

Monday, 1st February, 1932

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THE
LEGISLATIVE ASSEMBLY DEBATES

(OFFICIAL REPORT)

VOLUME I, 1932

(25th January to 17th February, 1932)

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THIRD SESSION

OF THE

**FOURTH LEGISLATIVE ASSEMBLY,
1932**



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1932

Legislative Assembly.

President :

THE HONOURABLE SIR IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E.

Deputy President :

MR. L. K. SHANMUKHAM CHETTY, M.L.A.

Panel of Chairmen :

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MR. ARTHUR MOORE, M.B.E., M.L.A.

SIR ABDUR RAHIM, K.C.S.I., Kt., M.L.A.

SIR COWASJI JEHangIR (JUNIOR), K.C.I.E., O.B.E., M.L.A.

Secretary :

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

Assistants of the Secretary :

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

RAI BAHADUR D. DUTT.

Marshal :

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

Committee on Public Petitions :

MR. R. K. SHANMUKHAM CHETTY, M.L.A., *Chairman.*

MR. ARTHUR MOORE, M.B.E., M.L.A.

SIR ABDULLAH SUHRAWARDY, Kt., M.L.A.

DIWAN BAHADUR HARBILAS SARDA, M.L.A.

MR. B. SITARAMARAJU, M.L.A.

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LEGISLATIVE ASSEMBLY.

Monday, 1st February, 1933.

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

MEMBERS SWORN.

Sir Hugh Golding Cocke, Kt., M.L.A. (Bombay: European);

Lieut.-Colonel Sir Henry Gidney, Kt., M.L.A. (Nominated Non-Official); and

Mr. Ralph Roberts Brown, M.L.A. (Burma Nominated Official).

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Order, order. In view of the fact that the subject matter which is coming on for discussion today is of great importance, the Chair tried to ascertain how many Honourable Members wished to take part in the debate. The Chair finds that there is a very large number of Honourable Members who desire to address the House on this important question. Having regard to the fact that we have only a certain number of hours to work during the day, I find that if with your consent I postpone the questions put down on the list for today and strictly limit speeches to the time limit laid down in the Standing Orders, there is room for 12 speakers only, in addition to the Honourable the Mover and the Government Member in charge. That number appeared to the Chair very inadequate, and on further consideration of the matter, it occurred to the Chair that perhaps the House might agree to continue the debate tomorrow instead of taking up the non-official Resolutions which are on the agenda paper for tomorrow which is a non-official day. The Chair therefore wishes to ask the consent of the House to postpone the questions and also to agree to carry on the debate tomorrow so that as many Honourable Members as possible representing various interests who catch the eye of the Chair may be able to address the House. The Chair wishes to make it clear that it has decided to strictly observe the time limit during the whole of this debate—I have therefore to ask whether Honourable Members agree that the questions on today's list should be postponed (*Honourable Members*: "Yes, yes"),—and that instead of taking up non-official Resolutions tomorrow, this debate should be carried on to tomorrow. (*Honourable Members*: "Yes, yes.") Sir Hari Singh Gour.

RESOLUTION RE RECENT ORDINANCES.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I beg to move:

"Whereas this Assembly has reason to protest against the manner in which the Ordinances promulgated by the Government of India have been worked in various parts of the country by the agents of Government, and in particular, considers that the action taken against Mahatma Gandhi without affording him the opportunity he sought for an interview with His Excellency the Viceroy was unjustified, that the deportation of Khan Abdul Ghaffar Khan and the arrest of Mr. Sen Gupta before he even landed on Indian soil were against all canons of justice and fairplay and ignored all elementary humane ideas and that the punishment meted out to ladies including their classification as prisoners is to the last degree exasperating to public opinion;

And whereas this Assembly disapproves of the fact that various Ordinances have been issued immediately after the conclusion of the last sitting of the Legislative Assembly;

And whereas this Assembly condemns acts of terrorism and violence and disapproves of the policy of no-rent campaign and similar activities and is convinced that it is the earnest duty of all patriotic citizens to join in the constructive task of expediting the inauguration of a new constitution ensuring lasting peace in the country;

This Assembly recommends to the Governor General in Council:

- (1) that he should place before the Assembly for its consideration such emergency Bills in substitution of the Ordinances as he may consider reasonable and necessary in order to enable this House to function effectively as intended by the Government of India Act;
- (2) that in view of the grave happenings in the North-West Frontier Province, a committee elected by the non-official members of the Assembly be forthwith appointed to enquire into the same, including the reported atrocities committed therein; and
- (3) that he should secure the co-operation—(here I make a verbal amendment by saying)—of all organisations in the country in the inauguration of a new constitution for India."

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Who do you mean by organisations?

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): You will understand it later on.

Sir Hari Singh Gour: Sir, I shall not waste the time of this House by any introduction, but I shall very briefly commend this Resolution to the favourable attention of the House.

The first demand that the Legislative Assembly makes is that the Ordinances should be placed before them in the shape of emergency Bills for their consideration. Honourable Members will remember that the recrudescence of the civil disobedience movement is not a singular or a novel feature in the political life of the country. Two years ago we had the civil disobedience movement here, in connection with which Ordinances were issued and certain measures taken, and when the Round Table Conference was meeting in England there were rumblings of the coming storm. When the Assembly met in November last we knew with a certain degree of assurance that there might be the possibility of a return to the civil disobedience movement. Consequently, Government must have been preparing their Ordinances while this Assembly was in session. Whatever may have been the case, immediately after the conclusion of our labours in November last, we found these Ordinances promulgated one by one in quick succession. The first Ordinance dealing with the Bengal

terrorist crimes was dated the 30th November, 1931. Now, Sir, I wish to ask this House to commit itself to the view that when the Legislature was sitting here in Delhi in November last, if the Government wanted to take power to cope with the political situation which they apprehended was bound to arise in the country it was their duty to bring those emergency Bills forward for the consideration of the Assembly. As a matter of fact Honourable Members are aware that the Government did bring in the Press Bill for the consideration of this House and we gave them power of which the House is well aware. I therefore think that it was the incumbent duty of the Government to give to this House the opportunity which I ought to have had of considering as to how far these Ordinances should be enacted to cope with an emergency. Sir, I fortify my argument for this demand by briefly referring to the terms of these Ordinances. Honourable Members will remember that the power of the Governor General to enact an Ordinance is contained in section 72 of the Government of India Act, and it lays down that the power:

"is subject to the like restrictions as the power of the Indian Legislature to make laws,"

and Honourable Members will find on turning to section 65 that the power of the Indian Legislature to make laws is subject to any:

"part of the unwritten laws or constitution of the United Kingdom of Great Britain and Ireland whereon may depend in any degree the allegiance of any person to the Crown."

In other words, the fundamental rights which the English people enjoy under their common law are the rights which cannot be denied, restricted or abused by the enactment of any measure of the Indian Legislature, and, therefore, they cannot be modified by an Ordinance passed under the extraordinary powers of the Governor General under section 72. Need I remind my Honourable European friends and those who are interested in the subject that it is pointed out in Taswell-Langmead's "History of the English Constitution", page 95, "that three great political documents in the nature of fundamental compacts between the Crown and the nation (mark these words "fundamental compacts") stand out as prominent land marks in English constitutional history—the Magna Charta, the Petition of Rights and the Bill of Rights which constitute, in the words of Lord Chatham, "the Bible of the English constitution" and in each of these documents, whether it be of the 13th or the 17th century, is observable a common characteristic of professing to introduce nothing new. Each professed to assert rights and liberties and sought to redress grievances which were for the most part themselves invasions upon the ancient liberties of the people? Honourable Members will thus find that these fundamental rights which the English people have been enjoying under their common law cannot be modified by any Act of the Indian Legislature, and let me briefly give to Honourable Members what these fundamental rights are. In the first place, it was settled as far back as 1763 that the executive Government had no right to issue general warrants or blank warrants. The second point was that the executive Government had no right to arrest without legal justification, and that the subject was entitled to redress against such arrest by either instituting proceedings for false imprisonment or suing for indemnity. The third thing was an embodiment of the then existing common law in what is known as a Habeas Corpus Act. The fundamental principle of that Act is that

[Sir Hari Singh Gour.]

if any one is arrested by order of the executive, he has got the right of appearing before a judicial tribunal and calling upon the executive to surrender his body to the judiciary for trial. The fourth fundamental right which the English common law gives to every subject is a right of indemnity against illegal or oppressive action of the servants and dependents of the Crown.

Now if you were to put to the test the Indian Ordinances passed over the signature of His Excellency the Governor General, and for which the Government of India are primarily responsible, you would find that the following are the characteristics of many of them. In the first place every Ordinance provides that whatever the officer of Government or servant of Government may do in the discharge of his duty, he is indemnified against all civil and criminal actions. In other words, they have been granted immunity before they commit any offence and whatever may be that offence, the subject has got no right of redress against their action which, I submit, violates the first fundamental principle of English law embodied in the rights to which I have referred. The second point is that any officer of Government may detain any person for a period of 15 days and if the Local Government so sanction it, for a period of two months. There may be no charge against him, no credible information against him and no evidence against him. The right of detention is there and the subject has got no right of redress. Then, Sir, the Ordinances give large and plenary powers of search. The officers of Government are here empowered to enter the most sacred precincts of an Indian household and they are entitled to make a search. Then you have got a provision for the seizure of all property moveable and immoveable and the Government has got the right of confiscating that property. Then you have got one of the most extraordinary provisions of law which I have ever read anywhere. The other day Honourable Members will remember that in a mere jest I referred to the vicarious punishment which I said was permissible under the laws of China, and the Honourable occupants of the Treasury Benches smiled at that reference. Little did I know that that suggestion would be embodied in the Ordinances with which we are concerned. If Honourable Members will turn to section 24, they will find that it is there laid down that:

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

But that is not all. In any such case the court may direct by its order that in default of the payment of the fine by the parent or guardian, the parent or guardian shall suffer imprisonment (*Cries of “Shame”, “Shame”*) as if the parent or guardian had himself been convicted of the offence for which the young person was convicted. Sir, I gasped for breath when I read these lines! Is there anything in any constitution of the civilized world that can compare with the Draconian provisions of this piece of legislation? I said the other day that I had mentioned it as a passing jest, but, alas, I sit here to see the fulfilment of it upon the temporary Statute-book of the Government of India! Sir, comment upon these Ordinances is futile. I submit that the least this House can do is to compel the Government of India—I

do not know how far our resolutions do compel the Government of India—but at any rate, let us with one united voice demand of the Government of India that these Ordinances, if they are to cope with an emergency which is still in sight and is likely to continue, must be brought before this House so that this House may review and consider them and give the Government of India such power as the House might think fit. That, Sir, is my first point.

I now pass on to a more gloomy episode in the history of repression in this country. My second submission is that a committee should be appointed for the purpose of inquiring into the reported atrocities in the North-West Frontier Province. Sir, I read the other day a gloomy and harrowing tale of oppression, of tyranny and of torture committed in the name of these Ordinances by the officers in the North-West Frontier Province. My Honourable friends will remember the words of Father Elwin. They were communicated to the press, but I do not rely upon that indirect report which has appeared in the press. Fortunately for us we have an eye-witness amongst us. Our esteemed colleague, Maulana Shafee Daoodi, has been to the frontier and he will enlighten this House upon what he saw with his own eyes in that unfortunate province. I shall not, therefore, give second-hand information when this House will soon be in possession of first-hand information, and I shall, therefore, rest content by saying to this House that the least that it can do is to demand that an impartial and independent inquiry should be made into the outrages reported to have been perpetrated in that unfortunate and defenceless province.

Sir, my last point is a very short one; and I think that whatever may be the differences of opinion between Honourable Members upon the other points, there cannot be any difference between ourselves and the Honourable occupants of the Treasury Benches on that point. They, as well as we, desire the co-operation of all parties, of all organizations for the fulfilment of the promise from time to time given by His Majesty's Government that they want to pursue their objective of the grant of self-government to India. We on both sides want the co-operation of all organisations and of all parties in the country. Now under the repressive policy that is being pursued by the Government, that co-operation is impossible, while the predominant parties who have been in the country working for reforms and striving after the redress of the people's grievances, while their leaders, and not a few of their followers are at the present moment in jail. My Honourable friend, Mr. Ranga Iyer, gave notice of one such Resolution dealing with the incarceration of the leaders of the civil disobedience movement. He has special knowledge of that subject, and I shall, therefore, rest content by asking you to commit yourself to this Resolution, which, as you will find, is divided into three parts. I need hardly remind my Honourable colleagues that whatever differences we may have, whatever feeling we may cherish about the civil disobedience movement, at any rate the vast majority of us are not in sympathy either with the terrorist movement or with the no-rent campaign or other displays of lawless activity in this country. But, however unfortunate those activities might be, we, as mediators standing between the two extremists, those of the Government and those of the agitators outside, have our duty plain, and that duty is that we should give to every man his due regardless of the party or partisanship of his creed. That, I say, Sir, is the object with which Members in this Assembly representing the various communities, classes and interests have come to legislate and

[Sir Hari Singh Gour.]

to guide, and if possible the policy of the Government. Whatever, I say, may be our sentiments, however much we may disapprove of the activities outside, one thing is certain, that even the prisoner in the dock is entitled to fair play. (Applause.) I submit, therefore, that we are only here asking the Government to give every man those elementary rights of citizenship which he has a right to enjoy. Sir, under these Ordinances, you, and I, who have got nothing to do with the civil disobedience movement, every member of a peaceful community, however detached and unconnected with the political movement, stands in jeopardy of his liberty and life. ("Hear, hear.") That, I submit, is the position into which these Ordinances have launched all law-abiding peaceful citizens. These Ordinances have armed the executive with the unlimited power of seizure of person and property, with no chance of the subject obtaining relief in the ordinary courts of law to which every citizen of the empire is entitled? That, Sir, is our grievance. That, Sir, is the reason why we have come here to ask the Government to do what we consider to be but right and fair. If the Government accept our Resolution—which I doubt (Laughter)—they have only to place before us their Bills, and they will receive that co-operation and support which this side of the House has never stinted. ("Oh, oh" from the Non-Official European Benches.) They know very well from the history of past measures to what extent we have responded to the call of co-operation from the other side: and I say, therefore, that, so far as the Government are concerned, their hands will be strengthened by securing the co-operation of the elected representatives of the country in this House. If they do so, they have nothing to fear. If, on the other hand, their real intention is to strike terror into the people of this country, to establish their prestige regardless of the consequences, then we, the representatives of the people shall have done our duty by recording our protest against that policy. It is with this dual object, Sir, that we are met here this morning; and I appeal to all classes and all communities to join me in condemning the policy of the Government of India ("Hear, hear") of ruling the country by means of Ordinances and exceptional and arbitrary legislation. I therefore ask and appeal to my friends occupying the Treasury Benches, and may I add that my appeal, I hope, will not go in vain if I extend it to the Centre Group, to the members of that freedom-loving and freedom-giving nation, who have fought and won those fundamental rights for which their forefathers have bled. May I ask for the co-operation and support of that section of this House? Sir, we have met here not as members of any community, not as representatives of any class or interest, nor have we met here in order to voice the sentiments or to preserve and safeguard the rights of any one community or class, but we have met here as the ambassadors of the people whose duty it is to serve unswervingly, loyally and fearlessly their motherland. I hope that Members of this House will rise to that height of national patriotism by sinking all parochial and class differences and see that the elementary rights for which I am pleading are not denied to the people outside this House. Sir, we are apt sometimes to forget that, while we ourselves have not been subjected to the rigours of the Ordinances, their horrors have shaken the whole country from East Bengal right up to the North-West Frontier Province. But let us extend our sympathies to these unfortunate victims of the Ordinances who have been incarcerated and against whom no reasonable and sufficient evidence has been recorded. The ordinary procedure

and forms of law are in suspense; the doors have been closed against them. Their sighs and cries are heard in the wilderness; no one gives them a friendly response. If this House does not, who else will? Let us therefore unite; let there be no divided counsel upon the vindication of those elementary rights of humanity. Let us all, therefore, remember first that we are the sons of India and that we meet here for the common service of our motherland. Let us remember that: Lest we forget, Lest we forget! (Applause.)

The Honourable Sir James Crerar (Home Member): Mr. President, I need hardly say that I have invariably listened with the utmost attention to anything that falls from the Honourable the Leader of the Nationalist Party and on the present occasion I have listened to him with a special degree of interest and attention. Naturally, I desired to know what precisely were the motives and what precisely were the intentions which inspired him to move this Resolution at all. But in particular I was anxious to receive from him an elucidation of some points which still present to me grounds for considerable doubt and difficulty as to the precise meaning of what I think I may call without any offence a somewhat composite document. It is, in fact, a piece of mosaic, curiously and intricately pieced and dove-tailed together. It contains propositions or it appears to contain propositions which I find extremely hard to regard as otherwise than mutually incompatible. It contains certain propositions which Government would not have the slightest difficulty in endorsing—propositions, if I have understood them correctly, which indeed Government have been the first to affirm and which Government have been more active than anyone else in carrying them out into practical operation. But, Sir, there are certain other elements in the Resolution regarding which I could not but feel a greater degree of hesitation. I have difficulty in connecting some of the propositions contained in the preamble and I have also difficulty in tracing any reasonable and logical connection between those propositions and the specific recommendations which the Honourable Member appeared to urge. Therefore I was in great need of elucidation of these important points and I must confess to a very considerable sense of disappointment in what has fallen from the Honourable Gentleman. On one point only there can be no doubt and that is that the Honourable Gentleman intended his Resolution and commended it to the House as a censure upon the policy and upon the proceedings of Government. That being so, it will not surprise the House when I say that the attitude of Government with regard to this Resolution can be none other than that of strenuous opposition. (“Hear, hear” from the Government Benches.) It is true that the Resolution contains—and the Honourable Member to a certain extent pursued that point—censures upon terrorism, upon the no-rent campaign and upon various other activities unspecified. It appears to me, Sir, that it would have been easy for the Honourable Member to have placed before the House the real issues on this important occasion in a much more simple and direct form. It appears to me also that if they had been logically and consistently pursued they must necessarily have ended not in a vote of censure but in a vote of confidence in the Government.

