

Wednesday, 30th March 1932

THE
LEGISLATIVE ASSEMBLY DEBATES

(OFFICIAL REPORT)

VOLUME III, 1932

(14th March to 6th April, 1932)

THIRD SESSION

OF THE

**FOURTH LEGISLATIVE ASSEMBLY,
1932**



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Legislative Assembly

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LEGISLATIVE ASSEMBLY.

Wednesday, 30th March, 1932.

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

QUESTIONS AND ANSWERS.

CLAIMS OF BRITISH AND INDIAN SEAMEN IN BOMBAY.

1063. ***Mr. B. Das:** (a) Will Government be pleased to state whether there was any correspondence between the Government of India and the Government of Bombay in regard to the equitable distribution of the sale proceeds of the Royal Alfred Sailors' Home, Bombay, between the claims of British and Indian seamen?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state how the claims of the British and Indian seamen out of the above sale proceeds were ultimately adjusted?

(c) If the answer to part (a) be in the negative, will Government be pleased to state whether they propose to see to an equitable distribution of the sum of Rs. 4,44,375 between the claims of European seamen and Indian seamen?

The Honourable Sir George Rainy: (a) A letter received from the Indian National Steamship Owners' Association in regard to the disposal of the sale proceeds of the building of the Royal Alfred Sailors' Home was the subject of correspondence between the Government of India and the Government of Bombay.

(b) From the information available, it appeared that the Bombay Seamen's Society with which the Bombay Sailors' Home Society (which administered the Royal Alfred Sailors' Home) was amalgamated, was under no legal obligation to contribute any part of the sale proceeds towards any object connected with the welfare of Indian seamen. The Society however, made a voluntary donation of Rs. 1 lakh towards the construction of the building of the Indian Sailors' Home recently opened at Bombay.

(c) Does not arise.

NOMINATION OF INDIAN CHRISTIANS AS MEMBERS OF THE AJMER MUNICIPAL COMMITTEE.

1064. ***Sardar Sant Singh:** (a) Is it a fact that the Indian Christians form a very small minority of the population of Ajmer?

(b) Is it also a fact that three Indian Christians have been nominated as members of the Ajmer Municipal Committee this year?

(c) If so, will Government state why no representatives of the Sikhs or Parsis—other minority communities—are not nominated?

Sir Evelyn Howell: With your permission, Sir, I propose to answer questions Nos. 1064, 1065 and 1066 together. The information is being collected and will be given to the House in due course.

Mr. N. M. Joshi: May I ask, Sir, whether Government will also call for information as to how many labour members there are on the Ajmer Municipality, and whether in view of the fact that Ajmer is a very important labour centre, they will also see that one labour member is appointed on the Ajmer Municipality?

Sir Evelyn Howell: Does that question arise, Sir?

NOMINATION OF A MUSSALMAN AS A MEMBER OF THE AJMER MUNICIPAL COMMITTEE.

†1065. ***Sardar Sant Singh:** (a) Will Government inform the House on what principle was a Mussalman nominated as a member of the Ajmer Municipality? Is it a fact that a number of seats are reserved for Mussalmans by election to the Municipal Committee?

(b) Is it a fact that the nomination of Hindus as members has been stopped? If so, on what grounds is this done in the case of Mussalmans?

NON-NOMINATION OF A MEMBER OF THE DEPRESSED CLASSES TO THE AJMER MUNICIPAL COMMITTEE.

†1066. ***Sardar Sant Singh:** (a) Is it a fact that the depressed classes of Ajmer made a representation to the Commissioner of Ajmer for nomination of one of their community on the Committee?

(b) If so, what were the reasons for the rejection of their application?

RECRUITMENT OF SIKH PACKERS AND POSTMEN IN THE DELHI HEAD POST OFFICE.

1067. ***Sardar Sant Singh:** Is it a fact that there is no Sikh postman and packer in Delhi Head Office and its town sub-offices? Are Government prepared to call for the explanation of the official concerned who had ignored Government orders repeatedly issued in connection with the recruitment of the minority communities? Do Government propose to issue instructions to the officers in charge of recruitment to appoint Sikhs in future till the number of the Sikh community is fully completed?

The Honourable Sir Joseph Bhore: With your permission, Sir, I propose to take questions Nos. 1067, 1068 and 1069 together. Each of these questions contains the suggestion that in making appointments in certain offices a certain reservation should be made in favour of members of the Sikh community. The steps taken by Government in securing representation of minority communities (including Sikhs) in all services in the Posts and Telegraphs Department are as already stated in the reply given to the Honourable Member's own starred question No. 728 in this House on the 9th March, 1952. Government regret that they cannot take any further steps specially in favour of the Sikh community.

†For answer to this question. see answer to question No. 1064.

RECRUITMENT OF SIKH CLERKS IN THE DELHI HEAD POST OFFICE.

†1068. *Sardar Sant Singh: Is it a fact that the number of the Sikh clerks in the Delhi Head and town sub-offices and in the R. M. S. D. Division is very poor? If so, are Government prepared to issue necessary instructions to the Postmaster, Delhi, and the Superintendent R. M. S. D. Division to recruit members of the Sikh community in future to give them their proper share?

APPOINTMENT OF SIKHS AS SUB-POSTMASTERS IN DELHI.

†1069. *Sardar Sant Singh: Is it a fact that there are 21 sub-offices under Delhi Head Post Office and members of the following communities are working as Sub-Postmasters (12 Hindus, eight Muhammadans, and one Sikh)? Are Government prepared to issue necessary instructions to the official concerned to post at least 33 per cent. members from the Sikh community to work as Sub-Postmasters to give a proper share to the minority communities?

REGISTRATION OF PARTNERSHIP FIRMS UNDER THE INCOME-TAX-ACT.

1070. *Sardar Sant Singh: (a) Is it a fact that Income-tax Officers refuse to register partnership firms under section 2 (14) of the Income-tax Act?

(b) Have any rules been framed for the guidance of the Income-tax Officers? If so, will Government kindly lay such rules on the table?

(c) If not, do Government propose to make rules for the guidance of such officers?

The Honourable Sir George Schuster: (a) The implication of the question as put is certainly not correct. Recently one case has been brought to the notice of the Central Board of Revenue in which it was alleged that an Income-tax Officer had incorrectly refused to register an instrument of partnership, under section 26-A. of the Indian Income-tax Act, 1922. The Board has called for a report in regard to it, in order to see whether the order was as a matter of fact incorrect.

(b) Yes. Statutory rules 2 to 6 framed under the Indian Income-tax Act (pages 65-67, Income-tax Manual, 4th edition). There are also some executive instructions in paragraph 10 of the Instructions appended to the Income-tax Manual, a copy of which will be found in the Library.

(c) Does not arise.

SUBSTITUTION OF AIR FORCE UNITS FOR ARMY UNITS IN THE DEFENCE OF THE FRONTIER.

1071. *Mr. Arthur Moore: Will Government please say:

(a) why the report of the Howell Committee on the possibility of substitution of Air Force units for Army units in the defence of the Frontier has not been published;

(b) whether the findings of the Committee were unanimous; and

(c) whether it is proposed to give effect to them?

Mr. G. M. Young: (a) The Committee was appointed to consider the whole question of frontier tribal control and defence in all its aspects, one

†For answer to this question, see answer to question No. 1067.

of which was the possibility of the extended use of the air arm. As regards the publication of its report, the attention of the Honourable Member is invited to the reply given in the Assembly to starred question No. 284 asked by Mr. S. C. Mitra on the 15th September last.

(b) The Committee's findings were unanimous on all the questions referred to it.

(c) The only definite recommendation for air substitution put forward by the Committee was the reduction of certain army unit on the assumption that a Heavy Transport Squadron would be added to the strength of the Royal Air Force by 1933-34. Owing to financial circumstances it is not possible to proceed with the formation of a Heavy Transport Squadron at present. Some of the reductions recommended by the Committee have, however, been carried out, and others are still under consideration.

Mr. Arthur Moore: If one of the arguments for the provision of the Heavy Transport Squadron was that it would lead to economy, may I ask why financial stringency should prevent the ordering of the Heavy Transport Squadron?

Mr. G. M. Young: The formation of a Transport Squadron would involve initial expenditure of certainly not less than half a crore, and its maintenance may be taken roughly as equivalent to the maintenance of three Battalions of Indian Infantry. It is not until economies can be effected which would make good that expenditure that it would pay to proceed with the formation of a Heavy Transport Squadron.

Mr. Gaya Prasad Singh: Is it not a fact that the Howell Committee suggested a saving in expenditure on ground troops and an expansion of the Air Force on the Frontier as a measure of defence?

Mr. G. M. Young: I have already given the only definite recommendation for air substitution in my answer.

Mr. Gaya Prasad Singh: Would not the recommendation of the Howell Committee, if given effect to, have resulted in a saving of expenditure on the Frontier defence?

Mr. G. M. Young: It is a matter of opinion whether air substitution will result in an appreciable net saving.

Mr. Gaya Prasad Singh: My question was if the recommendation of the Howell Committee is given effect to, will it not result in a marked saving in the expenditure on the defence of the Frontier?

Mr. G. M. Young: I must ask for notice of that question.

Mr. Gaya Prasad Singh: Is it not given in the first part of the question?

(No answer.)

Dr. Ziauddin Ahmad: Do the Government of India agree to the recommendation that the ground forces should be replaced gradually by air forces?

Mr. G. M. Young: I do not know to what recommendation my Honourable friend is referring, but as was stated by the Foreign Secretary in reply to the question on the 15th September last, the report contains a good deal of information the publication of which is not in the public interest and so it has not been published.

Mr. Gaya Prasad Singh: Do Government propose to publish it?

Mr. G. M. Young: No, Sir.

ABOLITION OF THE LOWEST SELECTION GRADE EXAMINATION FOR THE POST OFFICE.

1072. ***Mr. Uppa Sahab Bahadur:** (a) Is it a fact that a departmental examination, called the Lowest Selection Grade Examination, was held in the Post Office in the years 1929 and 1930 according to the rules contained in Director General's Special General Circulars No. 22, dated the 16th October, 1929, and No. 16, dated the 18th August, 1930, and in the Post and Telegraph Manual, Vol. IV?

(b) Is it a fact that it was definitely stipulated in these rules that the examination would be held annually and that all promotions from the ordinary time-scale of pay to the Lowest Selection Grade would be made only from the passed officials?

(c) Is it a fact that the Director General, Posts and Telegraphs, has since abolished this examination by his Special General Circular No. 46, dated the 3rd March, 1932?

(d) If the reply to part (a) above be in the affirmative, will Government please state the reasons which actuated them to introduce the examination?

(e) If the reply to part (c) above be in the affirmative, will Government please give the reasons which have now led to the abolition of the examination?

(f) Is it a fact that Sir B. N. Mitra the then Honourable Member in charge of the Industries and Labour Department, announced that the examination was necessary as a basis for selection of officials for promotion to the lowest selection grade posts, and as a remedy for inefficiency and favouritism?

(g) If the reply to part (f) be in the affirmative, will Government please state the reasons which have led them to depart from their own principle and whether the abolition of the examination is accompanied by some safeguards which will not again make room for the evils which it was designed to combat?

Mr. T. Ryan: (a), (b) and (c). Yes.

(d) and (e). The Honourable Member is referred to my replies to the supplementary questions asked by Dr. Ziauddin Ahmad in connection with Mr. S. C. Mitra's starred question No. 792 in this House on the 14th March, 1932.

(f) Government have not been able to trace any announcement of the kind to which the Honourable Member refers.

(g) Does not arise, but the point which the Honourable Member has in mind will not be overlooked.

PROMOTIONS TO THE LOWEST SELECTION GRADE IN THE POST OFFICE.

1073. *Mr. Uppi Saheb Bahadur: (a) Are Government aware that while some of the officials who passed the Lowest Selection Grade examination in the years 1929 and 1930 have already been confirmed in the selection grade, others are officiating in the grade by virtue of the rules framed by Government and many more are still in the waiting list in the Calcutta General Post Office?

(b) Is it a fact that the Director General, Posts and Telegraphs, has laid down in his Circular No. 46, dated the 3rd March, 1932, that with effect from the 15th March, 1932, all promotions to the lowest selection grade will be made from amongst senior officials who have known capabilities and past good records irrespective of whether they have passed the selection grade examination or not?

(c) Is it the intention of Government to revert the passed officials who have long been officiating in the grade and bring in the officials who failed to pass or did not appear at the examination?

(d) Is it the desire of Government that the passed officials who have not yet been confirmed in the lowest selection grade are to receive differential treatment from those who have already been confirmed?

(e) If the reply to part (c) be in the negative, will Government please state how they propose to safeguard the interests of the passed officials so long borne on the waiting list?

(f) Are Government aware that the Postmaster General, Bengal and Assam, allowed a large number of posts in the selection grade to remain vacant, to the detriment of passed officials?

Mr. T. Ryan: (a) Yes.

(b) Yes, except in the case of promotions to the posts of Inspectors and Postal Divisional Head Clerks and of Accountants and Assistant Accountants in the Lowest Selection Grade.

(c) The revised procedure will not affect the officiating arrangements made prior to its introduction.

(d) As the passing of the examination was not the only condition for promotion and as seniority of passed officials for purposes of promotion was based on their seniority in the general gradation list, irrespective of the date of passing the examination, no question of differential treatment appears to arise.

(e) It is considered that the interests of all concerned will be protected by the measures referred to in parts (b) and (c).

(f) Yes, in view of possible retrenchment of such posts.

EXPENDITURE INCURRED IN CONDUCTING THE LOWEST SELECTION GRADE EXAMINATION IN THE POST OFFICE.

1074. *Mr. Uppi Saheb Bahadur: Will Government please lay on the table a statement showing the detailed expenditure they incurred in conducting the Lowest Selection Grade Examination in the years 1929-30?

Mr. T. Ryan: The information has not been compiled and the preparation of a detailed statement would involve an expenditure, time and labour, out of proportion to the advantage to be gained.

OVERTIME ALLOWANCE PAID FOR SORTING ENGLISH MAIL.

1075. ***Mr. Uppi Saheb Bahadur:** (a) Is it a fact that the sorting of the Inward English mail was hitherto done by staff on overtime allowance in Calcutta, Bombay, Rangoon and other important stations?

(b) Are Government aware that the Postmaster General, Bengal and Assam, has withdrawn overtime allowance from some of the officials working in connection with the sorting of English mail and also reduced the rate?

(c) Have Government authorised the Postmaster General to do so?

(d) If not, will Government please state the reasons why this was done?

Mr. T. Ryan: With your permission, Sir, I shall to deal with questions Nos. 1075, 1076 and 1077 together.

Information in respect of the various points is being collected and will be placed on the table of the House.

OVERTIME ALLOWANCE PAID FOR SORTING ENGLISH MAIL.

†1076. ***Mr. Uppi Saheb Bahadur:** (a) Are Government aware that the Postmasters General, Bengal and Assam, has directed the Presidency Postmaster, Bengal, to select auxiliaries from some departments of the Calcutta General Post Office and all non-delivery Town Sub-Offices and to direct them to work on Sunday, in connection with the English mail without overtime allowance?

(b) Is it a fact that the Director General, Posts and Telegraphs issued a Circular directing the officers of the Department to allow the staff as much relaxation as possible on Sunday, and Post Office Holidays?

(c) If the reply to part (b) be in the affirmative, will Government please state reasons why the Post Master General has curtailed the concession hitherto enjoyed by them?

OVERTIME ALLOWANCE PAID FOR SORTING ENGLISH MAIL.

†1077. ***Mr. Uppi Saheb Bahadur:** (a) Will Government please say whether the Postmasters General of other Provinces have issued orders to draft auxiliaries from the Department and non-delivery Town Sub-offices and to compel them to work in the foreign mail section on Sunday, without any overtime allowance?

(b) If the reply to part (a) be in the affirmative, will Government please state in detail the procedure adopted in those Provinces?

INTRODUCTION OF LOWER DIVISION CLERKSHIPS IN THE POSTAL DEPARTMENT.

1078. ***Mr. Uppi Saheb Bahadur:** (a) Is it a fact that Government have accepted many recommendations of the Posts and Telegraphs Retrenchment Committee and decided to introduce lower division clerkships in the Postal Department?

(b) If so, will Government please state whether orders have been issued to give effect to the scheme?

†For answer to this question, see answer to question No. 1075.

(c) If the reply to part (b) be in the affirmative, will Government please say whether the Postmaster General, Bengal and Assam, has given effect to the orders? If not, why not?

Mr. T. Ryan: (a) Yes.

(b) Yes, as circumstances permit.

(c) Government have no reason to suppose that their orders are not being carried out, but steps are being taken to prevent any oversight.

RETIREMENT OF POSTAL OFFICIALS OF 55 YEARS OF AGE OR 30 YEARS' SERVICE.

1079. ***Mr. Uppi Sahab Bahadur:** (a) Is it a fact that the Finance Department of the Government of India has issued a notification that in order to give effect to the retrenchment proposals, officials who have completed 55 years of age or 30 years' service will have to retire?

(b) If so, will Government please say whether Director General, Posts and Telegraphs, will abide by these orders?

(c) Are Government aware that the Postmaster General, Bengal and Assam, and the Presidency Postmaster, Calcutta have recently granted extensions of service to some officials?

(d) Do Government propose to direct the Director General, Posts and Telegraphs, to issue orders for retirement of officials, who are on extension of service or have completed 55 years of age or 30 years' service and to fill up the resultant vacancies by lower division clerks?

Mr. T. Ryan: (a) The orders referred to by the Honourable Member do not contemplate the entire suspension of the ordinary rules regarding the retention of officials in service.

(b) The Director General appreciates the expediency of abiding by orders issued to him.

(c) No.

(d) The matter is receiving attention and suitable orders will be issued.

PROMOTION OF POSTMEN AS LOWER DIVISION CLERKS.

1080. ***Mr. Uppi Sahab Bahadur:** (a) Have Government decided to promote some qualified postmen as lower division clerks?

(b) Is it a fact that the Postmasters General of some Provinces have already issued orders for recruitment of lower division clerks from postmen?

(c) If so, will Government please state the reason why the Postmaster General, Bengal and Assam, has not yet done so?

(d) Do Government propose to issue orders to the Postmaster General, Bengal and Assam to do so now?

Mr. T. Ryan: (a) Yes.

(b), (c) and (d). Government presume that their orders are being carried out, but as I have just stated, in reply to question No. 1078, steps are being taken to guard against oversight.

RENT PAID FOR THE BOW BAZAR POST OFFICE.

1081. ***Mr. Uppi Saheb Bahadur:** (a) Is it a fact that the Bow Bazar Post Office (Calcutta) is located in a three-storied building?

(b) Is it a fact that the Post Office has occupied only half the space of the building?

(c) Is it a fact that Government are paying rent for the whole building?

(d) If the reply to parts (a), (b) and (c) be in the affirmative, will Government be pleased to state what amount has since been paid by them by way of rent for the portion of the building lying vacant?

Mr. T. Ryan: (a) Yes.

(b) No. The ground and first floors are leased by the post office.

(c) No.

(d) Does not arise.

RE-EMPLOYMENT OF RETRENCHED OFFICERS.

1082. ***Pandit Satyendranath Sen:** (a) Will Government please state whether in filling up the future vacancies in the respective grades of the different departments they intend to consider the claims of the officers who have been either discharged or made to retire with a nominal pension in pursuance of the present retrenchment policy?

