the second place, it will make permanent the power to take possession of a notified place used for the purposes of an unlawful association. In the third place, it creates permanently two substantive offences. In the fourth place,—and this point has been lost sight of by Honourable Members on that side of the House,—in the fourth place, it deletes from the Statute-book four very serious offences which exist at the present time. From the date of the passing of this Bill, dissuasion from enlistment, tampering with public servants, boycotting public servants, and dissemination of false rumours, will, in general, not be offences under the law of this land. It will be open to any citizen of this country, who wishes to do so, to dissuade from enlistment to that very army which Honourable Members opposite wanted to send to Abyssinia. It will be open to any citizen without fear of con-

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sequences to induce petty Government subordinates to neglect or misdo their duties. It will be open to any ordinary citizen to boycott public servants, be they high or low. It will be open to any ordinary citizen to conduct himself in such a way as to paralyse the administration of this country. These four things which have ceased to be offences were actually done in many parts of British India not so very long ago, and there is no certainty that they will not be done again. But notwithstanding that fact, the Government of India in their anxiety to avoid being too drastic are prepared to give up these offences and to delete them from the Statute-book.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair, which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta).]

Let me turn now to the specific question of the Indian Press Emergency Powers Act. If we are to justify the continuance of this Act, we have to make out two propositions. The first proposition is that at every time when the press of this country has been free from restrictions similar to those under the present Act, the irresponsible section of the press has indulged in deliberately inflammatory writing. Having proved that proposition, my next task will be to show that such deliberately inflammatory writing actually is dangerous in practice and does lend practical support to the terrorist movement. Let me deal first with the contention that, on every occasion, when no such legislation is in force a section of the press has been inflammatory. Instead of indulging in long, and perhaps unconvincing, arguments, I propose to read to the House three very brief extracts. The first extract is taken from a paper in Bengal and was written just after the Chittagong Armoury Raid, at a time when no restriction on the press was in force. This is the extract :

*The Swadhinata, 24th April, 1930.*—“ Revolutionary Bengal has revealed itself in Chittagong on the distant frontier of Bengal, as a result of the ruthless oppression of the English Nation extending over hundred years, the rebellious soul of India has more than once struck Government in different places. But such success as at Chittagong was never noticed anywhere. Remembering this military expedition of revolutionary Bengal, the head of the Nation is today bent in respect, their hearts are inflated with hope, enthusiasm and joy and glory.”

Do Honourable Members want to lend their support to publication of deliberately revolutionary matter of that nature ?

**An Honourable Member :** What is the name of the paper ?

**Mr. P. J. Griffiths :** *Swadhinata* of the 24th April, 1930, page 3 of the printed extracts. I will pass on to another extract from *Mukti*, dated the 3rd December, 1928.....

**Mr. B. Das :** On a point of information, Sir. The Honourable the Home Member said that the extracts would be circulated to all Members. I have not received a copy, and I do not think that anybody else on this side has received it.

**Mr. P. J. Griffiths :** If the Honourable Member is anxious, I will let him have a copy of the extract. This is an extract from the *Mukti* of 1928.

*The Mukti, 3rd December, 1928.*—“ The sacred fire of the Revolution was lighted by Rousseau and Voltaire, and Lenin led the fire of the Russian revolution like this. We want that fire should burn in our country like the same. If that fire burns everything, let it burn ; but it has become our greatest need.”

I would call the special attention of Honourable Members to the last sentence, "If that fire burns everything, let it burn". In other words, "Revolution may proceed to disastrous lengths, but revolution we will have". I should like to know whether Honourable Members on that side of the House approve of publication of matters of this nature.

(Dr. Bhagavan Das rose in his place on a point of information.)

**Some Honourable Members :** Order, order. He does not give way.

**Mr. P. J. Griffiths :** I may request my Honourable friend to wait till the conclusion of my speech.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** Is it a point of order ?

**Dr. Bhagavan Das (Cities of the United Provinces : Non-Muhamadan Urban) :** On a point of information, Sir.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** The Honourable Member does not give way.