I understand, therefore, that the general policy and the general action of Government are impugned by this Resolution. I should like to say a few brief words, they must necessarily be brief and summary because it is impossible in the time at my disposal to traverse so extensive a territory, on what is the policy of Government. The policy of Government,

[Sir James Crerar.]

in the first instance, is to take up the challenge which has been quite unnecessarily, quite unwarrantedly thrown down, a challenge to all forms of ordered government and to any ordered form of society. This must be the continuous and consistent policy of any Government, but it is more than a policy, it represents the primary and the most important reason for the existence of any Government at all. (Hear, hear.) In taking up that challenge and in dealing with it with all the powers at our command in the performance of our responsibility, we are, I say, discharging not only a duty which primarily rests upon us as a government to the people and the public of India at the present time, but we are equally discharging a trust for the future, whatever Government may hereafter subsist in this land.

The second part of the policy of the Government is to prosecute the advancement of political and constitutional advance and, in order to carry on that policy, to secure the widest measure of agreement and the greatest measure of co-operation from every interest, from every organization, from every individual in India who is prepared to contribute constructively to that end. (Hear, hear.) I need hardly point out that, quite apart from the fundamental responsibility resting upon Government in the maintenance of law and order, it would be quite impossible for them to carry on this policy of constitutional reform, to enable those in India—they are many and I believe they are a vast majority—who desire to follow the path of constitutional reform by constitutional methods, it would, I say, be impossible for us to enable that policy to be carried out, with the co-operation of all those great interests, unless we simultaneously maintained conditions under which alone such a policy could be profitably pursued. (Hear, hear.) I desire to get away from the ground of mere statements, of promises and statements of policy. I maintain that during the course of the whole period during which constitutional questions have been discussed—I refer more particularly to the course of events in the last two years—Government have shown not in words only nor in any mere expression of principle, but in practical fact the sincerity of their intentions. I will go back to no more remote date than the first Round Table Conference, when His Majesty's Government, in complete concurrence with the Government of India, adopted, as a means for solving the important problems which lie before us, the method of free and frank discussion in order to obtain the greatest measure of common agreement. That attitude was fully and authoritatively expressed in the Prime Minister's statement of 19th January. Then followed what was I think to be the next most important event, what is commonly called the Delhi Settlement. Government have been in many quarters very much criticised for the part which they took in that announcement. For myself I look back upon it without one atom of regret. I regret indeed many of the events that followed upon that settlement and have put us in the position in which we find ourselves today. I do not regret that that honest and sincere attempt was made. If it failed it was not our fault, and the position with which we are now confronted. I say again is not the fault of Government. They did nothing to provoke it. They have only taken upon themselves to do what in the face of that challenge was utterly incumbent upon them to do. Then, Sir, we had the second Round Table Conference, we had a further statement bringing

the position up-to-date once more by the Prime Minister. That was followed immediately by the announcement of the constitutional committees which have now arrived here and the actual work of seeking a practical solution of the difficulties which are still unsolved is now proceeding. In view of all that, I can fairly contend that throughout Government have not merely been lavish of promises but at every step where it was possible to make practical advances on those lines they have taken that step. It is their intention to continue to do so and to maintain the conditions under which alone progress on those lines can be effected. What in point of fact was the position during the latter part of this year. The Honourable Member opposite devoted a large part of his speech to what I understand was a constitutional examination of certain legal points. I understood him to impugn the validity of the Ordinances; the particular argument he used, I think he would be prepared to admit, was dealt with in full in the famous judgment of Markby J., and in a well known decision of the Privy Council which ended up by the declaration that that argument could not be upheld.

Sir Hari Singh Gour: What about the judgment of Norman Judge?

The Honourable Sir James Crerar: I do not intend to follow the Honourable gentleman further on that line, but he complained also against the issue of the Ordinances at all. What was happening in the United Provinces within seven days of the issue of the announcement constituting the Delhi Settlement. The following circular was issued by the All-India Congress Committee to their affiliated bodies in the United Provinces:

"It is vitally necessary that you should take immediate steps to consolidate the position gained by the Congress during the last year and strengthen it still further. If we now establish firmly definite centres of work and activity in rural areas, we shall strengthen our organisation and prepare the people for any contingency that might arise. . . . I need not tell you the provisional settlement in Delhi means a truce only and no final settlement." (Hear, hear.)

An Honourable gentleman applauds that sentiment. I ask the House to consider candidly whether a message of that kind delivered within a week of the announcement of the Delhi Settlement indicated the spirit and intention of carrying out either the spirit or the letter of that settlement. Nor was that an isolated instance. Preparations for the renewal of the campaign of civil disobedience were continued throughout the whole of that area. The Government of India on their part and the Local Governments on theirs observed that settlement with the most scrupulous and meticulous attention. They did it in the face of very strong criticisms to which I have already alluded. They did it knowing themselves perfectly well that they were undertaking grave risks in doing so, but they thought that they should exhaust every possibility, that it was incumbent upon them to give all those who, whatever their previous attitude, still manifested any disposition to join in the great and common task that lies before us, the fullest opportunity of doing so. They incurred grave risks, but, I regret to say, in vain. The Government of the United Provinces were confronted with a situation of the greatest difficulty because the economic conditions in the agrarian tracts is a difficulty which not only bears hardly upon the agricultural population of the country but presents a very grave and very serious problem to Government. The Government of the United Provinces attacked that problem with the greatest sympathy. They acted in the most constitutional manner possible. At the earliest stage they took their own Legislature

[Sir James Crerar.]

into confidence. They formed a committee of that Legislature, they laid proposals before it, and in the event measures were taken, liberal measures, for the relief of agricultural distress, the existence of which no one denies, with the full concurrence of their Legislature. Was there anything unconstitutional about this, Mr. President? Meantime every kind of agitation to prevent a peaceful solution of these great difficulties was being carried on. It is not my purpose to impute to all those who were concerned in creating the difficulties with which the Government of the United Provinces were met that they were not partly actuated at any rate by sincere sympathy with agricultural distress; but I do say that whatever their motives and intentions may have been, it was a reckless and dangerous course to pursue and a course which might very easily have ended, but for the prompt measures taken by the Government of the United Provinces, in one of the most dreadful and disastrous of contingencies that can ever confront a country, an agrarian revolt. The Government of the United Provinces held their hand till the very last moment. Resolutions were passed which were plain breaches of the Delhi Settlement,—they still held their hand. In one district after another the no-rent campaign was initiated and prosecuted with vigour,—they still held their hand. But at last the Government of the United Provinces, presided over by one of the wisest, one of the most sagacious and one of the most prudent administrators in India or any other country, finally told us that unless they received those powers, unless they put them promptly into execution, the situation would become entirely beyond control and that they would be faced with what I have already described as one of the most mischievous, one of the most dreadful, one of the most deplorable situations with which a country can possibly be confronted. That is what happened in the United Provinces.

The course of events in the North-West Frontier Province was very similar. Congress propaganda was carried on with the utmost recklessness and irresponsibility. Though the late Chief Commissioner and the present Chief Commissioner tried all means in their power to secure the co-operation of Khan Abdul Ghaffar Khan and his friends, we all know the result. The most dangerous agitation was continued; every attempt, every overture with a view to co-operation was rejected. The statement made by the Prime Minister was contemptuously rejected; and again, it was only when the Chief Commissioner had satisfied himself and had satisfied us that the extreme limits of peril had been reached and in a day or two might be overpassed that this action was taken.

I say nothing about the state of affairs in Bengal because it is impossible for me to pursue every issue which is involved in the Resolution before the House. But the broad issues are simple and I have already stated them. Are Government to discharge their first and primary responsibility or are they, on the other hand, to make a grave dereliction of that responsibility? Have they in consequence of taking the latter course shown to India and to all the world that the solemn promises and public pronouncements made by a succession of Governments and a succession of statesmen are not to be fulfilled? Are we to present to India the deplorable account that, because we have not the courage to deal with lawless activities we must resign, on their account and our own, all hope of attaining to that next and great advance in constitutional development which, in spite of all that has happened, in spite of all that may happen, I confidently predict we shall attain?

Now, Sir, I have very nearly reached the limit of my time, but it may perhaps be objected to me that I have not given a fair account of the activities of the Congress which have necessitated these Ordinances. There can, I imagine, be no reasonable misapprehension on that point. The leaders of the Congress Party have always been perfectly plain in the exposition of their position, namely, that their programme, their campaign, is directed to subvert the existing system of Government. It has been pretty plain to the great majority of the people of this country who do not support the pretensions and the policy of the Congress that incidentally there would be imposed upon them, as during the last non-co-operation campaign was undoubtedly the case, an intolerable tyranny. They know perfectly well that these things lead to utterly barren and infructuous ends. But lest I should be asked whether there is any recent indication that that still stands as the policy of the Congress, I will read only two extracts from a publication which now appears surreptitiously in the city of Bombay, and is a plain statement of what lies behind the non-co-operation movement. Here is one which was published on the 20th January :

"The programme of the Congress is the complete overthrow of the British power in India, and capturing the power for the toiling masses of India. It is a fight to the finish and no quarter will be given to our foes or their allies, viz., those Princes, aristocrats, zamindars, capitalists and others who have joined hands with the British Imperialism with a view to exploit the Indian peasants and workers. We, the Congress, stand for complete independence, and the war shall end when we get it. Till the fight goes on, we shall fight on with non-violence as our only shield and we will expect the country to stand with us through that war. We shall not confer with the British Imperialism until it bends its knees and sues the Congress for peace."

Again, published on the 26th January :

"The present war like the last one gives the training to the people, organises them into stronger groups, unites the workers and the peasants in a fraternity of the downtrodden, so that when the psychological moment comes, these united forces with a concerted action deal a single blow and destroy all Imperialistic forces which may include all, who today and then may help or give assistance to Imperialism to gather strength to crush us, to suppress our aspirations, to curb our spirit and to annihilate our land

Let the watchword for the nation today be : This is a fight to the finish. Unite before you are parted, arise before you are killed, organise your forces, concentrate on the ultimate goal and on with the Revolution. *Inqilab Zindabad!*"

Now, Sir, it is in face of threats of that kind, in face of action adopted to carry out threats of that kind, that the Government have felt compelled to resort to extraordinary legislation. And I desire to say this that, in proportion as those powers are drastic, so we recognise the necessity that they shall be administered with the strictest discipline and with the greatest moderation and restraint. That has already been enjoined upon the Local Governments, who themselves are dealing with the matter in that spirit. But seeing that every kind of law and all general executive orders have to be carried out by a human agency, one cannot exclude the possibility that excessive zeal, or possibly, under stress of circumstances, mistaken judgment, may conceivably result in events which we should all deplore. But it is the view of the Government of India, a view fully shared by the Local Governments, that these extraordinary powers must be administered with strict discipline, as I said, and with the utmost restraint and moderation, and it is in that spirit that they will continue to be administered so long as they may unhappily be found to be necessary.

12 NOON.

[Sir James Creer.]

I have one word more to say before I conclude. It was said not very long ago that India was at the parting of the roads. Certainly there is now the choice between two ways. There has always been that choice, the way of constructive and constitutional progress towards a foreordained constitutional end on the one hand and on the other the barren road of destruction, disorder and lawlessness. They cannot be pursued together and I myself can hardly imagine that any one who has the true interests of India at heart could possibly hesitate in his choice. We have made our choice, and I stand here to justify that choice before the Assembly today. But I go further. I say that every man who admits that that is the right choice ought to give us not only his confidence but his practical assistance and support. I said that I was compelled to treat this Resolution as a vote of censure upon the policy and the proceedings of the Government. On the grounds which I have laid before the Assembly, I maintain that the verdict of this House ought to be and I am confident that it will be, a vote of confidence in the policy and in the proceedings of the Government. (Applause.)

Sir Hugh Cocke (Bombay: European): Sir, it is with some reluctance that I join in discussing the many issues which are before us today, because I have only been in this capital city for a few hours, and therefore if my remarks are somewhat disjointed and appear to bear rather a provincial strain, I hope I may be excused. What is the common ground from which we approach this motion? Is it that we are agreed that India is to be governed, or is it that we are agreed that the government of the day should be opposed in any steps that they take to govern? There has been a lot of criticism not merely from Indians or from Englishmen in the last two years, but from people quite disconnected with this country, that the country has not been governed, that there has been too much of government by conference and by friendliness. That is all very well as long as the opposition continues its friendliness and as long as a certain minority does not take those steps, in the name of non-violence, which rapidly lead to violence. Government by conference and government by discussion has, I think, failed. It is with much regret that one has to admit it

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): Why not then disband the Committees and the Conferences as they have failed?

An Honourable Member: And the Legislature?

Sir Hugh Cocke: As long as one could keep those conferences going, I mean the inner conferences quite apart from the Round Table Conference and the friendly discussions as to how to surmount the difficulties created by people who are out to thwart the Government—as long as they are successful it is all right. But looking back, I have no doubt in my own mind that these efforts at friendliness have not been successful and the Government have now got to govern with a firmer hand, bearing in mind, as the Home Member has said this morning, that they are trustees to hand over India to a new form of government within a comparatively short time; and if that India is handed over with a great lack of respect for Government, I am afraid the new constitution will start with great difficulty and will fall on evil days.

There are so many points in this Resolution that one does not quite know where to begin; but I am going to make an effort to deal with a few of them. The first paragraph in the preamble is a statement protesting against the manner in which the Ordinances promulgated by the Government of India have been worked in various parts of the country. It is quite impossible for a single individual to take up that point for the whole of India. But on that opinions will no doubt differ. As regards my own province, Bombay, from what I have been able to see and ascertain, there has been no great protest against the manner in which the Ordinances have been worked. Obviously they are not liked—no one likes to be governed by Ordinances. But so far as they have been worked, they have not been successful in doing the work thoroughly which they were designed to do; and as long as picketing continues, and leaflets, such as the one we have heard of this morning, are issued, and as long as outward hostility to Government, and inward hostility also, go on, so long will it be necessary for these Ordinances to be worked in the way they are designed to be worked. I consider there is no case today, so far as my province is concerned, to say that the Ordinances have been worked unreasonably. . . .

Mr. B. Das (Orissa Division: Non-Muhammadan): From your point of view. From the European point of view.

Sir Hugh Cocks: From my point of view and from the point of view of the public good.

With reference to the next point, as regards the action taken against Mahatma Gandhi; every one, I think, regrets that it was not possible for Mr. Gandhi to carry on the work that he had begun by going to London to attend the Round Table Conference. But I cannot help feeling that just as it is the duty of the Opposition in this House to oppose Government, so it has always seemed to me it has been the work of the Congress to oppose Government, and the leaflets we have heard read this morning bear that out. Therefore it seems to me that it would have been extraordinarily difficult for Mr. Gandhi to come back and to take his own line and proceed with constructive work. He had people against him, and therefore I feel that the action taken by the Government was essential, and even if it had not been taken then, it would have had to be taken soon after. It would have meant either that or else a break-away by Mr. Gandhi from the extreme elements of the Congress. The two could never have gone on together.

Well, Sir, coming to the point as to whether these Ordinances should have been issued immediately after the conclusion of the last sitting of the Assembly, I think it is obvious that it is impossible for this Government, as it is constituted at present, to expect the powers they require from this House; it is no good imagining that it would be possible for Government to get the powers they require to meet the existing situation from this House.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Then dissolve the House.

Sir Hugh Cocks: Experience goes all the other way, and therefore we have to get down to broad facts and give the Government credit for having issued these Ordinances in the best interests of good government.

Now, coming to the three recommendations, the first of which says that the Government should place before this Assembly at an early date emergency Bills to take the place of the Ordinances, the remark I have just made equally applies; it would be quite impossible, I am sure, for

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Government to get the necessary powers from this House, and regrettable as it is, it is necessary in my view and in the view of my friends that this government by Ordinances should go on, no longer than is necessary, but as long as is necessary.

As regards the Committee of non-official Members to go to the North-West Frontier Province, that does not seem to be practical politics at all. We have heard a lot about the North-West Frontier Province in the last two years, and I think there has been too much interference, if I may say so, by Members of this House, in the process of government there. Again we come back to the fact that there has been too much of interference in the process of government by conferences and discussions with Government.

Mr. C. S. Ranga Iyer: Do you then want bayonets and machine guns?

Sir Hugh Cocke: Finally, it is stated that the Governor General in Council should secure the co-operation of the Congress and the Moslem and Hindu organizations including the depressed classes in the inauguration of the new constitution for India. No one will take any exception to that in so far as it is possible to get that co-operation. After all, what is the Government doing at present? In these Round Table Conference proceedings all these organizations are represented with the exception of the Congress, and I fail to see that there is anything more that Government can do except to proceed with these Committees, which are now starting work, as rapidly as possible; but do not forget the saying, "More haste less speed." Mr. Gandhi always seems to think that the new Government can be settled by a stroke of the pen. I remember Diwan Bahadur Rangachariar, when he moved his suggestion for a Round Table Conference about seven or eight years ago, suggesting that when they go to London they could sit round the table and all matters could be settled in a very short time. Well, we know to what problems these discussions have already led,—the problems of franchise, finance and so on,—and it is no good attempting to get this thing through more speedily than is reasonable. I suggest to this House that, while it is essential that no time should be lost in proceeding with the work of inaugurating the new constitution, it is a great mistake to lead the country into impatience, because these problems of franchise and finance and others will take time to settle; it is no good having half a constitution. You have got to have your scheme, your foundations, truly laid.

Sir, a lot might be said about this Resolution, in fact there is a lot that might be said about any one paragraph of it, but I am a person who makes very short speeches in this House and I cannot think of anything of great importance to add, but I venture to think, judged by current events, that if Government had not taken the steps they have taken in the last two months, the situation today would have been far worse. ("Hear, Hear" from the European Benches.) My friends on the other side will not agree with me. Perhaps some of them will, in their heart of hearts, but they will nevertheless support this motion, but I put it to them that the time has come when Government have got to take a very firm line in government, and that the Congress, the extreme agents of the Congress, have got to be told, as they have been told of late, that all their so-called methods of non-violence have led to much violence, to much terrorism, and Government cannot tolerate the continuation of that. By all means bring the friends of Congress into the discussions for the future constitution of India, if they are friends of India; but it is

impossible to say that those who have been working in the last two years to subordinate all respect for law and order are the friends of India. Bring in the friends of India but exclude the others.

Mr. C. S. Ranga Iyer: Sir, my task is very much lightened, because I can just go for the two birds together,—the official and the non-official birds. (Laughter.) It is better to hit the two birds with one stone . . .

Mr. K. C. Neogy: They are birds of the same feather.