(b) If the answer to part (a) is in the affirmative, will the claims of such officers have priority over those of outsiders? If not, why not?

(c) If the answer to part (a) is in the negative, will Government please state reasons?

The Honourable Sir James Orerar: (a) So far as the establishments of the Government of India and its attached offices, who recruit through the Public Service Commission, are concerned, the claims of permanent men who have been retrenched and are considered suitable for re-employment will be considered.

(b) Yes.

(c) Does not arise.

ARREARS OF PAY OF A DRIVER IN A MULE CORPS.

1083. ***Mr. S. O. Mitra:** (a) Is it a fact that no technical difficulties are put in the way of *ex-sepoys* and followers of the Indian Army while they claim their arrears of pay, allowances, gratuity, and undischursed credit balances, etc., lying in their units?

(b) If so, is it a fact that a sum of Rs. 564-11-6 belonging to a driver No. 481 of the 87th Mule Corps was kept lying with the unit as an undischursed credit balance for many years till 16th February, 1932, when it was sent through a special attorney, *vide* letter No. 1155/1277-E., dated 16th February, 1932?

(c) Was no petition regarding this sum received from the aforesaid driver since his discharge?

(d) Was not any attempt made by the officer in charge to send this sum to the aforesaid driver?

(e) Was it difficult for the officer in charge to ascertain whether the driver had left the old residence shown in his attestation papers?

(f) If not, how do Government make sure that the aforesaid driver was given all possible facilities or at least as much facility as they afford to the attorney to claim credit balances due to *ex-sepoys* and drivers?

(g) Will Government please state the reasons for detaining such heavy sums of the poorly paid drivers and other ranks for many years, and to resort to indirect methods for disposing of the undischarged credit balances?

(h) What amount of undischarged credit balances has thus been paid by the officer in charge, I. A. S. C. Records, Dagshai, since the publication of A. I. (I.) A-16 of 1927?

Mr. G. M. Young: I have called for the records of the case and a reply will be laid on the table in due course.

UNSTARRED QUESTIONS AND ANSWERS.

TIME-BARRING OF DISABILITY PENSION CLAIMS.

299. **Sardar Sant Singh:** (a) With reference to the answer given on 12th February, 1932, to starred question No. 289, parts (a) and (b), will Government please state if their action in declaring disability pension claims as time-barred [*vide* A. I. (I.) 418 of 5th May, 1925 and B.-342 of 28th December, 1926], was not in contravention of their early declaration contained in "Field Service Regulations" as were in force in the years 1916 to 1924?

(b) Is it not against the practice recognised by the Ministry of Pensions for British casualties as contained in "The official History of the War" (Casualties and medical statistics) issued by the Ministry of Pensions in 1931, and in which under the heading "Comparative Analysis of War disablement" on page 319 it is stated: "First, the conditions which did not appear in evidence as war disablement until after demobilization are analyzed—in other words, the post-war emergence of war disablement. By this means a broad indication is given of the extent to which there was a continuous unknown factor in the summation of the states responsibilities, due to delayed but acceptable claims for compensation for war disablement"?

(c) Are not the disability pensions of Indian ranks chargeable to His Majesty's Exchequer? If so, why should a fundamentally different treatment be announced by the Government of India for Indian disabled sepoys?

(d) Does not the responsibility of Government to initiate investigation in first claims to disability pensions recorded in their registers as "disabled and invalided" extend to the Great War *ex-soldiers* as it does to serving soldiers (*vide* Government reply to the question quoted above)?

Mr. G. M. Young: The matter is being examined and a reply will be given later.

MILITARY PENSION CLAIMS.

300. **Sardar Sant Singh:** (a) Has the attention of Government been drawn to the fact that the Ministry of Pensions have issued a "History of the Great War", a "General History of Medical Services", and "Diseases of the War", wherein the fact with regard to the faulty equipment of personnel and stores, inexperience of the majority of diseases prevailing in different climates, and of the new diseases born of war conditions have been officially recognised?

(b) If so, will Government please state whether they have issued instructions to their medical boards to keep in mind the experience of the extraordinary conditions prevailing in the theatres of the Great War, as reflected in these official histories?

(c) If not, are Government prepared to allow any licensed medical practitioner to appear before their medical boards, on behalf of disabled sepoys, to represent the sepoys' interest? Are Government aware that this practice is in vogue in England in War Pension Appeal Tribunals?

Mr. G. M. Young: The matter is being examined and a reply will be laid on the table in due course.

INVESTIGATION OF MILITARY PENSION CLAIMS.

301. **Sardar Sant Singh:** (a) Is it a fact that the initiative to investigate claims to family pension of the Indian ranks dying in service overseas, in military hospitals, or on the way to their homes rests with Government, in view of the facts of the casualty not being known to the heirs of the deceased?

(b) If so, will Government kindly refer to letter No. G./4/4116, dated 29th January, 1932, of the Deputy Controller of Military Pensions rejecting a claim to family pension on the ground that the Government of India do not regard the death of the individual in question to be attributable to military service for the purpose of granting a family pension?

(c) What is the purpose mentioned in that letter and what is the difference that Government recognise between 'death attributable to military service' and 'death attributable to military service for the purposes of pensions'?

Mr. G. M. Young: (a) Yes, but the reason is not that the facts of the casualty are not known to the heirs of the deceased but that this procedure saves time and assists the heir, who may be illiterate, a minor, or a female unacquainted with regulations. The heir (or next-of-kin) is informed of the casualty as soon as the regimental depot receives the information.

(b) and (c) (first part). The phraseology used by the Government of India in the Army Department when intimating that a claim to a family pension has been rejected is as follows:

"The Government of India have decided that the cause of the death of.....cannot be viewed as attributable to military service for the purpose of the grant of a family pension to his heir."

This phraseology refers to paragraph 249 of the Pension Regulations, which runs:

“Family pensions and children’s allowances are admissible in cases where the cause of death is attributable to military service.”

(c) (second part). No difference is intended.

MILITARY PENSION CLAIMS.

302. **Sardar Sant Singh:** (a) Has the attention of Government been drawn to letter No. Pen./15/1315, dated 15th June, 1927, of the Controller of Military Pension Accounts, Southern and Western Commands, giving a ruling that no communication in respect of a military pensioner will be addressed to an attorney engaged by a pensioner?

(b) Are Government aware that the Officer-in-charge Records, 2/113: Infantry (*vide* his letter No. 2/113/2/1231, dated 19th September, 1927); and Adjutant, 3/9th Jat Regiment, Hongkong, (*vide* his letter No. A./24/1/486, dated 21st March, 1931), gave a ruling to the effect that petitions drafted or addressed by an agent of the pensioner will not be accepted though submitted under the signature of the pensioner?

(c) Will Government please state under what statutory authority the ruling was given in the aforesaid letters?

(d) If the answer to part (a) be in the affirmative, what facilities are provided for the pensioners and their heirs when they happen to be illiterate and ignorant of the designation and location of the war unit in which they served? What consideration, if any, is given to the claimants in such cases against applying the time-limit?

Mr. G. M. Young: Inquiries are being made and a reply will be laid on the table in due course.

MILITARY PENSION CLAIMS.

303. **Sardar Sant Singh:** (a) Will Government please state if they do maintain Casualty Registers in their units for the casualties incurred in the Great War? If so, was it not incumbent upon the Commandants to submit their claims for compensations, in time? Are Government aware that the practice of taking the initiative by the Commandants, in respect of pensionary awards, in majority of cases, deluded the remaining personnel in whose cases initiative was alike expected to be taken by Government, but the same was not taken?

(b) Do Government contemplate redressing the wrong so done by allowing full arrears of pensions?

Mr. G. M. Young: The matter is being examined and a reply will be laid on the table in due course.

MILITARY PENSION CLAIMS.

304. **Sardar Sant Singh:** (a) Is it a fact that after putting in 15 years service, a sepoy is entitled to pension and also entitled to be released from the military service? If so, why should full pensions be forfeited and

disallowed on the ground that the cause of discharge cannot be traced? Is it not the practice to show the cause of discharge on one's discharge certificate?

(b) If not, is not the individual given the benefits of a regular discharge in such cases if the cause of discharge is not shown on account of the negligence of the officials?

Mr. G. M. Young: (a) First portion—Yes, if a state of war does not exist or is not impending.

Second portion—The Government of India are not aware of any such case.

Third portion—Yes.

(b) Does not arise.

MILITARY PENSION CLAIMS.

305. **Sardar Sant Singh:** (a) Is it a fact that an Indian officer after 20 years service is entitled to an ordinary pension and also to be released from the military service?

(b) Is it also a fact that a certain number of these officers were not so released and pensioned, and their term extended in the interest of the State?

(c) Is it true that later on they were dismissed, irrespective of the facts that they were mentioned in despatches by the General Officers Commanding, and irrespective of the fact that but for their retention in the interest of the State, they would have earned an ordinary pension, as soon as they had put in 20 years' service?

(d) Do Government propose to look into such cases, and to arrange that their ordinary pension earned by them be not affected by their retention ordered in the interest of the State?

Mr. G. M. Young: (a) He is eligible for pension and for release from military service, but not necessarily entitled.

(b) Yes.

(c) I am afraid I cannot reply to this question unless the Honourable Member gives me details of specific cases.

(d) No. It is open to an officer who feels that he is unjustly treated to submit a petition through the proper channel. This, when received, is carefully considered by Government.

MILITARY PENSION CLAIMS.

306. **Sardar Sant Singh:** Are Government aware that in cases where the title to a disability pension, family pension or demobilisation pension is established after long correspondence of several years, the practice to grant pensions is from the date of the sanction, which debar the claimant from any arrears at all? Is it not against the practice hitherto followed by the Army Department? What are the reasons for this deviation from the established principles and practice?

Mr. G. M. Young: The general practice is not as described by the Honourable Member. The remainder of the question does not arise.

DEATH OF MR. F. W. ALLISON.

The Honourable Sir George Rainy (Leader of the House): Mr. President, the hand of death is again heavy upon us. This morning, on arrival at the Assembly, I learnt with very deep sorrow of the death of one who was amongst us a few days ago, I mean Mr. Allison. The only news we have on this subject is to be found in the *Times of India*, from which it appears that soon after setting sail from Bombay, I think on the 22nd of this month, Mr. Allison was seized with pneumonia and passed away on the 28th or 29th. Mr. Allison had completed 30 years of service, and I believe was on his way to England with the intention of not returning to India, but of finally retiring. The tragedy of it of course is he never reached the shores of his home but was removed by the hand of death during the voyage. What that must mean to his wife and daughter who were with him on the ship is easy to imagine. Mr. Allison was nominated five times as a Member of the Assembly and twice acted as Chief Government Whip. His contribution to our debates were infrequent, but he always spoke weightily and was always heard by the House with attention and respect. On the official Benches many of us feel we have lost a very close friend whom we shall miss deeply. But his duties as Chief Whip and his kindly personality, brought him into touch with Members in every part of the House, and I do not for a moment doubt that the regret is as deep and the sympathy as sincere on the non-official Benches as on the official Benches. I feel it difficult, Mr. President, to say all that I should like to say, and perhaps on these occasions few words are the best. But I am sure that you will be interpreting rightly the wishes of the whole House if you will communicate to the bereaved widow and daughter the expression of our deep sympathy and sorrow.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I rise to associate myself and my party with every word that the Honourable the Leader of the House has uttered. When I came to this House a few minutes ago, I learnt with a shock that Mr. Allison had passed away. Who could have imagined when he left us so hale to look at, that he would soon be removed from the scene of his earthly activities? We, on this side of the House, always looked upon Mr. Allison as a good friend of India, and as the Chief Whip of Government he always impressed us with his genial good manners. We always felt in his company that we were in the company of one who loved India truly and sincerely. His armour was his honest thought and simple truth his utmost skill, and whether in this Legislature or out in the country he was animated by a true spirit of service. When I was in England in 1927, Mr. Allison and I went round the House of Commons, and he was touchingly reminding me of the fact that India would, ere long, have a great Parliament of her own, and if in his retirement India should need his services, he would be very cheerful and glad to work in a self-governing India of the future. His love of India was deep and genuine. He was one of those men who always thought that his place was in this country, to which he gave his very best and the best of us could not have given better. Sir, he was like the Happy Warrior who comprehended his trust and to the same kept faithful with a singleness of aim. Deep and genuine is our grief, for he was one of those great men who has honestly, every minute of his life in this country, served her in a spirit

of service which can never die. Of men like Mr. Allison, it may be truly said:

“Alike are life and death
When life in death survives
And the uninterrupted breath
Inspires good many lives.”

Sir, deep is our sorrow, and every one sitting behind me associates himself with every word that the Honourable the Leader of the House has uttered. We deeply sympathise with the bereaved family whose only consolation in their great calamity is that a larger family,—his friends, share their loss.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadian Urban): I rise to associate myself and the Independent Party with the vote of condolence that has just been moved. It is very rare indeed in any Legislature that on two days running, we should have to move votes of condolence on the death of our Members. I was personally associated with Mr. Allison for a very long time. He was, as you know, a Bombay Civilian. He acted as Legal Remembrancer of Government with great distinction, for a number of years. He also acted as a High Court Judge, and I can personally testify to the very valuable services he rendered to his Government. He was for many years a Member of this Honourable House, and I understand he acted as the Chief Whip of Government on more than one occasion. We from Bombay feel the loss all the more,—if I may say so—having been associated with him for many years and having learnt to appreciate his value and his worth during our long connection. He died under tragic circumstances; he died going home on the eve of retirement. And I am sure the whole House will condole with his wife and daughter who were with him and whom we all knew so well in Delhi. I associate myself personally and my party with this vote of condolence to his family.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadian Rural): Sir, it was a great shock to me when I learnt on entering this House today that Mr. Allison, who was dining and lunching with us only on the 20th of this month, has passed away so tragically. I knew Mr. Allison in the last Assembly when he acted as Chief Whip, and I can fully testify to the fact that his word carried great weight. Everybody who came in contact with Mr. Allison had a great regard for him and had implicit faith in whatever he said. We all believed that he always meant what he said, and in this way he carried great weight with everybody. He was respected not only by the Government supporters and Government Members, but also by the Opposition, and on many occasions in the last Assembly I found that Mr. Allison's personality was the chief cause of getting many people to the side of Government when he talked with them on important questions. Mr. Allison was, I believe, much respected by the Bar Associations of Bombay, and the parties and addresses that were presented to him shortly after his term as a High Court Judge show the respect that the Bombay people and the Bombay Bar had for him. It is a tragedy to lose a friend and one who was always a useful friend in the past. Sir, I associate myself and my party with the vote of condolence which has been moved and I fully sympathise with Mrs. Allison and Miss Allison, who are probably having a very bad time on the boat without any friends.

Mr. Arthur Moore (Bengal: European): Mr. President, we should like to be identified with this motion, and our deepest sympathy goes out to Mr. Allison's wife and daughter.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Sir, I take part in this sorrow that the Assembly has to bear today on the sad death of Mr. Allison. He was a Member of the first reformed Assembly, and since that time we have been great friends. Sir, Mr. Allison was a true model of a member of the Indian Civil Service: He had a genial disposition and temperament, and his death has left a great void. It is difficult to find a gentleman of such a high order. He was in the Bombay Civil Service, where from a Magistrate he rose to the Secretariat, and by dint of his learning and knowledge of law, he was raised to the position of Legal Remembrancer to the Government of Bombay. I had very often legal discussions with him on several points that cropped up in this House and I found him a great authority on these matters. He was finally elevated to the High Court Bench in Bombay. Sir, we also mixed with him socially, and with his little daughter whom we miss today but who was a familiar figure in this Assembly building and who used to paint pictures here. Sir, only yesterday we were mourning the death of one of our old Members and it is very sad that within 24 hours we have to mourn the loss of another Member. Mr. President it is a great loss. In private talks I found that he was a pro-Indian reformer. He had good intentions and sympathised with India's aspirations. If he had lived for a few more years, he would have been a great acquisition for the future constitution of this country. I join with the Leader of the House and the Leaders of other parties and associate myself with them in the feelings that they have expressed. It is only fitting that a Resolution like the one moved by the Leader of the House should go over your signature, Sir, to the members of the bereaved family—his wife and daughter, and probably his son, who might be in college. With these few words, I support the Resolution moved by the Leader of the House.

Mr. President: The Chair wishes to associate itself with all that has fallen from Honourable Members in lamenting the sad loss which has been sustained by the passing away of Mr. Allison. It is tragic to contemplate that Mr. Allison was here only a few days ago, participating in public service for which this Assembly is called into being. Mr. Allison was a Bombay Civilian and as such we have all come in direct contact with him. We admired his charm of manner and his judicial temperament which resulted in his making many close friends from amongst all those with whom he came into contact. It is indeed a sad loss which has been sustained, and the Chair wishes only to add that it will communicate the unanimous feeling, in the House, of sorrow and sympathy for the members of the bereaved family.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir George Schuster (Finance Member): Sir, I lay on the table the information promised in reply to starred question No. 725, and unstarred question No. 73.

APPOINTMENT OF SIKHS IN THE CURRENCY OFFICE, LAHORE.

Starred Question No. 725.

- (a) Yes, except that the number of Hindus is now 56.
- (b) This is a matter of opinion. No specific proportions have been laid down by Government for the various communities.
- (c) Instructions for securing the appointment of members of minority communities have been issued and no further orders are considered to be necessary.

APPOINTMENTS IN THE INCOME-TAX DEPARTMENT OF BIHAR AND ORISSA.

Unstarred Question No. 73.

- (a) The numbers are—Inspector Accountants 11—Ministerial officers 25.
- (b) The ordinary rule is that Assistant Commissioners are authorised to make clerical appointments in Income-tax Offices, subject to the general control of the Commissioner of Income-tax. The appointments were advertised in the *Indian Nation*, the *Utkal Dipika* and the Local Government Gazette.
- (c) The number of applicants was as follows:—

	Hindus.	Moslems.	Christians.	Total.
Inspector-Accountants .	233	57	8	298
Clerks	330	74	6	410

(d) 9 of the appointments of Inspector-Accountants were estimated to last for a period of 15 months, and of these two were given to Moslems, the other two (which were expected to last for three months) were given to Hindus.

Of 10 clerical appointments resulting from the lowering of the taxable limit, filled by the Assistant Commissioner, Ranchi Range, one was given to a Moslem, and of 15 similar appointments in the Patna Range, 4 were given to Moslems.

(e) These appointments were reported to the Commissioner of Income-tax in due course and approved.

(f) As the Honourable Member is aware, the orders laid down by Government require that one-third of the vacancies should be filled from minority communities, but no percentage has been fixed for any particular minority community. I have examined the figures and am satisfied that the orders have been observed, and that Muslims have obtained an adequate share of the appointments.

ELECTION OF MEMBERS TO THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

Mr. President: Honourable Members will now proceed to elect six non-official Members to the Central Advisory Council for Railways. There are 9 candidates whose names are printed on the ballot paper which will now be supplied to Honourable Members in the order in which I call them.

(The Ballot was then taken.)

