

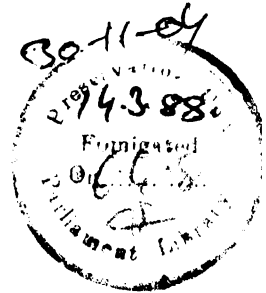
Monday, 16th April, 1934

THE
COUNCIL OF STATE DEBATES

VOLUME I, 1934

(8th February to 27th April, 1934)

SEVENTH SESSION
OF THE
THIRD COUNCIL OF STATE, 1934



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COUNCIL OF STATE.

Monday, 16th April, 1934.

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

MEMBER SWORN :

The Honourable Mr. Sidheshwari Prasad Varma (Government of India : Nominated Official).

SHORT NOTICE QUESTIONS AND ANSWERS.

THE HONOURABLE THE PRESIDENT : There are three short notice questions and if the Honourable Member in charge of the Department has no objection, I will allow them.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House) : No objection, Sir.

DISSOLUTION OF THE LEGISLATIVE ASSEMBLY.

128. THE HONOURABLE MR. VINAYAK VITHAL KALIKAR : Do Government propose to dissolve the present Assembly and hold new elections ? If so, when ? If not, why not ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Government hope to be in a position to make a statement on the subject before the close of the current session.

ATTITUDE OF GOVERNMENT TOWARDS THE MEETING OF CONGRESS LEADERS IN VIEW OF MR. GANDHI'S ANNOUNCEMENT REGARDING THE SUSPENSION OF THE CIVIL DISOBEDIENCE MOVEMENT.

129. THE HONOURABLE RAI BAHADUR LALA JAGADISH PRASAD : (a) Has the attention of Government been drawn to the latest newspaper reports announcing the decision of Mahatma Gandhi to suspend civil resistance for Swaraj ?

(b) In view of this, will Government be pleased to state if Government has now any objection to the Congress or the All-India Congress Committee holding their session ?

(For reply, see under question No. 130.)

130. THE HONOURABLE MR. VINAYAK VITHAL KALIKAR : (a) Has the attention of Government been drawn to the statement of Mahatma Gandhi appearing in the *Hindustan Times* of 8th April and other newspapers ?

(b) In view of the fact that Mahatma Gandhi has advised congressmen to abandon civil disobedience as a measure to attain Swaraj, do Government propose to lift the ban on the Congress and allow the Congress leaders to hold a session of the Indian National Congress to consider Mahatma Gandhi's statement and the proposals about Council entry of the newly formed Swaraj Party ?

(c) Do Government propose to revise their policy with regard to the civil disobedience prisoners and release them to consider Mahatma Gandhi's statement and the proposals of the newly formed Swaraj Party ?

THE HONOURABLE MR. M. G. HALLETT : With your permission, Sir, I propose to reply to both these questions together.

(1) The Government propose to raise no obstacle to a meeting of the All-India Congress Committee or, if the Congress leaders so prefer, of the Indian National Congress for the purpose of ratifying the statement of policy recently made by Mr. Gandhi and calling off civil disobedience.

(2) If such a meeting is held, and if Government are satisfied that as a result of the meeting civil disobedience has been called off, Government will certainly review their policy towards the various Congress organisations.

(3) With reference to the question of the release of prisoners who have been convicted for offences connected with civil disobedience the Honourable the Home Member explained in the Assembly in August last that Local Governments have been releasing civil disobedience prisoners before the expiration of their sentences if they were satisfied that such releases were not likely to encourage the revival of civil disobedience ; that is a policy which Government intend to continue. If civil disobedience is called off effectively the policy of release will naturally be expedited.

RULING *RE* PUTTING OF QUESTIONS STANDING IN THE NAMES OF ABSENT MEMBERS.

THE HONOURABLE THE PRESIDENT : Honourable Members, I am afraid I must refer again at some length to the ruling which I gave at the last meeting of the Council of State when the Honourable Sardar Shri Jagannath Maharaj Pandit asked permission of the Chair to put certain questions standing in the name of an absent Member, and I enquired of the Honourable Member if he had obtained permission from the absent Member to ask the said questions. On the Honourable Member replying in the negative I gave my ruling that unless the Honourable Member has obtained permission from the absent Member whose questions appear on the list of questions he should not ask for such permission. Thereupon, the Honourable Mr. Mahmood Suhrawardy raised an important issue whether the permission required from the absent Member should be verbal or in writing. I then stated that I would accept any sort of permission whether it was given in writing or verbally communicated. As it seemed to me then that this ruling regarding the obtainment of permission was not generally well understood I allowed the Honourable Member to put the questions on the understanding that Honourable Members in future shall be guided by the ruling which I had then pronounced. Since then I have refreshed my memory by reference to the proceedings of the Central Legislatures and other works of reference, and I have come to the conclusion that it is necessary as the matter is not well understood by many

Honourable Members that I should give a clear and definite ruling on this subject. At the outset I would like to draw the attention of the Honourable Members to Standing Order 18 which states that :

“ If on a question being called it is not put or the Member in whose name it stands is absent, the President, at the request of any Member, may direct that the answer to it be given ”.

There is no doubt that under this Standing Order it is within the absolute discretion of the President to direct or refuse to direct that the answer be given and that it is within his discretion to lay down a general rule that he will not direct the answer to be given unless the Member making a request has been authorized by the Member in whose name the question stands. It is needless to remark that this absolute discretion of the President has to be exercised soundly and not arbitrarily and in conformity with the precedents laid down elsewhere and in this House and also in conformity with the convention, if any, in the absence of any express rules or regulations. During the period of my Presidentship I have invariably given permission to Honourable Members to ask questions on behalf of absent Members on the presumption and under the belief that the Honourable Member who seeks permission to put the question is doing so on the authority delegated to him by the absent Member. In my opinion, the Honourable Member who gives notice of a question and is about to leave the Council and is not likely to be present at the meeting when the question will appear on the list of business is under an obligation to inform the department not to place the question on the list of business during his absence or to delegate authority to his brother Member to ask the question on his behalf. As I read the Standing Order 18 it is clear to my mind that there is an implied delegation of authority by the absent Member to the other Member as a condition precedent to put the question on his behalf. In the matter of interpellation it appears that this privilege is only exercisable on behalf of the absent Member to put the question provided the latter has delegated his authority in that behalf. In order to correctly comprehend the situation a brief reference be made to Resolutions and Bills. In the case of a Resolution a Member in whose name the Resolution stands on the list of business shall when called on either withdraw the Resolution or move the Resolution and there is no such delegation of authority either implied or express to any other Member to move the Resolution on behalf of the absent Member. The only exception made is by Proviso to Standing Order 60 :

“ that the Member may, with the permission of the President, authorize any other Member in whose name the same Resolution stands lower in the list of business to move it on his behalf, and the Member so authorized may move accordingly.”

But in that case the Member in whose name the prior Resolution stands is himself present. It is distinctly stated in that Standing Order that :

“ If the Member when called on is absent, the Resolution standing in his name shall be deemed to have been withdrawn ”.

In the case of Bills a similar disability exists. Under rule 20(A) :

“ no Motion that a Bill be taken into consideration or be passed shall be made by any Member other than the Member in charge of the Bill ”.;

and even written authorization given by the absent Member to another Member would not entitle the latter to make a Motion for the consideration or for the passing of any Bill.

[Mr. President.]

In this connection I would like to draw the attention of Honourable Members to a ruling which was given by my brother President in the Legislative Assembly on the 1st of April, 1933 when the Honourable Sir (then Mr.) R. K. Shanmukham Chetty remarked thus :

“ The Chair has observed that some Honourable Members are in the habit of sending a string of questions and are not in their places when those questions are asked. The Chair strongly deprecates such practice, and it has now decided that if an Honourable Member who has sent questions is not in a position to be present in his seat to ask his questions, he must authorize some other Honourable Member in writing to do so, and the authorization must be sent to the President. In the absence of such authorization, these questions will be treated as unstarred questions and the answers will be incorporated in the proceedings ”.

I would also like to point out that in the House of Commons the rule is that any Member may ask a question for an absent Member at his request (May's Parliamentary Practice, 13th Edition, page 244). The words used there are “ at his request ” which implies authorization. It is not stated by May in his work that the request must be in writing, but I presume that must be the case. On the 26th April, 1920 a question was raised in the House of Commons whether there is any limit to the number of questions which one Member is permitted to ask on behalf of the absent Member and it was then also pertinently suggested that if this custom of asking questions by proxy be carried further, will it not result in two or three Members continually asking questions for a large number of absent Members? The then Speaker of the House of Commons, the Right Honourable J. W. Lowther, appropriately remarked that :

“ With regard to the question whether Honourable Members are entitled to ask questions on behalf of other Honourable Members, of course, if there were any abuse of that rule the House probably would feel that the time had come when there should be some limit to the practice ”.

In the House of Commons the practice seems to be that ordinarily all those Members who are present are allowed first to ask questions standing against their names and then on going through the questions a second time any Honourable Member might ask questions on behalf of the absent Members.

In the Council of State no general rule of this nature has been laid down before. In order to avoid any misunderstanding in future on this very important point I have decided that this must be done now and that in all points of substance the Assembly practice might suitably be adopted, *i.e.*, the Member desiring to put the question for the absent Member should in all cases be required to produce a written authorization from the absent Member and hand in the same to the President before the commencement of the meeting at which the question is to be put. I trust this ruling of mine which is in consonance with precedence elsewhere and with the practice now prevailing in the Assembly will be followed by the Honourable Members of this House, as it will on one hand discourage the habit of sending a string of questions and the Members failing to be in their places when those questions come up before the House and on the other hand it will tend to the establishment of a uniformity of practice both in the Council of State and the Legislative Assembly and further such written authorization will absolve Members who act as proxies of the personal responsibilities naturally arising in asking such questions.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Sir, may I ask one question in this connection? How are the Members to know that the questions of which they have given notice will be put on a certain date? For instance, Sir, if the notice of the question has been given and the answer is coming after say two or three weeks, then how will the Member know that his question will be answered on that particular day so that he may give his authority to others in writing?