Mr. C. S. Ranga Iyer: My Honourable friend, Mr. Neogy, says that they are birds of the same feather that have today picked together. Sir, it is very difficult to make the choice as between this argument except that my friend the Home Member, the erstwhile Leader of this House, spoke with his usual moderation, because following his boss in Whitehall, he is a man of action. He does not believe in strong words; he believes in stronger deeds. And he told us in his usually moderate way of what the leader of the European Group described as "hard facts". Hard facts, as I shall presently prove, cannot be liquified by soft words. What did the Home Member tell us? He told us that the administration of Ordinances was carried on with moderation and with restraint. I think that is what he told us. I shall presently prove what their moderation means, and if that is their moderation, what their extremism would mean. Sir, a distinguished friend of mine not very long ago a Member of Government, called on me yesterday and I discussed with him before his departure for his province a certain kind of moderation that characterised the action of the very immodest Government in his Presidency. An Englishman, a relation of Lord Shaw by marriage, who has taken to the noble profession of a missionary in India and who is carrying on the good work of elevating the depressed classes and giving medical aid to the poor, who is putting on today the costume, the coarse costume that the poorer classes in the South wear, khaddar, home spun, home woven, was in Madras. His best friend is the Principal of the Christian College, the well-known Dr. Hogg. My friend—not very long ago a distinguished gentleman on the Treasury Benches, and always a true well-wisher of the Government—and I were discussing yesterday,—and I have the authority and right to say that today as everybody knows that what I am saying today is public property because it has been published and denounced throughout the country,—the utter moderation of the Madras Government in this era of administration through Ordinances. But they have been guilty of immoderation. This missionary gentleman, Dr. Paton, coming from an aristocratic family in England, went to see how picketing was going on in Madras. He was not a Congressman, he was not a picketer at all. And what happened, The hose was turned on him. (Laughter from the European Group Benches.) Here are gentlemen shouting, screaming, yelling laughter—the Anglo-Indian gentlemen over there. But they cannot laugh for long. He just tried to escape the hose, and what happened. He was beaten, beaten by sergeants unworthy of tying his shoe strings. And laugh again that loud laugh that bespeaks your vacant minds! (*An Honourable Member:* "Shame.") My Honourable friend says shame—shame to those honourable gentlemen seated on those Benches—these Anglo-Indian worthies if they have any sense of shame. If the Honourable the Leader of the European Group had that sense of shame, he would not have described Mahatma Gandhī and his followers as no friends of India. He would not have arrogated to himself that qualification of friendship for India. I dread these "friends". If

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they called themselves enemies, it would be franker and truer, but his was a propagandist speech for outside consumption. We all know the friendship through exploitation that has been carried on in this country and that is to be carried on with the help of Ordinances, because a nation has risen up in protest, terrific protest, protest which will be carried out—and I say that with the responsibility attaching to my position here, in the same spirit in which Mr. Redmond used to say of Ireland in the House of Commons. Our position, Sir,—we are constitutionalists—is the same as the position of Mr. Redmond in Ireland, and the position of Mahatma Gandhi is the position of the extremists in Ireland even though they were not wedded to non-violence to which he certainly is. That being our position, the Honourable the Home Member must understand how intricate it was for him to understand our position. We have got various people on this side. We have got the depressed classes to represent, and the Honourable the Home Member consistently denied—at any rate—previous Home Members, not himself—our capacity to represent the depressed classes of India. A Brahmin of Brahmins myself, coming from the Presidency of the depressed classes, I am standing up here to-day to say that we have deliberately incorporated in our Resolution everything relating to the depressed classes so that it may not be said by these people here and elsewhere that the Brahmins stand between the depressed classes and the light of the world. Then again he could not understand and could not piece together what he was pleased to characterise rather satirically as a somewhat composite document. He cannot understand the Hindu Nationalist opposition seated on these Benches sympathising with the Frontier Province. Had he been to the Frontier Province, he would understand how the Red Shirts are being harried. There the Leader of the European Group knows reforms are coming—“hurry the Red Shirts, hurry reforms and rally the Round Tablers”—that seems to be the official policy. The Leader of the European Group himself described the reforms policy as a failure. He said the Round Table Conference had failed. I endorse that proposition. We did not constitute the Round Table Conference. Those who composed the Round Table Conference were the nominees of either Mr. Ramsay MacDonald in England or his associates in India. I do not know, and it has never been said on the floor of this House who exactly was responsible for the composition of the Round Table Conference. But there was one representative on the Round Table Conference who had behind him the opinion of the Indian people, and that representative is the great man who has today been silenced under an immoral Ordinance, or an immoral Regulation. He is behind prison bars

Lieut.-Colonel Sir Henry Gidney: Question. (*Some Honourable Members on the Opposition Benches:* “Oh, oh.”)

Mr. C. S. Ranga Iyer: I hear a familiar voice who questioned him in the Round Table Conference in London and who questions me to-day on the floor of this House.

Lieut.-Colonel Sir Henry Gidney: Yes, I question you on the floor of the House and am prepared to question you outside this House, if you would like to come out now. I am not afraid of what I have said.

Mr. C. S. Ranga Iyer: Sir, my Honourable friend Sir Henry Gidney is a nominated Member of this House and he represents the Viceregal Lodge.

Lieut.-Colonel Sir Henry Gidney: You could get no representation in your own Province so you had to come to another for a constituency.

Mr. K. Ahmed: You are nominated Member he says. (To Lieut.-Colonel Sir Henry Gidney.)

Mr. President: Order, order.

Mr. C. S. Ranga Iyer: The Honourable gentleman is not very clear about himself

Lieut.-Colonel Sir Henry Gidney: You are very hoarse.

Mr. President: I have called the House to order. There should be no interruptions of this kind.

Mr. C. S. Ranga Iyer: Government were talking of the sincerity of their intentions. Sincerity of intentions was plainly proved when Dr. Paton was insulted and beaten in Madras. And then fearing that he would file a case in Court because he was not a Gandhiite, he was not a non-co-operator, the police themselves filed a case against him. Then what happened? The Government of Madras sat on the police. The police wanted to withdraw the case. That is how the Ordinances are being administered. I shall not waste the time of the House, and especially my own time, by reading what he has stated, because my time is limited, but I would ask the Honourable the Home Member to read his statement because he belongs to as good a family in England as any gentleman seated on the Treasury Benches, and he has come to this country with as good an intention as any gentleman seated on those Benches. And if that can happen to one of them by no mistake, imagine what will happen, what has been happening to our people, to ladies belonging to respectable families, like Mrs. Shamlal Nehru. Notwithstanding the fact that her husband was an honoured Member of this House, she has been after imprisonment put in "B" class. (*Cries of "Shame."*) This is what I call malice (*Cries of "Shame"*), this is malicious. Her uncle was a revered leader sitting on these Benches, the great Pandit Motilal Nehru. I have given two instances to the Honourable the Home Member to show that the Government have neither been moderate nor fair in the administration of the Ordinances which, my Honourable friend and leader Sir Hari Singh Gour, in his very good speech, closely reasoned and legal speech, has proved, have no leg to stand upon. Hatched and hurried behind the back of this House and not brought forward before this House, they have no sanction behind them except the sanction of autocracy, of force, which is the foundation of British rule in India, and to shake which another force,—the force of non-violence—has been let loose on this country. We stand between bureaucratic terrorism on one side and non-violence non-co-operation on the other. We stand between bureaucratic terrorism on one side and revolutionary terrorism on the other. We are a centre party, and we expected the Honourable the Home Member, instead of ridiculing our Resolution as consisting of so many conflicting propositions, to have at any rate stated, "Here is an attempt at unity", because they have always said satirically, the glory or inglory of India has been not its unity but variety. Well, Sir, he might have found variety in our Resolution, but there is that unity in diversity which is the beauty of our country. Now, coming to the leader of the European Group, he said—I must conclude with this statement—that there was not a big protest—his words were "no great

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protest in Bombay". Sir, I have only to say that Sir Hugh Cocke reminded me of a huge ostrich. There was a huge ostrich in Bombay. On the day it arrived in Delhi it buried its head into the sand. That is the leader of the European Group. He does not see the volleys of protest nor hear the voices of thunder. If he says the sea of opinion in Bombay is smooth, I say let him not be deceived. Beneath its pacific surface, deep currents are at work and should he try conclusions with them, he will share no better fate than "Dame Partington". (Applause.)

Maulvi Muhammad Shafee Daoodi (Tirhut Division: Muhammadan):

Sir, I cannot treat this House with rhetoric like my Honourable friend who has preceded me. I have risen to speak not because I thought that I am on this side of the Opposition and should oppose the Government, but I thought that at this critical juncture in the history of our country we should be failing in our duty if we did not advise the Government properly, truly and sincerely. When this Resolution was finally adopted, I was not present, but when I was free from my duty on the Working Committee of the all-India Moslem Conference, I went through the Resolution. When I read the recommendations which are contained at the end, Nos. 1, 2 and 3, I could not find anything which would cause embarrassment to the Government. I thought it was the mildest Resolution which one could put forward, and I thought and thought over this question as to whether there was anything objectionable from my point of view in supporting this Resolution and I came to the conclusion after a lot of thinking that if I did not support these recommendations I would be failing in my duty as a Member of this Assembly. I say that, Sir, with all the responsibility that I feel I have in this House both to my community as well as to my country. I could not understand the Honourable Sir James Crerar when he said that this was a Resolution which should be strenuously opposed. In the first clause of the recommendations, it is laid down that the Governor General in Council should place before the Assembly for its consideration such emergency Bills in substitution of the Ordinances as he may consider reasonable and necessary in order to enable this House to function effectively as intended by the Government of India Act. I do not think, Sir, that my Honourable friend, Sir James Crerar, would think of governing India by Ordinances all the time. There must be some limit to governance by Ordinances. What limit do you want? That is a difficult question for me to understand from the point of view you have just taken. I think that now is the time for you to recede your steps and cry a halt and take the House into your confidence and go on functioning as a constitutional Government in a constituted manner. I do not know what else the Members of this Assembly could do. What have they come here for? They have certainly come for criticising you, honestly. I do not believe in criticising for criticism's sake. I am not one of those men, but I certainly feel it my duty to tell you very plainly that if you are not now going to act according to the request contained in this clause, I do not know when you are going to do it. Supposing the Assembly is adjourned and you think then that the time is come for putting a stop to the repressive policy that is going on, will that be the proper treatment meted out to this House?

Mr. President: The Honourable Member should address the Chair.

Maulvi Muhammad Shafae Dacodi: Will that be proper for the Government? Certainly not. When the elected Members of this House brought into existence by the British Government come before you with a request of this nature, why should you not respond to it? Why don't you say, "Before the Assembly adjourns in March, the Government will certainly come with a Bill before the House". I do not think any Government should have any objection to this sort of request. I fail to understand really the mentality of the Government on this question.

Coming to the next point, the Resolution says:

"In view of the grave happenings in the North-West Frontier Province, a committee elected by the non-official Members of the Assembly be forthwith appointed to enquire into the same, including the reported atrocities committed therein."

I am glad I have got an opportunity to thank Sir E. B. Howell for the very kind way in which he listened to my request and respected the Resolution of the Working Committee of the all-India Moslem Conference. I thought that everything would be right. The spirit in which he took me into his confidence was a guarantee that things would be right, and that is the reason why I was encouraged to go on this errand. When I landed after the Round Table Conference I went to Delhi rather direct from Bombay and made this request to Sir Evelyn Howell. It was very difficult for me to spend any time in Peshawar at that time, but the urgency of the matter and the way in which he dealt with the question encouraged me very much. Sir, you will be astonished to hear that when I crossed the bridge at Attock and went towards the other side, I found a different atmosphere prevailing. You could not find a man having a smile on his face. You would find that the people were terror stricken. When I was in the train, I found that the people who were travelling with me would whisper into my ears as to who I was, what I was going for and why I should endanger my life in the North-West Frontier Province. They were afraid to speak, and when I encouraged them, they would come forward and speak a few words, in such a way that the bystanders might not hear. I got some information from them. When I came to Nowshera, I got down from my carriage and walked on the platform and wanted to speak to some of those who were on the platform. But people would hesitate to come to a stranger; they would not like to come near me. But when I pressed myself, I came close to some young men and I found that they had a much more sorrowful story to tell. They said:

"You have come at the right moment. We are stripped naked, beaten, practically to such a degree that we are not able to move about (*Cries of "Shame, shame"*), and then we are put into cold water."

(*An Honourable Member:* "This is co-operation!") Sir, believe me, I could not understand at that moment as to whether such things could be done by Englishmen or under the orders of Englishmen, or under the supervision of Englishmen in these days of the 20th century! I could not really believe that. (*Mr. B. Das:* "They did the same thing in Arabia during the War.") *Mr. Uppi Sahab Bahadur:* "And also in Malabar during the Moplah troubles.") Then, Sir, I proceeded, and when I came to Peshawar I spent long hours with my friends of all kinds—liberals, moderates, and extremists of both kinds, the extremists of the Loyalist Party and extremists of the (*An Honourable Member:* "Revolutionaries?")—not revolutionaries.

Mr. President: Order, order. Let the Honourable Member go on.

Maulvi Muhammad Shafee Daoodi: extremists on the Congress side; I met all of them. By the evening I could not come to any conclusion. I wondered why these people, so many of them of different sorts, were going to tell me stories which were inherently improbable? I thought I must go to the Chief Commissioner and seek an interview with him and find out whether he had got to say anything in regard to all these horrible things. When I went to him and talked to him—I tell you, Sir, that the Chief Commissioner, a frank man no doubt, treated me very nicely as a gentleman (“Hear, hear”); he told me all that he had to say, but I came to the conclusion after peeping into his mind, that he was trembling for fear of his subordinates. (*Some Honourable Members:* “Subordinates?”, “The I. C. S. people?”) He would agree with me on some points, but then he felt that if he acted up to my advice, the whole service would resign. (“Hear, hear.”) (*An Honourable Member:* “There would be ‘disobedience’ on the part of the I. C. S.”) It is not the I. C. S. people so much; very few I. C. S. people are there in the Frontier. I found it was the military people who were ruling the country to all intents and purposes. Except for Mr. Best, who, I think, is in the I. C. S. and a very courteous man, the rest were mostly military men. I am not complaining of their treatment towards me; they were very courteous no doubt, but, then, when the question of action came, they put forward all sorts of difficulties before me. I told them, “Now that the Government have announced an equal status for the Frontier, you ought to change your mentality outright. With the mentality you are having at the present moment, you cannot work the reforms.” I think I convinced them, because they did admit my contention that, with this mentality, the reforms cannot be worked, but I do not know whether the Government are going to listen to this experience of mine. As I find Mr. President is looking at the clock, I think

Mr. President: You have one minute more.

Maulvi Muhammad Shafee Daoodi: I would request the Government to listen to my submission and feel for themselves whether they can carry out the reforms which the Premier has announced with the agency of the men who are on the spot. (“Hear, hear.”) I am dead certain that you cannot work out the reforms, Sir, with the men on the spot. (“Hear, hear.”) They will *not* work the reforms, they will not allow them to come into operation. (“Hear, hear.”) They would allow their own men, their own creatures to come in and rule the province in their own sweet way,—and not in the way which the new constitution calls for. That, Sir, is the conclusion to which I have come. If then the Government are sincere, the test is here. The Honourable Sir James Crerar said, “We want construction”. I would suggest, if he wants to construct and sincerely wants to construct, Government should put in such men there as really want to re-construct according to the new constitution. Sir, the men who are there cannot do it. (“Hear, hear.”) I am sure they cannot do it; and if you persist in your course, the only conclusion to which we can come is that you do not want to re-construct the province according to the announcement. (“Hear, hear.”) There is no other conclusion; and I am sure I am not only speaking for myself, I am speaking here for the whole of the Muslim community (“Hear,

hear.") I should say rather for the whole country ("Hear, hear"), because on this question the whole country is now united; it may not have been at one before, but now they are all one.

Mr. President: The Honourable Member's time is up.

Maulvi Muhammad Shafee Daoodi: I am very sorry, I shall finish in one minute. Whatever I have told you now, Sir, is, mark you, much less than what my community as a whole feels on this question. My community wants to go far ahead of this. I myself do not want to go further and therefore I confine myself to what I have put forward.

Pandit Ra'u Krishna Jha (Darbhanga *cum* Saran: Non-Muhammadan): Sir, I rise to support this motion. Sir, I may say at once that I am not a Congress man. I have never been so in my life. But the present situation is such that it casts a duty even upon a man of my mentality to tell Government plainly and frankly what men of my mentality even think of the situation. I do not like to apportion the blame between the Government and the Congress. The fight is on, and it must be ended. The question is, how are you going to end it? The Government want to end it by *lathi* charges and Ordinances and by bayonets if possible. Now, are the Government likely to succeed in this? My own belief is that this method must fail sooner or later, and the Government will have to think of something else. Now whether the Government will continue their present methods or end them, one thing is certain, that they are not going to have the co-operation even of neutral people ("Hear, hear"—Laughter) if the present impasse continues; and a time will come when the Government will find that even the small support which they can get from men of moderate mentality, even that support has vanished. ("Hear, hear.") Now, Sir, the Congress movement is undoubtedly a movement for the political advancement of the country. The Congress wants self-government, and there is not a single Indian here who does not want it. The question is as to the method which a particular individual would like to adopt. But the fact remains that everyone is anxious for self-government. The next question is whether the Government are going to give us self-government. Sir, the first instalment of self-government is by these *lathi* charges. Now, as regards the terrorist movement, no one in this country likes it. The Congress has denounced it, Mahatma Gandhi has denounced it, and I do not think there is any man with the least political insight who can say that anything will come out of this movement. But the fact remains that the terrorists are there. How are you going to end them? Are the Government going to end them by Ordinances? I submit, Sir, that the Government will fail miserably in this attempt. One thing, however, which the Government can do is this. Let them believe that they are now going to have a popular form of government, and the moment they so believe, the movement will come to an end. But as long as the Government do not allow them to believe this, and as long as they go on governing the country in this irresponsible fashion, you may rest assured this movement is not going to end, in spite of any number of Ordinances that may be promulgated. Therefore, the remedy lies in the Government's own hands. The moment they realise that the young India would now be under a popular Government and that she is going to have it soon you will see an end of this terrorist movement. But until such time as Government do not give this assurance, the movement is bound to continue notwithstanding the Ordinances. The only remedy, therefore, that I can suggest, and which I think will end this terrorist movement, is that the

[Pandit Ram Krishna Jha.]

Government should concede responsibility at the centre. As long as they do not do it, and as long as they are talking of safeguards and are appointing Committees, the movement is bound to continue. It is maintained in many responsible quarters that these Committees are meant only to bide time; they are meant only to digress the attention of the public from any fierce attack upon the Government. The people have now come to realise what is meant by these tactics and unless the Government are more sincere in their actions, I am afraid no number of Committees and Commissions will help them in this matter. I therefore submit that the only way to end this state of affairs is to try to give responsibility at the centre as early as possible. The moment the Government do it, they will see the end of all troubles. But as long as they do not do it, the trouble will continue. It does not matter whether they promulgate Ordinances or not.