**Mr. P. J. Griffiths :** The last extract which I propose to read and to which I hope Honourable Members will listen carefully is an extract from the *Advance* of the 7th July, 1931, an extract which has no doubt been debated before in this House, but I quote it here again, because it is the worst of all examples that I have come across of deliberately inflammatory writing. It reads :

*The Advance (Calcutta), 7th July, 1931.—*

"Dauntless Dinesh Dies with the Dawn.

Thousands gather at Street Crossings.

Body cremated inside Prison Compound.

Immediate *Hartal* all over the City.

And death is all the brighter that he died.

And Heaven is all the happier that he's there.

Yes what is all that fires a hero's scorn of death—

the hope to live in hearts unborn."

My only comment on that is that Dinesh Gupta was a murderer, and, in accordance with the tradition of a certain section of the irresponsible press, murderers were adulated. These are the facts in support of my contention that, whenever any such law as the present one is not in force, very large sections of the press become irresponsible.

I now come to the second part of my argument. Honourable Members may say that, though these things are written in the press, they do not do any practical harm. I want to contradict that statement from my own personal knowledge and the personal knowledge of everybody who is concerned with the terrorist movement. I do not know whether Honourable Members have any idea as to what is the ordinary process of recruitment to the terrorist party.

**An Honourable Member :** All unemployed.

**Mr. P. J. Griffiths :** Terrorist recruiting agents do not go and say "We are terrorist agents". They start off by giving the recent literature to read. In the first place, they give him comparatively harmless literature to read, and, then, in the second place, they lead him on to inflammatory articles in the irresponsible press. I am not speaking of one case. I have seen the cases of two or three hundred boys who were being recruited into

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the terrorist movement. Many of these two or three hundred boys have made statements, and, in literally every case, the path of recruitment has been through inflammatory literature. If, Sir, we are to permit literature of this nature to be published, we can make up our minds once for all that terrorism will continue to be a menace in this country. Those, Sir, are the grounds on which I contend that the press sections of this Act are essential.

I now wish to deal with the obvious objections which will be raised by Honourable Members opposite. We shall be told in the first place that if this Act passes into law no reasonable freedom will be left to the press. We shall be told that the press has been deprived of the power of reasonable criticism of the actions of Government. On that point, I hope to convince Members of this House merely by reading to them three extracts from articles which have appeared in the press, even under the aegis of the present law. By so doing I hope to satisfy Honourable Members that the present law allows ample scope not merely for just criticism, not merely for reasonable criticism but for unjust, untrue and unreasonable criticism. In reading these extracts, I am not concerned with the truth or the falsity of the matters referred to. I merely wish to show Honourable Members that very great freedom of criticism does exist in the press under the present law. This is from the *Rangoon Mail* :

“ We have often drawn attention in these columns to the hard lot of the Bengal detenus and the very unfair, inequitable and harsh treatment generally meted out to them.”

I am not concerned with the question as to whether the treatment meted out to them is unfair, inequitable and harsh. The point at issue is that under the present law, which is exactly the law which the present Bill proposes to reproduce, harsh criticism of this kind can be levelled against the Government from day to day. I shall quote another example, and this refers to the situation in Lahore and Amritsar :

“ The Journalists' Association records its emphatic protest against the action of the District Magistrates of Lahore and Amritsar in imposing indiscriminately a most hateful and illegal form of censorship on all newspapers, which constitutes an unwarranted attack on the self-respect and independence of the Press.”

That may or may not be true, but would that writing be possible if Government, with the present powers in its hands, were determined to suppress the freedom of the press. The very fact that articles of this kind are published from day to day is a clear and convincing proof that under the present law, the Press has ample and perhaps more than ample freedom.