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

Mr. President: Further consideration of the Bill to supplement the Bengal Criminal Law Amendment Act, 1930, as reported by the Select Committee.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City: Non-Muham-Madan Urban): Mr. President, if I take part in this debate, it is because I have still a lurking hope that the arguments advanced on any side of the House may have some bearing on decisions which the House may come to: (*An Honourable Member.* "Then you have a moderate mentality?") I support the amendment moved by my friend Mr. Sitaramaraju, which I believe is a very moderate and a very modest amendment, which is to add the proviso, "Provided however that the procedure laid down in the Act has been complied with". It seems to me that, unless the Government take an absolutely unreasonable attitude, there can be no question that this amendment is a justifiable amendment. There are various powers given under the Criminal Procedure Code to the Local Governments and to officers of Government. What method of check do the Government propose in order to see that the very procedure that has been prescribed by that Act is followed? If they take away, by section 4, the right which the accused has got to invoke section 491 of the Criminal Procedure Code, what else is left to him in case any officer does not follow the mandatory provisions of the Bengal Criminal Law Amendment Act? It is required that no person shall be detained in custody under this section by an officer of Government for a period exceeding 15 days, save under a special order of the Local Government. Supposing a person is detained for a period exceeding 15 days and the Local Government do not pass a special order under that section, then what is to happen? Then again, in any case an officer cannot detain any person for a period exceeding one month unless an order under section 2 is passed by the Local Government. Supposing the Local Government do not pass an order under section 2 and the detention continues, has the detained person no right at all? The amendment proposes only to deal with those particular methods of procedure which have been prescribed under the Act and which have been made mandatory by the provisions of the Act for the officers and the Local Governments to carry out. Again under section 2, in the first proviso, it is said that the Local Government, at the end of one year from the date of making the order, shall review its order and that it shall not remain in force for more than one year unless, upon review, the Local Government directs its continuance. Suppose some Secretary or some official in the Government forgets to put up the file before the Home Member of the Local Government, and that the review contemplated by this proviso is not made, has the detained person no right at all in this matter? You are choking off all his rights, if by means of this section you deprive him of his fundamental right under section 491. The scope of the amendment of my friend Mr. Raju is very much narrower. Perhaps there was something in what the Honourable the Home Member said yesterday, though, so far as I am concerned, I must confess I was not convinced, but even granting all the arguments that the Honourable the Home Member advanced yesterday, I still venture to think that the restricted scope of the present amendment makes it absolutely clear that to this extent the right of the detained person should be assured to him by the Act.

I should like to address the Honourable the Home Member and the Treasury Benches and all those who sit on that side of the House on a wider issue than that covered by the present amendment. I want them to look at the amendment from the point of view from which some of us look at this question. We have moved a series of amendments with reference to this Criminal Procedure Bill. I admire the pertinacity with which Members on this side of the House, in spite of the most discouraging statements that have been made by the Honourable the Home Member and the discouraging evidence all round of their capacity to carry these amendments, have still persisted. There is a moral behind that persistence, which I want the Honourable the Home Member to realise. I want this Government to realise that they must have some amount of imagination with respect to these matters. Now, we are fighting the terrorist movement. Both sides of the House are agreed that this movement should be done away with as early as possible, and we were therefore willing to allow the Bill to go before Select Committee and to get it back from the Select Committee with such possible amendments as would ensure fair treatment to the detenus to have this Bill passed into law. But then there is one supreme consideration which I want the Treasury Benches to bear in mind. There ought not to be the feeling in any section of the House, much less in the public mind, that any idea of vindictiveness lies behind either the Treasury Benches or the Government or any section of this House in its treatment of these detenus. Amendment after amendment, which sought to give some convenience or other to the detenus, has been opposed by the Government. This is the last amendment, and therefore I take this opportunity of putting forward what I may call not an appeal but a special claim for the consideration of the Honourable Members of this House. In this fight against terrorism, let us remember that the class of people who have to be converted are not the terrorists, but the middle men, the men in the street, without whose co-operation it will be absolutely futile for any Government to expect this movement to die down.

Mr. President, it was my privilege within a few weeks back to be present in the Bengal Legislative Council when a discussion on this identical subject took place. I was indeed present when the new Act was passed there by the Legislative Council,—the Bengal Criminal Law Amendment Act,—and in connection with the terrorist movement, a Member of the Legislative Council, Mr. Jitendralal Bannerjee made a statement of the utmost significance which I should like my Honourable friend the Home Member to realise the implications of. Mr. Bannerjee said that it is not sufficient that here and there, at a public meeting at one place; at a public gathering at another, at a Legislature in Bengal, or an Assembly at Delhi, a Resolution should be passed condemning the terrorist movement. What is required is that in the Bengal society the idea must go forward that this terrorist movement should be stamped out. In the houses, in the homes, in the clubs, in the family gatherings, talking to the children,—there it is that the campaign has to be carried on so that this terrorist movement may not survive in Bengal. I ask my Honourable friend the Home Member, who evidently appreciates these sentiments, what he has done to encourage those people who want to stamp out this terrorist movement. Your Acts, your Statutes, are absolutely impotent unless you get public opinion behind you. Seven years of the Bengal

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Criminal Law Amendment Act, followed by an amending Act in the Legislative Assembly, certified or uncertified, has had very little effect on the movement. We now come to another stage, and I want my Honourable friend the Home Member to realise what was behind this certification. Unless you get public opinion behind your laws, unless you are able to convince public men that in the treatment of terrorists, while they do not in any way yield to their desire to stamp out terrorism, they are also not coerced into an attitude of unfairness towards terrorists—unless you do that, all your Acts will be of no avail.

Take your own certified law of the other day. What wonder if that law has failed to achieve its purpose? What is the public opinion behind a law which is certified, and which has not been passed by the willing acceptance of Members of this House, and if, today, this amending Bill comes before the House, and amendment after amendment is defeated by the Honourable the Home Member and the host behind him, what is the opinion of the public with reference to this amending Bill? Through the whispering galleries of the Eastern and Western Bengal, the word will go round that so far as these terrorists are concerned, it is not an attitude of fairness that the Government has taken up, but an attitude of vindictiveness, that the most reasonable amendments have been defeated by means of the Government whip and by the Government strength. What will be the reaction? Where will be that opinion which you want, which must necessarily regiment in your favour? If you want to fight this movement, you must not only get the public opinion by you at public gatherings like these, but in private circles, in family circles, in educational associations, in institutions all over the country. On the other hand, will not the reaction of that public opinion which feels that every single thing that is suggested by however reasonable a Member, by whosoever a Member who is least connected and farthest removed from the terrorist movement is not supported, is not accepted by the Government—what will be the effect of that opinion? I want my Honourable friends over there to have a little imagination with respect to this question. They are very practical men; my Honourable friend Sir James Crerar has a reputation for practicality. But, Sir, there is something higher than practical wisdom; there is that capacity to imagine, there is that capacity of seeing things which are not apparent to one's nose, and that is the capacity which I should like to invoke the Honourable Members of the Government to have, so that they may realise the situation as it presents itself to us on this side of the House. My Honourable friend sits up straight like a dart, gives his reply that Government are not able to accept the amendment. Whatever the amendment may be, whatever the reasoning may be, his attitude is made up, the Government attitude is made up, and he comes forward and says we are not prepared to accept it. I have been sitting for two days in this Legislative Assembly while this dreary process of passing the Bengal Criminal Law Amendment Bill has been going on. I have been watching the Honourable the Home Member and the other Members on the Government Benches, and there is one oppressive feeling that has come unnermost, one song has been drumming in my ears, the song of that great Scotch poet. Oh, that they had the power to see themselves as others see them. I wish the Honourable Sir James Crerar sometimes could have

the imagination to see himself as we see him. We are full of admiration for him. He fights every cause in the same way, often recalling to our minds Don Quixote that tilled at the windmills. (Laughter.) I ask him, when he carries with his speech, and more with his steps, the light brigade behind him, whose is not to reason why, but whose is merely to march and vote in the Noes lobby against every amendment of the Opposition—when he marches to the Noes lobby and takes them with him, I ask him, is he serving the cause which he has dearest at heart, which the Government have most keenly at heart—the cause of trying to see that this terrorist movement is put down? This is an amendment, the rejection of which can create only one feeling in this House, and one feeling in the country. Somehow or other, it will marshal sympathy with the terrorists, far from taking it away from them, and I venture to say as a friend of the Government, as one who does not wish the terrorist movement to continue, as one who abhors this movement, I ask the Government even at this late stage to reconsider their position. My Honourable friend to my right the other day said that I was making vain appeals to the Government. I am not for that mendicant policy. The association of the party, the honourable name which it bears must preclude in any reasonable mind the idea that any one of us could be associated with a policy of mendicancy. But I have taken the oath at that table to do my duty to my King and to my country, and I believe in the discharge of that duty it is for me to tell the Government, even at this stage, that they are bungling, that they are making mistake after mistake, they are alienating the sympathies of the best, the most moderate, and some at least of the wisest in the land by their attitude. They have got their regimented majority. Are they going to use it willy-nilly, in every case, whatever the argument may be, whatever the strength of our case may be, whatever the weakness of their defence may be? That way lies ruin. That way lies shattered kingdoms and shattered governments; and I say even at this late stage that it is up to my Honourable friend to realise that there will be nothing but a feeling of hopelessness if every amendment in connection with this Bill is defeated. Then what will happen? Instead of getting one single Member on this side of the House to bless the Bill on the third reading and say that we have taken our courage and put on the statute some Bill which will have a deterrent effect, you will have Member after Member getting up and saying that Sir James Crerar has given a parting kick, which is a bitter legacy to this country, and I shudder to think of the consequences on that movement which you and I and all of us on this side are anxious to clinch so far as Bengal or any other part of this country is concerned.

I am not making a speech merely for the sake of making it. I feel convinced that the Government are wrong. Even the little amendments which have been moved—to have in this Bill a clause to the effect that a certain amount of rise should be given to the Bengal detenus—my Honourable friend uses all the great strength of the Home Member of the Government to defeat that amendment. We wanted to have a small Assembly Committee to be appointed so that he and his successor may be in a better position to vindicate their activities at Deoli or in any other place. My Honourable friend uses the great majority that he has to veto it. And surprise of surprises, Mr. President, I can attribute it to nothing but want of imagination when the hordes behind cheered my Honourable

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friend for the Pyrrhic victory that he has won in defeating these amendments.

Let me turn for a moment to the sole representative of the most powerful party in the Legislative Assembly who sits in his place, my Honourable friend Mr. Arthur Moore. His gallant band is not behind him to-day, but I am certain that when the division bell rings they will come trooping in, not one single soul missing. I want to address a few words to my Honourable friend, Mr. Moore, the statesman that he is; I want to tell him that the path of statesmanship lies in getting through a Bill a little modified here, a little whittled down there, but getting it through, nevertheless with the consent of the non-official Members of the Assembly and not against them. Will he be prepared to advise this Government? I am appealing to him and not to the Government, because I know he and his community carry greater weight in this topsyturvy world with the Government and the Treasury Benches than any of us can, and I want him to realise the fact of carrying through these measures by the dead weight of official and other kinds of majority and not allowing us to feel that our conscientious efforts in trying to improve the Bill, not in favour of the terrorist but in favour of that large mass of people, fair-minded middlemen who hold no brief for the terrorists at all, but who feel that justice and equity must be done, have been accepted. I ask him whether on their behalf he would not join with us on this one single occasion, and I can assure him that he will not repent it. Whoever takes that advice, whether it is the Government or the European Group, we feel that we must do our duty by the Government and not by the terrorist, by the middlemen and not by the terrorists, and try to see that this amendment is accepted by the House, or know the reason why the Government will not accept it.

Maulvi Muhammad Shafee Daoodi (Tirhut Division: Muhammadan): I feel that I should not vote on this amendment silently, as I have done on other items. This is a provision which I think is only bare justice to the people concerned. It does not ask anything more than that the procedure laid down in the Act should be complied with otherwise there should be a legal remedy. I hope that the Home Member will see the reasonableness of the amendment and accept it without going to a division. I am not so eloquent as my friend Mr. Mudaliar is but I associate myself with every word that he has uttered in favour of the amendment. With these words I wholeheartedly support the amendment of my friend Mr. Sitaramaraju.

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, my Honourable friend Mr. Mudaliar has strongly appealed to the sense of reasonableness and imagination of the Home Member, so that he may accept this amendment. I support this amendment from another point of view, that is from the legal aspect of this question. It is a fundamental principle of legislation that every enactment should be clear, distinct, unambiguous and unequivocal. If that is accepted, I request the Home Member to apply that principle to the enactment of this clause, *viz.*, clause 4 and see if it satisfies that principle. There has been so much ambiguity with regard to the tenor and purport of this particular section. The Honourable the Law Member

stated that nothing new was being enacted and that he was only following what had already been laid down in sub-section (3) of section 491 of the Criminal Procedure Code. There the power of the High Court has been taken away in connection with certain regulations. He said that "Nothing in this section applies to persons detained under the Bengal State Prisoners Regulation" and various other regulations and he goes on to say that in those cases it is not the High Court which has got the discretion, but it is the Government who have got the discretion. Then he says that the discretion in all these cases must vest with the executive Government and not with the judiciary. As he said yesterday, they want to substitute executive discretion for judicial discretion, and he further went on to ask whether that discretion was any more serious than the discretion to detain a man indefinitely without trial. "If you can swallow detention without trial, you must also swallow this." It is clear from the point of view of the Law Member that there should be no discretion left to the High Court with regard to any detenus under the Bengal Criminal Law Amendment Act. The will of the executive must be supreme, and no High Court, either in India or elsewhere, should interfere. In a word they want to substitute executive discretion for judicial discretion. If the Law Member had said that, there would have been no ambiguity at all and the amendment of Mr. Raju would have been unnecessary. But, after saying this as member of the Government, his legal instinct gets the better of him and then he quotes with approval the opinion of another eminent jurist, the Advocate General of Madras, and says that in cases where the detention is illegal, the High Court has power to interfere, and where the detention is legal, the High Court has no power to interfere. He said that the Advocate General deals with a person who is legally in custody, that is, is detained in strict observance of the law. It may be good law, bad law or indifferent law. We are not concerned with it. He is lawfully in custody, and section 491 would not come in. In that case the High Court's power is taken away. Then he says that what the Advocate General says is this, that if the detention is illegal, the High Court has jurisdiction but if it is legal, never mind, whether that legality has been sanctioned by an obnoxious law, even so, the power of the High Court is gone. Then he quotes the opinion of the Advocate General and says that if the detention is illegal, it does not accord with the provisions of this Criminal Law Amendment Act, however obnoxious that law is, and the High Court has power to interfere. Then in reply to an interjection by Sir Abdur Rahim, the Law Member said that if the detention is illegal, the High Court can interfere. This we consider his considered opinion. He has voiced two opinions with regard to the scope of this section. The first time he said it is pure unalloyed executive discretion and that the High Courts have nothing to do with it and then he comes back to another opinion and says that if there is illegal detention, the High Courts can interfere. I am drawing attention to this ambiguity. It is to remove this ambiguity that this amendment has been proposed. This amendment simply says, "Provided however that the procedure laid down in the Act has been complied with". It does not want to take away section 4 altogether. It wants to add only this proviso to make the scope of the section much clearer and unambiguous.

Sir, in this connection I have to state that the Honourable the Law Member has left the House with the impression that the Honourable the Advocate General, Madras, has stated in the opinion given by him that the

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High Court has power to interfere in all illegal cases of detention. I say that is not so. That is not what the learned Advocate General has stated. What he says is this:

“If the conditions of the statute are satisfied, the detention is lawful and the High Court will not exercise the jurisdiction under section 491 of the Criminal Procedure Code. If on the other hand the detention is unlawful because the conditions of the statute have not been complied with or the order has not been passed, say, by the proper authority, there is no reason why the subject should be deprived of his remedy under section 491 and the principle obtaining in every part of the British empire, viz., that a person has a right to be protected from illegal imprisonment should be departed from in this country. . . .”

Mr. President: Does the Honourable Member think that the House has not already sufficiently heard the Advocate General's opinion which has been frequently quoted?

Mr. T. N. Ramakrishna Reddi: I am only quoting it, Sir, to show . . .

Mr. President: It has been quoted repeatedly before the House.

Mr. T. N. Ramakrishna Reddi: I just want to show that the Advocate General has on the other hand stated that this power is taken away by the enactment of clause 4. Why should it be taken away in this country while it remains in all other parts of the British Empire? That is the gist of the opinion of the Advocate General.

Mr. President: The House has decided to retain clause 4 and has rejected the amendment to omit it.

Mr. T. N. Ramakrishna Reddi: I quoted the opinion to show, Sir, that it was not exactly what the Honourable the Law Member had stated it to be, and to show that there is so much ambiguity existing with regard to this section. To clear up this ambiguity

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): You are putting the horse behind the cart.

Mr. President (to Mr. T. N. Ramakrishna Reddi): Please go on.

Mr. T. N. Ramakrishna Reddi: Sir, if it is the intention of the Government to clear up the ambiguity and retain the power to the High Courts to interfere in cases of illegal detention, then there is absolutely no reason why the Government should not accept this amendment. On these grounds, Sir, I support this amendment.

An Honourable Member: I move that the question be now put.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Mr. President, I wish to say very few words on this occasion because in the previous debate I made the position of this part of the House quite clear. Sir, as has been pointed out by my Honourable friend, Diwan Bahadur Mudaliar, the amendment now before the House is really a very modest one; and it is not only modest, but I venture to think it is extremely reasonable, and a great deal depends on the attitude of Government towards this amendment as to whether Honourable Members on this side of the House will support the third reading of the Bill or not. Sir, we

made our position absolutely clear from the very beginning as regards the Supplementary Bill. We expressed, time after time, our detestation of terrorist crimes, and we gave every support to the Honourable the Home Member, as representing the Government of India in this House in order to pass any reasonable measure by which this terrorist movement could be suppressed. I do not know whether the Honourable the Home Member or any of his colleagues in the Government have any sort of doubt as to the *bona fides* of this part of the House in this matter. Sir, we are not all irresponsible people. We also here have men who have held responsible positions in public life, and we can understand also the drift of any measure—what will be the effect of such a measure on the country. I do not think Government can claim that they are always in the right and that we are always in the wrong, and yet is not that the attitude that they have taken up on this occasion? Can it really be said that whatever the Government do or say is right, and that anything coming from this side is absolutely wrong or to be suspected? As has been pointed out, several amendments of a very very modest character indeed have been moved. We wanted for instance that in the Act provision should be made for making rules in order to ensure fair and reasonable treatment of the detenus. That was rejected. The Home Member would not accept it. Then we also moved that the Government ought to appoint some Members of this Assembly as visitors of this detention camp or prison or whatever it may be called. Even that was not accepted. Now could not the Government appoint any two or three Members from among so many Members of this House who could be trusted to go and visit these detenus in their places of detention and report to Government what they actually found? That also, Sir, was rejected.

Now look at the importance of this present amendment. It is a modest amendment but a very important amendment. Unless Government want that people should be detained and imprisoned for an indefinite period, not only without trial but without Government having conformed to any of the provisions of the Bengal Criminal Law Amendment Act, our amendment should be accepted. Otherwise it really comes to this; you authorise officers of the Local Government, carrying out the orders of the Local Government, to do whatever they like with any person they please and arrest him and detain him. Is that really the intention of the Government of India, or of the authors of the Act? Surely that cannot be the intention. Sir, there is a very great difference between the High Court reviewing the merits of a case, and the High Court seeing that the provisions of the Act, the procedure laid down in the Act, have been carried out. There is no need to tell the Honourable the Home Member that there is a vast difference. We do not say,—at any rate that is not the scope of the amendment—that the High Court should be authorised to judge every case on its merits, that is to say whether there is sufficient evidence or not to justify a particular detention. That is not the scope of the amendment. All that the amendment seeks is that the High Courts should be in a position to see that the procedure laid down in the Bengal Criminal Law Amendment Act was conformed to before any action has been taken. Otherwise, Sir, you are now leaving an absolutely free hand to the executive authorities to do with any person whom they suspect of being concerned in any terrorist movement whatever they like. Surely that is not what is wanted; and we really are not in any way trying to weaken the effect of the enactment.

