

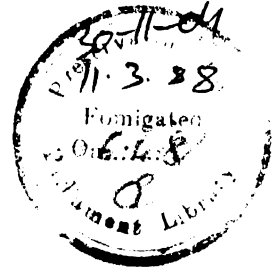
Saturday, 18th August, 1934

THE
COUNCIL OF STATE DEBATES

VOLUME II, 1934

(8th August to 6th September, 1934)

EIGHTH SESSION
OF THE
THIRD COUNCIL OF STATE, 1934



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COUNCIL OF STATE.

Saturday, 18th August, 1934.

The Council met in the Council Chamber at Viceregal Lodge at Half Past Ten of the Clock, the Honourable the President in the Chair.

QUESTIONS AND ANSWERS.

PROTECTION TO MINOR INDUSTRIES, INCLUDING THE PUMP MANUFACTURING INDUSTRY, AGAINST COMPETITION FROM JAPAN.

100. THE HONOURABLE SARDAR SHEI JAGANNATH MAHARAJ PANDIT: Will Government be pleased to state:

(1) Have Government considered the question of giving protection to smaller industries under the Safeguarding of Industries Act?

(2) Is the attention of Government drawn to the severe competition the pump manufacturers are getting from Japan?

THE HONOURABLE MR. D. G. MITCHELL: (1) Yes, Sir, but relief, where necessary, was afforded under the Indian Tariff (Amendment) Act, 1934.

(2) Government have received a representation from the Pump Manufacturers to this effect, and this is under consideration.

APPOINTMENT OF MUSLIMS AS MEMBERS OF EXECUTIVE COUNCIL IN CERTAIN PROVINCES.

101. THE HONOURABLE MR. HOSSAIN IMAM: (1) Is it a fact that in the following provinces, *i.e.*, United Provinces, Bombay, Madras and Assam, up to the end of last year there was a Muslim member of Executive Council of the Governor ever since the year 1921? If not, what is the fact?

(2) Is it a fact that in the ten Governors' provinces of India there is only one Muslim Executive Councillor in Bengal; and none in the remaining nine provinces of India now?

THE HONOURABLE MR. M. G. HALLETT: (1) The facts are as stated by the Honourable Member except that in Bombay there was no Muslim Member from January, 1926 to June, 1928, and in the United Provinces there has been no Muslim Member since 7th April, 1933.

(2) There are at present two Muslim Members of Executive Councils in the provinces one in Bengal, and one who is on leave in the Punjab.

RECRUITMENT OF MUSLIM JUDGES IN THE MADRAS HIGH COURT.

102. THE HONOURABLE MR. HOSSAIN IMAM: Is it a fact that in the Madras High Court for the last sixteen years there has been no Muslim Judge? What are the minimum qualifications for this post?

THE HONOURABLE MR. M. G. HALLETT: As regards the first part of the question I would refer the Honourable Member to the answer given to part (2) of his question No. 154 in this House on the 29th November, 1932. As stated there one Muslim Judge retired from the Madras High Court in 1921. As regards the second part as stated before in this House, permanent appointments to the High Courts are made by His Majesty under section 101 of the Government of India Act, sub-section (3) of which lays down the qualifications of a judge.

NEW RULES ABOUT COMMUNAL REPRESENTATION IN THE SERVICES.

103. THE HONOURABLE MR. HOSSAIN IMAM: (a) Will Government kindly specify what are the minority communities other than Muslims for whom 8½ per cent. has been reserved in the Home Department Notification on Services?

(b) Will Government kindly lay on the table the quotas they have fixed for local recruitment of Muslims in different areas for the following services: Posts and Telegraphs, Income-tax, Customs and Excise?

(c) Will Government please state the date from which the appointments will be made under the Notification?

THE HONOURABLE MR. M. G. HALLETT: (a) Ordinarily Sikhs, Anglo-Indians, Indian Christians and Parsis.

(b) Rules for local recruitment to the departments mentioned have not yet been framed; the matter is receiving attention.

(c) The Resolution in question will be applied in practice at the earliest possible date.

RELEASE OF PRISONERS CONVICTED OF OFFENCES CONNECTED WITH THE CIVIL DISOBEDIENCE MOVEMENT.

104. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Will Government be pleased to state the number of prisoners convicted under sections 124A and 153A of the Indian Penal Code who have been released since Government announced its policy of expediting the release of civil disobedience prisoners?

THE HONOURABLE MR. M. G. HALLETT: I regret I have no information how many or in fact whether any persons convicted under sections 124-A and 153-A, Indian Penal Code, have been prematurely released in accordance with the policy of expediting release of persons convicted of offences connected with the civil disobedience movement.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Will the Honourable Member get this information?

THE HONOURABLE THE PRESIDENT: You must always ask the Chair's permission before putting any supplementary question.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU : May I ask your permission, Sir ?

THE HONOURABLE THE PRESIDENT : Yes.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU : Will the Honourable the Home Secretary be pleased to get this information for us ?

THE HONOURABLE MR. M. G. HALLETT : I can obtain the information if the Honourable Member presses for it.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU : Yes, I do.

RED SHIRT ORGANIZATION.

105. **THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU :** (1) Is it a fact that Government during the continuance of the civil disobedience movement regarded the Red Shirt organization as being not distinct from the Congress organization ?

(2) If the answer to the above question is in the affirmative, will Government be pleased to state the grounds on which Government has refused to release the Red Shirt prisoners ?

THE HONOURABLE MR. M. G. HALLETT : (1) I repeat what I said in reply to supplementary questions on August 8th and invite the Honourable Member's attention to the statements which were issued by the Chief Commissioner of the North-West Frontier Province on the 24th December, 1931 and the 28th December, 1931, copies of which I have made available to Honourable Members in the Library. The details therein given of the activities of the Red Shirt organization go to prove the correctness of the statement made by Government in the communiqué of June 6th of this year that it is a revolutionary organization distinct from Congress, though working more or less in close association with its objects.

(2) Does not arise.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU : May I ask a supplementary question, Sir ? What are the activities of the Red Shirt organization which the Government regard as revolutionary ?

THE HONOURABLE MR. M. G. HALLETT : That question can be answered in detail by a study of the statements which I have made available in the Library. The movement was one for the removal of the British Government by the use of force and violence.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU : How many of the Red Shirt prisoners have been convicted by a court of law for revolutionary activities ?

THE HONOURABLE MR. M. G. HALLETT : I must ask for notice of that question.

NUMBER OF RED SHIRT PRISONERS CONVICTED OF OFFENCES INVOLVING VIOLENCE.

106. **THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU :** (1) Will Government be pleased to state the number of Red Shirt prisoners, if any, convicted by a court of law of offences involving violence ?

(2) Will Government state whether the Red Shirt organization has ever pursued a policy which is in conflict with the declared policy of the Congress during the civil disobedience movement and since its cessation ?

(3) Is Government aware that its decision not to remove the ban on the Red Shirt organization and not to release the Red Shirt prisoners has caused great disappointment in the country ?

THE HONOURABLE MR. M. G. HALLETT: (1) I am asking the Local Government whether this information can be supplied without undue labour ; if they can supply the detailed information required, I will lay it on the table of the House.

(2) I would refer the Honourable Member to the answer I have just given to part (a) of his preceding question.

(3) It has possibly caused disappointment in certain quarters. I would add that in the North-West Frontier Province itself the policy has provoked little or no comment and is felt to be justified.

RED SHIRT ORGANIZATION.

107. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Is Government aware that responsible leaders of the Red Shirt organization have dissociated themselves from violence and affirmed their firm belief in non-violence ?

THE HONOURABLE MR. M. G. HALLETT: No. The statement to which I have already referred in reply to the Honourable Member's previous questions will show that the Red Shirts were employing violent methods.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: May I ask a supplementary question, Sir ? My question is, "Is Government aware that responsible leaders of the Red Shirt organization have dissociated themselves from violence ?" I have not had an answer to that question.

THE HONOURABLE MR. M. G. HALLETT: The answer will be found in the various statements to which I have referred.

RELEASE OF KHAN ABDUL GHAFFAR KHAN AND PANDIT JAWAHARLAL NEHRU.

108. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Is Government aware that there is widespread disappointment in the country for the decision of Government not to release Khan Abdul Ghaffar Khan and Pandit Jawaharlal Nehru ?

THE HONOURABLE MR. M. G. HALLETT: There may be disappointment in certain quarters.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Will the Honourable the Home Secretary indicate those quarters ?

THE HONOURABLE MR. M. G. HALLETT: It is I think obvious to the Honourable Member what those quarters are.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: If you refer to me, it has certainly caused disappointment in me.

RECOGNITION OF THE PROVIDENT FUND OF THE BENARES HINDU UNIVERSITY.

109. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: (1) Has the Benares Hindu University sent a representation through the Government of the United Provinces asking for the recognition of the Provident Fund instituted by the University under section 16A of Act XVI of 1915 as amended by Act XXIX of 1930, for the purpose of securing its exemption from income-tax and surcharge under section 8, clause 3 of the Provident Funds Act of 1925 ?

(2) Will Government be pleased to state what action it has taken in the matter ?

(3) Is it a fact that the Provident Funds instituted by the Aligarh, Allahabad, Lucknow and other Universities have been recognised by the Government and the Commissioner of Income tax for the purpose of exemption from income-tax and surcharge ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (1) to (3). The attention of the Honourable Member is invited to the reply given to question No. 141 asked in this House on the 5th September, 1933. The rules relating to the Provident Fund of Benares Hindu University have been referred back for revision in conformity with the provisions of the Provident Funds Act, 1925. The Government of India are awaiting the final rules from the University authorities.

GRANTS TO THE BENARES HINDU UNIVERSITY AND THE ALIGARH MUSLIM UNIVERSITY.

110. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: (1) Will Government be pleased to state what grant-in-aid has been given during the year 1933-34 (a) to the Benares Hindu University, (b) to the Aligarh Muslim University, and (c) the amount of grant proposed to be given to each of them during the year 1934-35 ?

(2) Will Government be pleased to state the number of students on the roll of the Benares Hindu University and the number of students on the roll of the Aligarh Muslim University during the years 1933-34 and 1934-35 and the average cost of teaching and instruction in those Universities separately per student ?

(3) Will Government be pleased to state the number and subjects of the departments of teaching in the Benares Hindu University and the number and subjects of the departments of teaching in the Aligarh Muslim University during the said years ?

(4) Is there any difference in the amount of the grant given to each of the said two Universities ? If so, what are the reasons for such differentiation ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (1) Both Universities received from central revenues in 1933-34 the normal grant of Rs. 3 lakhs, *minus* the 10 per cent. cut. An *ad hoc* grant of Rs. 15,000 was also given to the Muslim University, Aligarh. The amounts included in the current year's budget are Rs. 3 lakhs, *minus* the 10 per cent. cut in each case

(2) A statement giving the number of students is laid on the table. The information asked for in the latter part of the question is not available,

(3) I would refer the Honourable Member to the Handbook of Indian Universities, 1934, a copy of which is available in the Library of the House.

(4) The grants given to the two Universities were identical in 1933-34 except for the *ad hoc* grant to the Muslim University, Aligarh. The main reason for awarding this special grant was that, though the University had taken effective steps in the direction of retrenchment, it had been unable to balance its budget, mainly owing to certain forms of expenditure which had been undertaken in accordance with the recommendations of the Rahimtoola Committee.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : May I put a supplementary question, Sir ? Will the Government be pleased to state why was the 5 per cent. cut when restored to the salaries of officials not restored in the case of these Universities ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Before I can answer that question I will have to consult the Finance Department.

Statement showing the number of students on the rolls of the Benares Hindu and Aligarh Muslim Universities during the years 1933-34 and 1934-35.

Name of University.	Number of students on rolls during	
	1933-34.	1934-35.
Benares Hindu University	3,492	3,611
Aligarh Muslim University	1,141	1,203

TEN PER CENT. CUT IN THE GRANT TO THE BENARES HINDU UNIVERSITY.

111. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU : Will Government be pleased to state why a cut of 10 per cent. was made from the grant made to the Benares Hindu University for 1933-34 ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : The 10 per cent. cut in the grant to Benares Hindu University for 1933-34 was the result of the normal cut in the expenditure of the Central Government for that year.

SPECIAL GRANTS TO THE BENARES HINDU UNIVERSITY.

112. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU : Has Government considered the claims of the Benares Hindu University to special grants ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Special grants amounting to a total of Rs. 21,27,000 have been made by the Government of India from time to time to Benares University. In particular, in 1929 a capital grant of Rs. 15 lakhs to Benares Hindu University was sanctioned and subsequently paid in three instalments ; and the recurring grant was enhanced from Rs. 1½ lakhs to Rs. 3 lakhs, subject to the temporary 10 per cent. cut as from 1932-33. This assistance has been given with due regard to the educational activities of the University.

AMOUNT REALISED ON ACCOUNT OF THE ADDITIONAL PETROL DUTY.

113. THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY : Will Government be pleased to state :

(a) Amount realised on account of the additional petrol duty for road construction purposes during the years 1932-33 and 1933-34 ?

(b) Amounts contributed by the City of Bombay towards this duty during the above periods ?

(c) Whether the Bombay Municipal Corporation has made a representation asking for a share in the proceeds of this duty ? If so, what action has been taken in the matter ?

THE HONOURABLE MR. D. G. MITCHELL: (a) A little over one crore of rupees each year.

(b) Government have no information ; the consumption of petrol is recorded by provinces, and we have no separate figures for Bombay City.

(c) Government understand that some representation has been made by the Corporation to the Local Government. The latter have not addressed the Government of India on the subject.

AMOUNT OF CONTRIBUTIONS MADE BY THE CITY OF BOMBAY TOWARDS IMPERIAL AND PROVINCIAL REVENUES.

114. THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY : Will Government be pleased to state :

(a) Amount of the contributions towards the provincial and imperial exchequers by way of taxes, duties and fees made by the City of Bombay ?

(b) Incidence of municipal taxation in the City of Bombay ?

(c) Help, if any, rendered to the taxpayers of the City of Bombay by way of relief against their heavy contributions towards the provincial and imperial exchequers ?

THE HONOURABLE SIR ALAN PARSONS : (a) and (c). I regret that the information is not procurable.

(b) I understand that it was Rs. 23-2-0 per head in 1931-32. More recent information is not available.

BENGAL CRIMINAL LAW AMENDMENT SUPPLEMENTARY
(EXTENDING) BILL—*contd.*

THE HONOURABLE THE PRESIDENT : The debate will now be resumed on the Bengal Criminal Law Amendment Supplementary (Extending) Bill.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay : Non-Muhamadan) : Mr. President, the Honourable Mr. Hallett in moving for consideration two days ago the Bill which is now before the House made a very able and lucid speech, explaining to the House the views of Government. Many of the points he dealt with in a very convincing manner, but so far as the

[Sir Phiroze Sethna.]

question of making this Act permanent is concerned, I am afraid his arguments did not appeal to many of us on this side of the House as sufficiently convincing. Government evidently propose to make this Act permanent because the parent Act, to which this is supplementary, has already been made permanent. If so, I submit that Government are not acting wisely, nor have they acted and are acting in their own interests by having made the parent Act permanent and by now endeavouring to make the supplementary Act permanent likewise. The Honourable Mr. Hallett told us that temporary measures have failed so far because they induce the terrorists to keep up the fight and bide their time. Do Government honestly believe that if they made this Act permanent the terrorists will desist from their nefarious methods? Most assuredly not. Again, on the contrary, I think that if such an Act is not made permanent it would give a chance, to at least some of them, to relent and mend their ways. We know that the majority of the men who are detained are young and misguided. It is therefore the duty of Government to adopt ways and means whereby they may succeed in weaning these men from their purpose. They can only do so by making this measure a temporary one and by no means a permanent one. Is it not possible I ask that some of these detenus after they have been confined for a number of years would see the error of their ways, give up terrorism and become law-abiding citizens?

THE HONOURABLE THE PRESIDENT: May I remind the Honourable Member that we are now discussing the general principles of the Bill. Your references to the permanency of the Bill will be more appropriate when the amendment comes up.

THE HONOURABLE SIR PHIROZE SETHNA: If you permit me to speak on that now I shall not have the necessity to speak on the amendment.

THE HONOURABLE THE PRESIDENT: At this stage I prefer not to allow amendments to be anticipated. Certainly you can make some observations with regard to it generally.

THE HONOURABLE SIR PHIROZE SETHNA: That is all that I propose to do, Sir. The Honourable Mr. Hallett in the course of his remarks observed that if this Bill is made permanent there is nothing to prevent it from being repealed or amended later, and my friend the Honourable Mr. Basu supported him in that contention. My point is that that is exactly the reason why this Act should not be made permanent. If Government know that an Act like this, if made permanent, can be repealed, then why make it permanent? Why not resort to the other method of renewing it for a certain number of years, say, three or five or even seven, and thereafter if necessary renew it for another period of years or drop it if the situation is very considerably improved. Mr. Basu went further and quoted the well-known dictum that nothing can be said to be settled unless it is settled right. I ask, therefore, is it not better in Government's own interest to have this Act renewed for a term of years rather than to have it made permanent now and have it repealed later on? If this Bill were only for renewing the Act for a fixed period I am sure it would meet with the unanimous acceptance of this House.

Government know that the Congress has given up civil disobedience. They now want to enter the Councils in large numbers. They expect to have majorities everywhere. Suppose they succeed, we know that it is part of their creed to get these laws, which they call repressive, repealed. Speaking for myself I will say that I do not regard such laws as repressive. It is an Act necessary to check the growth of the evil of terrorism in this country. But if the Congress candidates are in a majority in the Councils and they move for the repeal of this Act and succeed, what will be the position of Government? Either they will have to accept the proposal as passed, or the Governor General by virtue of his powers of veto will veto such a measure. This will place the Government and particularly the Governor General in an awkward position. I am sure no Governor General likes to exercise his power of veto oftener than he can help. Consequently, to save the Government and the Governor General from this awkward position Government will do the right thing if they do not make this measure permanent but only renew it for, say, a period of three years. If it is so renewed even the Congress members, if they are in a majority, knowing that the Act will run out after a certain time will not move for its repeal. Further, even at the end of that time, if terrorism still continues, I hold that even Congress members will think better of it and will support Government in any measure they may bring forward for renewing these powers. I would ask Government therefore to make a gesture in this connection. They have already made a gesture in another connection. When the civil disobedience movement was called off, Government released civil disobedience prisoners. They numbered at one time somewhere between 13,000 to 14,000 and that number is now reduced to only 300 or 400. If a similar gesture is made now, namely, if the Act is extended for another three years, I am sure it will satisfy the country and every individual Member of this House.

The Honourable Mr. Hallett used the expression "this abnormal method". I think he referred to the method of making such an Act permanent——

THE HONOURABLE MR. M. G. HALLETT : I was referring to the fact of putting under detention without formal trial, not to the question of duration.

THE HONOURABLE SIR PHIROZE SETHNA : I stand corrected. Mr. Hallett in concluding his speech drew pointed attention to three arguments which, in the opinion of Government, support them in the making of this Act permanent. The first is that the Bengal Government made the parent Act permanent, and in the Bengal Council the majority was as large as 63 to 15. I certainly admit the majority was large. But there may be other reasons, of which we are not cognisant, to account for such a large majority in Bengal, where ordinarily we do not expect in such cases at least such large majorities and it may be that such reasons may not exist hereafter. The Honourable Mr. Hallett's second reason was that we cannot afford to be unduly optimistic, for we have not yet seen the end of terrorism and if Government relax their efforts, this monster will show its head again and make the position much worse. I say, Sir, if you do so, namely, make the Act permanent, you remove what little chance there is of improving the mentality of at least some of these terrorists. The third reason given by the Honourable Mr. Hallett is that making the Act permanent will have "a deterrent effect", and I repeat that you cannot make it deterrent for the reasons I have already

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explained. Whilst the Honourable Mr. Hallett said that the measure will prove a deterrent one, in the next sentence or two he observed that there are "hopeful signs of improvement". If there are hopeful signs of improvement, then there is greater reason for Government to adopt a conciliatory policy. Instead of alleviating, Government will simply aggravate the situation in the country and thereby harm their own interests.

Now, Sir, I turn to another subject, namely, the position in regard to the place of detention. The Act does not concern itself with the fact of detention, but with the place of detention; and yet my Honourable friends, Mr. Kalikar and Mr. Sapru, dealt with the fact of detention as well, to which the Honourable Mr. Hallett replied at length. The Honourable Mr. Kalikar found fault with the procedure and the Honourable Mr. Hallett explained what has exactly happened. He pointed out that as far back as 1915 two High Court Judges, Justice Beacheroff of Calcutta and Justice Chandavarkar of Bombay, were entrusted with the task of examining the case of every individual detenu at that date and I believe the report was published in 1917 according to what the Honourable Mr. Hallett said. There were 806 detenues then. These Judges found that detention was justified in the case of 800. If there was any doubt it was only in the case of six. Therefore Government have tried to meet this very difficult situation in as satisfactory a manner as they possibly can. My Honourable friend Mr. Sapru pointed out that people are arrested merely on suspicion and detained and without the semblance of a trial. Again, the Honourable Mr. Hallett explained the procedure which is followed today, namely, that all papers in connection with every individual case are submitted to two officers of the rank of Sessions Judge and it is only if they are satisfied that a man is detained and not before. That should be regarded as fairly satisfactory. My Honourable friend Mr. Sapru however was not satisfied and he wanted to know whether the material on which a suspect is charged is placed before him to which the Honourable Mr. Hallett replied that he was given the opportunity of answering questions. The Honourable Mr. Sapru observed that evidence should be taken. I am afraid I do not agree with him, for the very good reason that we know from past experience that approvers or witnesses if they come forward and give evidence against the suspects their lives will not be worth a day's purchase. Consequently, I would say that Government are trying to meet the case as best as they can, and are following the recommendation made in this connection by the Rowlatt Committee. The Rowlatt Committee in paragraph 191 of their Report say:

"The duty of the investigating authority will be to enquire *in camera* upon any materials which they may think fit and without being bound by rules of evidence. They would send for the person and tell him what is alleged against him and investigate the matter as fairly and adequately as possible in the manner of a domestic tribunal. It would not be necessary to disclose the sources of information, if that would be objectionable from the point of view of other persons. No advocates would be allowed on either side or witness formally examined, nor need the person whose case is under investigation be present during all the inquiry".

The Honourable Mr. Hallett's explanation coincides entirely with the recommendation made in this section of the Report of the Rowlatt Committee; but I am afraid that there are two other recommendations also made by the

Rowlatt Committee which as far as I know are not given effect to by Government, and I shall be glad if the Honourable Mr. Hallett in the course of his reply explains why they have not been given effect to. The second recommendation to which I refer is to be found in paragraph 193, wherein it is said :

“ For an inquiry in a judicial spirit into facts knowledge and experience are the requisites. It has been suggested to us that the judicial the executive and the non-official elements should be represented upon the body or bodies in question. Having indicated the functions which we recommend for the investigating authority, we do not feel that we are driven to give our views as to its exact composition. But we think we may say as based upon the experience gained in the course of our labours that one member should be a non-official Indian selected for his knowledge of the people ”.

I may be wrong, Sir, but so far as I know in no single instance of these investigating authorities have they included a non-official Indian. His presence there is necessary in the interest of Government themselves. In his absence the public have not enough confidence in the methods adopted by Government. Let me quote only one instance, that of Mr. Sarat Chandra Bose. Mr. Sarat Chandra Bose is known to have had a very large practice in the Calcutta High Court, a practice which brought him an income it is believed of anything between Rs. 10,000 to Rs. 20,000 a month. He was engaged on one side in a case in one of the mofussil towns of Bengal and the Honourable the present Law Member was on the opposite side. Immediately after the case was over, Mr. Sarat Chandra Bose was clapped by the police and he has since been in detention now for more than two years and Government has never disclosed the reasons of his detention. Surely, Mr. President, in the case of a man in his position the public cannot possibly believe and do not believe that he could have done anything to risk his position, a man with his income, a man who had everything to lose if he associated himself with any revolutionary movement. If there were a non-official member amongst the authorities who investigated his case and if he also sided with the two others, Government could point out to the public “ Here is your non-official member who has agreed ” and the public certainly would have some confidence in the views expressed by that non-official Indian and they would not be so bitter against Government as they undoubtedly are in this case. I think therefore that associating a non-official Indian in these investigations is absolutely necessary if Government want their action to be approved by the public at large.