As regards the merits of the Resolution itself, I see really no harm in accepting it. In spite of the fact that the Government have constituted this Assembly, they go on promulgating the Ordinances and when asked to give this House an opportunity of testing the merits of these Ordinances, they decline to do it. In that case the safest course to adopt would be to dissolve this Assembly *sine die* till such time as this Assembly can be of any use to them. If they do not do that, I submit that it is a sheer waste of public money, particularly in these days of retrenchment, to call this Assembly. In fact, a good many persons have asked me as to why the November session was held if the Government were going to certify the whole Bill in two minutes time after it was thrown out by the Assembly? Why were all the Members assembled from all parts of India, which cost the public 2½ lakhs of rupees? Members were put to much inconvenience also. If they wanted to certify the Finance Bill, it could have been done in Simla as well. If the Government wish to rule the country in this fashion, then the best course would be to dissolve this Assembly at once. They can then go on ruling the country by means of Ordinances if they so prefer. The moment they decide not to rule by means of Ordinances, we will come back. We will be willing even then to come back. You know that the Congress did not want us to come, still we have come. As I told you at the very outset of my speech, I am a man of most moderate mentality. So, even if you dissolve the Assembly now and summon us afterwards and say that the Government are not now going to rule us by Ordinances, we will be willing to come back. But till then, I submit it is no use continuing this Assembly. With these remarks, Sir, I support the Resolution.

Mr. A. Hoon (Allahabad and Jhansi Division: Non-Muhammadan Rural): Sir, the Resolution as it stands before this House has got two parts. The first part I would like to call criticism and the second suggestion. Sir, the Honourable the Home Member very lightly dealt with the whole of this Resolution. He said he could not find any material in the very learned speech of Sir Hari Singh Gour as to what is the real criticism that can be levelled against the ordinances which have been promulgated by the Government. I submit the learned Home Member probably did not go through the different parts of the Resolution which is now before the House. If he had done so he would have himself come to the conclusion that the Resolution is most moderately and reasonably worded and that there is a real grievance on the side of the people as far as the working of the ordinances is concerned. The very harrowing tale, which

Maulvi Shafee Daoodi has told us as to what is happening on the Frontier, requires no further explanation. Maulvi Shafee Daoodi has only told us that the people whom he met could not tell anything out of fear. He has not told us what are the real facts behind this silence, and I submit that if the case is such it appears that enormous atrocities must have been committed and that people must have been brought to that plight where they dare not open their mouths even in a moving railway train and to a gentle pacifist of the type of Maulvi Shafee Daoodi. I submit, Sir, that the story that he has told us, although it does not give us the details, is so full of eloquence that nothing need further be said as to what is happening on the Frontier. We want the Treasury Benches to tell us what is the condition of affairs on the Frontier at this time. It is for them to tell us what is happening there now.

Coming down a little lower, to the province from which I come, the Home Member has said that the Congress has caused a breach of the pact and that they are not responsible for any breach. I respectfully submit that this is not correct from the information that I have been able to gather in this matter. Sir, I put a very simple proposition to the House. It is this. "A" comes to "B" and says "I want to get Rs. 100 out of you which you owe me". "B" says with all the humility at his command "I have not got Rs. 100". "A" says "You must pay me". "B" says "I cannot pay you". A kind person comes in and he says "All right let us see what can be done". They both begin to discuss the matter with this intervener. He says "I think this man, i.e., 'B' cannot pay you more than Rs. 5" and the negotiations are broken off. Soor after that, the negotiations are taken up again and then the man who had to pay and his friend both come and say "We again tell you with great respect that 'B' cannot pay you more than Rs. 5". In the meantime, "A" makes arrangements to realise Rs. 100 from "B" by force. I put it to the House, is that justice? Who has broken the pact in this case? This is the true picture of what has happened in the United Provinces. I do not know on what facts the learned Home Member has made the statement that the breach has been committed by the Congress. I am not cognisant as to how the alleged breaches have been committed in other parts of the country but I am speaking of the province to which I belong and I speak with feelings on this subject because I represent a rural constituency and Allahabad is a part of it.

Then, Sir, coming to the statement that the ordinances are all worked with great moderation and with great sympathy and discipline, I would like to put certain facts before the House. I come from the city of Cawnpore which is really the centre of trade in Northern India. I dare not open my mouth with regard to details of the cases because they are mostly *sub judice*. I shall put before the House only one fact according to which you will see whether the ordinances are being worked with moderation or otherwise. If there is a *hartal*, the Government starts prosecuting the people who close their shops, no matter whether they have any connection with the Congress or not. I submit this is not working the ordinances with moderation. People who never had anything to do with the Congress, who never paid any subscription to the Congress close their shops because the markets are closed. An elderly man is arrested because he is alleged to have closed his shop in obedience to the Congress. He says, "No, I closed it because I was feeling nervous; I closed it because my servants refused to work through fear and the whole market was closed". I wish to draw the attention of the Honourable the

[Mr. A. Hoon.]

Home Member to this point and ask whether it is the intention of the ordinances that in such cases men should be locked up and bail refused to them simply because the offence has been made non-bailable. You cannot say that you are working the ordinances with moderation. That is one point which requires the very immediate consideration of the Government. Now I am told that if Government catch hold of a man, for closing his shop they want him to apologise. If a man did not close his shop in obedience to the Congress, if the man had nothing to do with the Congress even then you want him to apologise for a thing which he had not done. If apologies are forced like that, you will be depriving people of the little self-respect that they possess in these days.

Coming further to the various incidents which have been narrated as to the happenings in Madras, I would not say anything about them. There is no reason why this House should not have been taken into their confidence when the Government wanted to promulgate these ordinances. It is very easy to have a November Session when you want money. The Government do not send for us when they want to have all these extraordinary powers. I submit that if they had taken this House into their confidence, certainly most of us would not have been speaking in the way we have been doing, and probably there would have been more help given to the Government than we are capable of giving today. My Honourable friend from the European Group has given us a note of warning and I should not be surprised if he is speaking the mind of the Treasury Benches when he says that special powers could not be had from this Assembly. I submit with great respect that we know what you think of us. We want you to be true to yourself. Why not dissolve this Assembly and do away with the farce? I have already sent in a Resolution yesterday something to the effect that considering that the country is now being ruled entirely by ordinances and the proposal is still to rule it still further by ordinances and considering that we threw out the Finance Bill and you certified it, what is the use of carrying on this farce especially when we are all over-taxed? I have also made a practical suggestion. If the Law Officers of the Crown think that some farce must be gone through before they can accomplish their work, why not have our votes taken by proxy and finished with it? If you have made up your mind to do something, you do exactly what you like, but please do not penalise the public by saddling them with the further expenses of holding sessions of the Assembly which are nothing but a farce as you are trying to prove them to be.

Mr. A. H. Ghuznavi (Dacca *cum* Mymensingh: Muhammadan Rural): Then do not attend them yourself.

Mr. A. Hoon: My Honourable friend, whose ideas are well known to most of us is making a very clever suggestion. I do not want to waste the money of the public on myself but I do not want you to attend and get money also. There is no reason to believe that the ordinances are being worked with moderation or with caution. Sometimes, Sir a taunt is hurled at our heads by certain friends who are in this House. They say, "It is very easy for you to give advice to the Government, why don't you do some useful work outside and advise the Congress?". I submit that I am not a Congressman. The Congress has not sent me to this House. The Congress has not sent up my name to the All-India Congress.

Committee. I am here by my right and I am entitled to advise the Government. I am a Member of this House, and I must tell the Government what I think about them, whether they like it or not. Why do you taunt us like this? We will go on doing our duty towards you irrespective of the fact whether you listen to our advice or not.

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

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

Mr. Muhammad Anwar-ul-Azim (Chittagong Division: Muhammadan Rural): Mr. President, I am obliged to you for this opportunity that has been afforded to me to speak on this important Resolution. I have listened with a very great amount of interest to what the Leader of the Nationalist Party had to say in support of the Resolution which was supplied to us about three or four days ago. He has, in the words of the Honourable the Home Member, tried to dovetail many ideas into an apparently simple compact Resolution and has sought for three remedies with the help of the Members of the Assembly. The first is that the Government would have been well advised to bring in certain measures by which the present situation in the country could have been met and for that should have sought the help of the Assembly,—secondly, that there should be a small elected committee of this House to inquire into the troubles in the frontier; and thirdly, that all shades of political opinion in this country should be invited to take their due part in the formation of the coming reforms. Mr. President, these are all old stories threshed out a hundred and one times on the floor of this House, in the country, in the press and on the platform also. Of course, I do not know what is the particular purpose for which this Resolution has been brought up by such an Honourable Member as Sir Hari Singh Gour. If it is for drawing the attention of the Government of India to certain things which are happening in the country, nobody need quarrel with him. But it seems to me that from the body of the Resolution itself it is very difficult for a member of the legal profession like myself to find something specific for which these remedies are being sought. In the first place, with regard to his first prayer, I should say that legislation which has been put into operation by means of Ordinances by the Governor General is not a permanent measure. It is only a temporary measure and, if it is allowed to run a smooth course, might run up to six months only. Reference has been made by Sir Hari Singh Gour to that particular section of the Government of India Act, section 72. I do not know that anybody has taken away or any legislation has taken away the import or the force of section 72 of the Government of India Act. If that Act is not repealed and is still in existence on the Statute-book, I do not think it will be of much benefit to quarrel with the Governor General for bringing in these Ordinances. The Honourable the Home Member has tried to justify his case on many specific instances of which he has quoted some. I know as an East Bengal man what is happening in my part. I do not say that Ordinances are a very good thing, but what is left to a responsible Government if they are faced with eventualities like those that are happening in my part of the country? You

[Mr. Muhamamad Anwar-ul-Azim.]

have disturbances of all kinds; you have menacing demonstrations and you have open challenges both on the platform and in the press that law and order do not mean anything. If that is a fact,—and I am certain my friends on my right will not challenge that,—then what remedy was left to the Government of India and the Provincial Governments but to take this action? Thus far for the necessities.

Coming to the speech of my esteemed friend Mr. Shafee Daoodi, who has tried to speak on behalf of the Mussalmans of India, I do not know what authority he had to speak on behalf of all the Mussalmans and all shades of political opinion among them. But I share this much of his view, that perhaps things are not very happy as they exist now on the frontier. I have many friends on the frontier and I know quite a large part of it rather intimately. If the story which has been depicted to the House by my Honourable friend, who is also a member of the Round Table Conference, be true, then I must say that things are not perhaps going on there as peacefully as they should in that small province. I also join with him in making a request to the Government of India that if they mean business squarely, it will not be wrong, when giving reforms to the people there, to see that the angle of vision of the officers in that particular part should undergo some change. And if that is done, Mr. President, my firm belief is that the reforms will work very nicely there.

The history attached to this Resolution is also one which should be known to our friends in all parts of the House. This Resolution in a very verbose way has tried to ask Government that perhaps it was time for Government to take some of our friends on the right as their counsellors and take them as mediators between the extreme wing of the Congress and the Government of India. If that is the underlying policy of this Resolution, then I think that might be explored and perhaps Government would be well advised to explore the possibilities on those lines. But if it is for justifying the actions of the extreme wing of the Congress and also at the same time justifying the no-rent campaign which has been started under the auspices of the Congress, I for one will not lend my support at least to that part of the Resolution. All of us know what is happening in the United Provinces and what is happening in our part of the country. The economic condition has passed to such a pitch that the innocent masses living in the country do not require to be told how best to flout authority. One little spark is sufficient to ignite a hundred hearths and homes.

Lastly, I would like to make my position clear. I am an elected Member representing a mass of eight million people living in the South Eastern part of Bengal; and if I am to go and tell them not to pay their rents to the zamindar or their revenues, for which there is a contract between them and the Government, what the condition will be one can easily imagine. I was surprised to hear from a friend from Patna that they wanted to dictate some terms to the Government in this way, that if central responsibility was started tomorrow perhaps the terrorist menace will die just like the morning dew. He has my full sympathy, and I am sure if he had the authority from the Working Committee of the Congress or Mr. Gandhi for this, the Government of India are not such a bad body as they are depicted to be that they will not consider it very seriously.

The Honourable the Home Member has quoted certain passages which have come into his possession with regard to the aims and aspirations of the Indian National Congress. If they are broadcast through our medium in this Assembly and find a place in newspapers and news sheets, licensed and unlicensed all over the country, and spread to the bazars and the countryside, one can easily imagine what will be the impression created in the minds of those who have never seen the Assembly, nor known the Home Member or my friend Sir Hari Singh Gour. If the Congress and their representatives here were in a position to say clearly and definitely "Thus far and no further are we willing to go and able to deliver the goods", I am certain any responsible government will take a serious view of that representation. A shilly-shally policy is positively wrong.

With regard to the last prayer contained in the Resolution, that the Governor General should secure the co-operation of the Congress and the Muslim and Hindu organisations, including the depressed classes, in the inauguration of the new constitution for India, everybody knows that the whole constitution is in the melting pot; and what stops our friends of the Congress from coming in large numbers into the deliberations of the deliberative committees of the Government of India?

An Honourable Member: They are all in jail.

Mr. Anwar-ul-Azim: If my friends on the right meant business, they would have seen that the Congress did not dictate menacing terms to the Government of India, saying "Unless certain proposals of ours are accepted *in toto* we will not accede to any compromise". Mr. President, that is hardly a spirit of compromise.

Lastly, as one who has got a vast stake in the country, both as a citizen and also as a middle-sized landlord and a lawyer, I do not think I will advise my colleagues on this side to support this Resolution.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, at one time I thought that I should not waste the time of this House by making any speech today. But as I happen to come from that unhappy province where the Ordinances are in full swing, I thought I should be false to myself, false to my constituency and false to my country if I did not speak out what I feel about these Ordinances and the inhuman and brutal manner in which they are being worked in Bengal. The previous speaker claims to have come from the same province; but our angles of vision are quite different. It is an unfortunate tragedy in the history of Indian nationalism that there should always be among us some who prize more a few ribbons to stick to their coats or a few titles to satisfy their vanity than the welfare of their motherland. I wish I could restrain myself and use sober language as would appeal to my friends opposite, and I shall attempt to do so. At the same time I want to declare that it is far from my intention to embarrass the Government in any way in its present situation, which is of their own seeking.

An Honourable Member: Thank you.

Mr. Amar Nath Dutt: You need not thank me; thanks should come from those alien people whose interest is involved in the upkeep of their Empire in India. It is not for you to thank.

An Honourable Member: I am sorry to have thanked you.

Mr. Amar Nath Dutt: My Honourable friend, Sir James Crerar, has not been pleased to say much about the happenings in Bengal—he just made a passing reference to them. I may tell him that I have carefully perused the literature that has been supplied to us for our delectation, and I have not found in that any facts or circumstances which justify the introduction of a reign of terror in my unhappy province. Bengal has been the *bete noir* of the official world in India. Bengal must make *prayaschitta* for what it did in the year 1757. It was Bengal which brought, in the place of the Muhammadan rulers, the rulers of the present day with the help of such people from other provinces as Umi Chand and others. For up till now we never dreamt that Bengal could be ruled in the way in which the British Government want to rule it. There is a negation of law and order, negation of justice, negation of everything in Bengal at the present moment. Honourable Members do not know, the outside world does not know, what is happening in Bengal today, but I am sure that the Honourable the Home Member is in possession of facts which, as a true Englishman, he must be ashamed of. The outside world does not know what is happening in Bengal, because what is happening there is not permitted to be reported in newspapers. There is a strict censorship, and even a certain memorial addressed to H. E. the Governor of the Province was not allowed to be printed in the press of the province, although the same was published in the press of other provinces. Whenever there is any *lathi* charge, my Honourable friend opposite would call it a "mild" *lathi* charge. You do not know what is really happening in Bengal at the present moment, living as you do far away from that province. Now, a few favoured people, I mean favoured by the gods, coming from far off and distant lands in Europe, can alone speak out what they feel in their minds, and I do not think that any one who knows anything about the real happenings in Bengal today can support Government.

I may tell the House frankly that we have no desire to promote disorder, and the very fact that we are here to take part in such important legislative measures which are to come off the day after tomorrow as the Amendment of the Indian Companies' Act and other Acts, we who felt it our duty to leave our homes and be here feel that our responsibility is so great that we have left our homes in order to be present here and take part in the amendment of the Companies' Act and such other legislative measures. We do not believe in the cult of the bomb or of the revolutionaries. At the same time you should realise our position; we may differ from others in certain matters, but that they should be oppressed and tyrannised or jailed without trial is a procedure which we cannot support from this side of the House. If Sir James Crerar or Sir George Rainy had to be deported under the Swaraj Government, even if they had not committed any crime, I for one would oppose it. ("Hear, Hear" from the *Swarajist Benches*.) So when we say that there has been denial of trial, denial of justice to these Congressmen or the so-called revolutionaries, we should not be regarded as believers in their creed, but by your actions you are driving the country to sullen despair, and I know of numerous people who never took any interest in politics in far off villages are losing all respect for your Government. And why? My friend has been pleased to refer to the present economic distress. Now, a province which has survived the famine of 1770 which is called in Bengal *Chiattarer Manwanter* is not a province which will take to revolutionary methods simply because there has been a fall in the prices of foodstuffs. And how many people do you count among these revolutionaries from amongst the agriculturists?

That is not the way to govern. There is the Indian Penal Code which contains all the provisions; there is the all-embracing section 144 of the Criminal Procedure Code,—that iron hand in a velvet glove—by which you can punish any one whose mischievous activities are against the preservation of law and order. But instead of doing that, if you have recourse to passing Ordinances under which nobody feels safe or secure, I think you are driving the country mad, you are dragging the country to ruin, and by such means you become the worst instigators to break all law and order in the country. After all, we have certainly a much greater stake in the country than any of you can claim to have. You have only a few years' interest here in trade and then go away, or perhaps you will serve here for a few years and then retire in England. But here we have lived in this country from time immemorial and we hope to live unless the Ordinances wipe us all out of existence.