I turn briefly to the next objection of the opposite side of the House, the objection that the ordinary laws should suffice. This argument is based on a misunderstanding. Apparently the desire of Members on the opposite side of the House is to punish miscreants, whereas the desire of the Government of India is to prevent mischief. We are quite aware that there are ample powers under the various Codes to punish people after they have done something wrong but our aim is to have preventive sections which will induce those people not to commit that particular offence. It is perfectly true that one such section exists in the ordinary law. I refer to section 99A of the Criminal Procedure Code. My objection to section 99A of the Criminal Procedure Code is that it applies to only one issue of the paper in which the offensive article appeared. One more point in that connection I will touch briefly. The Honourable the Home Member spoke

of the question of dummy editors. My Honourable friend, Mr. Satyamurti, argued that the Honourable the Home Member wished to punish people regarding whose guilt he had no proof. If I may say so, my Honourable friend entirely missed the point. It is not a question of punishment by any process of law. If security is to be deposited, who is going to deposit the security? Does the Honourable Member imagine that the dummy editor will deposit the security? The security will be deposited by the person actually concerned in the running of the paper and when the security is forfeited, it is that person who will have lost his money. Government may not know, it does not matter whether they know, who the real editor of the paper is but whosoever was responsible for the paper will have lost his thousand rupees or whatever the figure may be. I think that sufficiently disposes off the point made by my friend, Mr. Satyamurti.

Then, Sir, we are told that this Act is unnecessary because the Civil Disobedience Movement has now been abandoned. That, Sir, is a point on which my Honourable friends opposite are more competent to speak than myself. From their speeches and from the wording of the resolutions of the Congress Working Committee, the ordinary plain man in the street would by no means feel so certain that Civil Disobedience had been finally abandoned.

**Mr. S. Satyamurti :** It will never be. It can never be.

**Mr. P. J. Griffiths :** That being so, that disposes of Mr. Satyamurti's other arguments. It is because my friend says that that movement will never be abandoned that we on this side of the House claim that permanent legislation is required. If my Honourable friend could say that the Civil Disobedience Movement would probably be abandoned in three years time then there might be some justification for the argument that this should be temporary legislation but we have just been told that it will never be abandoned and as long as so subversive a movement is not abandoned, so long an Act of this kind will be necessary.

I pass on from the question of Civil Disobedience. Civil Disobedience is not the only subversive movement which we have known in this country. I have already spoken of terrorism. I do not quite know how far Honourable Members on the opposite side of the House are prepared to admit that terrorism is still a living factor in the situation. If they are not so prepared, I can prove it to them but it will save a great deal of time, if it is admitted that terrorism is as real a problem now as it was five years ago. I admit that there has been great improvement in public opinion, particularly in the province in which I serve and in the district in which I serve. That I readily acknowledge but in spite of that the fact remains that terrorist plans, terrorist outrages and terrorist recruitment are still going on and as long as those plans, those outrages and that recruitment continue, so long it is necessary to ensure that deliberately inflammatory articles are not published in the vernacular press. Another objection which may be raised to this Bill is that it interferes with liberty. Speaking for myself, I consider that there is very little foundation in this objection. Of course, it interferes with liberty. Every Statute placed upon the Statute-book in this House interferes with somebody's liberty. The only question is whose liberty it interferes with. Does it interfere with the liberty of the majority of decent, peaceful citizens or does it interfere only with the liberty of those who wish to plunge this country into civil war?



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Only a few days ago we were discussing the Cinematograph Bill on the floor of the House. I understand that under that Act every film exhibited to the public has to be censored. I did not hear my Honourable friends objecting to that on the ground that it interferes with liberty. If it is reasonable to interfere with the exhibition of objectionable and dangerous films, why is it not reasonable to interfere with the publication of objectionable and even more dangerous literature? As a matter of fact, there is perhaps no word which is more abused in this House and elsewhere than this unfortunate word 'Liberty'. The essence of civilisation is the subordination of the liberty of the individual for the benefit of the community. I understand, Sir, that the purveying of poisons requires a licence. Do my Honourable friends opposite suggest that that constitutes an infringement of liberty? Would they propose that fire-arms, guns and poisons should be handed about freely to whosoever asks for them? If they are prepared to concede that the purveying of poisons and dangerous drugs requires restrictions to be placed on it, why are some such restrictions not required on the most dangerous of all poisons? I refer to dangerous and inflammatory literature. (Loud Applause.) Once we get to the hard ground of practical fact, Sir, we at once realize that it is the bounden duty of Government to protect the youth of this country from contamination by the lying and dangerous statements which have appeared from time to time in certain sections of the press. During the course of the last few years I have had a good deal of connection with terrorist youths in Bengal. I have been struck in every case with their extreme ignorance, their extreme immaturity, their extreme emotional instability and the extremely dangerous way in which their feelings can be played upon by any kind of sentimentality. Now, it is our duty to protect those youths, while they are still immature, from contamination by this dangerous poison. (Hear, hear.) The policy of the Government is radically opposite to the policy advocated by the Members on the opposite side. Their policy is: "wait till an offence is committed and then send the offender to jail".