The one other recommendation which Government has likewise not followed appears in paragraph 189 of the Report. This paragraph says :

“ But while we feel bound to formulate such a scheme (a scheme of investigating authorities), we think that the whole of it must be subject to the observance of four main principles ”.

I will not trouble the House with the first three, but I will only quote the last of these four principles which is as follows :

“ The order must be made for a limited time only (say, not exceeding a year) and must be renewable only by a new order (not necessarily a new inquiry) reciting that the renewal is necessary in the interests of public security ”.

May I ask Government whether this recommendation is adhered to and, if not, why not? And if it has not been adhered to, will not Government again in their own interests adopt this recommendation in the future? I do hope that they will think it advisable to do so for I contend it will help them more

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than the public. Mr. President it ought to be the endeavour of Government to do all they can to appease the public mind.

May I again refer to the matter of suspects being detained for indefinite periods in different places like Deoli and elsewhere. I will repeat that you do not give them the opportunity of improving. I do not know any of the detenus personally nor anything about them, and yet I believe that some detenus may have been released and perhaps turned over a new leaf altogether. Perhaps the Honourable Mr. Hallett may be able to enlighten us on that point? But whether any detenus have turned over a new leaf or not, I propose to give to the Council an instance not of a detenu but of a terrorist who has turned over a new leaf altogether. I refer to the case of Birendra Kumar Ghose, the brother of Arabindo Ghose. He was recognised as one of the leading terrorists of his day if not the foremost. He was transported for life; and after serving his time he has come back and the man who was at one time the greatest protagonist of terrorism is today the bitterest opponent of terrorism. That is a lesson for Government and they must be aware of the facts I have stated. There would be many more who would be so converted if only Government would give them the chance, which Government will not do by making this Act permanent.

I shall now turn to another point. The removal of these detenus to

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Deoli has been stoutly opposed by some of my Honourable friends. Bengal is a large province, larger perhaps than some of the countries on the Continent of Europe. In those countries of Europe they have revolutionaries, but they would never dream of sending them out of the country. I say Bengal is a very large province. You might find distant places where they might be segregated. Government say that the Bengal Government is not able to cope with the two tasks, namely, of waging a campaign against the terrorists and at the same time segregating in Bengal itself so many of these dangerous men. But we find from what has been said by Members of this House that even those Bengal detenus who were sent off to Madras were able to communicate with the outside world.

THE HONOURABLE MR. M. G. HALLETT: They were able to communicate with other prisoners in the jail, not with the outside world.

THE HONOURABLE SIR PHIROZE SETHNA: I thank the Honourable Member for the correction. I understood the Honourable Mr. Chari to say that they were able to communicate with the outside world. May I know from the Honourable Mr. Hallett if the reports in the press are correct that similarly these Bengal detenus have also been able to communicate with their friends from Deoli?

THE HONOURABLE MR. M. G. HALLETT: In an authorised manner and through the authorised channels. I cannot recollect any case of unauthorised communication which has come to my knowledge.

THE HONOURABLE SIR PHIROZE SETHNA: Any way, Sir, they are able to communicate, whether clandestinely or otherwise, and they will do so whether they are in Bengal or Deoli or anywhere. If Government can afford to keep them in some distant part of Bengal they would do so. But I find, I

will readily admit, from the explanation given by the Honourable Mr. Hallett that these detenus are perhaps better treated at Deoli on account of the facilities afforded them than they would be in prisons in Bengal.

THE HONOURABLE THE PRESIDENT: You will admit that in Bengal, detenus are more likely to contaminate their brethren than in other parts of the country?

THE HONOURABLE SIR PHIROZE SETHNA: I cannot understand how unless they are allowed to communicate with the outside world, either through the regular channels or clandestinely. However there may be a certain degree of contagion but I do not wish to labour this point and so far as I am concerned I am satisfied with the Honourable Mr. Hallett's explanation and I do believe that detenus are better off in Deoli as regards personal comforts than they may be anywhere in Bengal either in camps or in prisons. The Honourable Mr. Hallett has told us that Government cannot carry the climate of Bengal to Deoli. This is quite true, but Government are affording other facilities to detenus in Deoli which they cannot secure in Bengal proper.

I should like to assure the Government Benches before I resume my seat that there is no one in this House and I am sure there is no sane person in the country who will not be ready to come forward to support Government in any reasonable measures they bring forward to check terrorism and anarchy in the country. I admit if we do so, we do it as much in the interests of Government as in our own interests. Today terrorism is aimed mostly at Europeans. I know there have been a few Indian victims, mostly police officers, but tomorrow it may extend to non-official Indians. Terrorism must needs be stamped out. I say, adopt measures which will appeal to the public. If this measure was renewed only for a period of three or five years every one in this House and in the country at large would willingly support Government. If Government do not see their way to do so, I regret not only will we find it necessary to oppose the Government but we predict that the situation in the country may become far worse than it is today. In conclusion, I will say that I approve of the principle of the Bill but with the reservation that it is restricted to a fixed period of years and it may of course be renewed if there is no return to normality at the end of that period.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN (North-West Frontier Province: Nominated Non-Official): Sir, the present Bill is intended to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act of 1932. So far as I remember, Sir, the occasion which gave rise to the passing of that Act was the murderous attack on the Editor of the *Statesman*, Calcutta, Sir Alfred Watson, whose hairbreadth escape from the hands of his assailant was simply providential. Prior to that there had been a merciless massacre of the harmless social gathering of Europeans and Anglo-Indians at the Railway Institute at Pahartali. Besides these, there had been several individual attacks on the lives of various European officials, as well as non-officials, with varying results. In short, the year 1932, and a little before, was the period of anarchy and disorder in Bengal, so much so that no law-abiding and peace-loving individual in the country could consider himself safe from the same kind of murderous outrages. Every law-abiding and peace-loving citizen of India was ashamed of these

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dastardly attacks on the lives of innocent and unconscious persons, and there was a general condemnation of such crimes throughout the length and breadth of country. This state of insecurity has been responsible for the passing of the Bengal Criminal Law Amendment Act in 1932, with a stipulated period of three years' duration which, so far as I understand, will expire in April, 1935.

I am afraid, Sir, the circumstances which gave rise to the passing of this Act still hold good at the present moment. After the lapse of two years there are no evident signs of any relaxation in the terrorist movement in Bengal. It is the same as it was in the year 1932. The passing of the Act has to some degree given the Government gradual control of the movement, but it can hardly be said that it has been suppressed *in toto*. I am afraid the spirit of conspiracy is still alive and active and as proof of it I may remind the House that only this year there have been two attempts at murderous outrages. The one at Chittagong when a party of four young men attacked a gathering of Europeans, consisting of men, women and children watching a cricket match and the other most deplorable attack on the life of His Excellency the Governor of Bengal. Both the attacks were made with the deliberate intention of massacre, although we have to thank Providence that there was no actual loss of life in any case. Are not these happenings glaring examples of the fact that the spirit of conspiracy and terrorism is yet alive and active in Bengal? This spirit, Sir, is not of recent origin. It has been going on for nearly 30 years. The temporary nature of the measures to meet it is chiefly responsible for the keeping alive of this spirit. The terrorists have been encouraged to renew their activities after the lapse of a limited duration of temporary measures against them. There had been a mistake in surrendering the powers each time on the assumption that the movement had come under control, with the result that each time it burst forth with renewed vigour. Experience is the best teacher and what the Government has to learn in this matter is the lesson that powers enjoyed by the Bengal Criminal Law Amendment (Supplementary) Act of 1932, should not be given up at this juncture, but that they should be continued until this dangerous movement is completely up-rooted.

As to the remarks made by my Honourable friends, Sir Ghulam Husain Hidayatallah and Saiyid Raza Ali, I beg to point out, with your permission, Sir, that we read in English daily magazines astonishing cases of burglary. Then, according to my Honourable friend, Sir Ghulam Husain Hidayatallah, every one of us should become a burglar. Well, Sir, reading a thing is a different matter from acting on it. I think I have a tremendous lot of books on agnosticism. It does not follow that I am an agnostic because I read books on agnosticism. Secondly, we read and we see very different things happening in western society, but we do not imitate them in our own. For a Mussalman the safest guide in the world is *Shariat* or the Muhammadan Law. If anything is against that law we would not follow it but if anything is in accordance with it every Mussalman is bound to follow it. The saying of Hazrat Muhammad to go and seek knowledge up to the extreme ends of this world does not mean that in learning Greek philosophy or the

paganism of Rome, Muhammadans should imitate them but that they should use their discretion and admit that what comes under the dictates of Muhammadan Law and not recognise that which is contrary to the *Shariat*.

My Honourable friend may have read only one book on the American War of Independence but I have read all the possible literature on the French Revolution, on the liberation of Italy by Garibaldi and his Red Shirts and have closely studied Mazzini, Voltaire and Rousseau.

THE HONOURABLE SIR GHULAM HUSAIN HIDAYATALLAH (Bombay: Nominated Non-Official): May I interrupt, Sir? At what age did he read them?

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: I am getting on to 55, and I commenced reading these books from the age of 16. If you care to see my books, you will find them all pencil marked and with my notes on each page.

But my deduction of their total works amounts to this that they want to establish equality, liberty, fraternity and humanity. Well, Sir, these ideas may have been new things to Europeans, but we Mussalmans inherited them from the teachings of Hazrat Muhammad when he proclaimed himself the last Prophet of the world, and all the European writers have taken these ideas from Islam as I have very fully illustrated in my Presidential speech delivered on the 29th May at the Anjuman-i-Hemayatul-Islam Anniversary under the heading "Islamic Influences on Europe". If my friend has any doubts, he should send for that speech and read it. If he will take the trouble to read that printed speech of mine, he will be convinced that what I say is correct—

THE HONOURABLE THE PRESIDENT: Order, order. Will you proceed with your speech?

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: As regards the Honourable Saiyid Raza Ali's contention regarding the speeding up of the reforms, may I point out to him that the acceleration, speeding, expediting and quickening of reforms has got nothing to do with the enclosing in of the terrorists. He can expedite a subordinate of his to perform a certain work but he cannot ask the Sovereign people of England to expedite anything for him—

THE HONOURABLE THE PRESIDENT: Will you please address the Chair?

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: I am addressing these gentlemen through you, Sir. In case they make these remarks which they did the day before yesterday—

THE HONOURABLE THE PRESIDENT: You ought not to listen to them.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: I would not mind them in the least, Sir, I am addressing the Chair all the time.

He must know that it took the Greeks nearly seven centuries from 1100 to 400 B.C. to establish their full-fledged democracy and it also took the Romans an equal length of time 753 to 44 B.C., *i.e.*, nearly seven centuries to establish their fully developed democracy. If the Greek subjects could not ask the

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Hellenes to give them full-fledged democracy and the Romans could not be asked to grant fully developed democracy to their dominions and empire, may I ask my Honourable friend Saiyid Raza Ali how is he going to wrest the concession of reforms from Whitehall? Is he more powerful than Whitehall? Is he better organized, disciplined and more favoured of Mammon than the Whitehall authorities? To speak candidly I think I have more right to liberty than the residents of any other province in India, because since our settlement in the Mountain of Ghor in 538 B.C. the Afghans have always remained independent till 1849 A.D. when the British Government took over the plains of the Yusufzais and I have as such more right to independence, but when I am subordinate to an Empire, on which the sun never sets, I have to remain a satisfied subject, without asking anybody to accelerate anything for me, because I know that as a subject I cannot compel a predominant power to do anything against their wishes. A man can wrest something from a person weaker than himself but he cannot extract things from a powerful personality. Supposing the powerful body was to act in the method of Ghengiz Khan, Tamerlane, or Nadir Shah or Hajjaj-ben-Yusuf, let me squarely and fairly ask this House how can they prevent a predominant power from taking that course in eradicating all possible agitations? Let us be thankful to this Government who is not governing the country under the Cromwellian Martial Law of Major-Generals and this House will be well advised to pass this Bill rather than have outrageous acts committed everywhere and thus save India from the horrors of martial law. As a Mussalman and as an Afghan, Sir, liberty is more near my heart than it can possibly be to any other Indian whose ancestors have never enjoyed it for such long duration as those of mine, but let us wait to see when our *Karmas* will bring our much cherished liberty to us with the full concurrence and approval of Whitehall.