Sir, a critical examination of the state of affairs in Bengal today reveals that matters have reached a stage at which all interests are required to bring a dispassionate and reasoned judgment to bear upon the situation, with minds untrammelled by either thoughts of reprisal or a false sense of prestige. The different interests are required to combine with singleness of purpose and in mutual confidence if normal conditions are to be restored. Precipitate action conceived in panic is bound to prove disastrous, and only soberly conceived measures may be expected to yield results beneficial to various interests, commercial and otherwise, in the province. The highest degree of moral courage is indeed called for, such as will not hesitate to abandon hasty, ill-chosen courses for fundamentally right and sound measures. This plea for clear thinking and statesmanlike action is hardly a novel one but needs repetition and emphasis at this juncture because, as it seems clear to me, the measures instituted by Government have been conceived under a misconception and likewise betray a lack of adequate realisation of consequences.

An Honourable Member: Whom are you quoting from?

Mr. Amar Nath Dutt: I am quoting from certain observations made in a memorial submitted to H. E. the Governor of Bengal to which I made a reference earlier in my speech, and which observations were not allowed to be printed, although such sober and moderate language was employed in the petition.

Mr. S. C. Mitra: Was it also censored?

Mr. Amar Nath Dutt: Yes, it was:

"I am at one with His Excellency the Governor of Bengal in his anxiety for a condition of 'ordered peace in which alone commerce and industry and reform can be satisfactorily carried out'. But while agreeing with His Excellency as to the objective, I am firmly convinced that plethora of Ordinances of the most drastic and arbitrary nature can only have exactly the opposite effect, and in place of 'ordered peace', we see but the prospects of a 'peace of the desert'. Strongly as I am convinced about this, the consequence of these measures will be to create a condition of panic and unsettlement leading to widespread suspension of business activities. . . ."

Mr. President: The Honourable Member is reading out a long extract. I must remind him that he has got only two minutes more.

Mr. Amar Nath Dutt: Even such moderate language has been censored I have hardly time enough to discuss the provisions of the Ordinances, but the methods which are employed to work these Ordinances are sickening, and certainly if the Honourable the Home Member has not forgotten

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himself, as an Englishman, the fundamental rights and liberties of a subject, I think he will agree with me that these Ordinances do away with the rights and privileges of citizens.

Mr. J. C. French (Bengal: Nominated Official): Sir, the reason why I have decided to participate in this debate is that I have some personal experience of the subject under discussion. At the end of the session that was held at this time last year I arrived in Calcutta. In the morning I saw the news that Mr. Peddie had been shot, and the same evening I received a telegram from the Government of Bengal ordering me to Midnapore at once. The next evening I took charge of the district. Mr. Peddie had been buried that morning. Sir, what situation did I find in Midnapore? This was one month after Lord Irwin's pact with Mr. Gandhi, under which there was a truce to any hostilities on the Congress side, and the Government relaxed all measures against it. I found that as soon as the truce was announced all over the Midnapore District they put up triumphal arches, "Through blood we won. Through blood we won". This was followed by Mr. Peddie's murder. During my whole time in the district I found that the Congress was organising. First of all they started with courts, arbitration courts. The Tamluk Sub-Division was singularly well organised. They organised a number of courts all over the Sub-Division, and in Tamluk itself an appeal court. They also started sketching out a scheme of police. They had their own Superintendent of Police; they had their thana officers; and they exerted pressure on people to attend these courts. Now, Mr. President, it was very difficult to deal with this organisation, because it was always done under the name of the Congress. Had it not been for the name of the Congress, they could have been dealt with under the ordinary law, but there was this pact. Under the cover of this pact, they were forming a dual administration, they were organising the whole country. Not only that, but they started picketing excise shops; they started pushing on the boycott against English goods. They commenced organising a militia which drilled with lathis and patrolled the villages. This was what they did in Midnapore. In Chittagong the system was rather different. In Chittagong the revolutionaries finally succeeded in terrorising the whole country. Now, it may be said as regards the organisation at Midnapore that, although all this was done by the Congress it is impossible to connect the revolutionaries with them. Well, Mr. President, I should like to read out to this House a few dates. On March 25th, the Calcutta Corporation adjourned as a mark of respect to the memory of Bhagat Singh who had just been executed. On April 7th, Mr. Peddie was murdered. On April 8th, Mr. Subash Chandra Bose at Amritsar called for thousands of Bhagat Singhs. On July the 8th, the Calcutta Corporation adjourned as a mark of respect for Dinesh Gupta who was executed for his share in the Writers' Buildings murder—the murder of Colonel Simpson. Mr. Subash Chandra Bose called on the members of the Corporation to pay respect to the courage and devotion of this young man in the pursuit of his ideals. At the same time Mr. Sen Gupta declared that a believer in violence is greater than Mr. Gandhi in self-sacrifice. Three weeks later Mr. Garlick was murdered in his court in Alipore. On December 6th, at the Provincial Conference in Berhampore there were appeals made that the people of Bengal should prepare for the coming fight. Mr. Subash Chandra Bose called on the women to be ready as perhaps there would not be enough men. That was on December 8th. On December 24th, Mr. Stevens in Comilla was

murdered by two women. I ask any Member of this House if he can deny that the Congress movement in Bengal was revolutionary; if so, these dates speak for themselves.

Mr. President, my Honourable friend Sir Hari Singh Gour said that he had no sympathy with the terrorists. Then, I should ask him to translate it from words into action by withdrawing his Resolution. Mr. Amar Nath Dutt also said that he had no sympathy with the terrorists but that he could find no grounds for the Ordinances. Sir, I have endeavoured to give the facts as they are and supply him with some grounds.

I do not wish to detain the House any longer as I know that there are many other Honourable Members who wish to speak. But in justification for the action of the Government of Bengal in bringing forth these Ordinances I might quote an old quotation, an old tag, Mr. President, but like many of these old tags it expresses the truth better than the most brilliant modern eloquence, *salus populi suprema lex*,—"The nation's safety is the highest law". (Applause.)

Diwan Bahadur A. Ramaswami Mudaliar (Madras City: Non-Muhammadan Urban): Mr. President, I ought to have been a little more careful, a little more hesitant perhaps and not have followed so soon my Honourable friend Mr. French who has just drawn a blood curdling picture of events in Bengal. If I were not so sure of my own position, if I were not certain that I knew how far I was a constitutionalist and how far I was prepared to work with Government in all constitutional ways, if speaking not merely for myself but on behalf of every specific Congressman and non-Congressman in my own province I were not perfectly certain that not the most finicky critic in that part of the House could say a word about the terrorist movement so far as Madras is concerned, I personally would have adopted perhaps the counsel of discretion and not followed so soon after my Honourable friend over there. But conscious as I am of these facts, I have no hesitation whatsoever in saying that my Honourable friend has very cleverly—and I compliment the back-benchers on the Treasury Benches, who are now taking part in the debate—drawn this red herring across the trail. What has this Resolution to do with the terrorist movement in Bengal, I ask? And if there is one portion of the Resolution which condemns it, which strengthens his position and my position, which perhaps the Honourable Sir James Crerar, speaking of some portion of the Resolution, said the Government was agreed upon, it was that portion where in unmistakable language the Resolution condemned openly, unreservedly, without any sort of mental reservation, the terrorist movement in Bengal. I therefore want to remove from my Honourable friends any apprehension, any misapprehension, that by voting for this Resolution they directly or indirectly, by suggestion, by implication, inference, allusion, and all those delightful words which my Honourable friend Sir Lancelot Graham has put in that delightful ordinance,—by any of those means they would be associating themselves with the terrorist movement or with any of those anarchical crimes—most unfortunate, severely to be condemned by every honest Indian, not merely by Europeans,—which are unfortunately sometimes occurring and are sometimes a feature of Bengal. Sir, I shall leave aside my Honourable friend over there. It was my misfortune and not my fault that I was not present in the House to listen to the speech of my Honourable friend Sir James Crerar. I have however with due diligence tried to acquaint myself with as much of his speech as I could, and I thought that my Honourable

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friend was unnecessarily perturbed over what he termed the composite character of this Resolution. To use his own inimitable language, I thought he said that "it was a piece of mosaic curiously and intricately pieced and dove-tailed together". I should have thought that was a compliment to the Resolution, for I have yet to come across any æsthetic gentleman who complains against "a mosaic so curiously and so intricately pieced together and so finely dove-tailed". I wish I could say the same thing about the ordinances for which presumably my Honourable friend Sir James Crerar is responsible, that they are not merely a crazy, quilt, a crude collection of all the rags and tags from antediluvian rules and regulations drawn from the history of all ages, but that they are also "a fine mosaic, curiously and intricately pieced together and finely dove-tailed". Sir, let me come to the Resolution itself. My Honourable friend suggested that there was no reason at all why there should be this censure on the Government, but that on the other hand he expected us to pass a vote of confidence in the Government. I, Sir, am prepared to pass any vote of confidence in the Government if my friend Sir James Crerar will agree to pass a vote of confidence in this Assembly of which he is as much an honoured Member as I am, but when there is this mentality that this House cannot be trusted, that nothing can be brought before this House, that we are a set of irresponsible people, that he will not have anything to do with us in sharing with us responsibility but will make merely fine perorations, I ask myself whether he is treating us in the same fair manner as he wants us to treat him. Do unto others as you would be done by, says an old old English proverb which my friend must have learnt in the days of his school, and I venture to appeal to him to bring back to his memory that proverb. What has my friend done? He gets ordinance after ordinance issued. I am not going to say anything on the merits of these ordinances at present. I shall come to that later, but I accept for the sake of argument that every one of those ordinances is necessary, that the conditions in this country, from Peshawar to Cape Comorin and from Shillong to Karachi are such that these ordinances should be simultaneously and in all their multiplicity in force. I ask him what has he done to take the Legislative Assembly into his confidence, to put on us that responsibility which is due to us as Members of this Legislature? My Honourable friend Mr. Shafee Daoodi spoke of the atmosphere which prevailed here and of the different atmosphere which prevailed the moment he crossed that little beautiful bridge at Attock. I know the bridge and something of that atmosphere, but I have a very much wider contrast to place before this House. What about the atmosphere that prevailed in St. James' Palace and what about the atmosphere that prevails in this huge capital of Delhi? We were honoured members of the Round Table Conference. We were respected for our moderation. An appeal was made for co-operation. Our co-operation was helpful. Repeated testimony has been given of that co-operation. I come back from England and I find my friend Sir Hugh Cocke saying, "Do not go before this Assembly with all these Regulations and these emergency Bills. We cannot possibly trust you. We do not know how you are likely to behave. We are the only wise men and we shall do what we like for your country, so that in the future the trust may be handed over to the Swaraj Government for which all of you are working". Is that treating us fairly? I ask him to recall to his memory the history of his own country. I do not want to go in to all that can be said about the Pyms and Hampdens and Burkes and

all the great men that shine out as the finest stars of the first magnitude in the political firmament of England, but I ask him whether he is fair to himself, whether he is fair to his position as an elected Member of this House when he says that this House shall not be seized of these very Bills and do its level best to give the Government the emergency powers that are required by the Government. It may suit my Honourable friend for the time being to say so, but I ask him whether he is doing his duty properly as an elected Member if he were to pass this self-denying ordinance that he is unfit to exercise that responsibility. The functions of this House under the present constitution are two-fold. They are in the first place legislative, and in the second place taxative. We have no control over the actual detailed administration of the country. We cannot turn my Honourable friends out of office. We cannot replace them, but even in this restricted sphere, what have you done? Let the history of the two Finance Bills tell their own tale as to how the taxative powers of this House have been dealt with, and let the ordinances which have been repeatedly placed upon the Statute-book time after time tell their own tale. My Honourable friend Sir James Crerar appealed to us to have a vote of confidence in the Government passed. He is almost certain that that vote of confidence will be passed. I take it for granted that this Resolution will be thrown out, that the vote of confidence he has asked for will be passed. My Honourable friend does not see how he cuts the very ground from under his feet. If he can get a vote of confidence from this House, I ask Sir James Crerar what fear there is that this House will not pass that emergency legislation which we ask him to place before this House for its consideration? You cannot have it both ways. His Excellency appealed to us for co-operation. What is the sort of co-operation that we can give him? You say that we must be *functus officio* in regard to the very matter for which we are constituted. You do not give a chance to this Assembly to consider your demand in a reasonable way. My friend calls this Resolution a fine mosaic and says that he would, instead of accepting the Resolution, defeat it and thereby have a vote of confidence in the Government. I venture to challenge any non-official Member of the House to adopt the course suggested by my Honourable friend, for it will be committing political suicide, for any Member of the Assembly, to do it. There are only three recommendations, Mr. President, in the Resolution. The operative part of the Resolution is this and I want Honourable Members to concentrate their attention on it:

"This Assembly recommends to the Governor General in Council that he should place before the Assembly for its consideration such emergency Bills in substitution of the Ordinances as he may consider reasonable and necessary in order to enable this House to function effectively as intended by the Government of India Act."

Is that an unreasonable proposition? Do my European friends suggest that we are unreasonable in making this request? Has this

3 P. M. House not the right to ask that it shall function as the legislative machinery of the Government? What is their idea of the functions of this House? Are we to say that some Home Secretary or Legislative Secretary has got the monopoly of wisdom, that he could frame these ordinances out of his own single brain and that the collective wisdom of this House is of no consequence and no value whatsoever? If that is the position, then I can only endorse the suggestion that has been made by one of my friends; humorously perhaps but not without an atom of truth about it—the sooner this House is dissolved the better for all concerned.

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I ask for co-operation; I ask for political bread, and Sir James Crerar gives us stones. Even now there is an opportunity for the Leader of the House in his speech to suggest that this House will be taken into confidence, and that an opportunity will be given to Members like myself who are against the civil disobedience movement. In my own party in Madras we have condemned it repeatedly. During the non-co-operation days we passed measure after measure and placed them on the Statute-book. His Excellency Lord Willingdon is today the Viceroy. He was then the Governor of Madras. Let my Honourable friend Sir James Crerar go and consult his chief and ask him for his experiences of the Madras Legislative Council. In 1921 and 1922 we placed many measures on the Statute-book to fight the non-co-operation movement, which was as dangerous as the civil disobedience movement today. You do not give us a chance to do what we feel right by our country by our countrymen, by those who are flesh of our flesh and bone of our bone. You do what you like and then come here and say, "If you are not with us, you are against us. If you do not say ditto to everything that we do, then you are certainly considered to be our opponents".

Mr. A. H. Ghuznavi: This is not the Madras Council.

Diwan Bahadur A. Ramaswami Mudaliar: The Bengal Council is not very different from the Madras Council. My Honourable friend comes from Bengal. I come from Madras. I can give the Government an assurance here and now that so far as I am concerned, I am prepared to consider, without any sort of reservation and prejudice or bias, any measure that my Honourable friend may bring forward. I have not the time unfortunately to go into other details, but my friends will find that every one of these recommendations is as reasonable as the first which I have been developing. I ask this House, unless it wants to commit political suicide, unless it wants to be the ridicule of the whole country and of foreign countries as well, unless this Parliament of India, as it is proudly called, is to go down to history as a sort of absolutely innocuous and absolutely invertebrate House that will not assert its own dignity—not for the sake of the Congress, not for the sake of the civil disobedience movement but rather against the Congress and in fighting the civil disobedience movement,—then I exhort this House to ask for those powers which you must legitimately exercise so that this movement in the country may be fought by your own countrymen and not by the alien gentlemen sitting there, acting as they please. (Loud Applause.)

Mr. Arthur Moore (Bengal: European): Sir, it was perhaps natural that the Honourable the Leader of the Opposition should confine himself largely to legal technicalities. But towards the end of his speech he did attempt to create a general impression that nobody's life, including his own I understood, was safe from the operations of the law, that terrible things were happening in the provinces and that atrocities were being perpetrated upon inoffensive Indian citizens. Now I expected that some of those who spoke subsequently would attempt to fill in the details of that general picture and would give us at least some instances. We have had two, one from Madras and one from the North West Frontier Province. And what was my astonishment, in hearing a Member tell us about atrocities in Madras, at discovering that the ground of complaint was that

the hose was turned upon a Scotchman, and to make matters worse, this Scotchman was a Scotchman who was very well connected; he was a relative of a relative of a peer of the realm! (Laughter.) Then, in regard to the Frontier, I recognize that my friend, Maulvi Shafee Daoodi, has taken the trouble to conduct a personal investigation. (*An Honourable Member*: "He was not allowed to go wherever he pleased.") Therefore we hoped to hear from him something precise. Now the gravamen of the only charge of atrocity was that cold water was applied. I do not know whether the suggestion was that in Madras as well as in the Frontier Province, if there had been hot water in the hose, things would have been any better. But it does strike me as a little odd that so much should have been mad of one point both in regard to the case of the Scotchman, on whom the hose was turned, and also with regard to the ladies. The point is repeatedly made that what are called people of highly respectable families, when they break the law, are treated like other people; and it seems to me very curious that the Opposition should attack the Government because, in the discharge of their duties, the law shows itself no respecter of persons.

Mr. K. C. Neogy: Whose law? Was that law passed by this House? Whose law?

Mr. Arthur Moore: Never mind where the law comes from. (*Some Honourable Members*: "Oh, Oh!")

Mr. K. C. Neogy: The *Statesman's* law. (Laughter.)

Mr. Arthur Moore: I think the Honourable Member is obviously trying to evade the point. The point is that a law . . . (*An Honourable Member*: "Which law?") It does not suit the Honourable Member to listen to my argument. (*Some Honourable Members*: "There is no argument. Define the law.") The Honourable Member professes to be a democrat, but he wishes the law to be a respecter of persons. That is the point.

Diwan Bahadur A. Ramaswami Mudaliar: Every law respects sex.

Mr. Arthur Moore: Does the Honourable Member suggest that members of the female sex should be allowed to break the law with impunity?

Diwan Bahadur A. Ramaswami Mudaliar: Nothing of the sort, but are not there laws which make a distinction between sex and sex?

Mr. Arthur Moore: Well, Sir, I could not help feeling that if so much concern is exhibited in this House because the relative of an English peer has had the hose turned on him

Mr. S. C. Mitra: Read some of these Ordinances.

Mr. Arthur Moore: And the gravamen of the charge is that he is well-connected, then I am afraid the outlook for the depressed classes (Laughter) when my friends opposite operate the governmental machine is not a very cheerful one. My Honourable friends say

Mr. C. S. Ranga Iyer: I would ask my Honourable friend

Mr. Arthur Moore: I would ask my Honourable friend not to interrupt me as my time is very short.

(Mr. C. S. Ranga Iyer rose to his feet.)

Mr. President: Order, order. The Honourable Member does not yield.

Mr. C. S. Ranga Iyer: I was suggesting a point of order, Sir. I should like to have your ruling whether, when an Honourable gentleman who is sitting on that side of the House has already started interrupting those on this side, it is not parliamentary for gentlemen sitting on this side of the House to just indulge in some reciprocity. (Laughter.)