THE HONOURABLE THE PRESIDENT: Ordinarily an Honourable Member is supposed to be present throughout the session but if he wishes to go away he can ascertain from the Department when his question is likely to come.

STATEMENTS LAID ON THE TABLE.

SLAUGHTER OF WILD CATTLE AT THE MILITARY GRASS FARM, MANJHA.

THE HONOURABLE MR. M. G. HALLETT (Home Secretary) Sir, on behalf of the Commander-in-Chief I lay on the table information promised in reply to questions Nos. 107 and 108 asked by the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra on the 28th March, 1934.

107. (a) With the concurrence of the civil authorities and after due warning had been given to local residents the military authorities gave orders for the slaughter of wild cattle which had been doing considerable damage on military land in the neighbourhood for years past. The cattle were to be slaughtered in closed-in slaughter houses well within the boundary of the Military Grass Farm, and out of sight of the public.

(b) I am prepared to accept the Honourable Member's statement.

(c) At the last moment a complaint was received and it was agreed to suspend the slaughter of these cattle on the conditions that the inhabitants of Fyzabad would (i) pay compensation to the butchery contractor to cover the expenses incurred by him in arranging for the catching and slaughtering of the cattle, (ii) take immediate steps to rid the Military Grass Farm of the wild cattle and (iii) provide, with the assistance of the Military Farms Department, a fence round it for future protection.

(d) No. The butchery contractor engaged cattle catchers from the Punjab.

(e) I am not aware of the exact figure which was agreed upon as compensation under (c) (i) above.

108. (a) and (b). The matter has been engaging the attention of the local civil and military authorities and it is hoped that a satisfactory settlement will be reached soon. I would, however, refer the Honourable Member to the last sentence of my reply to part (a) of his question No. 107.

TRANSPORT OF TROOPS BETWEEN INDIA AND ENGLAND.

THE HONOURABLE MR. M. G. HALLETT (Home Secretary): Sir, on behalf of the Commander-in-Chief I lay on the table the information promised in reply to question No. 114 asked by the Honourable Raja Raghunandan Prasad Singh on the 28th March, 1934.

114. (a) and (b). The Honourable Member presumably refers to the cost of the carriage of troops by transport and freightship between British and Indian ports. The cost in 1913-14 and 1925-26 was respectively £342,409 and £234,376. The figure for 1933-34 is not yet available but that for 1932-33 was £536,943.

The Board of Trade in England makes contracts with Shipping Companies on behalf of the Imperial Government and the Government of India for the annual transport of troops. Most of the transport work is done in ships reserved exclusively for Government service. In the case of such ships, tenders are not invited, as vessels suitable for the purpose without considerable and very costly adaptation are owned only by one or two companies. The first contract with these companies is usually for five years, and thereafter it is renewed annually. When accommodation for a specific voyage has to be engaged in ships not wholly reserved for Government, tenders are called for.

MOTION FOR THE ELECTION OF ONE NON-OFFICIAL MEMBER TO THE STANDING COMMITTEE ON EMIGRATION VICE THE HONOURABLE SIR KURMA VENKATA REDDI.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Education, Health and Lands Member): Sir, I move :

"That this Council do proceed to elect, in such manner as the Honourable the President may direct, one non-official member to sit on the Standing Committee on Emigration vice the Honourable Sir Kurma Reddi."

The Motion was adopted.

THE HONOURABLE MR. T. A. STEWART (Commerce Secretary): Sir, I do not wish to move* today.

MOTION FOR THE ELECTION OF THREE NON-OFFICIAL MEMBERS TO THE STANDING COMMITTEE FOR ROADS.

THE HONOURABLE MR. D. G. MITCHELL (Industries and Labour Secretary): Sir, I move :

"That this Council do proceed to the election, in such method as may be approved by the Honourable the President, of three Members to serve on the Standing Committee for Roads which will be constituted to advise the Governor General in Council in the administration of the Road Account during the financial year 1934-35."

Sir, this Motion is somewhat premature but my intention is that the preliminaries may now be undertaken and the Members may think about their nominations and that thereby perhaps some time may be saved.

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: With reference to the two Motions which have just been adopted, I declare that nominations for these Committees will be received up to 11 A.M. on Wednesday, the 18th April, 1934.

INDIAN STATES (PROTECTION) BILL.

THE HONOURABLE MR. M. G. HALLETT (Home Secretary): Sir, I move :

"That the Bill to protect the administrations of States in India which are under the suzerainty of His Majesty from activities which tend to subvert, or to excite disaffection towards, or to obstruct such administrations, as passed by the Legislative Assembly, be taken into consideration."

*Motion for the election of a Committee to inquire into and report on the working of and results achieved from the Ottawa Agreement.

Sir, for the second time during my short tenure of office as a Member of this Council it is my duty to put forward for acceptance of this Council a Bill designed to amend and supplement the criminal law of India. I trust that Honourable Members will give me the same support that they did on a previous occasion and will have no hesitation in accepting this Bill on its merits and thereby giving to the administrations of the Indian States the protection which they need and the protection which it is in the interests not only of the States themselves but of British India to give. When the Indian Penal Code and the Code of Criminal Procedure were first enacted some 70 years ago, it no doubt appeared that those Codes covered every possible form of criminal activity, every illegal activity, that tended to interfere with the peace and prosperity of this country or with the well-being of its inhabitants. During the peaceful years of the Victorian Age, during the last years of the 19th Century and the opening years of the 20th Century, that was no doubt the case. But unfortunately, in more recent times, we have been living in an era of change. In such an era there are always those people who drop the motto "More haste worse speed" and who seek to secure their ends by revolution rather than by evolution, and who adopt unconstitutional rather than constitutional methods of effecting the changes which they have in view. Thus, Sir, our experience has been that many movements may be started directed against Government which tend to cause widespread agitation and serious disturbances of the public peace. In British India we have powers under the Penal Code and the various Acts by which it has been supplemented more recently to deal with such movements. In the Indian States, all of which have adopted and followed the criminal law of British India, the administrations of the States have power to deal with such movements if the agitation is confined to the limits of the States themselves. But British India and the Indian States (Indian India) are inextricably intermingled. There are no great natural boundaries, no rivers, seas or mountains; there is only an imaginary dividing line. You pass without knowing it from one to the other. Not merely are there no natural boundaries, but there are no racial barriers. The people of Indian India and British India are one. It is thus not difficult, if people are discontented with the administration of an Indian State, to seek shelter and to concoct their plots, or conspiracies or agitation within the adjacent territory of British India. In this respect, British India and Indian India are, if I may say so, in two water-tight compartments, and if I may quote from a statement which I saw recently made by one of India's representatives on the Round Table Conference, a lady who is well known to many Members of this House,

"it is impossible to visualise a happy state in a country where the two separate parts are in two water-tight compartments as Indian India and British India".

If that view is accepted, and I think it must be, it brings me to what is the main object of this Bill that I am moving for the consideration of this House. Its underlying principle is to extend to the administration of Indian States the same measure of protection from activities directed against these administrations as the Governments of British India already enjoy. As I shall show later in some respects it does little more than give to the administrations of these States the protection which is enjoyed in British India by every resident thereof against unlawful interference with his activities by ill-disposed neighbours, and these States, whether large or small, and under whatever form of government they may be governed, do merit this protection and this protection should be given to them. If I may quote from one of the speeches delivered by the Honourable the Law Member in another place,

"the principle underlying the Bill is the law of neighbourliness",

[Mr. M. G. Hallett.]

We have got these States dotted all over India, and we in India are their neighbours. As neighbours they are entitled to help and protection from us. We as good neighbours should protect them from mischievous activities initiated or carried on in our territory. There is a further reason why we should do so. By granting this protection we shall not merely be helping our neighbours but we shall be helping ourselves, to put it on a more selfish line. Serious disturbances in a State cannot but have serious reactions in British India, which, as I have said, is inextricably intermingled with the States, and any such disturbances must tend to impair the general stability of the country and the peace and prosperity of the Empire. The measure is thus as much in the interests of British India as of Indian India.

A further reason why we desire to put forward this Bill is that it is a measure of reciprocity. The States have always shown themselves ready to help British India in times of emergency or trouble. They have shown themselves prepared to help us if agitators against Government resort to their territories. It is up to us, therefore, to put ourselves in a position to reciprocate and to be able to give them help promptly when it is needed. I emphasise the word "promptly". If a subversive movement starts, a delay of over a few days or a few weeks may result in the spread of the movement. The agitation spreads quickly, and we cannot under such circumstances wait for *ad hoc* legislation to deal with the evil. We do not wish to use our power which exists under the Constitution of advising the Governor General to issue an Ordinance. We desire, therefore, to have the powers permanently on the Statute-book to be used promptly when the necessity arises. I trust that the necessity will not arise, and I may express the hope that the very fact that these powers are on the Statute-book and that we have got the power to deal with any unconstitutional agitation which may be carried on in British India against the State will have the effect of preventing ill-disposed persons from attempting to create trouble in this way.