I am no believer in dictating terms to a superior authority under a threat of terrorism. I believe in the great Persian poet Saadi who advises his readers to be careful in putting a request to a higher authority in the most moderate terms and not to take liberties with them. I think he says, if you strike your head against a fully developed horned ram, you will not injure the ram but will break your own head. I do not think the Government will employ this Act for a longer period than it is necessary and I will most humbly ask the Home Secretary, the Honourable Mr. Hallett, to remove this Act from its operation when it is no longer required. The criticism of every Government in a lawful method should not be discouraged, because even the most autocrat and barbarous rulers have allowed a fair review of their actions. I cannot do better than quote the instance of Frederick the Great when he told the pressmen of Prussia that they can criticise every action of this, but they must bear in mind that he is the master of a standing army of two hundred thousand of the best trained soldiers in Europe. Well, Sir, bearing in mind the great saying of Frederick the Great, I support the Bill with the humble request, prayer and submission that this Bill should not be kept in operation for one day more than is necessary.

Through the indulgence of the Chair, I will now say a few words as a matter of appeal to my friends and brethren, the zamindars of India, in this House. Supposing there are continued outrages in all the provinces, the result is bound

to be the declaration of martial law or establishment of punitive police in the disturbed areas. The expenses of punitive police are generally paid by zamindars and their tenants, and in these days of depression and low prices the brunt of these expenses will have to fall on the tottering shoulders of the much impoverished and bankrupt zamindars. Sir, it is a strange anomaly of this Government that at the time of favours my friend the Honourable Mr. Hallett can only see to the educated and lawyer class of people but when it comes to get him out of the world war the zamindar must find for him the necessary recruits for his defence and to maintain his invincibility and his world-wide dominions. In respect of Government taxes, the zamindars must pay their land revenue, *abiana* or water-rate, income-tax, super-tax, sanitation taxes, donations for all important functions and besides these they must pay their fines in the matter of punitive police posts, etc., but when there is the question of distribution of favours the zamindars are completely neglected—

THE HONOURABLE THE PRESIDENT : May I point out to the Honourable Member that he is not restricting himself strictly to the Bill ?

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN : Sir, I am coming now to my point, but if the Chair wants to disallow—

THE HONOURABLE THE PRESIDENT : I am not disallowing your remarks. But it would be better to confine yourself more closely to the Bill.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN : In obedience to the order of the Chair, I will drop the entire part of the speech and will restrict myself to the Bill under discussion.

Sir, I want to inform the Government through the Chair that from the dawn of Indian history no ruler of this country, be he the Maharaja Adhiraj, a Moghal Emperor, the Afghan or Pathan King, a Rajput or a Buddhist ruler has treated his zamindar subjects unfavourably. The brotherhood of zamindars is a tower of strength for every Government and the alienation of their sympathies has never been without serious results in regard to every period of Indian history. As a loyal subject of the Government I most respectfully ask them to be more liberal in their favours and awards to this class of loyal people from time immemorial and the backbone of every Government. Without the full co-operation of this class I am afraid the complete suppression and eradication of terrorism cannot be brought forth, for the zamindars are well acquainted with the unruly elements within their spheres and at the same time know full well how to deal efficiently with such elements. The co-operation of the zamindars, therefore, is highly essential in the matter of stamping out terrorism from this country and thus removing the hideous blot of terrorism from the fair name of India.

THE HONOURABLE MR. E. MILLER (Bombay Chamber of Commerce) : Sir, I have listened with great attention to the arguments put forward by several Honourable Members who have opposed this Bill but to my mind they have been unable to give any valid reason for their objections. One point that has been stressed is in regard to the transfer of these State prisoners from one province to another. But this is obviously a matter of discipline made necessary because of the close proximity of these undesirable characters with other

[Mr. E. Miller.]

prisoners in Bengal which is more likely to increase the terrorist mentality in Bengal than would be the case if these suspects were to come in contact with other prisoners in another province. I do not know what it is, but there seems to be something in the atmosphere of Bengal which makes terrorism more catching than elsewhere, and the more isolation from Bengal these characters can be given the better it will be. This has been proved by experience and I am in favour of this disciplinary measure being continued. I do not agree with my Honourable friend Sir Phiroze Sethna and other Members in regard to their objection to the permanency of the measure. The Honourable Sir Phiroze Sethna thinks that if it is only put into force for another three or four years, at the end of that time the Congress and the terrorist gang will say: "Let us be good boys now and then this Bill will not be extended". I do not think this is likely to be the case, and even so Government would not be able to let the measure lapse at once, as they would not know how long the terrorists would remain of good behaviour, so the Bill would have to be renewed for another period. This I think is why a permanent measure is the most desirable method, for it just continues until there is a sure indication after a long long period of rest that further instances of terrorism are unlikely. What is the harm of it remaining for a couple of years or so during a period of unbroken rest from terrorism? It will not be utilized, but it will be there if some isolated case breaks out. I am strongly in favour of it being made permanent and support the Bill.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated Indian Christians): Sir, I have much pleasure in supporting the measure. I shall confine my remarks only to one or two points. As the competency of this Legislature to pass such a measure has not been questioned, I do not want to touch upon it. It is agreed that an Act of this kind is very necessary. The very arguments advanced by the Honourable Mr. Kalikar and others is to the effect that for the last 30 years you have not been able to do much and what is the good of having this enactment permanently? My answer is that there is all the greater reason why a measure of this kind should be on the Statute-book, so that the terrorist movement may be killed.

Another objection that has been strongly raised is that the detenus ought not to be sent away from Bengal. Sir, the Honourable the Home Member has clearly told us under what difficulties they could be kept in Bengal. It was not possible to prevent them from communicating with others and carrying on their nefarious activities and therefore they must be removed outside Bengal. Sir, these people are not wanted anywhere. You have heard of the unfortunate incidents in Madras. What they do is they contaminate the people inside the jail and short-time prisoners when they come out go and spread the poison; and the result was—I do not want to go into all the details—in broad daylight there was a robbery in a well-known bank in Ootacamund; and, Sir, there was a conspiracy to murder the Governor of Madras and some prominent Council Members. Well, that being so, these people are not wanted anywhere, and it is right and proper that they should be kept in a place like Deoli. The Honourable Mr. Hallett has told us that every attempt is made to make them comfortable as far as circumstances permit. As regards climate, I do not think even the British Government can change the climate. That must be taken along with other things.

One of the serious objections that was urged was that these people are kept in jail or under detention without a proper judicial trial. The difficulty of holding a formal trial has been elaborately dealt with. Witnesses are terrorised, if not murdered; and nobody would come forward to speak against these people when they know that their lives would not be worth a moment's purchase after giving evidence. That being so, open trial is not possible and every attempt is honestly made to sift the evidence as regards these people. Two men of the rank or grade of Sessions Judges are appointed to scrutinise the evidence and to see whether the order interning them is proper or not. We may take it that these gentlemen do their duty honestly and conscientiously in the fear of God and without fear of man. Why should we suspect that these people are not doing their duty? Then, as regards a non-official being made one of the Tribunal to go into this matter, I think this matter may be left to the Government. I hope the Government do not always appoint Europeans; I believe they appoint an Indian as well as a European to go into this matter; but apart from that, Sir, there is another reason against open trial. There are cases where we are convinced of the existence or non-existence of certain matter, but we are not able to prove it in a court of law on account of the rules of evidence and the procedure of courts. I will give one or two instances. Supposing a man who has got children or who is in charge of children finds that they get wrong ideas about Government and the children bring to his notice several things which simply astonish him. He asks, "Who told you all this?" and the reply is, "So and so told me." Well, the difficulty of proving such a thing would be immense. If he goes to a court and says, "My children were taught by these people", the question will be put, "Who told you?" Then the Court will say, "Your evidence is hearsay, you better stand down from the witness box". Would he be willing to take his children or youngsters to court and make them give evidence that X, Y, Z said all these things? It is said that they must be subject to cross examination. No doubt cross-examination is a very good weapon as we all know, but in such cases, it may not be possible to cross-examine the witnesses. A man may be morally convinced that a certain thing has taken place, but he will not be able to prove it in a court of law. No doubt lawyers would say moral conviction is not legal proof. I quite admit that. But certain things come to our knowledge about the existence of which we are thoroughly satisfied, but we may not be able to prove it in a court of law and I believe in such cases Government will be perfectly justified in acting upon evidence which they believe to be true against certain persons. I think this aspect of the case will have to be considered. Now, nobody is more jealous of the powers of the High Court than I am; but such evidence if it goes before the High Court the Judges will simply say, "Very well, we cannot look into it, because it is not admissible evidence". In such cases therefore we must leave it to the good sense of the Tribunal or the persons who scrutinise the evidence to see that they do it fairly and impartially.

Then, Sir, it has been said with regard to this terrorist movement that it will cease to exist in the course of a few years. So far as we know things do not seem to tend that way. Only a few days ago we heard of an attempt at wrecking a train. All these things are very difficult to bring to an end unless Government has powers which it can legitimately use.

[Sir David Devadoss.]

Then, Sir, one other point I wish to lay stress on. It has been said that the speeding up of the reforms would put an end to this movement. So far as I can see, this movement is more economic than political. Universities have turned out graduates not by the hundred, but by the thousand and these people have no work to do. They go for employment here, there and everywhere and they send petitions, but the only reply is "No vacancy". Most of these ~~men~~ become desperate. They do not know what to do, whether they should starve or whether they should die. Unfortunately some of these men are even prepared to die rather than to starve. If you will allow me, I will give an instance which came to my notice. A graduate with a very good degree was seeking employment. He went to various people, big and small, and for some time he could not find employment. A year after a relation of his—a well known man—wrote to me saying, "Here is so and so, who wants to commit suicide. Will you kindly help him in getting employment?" I tried my best in Madras, wrote to several people and they said there was no vacancy. Even the Public Service Commission turned him down. Finally he got some job afterwards. So, that is the position of many of these people, and especially in Bengal, where educated people find no employment. Now, when a man is in that state of mind, whether he should live or whether he should put an end to his life the tempter comes along; he comes in the guise of a patriot and he says:

"Why should you want to die? All this trouble is due to this wretched, foreign Government. If you do away with this foreign Government, we will be in a better position. They take away all our wealth and they have made us poor. Why do you not do something? You want to die. You will be born again soon and be in a better state. Do something and you will be considered a hero. The Martyr's crown of glory is awaiting you. Shoot somebody or do something else."

The soil is very fertile; the poisonous seed is sown and it bears fruit in murders, robberies and what not. My suggestion is, find employment for these men. Government will ask how can we find employment? I suggest in all seriousness pay them only Rs. 15 a month and take some of these graduates who are likely to be influenced by these people, tell them to go about preaching the benefits of co-operation and rural reconstruction. They may not be efficient or clever. Pay them Rs. 15 and take them away from their surroundings. Even if you take away a thousand people, it will only mean about Rs. 1,80,000 a year. Even if the Government spends much more I do not think it will be money lost. If you take away most of these men from their surroundings I am sure that this movement will collapse. The Government will say, "Very well, where are we to find the money?" My answer to that is, it is much better to engage these men and let them go about preaching these things instead of spending money on Deoli and special police and special tribunals and military occupation, and so on. Sir, I make the suggestion in all seriousness and not in any spirit of light-mindedness and if this can be done, Sir, I think Bengal will get back its fair name. Bengal has been known to produce eminent lawyers and great poets and great reformers and it took the lead in many matters. Unfortunately, in the last few years it has earned a very bad name. And these activities are capable of infecting other people. I suggest, Sir, that a method like this would be the best solution. Of course, the