Mr. President: I am sure the Honourable Member clearly realises that that is not a point of order. (Laughter.)

Mr. Arthur Moore: My Honourable friend, the Leader of the Opposition, made a good deal of play with Magna Charta and the fundamental rights of citizens. But I would ask him, in all seriousness, when citizens repudiate their fundamental duties, how can they preserve their fundamental rights? ("Hear, hear" from the *European Group Benches*.) And if we are going to get down to fundamentals, I do feel that, fundamentally, this is a contest of moral ideas. The fact is that the Congress and Mr. Gandhi believe still, unfortunately, in this doctrine of civil disobedience; that is to say, Mr. Gandhi believes that it is possible for organized masses, even without arms, to inflict so much injury and ruin upon those whom they wish to bring to terms, even though these latter possess superior physical force, that the material damage resulting, the financial loss, the unemployment, the starvation (*An Honourable Member:* "The starvation of Manchester?") which the Congress will be able to inflict will be so much greater than any loss that the non-co-operators can be made to suffer, that, in the end, he, Mr. Gandhi, is bound to defeat those whom he decides to attack, whether they represent the Government, or whether they represent some particular industry of which he disapproves. That is to say that the essence of the doctrine is a belief in force, and a disbelief in the efficacy of "the golden rule" of doing unto others as you would that they should do unto you; a disbelief in the possibility of a cause winning on its merits, or by persuasion; a disbelief in reasonableness. Over and over again we have been told that Great Britain would never give up what she is not forced to give up. I remember, Sir, once in this House, when I asked what good the pursuit of this barren path of non-co-operation had ever done to India, the late Pandit Motilal Nehru made a very memorable speech in which he said that India had got to wrest self-government from Great Britain. (*An Honourable Member:* "Perfectly right.") And he made it perfectly clear that, if India had self-government and were in a similar position in relation to another country, if India could control another country and its markets, then Indians would not be such fools as to throw away that advantage, and so he refused on these grounds to believe that Great Britain would. Therefore I say that force is the essence of the doctrine; it is a belief that

Mr. C. S. Ranga Iyer: Face it out.

Mr. President: May I ask the Honourable Member to allow Mr. Moore, who is in the possession of the House, to continue. There is a large number of other speakers on the Opposition side who can deal with the arguments that Mr. Moore may advance. That is the only way in which a fair debate can take place and I would ask the Honourable Member not to continue to interrupt the Honourable Member who is now speaking.

Mr. Arthur Moore: At any rate, Sir, I am glad that my Honourable friend and myself are in agreement with my statement of the doctrine. He says that that is the doctrine and we must face it out. Now, Sir, that is exactly the point I am trying to make. The basis of the doctrine is force, a disbelief in non-violence. Mr. Gandhi himself

Mr. B. R. Puri: On a point of order, Sir. It is bad enough you have locked him up, but at least he should pronounce the name of Mahatma Gandhi correctly. It is not *G-ā-n-d-e-e*, but *Gandhi*.

Mr. President: I wish the Honourable Member had abstained from taking advantage of rising to a point of order without there being any point of order.

Mr. Arthur Moore: I regret if I mispronounce the name. I shall avoid the difficulty by calling him the Mahatma. (Laughter.)

At any rate, we are now in agreement. The basis of this doctrine is force and a disbelief ultimately in non-violent methods. The Mahatma may and I am sure does on this point deceive himself; but we at least here cannot be deceived. It is perfectly idle to draw a distinction between physical force and some other kind of force.

Mr. C. S. Ranga Iyer: Soul force!

Mr. Arthur Moore: It is perfectly idle to draw a distinction, for instance, between hitting a man on the head on the one hand or quietly starving his wife and children on the other. Then, Sir, there is another point about this doctrine and that is that it must be aggressive. It is not a doctrine that can be used in self-defence. It can only be used to attack the existing order of things wherever it is found. A further point about this doctrine is that it rules out the possibility of coming to a harmonious agreement, and that is what I want Mr. Mudaliar to remember when he lightly dismisses the preamble of this Resolution.

Mr. C. S. Ranga Iyer: Who denied the interview?

Mr. Arthur Moore: It rules out the possibility of an agreement with people so long as they hold that doctrine. There is nothing to be done with them. That, Sir, is why the Delhi Pact was a failure. The Congress did not believe that Lord Irwin was just a Christian trying to agree with his adversary while he was in the way with him.

Mr. C. S. Ranga Iyer: The Mahatma did.

Mr. President: I will not permit these interruptions. I have repeatedly asked Honourable Members not to do so. I hope the Chair will not be forced to name any Member.

Mr. Arthur Moore: The Congress instead of assuming that Lord Irwin

Mr. President: May I draw the Honourable Member's attention to the fact that his time is up.

Mr. Arthur Moore: Perhaps the Honourable President will allow me a couple of minutes in view of the interruptions.

Mr. President: I will allow the Honourable Member one minute more on that ground.

Mr. Arthur Moore: My point briefly is this that the Congress believed that Great Britain had been humbled by their strength, and therefore without any change of heart whatever or any response to Lord Irwin's gesture, they set about preparing for the renewal of war.

Mr. C. S. Ranga Iyer: Mahatma Gandhi went to the Conference in response to Lord Irwin's friendly gesture.

Mr. President: Order, order. I have repeatedly asked the Honourable Member not to interrupt. The only way to reply to Mr. Arthur Moore's arguments is when other speakers follow him.

Mr. Arthur Moore: The whole of this doctrine which I have attempted to summarise is entirely alien to British ways of thinking and until recent years it was entirely alien to Indian ways of thinking. Now, the whole country is breaking up in an orgy of boycott

Mr. President: I am afraid I cannot allow the Honourable Member to proceed any further. He is going on as if he had lots of time at his disposal. I am sorry I cannot allow him to speak any more.

Mr. Abdul Matin Chaudhury (Assam: Muhammadan): Sir, the Honourable the Home Member has told us that he will treat this motion as a motion of censure. I can tell him that it is intended as a motion of censure. It is intended as a motion of censure for reversing the policy with which Lord Irwin's honoured name is associated and adopting a policy of repression. It is intended as a censure motion for effecting the arrest of Mahatma Gandhi and thereby creating a situation in the country which is most prejudicial to the constitutional advancement of the country. It is intended as a censure motion for the brutal manner in which these tyrannical ordinances have been applied in the North West Frontier Province. Sir, in the Round Table Conference, which I had the privilege of attending, I heard it repeatedly emphasised by responsible British statesmen that in the governance of India the days of dictation were over and that the solution of India's constitutional problem lies through the methods of conference, negotiation and consultation. It was a very dramatic moment in the Round Table Conference when, turning to Mahatma Gandhi on his left, the Prime Minister, striking a very deep personal note, said "My dear Mahatma, this is the only way". By which he meant the ways of negotiation. It now appears in the light of the later developments that it would have been far more proper if, instead of turning to the Mahatma on his left, the Prime Minister had turned to the Secretary of State on his right and told him: "My dear Sir Samuel, this is the only way", because it was the Secretary of State and the Government of India who needed the advice more than the Mahatma.

Now, Sir, what is the position of the country which the delegates have found on their return to this country, the delegates on whom the virtue of co-operation was so strongly impressed? They find here, instead of a Government based on public co-operation and public consent, a Government by dictation from the Secretariat; instead of a régime of law as passed by the Indian Legislature, a régime of Ordinances. They found here a naked autocracy in which neither life nor property nor liberty was safe. Mahatma Gandhi, to whom the appeal for co-operation was particularly made, wanted to pursue a policy of co-operation.

He applied for an interview. What was the result? He was told most curtly in the most approved bureaucratic style, "No discussion of the Ordinances would be permitted". I ask this House, who banged the door against further negotiation? Who banned discussion as a method of settlement? It was the Government of India. Who precipitated a crisis in the country? Not alone the Congress, but the die-hards in the Civil Service who were chafing under the restraint imposed by Lord Irwin's conciliatory policy. Every one is agreed that His Excellency Lord Willingdon was very badly served by his advisers in refusing the interview to the Mahatma. Now since his departure from London, Mahatma Gandhi had been scrupulously careful not to commit himself to any hasty announcement. His prompt contradiction of the Italian interview showed his desire for peace and compromise. On landing at Bombay he was confronted with the arrest of three of his lieutenants, Khan Abdul Ghaffar Khan at Peshawar, Pandit Jawahar Lal Nehru and Mr. Sherwani at Allahabad. If these three gentlemen were pursuing a rash and subversive policy, the one man who could have restrained them, the one man who could have converted them to the more constitutional course of conduct was Mahatma Gandhi.

An Honourable Member: Why did he not do it?

Mr. Abdul Matin Chaudhury: Was he given a chance to do it? Those, who are anxious to wreck the policy that the Round Table Conference stands for, saw to it that the chance was denied to him. Like the Labour Party in England, which believes in socialism but not in our time, our Civil Service professes to have profuse sympathy for India's aspirations for full responsible government but takes care to see to it that it does not come about in our time. It is a tragedy that in a critical period in the history of India the war party, the party of the mailed fist on the one hand, and the party of direct action on the other got the upper hand in the counsels of the Government and of the Congress.

Now in justification of their action, the Government supplied us day before yesterday with the reports from Provincial Governments. I shall deal with only one of these reports, that dealing with the Frontier. It appears that ever since the conclusion of the Delhi Pact, Government began to receive reports from the officials of the Frontier about the infringement of the Pact by Red-Shirts and inflammatory speeches by Khan Abdul Ghaffar Khan, advocating non-payment of revenue and water-tax as preparatory to the next war. The report that they received in the months of July, August, September, October and November showed no improvement in the situation. If the Government were convinced that the authorities in the Frontier had to be armed with extraordinary powers, they could have very easily come before the Assembly in September in Simla or in November in Delhi for emergency powers. Why did they not come

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before us? The situation in the month of December did not differ materially from the situation in the month of November. Nothing extraordinary had happened in the month of December. Why is it that the Assembly was ignored? Why were they not consulted? The reply is simple enough, and is known to every one in India. The Government of India, the autocrats who rule over us, believe in government by Ordinances, like the Tzars of Russia, they believe in government by Imperial ukases. They have no faith in these Assemblies or Dumas or legislative bodies like them. They do not believe in the policy of co-operation preached by a socialist Premier or a Christian *Ex-Viceroy*. I can tell them that Imperial ukases did not save the House of Romanoffs from downfall. These Ordinances also will not save the tottering bureaucracy in India from its impending doom.

Now about Khan Abdul Ghaffar Khan. It is said that he used to make inflammatory speeches, after his release under the Delhi Pact. This Pact did not contemplate the suspension of the ordinary machinery of law, it did not contemplate the abdication of Government. Why was he not arrested under the Indian Penal Code? The very fact that a prosecution was not undertaken shows that the law officers of the Government were not satisfied that these speeches would warrant a conviction. (Hear, hear.) Evidently Khan Abdul Ghaffar Khan had been keeping within the bounds of law and so other means were found to arrest and deport him.

What has caused the great unrest and commotion all over India, and particularly in the Muslim community, is not so much the promulgation of the Ordinance as the extreme brutality and the barbarity of its application. Under these Ordinances a reign of terror has been instituted in the Frontier (Shame), a number of people have been shot dead (Shame), thousands have been imprisoned, fines have been levied on villages, night raids and day raids have been carried on (Shame), all with the intention of crushing the spirit of the Frontier Pathans, a miniature Jallianwalla has been enacted at Kohat. Like General Dyer, the Frontier officials are out to create a terrific impression. Yesterday those few gentlemen who had come over from the Frontier unfolded to us a story of savagery which finds its parallel only in the incidents of the darkest days of martial law in the Punjab. Still we are told every week, almost every day, by the Chief Commissioner of the North West Frontier Province that the situation on the Frontier continues quiet. Sir, whenever I read that statement, I am reminded of those harrowing descriptions in the German author's Remarque's novel "All quiet on the Western Front". The quiet that reigns in the Frontier is like the quiet that prevailed in the Western front. during the war. It is not the quietness of peace, it is the quietness of the grave.

Now, the Government are going to introduce reforms in the Frontier. If they believe that by these civilizing methods of shooting, imprisonments, raids, arrests, fines, and assaults, they can infuse into the heart of the Frontier people a love for reforms, they are certainly mistaken. (Hear, hear.) These Ordinances have killed all enthusiasm for reforms. If the reforms are to be given a sporting chance in the Frontier, then these Ordinances ought to be immediately withdrawn and amnesty granted to the prisoners. (Hear, hear.) They are talking of holding an election in April. Any election held under the shadow of the Ordinances when freedom of association is banned, when freedom of movement is restricted, when freedom of expression is gagged, will only

be a mockery of election, a sham election, and a bogus election. Sir, The Afghan jirga, the Frontier Khilafat Committee, the Jamiat-ul-Ulema have all passed Resolutions urging the release of the prisoners and the withdrawal of the Ordinances for creating a favourable atmosphere for the inauguration of the reforms. To this I would add one more suggestion. Those Frontier officials who believe that the margin of safety will be exceeded unless the Frontier is turned into an armed camp, those officials who have acquired considerable notoriety by their repressive action ought to be removed from the arena of their heroic exploits. These militant officials, Sir, these budding Dyers are hardly the appropriate instruments for working successfully a representative institution on the Frontier.

Do not commit the mistake of treating the Frontier as an isolated local problem; it is an all-India question. The entire Muslim community all over India, as also the Hindu community, is reverberating with sympathy for the sufferers in the Frontier. The most extreme Congressmen among the Mussalmans and the most ultraloyalists in the community have discovered a common meeting ground by the graves of the victims of the Kohat massacre. The cloud that has arisen in the Frontier may just appear no bigger than a man's hand, but unless tactfully handled, take it from me, it will engulf the entire Muslim India. Sir, my time is up. I would only say one last word. The Government ought to grasp the hand of fellowship that has been extended by the Afghan jirga, the Khilafat Committee and the Frontier Jamiat-ul-Ulema. They ought to restrain the excesses of their officials and pack some of them off from the Frontier.

Sir Evelyn Howell (Foreign Secretary): Sir, I propose to preface my own remarks on this occasion with a fine saying which is not my own. It runs, "Suspicions among thoughts are like bats among birds that ever do fly by twilight". May I at the outset beg all Honourable Members to fling open the windows of their minds and let in the daylight of clear thinking, to turn out the bat, suspicion, and to keep it out? The Honourable the Home Member and my Honourable friend Mr. Mudaliar opposite have agreed, and there is a general agreement, that the issue before the House is clear. The motion is intended as a motion of censure, and those who vote in support of it must be held not only to condemn Government, but also to give the support of their attitude to the subversive activities of those who caused the Ordinances of which they complain to come into being. (*Cries of "No, no", "Certainly not" etc.*) "He that is not with me is against me, and he that gathereth not with me scattereth abroad." It is for Honourable Members to take their choice whether they will gather or whether they will scatter. Sir, the last speaker, Mr. Abdul Matin Chaudhury, said that the situation in the North-West Frontier Province in December last did not greatly differ from what it had been all through the summer, and if Government did not proceed against Abdul Ghaffar Khan for his numerous speeches during the summer, it must be that his speeches did not render him liable to prosecution. I can assure him—it is only my personal opinion but I think it would be generally supported—that he is wrong and that if Government had chosen to launch a prosecution there would have been no doubt whatever about a conviction.

Mr. Abdul Matin Chaudhury: Why not try him today?

Sir Evelyn Howell: Sir, what was the position last December in the North-West Frontier Province? Abdul Ghaffar Khan had made it his business ever since he was released under the Delhi Pact to stump the

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province from one end to another and deliver one inflammatory speech after another,—I can give the House specimens if they want to hear them,—to recruit numbers of Red Shirts,—he himself said that their numbers ran into hundreds and thousands, at any rate they were a very large number,—to organise them on purely military lines, to instil into their minds the necessity of renewing the fight, to preach to them that they should in no way co-operate with Government, to interfere with the ordinary administration and to usurp many of the functions of Government. As time went on he infused even other notes. He opposed all payments of land revenue and of other dues; he told the people not to take the water from the canals and in no way to co-operate with Government. Then came the Prime Minister's announcement of the 1st December announcing the intentions of His Majesty's Government and of the Government of India towards the North West Frontier Province. I ask my Honourable friend Sir Abdul Qaiyum whether he regards that announcement as satisfactory or not.

Nawab Sir Sahibzada Abdul Qaiyum (Nominated Non-Official): Most satisfactory. (Laughter from Non-Official Benches.)

Sir Evelyn Howell: I am delighted to hear it. On this side of the House we entirely agree in that view. But that was not the view that Abdul Ghaffar Khan and his friends took. They denounced it as entirely unsatisfactory; they said it was wholly inadequate and they would have nothing whatever to do with it. Well, Sir, I would say with a full sense of responsibility here that I am quite sure that there is no other Government in the world that would have put up with Abdul Ghaffar Khan one half so long as we did. When it was clear that in spite of the efforts of the Chief Commissioner, of officers of the Government of India and of officers of the Frontier Province that Abdul Ghaffar Khan would not co-operate, then, Sir, he got what came for him. Sir, the Government of India had themselves a double responsibility to look to. They had not only to establish law and order in the North West Frontier Province. The Peshawar district was in a state almost approaching anarchy. The figures of violent crime in that district, if my Honourable friend (Sir Abdul Qaiyum) will forgive me for saying so, are always somewhat appalling. Last year they were far more serious than they usually are. No revenue was being paid. The lives of loyalists and of Government officials were made a burden to them. The legitimate course of trade was impeded. Nor did it stop at this. The Peshawar district differs from other districts in India in that on the far side of it you get outside British India and get into a different country where different ideas prevail. Abdul Ghaffar Khan's tentacles stretched across that arbitrary line. His agents were in touch with malcontents and elements of opposition in all the adjoining tribes. If you wish for proof, read your newspapers and see what has happened in the last few weeks among the Yusufzai of Dir, among the Mohmands, and at an earlier stage, what was happening amongst the Afridis. Sir, it may be very safe and very profitable and very amusing to indulge in the sort of language in which Abdul Ghaffar indulged on the maidan at Calcutta or in the open spaces of Bombay, but I submit, Sir, to stage a highly inflammatory drama in front of an audience, of whom every man is armed to the teeth and who as a whole are only awaiting the cue to go round and loot the box office, is a proceeding of very questionable sanity. And that is what Abdul Ghaffar Khan was doing.