[Sir Abdur Rahim.]

All that we do is this; we say, in selecting your men for detention or imprisonment, follow the provisions laid down by the Act. That is all that we are asking for. I do not know what the Honourable Member in charge of this Bill will say, whether he is prepared to accept this amendment or not. But I would appeal to him and I would repeat the appeal that has been made by Diwan Bahadur Ramaswami Mudaliar, that the Government by their attitude ought to convince the general public that they are not unreasonable and that they mean only to strike at the terrorists, or rather men whom they suspect to be terrorists, according to their own enactment and according to the provisions of their own law. We want the Government of India to convince the public that they have no ulterior motive behind this Bill. Surely, the Government ought to have no difficulty in giving us an assurance by accepting this amendment that their only object is that certain suspected persons should be detained according to the requirements of the Statute and nothing more. If they are not in a position even to give us that assurance by accepting an amendment of this sort, then we are put in a very false position.

Sir, yesterday the Honourable the Home Member said that this House had allowed the Bill to go to the Select Committee; therefore, the House has accepted the principle of the Bill. But it only means that the executive authority can arrest and detain a person at their discretion as long as they conform to the provisions of the Bengal Criminal Law Amendment Act. But, he argues that the House is not at liberty now to question any of the clauses of the Bill. That, I submit, is neither a logical nor a reasonable attitude to take up. This House, by allowing the Bill to go to the Select Committee, made it clear,—at any rate, we, the Members on this side of the House, made it absolutely clear,—that, if certain proposals of ours were not accepted, we should be at liberty to throw out the Bill altogether if we could.

Now, Sir, another point was made by the Honourable the Home Member, namely, that the majority of the Select Committee reported in favour of the Bill. But we have heard from the Chairman of the Select Committee, Sir Hari Singh Gour, that he did not mean by not appending a dissenting note that there were no provisions in the Bill which could be amended. He made it clear to us that he felt, rightly or wrongly, that as a Chairman he was muzzled. He could not speak out nor could he write a dissenting minute. My friend, Mr. Sitaramaraju did append a dissenting minute as regards this clause. Therefore, so far as we are concerned, our position is perfectly consistent in pressing this amendment for the acceptance of the Government and if we fail in that, we shall be at liberty to reconsider the whole position towards the Bill.

Mr. C. C. Biswas (Calcutta: Non-Muhammadan Urban): Sir, I will just add a few words to show why I consider this amendment to be very necessary. As Sir Abdur Rahim has pointed out, it is a very simple amendment and it does not ask for much. It merely requires that the procedure laid down in the Act shall be followed. Sir, by its vote the House yesterday did enthrone "executive judgment", supplanting "judicial judgment", as the Law Member put it. Are we now to understand that executive action is not to conform even to the provisions of law? If this amendment is not accepted by the Home Member, it will mean that the Government

with their eyes open will sanction deliberate non-compliance with the provisions of this Act on the part of their officers. Are they prepared to accept that position? No doubt the Honourable the Law Member pointed out that in his opinion recourse to the High Court is always open, if the detention or the arrest is not in accordance with this Act. If that be so, there is no harm in accepting the amendment. If, on the other hand, my friend the Home Member is not prepared to share Sir Brojendra's opinion, then it means that he will knowingly sanction an illegal act. Sir, what is the effect of that? Section 491 is suspended, which means that an aggrieved person cannot apply to the High Court even for the purpose of showing that the arrest was illegal. That would not, however, automatically make an illegal act legal; merely because the right to question the legality of an action is taken away, it does not follow *ipso facto* that the act becomes a legal act. If the act is illegal in the sense that it is not in conformity with the provisions of the Act, I think there ought to be left some remedy to the aggrieved person, even if he cannot apply under section 491, either to sue the person who makes the arrest or to prosecute him in a criminal court. If it could be said that such remedy was open to the party, I should not mind the Home Member opposing this amendment. Unfortunately, Sir, if you look at section 14 of the Bengal Act, you will find therein provided "that no suit, prosecution or other legal proceeding shall lie against any person for any act which is in good faith done or intended to be done under the Act". Mark the words "intended to be done". So, that protects an officer not merely from anything which is done, but which is intended to be done. The words are very wide. If these words were not there, and if it was open to any party to proceed against any person who makes the arrest on the ground that the arrest is illegal, I should not, as I have said, insist on this proviso. Then, Sir, if you will look at the terms of clause 4, you will find the following words:

"The powers conferred by section 491 of the Code of Criminal Procedure, 1898, shall not be exercised in respect of any person arrested committed to or detained in custody under the local Act."

It does not use the words, "purporting to be arrested, committed or detained". Clause 4 itself, therefore, contemplates that the arrest or committal or detention must be a legal arrest, a legal committal or a legal detention. If that be so, where then is the objection to accepting the amendment of Mr. Sitaramaraju? But as I said, the more important thing is that, having regard to section 14 of the Bengal Criminal Law Amendment Act, which gives a complete indemnity not merely in respect of acts done under the Act, but in respect of acts intended to be done under the Act, a safeguard like this is very necessary.

The Honourable Sir James Orerar (Home Member): Mr. President, I must confess to a certain sense of grievance and injustice that before Honourable Members opposite heard what I had to say on this amendment, they are prepared to charge me in advance with an attitude of complete unreasonableness. In that charge it was further alleged against me that I had shown complete unreasonableness because I have unfortunately felt myself called upon to oppose two or three of their amendments which have already been disposed of by the House. But I would ask Honourable Members to recall that I did on each occasion give what I, at any rate, thought to be very good reasons why I could not accept those amendments.

[Sir James Crerar.]

With regard to the general appeal of Sir Abdur Rahim and the weighty and eloquent admonitions which have fallen particularly from Mr. Mudaliar—with regard to these general observations, in respect of a good deal of the contents of which I myself am in considerable agreement, I shall have to say a word or two before I conclude. I wish to deal, in the first instance, with the difficulties, the very serious difficulties of law and of practice, by which I find myself confronted in this, as it has been represented, quite trivial and innocuous amendment. In the first instance, though I do not wish to press this point, I must nevertheless recall that the amendment presents a preliminary difficulty because it does not specify to what particular Act the proviso is intended to refer.

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): It is the Bengal Criminal Law Amendment Act.

The Honourable Sir James Crerar: That I understand is the intention of the Honourable Member. By the Act, he means the local Act. Very well, I will pursue my argument a little further. The amendment proceeds on the assumption that it is possible to draw a perfectly clear and definite line between matters of procedure and matters which are matters of substance or of merits. That, Sir, is where my difficulty comes in.

Sir Abdur Rahim: That is done every day in the High Court.

The Honourable Sir James Crerar: I wish to emphasise this point more particularly with reference to the argument which fell from my Honourable and learned friend, Sir Abdur Rahim. I understood him to say that he regarded the purpose of this amendment not to be to give the High Court the power of intervening on the merits but merely to secure that the procedure enacted by the Act is duly and legally followed. Now, it is precisely on that point that my difficulty arises. In so far as the operation of section 2 of the local Act is concerned, the position appears to be fairly clear, that is to say, that if an order is passed by the Local Government under section 2 and if the contents of and directions in the order are in accordance with the prescriptions of the Act, then I take it that no High Court would think of going behind the order. That, at any rate, is my own view. But the position with regard to section 4 is different. Section 4 provides that any officer of Government authorised in this behalf may arrest without warrant any person against whom a reasonable suspicion exists. That section differs very materially from section 2, because whereas in section 2 when the question of opinion arises, it is expressly provided that that shall be the opinion of Local Government.

Sir Abdur Rahim: There must be an order in writing.

The Honourable Sir James Crerar: I am on the point of opinion. Section 2 prescribes that where the question of opinion arises, it is the opinion of the Local Government. In section 4 there is not the same analogous provision, that it must be the opinion of the authorised officer that a reasonable suspicion exists. No, the question of reasonable suspicion is

not so qualified. Therefore, according to my view of the case, the question of the existence of a reasonable suspicion is inextricably bound up with the question of the further action which the Officer takes in pursuance of his view with regard to reasonable suspicion. That is to say, the reasonableness of the information upon which he holds a suspicion and on which he proposes to take action. Now, Sir, that being so, and if my view of the section is correct, it will be possible for a person, who has been arrested and detained under section 4, to apply for a writ under section 491, Criminal Procedure Code, and if the Court took the view which I am told may very well be taken on the grounds which I have mentioned, then the whole question of the merits would definitely come into question. It would be possible—this is the view which I desire to press upon Honourable Members—it would be possible if that view is correct, that when a question of procedure under this particular section 4 is in debate, the Court may require the Officer to satisfy it that there was reasonable suspicion based upon information and evidence. Consequently the whole of the practical difficulties which are involved in the *habeas corpus* jurisdiction in respect of this Act would arise, and not only that. I have already had occasion to point out to the House that action under section 4 is one of the most important of the powers contained in the local Act. I gave reasons to show that this provision, section 4, had on frequent occasions led to the rapid and prompt arrest of the persons concerned, that the police and the executive Government of Bengal had recourse to the aid of the provisions of this section in order to prevent the commission of terrorist outrages. That is a very serious danger of which I have to warn the House, and I think the House will allow, that in impressing that point of view on the House, I am not acting from an unreasonable motive of mere obstinate resistance to every sensible and modest proposal which is made. I have the very gravest apprehension with regard to this matter. Further I should like to point out this, the clause of the Act as it stands is, of course, precisely parallel to sub-section 3 of section 491, Criminal Procedure Code. It is intended to operate in precisely the same way but in respect of a different category of cases. Now, there is no such proviso as that proposed in this amendment attached to section 491. If, therefore, the corresponding and parallel provision in this present Bill does contain that proviso, I submit that the normal canons of interpretation suggest that it imports something new, something material and something substantial.

I hope, Sir, I have said enough to convince Honourable Members opposite that my attitude in this matter is not unreasonable, but I am confronted with very serious difficulties. If I accept this amendment on behalf of Government, I should create a situation of great danger, with the possibility of the purpose of the Bill being defeated in respect of one of its principal provisions.

Sir Abdur Rahim: May I ask one question? Does not the High Court, as a matter of fact, every day discriminate between questions of procedure and questions on merits? The High Courts do it every day and it is a well known fact.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): The Honourable the Home Member has no experience of High Courts, though he is controlling the destiny of all High Courts.

The Honourable Sir James Creer: It is not for me to say what the day-to-day practice of the High Courts is. The Honourable and learned gentleman is better aware of that than I am. But what I do wish to point out is, here is a question where procedure and merit seem to be so closely connected, that a Court might conceivably take that view. Anyway, I have the greatest apprehensions on that point. Moreover, it is not the case, as has been alleged, that the purpose of this Act is to allow the Local Government or any officer of the Local Government to fail to comply with the procedure laid down in the Act.

The Honourable and learned Member from Bengal asked me to believe,—which I very readily and very willingly do,—in the *bona fides* of his party and in the attitude which they have taken with regard to this Bill. But I beg him also to grant to me the same recognition of my good faith in the matter. I also ask the House to consider this, that if you are giving extensive powers,—the powers which have already been given to the Local Government by the local Act,—but if you are going to recognise those powers and supplement them, you must inevitably be prepared to recognise good faith on the part of the responsible officers of Government who are authorised to take action. Now, if a person were detained beyond period prescribed in section 4, quite apart from any remedies which on some views of the case he might have before the High Court,—I am not concerned to argue that now,—he would certainly have one immediate remedy by petitioning the Local Government; and I have not the slightest doubt that the Local Government would deal in good faith with a petition of that kind.

Well, Sir, I should now like just to say a few words on the general admonitions which were made to me. I have had a very difficult task indeed with reference to this Bill and with reference to all the matters which were the occasion for this Bill, and I do most strenuously contend that my attitude in the matter has not been one of unreasonableness. The Bill is a very short one; I do not deny that its provisions are drastic and import serious changes into the law. But it is unjust that I should be accused of unreasonableness and that, the principles and operative portions of the Bill being so short and so simple, however deeply they may go, it should be imputed to me as unreasonableness that I am not prepared to accept amendments which in my view seriously shake the validity of those principles. I agree entirely with what fell from two Honourable Members on the front Bench opposite that by far the best remedy for dealing with this grave disease would be to mobilise public opinion against it. I grant that; I fully appreciate that if and when that is done it will be a far more potent weapon against the terrorist movement than any measure of legislation can possibly be. But with this appeal made to us by the Legislature and the Government of Bengal to do what we can and what they regard as important and what we regard as important in the way of legislation, I feel that I must persist in my own appeal to the House to supplement the Act by the provisions of this Bill.

Mr. President: The question is:

“That to clause 4 the following proviso be added:

‘Provided, however, that the procedure laid down in the Act has been complied with.’”

The Assembly divided:

AYES—45.

Abdoola Haroon, Seth Haji.
 Abdul Matin Chaudhury, Mr.
 Abdur Rahim, Sir.
 Bagla, Lala Rameshwar Prasad.
 Bhuput Sing, Mr.
 Biswas, Mr. C. C.
 Chinoy, Mr. Rahimtoola M.
 Das, Mr. B.
 Dutt, Mr. Amar Nath.
 Gunjal, Mr. N. R.
 Harbans Singh Brar, Sirdar.
 Ibrahim Ali Khan, Lt. Nawab
 Muhammad.
 Isra, Chaudhri.
 Jadhav, Mr. B. V.
 Jehangir, Sir Cowasji.
 Jog, Mr. S. G.
 Joshi, Mr. N. M.
 Lahiri Caudhury, Mr. D. K.
 Lalchand Navalrai, Mr.
 Maswood Ahmad, Mr. M.
 Misra, Mr. B. N.
 Mitra, Mr. S. C.
 Muazzam Sahib Bahadur, Mr.
 Muhammad.

Mudaliar, Diwan Bahadur A. Rama-
 swami.
 Munshi, Mr. Jehangir K.
 Murtuza Saheb Bahadur, Maulvi
 Sayyid.
 Neogy, Mr. K. C.
 Parma Nand, Bhai.
 Patil, Rao Bahadur B. L.
 Rajah, Raja Sir Vasudeva.
 Ranga Iyer, Mr. C. S.
 Rastogi, Mr. Badri Lal.
 Reddi, Mr. T. N. Ramakrishna.
 Sadiq Hasan, Shaikh.
 Sant Singh, Sardar.
 Sarda, Diwan Bahadur Harbilas.
 Sen, Mr. S. C.
 Sen, Pandit Satyendra Nath.
 Shafee Daoodi, Maulvi Muhammad.
 Singh, Kumar Gupteshwar Prasad.
 Singh, Mr. Gaya Prasad.
 Sitaramaraju, Mr. B.
 Sohan Singh, Sirdar.
 Thampan, Mr. K. P.
 Uppi Saheb Bahadur, Mr. .

NOES—50.

Acott, Mr. A. S. V.
 Ahmad Nawaz Khan, Major Nawab.
 Ahmed, Mr. K.
 Allah Baksh Khan Tiwana, Khan
 Bahadur Malik.
 Anklesaria, Mr. N. N.
 Azizuddin Ahmad Bilgrami. Qazi.
 Bajpai, Mr. G. S.
 Bajpai, Mr. R. S.
 Banerji, Mr. Rajnarayan
 Bhargava, Rai Bahadur Pandit
 T. N.
 Bhone, The Honourable Sir Joseph.
 Clow, Mr. A. G.
 Cosgrave, Mr. W. A.
 Crerar, The Honourable Sir James.
 Dalal, Dr. R. D.
 Fazal Haq Piracha, Shaikh.
 Fox, Mr. H. B.
 French, Mr. J. C.
 Graham, Sir Lancelot.
 Gwynne, Mr. C. W.
 Howell, Sir Evelyn.
 Ishwarsingji, Nawab Naharsingji.
 Jawahar Singh, Sardar Bahadur
 Sardar.
 Lal Chand, Hony. Captain Rao
 Bahadur Chaudhri.

Megaw, Major General J. W. D.
 Moore, Mr. Arthur.
 Morgan, Mr. G.
 Mujumdar, Sardar G. N.
 Mukherjee, Rai Bahadur S. C.
 Nixon, Mr. J. C.
 Noyce, Sir Frank.
 Pandit, Rao Bahadur S. R.
 Pillai, Mr. N. R.
 Rafiquddin Ahmad, Khan Bahadur
 Maulvi.
 Raghurib Singh, Kunwar.
 Rainy, The Honourable Sir George.
 Rajah, Rao Bahadur M. C.
 Rama Rao, Diwan Bahadur U.
 Rau Mr. P. R.
 Ryan, Mr. T.
 Sahi, Mr. Ram Prashad Narayan.
 Sarma, Mr. R. S.
 Schuster, The Honourable Sir George.
 Scott, Mr. J. Ramsay.
 Sher Muhammad Khan Gakhar,
 Captain.
 Sykes, Mr. E. F.
 Tin Tut, Mr.
 Wajihuddin, Khan Bahadur Haji.
 Yamin Khan, Mr. Muhammad.
 Young, Mr. G. M.

The motion was negatived.

Mr. President: The question is that clause 4 stand part of the Bill.

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5 was added to the Bill.

Mr. President: The question is that clause 1 stand part of the Bill.

Mr. B. Sitaramaraju: Sir, I move that to clause 1 the following be added at the end:

"It shall remain in force for a period not exceeding three years."

In moving this amendment, it is my desire that we should have on record the opinion expressed by the Honourable the Law Member the other day as regards the extent of this Act. The original Act was to extend up to 1935. No specific period has been fixed for this extending Bill. In view of the fact that under the General Clauses Act no specific provision occurs in this regard, it is found necessary to have the opinion of the Government whether, if the Bengal Act were to extend indefinitely afterwards without reference to this Legislature, this extending Bill also would have the same extent. The Honourable the Law Member the other day expressed a different opinion. I do believe that the opinion expressed by the Honourable the Law Member was quite accurate; but in view of the fact that the antecedent course taken by the Bengal Legislature was different on this point, I thought I would like to have this point cleared in this debate. Sir, I move.

The Honourable Sir James Orerar: Mr. President, I do really hope that it will not be imputed to me for unrighteousness if I am constrained to oppose this amendment, for reasons practically the same as those which I laid before the House when an amendment relating to the duration of the clause was raised on clause 4. The object of this Bill is to supplement the local legislation, and I should like to point out that the Act which the Bill is designed to supplement has already been in operation for about a year and a half, and has three years and some months to continue. But, I think it must be obvious that the Supplementary Bill, as I urged before, must be coterminous and synchronous with the local Act, otherwise we should be preparing the possibility of a very serious and inconvenient and even dangerous position, if unfortunately that Act were still in force 3½ years hence. All the provisions we make in this Bill to supplement the local Act, would, after that period, expire

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): May I ask the Honourable Member a question? If the local Act is extended, will the Government of India have to come back to this Honourable House with a new Bill?