Government may be able to devise a better solution. I say, make these men do something—let them not be idle. Let them not say, there is nothing for us to do, so let us turn terrorists and die. If the Government can do something I am sure the terrorist movement can be finally killed and the fair name of Bengal will again shine forth in bright colours.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY (Bombay: Nominated Non-Official): Sir, after the exhaustive discussion that has taken place from all points of view very little remains to be said. The fair name of India has been besmirched by terrorism. Its avowed object is to make government impossible, to scare away the officials, to make their lives intolerable so that they cease to come to this country. These misguided persons overlook the fact that for one man who is murdered there will be dozens ready to step into his place. One of the most striking instances of this was noted after the murder of Mr. Burge when an Indian Civil Service officer on leave offered to take his place as Collector of Midnapore. Sir, terrorism is not a plant of new growth. I do not wish to recapitulate all the outrages that have been committed in India but I would refer to the earliest instances that occurred in the Bombay Presidency in the year 1897. Two military officers who were on plague duty were returning from a banquet at Government House, Poona, on the evening of Queen Victoria's Jubilee when they were foully murdered on their way home. A thrill of horror went through the country. The ostensible pretext was that the murders were due to their harsh and rigorous measures to stamp out plague. It is probable that political motives were involved as Maharashtra was then seething with political ferment. Within a few years thereafter a most lovable officer, Mr. Jackson, Collector of Nasik, who was a guest at a public function in a theatre organised for the benefit of the people, was shot at point blank. These instances were only the beginning on our side but I am glad to say that there have been fewer outrages, viz., the attempt made to murder the Acting Governor Sir Ernest Hotson in the Ferguson College at Poona during his visit. Happily it miscarried. Early this year an attempt was made on the life of a European warrant officer, but he too miraculously escaped. We realise that the minds of the youths of the country have been perverted by revolutionary publications and even school girls have not escaped from their malign influence. Take for instance the fact that girls have been known to secrete revolvers and cartridges under their bedding. In the recent case at Darjeeling when an attempt was made to shoot the Governor of Bengal a college girl is alleged to have been an accomplice. It was also reported that daggers and revolutionary literature were found in the house of a school mistress at Chittagong! The minds of our young men and women have thus been poisoned through association with terrorists. As an instance of the way in which school children are being tutored they were told, for instance, that the British Government were taking away all the gold from the country to pauperise India. In another instance, children were told that the British Government were so cruel that when Mr. Gandhi was at the Round Table Conference they had his teeth pulled out! It is such incidents that have led to the perversion of the minds of the young and innocent. I agree with my Honourable friend, Sir Ghulam Hussain Hidayatallah, that the present system of university education should be altered. It is no use turning out battalions of graduates year after year who are

[Khan Bahadur Dr. Sir Nasarvanji Choksy.]

doing no good, who simply pass their examinations by cramming, without understanding and without intelligence. They are a drag upon the economic resources of the country, the money spent over their education is wasted, and when they are incapable of finding service drift into terrorism. That even their elementary knowledge is poor was graphically described by a former member of the Public Service Commission who said that he once asked an aspirant for the Indian Civil Service how he would reach Australia from India. His reply was that one should go to Moscow, from there to London, and thence to Australia! Apart from geographical knowledge, historical knowledge is woefully defective. Our history books that describe the reign of Babar, Akbar and others are of no good to students. They should have a book to show the condition of India in the earlier days when the invaders from the north-west, from Samarkand and Bokhara, took possession of India, carried away all its treasures and ruled with an iron hand. A contrast is required to demonstrate the conditions then prevailing and at the present day. An historical perspective would thus impart adequate understanding and remove from their minds the tainted views about British rule. I honestly believe that there should be now a radical change in our system of university education. Scientific and technological education as given at the Benares Hindu University is the great and pressing need of the country. The rich should put their hands deep into their pockets to provide industrial and scientific institutions where the knowledge there acquired could be put to practical use for the benefit of the country. The pen having replaced the plough, the cry should be back to the land. The scheme devised by Sir Daniel Hamilton should be widely copied. These misguided youths should have something to do and live upon in order to reclaim them. Lip sympathy is no good. Practical measures should be devised, and until then prevention is the best remedy so as to save the ignorant and immature from their toils.

I agree with the Honourable Sir David Devadoss as regards open trials of terrorists, as witnesses and officers are often murdered and instances are not uncommon when the guilty escape and the innocent suffer. Sir, it may be asked—"What of the future?" If this Act is not made permanent and when the new constitution begins to operate would not these very weapons that the terrorists now direct against British officers be turned against our own Indian officials. They will not thank us that it was the last Legislature that deprived them of a weapon calculated to ensure their safety.

With these few words, Sir, I support the Motion for the consideration of this measure.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTY (Madras : Non-Muhammadan) : Sir, with reference to the Motion before the House I entirely endorse my friend the Honourable Home Secretary's statement. Past experience has shown that persons accused of terrorist activities confined in local jails succeed very often in converting their associates to their view. There could not be a better example than what has happened in Madras as was pointed out by both the Honourable Mr. Hallett and my Honourable friend Sir David Devadoss. Sir, objection has been taken to the transfer of these detenus to the other provinces. My Honourable friend Mr. Kalikar

said they do not get all the facilities allowed in their own province. I can from my personal knowledge tell the Honourable Mr. Kalikar that I interviewed some of the detenus that were transferred to Cannanore under Bengal Regulation of 1818 and I can tell the House that all comforts were accorded to them and there were no complaints so far as their comforts in the place where they were kept was concerned.

Sir, as my Honourable friend, Sir David Devadoss, has pointed out, the trouble is due in large measure to unemployment. Though I cannot share fully in the view that unemployment has everything to do with the problem, I do feel that to a certain extent those who come out from the University of Bengal after passing their Bachelor of Arts and find no employment, as has been rightly said by my friend, are induced by some of these terrorists to join them. There seems to be some foundation for such a presumption. My Honourable friend, Sir David Devadoss, suggested a remedy and I hope the Honourable the Leader of this House will communicate to the Bengal Government whether some sort of occupation should not be given to these young graduates who come from the Universities. That is a matter which no doubt requires very careful consideration. Apart from that, Bengal, as my Honourable friend Sir David Devadoss has said, has produced eminent men. She has always supplied Law Members to the Government of India and produced poets. Unfortunately, that good name has been tainted with this terrorist movement. Segregation is the only remedial measure in the present circumstances. The House is doing nothing extraordinary in giving support to this measure beyond endorsing the public opinion behind it in Bengal itself. The Bengal Legislative Council passed its Bill by an overwhelming majority. Also, this measure has received the large support of the Legislative Assembly. It is therefore in the fitness of things that we should give our full support to this measure in the hope that this may be the last occasion for such legislation here and that with the insistence of public opinion and the extraordinary powers in the hands of the Local Government, not only will the movement be brought under control but all its pernicious germs will be destroyed at the very root. When the occasion arises when there is no longer any danger of terrorist outrages, it will be open to the Local Government to repeal this legislation. Until such a time comes, we must lend our support to the Local Government and keep this measure permanently on the Statute-book.

With these words, Sir, I strongly support the Motion before the House.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK (West Bengal: Non-Muhammadian): Sir, from the speeches we heard the other day and this morning one generally gets the impression that this Honourable House is in no sympathy with the terrorist movement. The cult of the bomb and the pistol does not appeal to Members of this House. The natural inference one derives therefore is that this House is equally anxious to find out ways and means how best to combat terrorism. The Bill before us originally came before the House some time in 1932. It was to supplement the Bill which was passed in the Local Council at that time. The Local Government, finding it impossible to deal with the terrorism under the laws in existence at that time, sought the help of the Local Legislature to put into operation certain extraordinary measures, and the Local Legislature willingly gave those powers sought

[Mr. Satyendra Chandra Ghosh Maulik.]

for by a huge majority. In this House too, at that time, we passed the supplementary Bill. The then Home Secretary, Mr. Emerson, as he then was, expressed that the Bill was rather on the "preventive" than on the "repressive" side. He further added that that Bill alone will not help to oust terrorism from Bengal. He opined that by the creation of public opinion, by the institution of beneficent activities, by reformatory influences and by alienating the sympathy of those persons who are now sympathetic with the movement and give assistance and encouragement to it, it will be possible to combat terrorism. And, Sir, if I may be permitted to quote a few lines from his speech. He said :

"It is almost unnecessary to say that the Government of India will give to the Government of Bengal and to the head of the province who has just taken over charge at a difficult and critical time every measure of support not only on the preventive side but equally, and with much greater pleasure, on the constructive and progressive side".

He further added :

"One may express a hope that the Bill will in practice be even of shorter duration than the period for which provision is made, that other influences will come into operation and that this Bill will cease to have effect not because powers are surrendered while the necessity remains for their use, but because there is no further necessity of giving effect to them".

Sir, what do we find now? Even in spite of this Bill being in existence and if I may say in full operation for the last 28 months, no appreciable result seems to have followed. We are now trying to make this measure permanent. I do not know whether by making it permanent it will be possible to eradicate the evil altogether from the country. We are aware that the present head of the administration in Bengal has already started an Economic Board of Enquiry and we are all anxiously looking forward to see the outcome of it. What is greatly necessary is to mobilise public opinion and to create a feeling in the minds of the people that after all the Government exists for their good and for their benefit. It has been suggested by some of my Honourable friends that the economic condition is one of the reasons why terrorist activities have remained for so long in Bengal. I would ask them how they would reconcile it with the fact that recently we have found young school boys and girls who have not as yet crossed the threshold of the University have been found guilty of terrorist activities. With them the question of unemployment has not yet arisen. I think there are other reasons which prompt them to indulge in anarchical crimes. Economic conditions may be one of the reasons, but certainly, Sir, there are other reasons also.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY :
Their teachers.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK :
May be the system of education is sometimes at fault too. What then is the real cause of this terrorist movement having been so far successful? If we could find that out, we would have done a great deal. A responsible public body—I mean the British Indian Association—have taken up the lead. They have had several conferences and I am happy to say that they have been able to get the help of certain leading Congress men, nationalist leaders and several other prominent citizens of Bengal, and I hope it will be possible for them ere long to find out some solution how best to combat terrorism. Sir, without

a better understanding between the ruler and the ruled it is not possible always to govern, especially so when the Government is an alien one. The spirit of co-operation is not yet spent up. I think, Sir, the speeding up of the reforms and a sympathetic attitude towards the aims and aspirations of the people and a willingness at all times to look at the grievances of the people will go a greater way than the passing of these repressive laws in eradicating this evil which troubles us mostly at the present time.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadan): Sir, I find from the speeches of Honourable Members that some of them have misunderstood the Bill, short as it is. The Bill is a very short one, with only one real clause, but it is incomplete unless you read the Bill of 1932 which consists of five clauses. The Bill is meant to give permanency to the one that was passed in 1932 for three years only. The object of the present Bill therefore is that instead of three years, we will now make the measure permanent. Sir, if we read the other Bill with this we find that it is based on two main principles. The first principle was stated in clause 2 of that Bill, that the persons arrested under suspicion shall be committed in custody in any jail in British India. That is the first principle, that the Bengal Government is authorised to send its detenus to any part of India. The second principle is contained in section 4 of that Act, and it is that:

“the powers conferred by section 491 of the Code of Criminal Procedure Code, 1898, shall not be exercised in respect of any persons arrested, committed to or detained in custody under the local Act or the Local Act supplemented by this Act”.

This means that persons who are given rights under section 491 of the Criminal Procedure Code will have no right of appeal to High Courts. These are the two principles for which we are required this morning to give permanency. Now this Bill has no direct concern with the terrorist movement. It has only an indirect effect. The direct effect is produced by the local Act of 1930 as again amended by the 1934 Act of the Bengal Government. Now I must state my position and it is this so far as the suppression of the terrorist movement is concerned by all constitutional and reasonable means, we have absolutely no difference with my friends occupying the Treasury benches, and rather we are prepared to help them in any possible way. But this Bill is not meant directly for the purpose. Now I will deal with each point separately.

12 NOON.

The first principle is the giving of the right to the Bengal Government to send its detenus to any part of British India. This means that on suspicion you can send a person outside his province, which comes to deportation of a person to another province on mere suspicion without giving him any chance to disprove the charges alleged against him. Sir, deportation is a punishment next to capital punishment and should be used as rarely as possible; but here we find that it is the first punishment that a suspected person will have to meet. I most strongly protest as it is not reasonable to give that harsh punishment to a man on mere suspicion without a formal trial in a court of law. Sir, my Honourable friend, Mr. Hallett, in his speech yesterday said that two judges are appointed to go through all the cases before these men are sent to jail. I admit that the Bengal Criminal Law Amendment Act has particularly got

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this provision. But he has also said that out of so many cases examined by the two judges, one per cent. of the cases proved to be false.