**Mr. S. Satyamurti** : That is the civilized policy.

**Mr. P. J. Griffiths** : I am surprised that it can be suggested that we should wait till we are forced to send young boys to jail, I am surprised at Mr. Satyamurti's remark. As far as we can, we try to administer justice but it is also our concern and our constant ambition not to send young boys to jail. (Interruptions.) The Honourable Member interrupting may believe me when I say that it was a pitiable sight three years ago to see the jails in Bengal crammed with youths who certainly would not have been there but for the dissemination of this poisonous literature. (Hear, hear.)

I turn now, Sir, briefly to the question of the working of the Act. In the first place, I would ask Honourable Members to observe that the effect of the Indian Press (Emergency Powers) Act is very moderate in its working. (Voices : "Oh, Oh!") It imposes no kind of censorship and it does not involve suppression. It lays down two simple principles. The first is that if a newspaper publishes certain kinds of objectionable articles, that newspaper has to deposit security. Is there any very great hardship in that, Sir? It lays down, secondly, that if that

newspaper repeats the offence after this definite and formal warning, if that newspaper again publishes inflammatory articles, that newspaper then has to forfeit its security deposit. Is it a very great injustice, is it a very great hardship (*Voices* : "Not at all !"), that some financial penalty should be levied upon a newspaper which has deliberately on two separate occasions, and after one solemn warning, published inflammatory literature ? After all, Sir, what are the particular kinds of taings which the newspaper may not publish ? They are these :

Firstly, " which incites to or tends to incite or to encourage the commission of any offence of murder ". Do Honourable Members want that newspapers should be free to publish incitements to murder ?

**An Honourable Member** : They may be punished by a Court of law.

**Mr. P. J. Griffiths** : Secondly, " which tends to seduce any officer, soldier, sailor or airman or any police officer from his allegiance or duty ". In a very short time, Sir, Honourable Members on that side will be the Government of India. (*Voices* : " Oh, Oh ! ") Do they then wish that, under their regime, every Tom, Dick and Harry shall be at liberty to seduce their soldiers, their sailors, their police officers, their Civil Surgeons, from their allegiance to them ? (*Hear, hear.*) Well, if they do so want, then I can only suggest that they are laying a rod in pickle for their own backs. (*Hear, hear.*)

Now, Sir, let me deal with the question of the administration of this Act. I have told the House that the Act is moderate ; I have now to convince the House that the administration of the Act has been still more moderate. (*Voices* : " Oh, Oh ! ") I wonder if Honourable Members have any idea how many newspapers there are in British India. I will tell them. There are 4,630 newspapers. The total number of security orders—and this includes both newspapers and presses—is 781, that is, a little less than one in six ; in less than one out of six cases newspapers have been required to deposit security. Of these 781 newspapers, in how many cases has the deposit been forfeited ? Twenty-five. These are not my figures but are available to the Honourable Member opposite himself. Out of 4,630 cases, in only 25 cases has the security deposit been forfeited,—a little less than one in 180 ! Can it be pretended that Government has secured a strangle-hold upon the press of this country merely because one in 180 has had to forfeit its security deposit ? (*Loud Applause.*) And what are the amounts of these security deposit ? Doubtless Honourable Members know that the Local Governments can demand a security deposit up to Rs. 3,000, but Government does not do this. Government never wishes to proceed to extremes. (*A Voice* : " Infinite kindness ! ") Yes, it is a great kindness. Of the newspapers, only in one case out of six has that security exceeded a thousand rupees. I would like to ask Honourable Members whether they wish that the press of this country should be in the hands of such men of straw that they cannot deposit one thousand rupees. (*Voices* : " Oh, Oh ! ") Again, Sir, while I deal with the question of the moderate administration of this Act, I may say that of some 4,200 prosecutions launched under section 18 (1) of the Indian Press (Emergency Powers) Act, some four thousand have resulted in a conviction ! My Honourable friend has told us that he has complete faith in the Courts of this country but not in the Executive. He will observe that practically every case sent up by the Executive has resulted in a conviction by the very Courts in