Secondly, the responsibility which, as I have said, we had upon us was that of restoring the stability of the administration with the minimum amount of excitement, opposition and consequent bloodshed. Well, Sir, the number of persons killed in the North West Frontier Province in the restoration of law and order amounts to 14. Let nobody think that any officer of Government regards the death of 14 of his fellow-citizens as a light matter. There is nobody who can take it more seriously than we do. . . .

Mr. Abdul Matin Chaudhury: Our information is that the number of deaths at Kohat was 84.

Sir Evelyn Howell: The number is, 14. Whatever the number may be, I would like to say that in my considered opinion, the blood of those brave but misguided men rests not upon us, but upon Abdul Ghaffar.

Mr. S. C. Mitra: Put him in jail and then abuse him.

Sir Evelyn Howell: And how was it that that affray at Kohat came about? It was not because the troops and the police went into the villages to do anything which they had been told to do. It was because an armed mob of villagers, armed with such weapons as they had—not very much—came to the cantonment and demanded to see the Deputy Commissioner and take his explanation of why Abdul Ghaffar had been arrested. The Deputy Commissioner of Kohat is an officer for whom my friend, Maulvi (Shafee Daoodi, had a great deal of praise—Mr. Dist. He was present at the cantonment gate; he reasoned with them; he spoke with them for a long time and he did his best to pacify them and to persuade them to disperse. On each occasion—there were two occasions on one day—while he was parleying with them, the mob became more and more violent and more and more difficult to control. Stones and bricks were thrown and injury was caused to more than one person amongst the soldiers and the police. What option was there then but to have recourse to force? I have recently returned from Peshawar and while I was there I had the pleasure of an interview with our friend, Mr. Shafee Daoodi. It took place on the evening of the 20th January, the day after I arrived. Indeed, if I am not mistaken he was good enough to delay his departure for a day, or perhaps two, at my request in order that we might have a talk with the Chief Commissioner—he and his companion, Mr. Mazharuddin, the Chief Commissioner and myself. We had that talk and it was a very cheerful and pleasant interview. Mr. Shafee Daoodi had apparently not then discovered the terrible mentality of the frontier officers, of which he has told us today. He did not so much as mention it; nor was he then aware that his movements had been restricted. On the contrary he thanked the Chief Commissioner in my presence for the courtesies and facilities which had been given to him. I submit that to make an attack upon the mentality of the frontier officers as a whole without any chance on their part to respond is grossly unfair. That, however, is by the way.

Another ground upon which Government has been attacked is the excesses on the part of the troops or the soldiery in putting the Ordinances into force. There is a proverb in Pushtoo which says:

“Sandagan Chi Jang ki, no Bute Kharapegi.”

It means “When buffaloes are fighting, the grass is trampled.” I much regret the damage to the turf, but I have not heard here of anything which seems to me to be utterly irreparable or in any way to deserve the

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language which has been poured out over it. If any such case can be brought to my notice I shall be glad to take a note of it and make the necessary inquiries. I may perhaps mention one incident which did come under my notice while I was in Peshawar. The day after I arrived, the Chief Commissioner told me that there was a rumour running about Peshawar City that two women had been thrown by the police from the Bala Khana or upper storey in one of city buildings. He was terribly put out about it and suggested that he should offer a reward of Rs. 300 for anybody who would bring him proof or evidence of this horrible tragedy. He did not offer the reward, but he caused enquiries to be made. The facts were that in one place in Peshawar city where some slight skirmish had taken place between the police and some roughs, which that city abounds, a few women had been sitting on a single storeyed building looking down into the street. One of the ladies was so carried away by her enthusiasm that she threw a brick on to the police and knocked out a policeman, whereupon one or two other members of the police party—men are apt to do things in the heat of the moment when their blood is up, which they would not ordinarily do—went round to the back of the house on the roof of which the ladies were sitting, whereupon the ladies jumped down into the street. That was all there was to it. . . .

An Honourable Member: What a tale!

Sir Evelyn Howell: A true tale, Sir.

An Honourable Member: Good fiction.

Sir Evelyn Howell: I regard the Frontier Province at this moment as something like a thorough bred horse which has been subjected perhaps to a certain amount of rough usage and is trembling all over. It has crowds of people round it, one saying this and one saying that. What the Frontier Province really wants is just to be let alone for a little bit. (Laughter from the Opposition Benches.) I can assure you that Government has no desire to keep the Ordinances on for one hour longer than they are necessary and it is quite aware that orders like those under section 144 may make the introduction of the reforms difficult. They are determined that those reforms shall be brought into force at the earliest possible moment, and you may take it from me, Sir, that they will do their best to secure the co-operation of the people of the Frontier in so doing. (Applause.)

Mr. B. Das: Sir, when I heard my Honourable friend, Sir Evelyn Howell, I felt he was taking a leaf from his European friends to his right and trying to expound the doctrine that any of us who condemn the repressive policy of the Ordinances were to be subjected to the operations of those Ordinances. He himself is not a member of the Cabinet, but I think he has access to His Excellency the Governor General because he holds the portfolio of the Foreign and Political Department. Why does he not then advise His Excellency to dissolve this Assembly and then to arrest us all and take us to the North-West Frontier Province or to some hole of a Fort which is under his own direct administration?

My friend, Mr. Arthur Moore, tried to ridicule and poohpoo the doctrine of non-violence for which Mahatma Gandhi stands. At the same time he and his colleague and my old friend, Sir Hugh Cocks, tried to

enunciate the doctrine of the white man's burden: and what is that doctrine? It is the "White Man's dominance all over the world". I tried to blow up that bubble of the white man's burden two years ago, and I shall again take the trouble of reviving the memory of my European friends and those who sit on the Treasury Benches, about the white man's world dominance, about which Upton Close wrote in his book, "The Revolt of Asia." He wrote:

"We have come to the end of the White Man's world dominance. If he resigns himself to this historic evolution he will save his world and the Asiatic's world. If he resists he will likely bring about the destruction of both."

My European friends know how British diplomacy, of which we saw a sample in the speech of my friend the Foreign Secretary, was hounded out of China and how China hounded out the European diplomacy and particularly British dominance from China. No longer will British diplomacy, European diplomacy, or the White man's burden do. I will just quote two more sentences from that book. Upton Close advocates that the policy of the white man's burden should be this. There should be the White Man and Coloured Man's joint world. And finally he concludes:

"It is let live and live." "It is tolerance, or death."

It seems that the European mercantile community in India have come to that death grip over the domestic troubles which Lancashire is faced with in England, and if today we have this plethora of Ordinances all over India, for this the European mercantile community and the Secretary of State, Sir Samuel Hoare, who is himself a merchant are responsible, because they are not afraid of the civil disobedience movement so much as they are afraid of the boycott movement. They want to suppress the boycott movement, and with the alliance of my friends like Mr. Ghuznavi, His Highness the Aga Khan and others, they want to start European trading centres in India to sell British goods. I do not know what happened to that company which started with a capital of 10 crores of rupees, and on the Board of which I think my friend Mr. Ghuznavi found a place. . . .

Mr. A. H. Ghuznavi: I had nothing to do with it.

Mr. B. Das: The object of this Company was to foster British trade and British commerce.

An Honourable Member: It has been liquidated.

Mr. B. Das: I know it has been liquidated. My friends the members of the European mercantile community and the Home Member also knew that, owing to the economic depression, there is no money to buy even Indian goods, to buy even the daily necessities of life,—not to talk of buying foreign goods. There is no money in the countryside with the people to pay even the extortionate land taxes which the Government of the United Provinces have levied and hence the no-rent campaign in the U. P. Sir, when I heard the speech of the Honourable the Home Member, I was reminded of that passage in Robert Berney's book "Naked Faqir" where Robert Berney (now M. P.) makes those allegations against the Executive Councillors of His Excellency the Governor General. In one passage he observes that the Executive Councillors all put together have no brains, nor the diplomacy, nor the political acumen to sit round Lord Irwin or even the present Viceroy, and even there it has been mentioned that a lady, the wife of a certain Executive Councillor has more political

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brains than all the Executive Councillors combined. (Laughter.) With all their mistakes, the Government will never learn. Sir, I do not wish to refer in my own words to the distress that exists on the countryside. I want to quote certain passages from a representation of that Prince of co-operators, I mean Pandit Madan Mohan Malaviya, which has been addressed to H. E. the Viceroy, and which I think my friends on the Executive Council must have read. I think I shall have occasion to refer to passages from that prince of co-operators and though I don't agree with him in everything he says because he co-operates too much, but I hope every Member of the Executive Council will pay respect and act up to what he has said. This is what is stated in that representation :

"In the course of the speech which Your Excellency addressed to the Legislative Assembly on the 25th instant, you laid the blame for precipitating the conflict on the Congress. In a letter replying to the telegram which I sent him, Sir Samuel Hoare also has said :— 'I wish that the Congress had not acted with so much precipitancy'. Fairness to Mahatma Gandhi and public interests imperatively demand that the truth about this matter should be established beyond cavil or dispute.

In the statement published by the Government of India on the 4th instant, which, I regret to say, contained many misstatements regarding the Congress, it was said :

Mr. Gandhi had given no clear indication of whether he or the Congress, whom he represents, were willing to co-operate in the fulfilment of the scheme of His Majesty's Government.'

This was clearly opposed to facts. Before leaving London, Mahatma Gandhi and I had separate interviews, both with the Prime Minister and the Secretary of State, and the question of Mahatma Gandhi's co-operation in the further work of the conference was discussed. In the conversation in reply to Mr. Gandhi's question Sir Samuel Hoare had told Mr. Gandhi that neither the Prime Minister's declaration nor his speech in the House of Commons was the last word on the safeguards or reservations, and that it would be open to any member of the proposed working committee to suggest amendments or removal of any of them, as also to press for an investigation of the financial obligations to be taken over by the National Government. I suggested to Mahatma Gandhi to get this assurance reduced to writing as the matter was important. He did write, and I know it for a fact that in his reply Sir Samuel Hoare repeated the assurance. It is obvious that the object of Mahatma Gandhi in asking for this assurance was to make it possible for him to co-operate in the work of the Committee and I know it for a fact that he had assured both the Prime Minister and the Secretary of State that he would try his best to do so. On the day of his arrival in India he stated it publicly that he was anxious to co-operate with the Government. He said :

'I landed in the hope that I shall find out ways and means of tendering co-operation, but when I find that at every step there is a huge boulder, what am I to do? I am dying to find those ways and means'.

Mahatma Gandhi found that on the top of the Bengal Ordinance, the U. P. and the Frontier Ordinances had been passed, shootings had taken place in the Frontier, and some of his valued comrades had been arrested. Notwithstanding all this he wired to Your Excellency, with the unanimous approval of the Congress Working Committee, asking for an interview, so that he might 'receive guidance from you as to the course I am to pursue in advising Congress'. This was on the 29th December."

Mr. President: Is the Honourable Member going to read the whole of it?

Mr. B. Das: Sir, I will read as far as I can. The other Members will read the rest in view of the fact that Pandit Malaviyaji was former leader

of the Nationalist Party and the pre-eminent position he holds amongst Nationalists :

"Speaking on the following day at Calcutta, and referring to the activities of the Congress in the U. P. and the North-West Frontier Province, Your Excellency said :

'I venture to hope that even at this eleventh hour, Mr. Gandhi, the acknowledged leader of the Congress Party, who has only very recently returned from England, will call at halt to those activities and will agree to co-operate with us and give us the advantage of his powerful influence to help forward solution of the great problem that is before us, namely, to secure for Indian people responsibility of administering their own affairs.'

When Your Excellency had made this appeal, why did you decline Mahatma Gandhi's request for an interview which he sought in order to know the Government points of view of the questions on which you had appealed to him to advise the Congress? . . ."

I will leave out this portion and read out a more important portion of this document.

"Your Excellency unfortunately persisted in rejecting Mahatma Gandhi's offer on the ground that you could not invite him 'with the hope of any advantage, to an interview held under the threat of the resumption of civil disobedience' and you told him that your Government must hold him and the Congress 'responsible for all the consequences which may ensue for the action which the Congress have announced their intention of taking and to meet which the Government will take all necessary action.'

Mahatma Gandhi yet again wired expressing his deep regret at the decision of Your Excellency and your Government. He told Your Excellency that it was wrong to describe an honest expression of opinion as a threat. He reminded you that the Delhi negotiations were opened and carried on whilst civil disobedience was on and that when the pact was made civil disobedience was not given up but only discontinued, that this position was re-asserted and accepted by Your Excellency and your Government in Simla in September last prior to Mr. Gandhi's departure for London, that although he had made it clear that under certain circumstances the Congress might have to resume civil disobedience, the Government did not break-off negotiations, and that had they resented that attitude, it was open to them not to send him to London. But Your Excellency did not relent. No further reply was received by Mahatma Gandhi and his arrest and imprisonment swiftly followed. Allow me very respectfully to say that these facts clearly show that it was not Mahatma Gandhi or the Congress but Your Excellency's Government who forced a conflict."

"Your Excellency knew that Mr. Gandhi is the greatest Indian living, that for the purity and unselfishness of his life and his high-souled devotion to the cause of his country and of humanity, he is adored by countless millions in India and widely respected in all parts of the world. You knew that for ten years he has been the recognised leader of the greatest political organisation in India, that only a few months ago at a time when the civil disobedience movement was in full swing, the Government had made a truce with him and that Your Excellency had under the direction of the Cabinet of England, invited him to the Round Table Conference. You could imagine that whether it be this year or next year, when a new constitution is introduced in India, in all human possibility, Your Excellency will have to hand over charge of the country's affairs to Mr. Gandhi. . . ."

Mr. President : The Honourable Member's time is up.

Mr. B. Das : Somebody else will take it up, then, Sir.

Mr. N. M. Joshi (Nominated Non-Official): Sir, in the present warlike atmosphere of the country, the position of a pacifist like myself is indeed very difficult, but I feel that it is my duty on this occasion to speak frankly and freely, and I assure you, Mr. President, very briefly. The Government and the Congress have been for some time speaking as if they are at war. They use language which is martial, both in tone and in spirit. According to both, everything is fair in war, every measure is justified by way of

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repression and by way of agitation. Mr. President, we who are neither the Government nor the Congress feel that it is our duty to judge the case of each, namely, both the Government and the Congress, on their merits.

It is futile to discuss who started the war, or who fired the first shot. No useful purpose will be served by trying to assess the blame. The Honourable the Home Member said that the Government took up the challenge thrown by the Congress when the Congress discussed the question of no rent, when some officers of the Government were murdered unfortunately by anarchists, certainly not by the Congress. The Congress on the other side accepted the challenge of the Government when Government officers began, soon after the Irwin-Gandhi pact was made, to make lists of Congressmen all over the country. We therefore feel that no useful purpose will be served by trying to assess the part played by either the Government or the Congress in initiating this war. But let me say one word when the Honourable the Home Member said that the Government accepted the challenge. May I ask him as a humble student of British history whether there was a time when the British Government gave anything to us without the challenge being thrown? As a Member of the Legislative Assembly I remember very well that before the end of the first Assembly about nine years ago it passed a Resolution asking for further reforms. Was anything done before the challenge was thrown? It is more than six years since the Assembly passed a Resolution asking for a round table conference. The Round Table Conference met only last year. How are we to believe that the Government will do anything without a challenge being given to them? It is not therefore wholly the fault of the Congressmen if they gave the challenge. But, Sir, I do not wish to go into that history. Those of us who are neither Government nor Congressmen feel that so long as this war lasts, if it is to last at all, it must be fought fairly and according to the rules of the game. That is our first duty. Our second duty is to see that the war is ended without delay. Sir, considering these two questions, when I think of the Ordinances I feel that, although as a measure of war, Ordinances may have been necessary, still even the Honourable the Home Member will not deny that the powers taken by the Ordinances are drastic and too wide. I am not a Congressman, but it is quite possible that my young boy may take it into his head to join the Congress, and I am likely to be fined for it. (*An Honourable Member*: "And sent to jail.") And I may be sent to jail. Sir, it may be said that a man who takes part in the labour movement is a man of suspicious character. But Sir Tej Bahadur Sapru is a landholder in a village in the United Provinces, not in Allahabad,—Sir Tej Bahadur Sapru lives in Allahabad. The village may be fined and as a holder of land in that village, Sir Tej Bahadur Sapru is liable to be fined. May I say that if the Honourable the Home Member takes it into his head, he can occupy the Viceregal Lodge to-morrow under the Ordinances? It is not at all difficult for him. But, Sir, whatever may be the powers taken under the Ordinances—and I agree that to some extent such powers must be drastic—even though the powers may be drastic, they must be exercised with restraint and moderation as the Honourable the Home Member stated. But are the powers exercised with restraint and moderation? May I quote a few instances? At Cocanada Mr. B. Sambamurthi was a member of a meeting. The meeting was declared illegal. Mr. Sambamurthi was

beaten and he was beaten till he became unconscious. After he became unconscious he was kicked with boots, he was sent to hospital, and in the hospital notice was served upon him, and he was prosecuted. Now, Sir, may I ask the Honourable the Home Member whether this is restraint, this is moderation? May I give another instance? Mr. Sunder Lal is a permanent resident of Allahabad. The Magistrate of Allahabad asked him to leave his jurisdiction. Now, it is quite possible that Mr. Sunder Lal when he leaves the jurisdiction of the Magistrate of Allahabad might go to Benares. The Magistrate of Benares may tell him that he is not a resident of Benares and therefore he must leave that place, and so on. There will be no place where he could go. And if he tries to go out of the country, as a Congressman he will not get a passport. Sir, is this fighting the war according to the rules of the game? Then, Sir, a boy in Bombay was given, I think, 12 lashes on bare buttocks. May I ask, is this cruelty necessary? If Government want to repress the movement, let them do so by ordinary means without humiliating people. People fight wars and sometimes with great severity, but certainly no honourable enemy will try to humiliate his opponent. May I ask, when the Congressmen are asked to report themselves to the police three times a day, whether it is not humiliation? Does any officer of Government suggest that Congressmen are carrying on their movement secretly or they run away for fear of being arrested? Why are they then asked to report themselves to the police, except that the Government want to humiliate these people in the eyes of the common masses?

Sir, I do not wish to add to these instances but may I, in order to convince the Government that their officers are not carrying out this repression with restraint and moderation, tell them what a very moderate and distinguished politician in Madras, whose moderation, sagacity and respect for law and order will not be doubted, has said. This is what he writes: "The application of the Ordinances has been marked by great brutality and by unjustifiable severity". If the Honourable Member likes me to tell him his name I shall do so. Then the Principal of a great educational institution in Madras told the Chief Secretary of the Madras Government that the most unlawful organisation in Madras is the Government of Madras. Sir, I do not wish to add anything more on this point.