THE HONOURABLE MR. M. G. HALLETT : Not false. That the order was not fully justified.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : That according to the judges one per cent. of the cases sent to them by the authorities concerned proved to be innocent. Sir, I must say that if even one out of 500 cases in the Deoli Jail is innocent and wrongly detained, it is sufficient that every one of them should have a formal trial. What does this examination amount to ? It means that material is placed from one side and the accused is given a chance to answer a few questions only. A definite question was put by my Honourable friend, Mr. Sapru, whether the accused has a chance to go through all the material placed by the Government before the judges. That question was not replied to. Then, Sir, the accused cannot be expected to be a lawyer and discuss the charges in a legal way. He ought to be given a chance to have himself represented by a competent lawyer who can go through the material and then put in a reply. I find from the speech of the Honourable the Home Member in the other House and of the Home Secretary in this House that this is not being done, and therefore we cannot agree that this highest form of punishment should be meted out on mere suspicion without even this chance to the accused.

Then, Sir, it is said that these prisoners should not be kept in Bengal because it has been found that they communicate with people outside as well as inside. If they are kept in a separate jail I believe that communication with other prisoners will end at once, and they will have less opportunity to communicate with those outside. I think it is a great blot on the administration of the Bengal Government that they cannot make arrangements to check these prisoners communicating with the outside public. This supplementary Act goes to prove that the Bengal Government is not able to keep a check on their prisoners in jails. I would not like to associate myself with the view, and I do not know how the Government of India have associated themselves with it. The Honourable the Home Member in putting up this Bill in the other House has said that one reason for bringing the measure eight months before the expiry of the Act of 1932—there was no hurry and it could easily have been brought in the winter session in Delhi—was that he wanted to get time to make further arrangements at Deoli Jail. What were those further arrangements, Sir ? Buildings for more prisoners ? At present there is accommodation for 500 prisoners only. Now, the object of the Government is to make additional accommodation for, say, 500 or 1,000 more—

THE HONOURABLE MR. M. G. HALLETT : No, Sir, that is entirely incorrect. There is no proposal before the Government for increasing the accommodation at Deoli.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I would draw the attention of the Honourable Member to a painted question put in the other House and the reply given by the Honourable

the Home Member that the Bill has been brought in a few months earlier to give time to the Government to erect some buildings. If it was to be brought up in March or April next, the Government will not have time to make the buildings. I am sure I have read the question and answer and I draw the attention of the Honourable the Home Secretary to the speech of the Honourable the Home Member in the other House. Sir, if this is the object of Government in making this Act permanent, I protest and warn the Government that it may not prove as in the case of the Pusa Institute. At that time the Government thought that all the necessary buildings should be erected at Pusa and after all the money spent they have come to the conclusion now that the Pusa Institute should be transferred to Delhi and the money was wasted. We all know that we are going to have reformed Government in a few years and Ministers will be responsible to the Legislature.

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

It is just possible that the Legislature may put pressure on them or it is just possible that they themselves may be able to devise other means—

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: That will be a Federal Legislature.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA—by which this transportation to Deoli should be stopped. Then all the money spent in Deoli will be wasted. So, Sir, I give the warning to Government on that point. I do not know for what reasons Government has got so much solicitude for Deoli Jail. Deoli is a place 70 miles from Ajmer and is situated in a very hot part of the country. The climate of Deoli is dry and unsuitable to the Bengalis coming from a temperate climate. In Bengal we do not have hot winds—what we call *loo*. In Deoli we have an abundance of hot winds. So prisoners coming from that part of the country are put to great inconvenience in a place like Deoli. Then, Sir, Deoli as we know is a small deserted place. We cannot have as good medical arrangements as in any place in Bengal. Therefore, from that point of view, too, Deoli is not a suitable place. Then, Sir, so far as the special food of the Bengalis is concerned, they cannot get it at Deoli. What is their special food? They like fish very much. Fish you cannot find at Deoli. Therefore they are denied that facility also at Deoli.

THE HONOURABLE MR. M. G. HALLETT: Special arrangements are made for the supply of fish.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Whatever arrangements may be made they can not get fresh fish. They would get tinned fish; that is all. My third objection is that there are no hotels and no places where the relations of these detenus who come there for interview can stop. That is also very inconvenient. You detain a person on suspicion. You throw so many impediments in the way of his occasional meeting of his relations. That is also not proper. Then, Sir, my last objection about Deoli is that visitors appointed to visit the Deoli jail have a very great dislike to going there on account of the bad climate and the vast distance they have to travel.

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

If they go at all, they go on very rare occasions. The result is that the outside

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public are denied the advantage of the result of the visit by the visitors. Considering all these points, Deoli Jail which has been selected by the Bengal Government and approved by the Government of India is mostly unsuited to the people coming from Bengal. My Honourable friend Saiyid Raza Ali—who, I am sorry to see is absent now—said that if this Bill is not passed the result will be that those 500 prisoners at the Deoli Jail will either have to be returned to Bengal or released. I beg to disagree with him. There was a time when the civil disobedience movement was at its height and the Bengal jails were filled by these prisoners. But at present when the Congress has come to a right conclusion and accepted their mistake, and have withdrawn the movement, most of the prisoners have been released. I do not think there is now any ground for the Government of Bengal to say that they have got no room for their own prisoners. If they have no room, they must make temporary jails as they did at the time of the civil disobedience movement. There is absolutely no reason for the Bengal Government to throw their anarchists on any other province and let that spirit be spread in it.

THE HONOURABLE THE PRESIDENT: May I remind the Honourable Member that these points have been thoroughly threshed out by many Honourable Members this morning and ask him to be brief in his remarks?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I quite see, Sir, that they have been dealt with. I am making my arguments to make my case most strong so that Government may accept our amendments later on.

Now, Sir, my Honourable friends on the Treasury benches will ask me what remedies do you suggest? The Leader of the House is not prepared to put that question to me, because he has got enormous resources from Government as well as from his own brain. However, for the information of the other Members and for helping them to come to a right decision, I must give my views on the point, viz., what other remedies are there for checking the anarchist movement? Sir, some of my friends have stated that the reforms should be speeded up. I entirely agree with them, but I must say that the reforms should not be as stated in the White Paper, because it has been said by every section of the country, even the Liberals and the Constitutionalists, that they do not want the reforms on the lines of the White Paper. We want the reforms as submitted by the Indian representatives in the Memorandum to the Joint Parliamentary Committee. If reforms of that kind are given to India at an early stage, we, the Liberals and Constitutionalists, will side with the Government, go out into the country and ask our friends of the other party to accept them and give them a fair trial. Therefore, Sir, we want that the reforms should come speedily, but on the lines of the Memorandum submitted by the Indian Members to the Joint Parliamentary Committee. Sir, I do not know why at the last time when the Montagu-Chelmsford Reforms were introduced it took only 19 months to finish them and they were enacted in India; but this time we find that full ten years have passed and the Bill is still under consideration and has not matured. We do not know when it will mature. That is, Sir, certainly a very important remedy for checking the anarchist movement. Then, Sir, the other remedy

that comes into my head is that the Bengal Government ought to introduce religious education in their educational programme, so that people may feel how heinous it is to take the life of innocent men. What they do is to throw a bomb or shoot an innocent man without knowing the effects of their misguided actions. They must be taught how heinous it is to do acts like this. This is the other remedy. I am glad, Sir, the Leader of the House who did not want to hear my views is calling "Hear, hear" to this assertion of mine!

Then, Sir, another remedy that comes into my head is solving the problem of unemployment. Some of my Honourable friends have laid great stress on this, especially my Honourable friend Sir David Devadoss. I think, Sir, it is really very important and the most difficult also at present. But every attention of the Bengal Government and the Government of India should be turned to remove unemployment among educated persons.

Then, Sir, the last thing that I would suggest and when I am suggesting it I am not doing so in a light-hearted manner—is that the Bengal Government should pass a local Act on the lines of the Sarda Act. Under the Sarda Act the age limit is fixed under which girls and boys are not to be married. Now, Sir, our experience shows that the Bengal Government should adopt an Act by which they fix a maximum after which parents ought to marry their girls and boys. That is, they must marry a boy at the age of about 20 and a girl at about 16. What will be the result? The result will be that when these young misguided people will feel the responsibilities of domestic life, they will think twice before committing acts by which they will be brought to execution. They will have the care of their sons. They will have the care of their wife and therefore they will think not only twice but half a dozen times before committing such rash acts. That is another important suggestion and I am glad that it has also been appreciated by the Leader of the House.

THE HONOURABLE SIR DAVID DEVADOSS: What if they refuse to marry? Are they to be imprisoned?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: The Act will be compulsory, Sir. There is no question of refusal. So, Sir, these are the points that I had to suggest for the removal of anarchism.

Now, Sir, I come to my second principle, that of depriving a man of the right given under section 491, Cr. P. C. Sir, if the first principle, that is, the deportation of a man on suspicion was a blot on the administration of the Bengal Government, depriving a man from proving his innocence before the court is a blot, I should say, on the fair name of the British nation. The British nation is famous for justice, liberty and freedom. There is no other nation that follows these principles so rigidly. Depriving a man of his liberty to prove his innocence before a court of law is a blot on the fair name of Britain and therefore, Sir, I would appeal to my Honourable friends that they should not be led away by their feelings into giving effect to the motion that section 491, Cr. P. C., should not be applicable in the case of the detenus of Bengal. The Bengal Government has already passed an Act and I think the Government will suppress the movement according to those sections. And it was only the other day in the Bengal Legislative Council that His Excellency the Governor gave expression to the view that there was every likelihood

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that the movement would be brought under control and the menace would be removed. So, Sir, when we are sure that the movement will be brought under control in the course of a few years, there is absolutely no necessity of giving these extraordinary powers. The powers are already existing in the Bengal Criminal Law Amendment Act and we are prepared to support all reasonable extra powers wanted by the Local Government or the Government of India.

With these observations, Sir, I resume my seat.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, before I make my own observations on the Bill before the House, I should like to deal with some of the solutions that have been suggested by the Honourable Member who has just resumed his seat. Sir, I am one of those who bitterly opposed the passage of the Sarda Bill in this House, and that because, Sir, I am sincerely convinced that the Legislature, whether it be entirely elected or mixed, as it is today, has no business to interfere in matters of this kind. I feel that the suggestion made by my Honourable friend, Mr. Mehrotra, that only if the Sarda Act is not enforced

THE HONOURABLE THE PRESIDENT : You need not trouble much about the suggestions made by the Honourable Member. You might confine yourself to stating your own views.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR : My impression is, Sir, that if this suggestion is carried out it will not be an effective remedy for the evil which it is our desire here to eradicate. Sir, instead of mitigating the evil, it might aggravate it, because a man who feels miserable for want of employment for the mere reason that he has got to support himself might feel all the more miserable when he sees his whole family, his wife and small children starving. The man who being alone might become desperate would have all the more reason to become all the more desperate when he sees his own family suffering and when he does not have the wherewithal to alleviate their sufferings. I am one of those who believe that unemployment is at the root of this evil. I feel that the remedy that has been suggested is already within the knowledge of the authorities. It is not in this way that this problem should be tackled. I feel also that it is not our business to tell the Government what the remedy should be. As a layman, and speaking for myself as a lawyer, it is my duty only to make out a case for a change. The educational system, the economic system, all these call for urgent improvement. It is not my business to say what the change should be and what the precise nature of the reforms should be. It is for the Government with the help of experts like my Honourable friend the veteran educationist from Madras to devise the ways and means. It is the duty of experts to devise ways and means by which the educational system can be overhauled and modified in order that it might suit the conditions prevailing in the country.

Since I am on this aspect of this case, I want to make it perfectly clear that I am one of those who believe that for the purpose of eradicating this evil, we should adopt measures not only by way of enacting these repressive laws but also by way of doing something which would go to bring about an

improvement in the economic condition, but I will not suggest any specific remedies, because I believe it is not for us to suggest specific remedies—

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : You suggest your own.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR : I have already said that it is not my business to suggest any. I cannot offhand suggest remedies. All that I can say is that remedies have got to be adopted.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : The Honourable Member is taking his colleague too seriously !