[Mr. P. J. Griffiths.]

which he has faith. (Loud Applause.) I have only one other point to make in this connection, Sir, and that is to deal with the allegation that the Act is stifling the press. I wonder if Honourable Members opposite have troubled to get the figures as to the number of newspapers in existence five years ago and the number of newspapers now in existence. They will be interested to know that the number of newspapers in British India has increased by 716 in the last four years, and the number of printing presses has increased by 1,029. (Hear, hear.) Does that suggest to an impartial mind that Government is exercising a strangle-hold upon the press? Does it not conclusively prove that the people most concerned, the people who run the newspaper business themselves realize that as long as they can comport themselves with some kind of decency, they have ample safety, ample liberty and complete justice? (Loud and Prolonged Applause.) Finally, Sir, I wish to read to you in this connection a quotation from the very high authority whom the Honourable the Home Member quoted this morning, but as the latter part of the quotation is more germane to my present point, I should like to read that part of the quotation. This is from *Young India* of the 28th May, 1931, and purports to come from Mr. Gandhi :

“ I have before me extracts from journals containing some gruesome things—These are communal incitement, gross mis-representation, and incitement to political violence bordering on murder.”

Now, this is the important point. I suggest Honourable Members should listen to the important point which is now coming :

“ The real remedy is a healthy public opinion.” (Hear, hear.)

I hope the applause will continue :

“ We have our journalist association. Why should it not create a department whose business would be to study various journals and find objectionable articles and bring them to the notice of their respective editors ? ”

That was an article by Mr. Gandhi in May, 1931, when there was no Press Act in force. The Government of India waited patiently for a long time ; they hoped that some notice would be taken of that appeal by Mr. Gandhi. Was anything done? Did the Journalists Association make the least attempt to bring its influence or to bring public opinion to bear upon the question of the publication of these inflammatory articles? No, Sir. For five months after that warning the Association remained silent, and, as a result, Government were compelled to bring in in October, 1931, the Press Emergency Powers Act. Mr. Gandhi's words were the correct words—the real remedy lies in the hands of the journalists themselves. And it is because a certain section—I do not say the majority—of journalists refused to take their responsibility seriously that Government has had to step in and enforce this responsibility for them.

The next effect of the Act is the power to take possession of notified places or to confiscate funds. I understand this subject will be dealt with more in detail by other speakers and therefore I propose to be very brief about it. I merely wish to say this that the power to take possession of a place which is used by an unlawful association is merely a logical corollary to the fact that you have declared that association unlawful. We are not discussing here today whether Government should or should not have the power to declare associations unlawful. Under