Then, Sir, so far as this Resolution is concerned, the Honourable the Home Member stated that he considers it as a vote of censure upon Government. I do not know why he should feel so. Now, the first operative part of this Resolution suggests that the Government of India should place before this Legislature legislation giving effect to the Ordinances. This Legislature has been established by the Government of India Act. It has been established in order that it should pass legislation on which the policy of the Government of India should be based. It is the intention of the Government of India Act that the Government of India should carry on the Government of this country with the approval of this House. Is it therefore a vote of censure upon Government if the Legislative Assembly asks them to carry on the Government of India with their approval? Every Member of the Assembly considers it a humiliation that the Government of India should be carried on without their approval and without even a show of their approval.

Now, the second part of the Resolution suggests the same thing, that if this war is to be fought, it may be fought in such a way that the Legislature should feel that it is being fought with restraint and moderation.

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I therefore feel that there is nothing in this Resolution to which Government can take exception. The last part of this Resolution suggests to the Government the method by which the war could be ended and that is the most important part of the Resolution. We are anxious that this war between the Government and the Congress should be ended without the least delay. In my judgment it could be ended by bringing the new constitution into existence at the earliest day with the co-operation of all communities in this country. The Government of India and the British Government are delaying the coming of that constitution by refusing to give a decision on the communal question. Some people may not think so, but I feel that it is the duty of the British Government to give a decision on this question immediately and without trying to show to the world that it is the Indians who are divided among themselves. I therefore feel that the Government should do that immediately. I also feel that the Committees which have been appointed should finish their work without delay. These measures should be taken with the co-operation of all the interests in the country, and may I say that in the constitution of the Franchise Committee the Government here and the British Government have refused to ask for the co-operation of the working classes of this country? I hope it is not the intention of the Government of India and the British Government, when they transfer the power, to transfer the power from the gentlemen of Great Britain to the gentlemen of India. We want the power to be transferred to the common people of India. I therefore feel that the new constitution should be brought into existence without delay and that it should be brought into existence with the co-operation of all interests, and if that is done I feel that this war will be ended and then only we shall get the peace which we all desire.

Mr. B. B. Puri (West Punjab : Non-Muhammadan): The present state of the Government of India's mind is, to say the very least, highly panicky, and I do not think I can illustrate it better than by quoting a story in that connection. A British officer in an outpost in the heart of Africa received a wireless message from his superior officer to the effect, "War has been declared. Please arrest all enemy aliens". Prompt in his reply he wired back, "I have arrested 7 Germans, 3 Belgians, 2 Frenchmen, 2 Italians and an Austrian and an American. Please say with whom we are at war". (Laughter.) Sir, the Government of India are unnerved and have declared war all round. Their mind is unhinged. They are creating hostilities all round by their reckless arrests. They have not spared Hindus, Sikhs, Muhammadans, Marwaris, Jains, Punjabis, Bengalis, Madrasis, all sorts and conditions of people, men, women and children, young and old. They have spared none. During the last non-co-operation days there were at least 60,000 people who cheerfully marched into jails and did not raise their little finger. Today if the press account is correct, the latest figure is that well nigh 20,000 people have gone already into jail. The conditions that prevail in the country are such that they cannot be considered lightly. They cannot be ignored. The conditions prevailing are really serious and require the immediate attention of all concerned. People are being interned and externed without any trial. Different public bodies are being declared unlawful. Their funds are being forfeited. The police, whose traditions and antecedents we are well aware of, are being let loose and they have been invested with most unprecedented powers. (Cries of "Shame".) Women are being insulted. Men are being shot down dead and yet mind you, there has been not a single report of any case of counter-violence on the part

of the people, (*Cries of "Oh, Oh" from the Non-Official European Benches.*) except possibly stray cases of terrorism, which fall into a different category altogether. Nobody with the least sense would extol them; we are here to condemn them, and that is all that need be said so far as that part of the activities is concerned. But so far as the rest of the public are concerned, I think I would not be overstating the case when I say that they are being victimised without their having opened their mouths or raised their fingers. That is the state of affairs in the country, and the people are cheerfully submitting to all this treatment that is being meted out to them. Why? That is the most natural question that I raise. What have the people done to deserve all this treatment? That is the question that the Government are called upon to answer. We have been listening very carefully to the speeches of responsible ministers and Government officials. We have been supplied with literature as to the happenings that have taken place in different provinces. The reports give us very rich details, and we find if those accounts are correct that ever since the Delhi Pact there are alleged to have been committed a series of acts which the Government are today out to condemn and which they are using as the basis and excuse for all this new legislation by means of Ordinances. They say that this programme and this propaganda has been going on ever since,—that there has been ceaseless activity on the part of the Congress against the Government in instigating the people. But to do what? Now let us consider for a moment what are the sins that the people are supposed to have committed which at the present moment the Government are treating as a justification for taking these unprecedented measures through Ordinances against them. *Number one*, that a no-rent campaign has been started by them in the United Provinces. Now this campaign no doubt is there, and we cannot shut our eyes to it. But the question is, can anybody seriously dispute the most acute economic distress that prevails in those parts of the country, in fact all over the country? Have not the Government themselves, tardily though, acknowledged and admitted the fact that these people's capacity to pay is not commensurate with their income? Sir, the prices of produce have gone down so low that it is impossible for them to meet the Government demand. The Government complain that there is the no-rent campaign. The Government might well anticipate that in the near future the urban population also is bound to get affected if the present conditions continue; if the present distress continues, there will be a no income-tax campaign in the near future. We urban people are not in any better or more happy position than the agriculturists are: perhaps the agriculturists are only a shade worse off, but things are becoming every day so acute, that before long we shall have to face not only this no-rent campaign but we may have to face an altogether "no-payment" campaign throughout the country from one end to the other. (*Laughter.*)

Then the second sin which the Congress is supposed to have committed is that they have started parallel institutions, namely, their own panchayets and their own courts, and they have begun to determine and decide cases, and thus they have discouraged people from patronising the British courts of justice. That is a great sin indeed. The Government case appears to be that people should be encouraged not to have their disputes determined in this way, but that they should go all the way to British courts, to pay money in the shape of court fees and lawyer's fees and get ruined in that way. Sir, litigation is the bane and the ruin of the agriculturists, yet it is a sin which the Congress is committing when it preaches against it and

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advises people to have their disputes made up cheaply at home. Then there is the campaign against drink and use of foreign goods. Now surely, Sir, it does not lie in the mouth of a Christian Government to say that its subjects should resort to drink or use of foreign goods. If to use Swadeshi goods is a sin, Sir, we are in good company. Even His Royal Highness the Prince of Wales is preaching today that British goods *only* should be used. Well, if that is a good principle for English people to follow, how does it become a gross sin on the part of wretched Indians if we follow the same principle ("Hear, hear" and Laughter). Sir, not only is it a necessary principle for us to follow, but it is a most righteous measure and the most moral measure which we can adopt ("Hear, hear"),—and that is just where the Government loses its case. They have got no moral backbone to their case. If we are unable to pay the Government taxes, we are driven by sheer necessity to refuse to pay. If we have resorted to Swadeshi goods, it is because our capacity for buying other goods has so deteriorated that we cannot indulge in them. But even supposing we were using it as a measure of retaliation, nonetheless it does not lie in the mouth of a Christian Government to say that we should ruin ourselves in order to encourage the British trade. Suppose I started preaching to the people that they ought to lead more clean and hygienic lives. What would you think if the Government brought out an Ordinance saying, "This is a mischievous because if these wretched people start living more clean and hygienic lives their health will improve and the British drug trade will go down" (Laughter), "and similarly that you ought to indulge in drink, and resort to litigation, because the British trade is likely to suffer if you don't"? (Laughter.) I submit, Sir, that this is just where the British Government stands exposed that is what proves that the Government have got no moral support to their case. Sir, with regard to these Ordinances I have to say one or two words more. Sir, nobody denies that under the law as it stands at present, the Governor General has got the power to issue Ordinances in times of emergency. That is a proposition which cannot be denied, but the provision of the law gives these extraordinary powers to the Governor General only in times of emergency. Now, I have been listening very carefully and I note that the Honourable the Home Member maintained that all along from the date when the Delhi Pact came into being, the Congress never ceased its activities. If that was so, then the Government knew that things were drifting in such a way and the situation was being so shaped that sooner or later they were bound to confront a very difficult situation. If that was within their knowledge, then considering that this Assembly was in session twice, first in September and then in November, why was there no mention, no suggestion, no indication of the Government's intention to bring any of those matters before us for our opinion, consultation or co-operation? We were ignored. The moment we turned our backs in the month of November, out come these legislative bombs one after the other. Curiously enough, these Ordinances, which, I submit, are only emergency measures so far as the legal provision goes, have been actually used as if they were within the normal powers of the Governor General. In this connection, I would like to place before the House a quotation from the speech of Lord Ellenborough.

Mr. President: The Honourable Member's time is very nearly up. There is only half a minute more.

Mr. B. R. Puri: Lord Ellenborough in his speech in 1861, when this particular Act was on the anvil, said:

"It is now proposed that the Governor General should be enabled to make an ordinance which for a limited period of time should have the effect of law. This opens a question of the gravest importance. The law had been that whatever executive powers might be granted to the Governor General, he should have no Legislative powers without the concurrence of his Legislative Council. It was the Magna Charta of India."

Mr. President: The Honourable Member's time is up.

Mr. B. R. Puri: Just one more sentence:

"It has been adhered to throughout and very beneficially. I am unwilling to trust except under peculiar circumstances of emergency to any individual man whatever, however much I may respect him or whatever personal confidence I might place in him, the absolute power of making a law to bind a great Empire not only without the concurrence of its Legislative Council but perhaps even without having consulted them."

That, I submit,

Mr. President: Order, order. The Honourable Member has far exceeded his time, and must resume his seat.

Mr. B. S. Sarma (Nominated Non-Official): Mr. President, the most outstanding and, to my mind, the most honest contribution of the debate from the non-official Benches this afternoon is the speech made by my Honourable friend Mr. Abdul Matin Chaudhury, because he stated in plain and in simple sentences what this Resolution meant. He said, unlike our friend Mr. Joshi, that the Resolution was primarily and simply a censure motion and it was intended as such. He is an important member of his party and as such we take him at his word. The Honourable Mr. Shafee Daoodi, who is always listened to with great respect, and whose opinions carry great weight in this House, asked earlier in the debate why this Resolution, which is so mild and moderate in its wording, should find such strenuous opposition in some quarters, and the answer has been provided by the supporter of the Resolution itself, namely, that it is intended as a censure motion on Government for the measures they have taken to uphold law and order. If, on the other hand, this Resolution means anything else or if any other interpretation could be placed upon it, then I think a large body of opinion in this House is in support of most of the sentiments contained in it. I may say that if it is not a censure motion, but is intended merely as an expression of opinion with regard to the present political situation, then with some modification I think I should have myself supported it. Speaking arithmetically, Sir, if you ask what is the G. C. M. or the Greatest Common Measure of the Independents and the Nationalists, I should say the figure 312, because this Resolution contains 312 words. And if you were to find a common agreement between all the parties, you would have to include some more words to find out the greatest common measure for all people in this House. What the Resolution says is that this Assembly condemns acts of terrorism and violence and disapproves subversive activities, and that the real remedy lies in expediting the inauguration of a new constitution. I agree and every one will agree with that. With regard to the third portion, that the Governor General should secure the co-operation of the various organisations in this country towards this, I also agree. The alertness, the promptitude and the quickness and the energy with which Lord Willingdon's Government have thrown themselves into the task of

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forming these new Committees in order that they may carry on and continue without the least delay the work of the Round Table Conference shows how eager Lord Willingdon's Government themselves feel in this matter. With regard to the first portion where it contains the manner in which the ordinances are being worked, I also think that there will be a large amount of agreement because there are instances in which these ordinances in their application and administration have been abused. But the Honourable the Home Member himself said this morning that in the application of such drastic and emergency measures you cannot help that some officers were likely to make mistakes. We were also given an assurance that these abuses should not be attributed either to the Home Member or to the administrators of the provinces. That assurance has come from the Honourable the Home Member this morning. After this, I do not see why this Resolution should at all be moved. There is no case for it. The only justification for this Resolution, then, is that it is intended as a censure motion against the Government and it is because of this that I oppose this Resolution. This Resolution, construed as a censure motion, strikes at the very root of orderly Government. Sir Hari Singh Gour was asking about the fundamental rights of citizens. May I ask him what about the fundamental duties of citizens in the matter?

Sir Hari Singh Gour: The fundamental right of a citizen is to vote for this Resolution.

Mr. R. S. Sarma: The fundamental right of a citizen is to vote for a Resolution after he has thoroughly, honestly and sincerely exercised his fundamental duty. It comes after that. Sir, this Resolution is a censure motion. Therefore, in my opinion the acid test of our responsibility is to distinguish the values and to demonstrate to the world whether we are for or against orderly government and law and order. A government if it is to perform its duty must govern in the manner in which it is governing now. If it is not prepared to govern like this, it had better abdicate its powers. And those representatives of the people in the Legislature who are not supporting the Government in these measures or who are standing in the way of such measures as are passed to secure orderly government are not only enemies of this Government but the enemies of the Indian nation.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, at the very outset of my speech I want to make it clear in unmistakable and unequivocal terms that I have no faith in the Congress. I take the Congress to be like an organization similar to many others in India, but at the same time I do realise, as every other Honourable Member realises, that Congress is a powerful, well-organised and a big association in India. I condemn the terrorist movement, the civil disobedience movement and also the no-tax campaign. Civilization means abiding by the laws of the country. Civil disobedience will be a bad example for the future Government of India, and once the people are apt to it, it is quite possible that even then they may resort to the same weapons which will prove very distressing and harassing to the future Government that is going to be established in this country, and therefore I assert that I do not stand to achieve anything by unconstitutional and illegal means.

Sir, at the same time I cannot and do not approve of the policy which the Government of India has lately been pursuing. Civil laws to my mind mean laws approved by the representatives of the people of the country

and as such all the ordinances recently promulgated to suppress the national movements and activities do not find favour with me and do not come under the category of civil laws.

Sir, it is alleged that under the garb of law and order, with the sanction of some ordinances at their backs many barbarous acts have been committed, in the North West Frontier Province, such as, keeping prisoners in the open air, day and night, firing on unarmed crowds, day and night outrages, *lathi* blows on the head, chest and joints of innocent and law abiding citizens, stripping of men naked before beating, and in short the beating and torturing has been most merciless. Are not such acts shameful? Such laws which sanction such inhuman acts can never be called civil laws. The whole affair, as it is alleged, is one of the most devilish, cold-blooded and unjustifiable in the history of nations. (Loud applause.)

Look at the fun. In the North West Frontier Province the trouble is created on the *Shabbarat* day, which according to Christianity was the birthday of the peace-maker also—it being the 25th of December. The reasons given out by the Chief Commissioner for the arrest of Khan Abdul Ghaffar Khan are most unsatisfactory. So many excesses have been perpetrated by the authorities, and specially by the military and the police, that I do not find words to draw their picture and place it before the House. Firing on unarmed crowds and *lathi* charges on passers-by were very common affairs in the North West Frontier Province. We may have thousands of differences with Mr. Gandhi but nobody can deny that refusal to grant an interview to a person who requires it for the purpose of receiving guidance is far from being commendable. (Hear, hear.) Let it be granted for a moment that the refusal of Khan Abdul Ghaffar Khan to attend a certain *darbar* in spite of illness was a crime, Mr. Gandhi's threat to launch a civil disobedience movement was also against law, but why was Mr. Sen Gupta arrested and gaoled before he even landed on the shores of mother India. There can be no justification for such acts which the unborn generations will hear with surprise and will abhor the ways of this Government. Persons found to be guilty of any offence must be made to pay the penalty, but to make the innocents suffer is opposed to all canons of civilization and good government. (Applause.)

Sir, if these rumours of repression in the North West Frontier Province were incorrect and if the Government were honest in their dealings, why did they not allow such *Ulemas* as Mufti Kifayatullah Sahib and Maulana Ahmad Saeed Sahib to visit the North West Frontier Province, who wanted to go for the purpose of holding an enquiry on the spot? (Hear, hear.) Mussalmans in particular and the whole of India in general will never be a party to such enquiries as were or will be instituted by the Chief Commissioner. But Government may say that they allowed another deputation of Mussalmans to go there and to have an enquiry in the North West Frontier Province. But I will say that that enquiry cannot be said to be sufficient. On one occasion only, two hours' time was given to visit a place which was 30 miles off from one place. Another thing was that no one was allowed to speak freely. Members of deputations were not allowed to enquire into every matter freely, they were not allowed to go into all the jails and to see all the places they liked. There were many restrictions upon their actions. They could get only one version, i.e., the official version of the affairs in North West Frontier Province. They could not get any other version, they could not

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see the other side of the picture. Will Government come forward and honestly say that the persons who held enquiries into these allegations had access to every place, every man and every jail? Were they free to talk and enquire from the persons who are in jails and was there no order forbidding them to visit certain places and certain prisons? I want a reply on these points. (Hear, hear.)

Sir, if the Government consider themselves free from any blame, let them not hesitate to allow a joint committee of the elected non-official Members of this Assembly to investigate into these matters in the North West Frontier Province without any restriction or reservation.

Sir, Mussalmans are placed in a very helpless plight, Hindus compel them to knock at the doors of the Premier, and the Government want us to come to an agreement with the Hindus and Mr. Gandhi. There can be only two alternatives, to confer with Mr. Gandhi, either to secure his release or to go to jails as prisoners. On account of these uncertainties, Mussalmans could not decide any thing, but such a state of affairs cannot last long and they are determined to take one or the other way—they are determined to decide one or other policy—they are determined to decide whether they should knock at the door of the Government or should seek any agreement with Mr. Gandhi and such a decision should not disturb those against whom it might happen to be.

Sir, if the Government are really in earnest about the advancement of self-government in the N. W. F. Province then the ground should be prepared for the same by not resorting to such acts which have no parallel in the history of civilization. Give a chance to those who want to cooperate in the task of constitution-making in a calm atmosphere and stop the policy of mischief-making forthwith. If immediate steps are not taken to prevent and stop the excesses that are being perpetrated by local authorities, I believe the whole of India will be involved in something terrible. There must be a limit to one's patience and the conditions in India at present are far from being satisfactory. I warn the Government to stop this state of affairs, otherwise the consequences will be on their shoulders.

With these words, Sir, I express my views on the Resolution so ably moved by my Honourable friend, the Nagpur Knight. (Applause.)

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 2nd February, 1932.