The Honourable Sir James Orerar: That is a point of law, Sir, on which I confess I am not in a position to give an authoritative opinion.

Sir Cowasji Jehangir: But surely the Honourable Member is in a position to assure this House that if the Local Government extend their own Act, they will come back to this House for another supplementary Bill. That is a question of policy; surely it does not want a lawyer to advise Government on that point.

An Honourable Member: And there are many lawyers on the Government side!

Sir Lancelot Graham (Secretary, Legislative Department): I do not know whether I shall be allowed to intervene by my somewhat angry friend on the opposite side. He said it does not require a lawyer; but that is precisely what it does require. I think it is rather a tricky point that is involved. Personally, I incline to

the view that, in the manner in which we make amendments, that is, *in situ*, this act will be co-terminous with the local Act, if that is extended by amendment. But the Honourable Member will see that is a point of law and a very nice point of law, and not the sort of point of law that turns up every day in the courts with which practitioners are familiar. I do not think that the Honourable Member is entitled to say it is a matter of policy.

Sir Cowasji Jehangir: What is the position of Government then? Are Government in a position to give an assurance that if the Bengal Council extend their Act, they will come back to this Honourable House, whatever the law may be?

An Honourable Member: There is the Law Member!

The Honourable Sir James Crerar: I really must ask the House to accept the fact that not being a technical lawyer myself I cannot put myself forward in that capacity and give what purports to be an authoritative legal opinion, when I know perfectly well that my opinion is not authoritative.

Mr. C. C. Biswas: May I ask my Honourable friend, when part I of the Bengal Act of 1925, the part which dealt with special tribunals and appeal to High Courts, was re-enacted or continued by the Bengal Council in 1930, whether or not the Government of India introduced fresh legislation here to re-enact the corresponding provisions of the Supplementary Act? They did not; as soon as the Bengal Act was extended, the Supplementary Act was automatically taken to be continuing. That is pointed out in the Statement of Objects and Reasons.

The Honourable Sir James Crerar: The answer to the Honourable Member's question is that he is correct. No supplementary Bill on that restricted portion of the local Act was at that time introduced into this Legislature. I maintain and I seriously urge upon the House that it is obviously a necessary thing, quite apart from the technical legal point . . .

Mr. B. Sitaramaraju: Is the Honourable Member aware that the Law Member the other day, on the floor of this House in answer to Sir Hari Singh Gour, stated that it will not extend?

The Honourable Sir James Crerar: I heard what my Honourable colleague said. But I must limit myself to the question of practical effect; and I do urge upon the House that this Supplementary Bill which supplements the local Act,—I am concerned now with the local Act as it now stands—it was enacted in 1930,—ought to be co-terminous with that enactment. That is my contention.

Sir Cowasji Jehangir: Sir, here is a statement made by the Honourable the Law Member. Is Government prepared to stand by that statement or do they wish to repudiate it?

The Honourable Sir James Crerar: I have said nothing whatever that suggests repudiation on my part of an opinion given by my Honourable colleague the Law Member.

Sir Cowasji Jehangir: Sir, this is what the Honourable the Law Member said the other day:

"Therefore, what we are doing is supplementing the Bengal Act of 1930. If the Bengal Act of 1930 be repealed or exhausts itself by efflux of time and be re-enacted

[Sir Cowasji Jehangir.]

in the same terms, then my submission is that this measure which we are considering now will not attach itself to that re-enacted measure, because, this Bill says in so many words, that it is supplementary to the Act of 1930 and it is not supplementary to any Act which may be re-enacted in 1935. There is no section in the General Clauses Act or in any other law that I know of which automatically attracts a supplementary measure to an extended measure."

Sir, this is perfectly clear language. I want to know whether Government are prepared to stand by the statement—say yes or no.

Sir Lancelot Graham: As my friend says, it is perfectly clear that the case is entirely distinct. The Honourable the Law Member was dealing with the case of an Act which had been allowed to lapse. Supposing this Act is allowed to lapse and is re-enacted. That is quite different from altering the duration clause by an amending Bill. The case which was covered by the Honourable the Law Member is a case, as he said, where the Act is allowed to lapse and is re-enacted; in that case this Supplementary Act of course would have no relation to that re-enacted Act; but I think it would have this effect; this Supplementary Act would be co-terminous with the Bengal Act if that Act was not allowed to die, that is to say, not if it was re-enacted, but if the duration clause in the Bengal Act was extended during the life of the Bengal Act. That I understand to be the position. But, as I say, that is not in any way in conflict with what was said by the Honourable the Law Member the other day when he spoke about re-enactment.

Mr. President: The question is:

"That in clause 1 the following be added at the end:

'It shall remain in force for a period not exceeding three years.'

The Assembly divided:

AYES—52.

Abdoola Haroon, Seth Haji.
Abdul Matin Chaudhury, Mr.
Abdur Rahim, Sir.
Azhar Ali, Mr. Muhammad.
Bagla, Lala Rameshwar Prasad.
Bhargava, Rai Bahadur Pandit
T. N.
Bhuput Sing, Mr.
Biswas, Mr. C. C.
Chinov, Mr. Rahimtoola M.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Fazal Haq Piracha, Shaikh.
Gunjal, Mr. N. R.
Harbans Singh Brar, Sirdar.
Ibrahim Ali Khan, Lt. Nawab
Muhammad.
Ismail Ali Khan, Kunwar Hajee.
Ismail Khan, Haji Chaudhury
Muhammad.
Isra, Chaudhry.
Jadhav, Mr. B. V.
Jehangir, Sir Cowasji.
Jog, Mr. S. G.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Maswood Ahmad, Mr. M.
Misra, Mr. B. N.

Mitra, Mr. S. C.
Mudaliar, Diwan Bahadur A. Rama-
swami.
Mujumdar, Sardar G. N.
Munshi, Mr. Jehangir K.
Murtuza Saheb Bahadur, Maulvi
Sayyid.
Neogy, Mr. K. C.
Pandit, Rao Bahadur S. R.
Parma Nand, Bhai.
Patil, Rao Bahadur B. L.
Raghubir Singh, Kunwar.
Ranga Iyer, Mr. C. S.
Rastogi, Mr. Badri Lal.
Reddi, Mr. T. N. Ramakrishna
Sadiq Hasan, Shaikh.
Sant Singh, Sardar.
Sarda, Diwan Bahadur Harbilas.
Sen, Mr. S. C.
Sen, Pandit Satvendra Nath.
Singh, Kumar Gupteshwar Prasad.
Singh, Mr. Gaya Prasad.
Sitaramaraju, Mr. B.
Sohan Singh, Sirdar.
Thampan, Mr. K. P.
Uppi Saheb Bahadur, Mr.
Wajihuddin, Khan Bahadur Haji.
Yamin Khan, Mr. Muhammad.
Ziauddin Ahmad, Dr.

NOES—41.

Acott, Mr. A. S. V.	Megaw, Major General J. W. D.
Ahmad Nawaz Khan, Major Nawab.	Moore, Mr. Arthur.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.	Morgan, Mr. G.
Anklesaria, Mr. N. N.	Mukherjee Rai Bahadur S. C.
Azizuddin Ahmad Bilgrami, Qazi.	Nixon, Mr. J. C.
Bajpai, Mr. G. S.	Noyce, Sir Frank.
Bajpai, Mr. R. S.	Pillai, Mr. N. R.
Banerji, Mr. Rajnarayan.	Rafiquddin Ahmad, Khan Bahadur Maulvi.
Bhore, The Honourable Sir J. W. H.	Rainy, The Honourable Sir George.
Clow, Mr. A. G.	Rajah, Rao Bahadur M. C.
Cosgrave, Mr. W. A.	Rama Rao, Diwan Bahadur U.
Crerar, The Honourable Sir James.	Rau, Mr. P. R.
Dalal, Dr. R. D.	Ryan, Mr. T.
Fox, Mr. H. B.	Sahi, Mr. Ram Prashad Narayan.
French, Mr. J. C.	Sarma, Mr. R. S.
Graham, Sir Lancelot.	Schuster, The Honourable Sir George.
Gwynne, Mr. C. W.	Scott, Mr. J. Ramsay.
Howell, Sir Evelyn.	Sher Muhammad Khan Gakhar, Captain.
Jawahar Singh, Sardar Bahadur Sardar.	Sykes, Mr. E. F.
Lal Chand, Hony. Captain Rao Bahadur Chaudhri.	Tin Tit, Mr.
	Young, Mr. G. M.

The motion was adopted.

The Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr. President in the Chair.

The Honourable Sir James Crerar: Mr. President, I move that the Bill as amended, be passed. In making this motion, I do not propose to detain the House for more than a very few minutes. I have already spoken at great length and I regret to say on many occasions, both on the broad principles of the Bill and on all the subsidiary points that have arisen. In the very few words I have now to say, I merely desire to recall the House to the major issue which I think has been in some danger of being obscured in the course of long and detailed examination of issues which, however important in themselves, are necessarily subsidiary to that main issue. And that issue, as I conceive it is this: whether there exists in Bengal a very grave public situation which is urgently in need of remedy. We have to consider whether the action taken by the Local Government, and endorsed on repeated occasions by an overwhelming majority in the local Legislature, is a course of action which will contribute, to a very necessary and vital objective, namely the control and suppression of the terrorist movement. We have to consider whether we ought to accept the hard logic of facts and circumstances and the conclusions of those on whom the most immediate responsibility rests as to the course of action which ought to be taken. We have to consider whether in matters which are outside their competence and which are within our sole competence we ought to endorse those conclusions and come to the assistance of the local authorities and the local Legislature. On those broad issues, however much we may differ on relatively minor points, though I do not desire by calling

[Sir James Crerar.]

them minor points to under-estimate their importance, I feel that there is no possibility of an answer in any other sense than a broad affirmative. It has not been seriously contended in this House either that the terrorist movement does not exist in Bengal or that it constitutes a very grave danger not only to that Presidency but to the whole of India. Speaker after speaker on the other side of the House has arisen to say that that position is accepted and admitted. If that really is so, very little remains for me to say. If that is so, surely the only answer that we can give to this demand which is made upon us for assistance is that we should grant it. I deeply regret that in the very last days of my membership of this Assembly, it should have fallen to my lot to bring before the Assembly a measure of this kind and to have had to deal with it during the nine days of debate it has occupied the time of the House. It has been a very difficult and a very unenviable task. Nevertheless, none of us can refuse to open our eyes to plain facts, still less decline to discharge our responsibility. It is because I feel that, in spite of the differences of opinion that have arisen and the controversies that have been threshed out as regards certain relatively subsidiary questions arising out of his measure, there is agreement on the major issues, I have the utmost confidence that the House will be prepared to recognise those facts and will be prepared to discharge its responsibility.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions; Non-Muhammadan Rural): Sir, The Honourable the Home Member, with a touch of pathos, said that in the very last days of his membership he had to put up the fight that he has put up for what he thinks is necessary to suppress the terrorist movement in Bengal and to prevent the extension of that terrorism to other provinces. That, Sir, so far as the Honourable the Home Member is concerned must be a matter for legitimate pride and self-congratulation for standing up as he has always stood up for the steel frame of the Government, to revolt against which the terrorist movement in Bengal came into existence. I concede that he has fought us on this side of the House with the tenacity of a steadfast Scotsman, but we on this side of the House have likewise a duty to perform, and that duty we have been performing. I am pleased to think I have also been performing it by declining to serve on the Select Committee to which the Home Member was so willing to invite me. I do not agree with the principle of this Bill, and even at this last state we have to clearly, strongly and in unambiguous language proclaim with all the emphasis that we can command that we do not accept the principle underlying this Bill, and I wish the Government had accepted the advice of Provincial Governments and stood out from the danger that they stood in of extending terrorism to other provinces, if they honestly believed the detenus were terrorists. The very fact that the other Provincial Governments were unwilling to accept these detenus in their jails on grounds which are recorded in their reports and opinions circulated to Members of this House, the very fact that they did not want them ought to have convinced the Government of India not to bring these unfortunate people from long distances to a place within their own jurisdiction, these untried people, who have not been proved guilty. I am perfectly willing to concede that there is a terrorist movement in Bengal, but I am unwilling to concede that every detenu is a terrorist. A man who has not been proved to be guilty, as every Englishman who has read the English jurisprudence is aware, is innocent. The

law presumes them to be innocent and the opposition would not be worth its salt if it accepted the opinion of the Home Member as regards these untried detenus. I am perfectly willing to grant that the Honourable the Home Member has gone through the documents which are in his possession, in the possession of the Government of Bengal and the police in Bengal, documents which cannot be produced on the floor of this House, which cannot be produced in a court of law and which, as far as we are concerned, are dead documents which have no legal value and are from the legal point of view absolutely worthless.

Sir, such being the case, opposed as we are to the terrorist movement, strongly, emphatically and uncompromisingly, we cannot give a long rope to the Government so far as detenus and untried persons are concerned. It is not for me, standing on this side of the House, repeatedly to proclaim that we do not agree with the terrorists, that we do agree to the suppression of the terrorist movement,—but not in the manner in which it is being suppressed, for we do not agree to suppress people who have not been proved to be guilty. I am not pleading to-day, “Give clemency to the terrorists”. Wipe out the terrorists by all means; but you cannot, because you have got certain information in your possession, deny even to the terrorists what is their legitimate due, namely, trial, to establish whether they are terrorists or not. Sir, it has been said time and again that it is not possible to hold a sort of trial because witnesses might be shot. But surely, Sir, a trial can be held within the jail or some such other places, and surely a big Government must not be afraid, if it has abundance of materials in its possession, to put terrorists on their trial and punish them as the law prescribes that terrorists deserve to be punished.

Sir, I have only to say finally that I do not want to make a long speech. I congratulate Members on this side of the House and especially my Honourable friends, Mr. S. C. Mitra, Mr. K. C. Neogy and other friends from Bengal, who have put up a strong and persistent fight. It is not my purpose, and I believe it is not the purpose of gentlemen seated on this side, to prolong the agony of this debate, but it is necessary for us to place it on record that on the major issue, as the Honourable Member has said, we are fundamentally of a different opinion from the gentlemen seated on the Treasury Benches. Sir, while we concede that a grave situation has been created in Bengal, we say that a graver situation is being created by sending away detenus from Bengal to the neighbourhood of Ajmer-Merwara and by denying their relations the right, the absolute right to travelling allowances. I admit the Honourable the Home Member was willing to grant certain conveniences such as *punkhas* to the political detenus. Of course, after transferring them from the moist heat of Bengal to the intensely dry heat of Ajmer-Merwara, I think it is a concession for which the Government can take a certain amount of credit, but if they wanted to take real credit, if they wanted really to satisfy the people of Bengal, they should not have taken shelter behind the issue that the taxpayer of Bengal would not be willing to be taxed so far as travelling allowances for a very small number of people who are related to the detenus are concerned. Travelling allowance has been denied, and that only shows that the Government want to inflict a wrong on the detenus but a double wrong by denying their poor relations the right of interviews. It may be that public bodies in the country might raise money to give facilities of travelling to the relations of these detenus. It may be that a political prisoners' or sufferers' fund might be raised in the country. If it is raised, you know what it means, what

[Mr. C. S. Ranga Iyer.]

raising of the funds means, and moreover you know it would also raise a good deal of feeling along with it, and therefore I do wish the Honourable the Home Member had agreed to this very legitimate and very modest demand that the relations of detenus who applied for travelling allowance would be given travelling allowances. Sir, I regret very much that the Honourable the Home Member did not meet us in this matter. With these words, I resume my seat.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, in a few more moments this House will have seen the last of this black Bill, this short and simple measure, which has occupied a record number of days during the present session of the Assembly: and if one is to judge by the results of the first few divisions, it can be imagined as to what is going to happen to the particular motion which we are now discussing. Sir, some of my friends think that the last division which we had on a very inconsequential point was really a snare into which the non-official Members were drawn so that there might be some amongst us who might think that, after all, having secured one little amendment, it would not be right on our part to go into the Division Lobby against the Government, on the present motion. There are Members amongst us who would vote for the Government on the slightest provocation, and therefore, Sir, I was not very happy at the result of the last division. It can easily be imagined that the Government will have a certain victory on this third reading. Sir, it pains and humiliates one to think that a measure, which could not possibly have been passed with the assistance of non-official elected Members in the last three Assemblies, could be placed now on the Statute-book so easily with their active help in the present Assembly. This is particularly humiliating to one who has sat in all the four Assemblies.

Sir, the Honourable the Home Member in his speech has just mentioned what the major issue before the House is. When the Bill was brought forward, there was a slight dispute as to exactly what the issues were before the House. At one time we were asked to believe that this short and simple measure involved nothing beyond the question of transference of detenus from Bengal. Sir, the debates during the last few days have demonstrated that there was a certain much more important principle of fundamental character involved in this Bill, namely, the principle of detention without trial. The Honourable the Law Member yesterday was frank enough to concede that, unless clause 4 of the Bill were passed, the enactment passed by the Bengal Legislative Council would be almost nugatory. Therefore, Sir, let not my Honourable friends lay the flattering function to their souls that in passing this measure they will not be called upon to endorse that hateful principle of detention without trial. Even assuming that we had not to deal with clause 4 of the present Bill, and that there was not this issue of the suspension of *habeas corpus* involved, what are we expected to do?

The Honourable the Law Member stated yesterday that the Government of Bengal were asking us as to whether we were prepared to help them in carrying out the measure that they had placed on the Statute-book in their own Legislature. Now, help in what? Help in making their measure more effective, help in providing a system of banishment for the untried detenus. Now if detention without trial in Bengal has not proved a success, will banishment help? And let my Honourable friends remember that

what they are doing is to tell the Government of Bengal, 'Well, you expect us to help you in carrying out this measure, in making it an effective measure of repression. Very well, we are perfectly willing to oblige you by providing for a Siberia for the Bengal detenus'. Those of my Honourable friends who vote with Government on this measure will have to bear that in their minds very carefully.

The Honourable Member referred to the very grave situation in Bengal, about which there can be no dispute on this side of the House, but the main difference in the points of view between that side and this side of the House, consists in this. We say that the existence of the terrorist movement is to a very large degree due to the mistaken policy of repression which the Government have been following. Sir, violence, whether resorted to by Government or by the terrorists, begets vengeance; vengeance, again, is followed by violence. Now the Government and the terrorists are between themselves going round and round the vicious circle: vengeance and violence, violence followed by vengeance, and so on. Sir, how long is this to continue? May I ask my Honourable friend his real candid opinion, now that he is leaving the shores of India, as to whether he sincerely and honestly thinks that this policy can succeed? Repression followed by violence; violence followed by vengeance and further repression! Let me tell him that terrorism is no less reprehensible if resorted to by Government as an answer to terrorism by the terrorists.