These are the main reasons why this Bill has been put forward. I will now refer briefly to what I may call the negative side of the question. The Bill has been attacked on the ground that it will prevent criticism of the administrations in the State. That is not in the least its object. If the subjects of a State have grievances there is nothing in this Bill to prevent legitimate ventilation of those grievances in British India by the press or by other means. There is nothing to prevent them putting forward proposals for reform in a constitutional manner. It is merely aimed against unconstitutional methods, against illegal agitation and against what follows from that, subversive movements.

To turn now to the details of the Bill, I gather that as only one notice of amendment has been received, Members of the Council of State are generally satisfied as to the necessity and the suitability of clauses 2, 4 and 5 of the Bill and the consequent clauses. Clause 2 is a simple one. It prohibits conspiracy against the States and gives to the States much the same protection as is afforded by section 124A of the Indian Penal Code to the Government of British India. When evilly disposed persons wish to overthrow the Government of a State they work first in secret. We cannot afford to wait till they commit some overt act. We must nip the evil in the bud and stop it at the earliest opportunity, and this section will give us power to do so. A safeguard has been inserted during the discussions in the other place and a section has been added that no prosecution shall take place under this section except with the sanction or by the authority of the Governor General in Council or of a Local Government. Clause 5 also needs no very lengthy explanation. It gives

protection which is enjoyed in British India both by Government and by individuals. If there is a dispute in British India between two rival zemindars and if one of those zemindars gathers together a crowd of bad characters with the object of committing mischief or criminal trespass on his neighbour's land, that crowd is under the law of British India an unlawful assembly; members of it can be prosecuted, the police can take steps to disperse it. But if such a crowd collects within British India with the object of marching into a State and committing those very offences or others of the same kind that I have mentioned, we have no power to deal with it. The local authorities, the local police are entirely impotent, and the result is that *jathas* are formed which march into the territories of a State and tend to increase disturbances which are going on there. Clause 5 again does little more than give the same protection as is afforded to residents in British India by section 144 of the Criminal Procedure Code. It is a preventive section designed to stop the activities of organisers of subversive movements at the earliest stage before the stage of *jathas* or unlawful assemblies has been reached. It will I hope tend to save innocent unoffending residents of British India from being duped or cajoled into supporting any subversive movement against a State. Both these sections 4 and 5, it is true, give very considerable power to the local authorities, to the district magistrate, but it is to be noted that they are not in force at once and it is only after those sections have been extended by an order of the Governor General or a Local Government that the district officer has power to take action under these sections.

Finally I come to clause 3, about which probably there will be more discussion later. My friend Mr. Glancy is more competent to speak on that clause than I am and I trust he will have an opportunity of doing so when we consider the amendment of which notice has been given. I would only make a few general points. In an article on the Bill which I read in the press a short time ago, the author of the article divided the press into three categories, respectable, rapacious and reptile. Probably the last two categories somewhat overlap, but if this classification is correct, and I am afraid it must be admitted there is a good deal of truth underlying it, then I would make the point that it is only against the two last categories that this Bill is directed, against the rapacious and the reptile press. It will not interfere with constitutional or legitimate criticism, however trenchant, that may be made. During the discussions in another place the clause has been modified by the addition of an Explanation, so as to meet the criticism that in the case of some ill-administered States—their number is I trust and believe very small—a mere recital of facts might stir up hatred and contempt against the administration. The Explanation which has been added makes it quite clear that a statement of facts, that is to say a statement of true facts, does not come within the mischief of this clause unless it is made with malicious intention. This will be an effective safeguard against the use of this clause to prevent legitimate ventilation of grievances. A further safeguard which has been made clear by an amendment inserted at the Select Committee stage is that the order of the executive authorities can be referred to a High Court. We are in fact by this section merely restoring to the States the protection which they enjoyed for many years when the old Press Act of 1910 was in force. We have learnt by experience both in British India and in dealing with the press attacks on the States that in dealing with the press prevention is better than punishment. If the editor or the dummy editor of some petty little paper is prosecuted and probably convicted, that merely serves to give him a gratuitous advertisement. It does not stop the evil but merely gives publicity to his attempt. Our experience has been therefore that the safest course is to require those responsible for the

[Mr. M. G. Hallett.]

conduct of a newspaper to deposit security which in the event of their infringing the law may be forfeited. We have it is true an Act, the Indian States (Protection Against Disaffection) Act, but our experience has been that that Act is ineffective. One case brought under that Act has I believe been going on for something like three or four years. I am not certain whether it has even yet finished. That shows how ineffective an Act of that kind, which merely gives power to prosecute, is when dealing with newspaper attacks on the States.

I do not think I need say more on the provisions of this Act. It does I think make a step forward in the relations between British India and the Indian States. It does I think emphasise the unity of the two component parts of the Indian Empire, and it does emphasise the partnership that exists and must exist between them. It will I trust, if it is passed, facilitate the smooth working of that ideal which we all have in mind, the federation of India.

Sir, I move.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR (Central Provinces : General) : Sir, in speaking on this Bill, I have to work under great difficulties. The Standing Orders and Rules do not allow us to ask a question or to move a Resolution and speak on the administration of ruling princes. Under such circumstances, Sir, one really feels handicapped in discussing this Bill when this Bill is designed to protect the administrations of States in India which are under the suzerainty of the British Government.

THE HONOURABLE THE PRESIDENT : May I tell the Honourable Member that he is in no way handicapped in discussing the provisions of this Bill ?

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR : I am so glad. I will try my utmost to discuss it within the Standing Orders as far as possible.

The underlying principle of this Bill, as stated in the statement of objects and reasons, is to protect the administration of the Indian States from attacks in British India. Further, it is stated that as units of Federation which we expect soon, those Indian States deserve protection from attacks in British India and therefore this measure has been introduced. In this connection, Sir, I have to state briefly the short history of the various Acts which have been passed in the past. In 1910 the Press Act was passed in which provisions nearly analogous to those contained in clause 3 of the present Bill were introduced. After that, Sir, the Press Committee after the introduction of the Montagu-Chelmsford Reforms examined the whole question thoroughly and they came to the conclusion that in repealing the Press Act as a whole they need not retain the provisions which were designed to afford protection to the administration of the Indian States. Here, Sir, I quote a sentence or two from the report of the Press Committee :

“ We understood that before the Press Act became law it was not found necessary to protect Indian Princes from such attacks and we know that the Act, so far as the evidence before us shows, has only been used on three occasions for this purpose. We do not in the circumstances think that we should be justified in recommending on general grounds any enactment in the Penal Code or elsewhere for the purpose of affording such protection in the absence of evidence to prove the practical necessity for such a provision of the law ”.

So from 1910 to 1921 I understand there were only three prosecutions against editors of newspapers and, if I may say so, Sir, that reflects great credit on the Indian press. After the abolition of the Press Act, in 1922 an Act was passed under section 67B of the Government of India Act, because the Assembly rejected even the introduction of a less stringent measure than the one under discussion now and so under the certifying powers the Act of 1922 was passed. The difference between this Bill and that Act is that according to me that Act provided for a judicial trial, while in this Bill we find that executive action is being substituted for judicial trial. But even that Act, Sir, was defeated as popular opinion was against it. After the Act became law under the certifying powers of His Excellency the Viceroy, I understand that only three editors have been prosecuted up till now and that also shows the deterrent effect of that Act and it proves—proves to the hilt—that there is no further necessity for any measure of the kind before us, if I may say so.

At the outset, Sir, I might make it perfectly plain to the House that I am not at all against the princes. I do not want to attack their administration ; but I really desire that if there is maladministration or misrule in States , they must take early steps to improve their administration, because, after all, the princes are Indians and I, as an Indian, will be proud of any administration of a prince if it comes up to the level of the present standard of administration in British India. Mention has been made both today here and in the other House about malicious attacks on the princes and their administration, about *jathas* and incursions or raids in their provinces from people in British India and so on. My submission is, What is at the root of all this agitation ? If there are malicious attacks, you have got the Act of 1922 and you can take advantage of it. I will come to the grounds later on in my speech which have been put forward that the Act does not work properly. But my first point is : Is there a real need or have the princes made a demand that they desire protection from attacks in British India ? I understand, Sir, that in 1930 the Chamber of Princes made a demand like that but after that at least I have not heard of any demand on the part of the princes to pass this measure. We have not been supplied with information that the princes really do demand this sort of measure for protecting their administration against attack and therefore, Sir, we are not in a position to decide whether any urgent necessity exists for passing this emergency measure. If I have followed the speech of the Honourable the Home Member correctly, he has raised three points, the most important of which is that the paternal administration of the Indian States should not be disturbed. Well, Sir, I do not want to disturb that paternal administration by criminal force or by direct action, but I submit that I do really want the princes to introduce modern administration in their States and I do really want that they should move with the times. Political institutions on democratic lines are coming into existence throughout the world. We here in British India have got reforms and are craving for more reforms. I cannot for a moment understand how the subjects of the States will be free from this. They read books, they read newspapers. They know that their brothers in British India are getting reforms. They know that the provincial administration is going to become autonomous and they know that they have to submit to a one-man rule which, with a few exceptions, is the so-called despotic rule of an Indian prince. So, Sir, how can we afford to check that legitimate aspiration of the subjects of the Indian States ? Political institutions, I submit, are not geological or archaeological things to be kept in the Delhi Museum. They are things of daily life and they affect the well-being of the subjects of the State. So, Sir, it is for us not to stop the natural process of evolution,

[Mr. Vinayak Vithal Kalikar.]

It is stated, Sir, that the Act of 1922 causes much delay and gives a lot of publication and also requires heavy expenditure to bring an offender to justice. I submit, Sir, that because by following the judicial course of trial you require more time or more expenditure is no ground at all for substituting executive action for judicial trial. But I submit, Sir, the difficulty lies somewhere else. I know a case but I cannot refer to it because it is *sub judice* in my own province but the difficulty lies in this that if the unfortunate victim comes into possession of some important document the whole structure of the case falls to the ground and so, Sir, judicial trial is being sought to be avoided in this Bill and executive action is being substituted.