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR : Sir, I will not labour that part of the discussion now. I feel that unemployment is at the root of this evil to a very great extent. Young boys and girls who spend a considerable amount of time and energy in their schools and colleges and a considerable amount of their parents' money,—what do they find when they come out of their schools and colleges after having got degrees and distinctions ? They find that they cannot get any employment. They find that no opportunities are afforded to them to eke out their livelihood or to do service to their motherland. The result is that their ambitions are shattered. What hopes they had of pursuing avocations which might help them to eke out their livelihood and to render service to their motherland fall to the ground like a pack of cards. The result is that these young men have nothing to look forward to. They become desperate and they are ready to do anything which might find an outlet for their pent up rage and vexation, without caring what the consequences might be either for themselves or for others. It is therefore necessary that everything possible should be done to see that this state of affairs is put an end to. Employment has to be found for these men. How it is to be found it is not possible for me to state. All that I would say is that the Government should take steps to open up nation-building departments, should start new industries, encourage agriculture—in short, they should make their efforts in all directions which might go to improve the economic condition.

One of the arguments was that there is every likelihood of the same people coming into the new Legislature who have made no secret of their intention to put an end to all these Acts. It is said that when such is the case, there is no use making this law permanent. This is an argument which makes the case for this Bill all the more powerful. Since there is a likelihood of people coming and repealing these repressive laws, it is necessary that the law should be so amended so that it might in the interval that is before us produce such a salutary effect that the people who are now determined on repealing all these laws might be persuaded to think better of these laws and not interfere with them. I am not one of those who believe that this kind of law should always be on the Statute-book. I believe and believe very sincerely, that a day will come, and very soon too, when there will be no necessity for a law of this nature and when this law would either be repealed or would become a dead letter. To find out whether it is necessary to make this law permanent or not, we will have to be guided by what the people of Bengal think. Not having first-hand knowledge of the conditions prevailing in that country, we cannot

[Saiyed Mohamed Padshah Sahib Bahadur.]

give any authoritative opinion upon the subject. That the people of Bengal approve of this law being made permanent is evident from the fact that their representatives in their Legislative Council passed this measure by an overwhelming majority. In their considered opinion it is necessary that this law should be made permanent, and for two reasons. The first is that there should always be some means available to contend against this evil, and secondly, the very fact that this is always available would go to deter people from indulging in these activities. Experience has shown that the very fact that these measures were temporary went to serve as a sort of temptation to the forces of disorder by making them feel that if they only could hang on for some time, they would find easier circumstances when they could have their own way. Therefore, experience has shown that by keeping these laws temporary, there will be no possibility of obviating the necessity for these laws. On the other hand, the hope is entertained and very reasonably too, that when these laws are made permanent, the effect would be to disillusion those misguided young men, and to let them know clearly that there is no possibility whatever of their escaping the law. The result would be that these young men would relent and give up their objectionable activities. I feel that the making of this law permanent is in the interests not only of law-abiding citizens, millions of whom are feeling so insecure, but also in the interests of these misguided young men, who will have no false hope dangling before their eyes and consequently would be persuaded to give up their activities. I feel that those who sincerely desire to come to the rescue of these men should make every effort to see that there is no possibility of a false hope being entertained by these people, but on the other hand that they are made to realize that the consequences of their deeds will be visited upon them. It is the duty of every one to make this perfectly clear so that these young men might give up their activities. Sir, these young men are so misguided and so deeply under a delusion that they need to be protected against themselves. Therefore I feel that this Bill is more beneficial from that point of view, that it is better for these young men than any false sympathy shown to them.

THE HONOURABLE MR. M. G. HALLETT: Sir, I have listened with great interest to the speeches delivered on the last two days and I am very grateful both to those Members who have supported this Bill as well as those who have opposed it. I recognise fully that even those who have opposed it on certain points are fully at one with Government in holding that every possible step must be taken to do away with this menace of terrorism. It is only on the question of the measures to be adopted that there are slight differences of opinion. The Honourable Mr. Kalikar in his speech of the day before yesterday emphasised the point that our measures though they had been going on for a long time have not brought the evil to an end; therefore they have been unsuccessful; therefore they should be changed. The Honourable Mr. Chari took a different point. If I understood him correctly, he referred to the fact that it has been stated by myself, I think, as well as by other Government officials both here and in Bengal that we have the movement under a certain amount of control. He argued therefore that as we have got it under control we should also change our methods and drop the measures we have been following for the past four or five years. Though those arguments are based on

different premises, yet their contention is the same and I hope I shall not be inconsistent if I deal with them together. We do recognise, we do admit that our measures have met with a degree of success, but we do not contend that we have gone nearly far enough. Our experiences over the last year or two have gone to show that the poison is very deep-seated in Bengal and the incidents which have occurred in the past year show how outrages may occur at the moment when we are feeling most confident that the movement is partially under control. I need not refer to those incidents; they are well known to you. If you are studying the papers now you will see the full history of the conspiracy to attack Sir John Anderson being revealed in the Court in Darjeeling. It is interesting reading. We have got the movement under a certain measure of control, but we are not content with that. We are determined to go on until we have not merely got it under control but, as Honourable Members themselves also wish, until we have stamped it out so that there is no possibility of its recrudescence now or at any future time. We therefore are carrying on the measures which we have found by experience to be particularly suitable in the past; measures which we have adopted since 1915 or 1916, which we adopted in 1921-22 and which we have adopted from 1930 to 1934. The only defect of those measures was that they were temporary. I will refer to that point again further on. The Honourable Mr. Sapru—I regret that a leading newspaper quoted his speech as that of his distinguished father—has raised some points regarding these measures. He contends they are objectionable. I tried to make clear in my first speech that I also did not like them; but on the other hand I abominate still more cases of murder and assassination and a campaign which is designed to put an end to all kind of orderly government. The Honourable Mr. Sapru quoted the words of a leading Liberal. If you will permit me, Sir, and I do not think it will take me more than half a minute, I will quote the words of an even greater Liberal than Mr. Asquith, the late Mr. John Morley. This is what he said when dealing with the very analogous case of the application of Regulation III:

“Let us face that: there is no trial; there is no charge, there is no fixed limit of time of detention; and in short, it is equivalent no doubt to suspension of *habeas corpus*. The Government of India found in December a movement which was a grave menace to the very foundations of public peace and security. The list of crimes for twelve months was formidable, showing the determined and daring character of the supporters of this movement. The crimes were not all. Terrorism prevented evidence. The ordinary process of law was no longer adequate and the impression in this community was that the Government could be defied with impunity. We found in the armoury of weapons of Government a law and applied it. . . . We should have been perfectly unworthy of holding the position we do—I am speaking now of the Government of India and myself—if we had not taken that weapon out of the armoury and used it against the evil-doers”.

Those words, Sir, of John Morley apply with equal force today. We have taken that weapon out of the armoury and we must keep it out of the armoury until this menace is finally done away with without any chance or possibility of revival. When this will come about I cannot say, and it is for that reason that we want to have this Act permanently on the Statute-book.

To turn to some other details which have been raised, some doubt is still expressed in some parts of the House as to the necessity for removing these people outside Bengal. They contend that it reflects on the efficiency of the Bengal Government, that the Bengal jail authorities cannot keep their prisoners

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under effective control. I do not think that charge is a fair one. Look at it in this way. You have in Bengal a certain number of terrorists in camp or in a jail. You have also outside that jail and separated only from those prisoners by the jail wall or the fencing round the compound a large number of people unfortunately filled with what I may call the terrorist mentality. You have also those terrorist leaders who are still at large. You have also people speaking the same language, having the same habits and similar in every way. It is not therefore difficult for the prisoners in the jail or in the detention camp to communicate with the outside world, and I do not think it reflects on the efficiency of the Government of Bengal that they have found it practically impossible to prevent this communication with the outside world entirely. Deoli is over a thousand miles from Bengal and I cannot recall a single instance that I heard had taken place in which unauthorised, secret correspondence had taken place between a prisoner in Deoli and a terrorist conspirator in Bengal. That is the whole point. We want to get them removed right away from the area in which the other conspirators are. We might remove them to the Andamans; that would be the safest place but Government did not consider it desirable to go as far as that. Deoli is in Ajmer. It was said that we selected it because it was a hot place and the climate very different from that of Bengal. I think the real reason was, the main reason was, that the Government of India wished to have these detenus directly under their own control and not to put the burden on to any other Local Government. That certainly is one of the reasons for the selection of Deoli. I trust I have made it clear why it is necessary to remove these people away from Bengal. It has been stated that one of the reasons for the congestion in Bengal jails was due to civil disobedience. That is certainly not the main reason; it is only a subsidiary reason; it was rather a reason for hurrying up the construction of Deoli Camp. It was not one of the main arguments that was urged by the Bengal Government when they were pressing the Government of India to undertake the construction of this camp at Deoli.

Little or nothing has been said on the question of *habeas corpus*. I am glad of that for I am no lawyer and therefore I am incompetent to deal with it.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: I did say something about *habeas corpus*; I pointed out that so far as that provision was concerned, it was wholly unnecessary.

THE HONOURABLE MR. M. G. HALLETT: I am very grateful to the Honourable Member for having pointed it out. I am prepared to admit that this section is put in largely for greater caution, but we are following precedents followed for many years. It started first when sub-section (6) was added to section 491 of the Code of Criminal Procedure. It was followed after that in the other Acts which have been passed by this Legislature, and it is being repeated in the Assam Bill which will shortly come up before this House. I recognise there have been rulings of High Courts, especially of the Calcutta High Court, to show that the section is not absolutely necessary, but I contend it is desirable.

Now, Sir, I come to this question of permanence, which the Honourable Sir Phiroze Sethna dealt with at considerable length. I am grateful to him for the support he gave to the other provisions of the Bill. I trust I will be able to satisfy him and others on this question of permanence also. Briefly, the position is this. I have an Act which will expire on a fixed date—and if we accept the amendments which are going to be moved shortly, what will be the result? What has happened in Bengal in the past? I would quote what the Honourable Mr. Reid said in the Bengal Council. This is what he said on the question of permanence in reference to the Bengal Act of 1934 :

“ But I do say that when people in their position see that the only enactments which have enabled Government to deal with them effectively are about to expire within a definite period, then their policy is obvious, that is to sit tight and organise their forces and recruit as hard as they could and as soon as the Act expired to get busy again ”,

just as they got busy at the time of the Chittagong Armoury Raid. That is the real reason and that is what we are anxious to prevent. It is suggested that if we have an Act for a certain period, it can always be re-enacted. But the mere knowledge that the Act will expire on a certain date, that the powers will expire does undoubtedly encourage the terrorist to go on with his plans, to go on getting new recruits, because he thinks that at the end of the period the most effective weapon that Government have used against him will no longer be available. That is our experience in the past and in a matter of this kind we must be guided by experience, not by any *a priori* considerations. If the movement dies down, the Act can be repealed. Our laws are not like the law of the Medes and the Persians; they can be repealed at any time. Government also need not use the weapon. There are many sections in the Indian Penal Code which are not used from year's end to year's end, but they are not removed from the Statute-book. The real reason why we want the power permanently is that it has been our experience in the past, that terrorists are definitely encouraged by knowing that an Act will cease to be in force on a certain date.

I do not intend, Sir, to spend any more time of the House in discussing at any length what the root cause of terrorism is. We have had a very interesting discussion on the subject. We have listened to some very interesting suggestions. It has been suggested that it is due to a defective form of education. No doubt it is true. I feel certain that that is a problem which is engaging the attention of the educational authorities in Bengal and the Ministers of the Government of Bengal. It has been suggested that it is due to economic reasons, that *bhadralogs* are unemployed and that it is a case of “ Satan finds some mischief still for idle hands to do ”. That no doubt is also true. But as this House is well aware, Sir John Anderson has taken up the economic problem in Bengal and has appointed a committee to go into the whole of that very difficult question. It has been suggested also that the position may improve with the introduction of reforms and that it is therefore necessary to hurry up the reforms. I think Honourable Members of this House must be well aware of the views of His Excellency Lord Willingdon on this question of the introduction of reforms and of the views which are held by all members of the Government of India and Provincial Governments. Whether the introduction of the reforms will improve the conditions in regard to the terrorist movement in Bengal is a matter on which I am afraid I am doubtful. It must be remembered that the terrorist movement started as an agitation over the partition of

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Bengal carried out by Lord Curzon. When that partition was put an end to in 1912, the movement continued. When the reforms were introduced in 1921, the movement continued. Is there any guarantee that the movement will not continue when the new constitution comes, I trust, in 1935 or 1936? It is for that reason that we are asking that these powers should be permanent, because we feel that this movement may revive again at any time. Though the Government of Bengal and the Government of India are quite prepared to carry out other measures for improving conditions in Bengal, yet they feel they must arm their police, their executive officers, with the necessary criminal powers to deal with this subversive movement.