Now, Sir, the Honourable Member stated that the Local Government and the Local Legislature having asked for such a measure, we were more or less in duty bound to oblige them. My answer to that is that if it is a misguided Local Government and if it is a misguided local Legislature, it is our duty to tell them that we are not prepared to oblige them by providing such a measure. Sir, the language that has been used by the Home Member in connection with this debate for the last few days reminds one very forcibly of similar language with reference to the political prisoners who were dealt with under Regulation III of 1818 towards the end of 1908. The House will recall that there were nine Bengalis, some of them very prominent men in the public life of my province, who were dealt with under that Regulation, and questions were repeatedly asked not so much in the Imperial Legislative Council of India as in the House of Commons in those days. If Honourable Members will only take the trouble of looking up the debates of the House of Commons for 1909, they will see how persistent efforts were made by friends of India from their seats in the House of Commons to get a statement from the Government as regards the charges against these Bengalis, who were then dealt with under Regulation III. The Honourable Members will also see what a wealth of parliamentary prevarication was utilised for the purpose of meeting these interpellations, and the impression in the mind of anyone who would read those proceedings would be that these men were very dangerous characters and that they were behind the terrorist movement that was then prevalent in Bengal. I am particularly reminded of certain statements made by Mr. Buchanan, who was then the Under Secretary of State for India, to an amendment to the Address by Mr. Mackarness. This amendment was regarding the imprisonment and deportation of Indians without trial. He referred to the conspiracy to subvert the British rule in India and he also referred to the instigation to commit outrages. Then he said:

"I cannot here formulate charges against them on the floor of the House of Commons."

[Mr. K. C. Neogy.]

The very same attitude has been taken up by the Honourable the Home Member. He further said :

"Under this order (Regulation III) the authorities can lay their hands upon individuals who are the real instigators—behind the scenes—of many of the outrages that have taken place."

And these remarks were made applicable to all the nine detenues then held in imprisonment under Regulation III. That was a statement made on 24th February, 1909. Now, Sir, about 16 or 17 years later, a most remarkable statement was made by no less a man than Sir Hugh Stevenson, who is, I understand, about to retire from his present position of the Governor of Bihar and Orissa. He was then the Home Member in the Government of Bengal. Speaking on the Bengal Criminal Law Amendment Bill on the 7th January, 1925, this is what he said :

"As far as I know, no one has ever accused him (meaning Babu Krishna Kumar Mitra) or Babu Aswini Kumar Dutt of promoting crime still less of taking part in it. The Bengal Government asked for the arrest under Bengal Regulation III of 1912 of Babu Krishna Kumar Mitra in 1908 because his violent boycott speeches and his activity in organising volunteers involved the danger of internal commotion. In the same way the Eastern Bengal Government asked for the use of the said Regulation in the case of Babu Aswini Kumar Dutt because of his whirlwind campaign of anti-government speeches and of his control of the Braja Mohan Institution from which a stream of seditious preachers was constantly pouring. In both these cases the activities for which these gentlemen were restrained were open and public."

Now, 17 years after their detention, the truth came out in this very strange fashion. What language had not been used with reference to these very estimable gentlemen in the House of Commons and elsewhere in support of the policy of detention without trial, insinuating the most horrible charges against them! It is the same thing that my Honourable friend opposite is doing to-day. How are we to know that the very same thing is not being re-enacted within the jail walls of Bengal?

Now, Sir, I have no desire to take up any more time of this House, and I would conclude by quoting once again the words which I quoted the other day from a speech of a Member of the Executive Council of Bengal, namely, Sir Provash Chandra Mitter, who, while speaking on a similar measure in the Bengal Legislative Council, said :

"This Bill proposes not a physician's treatment of the malady but a quack's remedy. I think that if the Bill be certified or passed by the Legislative Council, it will not only fail in its object but will perhaps be, although it is farthest from the intentions of the members of the Government, a helpful measure towards the propagation of the revolutionary movement."

Mr. S. C. Mitra: Sir, it is perhaps for the last time that I am raising my voice against the passing of this obnoxious measure. Curiously enough, I find that on fundamental questions I have very little difference even with Sir James Crerar. I admit that there is terrorism in Bengal, and I further admit that we should find out means to root it out from that unhappy province. Yet I would like to make my position clear once again as to why I am opposing this measure. Sir, I think it has been well said that a large Empire and little minds go ill together. It really requires a statesman not of the type of my friend Sir James Crerar—I do not mean anything derogatory to him—but a broad-minded politician to govern a country, the

people of which are alien to those who govern it. You were anxious to settle your terms with the Irish rebels only the other day, when all repression failed. You said that their hands were dyed

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

Mr. S. C. Mitra: Sir, the Government said that the hands of these rebels were dyed with the blood of the loyal officers belonging to the Police and the Army, and they could not think of any terms of conciliation. But England did not fail to produce statesmen who could look into these questions from a broader outlook. Unfortunately for this country, at least for the present time, we are having statesmen in India who cannot at all gauge the inner working of the mind of the people of this country.

The Honourable Sir James Crerar referred to the fact that he was leaving the country shortly. We are pained if we have to use harsh words against him at this moment, but I wish in spite of all these repressive measures, that he should have peace and rest in his happy Caledonian home, though he has broken the peace and rest of many a family in Bengal by this measure and created larger unrest throughout India by the innumerable Ordinances that he got promulgated lately. He will be remembered in this country longer than the Honourable Sir George Rainy, because the effect of this unsavoury and obnoxious measure will last much longer than many a little good thing that others tried to do for India; I should like to go through some of the principle points that have been directly or indirectly dealt with by this measure. As regards interviews, I said all along, that if it is the purpose of the Government to interdict or forbid all interviews, let them say so and get the Bill passed in that manner, like honest people. By this subterfuge of transferring these detenus hundreds of miles away from their homes and refusing the little pittance of allowance to their indigent relations Government secure their purpose of interdicting interview with the detenus. I shall presently read some of the letters that I have received from the poor relations of the detenus. I know in several cases they are poor helpless parents. I know personally in one case that, after years of pining, the parents died, after being separated from their near and dear ones. The Law Member may say that it is a temporary measure, but I know in many cases the people have been in jail for 8 and 10 years continuously, with intervals of two or three months. If persons come out of jail after a prolonged trial of two or three years, and if they are found not guilty, as soon as they step out of the court precincts, they are arrested and again sent to jail under the Criminal Law Amendment Act for indefinite periods. There are very few sections in the Indian Penal Code, as I said the other day, where the punishment is for more than three or four years. But it is admitted that even though no case is proved against these detenus, yet they suffer not for three or four years but in many cases for 8 and 10 years in jails. When you consider these cases, you must remember all these facts, and must not be carried away by the apparently innocent and simple words of the Honourable Sir James Crerar, that it is a temporary measure and that it is a short Act. As you all know, this Act had been in force with little interruption already for seven years, and now it is proposed to prolong its life for another five years. I accept the argument of the Honourable the Home Member that this Act is essential, but let him answer why it has not succeeded though

[Mr. S. C. Mitra.]

it has been in force so drastically for the last seven years, in rooting out the terrorist movement. I contend that it is a quack measure and it has failed in its purpose. I appeal to Government that they should try other means. According to their own statement, terrorism is increasing day by day, and they have not succeeded in putting an end to it. That shows that it is not the right method.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official): What is the right remedy?

Mr. S. C. Mitra: The right method is to give full Dominion Status to this country. Let the young men of this country feel that they are as much free to develop their resources and to live in happiness and liberty as any other people in any other free country. That is what is wanted. If you take this broad view and act in that line, then the political assassins who have been guilty hitherto will become loyal and will co-operate with Government. I have faith in these young men. I was reading the other day from the letter of Miss Rina Das who was found guilty. She did not try to plead innocence but she said:

"I am glad that the life of Sir Stanley Jackson has been saved by Providence and that Lady Jackson and her children have been spared their terrible misfortune and I have attained my end without any loss of life."

It will not require much imagination to feel what actuates people of this type, and the attempt on the part of any Government should be to remove all the grievances. What do we find after 150 years of British rule? In spite of all protestations that the Europeans are the trustees of the dumb millions, everybody is becoming poorer and poorer every day. You may think it is mere emotionalism, but I say it is not, it is as much economic. The hungry and starving man will not rest satisfied with anything else unless you give him a chance to improve his own condition to save himself from starvation. The high ideal of full Dominion Status as the immediate objective of the Government is a better remedy than all repressive and inhuman measures. If you cannot provide these men scope in that way for their idealism, this terrorist movement is bound to go on. By enacting measures of this kind you are only creating bitterness in their minds, and you only add to that feeling, and thereby you help neither the Government nor the nation. As regards the letters I referred to, they do not come from these political sufferers. They do not complain in any way. They do not write to us. It is their helpless parents and dependants that come to us. For political workers in India, "suffering is the badge of their tribe". Suffering is no longer the badge of the Jewish people; falsifying the scriptural prophecies, they have found a happy home in Trans-Jordania; but patriots in every subject nation know that suffering and sacrifice are their badges.

I come here not to plead the cause of these detenus, but I want to show how you embitter the feelings and how you really dig the graves of these detenus by these measures. I fear the digging of their graves will not end there, but they will dig the foundation of the British Empire as well. Here is a letter from a relation of a detenu under Regulation III, and his name is Roshak Lal Das interned in Peshawar Jail. His only two dependants are his mother and his aunt, nearly seventy years old widows,

helpless and suffering from rheumatism. They have a little plot of land, but there is nobody to cultivate the lands. They applied for an allowance, but got no reply. They have written to me to approach the benign Government to see if something could be done. This is one of the letters. I read the other day in the newspapers that the gentleman who controls the destinies of this nation, Sir Samuel Hoare, said in the House of Commons that the allowance granted to these detenus is something scandalous. I can give particulars to this House, and if Honourable Members make an average of the monthly allowances that are granted to these detenus, they will find that the amount of allowance is scandalous in more ways than one. The author of the scandalous statement said in the House of Commons that by amending the Bengal Criminal Law Amendment Act, they will provide in future instead of money being paid, the detenus should be paid in kind, *i.e.*, grain and clothes, and consideration should be made to reduce the allowances when they had other sources of income. The detenus may have lands. But if you take away the men who support the family, who will earn the money for their dependants and who will cultivate his lands? On the report of the police the Honourable the Home Member and his staff will decide that there is so much of income and so the detenu should not be given any allowance, bestowing no thought for a moment on the fact that there is nobody to look after the detenus estate or to cultivate his lands. Sir, I know for certain that the allowances granted to these poor families do not, in 80 or 90 per cent. of cases, exceed Rs. 25 a month.

There is another letter about another detenu who is also in Peshawar. They are given a meagre diet allowance of one rupee per head which is very insufficient to get themselves properly nourished. They are allowed association with nobody and kept in complete segregation. The Government of India have passed orders allowing them out-door games, but still they cannot have them for want of accommodation. The Peshawar jail is so very overpopulated and congested by ordinary convicts that even an inch of land is not available for these prisoners to have out-door games in. They are suffering a lot for want of a Bengali cook and Bengali food. Their letters, both incoming and outgoing, are delayed by the Bengal I. B. to get them censored for such a long period that they take between 20 to 25 days to reach their destination. Other grievances are also stated here, and they ask that I should bring these matters to the notice of Government. There are excellent rules, and it satisfies my friends to hear that there are facilities for the detenus to have out-door games. But who will examine whether there is any space available for any games, not to speak of out-door games? From my personal experience I can say that political prisoners are confined to one yard and are not allowed to go beyond a particular space in that yard. That tells very heavily upon the nervous system of any individual, and there should be facilities to transfer them now and again, but these things they will all be deprived of. I also made it clear that by allowing them interviews with their relations, you will be able to put them in a proper frame of mind. One day you shall have to let off these detenus because there is no conviction against them. It may be 10, 15 or 20 years, but some day you will have to release them. Should not Government desire that they should be contented citizens even afterwards? By the present system of treatment, only bitterness is increased, and that was the reason why I was all along pressing that measure like this should not be passed. I find in to-day's paper that in

[Mr. S. C. Mitra.]

Allahabad a tree in Alfred Park under which Chandrasekhar Azad, a revolutionary suspect, was killed last year, has been cut down. I have no objection to their cutting down a tree and having vengeance on a particular man, who is dead by such innocent means, but these measures are not so innocent and harmless, though short and simple they certainly are. We tried our best to get some of these amendments passed, but, as I said in the very beginning, Government would not accept any of them. I think our Leaders and Deputy Leaders have now been disillusioned in finding that, however reasonable it may be, once Government are sure that they can carry certain measures, they will not care for our views. As regards this law being accepted by the Bengal Council, I can say that the first time when it came up in 1925, the Bengal Council, against all convention, refused even to accept the introduction of the Bill. And now you know how, after the boycott by the Congress, some of these Councils and Assemblies have been constituted. I have carefully gone through the division list here. If all the Honourable Members had taken the trouble to attend, there would have been no difficulty in passing all these amendments. The Government and nominated Members and Europeans are solidly present I do not like to read the names, but I know that with all the patronage and power that the Government control, they can easily carry through any measure they like. It is not an idle thing that other democratic Governments are against the conferment of any titles. I do not say anything particularly against anybody, but this division list shows that even if all the Members on our side cared to attend, we could carry everything. But it is not difficult for Government to carry through what they like, with all the power and patronage which they command. But that is no reason why they should not concede the reasonable amendments from the Opposition. With the sense of duty which actuated us, we tried to put before Government all reasonable amendments for their acceptance, but we have not succeeded in doing anything, nor shall we be able to throw out this Bill on the third reading. But we owe it to our country that we should make our opposition to this measure clear.

Sir Cowasji Jehangir: Mr. President, from the very beginning there have been some Honourable Members of this House who opposed the principle of the Bill, but it must not be forgotten, and I do not think we can forget, that the Bill was sent to a Select Committee, that the Chairman of that Select Committee was the leader of the largest party in this House, and that there were other Honourable Members on that Select Committee. It is to be presumed that—it may be unwillingly or it may be unwittingly—they did accept the principle of the Bill. And I would be the last to rake up old history as to what that report really contained, and who it was that drew attention to some of the weak points in this Bill. It is past history, and I do not desire at this late stage to open up old wounds. But, Mr. President, I cannot refrain from expressing my humble opinion as to the way Government have managed this Bill. They were fully aware of the position; they were fully aware of the fact that in the past, Legislative Assemblies had thrown out similar measures. They were given considerable encouragement on the present occasion by the appointment of a Select Committee and the personnel of the Select Committee. But I regret to find that, instead of trying to kill the bitterness in the hearts of some of my Honourable friends, such as Mr. Neogy and Mr. Mitra, they at this final

stage have been instrumental in encouraging the bitter speeches that we have just heard. It was in their power, it was in their hands, to so act and to so speak as to have given some consolation to some of my Honourable friends who had very strong opinions from the beginning. What was the demand made by this House and by some of my Honourable friends? That two or three relatives should be allowed to visit these detenues when they left the province of Bengal and that they should be supplied with the means to enable them to visit these detenues, provided always they were too poor to do so. Was that an extravagant demand to make? It was refused; and nobody was more surprised to find the refusal coming from my Honourable friend Sir James Crerar than myself. Although I have had some experience of Government, I am unable to see the point of refusing that demand. Mr. President, when Honourable Members address this House, they do not address merely Honourable Members on the Government Benches or a few humble individuals like ourselves; they are addressing the whole of India, and when the whole of India notices and sees that, although the Legislative Assembly was prepared to assist the Government, a modest demand was turned down, do Government expect to get public support? Again today all that this side of the House wanted was that the officials of the Bengal Government should follow the provisions of their own Act, and that if they did not, there should be an appeal to the High Court. If the Government of India or the Government of Bengal do not desire any appeal against an infringement of their own Act, why did they take the trouble of putting in any provisions at all into the local Act? They might have had an Act with two or three lines, giving them power to arrest anybody, adopt any procedure without challenge from anybody. Although I tried to follow my Honourable friend, very closely, as to his argument with regard to section 4 of the local Act, I regret—I may be dense—I was unable to understand it; and my point is this: the point that was emphasised by my Honourable friend, Diwan Bahadur Ramaswami Mudaliar, that it is not Acts of this character that are really going to stamp out terrorism; such Acts will only stamp out terrorism if they have got public opinion behind them. These Acts will only stamp out terrorism, not only from Bengal but prevent it spreading to other provinces, if the people really believe that Government in whatever action they take are reasonable and are prepared to take the public into their confidence and are prepared to concede here and there a point which this side of the House and the public think are of importance. But when Government come forward with an important measure of this sort and find that they have a considerable measure of support, they go on quibbling over small points, allowing the debate to go on for hours, and then go into the division lobbies and defeat this side of the House, I am not surprised that the bitterness on this side increases and will increase all over the country. You want imagination, Sir (Laughter)

Mr. President: Surely the Honourable Member can bear in mind the use of the pronoun "they" when he wishes to refer to Government.

Sir Cowasji Jehangir: If I do not address you, Mr. President, I am pulled up; and if I address you, you smile. I say deliberately "you"; when I have to address the Honourable Members opposite I am told I must address the Chair and it is a very ordinary thing to do. Mr. President, you want imagination; and you want a little foresight. Your horizon

[Sir Cowasji Jehangir.]

has to be a little wider than it seems to be; and if Government would have only taken a more humane line in this Bill, there might have been no debate on the third reading, and my Honourable friend Sir James Crerar might have been spared the bitter speeches that have been made, and will again be made, on this side of the House. India is not going to be ruled like this. India is a sentimental country; India is a most grateful country. If you will treat with disrespect all sentiment because you may sometimes have logic on your side, you will not succeed. After all, with many castes and with many creeds, sentiment goes further than logic. By all means stick to your principles. By all means see that you do what you conscientiously believe is right

Mr. President: If the Honourable Member will only say "they" instead of "you", he will be quite in order.

Sir Cowasji Jehangir: I am sorry; but it is you who insisted on it: you have been a Member of Government yourself, Sir, and I trust you have got plenty of experience

Mr. President: If the Honourable Member will accustom himself to the use of the word "they" he would be quite all right.

Sir Cowasji Jehangir: I am sorry to offend your feelings: I have no intention of doing so; I will now talk of the Government only and leave you out. If Government would only meet this side of the House on, after all, small points, they would, I honestly believe, get the support of this House in an important measure of this sort. Even my friend, Mr. Neogy, has repeatedly said that he is against the terrorist movement, and can anybody imagine otherwise? But what have you done with this friend of mine, Mr. Neogy? I pick him out as an example

An Honourable Member: Example of what?

Sir Cowasji Jehangir: By conceding two small amendments you would have had Mr. Neogy on your side

Mr. President: The Honourable Member has again got into his old habit.

Sir Cowasji Jehangir: The Government would have had Mr. Neogy as a silent supporter. The object of my rising to speak is this: that I trust that, although my Honourable friend, Sir James Crerar, whom I have known for many years, will leave this country, I do hope and trust that the debate on this Bill will at least be a lesson to those who remain. Here was a glorious opportunity for Government thrown away, a glorious opportunity to have got the support of this Honourable House for a measure which past Assemblies had rejected. That opportunity I regret to find, has been lost and although he will get his Bill he will not get the real whole-hearted support of this Honourable House; and what is much more important, he will not have the sympathy or the support

of moderate men outside this House all over the country, who, if they follow this debate can only come to the conclusion—perhaps a wrong conclusion, but the only possible conclusion—namely, that when Government find that they have a certain amount of support, of whatever character it may be, they are determined to carry even small amendments to a division and defeat the Opposition. Sir, that is a very very harmful impression to give. It only adds, as my friend, Mr. Mitra, said, to the demand that there should be complete Dominion Status. That is the real remedy for this sad state of affairs, and I do hope and trust that, when Government bring forward a measure of this sort again, and expect to get, as they did get in the beginning on this occasion, the support of this House, they will concede, however much they may disagree, small points, points which really do not affect the principle of the Bill, such as paying a few rupees to detenus to have their relatives visit them and things of that kind, and secure at least the whole-hearted support of men who have a desire and always desire to work with Government, to co-operate with Government, for the happiness and contentment of the people of this country.