Then, Sir, let me examine very briefly the relation of the princes with the Government of India today. The princes say that they do not want to have any connection at all with the Government of India but they will have direct relation with the Crown. As far as I understand the present position, Sir, it is this that the Crown through the Government of India exercises control over the administration to some extent of the States. If the princes really do not want any direct connection with the Government of India, why should the Legislature be asked to pass an Act for their protection—the more so as it is an emergency measure ?

Then, Sir, I come to a statement made by my Honourable friend, Mr.

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Glancy, in the other House and, if I remember correctly, the statement that he made there was that on account of the introduction of reforms in India and the pressure brought to bear on the princes to improve their administrations, many of them have set up well-organized administrations for ruling their States. So far as I know, there are only a few States in Southern India about which we do not hear any complaints. There are so many other States where the administration is still in as crude a form as it was many years ago, and what do the subjects say ? They do not desire any rapid or hasty change. They desire that their lives and property should be safe and that they should be allowed to live a peaceful life, and carry on their vocations in those States. It was said in the other House that there are about 400 journals published in the various States, but I submit that not one newspaper or one magazine will be allowed in those States to criticize the administrative actions of the ruler. We, living in British India, have to take into consideration their grievances and we have to plead for their cause. Therefore it seems that this Bill has been introduced to curtail our activities as well as the activities of those who come here and organize meetings and carry on constitutional agitation for improving the administration of the States. We owe them a duty and ought to help them in getting redress for their grievances, and if any attempt is made to curtail our activities in this direction we shall have to oppose this Bill tooth and nail. It may be said that the subjects of the princes are in a very happy position and that we, British Indians, instigate them to agitate for reforms. If that is so, Sir, why do we have every year so many conferences ? Why do we get so much literature about their complaints ? Why do we receive so many telegrams to oppose certain provisions of this Bill ? The subjects desire their lot to be improved. In this connection, Sir, I think it is the British Government and the various politicians who have propounded the idea of democracy and who practically condemn one-man rule, that is responsible to some extent for instilling those ideas into the subjects of the States. Not long ago, Lord Chelmsford gave advice to the Prince of Bharatpur and, with your permission,

Sir, I will read a portion of it. This is what he said about the administration of Indian States :

“ If the wheels of administration are to run smoothly, the stirring times in which we live and particularly the events of the past few months, have emphasised the danger that attends the exercise of autocratic rule without proper regard to the interest of the people. In the vast majority of the countries of the world the realization of this danger has led to the substitution of government by the people for the uncontrolled authority of an individual sovereign. The rulers of the Indian States in virtue of their protection by the British Government enjoy an unusual degree of personal control over the welfare of their subjects, and the responsibility that lies upon them is correspondingly great. In India itself the British Government has decided to grant a substantial measure of power to the people in the administration of their own affairs. Autocratic rule anywhere will in future be an exception and an anomaly ”.

After that, Sir, Lord Irwin, in his address to the Chamber of Princes in 1931, said :

“ There must be a reign of law based either expressly or tacitly on the broad good-will of the community : individual liberty and rights must be protected, and the equality of all members of the State before the law be recognized. To secure this an efficiently organized police force must be maintained, and a strong and competent judiciary, secure from arbitrary interference by the executive and irremovable so long as they do their duty. Taxation should be as light as circumstances permit, easy of collection, certain, and proportionate to the means of the taxpayer to pay. The personal expenditure of the ruler should be as moderate as will suffice to maintain his position and dignity, so that as large a proportion as possible of the State revenues may be available for the development of the life of the community, such as communications, education, health and social services, agriculture, housing and other kindred matters. There should be some effective means of ascertaining the needs and desires of its subjects and of keeping close touch between the Government and the governed. Religious toleration and conciliation in all disputes between the subjects are important, and last but not least is the need to choose and trust good counsellors. By this, perhaps more than aught else, is a wise ruler known, and the fulness of his trust in competent advisers will in great part be the measure of the confidence which his people repose in him.

“ I must not, however, allow my address to Your Highnesses to develop into a treatise on the theory of government. Some may say that it is not always so easy to carry such precepts into practice, but there are, I believe, few who would not readily admit these minima requirements of good administration, and you will remember that a Resolution by His Highness the Maharaja of Bikaner commending its essentials was passed not long ago with unanimity in this Chamber. There is no use in disguising from ourselves that the new order of things and the irresistible logic of events are lifting the veil from much that has hitherto been considered of private concern, and more and more factors are tending to bring your affairs into publicity. Where there is criticism of any of your administrations, be it based on reasonable grounds or scurrilous and misinformed ; the best answer on the part of those who have nothing to hide is the issue of full and regular administration reports from which the public may learn how your Government is carried on. Such publication has always been desirable, but it will be essential when, in these changing times, you come to take your part in the federal constitution of all India ”.

He further says :

“ But let us not forget that, as you acquire a share in the control of common subjects, and as your internal affairs become of increasing interest to public opinion in India, there will come to you more and more responsibility for bringing your administrations to the level demanded of all modern Governments ”.

So, Sir, if the princes bring their administration to the level of modern government, as has been indicated by these two high personalities, I believe we shall not need an opportunity of discussing a measure like this. It is only due to the lack of administration of this standard that so many complaints are cropping up, and I think if we pass this Bill we will stifle legitimate criticism and deprive the subjects of the Indian States of a source for ventilating their grievances.

[Mr. Vinayak Vithal Kalikar.]

Then, Sir, I want to deal very shortly in general with the specific proposals in this Bill. The Bill was circulated—not to the Presidents of States' Subjects Conferences, nor to any private body—but to district magistrates, to whom power is to be given under this Bill, and to judges. Their opinions have been received and the majority of them have said in clear terms that they do not find any necessity for such a Bill. I will only cite two opinions, that of two High Court Judges of Allahabad. Justice Niamatullah says :

“ I do not think it is necessary for the Indian Legislature to extend the same protection to the States as it has done in the case of British Indian administration. The degree of latitude which the British Indian subjects are given for criticising the administrative actions of the Executive is unknown in the States. On the other hand it is an open secret that maladministration in some States is great. Things are done in some of them which are true but cannot be proved. Any exposure of them in the States themselves is out of the question. Freedom of comment in British India has a great moral effect and indirectly acts as a check by drawing the attention of the Political Department to the alleged high-handed action of the State administration. It is true this freedom is sometimes abused but there are laws already on the Statute-book which afford some measure of protection to the States.

“ States are very jealous as regards interference in their internal affairs by the authorities in British India. Consistently with this attitude they have no claim to any further extension of protection through the Indian Legislature. As the latter cannot legislate so as to bind the State administrations, there is little justification for the same degree of protection being extended to them ”.

Justice Rachpal Singh says :

“ I am opposed to the provisions of this Bill. Generally it will be found that people belonging to Indian States, whose grievances are not redressed, come to British India in the hope that by giving publicity to their cause they will obtain a hearing from the British Government. I do not see any reason why they should be discouraged from adopting this course. This is one of the remedies, and very often the only remedy, which they have against oppressions by the ruler of a State and I think that they should be permitted to avail themselves of the same ”.

Various district magistrates, to whom you propose to give power under this Bill, also think that this Bill is not necessary, that there is real maladministration in the Indian States and that public opinion in India is only a check on their maladministration, and they are likely to improve their administration only through the force of public opinion in India. Then, Sir, if that is the opinion of trusted servants of the Government of India, if that is the opinion of district magistrates whose duty it will be to administer this Act, I fail to understand what has stimulated the Government of India to introduce a measure of this sort. When the Criminal Law Amendment Act of 1932 was passed it was said that the Government wanted to restore order in the country for the smooth working of the coming reforms. It was also said that the Act was a temporary measure, and there is a provision in it that it will last for three years only. Now, Sir, if I follow the position correctly, am I to understand that certain reforms are also to be introduced in the States and therefore the Government of India on the demand of the rulers of the States feel the necessity of enacting this law, so that the reforms to be introduced in the administration of the Indian States should be a success? But, as far as I know, there is no proposal like that, so my charge against the Government of India is that, you have failed in your duty towards the States' subjects. If you deem it so necessary to introduce a measure of this sort for the protection of the administration of the princes, what steps have you taken to protect the interests of the subjects of those States? If you have not taken any steps, then this one-sided measure which you bring before us does not stand the test of logic and we at least should not consider it at all.

Then, Sir, I am doubtful whether really we can consider a measure of this sort. If, however, the legal advisers of the Government of India have brought this measure before us, I take it that they have examined that point carefully and we are entitled to consider this measure. If that is so, then, Sir, we the taxpayers of India have also a duty to perform and to examine the present measure very carefully. We cannot interfere in the internal administration of the Indian States; but we have to pay and pay very heavily for maintaining an army to secure their States from external raids. We have to pay for maintaining a Political Department and we have to pay also by way of loans crores of rupees of the Indian taxpayers to the princes for their administration. If that is so, then we are also entitled to take into consideration the grievances of the subjects of the States and help them in improving their lot. We could have considered this Bill reasonable if the Government of India had introduced another measure to safeguard the interests of the States' subjects, but this seems to be a one-sided action as I have just now said, and nothing has been done for the subjects of States. Clause 3 of the present Bill wants to substitute executive action for judicial proceedings. Under this clause no comments, no legitimate comments, no fair comments, can be allowed.