THE HONOURABLE THE PRESIDENT: The Question is:

"That the Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, as passed by the Legislative Assembly, be taken into consideration."

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: The Question is:

"That clause 2 stand part of the Bill."

(To the Honourable Mr. Jagadish Chandra Banerjee who stood up): I will allow the amendment to be moved. This question of permanency has been discussed at considerable length by almost all the Members. I will therefore ask the mover to make a short speech and move his amendment and I will put it immediately to vote after the Government reply. I am not disposed to allow a second debate on this question.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal: Non-Muhammadan): Sir, I move:

"That for clause 2 the following be substituted, namely:

'In the second paragraph of section 1 of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, the word 'seven' be substituted for the word 'three.'

Sir, enough has been said on this Bill over the question of having it placed permanently on the Statute-book. Coming from a province which has been condemned by all sections of this House, I feel myself embarrassed to say anything on the subject repeatedly. (An Honourable Member: "Then why speak at all?") My friend says, "Then why speak at all?" I speak, Sir, so that my constituency may not blame me for not doing the work that I am here to do for them. Sir, the only motive I have in moving my amendment is to give the measure an extension of life for another three years. The constitutional reforms as contained in the White Paper's expected shortly. The Joint Select Committee is already working on it and their labours may or may not see the light of day. If there was any certainty about the political advancement promised, then provincial autonomy, at least as demanded by my Muslim friends, is certain. With provincial autonomy the provincial executive becomes responsible to the Legislature. I want to give the measure an extension only for three years so that the responsible provincial executive under the reformed Government may have a fair trial and see for themselves whether they require the measure to be

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permanently on the Statute-book or not. If after three years the responsible provincial executive express their desire through the Provincial Legislature to have this measure permanently on the Statute-book this House would not be found wanting to give their support in making it permanent.

With these few words, Sir, I move my amendment.

THE HONOURABLE THE PRESIDENT (to the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra who rose to speak): I will allow you to speak but only for a very few minutes because the subject is one that has already been fully discussed this morning.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadan): Sir, instead of moving my own amendment which is similar to the one moved by my Honourable friend, I will support the amendment before the House.

Sir, a number of arguments have been advanced by the Honourable speakers as to why we do not want this Act to be made permanent and I do not wish to repeat them. I will submit, Sir, only one or two points. It has been said that the Act requires permanency because we are expecting to have a new party in the other Legislature. That was said by the great leader of the Independent Party. Sir, we should not be afraid of the new party coming into the Legislature and if that is the idea at the back of the Government's mind, I would certainly vote against the Bill if the amendment is defeated. Several parties are going to fight the elections and nobody can say which will have the upper hand. Anyhow we should not be afraid of the Congress entering the Assembly on account of which the Bill is made permanent so that they may find it difficult to repeal it.

Another point, Sir, has been made out that because the future Government will be responsible, therefore it is necessary to make such an Act permanent. Sir, I am against that argument altogether. You must give a fair chance to your responsible Ministers. You should not tie their hands by making such Acts permanent. Let them come. If they can devise better means than the one suggested in the Bill, why should this Bill be made permanent?

Then, Sir, my Honourable friend the Home Secretary has just said that it is not like the laws of the Medes and Persians. We can repeal it at any time if we find it is no longer required. Sir, I think it is not an easy job to repeal such an Act, and in any case repealing it would only bring discredit on the Government for not having agreed to the suggestion of the non-official Members that this measure should not be given permanency but merely extended for three years. So, Sir, that is the main reason why this should not be made permanent.

Sir, my Honourable friend Mr. Kalikar quoted yesterday from the speech of His Excellency the Governor of Bengal. From that speech we find that in spite of the fact that the Act was meant for three years, much of the movement has been controlled and His Excellency was very optimistic that in the course of two or three years the anarchist movement would be suppressed. If that is the view of His Excellency the Governor of Bengal, I think, Sir, there is no necessity of making the Act permanent. My Honourable friend has moved an amendment by which he is prepared to give a fresh lease of life to the measure

[Bai Bahadur Lala Mathura Prasad Mehrotra.]

for another three years. I think that is quite sufficient and really enough time to give a further trial to the movement.

With these few words, Sir, I support the amendment.

THE HONOURABLE THE PRESIDENT: Amendment moved:

"That for clause 2, the following be substituted, namely:

'In the second paragraph of section 1 of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, the word 'seven' be substituted for the word 'three'."

The Question is:

"That that amendment be made."

The Motion was negatived.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. M. G. HALLETT: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Sir, the anticipated has happened. Government has not yielded to the persuasive eloquence of my distinguished leader, the Honourable Sir Phiroze Sethna, and to what fell from several other Members of this House. So far as I am concerned, I wish to indicate my dissent from the main policy of this Bill. I feel convinced that the policy of this Bill is wrong and nothing that I have heard has changed or altered my view in the least. Sir, the point is simply this. It has been said that the Bengal Legislative Council has passed this measure by an overwhelming majority. What is it that the Bengal Legislative Council has done? They have passed a measure for detention without trial. There is no resolution of the Bengal Legislative Council so far as I know suggesting that these detenus should be confined outside Bengal. Therefore there is no use referring us to what the Bengal Legislative Council has done. We have to consider the question from an all-India point of view and we have to consider it from the point of view of other provinces also.

Then, Sir, it has been emphasised that it is very necessary to segregate these men in the interests of the less hardened terrorists. If so, why cannot you segregate them in Bengal? Bengal is a vast province, and surely there must be some place in Bengal where you can segregate the more hardened terrorists?

Then, Sir, my Honourable friend referred to Lord Morley's Recollections. I would just like to say this now—I have read Lord Morley's Recollections with care, and the impression that these Recollections left upon my mind was that he was very, very unhappy indeed over the use of Regulation III. If I had the Recollections, I could refer my Honourable friend to parts of those Recollections where Lord Morley seems to be apologising for himself. I think it was not a very happy reference. The Honourable Mr. Hallett has objected to the use of the word "repressive" in connection with this measure. The point is this that it is a measure which vests vast discretionary powers in the hands of the executive and it is in that sense that the word "repressive" has been

used by this side of the House. So far as I am concerned, as I have indicated, I am not in favour of this Bill.

With these words, Sir, I oppose the Motion.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (United Provinces Northern : Non-Muhammadan) : Sir, the principles of this Bill and of the Acts to which it relates have already been discussed threadbare on the floor of this House and I need not traverse the same ground again. But as we are now required to record our votes in favour of or against the Bill, I just want to make my position clear in a few words with regard to the attitude I have decided to take up on this Bill today. Sir, I yield to no one in my desire to see terrorism stamped out of the country. But I feel that there are some provisions in the original Act which are objectionable. One of them is the principle of detention without trial in the case of suspects, and the second is the provision which deprives the High Courts of the powers which are of the nature of *habeas corpus*. Whatever may have been said in favour of these provisions, Sir, I feel that these provisions are to some extent objectionable. My Honourable friend Sir Phiroze Sethna has explained the reasons why he does not think that a measure of this kind should be made permanent. He has stated that the House would almost unanimously support the Bill if its operation were extended for a few more years. But a measure of this character should not be permanently placed on the Statute-book. I am therefore not inclined to vote in favour of the Bill. At the same time, I feel that something must be done to stamp out terrorism from the province of Bengal, and so my conscience pricks me if I think of recording my vote against the Bill. For I feel that this Bill is, after all, designed to meet the menace of terrorism. I have therefore decided to adopt an attitude of neutrality when it comes to voting on the Bill.

THE HONOURABLE THE PRESIDENT (to the Honourable Mr. Vinayak Vithal Kalikar who rose to speak) : I must point out to Honourable Members that I have allowed a full and exhaustive debate for two days on this Bill, and I have given all possible latitude to every Member to say what he had to say. I am not prepared to allow a second debate repeating the same arguments over again. If the Honourable Member has got anything important to say, I am prepared to allow him to speak.

*THE HONOURABLE MR. VINAYAK VITHAL KALIKAR : I have only to cite a reference which I had promised the other day to my Honourable friend Mr. Hallett about the speech of the Honourable Mr. Reid.

THE HONOURABLE MR. M. G. HALLETT : He has shown me the reference privately.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR : I promised to give it to him in my speech and so I have got to give it. Moreover, I think there is some misunderstanding in his speech of today, so far as the view of the Government of India is concerned, about detenus and other prisoners. I will read the reference which I promised him.

THE HONOURABLE THE PRESIDENT : I understand you have already told him ?

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR : I have shown him only one sentence. I want to read one or two sentences more. I am morally bound to read this reference since I promised him.

"Mr. N. K. Basu dwelt on the question of Deoli. I think the House is well aware of the reason why the Deoli Camp was started in 1932. There was a great congestion in Bengal and we could not accommodate further detenus here, and that is one reason why it was started. The second reason was this : that these men which we have in the detention camp are all men who are deep in the terrorist movement. To remove them outside the province does make a difference both to conditions here and also to their own mentality".

Therefore I repeat what I said last time that it is not the view of the Bengal Government that because these prisoners have communications with others, therefore they are sent away to Deoli. They say about the terrorist prisoners. There is a lot of difference between the terrorist prisoners and the detenus. According to me and according to the Government of Bengal, the terrorist prisoners are prisoners who have been convicted whether by special tribunals or by an ordinary court of law. But the cases of these detenus have not been dealt with by courts of law or by special tribunals. Their cases have been dealt with only by two judges. There is a lot of difference between detenus and the terrorist prisoners. Their case is that the detenus have not been kept in Bengal because Bengal is overcrowded, and there will be a difference in their mentality if they are removed outside the province. This is all I wanted to say.

THE HONOURABLE THE PRESIDENT : The Question is :

"That the Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, as passed by the Legislative Assembly, be passed."

The Council divided :

AYES—27.

Akbar Khan, the Honourable Major Nawab Sir Mahomed.	Menon, the Honourable Diwan Bahadur Sir Ramunni.
Barna, the Honourable Srijut Heramba Prosad.	Miller, the Honourable Mr. E.
Charanjit Singh, the Honourable Raja.	Mitchell, the Honourable Mr. D. G.
Chetty, the Honourable Diwan Bahadur G. Narayanaswami.	Mitha, the Honourable Sir Suleman Cassim Haji.
Choksy, the Honourable Khan Bahadur Dr. Sir Nasarvanji.	Nair, the Honourable Mr. C. Govindan.
Crothwaite, the Honourable Mr. H. S.	Noon, the Honourable Nawab Malik Mohammad Hayat Khan.
Devadoss, the Honourable Sir David.	Padshah Sahib Bahadur, the Honourable Saiyed Mohamed.
Fazl-i-Husain, the Honourable Khan Bahadur Mian Sir.	Pandit, the Honourable Sardar Shri Jagannath Maharaj.
Ghosh Maulik, the Honourable Mr. Satyendra Chandra.	Parsons, the Honourable Sir Alan.
Hallett, the Honourable Mr. M. G.	Philip, the Honourable Mr. C. E.
Hidayatallah, the Honourable Sir Ghulam Husain.	Ray, of Dinajpur, the Honourable Maharaja Jagadiah Nath.
Kameshwar Singh of Darbhanga, the Honourable Maharajadhiraja Sir.	Raza Ali, the Honourable Saiyed.
	Stewart, the Honourable Mr. F. W.
	Ugra, the Honourable Rai Sahib Pandit Gokaran Nath.
	Wingate, the Honourable Mr. R. E. L.

NOES—5.

Chari, the Honourable Mr. P. C. D.		Sapru, the Honourable Pandit Prakash
Kalihar, the Honourable Mr. Vinayak Vithal.		Narain.
Mehrotra, the Honourable Rai Bahadur Lala Mathura Prasad.		Sethna, the Honourable Sir Phiroza.

The Motion was adopted.

STATEMENT OF BUSINESS.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House): Sir, as Honourable Members are aware, Wednesday, the 22nd August, is a day allotted for non-official business, and I would suggest that the Council meet on Monday next at 10-30 A.M. for the transaction of the remaining official business on the list of business today.

The Council then adjourned till Half Past Ten of the Clock on Monday, the 20th August, 1934.