the present law Government has that power and I cannot conceive of any man of reason maintaining that Government can declare an association unlawful but should not have power to confiscate the funds of that association—or in other words, that we should be compelled to sit by idly and watch an admittedly unlawful association carry out its nefarious activities. I may also say in this connection that without some such power it would be utterly impossible to prevent or even to make less likely secret meetings of those very associations which have been declared illegal. I must pass on quickly. The last effect of the Act is to create two substantive offences. The first of those substantive offences is that laid down in section 5 of the existing Criminal Law Amendment Act which refers to the dissemination of the contents of forfeited documents. Here we are not dealing with the question as to whether any document should be forfeited or should not be forfeited. If the view of the opposite side of the House is that no document should be forfeited, then they will have to introduce a very great body of legislation. They will have to repeal the Sea Customs Act, the Posts and Telegraphs Act and a dozen other Acts which could easily be named. As the law at present stands, certain documents are liable to forfeiture and are forfeited. What could be more illogical and what could be more stupid than to confiscate those documents and allow some one to memorise them and read them out? No sane Government could contemplate such an extreme inconsistency. As long as you have a law for the forfeiture of documents, so long you must have a power to make dissemination of those documents or the contents of those documents a penal offence. One more point which is perhaps hardly relevant here and which I missed in my remarks about the press. My Honourable friend, Mr. Satyamurti, said: Why do you want this central legislation about the press? He said the worst trouble is in Bengal and in the Punjab and in Bengal you have special Acts which deal with these matters: so there is no necessity for such legislation here. I am afraid, my Honourable friend is misinformed. There is no special legislation in Bengal which gives Government any kind of control over the press. I presume he had in mind sections 35 and 36 of the Bengal Suppression of Terrorists Outrages Act. Those sections deal with an exceedingly limited class of cases and are meant not so much for application to the press but for application to private individuals who pass round printed or manuscript copies of seditious literature. My Honourable friend is misinformed when he says that that legislation for this purpose is available in Bengal.

The last point with which I wish to deal is section 7 of the Criminal Law Amendment Act at present in force. That deals with molesting and picketing. The Government of India object to molesting and picketing because experience has shown that there is no such thing as peaceful picketing. Picketing may start as peaceful—this is not theory that I am talking but it is what every Member of this House has seen with his own eyes—but it invariably finishes up in disorder and violence. If Honourable Members want concrete examples, I will give them one that comes to my mind. Take, for example, Dacca. I hope there is some Honourable Member who comes from Dacca and who can corroborate what I say. There in the year 1929-30, picketing molestation and enforced hartals were the order of the day.

**Mr. Suryya Kumar Som** (Dacca Division: Non-Muhammadian Rural): It is absolutely false.

**Mr. P. J. Griffiths :** I fear, Sir, the Honourable Member must have stayed inside of his house. But I was the whole time in Dacca and saw it happening day after day and week after week. Here the shopkeepers were forced to join in hartals and were picketed if they refused to do so. It so happened that most of the poor shopkeepers were Muhammadans whereas most of the wealthier people were Hindus. That was an unfortunate accident but the effect of this picketing and enforced hartals was that there were communal riots in 1930 and I challenge any Member of this House who was in Dacca at that time to repudiate those facts in detail. But, Sir, Dacca is not the only example. You have Cawnpore and you have a dozen other examples in the last ten years where picketing and molestation have led, as they always must lead, to violence and to defiance of law and order. It is very common to say, as my Honourable friend has said, that the ordinary law is quite adequate to deal with picketing and molestation. He read out a very interesting series of extracts from rulings and he tried to establish conclusively the argument that those acts are offences under the ordinary law. I do not know if my friend is a lawyer but if he is I can only hope that he will be a High Court Judge before long and I hope that he will then persuade Courts to take that very view which he has now enunciated. These sections are introduced because our practical experience shows that convictions cannot be secured for molestation and picketing under the ordinary law except in the most exceptional circumstances. Do not let the Honourable Member think that this is a new idea. The Honourable Member is apt to think that all this time neither the Government of India nor its officials have ever read the Indian Penal Code. I can assure the Honourable Member that for the last few years we have been reading the Indian Penal Code most diligently. We have been most diligently looking for ways of dealing with miscreants and in particular of dealing with picketers and people who molest and it is because we have failed to find a remedy under the ordinary criminal law that the Government of India have had to resort to the proposed present section.

I have nothing more to say, Sir, except this that this Assembly is the forerunner of what will be the Government of India in a very short time and the best service that this Assembly can render to that future Government is to arm that Government with the very weapons which they will otherwise have to seek for themselves. If Honourable Members opposite had a true sense of gratitude they would be thanking the Honourable the Home Member for saving them the most unpleasant task which would assuredly fall to their lot in two or three years' time. But, Sir, the best augury for the future Government of India will be if this Assembly will display its sense of responsibility by lending its support to a measure which steers the midway course between liberty on the one hand and licence on the other hand. (Loud and Prolonged Applause.)

The Assembly then adjourned till Eleven of the Clock on Friday, the 6th September, 1935.