THE HONOURABLE MR. M. G. HALLETT : No.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR : My Honourable friend Mr. Hallett says "No". The Explanation to that clause is :

"Statements of fact made without malicious intention and without attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (j) of this sub-section",

and he says "No" probably basing his statement on Explanation 5.

THE HONOURABLE SIR HARRY HAIG : May I remind my Honourable friend that there are two Explanations already in the Indian Press (Emergency Powers) Act which apply and that Explanation 5 has been put in in addition to the provisions which are already contained in the Indian Press (Emergency Powers) Act ?

THE HONOURABLE MR. HOSSAIN IMAM : There is no Explanation 5.

THE HONOURABLE SIR HARRY HAIG : There are other Explanations. Perhaps my Honourable friend has not seen the Indian Press (Emergency Powers) Act. For instance, there is Explanation 2 :

"Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described.....".

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR : Explanations are there and I have read those Explanations. Then my submission is that if really it is not the intention of Government to stifle legitimate criticism, why have recourse to executive action ? In a judicial trial the press owner will have ample opportunity to prove his case, to adduce evidence in his favour and he will get an opportunity of appeal or revision. Here under this provision only a magistrate will have to decide and his case will go up to the High Court, to a bench of two or three judges and that too by way of revision. There is a

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lot of difference between an appeal and a revision, and I submit that if the position of Government is quite sound on that point they ought not to have taken recourse to this executive action, but they ought to have made provision for judicial trials so that the order of the magistrate should not decide the fate of the press owner.

Then, Sir, there is this all-pervading clause 5—

THE HONOURABLE THE PRESIDENT: May I remind the Honourable Member that general principles of the Bill are only discussed at this stage? He will have another opportunity of discussing the clauses.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: So, Sir, to sum up the whole case, I submit that Government has not made out a case for certain provisions of this Bill and therefore except the two clauses relating to *jathas* and clause 2 I am not in a position to lend my support to this Bill.

THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT (Bombay : Non-Muhammadan) : Sir, I confess that I feel myself to be in a sort of dilemma when I speak on this Bill. On the one hand, I have strong dislike of the methods adopted by some of the Indian newspapers and other publicists in libelling Indian princes and their administration; and, on the other hand, I have my convictions about the immediate necessity of liberalizing the political constitutions and the political institutions in the Indian States. I think, Sir, it is not impossible that by the passing of measures like the one we are discussing at present we may achieve the objects in view. I think the condemning of the excesses and abuses of the liberty of the press in British India, and the advocating of the inauguration of some sort of popular self-government in the Indian States, are not antidotes to each other. In fact, I can conceive that the more the Indian princes liberalize their political constitutions and become constitutional monarchs in their small kingdoms and principalities, the less would be the attention paid to the internal affairs of the States by the press and platform in British India. Due to the absence of such a Bill as the present one, the libellers and blackmailers of Indian princes were beyond the reach of the Indian States, as living outside their jurisdiction, whereas, on the other hand, they are also beyond the reach of the British Indian Government who had no legal weapon by which they could bring the libellers under restraint and prove their own goodwill and sympathy for the Indian princes being their allies. A libel against an Indian prince or State administration, published in a newspaper in British Indian territory, is not an offence punishable under the ordinary penal laws of the land unless and until the present Bill is passed into law. It was not possible for the British Indian Government to punish such offenders before even if they desired to do so. I admit that an Indian prince or an administration have got the remedy in the present sections in the Penal Code relating to defamation and libel, and he has got the full liberty of lodging a complaint in a proper criminal court in British India, against such press which indulge in libellous attacks. But I think and I believe there may be various considerations which prevent the Indian princes adopting such a procedure. A case of defamation unnecessarily leads to an open discussion of the State's internal affairs in a manner, which instead of rivetting public attention to the real merits of the case, allows a wide scope to the scandal-mongering of the newspaper world and their reader

Then, Sir, I come to the constitutional position of the Indian princes. All Indian States are independent political units under the paramount power. It is the rulers of Indian States who, at one time or other, made treaties with the paramount power. The British Government when making treaties with such Indian rulers recognized that the Indian princes have sovereign rights over their States and the rulers of all such States must have been regarded by the British as having sovereign rights on those kingdoms. Now, I ask: Is it not reasonable to claim for the sovereigns of such Indian States a fair measure of protection of their dignity and respect in keeping with their high exalted positions? The present measure is only allowing some measure of power to combat libellous attacks by the British Indian press on such princes and their administrations and for safeguarding their respect and dignity in the eyes of the masses within their own dominions and outside.

Sir, in these days of democracy when we find State after State in Europe falling on autocrat dictatorships to save the people from ruin, we will have to seriously ponder whether absolute monarchy is bad in theory at the present moment. I say that there are Indian princes who think themselves to be *pater familias* and treat their subjects like children and have conferred benefits on their subjects which even the British Indian subjects after remaining for 150 years under British rule do not enjoy. In this connection I may mention that the late Honourable Mr. G. K. Gokhale and other political leaders after him agitated for the introduction of compulsory free primary education in British India, but though we do not enjoy this privilege here in British India, yet the subjects of the States like Bardoa, Mysore and Travancore enjoy such benefits.

Sir, this compulsory free primary education is the foundation on which constitutional advancement rests and if some of the Indian States could go so far it is not a wonder that they will liberalize their constitutions and governments in time. I do not even for a moment deny that a fair criticism in the press will do good to the princes themselves, but what I object to is the libellous attacks, whether true or false. I do not believe that in this world there are persons so high that they should be absolved from criticism, but criticism has its bounds and they must be kept within bounds too. The present measure has become an absolute necessity when we found that in spite of a sufficient scope being given so long for the critics to remain within the proper bounds of decency and propriety, they failed in keeping themselves within bounds of decent and fair criticism. I believe that by now every one of the newspaper readers have been convinced that the vituperative criticism against Indian princes, which are published from time to time in the columns of some of the inferior journals, posing as interested in the Indian States' affairs, are not generated from disinterested public spirit and public goodwill.

Before I conclude I would remind the princes that the British Indian Legislature are going to give them the full measure of protection that they need against wicked libellers by this Bill, but that does not absolve them from the duty of improving the machinery of their governments in such a way as would allow the subjects to have more control in the State's affairs and gradually to transform themselves into constitutional monarchs on the lines of constitutional monarchy in Great Britain. I would ask the princes not to forget the fact that unless and until they base their rule on the goodwill of their own subjects, no amount of measures like the one under consideration will save them from press attacks and from ultimate ruin to themselves.

With these words, Sir, I support the Bill.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKPARKHAN (North-West Frontier Province: Nominated Non-Official): Sir, I do not want to take up the precious time of the Council, as the Honourable Mr. Kalikar has done, nor do I want to go into the high legal technicalities, but I wish to take a common-sense view of the subject. I agree, Sir, generally with the principle of the Bill and I am strongly of opinion that it is an essential measure in the present conditions of the country. The recent agitations of British Indian subjects against Kashmir, Alwar, Patiala and Bahawalpur make it highly imperative that such like manifestations of ill will against the Indian States should be effectually controlled by some legislative enactment and with this end in view I regard this Bill well calculated to put down undesirable forms of agitation. Honourable Members might remember that thousands of people from the Punjab marched in *jathas* into the territory of Kashmir and caused considerable commotion in that State. Similar happenings took place in Alwar and attempts were also made to foment disaffection and rebellion in Bhopal and many other States. In short, strong agitation was kept up in British India on the ground that there has been maladministration in these States. It is, therefore, time that a Bill of this nature is placed on the Statute-book as soon as possible.

Sir, the Bill under consideration seeks to supplement the provisions of the Indian States Protection Act of 1922. That Act was only intended to control the issue of literature calculated to be prejudicial to the interests of the Indian States. Some provision was, therefore, necessary to control other activities directed against the States and this is provided for by the present Bill. In view of the readiness shown by the Indian States in India to assist the Government of India during the stormy days of the civil disobedience movement, the Government of India do owe to the States some necessary protection against the activities carried on in British India with a view to embarrass their administrations on the plea of misgovernment. It is further desired as the administration of the Indian States is now to become an internal part of the Government of India on account of their concurrence in the federation form of government in India.

In view of all these facts, Sir, I see nothing objectionable in the provisions of the Bill except clause 3 dealing with the press section. I fear that if this clause is passed legitimate criticism of misdoings in the Indian States will be discouraged. Even in the case of British India the Press Emergency Act was passed as a measure of emergency which can no longer be said to exist and I do not see why its provisions should be extended to protect the Indian States' administration, which in many cases are not above criticism. It would rather be in the interest of the population as well as the administration of such States that the outside press should be given free scope to make legitimate criticism of their maladministration wherever it exists. No doubt, the Indian States deserve protection against activities carried on in British India to subvert or interfere with the administration of such States and this is provided for by the other clauses of the Bill. But so far as criticism in the press is concerned, I think the protection should be given in such a manner as not to make the misdoings in Indian States above the law. There ought to be some legitimate check on the States' administrations. After all, the States' administrations are not more important or of greater significance than the Government of British India, and when the Government of India as well as the Provincial Governments under it are not exempt from a legitimate criticism of their administrations in the press, what cogent reasons can there be to grant such exemptions to the States' administrations not enjoyed even by the Government of British India?