Mr. Arthur Moore (Bengal: European): Sir, unlike my friend, Sir Cowasji Jehangir, I was not particularly struck by the bitterness of Mr. Mitra's speech. On the contrary, it was the sincerity of that speech which produced a much greater impression upon me, and which for the first time made me wish to say something in this debate and to attempt to put before my Honourable friend another point of view. When he was speaking, I felt that to some extent I understood what he was feeling and on one occasion when he said that unemployment and the hopeless economic outlook of the young men were responsible for a great deal of the trouble, I was in most profound agreement with him. But, Sir, he did speak as if this Bill represented the whole policy before the country which Great Britain had to offer, and he said that we need something more statesmanlike. Surely my Honourable friend is aware that this Bill does not represent policy at all. It is merely an unpleasant necessity. He must be aware that a very large and statesmanlike effort is being made to settle the whole of this difficulty. He must be aware of the Round Table Conference; he must be aware of all the sincere efforts that are now being made to get some form of agreement firstly between India and Great Britain and secondly between all the different conflicting interests in this country, in order that we shall approach that Dominion Status

Mr. K. C. Neogy: Has the Honourable Member read Mr. Benthall's statement which has been recently published in the Press on this question?

Mr. Arthur Moore: Yes, I have; but I do not see how it arises in this connection at all.

Mr. K. C. Neogy: It does arise; we question the sincerity on the part of your community.

Mr. Arthur Moore: On the contrary, I cannot see that it has the smallest relevance. (Laughter from the Nationalist Benches.) I would put it to my friend, Mr. Mitra, that the terrorists,—and I welcome very strongly his own expression of view with regard to terrorism,—I would

[Mr. Arthur Moore.]

put it to him that their programme, far more than this Bill, is designed to prevent the operation of that larger statesmanship. In spite of what Diwan Bahadur Mudaliar said this morning, it is not true that we on these Benches, any more than any one else, welcome legislation of this character. but we are still waiting for any one to show us how terrorism can be dealt with if it is not to be dealt with sternly. And when Mr. Neogy talks about vengeance, and violence, I will ask him and my friend Mr. Mitra to remember, in regard to that larger policy of statesmanship, that when last year Lord Irwin and the Congress as represented by Mahatmaji came to an agreement and it was hoped that the prospects for that constructive policy of statesmanship were going to be rendered immeasurably fairer, the result was the greatest outbreak of violence and terrorism that has been seen in this generation

Mr. K. C. Neogy: What about the other side of the shield? Official terrorism?

Mr. Arthur Moore: Official terrorism on that occasion, as far as I know, was represented by the release of all political prisoners except those who were definitely connected with violence and whom it was considered impossible in the interests of the public security to release.

Mr. K. C. Neogy: What about the Black and Tans in Chittagong organised by your community?

Mr. Arthur Moore: The Honourable Member is making allegations which

Mr. K. C. Neogy: Which I am prepared, to substantiate outside this House.

Mr. Arthur Moore: My friend is taking up a very different attitude from that taken up by my friend Mr. Mitra. Now, Diwan Bahadur Mudaliar said this morning something very true, which I think we all agree with, that what is really required is vocal, energetic, operative public opinion. And if you look for expressions of that opinion, the two most hopeful signs that I have anywhere seen on the horizon are first the fact that the Bengal Council,—on which Mr. Neogy poured derision—did by a very large majority give the necessary powers for dealing with terrorism, and did pass the Bill which this is designed to supplement; and secondly the fact that the Opposition, when this Bill came before them, should have taken up such a responsible attitude and should have sent the Bill to the Select Committee, and in Select Committee should have handled it as they did. Those, I think, were moves in the very direction which Diwan Bahadur Mudaliar desires. But when it comes to a series of amendments which do vitally affect the Bill, I think we have got to ask ourselves what it is we are dealing with and to remember that if the Bill is to achieve its object, it must be able to cope with terrorism.

Mr. Ranga Iyer talked with scorn of dead documents. But dead documents are better than dead men; and when we are considering amendments, the general effect of which is to promote appeals to the courts and reference to courts, however much we always dislike interfering with *habeas corpus*, we must recognise that in Bengal the most definite terrorist

more at present is the move to terrorise the courts. I will give three examples. In Calcutta recently we have had a Judge murdered in open Court. We have had a witness murdered, and only yesterday in Calcutta the prosecutor in the case that arose out of the murder of Ahsanullah Khan was seriously wounded and an attempt was made on his life

Mr. S. C. Mitra: By his own nephew. It was not a political case.

Mr. Arthur Moore: That I think at any rate shows that the Courts are an object of intimidation. I think we have got to keep our eye after all on the principle of this Bill, and however unpleasant it is, and however much we may dislike it, we cannot really deny to ourselves that in the present situation of the country the Government are justified in asking for these powers.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): I cannot compliment the Members on the Treasury Benches either on their heads or their hearts for a measure like this. As regards the heart, I think the less I say the better, and probably if I were to tell the truth it might not be palatable. When my Honourable friend Sir James Crerar is leaving us for good, I shall not be hard upon him; in fact, in my heart of hearts I have great respect for that gentleman, but I feel that there is something wrong with his head. (Laughter.) When he introduces a small Bill like this with a Statement of Objects and Reasons, I find that there are certain objects mentioned in the Bill and there may be certain other objects hidden behind, but I do not find any reasons for the Bill. If it be urged that Honourable Members initiating legislative measures in this House are not bound to give reasons, I have nothing to say. The practice has always been to give a Statement of Objects and Reasons, and with respect to clause 2 I do not find any reasons given for the same, only the object has been mentioned. And what is that object? To send the detenus far away from their own province. In paragraph 3 of the Statement of Objects and Reasons, we find this:

“Clause 2 of the Bill empowers the Local Government. . . .”

Are we students of the lower classes that we could not understand the plain meaning of the following words?

—“Clause 2 of the Bill empowers the Local Government with the previous sanction of the Governor General in Council, to make an order committing to custody in a jail outside Bengal any person against whom an order under sub-section (1) of section 2 of the local Act might be made.”

I do not think that they wanted only to paraphrase clause 2 of the Bill, and even if it be taken as a paraphrase, I beg to submit that the paraphrase is less understandable than the provisions of clause 2. I searched for the statements of reason again and again; I did not find any reasons in the Statement of Objects and Reasons, and after the Bill emerged from the Select Committee no reasons were given and I had to run down to the Notice Office to get a copy of the Bill as it was introduced to find what the Statement of Objects and Reasons was, but I could not find any reasons for clause 2. That shows with what intelligence this Statement of Objects and Reasons was prepared, and further with what intelligence the provisions of the Bill have been drafted. I think the Members of this Legislature have some sense of responsibility, and they also know what provisions of law are for the best interests of the country. If any

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of us deny that, at least the elected Members of the House would be stultifying themselves. It may be in the interests of the Government to deny it, but probably in their heart of hearts they do not believe that we are not watchful of the best interests of our country. If that be so, then this attempt to thrust this unpalatable Bill down our throats, this rather sugar coated Bill

Mr. S. C. Mitra: Where is the sugar? There is no sugar in it.

Mr. Amar Nath Dutt: My Honourable friend says there is no sugar. It is for the Honourable Sir James Crerar to supply it. Be that as it may, we are unable to swallow this Bill because of the outrageous provisions in it, and the Bill is not so innocent as my Honourable friend wants to make us believe. Instances are not rare—in fact, it is a matter of every day occurrence—turn over the pages of the newspapers—I mean the censored news that is only allowed by the Government to come out—turn over the pages of the newspapers, and you will find that people acquitted by courts of law, where they had been hauled up under false charges—otherwise they would not have been acquitted—by the myrmidons of my Honourable friends opposite—where they have been acquitted, as soon as they come out of the court room, within the court precincts, they are immediately arrested and detained. (*Mr. S. C. Mitra:* "For years.") This is a worse punishment than what the courts could have inflicted. I may be permitted through you to address my Honourable friend, Mr. Arthur Moore, the representative of the Anglo-Indian community (*Laughter*)

An Honourable Member: Colonel Gidney is the representative of the Anglo-Indian community, not Mr. Moore.

Mr. Amar Nath Dutt: From my early years I have known by Anglo-Indians those Englishmen who come to India to earn their living. Only recently the Eurasians, as we used to call them, adopted the description of Anglo-Indians and I beg to be excused, if inadvertently I have used a description which is no longer used by Mr. Moore's community. I beg to remind him when he pleaded for respect for the judgments of courts of justice, that the Government have little or no respect for the courts of justice. Judges who are paid by your Government, as soon as they acquit the accused of the very charges.—trumped up charges, false charges in many instances—as soon as the men leave the court room and before they have left the court-precincts, you at once catch hold of them and inflict upon them far worse punishment than what the courts could have inflicted, namely, you transport them

Mr. President: The Honourable Member has to be repeatedly reminded to address the Chair.

Mr. Amar Nath Dutt: Government at once banishes them, transports them to places like Deoli. (*Mr. S. C. Mitra:* "For an indefinite period"). and for an indefinite period. I can well understand a conviction for six months, two years or five years. I can count my days, months and years

and look forward to the date of my release, but in this case by the indefiniteness of the term of punishment, the Government add another agony to the punishment itself. That being so, I think the Honourable Member has not been able to give sufficient reasons for the enactment of clause 2.

Sir, the Government think that we are children who cannot see through the game. During the long years that we have been here, I have often felt uncertain whether it was at all useful for us to remain here or not. I know that my friend Sir Lancelot Graham will not allow me to go away. Probably they want that we shall voice forth some sort of weak opposition so that they can enact any measure they like. In the Bengal Council they had in the Opposition, men like Mr. N. K. Bose, Dr. Naresh Chandra Sen-Gupta and Mr. B. C. Chatterjee. Their voices were the voices of those crying in the wilderness, and the Bill there was passed with the aid of flunkies and *jo-hukums* of the Bengal Council. They know in their heart of hearts that the Bengal Legislative Council is not really representative of the best intellect or patriotism of our countrymen. Sir James Crerar said that the major issue in Bengal was the existence of a grave situation; grave situation for whom—for the ill-clad and half-fed people of the villages? If by grave situation, Sir James Crerar means grave situation for the handful of foreigners who happen to be at present to rule the destinies of the province, I deny that. They are safely lodged in the Government House and Fort William and there is no necessity for legislation like this.

Sir, I shall try to be as brief as possible. The Honourable the Home Member referred to the immediate responsibility of the authorities. Responsibility for what? My friend Mr. Arthur Moore side-tracked the subject and diverted our attention to unemployment and economic troubles. These things were there even before this trouble. Sir, you possess a vast degree of imagination, and even if a portion of it had filtered down to my Honourable friends over there, they would not adopt the methods which they are pursuing at the present moment. The real question before the country is the autocracy of the Government, and it has been well put by a young graduate girl whom if I call her a martyr you will probably come down on me, but if I read her statement that was solemnly made before a court of justice, when she was being tried for her very life, I think that Government if they have any imagination left will formulate other methods to grapple with the so-called revolutionary menace. This is what Miss Bina Das stated before the High Court, and it contains in a nutshell the political faith of young India:

"I confess I fired at His Excellency the Governor on the last Convocation Day at the Senate House. I hold myself entirely responsible for it. My object was to die, and if to die, to die nobly fighting against the despotic system of Government, which has kept my country in perpetual subjection to its infinite shame and endless suffering—and fighting in a way which cannot but tell.

I fired at the Governor impelled by my love for my country which is being repressed and which I attempted to do for the sake of my country, was a great violence on my own nature too. But I am glad that the life of Sir Stanley Jackson has been saved by Providence and that Lady Jackson and her children have been spared their terrible misfortune and I am glad I have attained my end without loss of life. . . . I can only place here the state of my mind which led me to do this act, which, I do realise, was an outrage on my nature and a severe injustice to the family to which I belong and the institution where I was having my education, an institution which loved me dearly and exercised the highest influence on my life and character and which I looked upon with all regard due to a mother, but the love of my country

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was always supreme in my mind and I felt very deeply in my heart the condition of my country.

I had been thinking—Is life worth living in an India so subjected to wrong, and continually groaning under the tyranny of a foreign Government or is it not better to make one's supreme protest against it by suffering one's life away. Would not the immolation of a daughter of India and a son of England awaken India to the sin of its acquiescence of its continued state of subjection and England to the iniquities of its proceedings. This is the one question that kept thundering at the gates of my brain like an incessant hammer-blow that could neither be muffled nor stilled.

My sense of religion and morality is not inconsistent with my sense of political freedom. I believe that a person who is politically slave cannot realise God, who is the spirit of Freedom and I have held, therefore, that political freedom is originally connected with religion and morality, and there ought to be no conflict between them. In fact, I feel in the heart of my heart that the best and the divine in humanity cries in revolt against all forms of tyranny in this world.

Political freedom, religion and moral ideals should therefore be blended together into one harmonious whole, and the subject races inhabiting this globe should be politically free. It was for the purpose of bringing this fact home to the thinkers in India and other countries that I selected, as my field of action, the Convocation Hall of my sacred *Alma Mater*.

Sir, read her statement, go through it, think over it. This is not the statement of a demagogue, but that of a girl brought up in the best traditions of a Hindu household, educated in one of the finest institutions in Calcutta. With all the fervour and goodness and love of humanity in her, she fires a fatal shot and then, when her fatal shot does not succeed, she is not only content but glad. I do not know whether, with your mentality, you will be able to appreciate the spiritual meaning of her statement. If you can, then I think India's salvation is near at hand, and you and I shall be able to walk hand in hand in this sacred land for many a long year to come. It is not our desire to expel you from

Mr. President: I must again remind the Honourable Member to address the Chair.

Mr. Amar Nath Dutt: I am sorry, Sir. Sir, it is not the desire of the Indians to expel the Britisher from India. It cannot be their desire, having regard to their religious teachings.

Mr. N. M. Joshi: What has religion to do with that?

Mr. Amar Nath Dutt: I hope, Sir, it is not their desire also to blot us out of existence. If that be so, we should adopt measures which appeal to the reason of both the communities. Sir, the other day we were told that this very Assembly passed a Bill like this. Sir, a statement like that, coming from the official Benches, pains me very much. In fact a Bill like this was refused by the Assembly, while it was passed by the elders in the Council of State. Sir, I do not wish to show, section by section, how this iniquitous Bill can be made to oppress and tyrannise over the youth of Bengal. I wish for its total rejection; and, Sir, in doing so I think I can do no better than appeal to the Honourable Member—because I believe he has a warm heart inside, however rough

his exterior may be. (Laughter.) I feel today, Sir, the supreme necessity of the lessons of those silent masters of humanity who realise the highest destinies of human life, and yet remain for ever the beacon-lights far, far away from the maddening crowds' ignoble strife to show the struggling way farers which way lies the path.

Sir, in this Assembly we have carried on for years nothing but ignoble strifes; we deluded ourselves that we were securing liberties and protecting rights for our own people. Sir, my name has been associated with several attempts to repeal that antiquated, rusty weapon for suppressing human liberty, I mean Regulation III of 1818. Compared with that Regulation, what is today being attempted to be passed as law is but the bare skeleton of a cowardly autocracy, shorn of all flesh and blood of decency and form, to make that skeleton presentable as a human institution! Regulation III of 1818, Sir, recognizes the status of an individual, as apart from the State, and the duty of the State to maintain life and relationship of the family and dependants of the unfortunate individual detained. Now, the Government are going to pass a law to proclaim before the world that in India, Indians have no status, no separate right to live, and no relations either, by birth or marriage, as against the will of a few Englishmen who like to enjoy the game of football with human life and liberty! Sir, if this be called a law, I do not know what negation of law is. I know that a parallel to this terrorising autocracy may be found in the history of the Czars of Russia, but I have yet to learn that there is a theory of jurisprudence anywhere on earth which legalises and sanctions official terrorism in the way in which this Bill attempts to make play things of human liberties in the name of maintenance of law and order. Sir, Sir Samuel Hoare complacently chuckles, at a safe distance, over the drastic and severe nature of the Ordinances, and as the bandmaster calls the tune, namely, to do away with the scandal of detenus allowances, his pipers here are playing the same song. "Vengeance is mine", says the Lord in Olympia, and his angels of the heaven-born service say, "Amen"! And they bring in a piece of legislation,—they say to supplement, or to complement, or to implement, what is nothing but an instrument of vengeance in the hands of the powers that be. Sir, what was standing in the way of the use of that instrument? The public opinion of Bengal, the vigilant alertness of Bengali society, the healthy, responsive nerves of the collective Bengali mind! In the presence of that feature in Bengal, the bullies moved the heaven of the India Council and the earth of Delhi,—and here, lo, is this Bill. I am not, Sir, addressing these words to those Members of this House whose vision is blinded by the passions of the hour. What I am concerned with is the attitude of some of my countrymen here who would falter and fail to play the man at this critical juncture of this country's history. I would implore them, Sir, to realize, even now, the significance of associating this Assembly with this measure of pure tyranny. Sir, the Joint Parliamentary Committee appointed to consider the Montagu-Chelmsford scheme proclaimed that it was no reproach to it that the Government of India was autocratic. It is autocratic even, I say, Sir, after the Montagu reforms. There is nothing in the constitution to prevent the Government from keeping either their prisoners or their under-trials, or any class of people, under their absolute autocratic sway, anywhere they like, under whatever conditions they like, either in Deoli or in Timbuctoo. They come before you, Sir, to enable them

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to do so; why? Because—because—as some well-known modern thinkers have said—“Pretence is the key to modern civilization”—Pretence is the price which vice pays to virtue. Pretence, Sir, is the mask, which reason seeks to put on, to cover the hideousness of cowardice.

Therefore, Sir, the only issue before this House is—whether we would help this sham pretence to succeed, or whether we would, as true sons of our motherland, stand up for the great immutable eternal principles of humanity, sympathy and bare justice? These detenus have done, Sir, nothing wrong within the purview and scope of any written or unwritten code or penal code, except this, that they are sensitive nerve-centres of the collective mind of Bengal. I admit, a blow on these centres agonises the whole of my province. I can also admit that, far away in the lonely desert of Deoli, 99 per cent. of the detenus, or perhaps 999 out of one thousand of them, may submit to cowardice. But what about the remaining one? I ask my friends here to pause for a moment and give a reply themselves. The memories of our ignoble strife here in this Assembly will be forgotten, the revolt of cowering power, seeking pretence, will recoil on itself, the exigencies of political hobnobbing will be obliged to find its grovelling level—in the presence of the One individual, who would revive the history of liberty, honour and courage. Practically for the last 25 years, Bengal has been chosen to bear the travails of a new birth. In this legislation, my friends here have only one alternative to adopt—to watch in solemn pause and welcome the birth and not to add to the sufferings of humanity, and therefore to throw out this Bill, and thereby to prove true to your countrymen.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Mr. President, the legislation that is before the House at present relates mostly to the Bengal province, and I would like to remind the House that Bengal is that very province where once the partition of Bengal took place. The House very well remembers, and I suppose the Government also remember it very well, how the matter came about and how it was that it ended. In reply to our Honourable friend Mr. Arthur Moore when he says that the House has not suggested so far any remedy to this terrorist movement, I would like to refer him first of all to that incident which happened in India when His Imperial Majesty himself came to this country to undo the effects of the partition of Bengal. It was that very province which had shown to the British Government how the people of Bengal could organise themselves and how the people of Bengal could rise to the occasion. Sir, if this Bill is passed and if this measure is enacted and if this enactment is worked, I have absolutely no doubt that the people of Bengal will again rise to the occasion and it will be a very sad day in the history of India if any of the Royal family has to come again to this country to appease the people. I would also remind my friend Mr. Arthur Moore how the matter of the Cawnpore mosque was settled by one of the greatest Viceroys of India, and how Lord Irwin had to settle the question with Mahatma Gandhi. Those are the instances and those are the ways in which conciliation could come to India, and let me tell the House that it would come in that very way and by no other means. (Applause.)