Besides this, Sir, the Act of 1922 known as the Indian States Protection Act makes the law of sedition under section 124A applicable to writings with reference to the State administrations and in this aspect that Act fully protects a prince or a chief as well as his administration from malicious attacks. At the same time the Indian States themselves do not seem to be so keen for such drastic and summary action as is contemplated by the Bill under discussion. The initiative on this line seems to have been taken by the Government of India and not by the Indian States, for in the statement of objects and reasons attached to the Bill there is no mention of the fact that the contemplated restrictions on the liberty of the press are being imposed at the request or demand of the Indian princes or chiefs. It even does not appear from it that the Indian States Protection Act of 1922 has failed in its working to achieve the object for which it was enacted. Under the circumstances, Sir, I do not think that a case has been made out for this section, nor do I think that it is necessary or desirable. To my mind agitation in the press against a State is mostly ineffective and when it is effective it is either desirable or can be dealt with under the provisions of this Bill.

In spite of all this if there are some cogent reasons with the Government of India, of which I am not aware and at the same time I cannot believe that the Government of India will bring forward a measure unless it is most urgently wanted, I have no hesitation to support it as a whole. Because, after all, the the Indian princes and chiefs are the descendants of good old families, the origin of some of which dates back to the early periods of the Christian era. As such there ought to be some efficient measure to guard their good name and administration and as it can be discerned from the inclusion of this section in the Bill, I cannot doubt the good intentions of the Government of India to preserve the scions of nobility from improper and malicious attacks on their administrations and thus prevent the means of their becoming a matter of public gossips and open scandals. Since the Government of India is decidedly in a better position to see the necessity of such measures as provided for in the Bill under discussion, I think it will be simply proper and right to extend our support to a measure such as is brought forward by Government.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal : Muhammadan) : Sir, in rising to support this Bill, I am torn by two conflicting thoughts. Firstly, there is the indubitable fact that a section of the gutter press in British India deliberately aims at victimising Indian States and their rulers by a cunning process of blackmail. In so far as the Bill aims at preventing this prostitution of the press, I whole-heartedly support the measure now before the House. It may be argued, and very reasonably argued, that the ordinary processes of the law should be enough to afford the princes protection against defamation and blackmail. Unfortunately, the princes find it impossible to take action, as any ordinary citizen in British India would, in the law courts in British India against newspapers perpetrating a libel against them or carrying on intentionally malicious propaganda with the object of extorting money either by threatening exposure or by subtle innuendo. No one would tolerate these disgraceful tactics of the press anywhere, but the conflicting thought that assails me, at the same time, is that the remedy lies not in introducing legislation that even remotely infringes upon the freedom of the reputable press, but in preventing newspapers being edited or published by men who are neither reputable journalists nor men of character. My fear is that this Bill may prevent that healthy ventilation of questions of public interest in the Indian States without which there can be no progress, and it may also in this way isolate the Indian States in an isolation which, in view

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of the new relations foreshadowed by the reforms, are writ large on the wall as likely to come into existence between British India and the States, is entirely harmful, and not only harmful, but so far as the Indian States are concerned, positively dangerous.

In the circumstances, I support the Bill as a gesture in favour of a healthy whip against the gutter press, but I hope that it will remain suspended on this press like the sword of Damocles, and steps will be taken, at the same time, to exercise more vigilance in letting loose the plague of editors and publishers of newspapers who have made this Bill necessary.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON (Punjab: Nominated Non-Official): Sir, I understand the Government of India have a two-fold responsibility towards the Indian States under the suzerainty of His Majesty. On the one hand, they have to protect the subjects from the misrule or maladministration of Indian States and, on the other, they have to protect the States from any attempts to subvert or paralyze its administration. Sir, there have been several instances recently where the Government of India have rightly intervened to save the Indian States' subjects from misrule and hardship, and there is no reason to apprehend that in future the Government will lack in their duty towards the subjects of Indian States. Sir, it is only fair that the Government should also be prompt in discharging their other obligations. Recent experiences have proved to Government, as a result of the happenings in British India, that the present law is adequate to check and prevent the activities carried out in British India to subvert and paralyze State administrations. Thus the Government have been forced to introduce this Bill. As Honourable Members are aware, during those recent happenings the Government had to resort to Ordinances, because there was no law available to help them. Sir, it is in the interests of peace and order in India that there should be no revolution or state of chaos in Indian State territories, which are intermingled with British India all over. If cases are started under this proposed law they will be tried by the Indian courts and there appears to be no justification for any suspicion that the Indian courts will be so partial to the Indian State authorities that they will convict innocent people or pass excessive sentences against the guilty.

As regards clause 3. The press should certainly have the right and the liberty to expose maladministration and misrule if prevailing in any State; but then I question, Sir, is it not only fair that there should be some provision in the law to check the misuse of such rights and privileges by any section of the press? I would say that if no penalty is prescribed for mischievous propaganda of a certain section of the press, it will be leaving the Indian States at the mercy of that section of the press. Rather I would say that this will amount to encouraging a certain section of the press to blackmail the Indian State authorities. Sir, I allude to an incident which occurred in another place the other day, when there were serious allegations and counter-allegations on behalf of two gentlemen, a journalist and a so-called emissary of an Indian State. Those allegations may be true or they may not be true. But, Sir, there is no denying the fact that Indian States feel nervous of a certain section of the press and it is only fair to give them protection against the mischievous propaganda of that section. Sir, I think that if the press is fair to itself and fair to the State administrations it need have no fear.

Sir, I support this Bill.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, the Bill before the House raises up some questions of extraordinary importance from the constitutional point of view. The first difficulty which one encounters in dealing with this Bill is that we do not know what we are safeguarding and whom we are safeguarding. The Indian States have not been defined under the General Clauses Act, nor could I find any explanation of the word "administration" in the General Clauses Act. Indian States as is well known, vary in size and in jurisdiction in all the degrees that can possibly be conceived. There are States which are to all intents and purposes suzerain States except as regards their foreign relations. Then at the other end there are States who have neither jurisdiction nor power nor control over even their own subjects, I refer to the States of the Mahi Kantha and Rewa Kantha Agencies, where the administration is carried on under the Foreign Jurisdiction Order in Council, 1902, by the Governor General. The civil, political, criminal, all the jurisdictions are exercised by the Governor General as apart from this Legislature. We do not know what administrations we are protecting. Is it to be supposed that the administration carried on by the Governor General in the name of the British Crown is to be safeguarded, or is it the administration of the States themselves. The States have deliberately chosen to vest paramountcy in the British Crown and not in the Government of India. The Butler Commission came to this decision, and if there remained any doubt it has been cleared up by the White Paper proposals. Now, as far as this Legislature is concerned they are as much a foreign power to us as either the French Possessions or the neighbouring sovereign States out of India. If we are to pass an Act for a neighbour, it is but right and proper that the Act should be applicable in the case of all States irrespective of whether they are under the suzerainty of His Majesty or not. His Majesty is himself a constitutional monarch and therefore all his acts are subject to be carried out through a constitutional authority. If the Indian States have any right, if they have any claim, they have a claim on His Majesty and they can claim through his constitutional representative, who happens to be the Viceroy of India. They have a right to demand from him but not from the Central Legislature which has no place in the composite picture of the paramount power and his subservient States. Then, Sir, the difficulty which we encounter in this connection is that "administration" is a word which can be stretched to any length. Even a village chowkidar forms part of the administration and it is no wonder that if Acts of this nature can find a place on the Statute-book of British India it means that to all intents and purposes we will be gagged and our mouths will be sealed. Sir, the position is that the Indian States want to be apart from us. They do not wish to sink or swim with us, but they want to benefit both ways. They want to have the advantage of being above British India and its politicians, and they want us at the same time to save them. That is a sort of one sided game to which we cannot be a party.

THE HONOURABLE THE PRESIDENT : I would just like to know the position which you are now trying to argue ? Do you mean to say that if a conspiracy is formed in British India to overthrow an Indian State the Government of India should not interfere ?

THE HONOURABLE MR. HOSSAIN IMAM : The reply to that, Sir, I will quote from an official publication as to what the Government of India has itself been doing in the past. I am referring to two Indian States which I shall not name but which are in the North-West Frontier Province where actual fighting was going on till 1922 between these two States and the Government of India interfered only after that.

THE HONOURABLE THE PRESIDENT: That will be quite a different case. If they are fighting between themselves either politically or in any other way, either over land disputes or territories, that is another matter entirely, but I am putting to you a practical question. If there is a conspiracy in British India to overthrow an Indian State, is the Government of India to sit with folded hands and not to interfere at all?

THE HONOURABLE MR. HOSSAIN IMAM: May I draw the attention of the House to the fact that up till now there has not been any conspiracy of this sort.

THE HONOURABLE THE PRESIDENT: That is another question. You raised a legal point and I am therefore asking you to enlighten the House on that.

THE HONOURABLE MR. HOSSAIN IMAM: Under section 144 any breach of peace which may occur in India can be interfered with by the Government of India. If they want to organize any armed rebellion of any sort, at first under the Arms Act they will be prevented from having possession of any arms; in the second place as regards marching, by orders under section 144 we can stop any illegal gatherings. As a matter of fact the provision which has been made in section 2 of this Bill is more intended to affect civil disobedience and *jathas* than armed rebellion. Armed rebellion we cannot even conceive of. It has never occurred during the 150 years of the British connection with India through British India in the Indian States. The case to which I referred was a case of armed physical fighting, not political fighting, between two States of the Frontier Province.

Sir, the position is this, that we in British India are called upon to bear expenses and we do not recoup them. Very recently there was an agitation against an Indian State and a Provincial Government incurred expenditure—a great deal of expenditure—on account of preventing *jathas* from going there. We have no right, we have not even the right to question the actions, the powers or the privileges of Indian States, yet we are asked to bear expenses on their account. The expenses met by the people should be for the common interests of British India. If Indian States want to safeguard themselves, they must pay for it. They must give us rights and privileges if they want to have our support for their case. Without getting value for our support we are not prepared to give it. The question which is of very great importance to us is the degree of control which this House ought to exercise on its own components in British India. This power should be utilized for the furtherance of the cause of British India and for no other purpose. When a Bill was under discussion about our relations with foreign powers Government gave us to understand that they were placing this law on the Statute-book because there was a genuine demand for some sort of protection from the people concerned. When the Indian Press (Emergency Powers) Act was under discussion and when the Criminal Law Amendment Act was under discussion, we were supplied with papers. The Home Department sent us two books giving extracts from the press—examples of the sort of articles which were written to subvert the allegiance of His Majesty's Native Indian subjects. Therefore they tried to establish their case. They took us into their confidence. They gave us those papers to gauge for ourselves whether there was any necessity for such a thing or not, and then we gave a decision. Here, the Home Department have refrained from giving us any information, except the one general observation which the Home Secretary gave us in passing. The question is that if you have a case, if there is any necessity for this sort of

action, why not give us all the papers concerned and tell us what are the disadvantages which arise from the want of this power. The real grievance of Indian States is not their administration being attacked by the press ; but their real grievance is that there are personal attacks on their character, their affairs, their expensiveness ; and all these things form the subject-matter of articles in the press. As far as that is concerned, Sir, people who can be morally guilty of the Bawla murder, or of things which came out in a European court against Mr. A., they must be afraid ; they pay blackmail and they are the people who really supply the incentive to the press to start blackmailing. If they were aboveboard, if they were not subjected to these human weaknesses they would not be afraid and no necessity would arise to protect them. As regards the administration, agitation in British India has been amply justified by the actions of the Government of India themselves. If there is agitation in British India against Indian States, what do we see ? Either the ruler of the Indian State is taken to task or other softer political influences are exercised by the Department over which Mr. Glancy presides to force them to change their administration for the better. The real reason why the British came to India and are remaining here—the *raison d'être*—is that they want to safeguard the interests of the people. If they do not do this, they will have no right to govern. Their duty lies not so much with the princes as with the people of Indian States and it is only they who are standing in the way of indigenous methods of getting rid of those who do not work in the interests of the people. As is well known to every student of history the tenure of the crown of Indian princes was very insecure. There used to be any number of changes. Any prince who was unable to rule properly was subjected to attacks by neighbouring States, was subjected to rebellion, and we used to have the same spectacle as we now have in Central and Southern America. The British came in—

THE HONOURABLE THE PRESIDENT : This is all very interesting, but it has no bearing whatsoever on the provisions of the Bill. I would advise you to argue the provisions of the Bill.

THE HONOURABLE MR. HOSSAIN IMAM : I was trying to show that this conspiracy to overthrow is only made because the British Government is propping up a system which would have collapsed if there were no British bayonets to prop them up. I was trying to point out to the British Government that they owe a duty to the indigenous States' people which they ought to discharge by introducing better administration in the Indian States. I was trying, Sir, to show that, when the Press Emergency Act was passed, we were told that the Government is having recourse to two measures of establishing law and order from India and a promise of reforms and constitutional advance from England. Have we got the same promise here ? Are we promised, Sir, that there too they will have a scheme of reforms on the lines of British India if we are prepared to take upon ourselves these restraints which the Crown wishes to impose on us ? If we on our part are willing to put ourselves under restraint there should be some restraint on the powers of those who are oppressing the people. Sir, I shall not labour the point but pass on to some of the other aspects of the question.

The section which has been subjected to most criticism is the present section 3 and I wish to point out that the opinions which happen to be those of Government officials mostly are not unanimously in support of the point of the Home Department. Sir, I shall begin with the opinions from my own province. The Judicial Commissioner of Chota Nagpur says—

THE HONOURABLE THE PRESIDENT: All the Honourable Members are provided with that paper containing provincial opinions and they must have more or less studied them. Here you are to express your individual opinion, because in the opinions given there there are opinions on either side, for and against, so it will not help the Council to come to a decision. The Council would like to know your opinion.

THE HONOURABLE MR. HOSSAIN IMAM: Then, Sir, I will leave that point. The opinions of those who were connected with and some of the persons who acted as Political Agents in Indian States go to show that they think that the provisions of this Bill will make legitimate criticism subject to the provisions of this Act and thereby stifle the discussion of maladministration. Unless we have some measure of liberty to discuss maladministration we will not be able to bring these facts to the notice of the authority concerned, I mean the Governor General in the Political Department, for investigation. I will remind the House that these agitations against certain princes by the people in a State to our east and a State to our west. In one of these cases, the Government has taken drastic action while the other is still awaiting the action of the Government because that has not been sufficiently ventilated. That shows that agitation in the British Indian press has not been an empty affair. This is well substantiated. The fact that by Explanations 2 and 5 that expressions of opinion without malice have been permitted is, I wish to submit, Sir, not sufficient. It is well known that the judgment of Chief Justice Jenkins of the Calcutta High Court in the *Comrade* case is a monumental judgment. It had thoroughly exposed the extent of the net which the Press Act had spread so that no human being could extricate a person when once entangled in it.

THE HONOURABLE SAIYID RAZA ALI: You mean the Indian Press Act of 1910?

THE HONOURABLE MR. HOSSAIN IMAM: Yes, Sir, and this is more drastic than that was.

THE HONOURABLE SIR BROJENDRA MITTER (Law Member): Sir, may I point out to Honourable Members that the amount of liberty which the press enjoys with regard to the Government of India will be the amount of liberty which they will enjoy, if this measure is passed, with regard to the administration of any State. No more restriction is being put upon the press with regard to the States than there is with regard to the British Indian Government. The position is exactly the same.

THE HONOURABLE MR. HOSSAIN IMAM: We are very thankful to the Honourable the Law Member for elucidating the point, but will he point out if we have got in the States Legislatures the same facilities as we have in this House to question the Government?

THE HONOURABLE SIR BROJENDRA MITTER: Sir, it is well known to any one who is familiar with constitutional law that the privileges of a Legislature are of an absolute character and that those privileges are nowhere extended to the press.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, if we in British India are not allowed to ventilate a point in the press, we have the option and the right and the occasion to ventilate it in the Legislature. In an Indian State,

this right and privilege is not enjoyed. In the Indian States even the press is gagged—more gagged than in British India. We have only one loophole left—to ventilate grievances in the British Indian press. What can the press do? Is it so omnipotent as to stop the administration of the country? Is it so powerful as to induce Indian States' people to start a rebellion or a civil disobedience movement? Nothing of the sort has yet happened. The Indian press has served only to bring to light the maladministration of some of the States and it has materially helped the British Government in India to right those wrongs. It is sought to spite the face by cutting off the nose! Sir, as I was saying, in that monumental decision the one word which is the root cause of all troubles and to which I wish to draw attention, is the word "disaffection". Anything to be exempt from this provision should not excite disaffection towards an Indian State. It is rather a tall order to compel a person to have affection for an autocrat who can be guilty of every sort of crime that you can conceive of is impossible and if a man publishes any news, it does not matter how well founded in truth it may be, if it causes people to show disaffection towards a State it will not be exempt from the operation of this Act. This is the sort of safeguard that has been provided. It is no safeguard at all.

Then, Sir, there is a point of constitutional interest, purely from the British Indian point of view. It is the constitutional power which has been given to the Governor General in Council concurrently with the Local Governments as far as actions under section 3 are concerned. We, Sir, wish to have complete provincial autonomy and we do not like the idea that the Government of India, which will remain irresponsible, should exercise this power over a local authority which is going to be made to a great extent responsible to the people. What we are gaining on the one hand or what we are supposed to gain from the constitutional reforms is being taken away on the other hand by this Act by giving power to the Governor General in Council in all these connections.

THE HONOURABLE THE PRESIDENT: The new constitution is not supposed to take away the powers which are at present exercisable, namely, the powers of superintendence and control over Local Governments, or the powers of framing special legislation.

THE HONOURABLE MR. HOSSAIN IMAM: My point was that in future we are promised provincial autonomy and the Ministers of the Government will be responsible to the people. If any offence is committed in the provinces, if this Act is not passed, all the powers will be exercisable by the Local Government itself.

THE HONOURABLE THE PRESIDENT: Will that prevent the Government of India from passing a Bill on similar lines as passed by the Local Governments or on broader lines than what the Local Governments may deem expedient to pass?

THE HONOURABLE MR. HOSSAIN IMAM: It is not the passing of the Act but of taking definite steps, for instance, the starting of cases. All this work can be done either through the order of the Governor General in Council or the local authority.

THE HONOURABLE THE PRESIDENT: I think it is too premature to discuss that question at present, because we must wait and see what measure of provincial autonomy is given.

THE HONOURABLE SAIYID RAZA ALI : What will happen in the case of States situate in Rajputana ? Which is the province there ? Who is to give sanction there ?

THE HONOURABLE MR. HOSSAIN IMAM : From that rises a very pertinent question. If in one of the States a paper is published, and if attacks are made on the ruler of another State, what will happen ? There is a lacuna which the Honourable the Law Member will fill up.

THE HONOURABLE SIR BROJENDRA MITTER : What is the lacuna ? I could not follow.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN : The Honourable the Agent to the Governor General or the ruler of the State in which the press is situated.

THE HONOURABLE SIR BROJENDRA MITTER : Sir, the Honourable Member spoke so fast that I could not follow him. Will he kindly repeat what lacuna he thinks there is and I will explain ?

THE HONOURABLE MR. HOSSAIN IMAM : We are passing an Act which will have effect in British India. If anything is done which will create disaffection towards an Indian State, that paper will be punished. Now, I ask my Honourable friend what will happen if this happens in one of the Indian States ? For instance, if in a State in Rajputana a paper is published which starts maligning a State in Bundelkhand, who will take action, and who will be the authority to stop it, if there is a conspiracy in one of the Indian States ? That is a very pertinent question, and I think the Honourable the Law Member ought to explain the point.