Sir, I have been following continuously for the last four days the debate that has been going on in this House and the trench warfare that has been occasioned in the passing of this drastic legislation. Every clause and

every portion of the Bill has been contested. There have been Government cannons and machine guns, but still with small opposition forces in the House and with such unanimity that the Opposition could have, they have after all been able to carry a very small portion of the Bill in their favour. Still the country knows very well how we are constituted. When the new constitution comes into being, we hope that this defect will be removed and it is then that India will breathe free air. Sir, by this Act and by this legislation, we are depriving the detenus of their ordinary rights; we are depriving them of their customs and of their manners; we are depriving them of their ordinary clothing. If there is a Mussalman detenu, then I do not know how he will be able to offer his prayers with only one short cloth that is given to him. The only remedy which I can suggest and which has been suggested by my Honourable friends also is the grant of Dominion Status and it should be granted to us without the least possible delay, at the least provincial autonomy. The statements which my Honourable friends Mr. Mitra and Mr. Amar Nath Dutt have read out today from a girl in Bengal will show from a detenu's point of view as if she was serving her own country and responding to the calls of her country, but all over India, from a different point of view, she is represented to be an anarchist. Although we cannot help admiring the feelings and sentiments that she has expressed and her desire that she would like every countryman to come forward and serve the cause of the Indian nation, still we cannot like her action and every one denounces that. Sir, this terrorist movement is, of course, confined at present to Bengal. But if the enactments go on just as they are going on now, and if this autocratic way of rule continues, I am bound to confess before the Government that difficult times may come and other provinces may also adopt the same terrorist attitude. It will then be a very sad day for the Government to carry on their administration. At present I only want to appeal to the Government Benchés that the administration of the country cannot be carried on in the way in which it is being carried on. If no conciliatory Acts are passed and if no conciliatory policy is adopted, I am afraid Government will have to face very bad days indeed in this land.

Sardar Harbans Singh Brar (East Punjab: Sikh): Mr. President, I have risen because I have felt on this measure very deeply since its introduction. I am reminded of what an ex-Secretary of State for India has said, I mean Mr. Wedgwood Benn, that the greatest State interest is the impartiality of the law. By that he meant not the impartiality of our Judges and jurors but the impartiality exhibited by the Department of Public Prosecutions in the initiation of the proceedings. Sir, he considered it bad enough to start proceedings without the greatest care against a person when he had a chance of defending himself in an open court of law, when he had a chance of cross-examining the prosecution case and of putting in his defence. But here by this measure not only has he none of these opportunities; he does not even know what his fault is, and what wrong he has done either to the State or to the society. The only reason for depriving him of his liberty for an indefinite period is a report by the police. The Government are to act on that drama-like story written by that department of the State. What the Indian police is, we all know. If their statements are to be accepted as true, it will be very difficult for us to find cases which can ever be described as false, and if they (the policemen) are to be considered as respectable gentlemen, it will be very difficult for us to find the contrary.

[Sirdar Harbans Singh Brar.]

Sir, is it right now, at the time when Government are trying to ease the political situation in this great sub-continent, that they should try to persecute the young men and women in this country? Is it fair for them that they should start in a spirit of vengeance to solve the political situation of the country? Nobody in this House or outside would support terrorism as such. None of us would ever like to lend our support to such a movement. But what we feel is that the remedy applied to it is not going to prove the proper remedy, but it will prove to be an incentive to the movement itself. It will not suppress the movement. When one person is detained in prison, it will produce ten to take place. The fact that we, the people of the Opposition, are here is a proof of our moderation. Had we been extremists, then our place would have been in Deoli or in some other jail. But even our moderate amendments like the one that the provisions of this Bill should be complied with have not been accepted and that shows the spirit with which the Government are trying to persecute the spirit of nationalism. Now, that we have had many a battle between the Government and nationalism and that at every time conciliation was found to be the only remedy and that repression did not succeed, this should have opened the eyes of the Honourable the Home Member, now nearing his retirement. He must have realised that it is no use trying the old-fashioned quack remedies which, instead of proving real remedies, will increase the disease all the more and prove to be an incentive to the movement which they have at heart to suppress.

Sir, I feel it with sorrow and I utter it with great reluctance, that these measures, these policies and these actions of Government will undo what I always loved and valued, namely, the friendship and co-operation of the British people with Indians. My five years stay in England brought me into contact with the best of Englishmen, from the retired reactionary Civilian to the most up-to-date socialist of the Glasgow type. Among my friends I counted Sir Michael O'Dwyer and Mr. Maxton. I can say on the floor of this House that they valued my friendship. My views were the same as they are now. I always spoke with the utmost frankness about how I felt about it, and it was my frankness regarding the political conditions in India that made even the die-hards like me. I addressed meetings there on the Indian political situation. In Scotland at Edinburgh, and in Glasgow and even in London. I addressed meetings. Those contacts with the people there made me love them and love their principles of liberty and democratic government, and their jurisprudence that every one is presumed innocent until and unless the contrary is proved. That made me admire them. But, alas! these Christian gentlemen who have come to the East to give God to the heathens advocating the spirit of Christ and to give English jurisprudence to these people in preference to their own mediæval laws are now trying to forget those English principles and trying to govern this country and direct the destinies of the people in other ways, all the time professing to lead us to the progressivism of the West. This is the inheritance they are going to leave to the future Governments of India, of jurisprudence. Here I appeal to the heart of the Honourable the Home Member that now that he is going away from this unpleasant atmosphere of a coercive Government in India, now that he is going to that great freedom loving country, to that great nation which has fought for the freedom and the principle of self-determination of another people in addition to their own, I appeal to him that he should

give the spirit of English jurisprudence to the man in the street, to the ordinary citizen of the State and even at this late date I appeal to him to realise that in the past even in this country repression and coercion and persecution have failed as a remedy. On the other hand it has proved as an incentive to discontent, and that reconciliation and large mindedness of dealing with the problems with a broader outlook have succeeded. I appeal to the Honourable the Home Member that he should even now consider the advisability of giving up these measures and these remedies for dealing with the most complicated situation. Sir, these regulations have been tried from time almost immemorial and these regulations have been on the Statute-book for over a century. This detention without trial has not been able to suppress the spirit of nationalism and the spirit for liberation of the country from autocracy in that one province of Bengal, what to say of in the whole of India. This has been tried in the last century and it was tried early in this century but proved of no avail. Is experience of no utility, is reason of no benefit to the Members opposite? Are they always to be guided by the mere fact that they have a mechanical majority in this House? Are they only to consider whether a measure is good or bad by the fact that they have a standing majority due to the presence of the official block? In that spirit they will not be able to carry out the mission for which they profess to have come here, for the mission which they profess to carry out as also the pledges of the Sovereign given to India to be a self-governing Dominion within the Commonwealth of the British Empire. It is nothing but a modest demand from these Benches that fairness must be shown in all measures to the views of those who represent public opinion on the floor of this House. It is we who have come here to represent the masses, the teeming millions, for safeguarding whose interests the Honourable Members opposite justify their presence within the borders of this land. Is it to their interest that they should alienate the feelings of even moderate people by adopting measures which men of experience and culture like Diwan Bahadur Mudaliar think will not serve as a remedy for the disease which the Government are trying to eradicate from the young men of Bengal? Is it fair that with the Round Table Conference going on in London, the Consultative Committee in the Viceregal Lodge, the Franchise Committee on the rails, we should, on the other hand, instead of appeasing the conditions in the country, instead of winning support for the reforms coming in the near future, force the people to feel that the Government are not showing their *bona fides* and that the Government are not really doing within their inner councils what they are professing to do for the betterment of the political condition of the country? In the year 1930 they were feeling in the same strain as now of suppressing the national spirit, but after a year's trial they came to the conclusion that they were tired of repression and could pursue it no longer. They thought that conciliation was the only remedy which could solve the problem and save the situation. We are not aware of the reasons which again led them to start the same old method of solving the problem, namely, repression. Early in the year they thought that they would take five or six weeks to suppress the movement and crush the Congress. Even now after about three months they are not sure whether this period of six weeks is not going to be extended to ten times that period to enable them to crush the Congress. Either today or tomorrow history will repeat itself. Conciliation will again have to be considered as the only remedy. Why embitter feelings? Why prolong the agony? Why not come to grips with the situation? The hand of friendship from the Indian side is extended to them, it is for them to grasp it.

Mr. K. Ahmed: Ask for 30 per cent. representation for Sikhs in the services.

Sirdar Harbans Singh Brar: I would be the last person to deny a fair share to the community which my friend Mr. K. Ahmed represents. I think Hindus, Muhammadans, Christians

Mr. President: Need the Honourable Member go into all these questions at this late hour?

Sirdar Harbans Singh Brar: Everybody and every community feels that the situation can only be solved by conciliation. Measures like the present will only add insult to the injury. It will not in any way stop either the movement in Bengal or appease the national situation outside. I appeal now to the Honourable the Home Member that history is bound to repeat itself. Let them retrace their steps and even now revise their decision and not pursue this measure to its logical end and put it on the Statute-book. I appeal to him that he should win the sympathy of the young men in the solution of the problem and win the heart of India before he leaves the shores of Bombay.

Several Honourable Members: The question may now be put.

Mr. President: The question is that the question be put.

The Assembly divided:

AYES—51.

Acott, Mr. A. S. V.	Lal Chand, Hony. Captain Rao
Ahmad Nawaz Khan, Major Nawab.	Bahadur Chaudhri.
Ahmed, Mr. K.	Megaw, Major General J. W. D.
Allah Baksh Khan Tiwana, Khan	Moore, Mr. Arthur.
Bahadur Malik.	Morgan, Mr. G.
Anklesaria, Mr. N. N.	Mujumdar, Sardar G. N.
Azizuddin Ahmad Bilgrami, Qazi.	Mukherjee, Rai Bahadur S. C.
Bajpai, Mr. G. S.	Nixon, Mr. J. C.
Bajpai, Mr. R. S.	Noyce, Sir Frank.
Banerji, Mr. Rajnarayan.	Pandit, Rao Bahadur S. R.
Bhargava, Rai Bahadur Pandit	Pillai, Mr. N. R.
T. N.	Rafuddin Ahmad, Khan Bahadur
Bhore, The Honourable Sir Joseph.	Maulvi.
Clow, Mr. A. G.	Raghubir Singh, Kunwar.
Cosgrave, Mr. W. A.	Rainy, The Honourable Sir George
Creer, The Honourable Sir James.	Rajah, Rao Bahadur M. C.
Dalal, Dr. R. D.	Rama Rao, Diwan Bahadur U.
Fazal Haq Piracha, Shaikh.	Rau Mr. P. R.
Fox, Mr. H. B.	Ryan, Mr. T.
French, Mr. J. C.	Sahi, Mr. Ram Prashad Narayan
Gidney, Lt.-Col. Sir Henry.	Schuster, The Honourable Sir George.
Graham, Sir Lancelot.	Scott, Mr. J. Ramsay.
Gwynne, Mr. C. W.	Sher Muhammad Khan Gakhar,
Howell, Sir Evelyn.	Captain.
Ishwarsingji, Nawab Naharsingji.	Sykes, Mr. E. F.
Jawahar Singh, Sardar Bahadur	Tin Tut, Mr.
Sardar.	Wahiduddin, Khan Bahadur Haji
Joshi, Mr. N. M.	Yamin Khan, Mr. Muhammad.
	Yeung, Mr. G. M.

Abdul Matin Chaudhury, Mr.
 Azhar Ali, Mr. Muhammad.
 Bhuput Sing, Mr.
 Biswas, Mr. C. C.
 Das, Mr. B.
 Dutt, Mr. Amar Nath.
 Gunjal, Mr. N. R.
 Harbans Singh Brar, Sirdar.
 Hari Raj Swarup, Lala.
 Isra, Chaudhry,
 Jog, Mr. S. G.
 Lahiri Chaudhury, Mr. D. K.,
 Lalchand Navalrai, Mr.
 Liladhar Chaudhury, Seth.
 Mitra, Mr. S. C.

Munshi, Mr. Jehangir K.
 Murtuza Saheb Bahadur, Maulvi
 Sayyid.
 Neogy, Mr. K. C.
 Parma Nand, Bhai.
 Patil, Rao Bahadur B. L.
 Ranga Iyer, Mr. C. S.
 Sant Singh, Sardar.
 Sarda, Diwan Bahadur Harbilas
 Sen, Mr. S. C.
 Sen, Pandit Satyendra Nath.
 Singh, Eumar Gupteshwar Prashad.
 Sitaramaraju, Mr. B.
 Suhrawardy, Sir Abdullah.
 Thampan, Mr. K. P.

The motion was adopted.

The Honourable Sir James Crear: Mr. President, after so many days' debate and at this very late hour, I am sure that the House will not expect, or indeed desire me to say more than a very few words and indeed there are only three things which I do desire to say. The first is this: it has been a matter of very great regret to me that it has been imputed to me, that during the course of the debates on this Bill, more particularly in matters relating to the conditions of detention and the like, I have shown an attitude unsympathetic and lacking in humanity. Honourable Members who have expressed that view, have, I think, forgotten that while much to my regret I was unable to accept several amendments standing on the paper, nevertheless on points of very great substance relating to these matters, I have given assurances which, though they are not to be embodied in the Statute, nevertheless will stand as assurances which will be honoured when the occasion arises. The second thing that I have to say is this: it has been suggested that the whole policy of the Government in dealing with the particular trouble of Bengal also as has been implied with the general political situation, is involved in this measure. My Honourable friend Mr. Arthur Moore said some very pertinent words on that subject. The policy of Government is two-fold, as has been repeatedly said. One is to urge on with all possible expedition the advance in political progress of this country, and in the meantime and predominantly for that purpose, to maintain the only conditions under which that progress can safely and securely be made. The last thing I have to say is this: some remarks which I could only construe in a disparaging sense were made on the Government of Bengal and the Legislature of Bengal. I think, Sir, that if we reflect fairly and candidly on the question, Honourable Members opposite may perhaps misjudge the wisdom or they may misinterpret the motives of the executive Government of Bengal, though I do not think they have any warrant for doing so. But they certainly have no warrant whatever for misjudging the motives and for making reflections upon the intelligence and knowledge of the situation which has been displayed by that Legislature. Therefore, I say once more, that we ought to treat with due respect and due regard the strongly expressed views of that Legislature, and as the Central Legislature we ought to render them the assistance which they require from us.

Mr. President: The question is:

"That the Bill, as amended, be passed."

The Assembly divided:

AYES—54.

Acott, Mr. A. S. V.
 Ahmad Nawaz Khan Major Nawab.
 Ahmed, Mr. K.
 Allah Baksh Khan Tiwana, Khan
 Bahadur Malik.
 Anklesaria, Mr. N. N.
 Anwar-ul-Azim, Mr. Muhammad.
 Azizuddin Ahmad Bilgami, Qazi.
 Bajpai, Mr. G. S.
 Bajpai, Mr. R. S.
 Banerji, Mr. Rajnarayan.
 Bhargava, Rai Bahadur Pandit
 T. N.
 Blore, The Honourable Sir Joseph.
 Clow, Mr. A. G.
 Cosgrave, Mr. W. A.
 Creer, The Honourable Sir James.
 Dalal, Dr. R. D.
 Fazal Haq Piracha, Shaikh.
 Fox, Mr. H. B.
 French, Mr. J. C.
 Gidney, Lt.-Col. Sir Henry.
 Graham, Sir Lancelot.
 Gwynne, Mr. C. W.
 Howell, Sir Evelyn.
 Ishwarsingji, Nawab Naharsingji.
 Ismail Ali Khan, Kunwar Hajee.
 Ismail Khan, Haji Chaudhury
 Muhammad.
 Jawahar Singh, Sardar Bahadur
 Sardar.

Lal Chand, Hony. Captain Rao
 Bahadur Chaudhri.
 Megaw, Major General J. W. D.
 Moore, Mr. Arthur.
 Morgan, Mr. G.
 Mujumdar, Sardar G. N.
 Mukherjee, Rai Bahadur S. C.
 Nixon, Mr. J. C.
 Noyce, Sir Frank.
 Pandit, Rao Bahadur S. R.
 Pillai, Mr. N. R.
 Rafiuddin Ahmad, Khan Bahadur
 Maulvi.
 Raghubir Singh, Kunwar.
 Rainy, The Honourable Sir George.
 Rajah, Rao Bahadur M. C.
 Rama Rao, Diwan Bahadur U.
 Rau, Mr. P. E.
 Ryan, Mr. T.
 Sahi, Mr. Ram Prashad Narayan.
 Schuster, The Honourable Sir George.
 Scott, Mr. J. Ramsay.
 Sher Muhammad Khan Gakhar,
 Captain.
 Suhrawardy, Sir Abdullah.
 Sykes, Mr. E. F.
 Tin Tut, Mr.
 Wajihuddin, Khan Bahadur Hajj
 Yamin Khan, Mr. Muhammad.
 Young, Mr. G. M.

NOES—37.

Abdul Matin Chaudhury, Mr.
 Abdur Rahim, Sir.
 Azhar Ali, Mr. Muhammad.
 Bhuput Sing, Mr.
 Biswas, Mr. C. C.
 Das, Mr. B.
 Dutt, Mr. Amar Nath.
 Gunjal, Mr. N. R.
 Harbans Singh Brar, Sirdar.
 Hari Raj Swarup, Lala.
 Isra, Chaudhry,
 Jadhav, Mr. B. V.
 Jog, Mr. S. G.
 Joshi, Mr. N. M.
 Lahiri Chaudhury, Mr. D. K.
 Lalchand Navalrai, Mr.
 Laladhar Chaudhury, Seth.
 Misra, Mr. B. N.
 Mitra, Mr. S. C.

Mudaliar, Diwan Bahadur A Rama-
 swami.
 Munshi, Mr. Jehangir K.
 Murtuza Saheb Bahadur, Maulvi
 Sayyid.
 Neogy, Mr. K. C.
 Parma Nand, Bhai.
 Patil, Rao Bahadur B. L.
 Ranga Iyer, Mr. C. S.
 Sadiq Hasan, Shaikh.
 Sant Singh, Sardar.
 Sarada, Diwan Bahadur Harbilas
 Sen, Mr. S. C.
 Sen, Pandit Satyendra Nath.
 Singh, Kumar Gupteshwar Prashad
 Singh, Mr. Gaya Prasad.
 Sitaramaraju, Mr. B.
 Thampan, Mr. K. P.
 Uppi Saheb Bahadur, Mr.
 Ziauddin Ahmad, Dr.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the
 31st March, 1932.