THE HONOURABLE SIR BROJENDRA MITTER : May I answer ? There is no lacuna here. The Central Legislature can legislate only for British India. We cannot legislate for the States. Therefore, if there be any mischief brewing in a State, it is for the State to deal with it and not for us. We are only legislating for busybodies in British India trying to create mischief in the States.

THE HONOURABLE MR. HOSSAIN IMAM : That only shows how limited our action is. We are trying to safeguard the States, and we have brought forward a measure which will safeguard them in British India and we now find that no steps have been taken to safeguard them from their brethren in the other States.

THE HONOURABLE SIR BROJENDRA MITTER : Because the danger does not exist.

THE HONOURABLE MR. HOSSAIN IMAM : As far as the danger is concerned, I should like the Home Member to give us a specific instance where an offence under section 2 has been committed in British India ? I wait for an answer.

THE HONOURABLE SIR HARRY HAIG : I do not know what my friend is referring to. Is he suggesting that there never has been a case of conspiring in British India to overawe by means of criminal force the administration of

a State in India? If he suggests that there never has been such a case, I am afraid he has not been studying the public affairs of this country for the last three years?

THE HONOURABLE MR. HOSSAIN IMAM: My suspicion has been confirmed that it is not violent criminal force which is being penalized but it is non-violent force, as they call it, which is being penalized with seven years' imprisonment. It is simply a civil disobedience movement which is not subject to such drastic imprisonment in British India which is going to be so penalized in Indian States.

THE HONOURABLE SIR HARRY HAIG: It is a well-known fact that non-violent force does not stop at non-violence.

THE HONOURABLE SIR BROJENDRA MITTER: I may remind Honourable Members of "non-violent brickbats"!

THE HONOURABLE MR. HOSSAIN IMAM: Sir, if as shown by the Honourable the Home Member, that is the kind of conspiracy to overawe which is being contemplated, the like of which we had during the last three years, then I submit that the punishment which is being provided is not only excessive but outrageous.

Sir, may I draw attention to a very pertinent fact? At the present moment, in the Madras and Bombay Presidencies, non-official propaganda is being carried on against the administration of some of the Indian States. I shall not refer by name to these. The Maritime States on the Arabian Sea and their management of the Port Trust and the way in which they have been subsidising import, has been the subject-matter of discussion in the Press, on the platform, and in official despatches. That sort of thing will not be permitted under this Act, because it is bound to create disaffection towards the administrations, and the Explanation brings it rather more strongly under the clutches of the Act. Then, Sir, in Madras, there is a great deal of agitation on behalf of the cultivators about the taxation which has been imposed by one of the Indian States on the export of rice to that State, which will also become the subject-matter of this law if it is enacted.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated Indian Christians): May I interrupt my Honourable friend? That is by constitutional means. There is no objection to that anywhere.

THE HONOURABLE MR. HOSSAIN IMAM: That is why I say that unless we are permitted to expose the whole administration, we will not be able to get redress of our grievances.

Now, Sir, I shall confine myself to the aspect as far as the administration itself—

THE HONOURABLE THE PRESIDENT: How long do you propose to take?

THE HONOURABLE MR. HOSSAIN IMAM: About twenty minutes, Sir.

THE HONOURABLE THE PRESIDENT: Very well.

THE HONOURABLE MR. HOSSAIN IMAM: The Indian States having rudimentary powers will they be saved by this measure? Whether they will be saved by this Act or not is the question which I want to understand. For instance, there are cases in which Indian States of the Bombay Presidency have no power. Their States are being administered by Indian officials. Is it intended that these officials will not be subject to our criticism? Is it to be provided by this Act that although their superiors can be questioned they, being placed in Indian States, become so high and mighty that they are to be above criticism? In the *sanads* of different States it is provided what will be the power which they shall exercise themselves. In some of them there is a provision that the administration of criminal law shall be according to the Indian Penal Code and in others that it shall be subject to the confirmation of the Indian authorities. Now, if there is any British Indian authority which is acting in the Indian States, that at least ought to be subject to our control because they derive their power from being British Indian officials only. Then we must not forget the fact that in Indian States there is no administration established by law. The sweet will of the ruler is a law unto itself. Therefore we cannot even define the word "administration" as found in different States. They are different in one from another. What may be the administration in one State may not be the administration in another State. We have States in British India with an income of less than Rs. 100. If they are to be treated as co-equals with States like Hyderabad and Kashmir, it is really difficult to find words to express the height of folly being shown in this. The administration of Indian States is such that no amount of exposure of it can be said to be exaggerated in the present advanced state of the world. The British Government alone is perpetuating them otherwise they would not exist. If the British Government has taken up the cudgels to safeguard them, we appeal to them to introduce the same policy in the Indian States as they have done in British India; that is, they must introduce reforms there.

Now, Sir, my colleague Mr. Kalikar asked the question whether Indian States have demanded any protection from the Government of India or not, and if they have demanded it why that demand was not put before us? That is a pertinent question. He also drew attention to the fact that a Resolution was passed in the Narendra Mandal in 1930, but he forgot to tell us that a fit reply to that was given by Lord Irwin in his famous speech of 1931 in which he asked the Indian States to give no ground for attack as the best cure for attacks being made. Then our Honourable colleague the Home Secretary—

THE HONOURABLE THE PRESIDENT: Order, order. The Council will now adjourn for Lunch.

The Council then adjourned for Lunch till a quarter to Three of the Clock.

The Council re-assembled after Lunch at a Quarter to Three of the Clock, the Honourable the President in the Chair.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, before I proceed with my remarks on the Bill, I shall be obliged if you would kindly tell me the ruling which you gave as regards quotations from opinions that have been circulated on this Bill? I did not quite follow it.

THE HONOURABLE THE PRESIDENT : I did not give any ruling. The Honourable Member is entitled to quote from the opinions given in that paper of different judges or district magistrates or others. The Chair has no power to stop the Honourable Member from reading parts of those opinions. I only pointed out to the Honourable Member that quotations of this nature will not be helpful, because there are always divergent views expressed in that paper. One party may quote one set of views ; another party may quote another set of views. I have no objection if the Honourable Member wants to use any of those quotations.

THE HONOURABLE MR. HOSSAIN IMAM : I am indebted to you, Sir, for clearing up my doubt and I shall proceed with the discussion.

The Honourable the Home Secretary in introducing this Bill stated that the Indian States Protection Act was ineffective and he cited to us the instance of one case started under it which has been dragging on for the last four years. That is the Government's harvest of hurry. This Bill was passed in the teeth of opposition in the other place. It was certified as essential for the safety of India and what is the result ? The Statute-book has been encumbered with an Act which, according to its own authors, is ineffective and useless. In the same way this Bill which is being sought to be passed, if it is used rationally it will be as ineffective as the other was ; but if it is utilized with a vengeance, it will be a different matter. The Government know that they can even without Acts of the Legislature take vengeance without any limit. Then our Home Secretary foreshadowed that the passage of this Bill would be a step forward in the relationship between British India and the Indian States. I wish it were so ! I wish it had been a harbinger of better relations between two sections of the people ! It is the desire of Indian people that these two identical portions of India should come into more cordial relations with each other. But is there any mutual exchange between us and the Indian States ? *Are we gaining any power, any status, any right, any privilege which we did not enjoy beforehand ?* Sir, at the present moment we are debarred from discussing any questions appertaining to Indian States. If by this measure or by any other measure the Government were to allow us to question the actions of those people just as we question the British Indian administration, we would have thought that we were getting some price for our co-operation. We are told that this would bring forward days of mutual recognition and mutual help ; but there is nothing of the sort. I will give you one instance to show how the present policy by which we cannot question the happenings in Indian States is hard on the British Indian people. An Indian State with which our Political Secretary is very well conversant has got a law that only those persons of British India who were resident in that State before 1842—*Samvat Vikram*—can be regarded as State subjects and all those who have gone there after that period cannot acquire citizenship. All those British Indian subjects who have left their homes and taken up their residence in that particular Indian State are affected ; is there any method whereby we can force or even induce or bring political pressure to remedy this defect ? The only weapon before us is agitation in the newspapers and we cannot indulge in that because of this Bill. It is not only that we cannot help British Indian subjects in British India, but we cannot help our own kith and kin who have gone to the States. The Honourable the Home Secretary told us that as neighbours they are entitled to our protection. Neighbours can be friends as well as enemies ; neighbours can be good and neighbours can be otherwise. Because of the fact that a person is your neighbour he is not entitled to your support unless he deserves it. First deserve and then desire is the rule. If Indian States wish to have the amenities, wish to have the rights which

[Mr. Hossain Imam.]

international law gives to the States of the world, they must rise up to the position which international law recognises. As I said in the beginning the word "administration" is not defined. Now in the Press Act the wording is very clear. What we wanted to save from the criticism was the Government established by law in British India and the administration of justice in British India. In drafting this Bill why were not the same words used? Here we find the word "administration" which is capable of infinite stretching. I do not wish to enter into the details, but I should like to remind the House that there are instances in the lives of Indian States which have repercussions on the future administration of the State and if we question those actions we will be regarded as questioning the administration. But with this difference that, as there is no definition of the word "administration" we will be held responsible. At the present moment, as far as we have been able to find out, the civil disobedience movement even in British India is on the wane. The Congress has, if not officially, at least unofficially, withdrawn civil disobedience as a political programme. At such a moment when there is no necessity for a law of this nature it is really encumbering the Statute-book to bring forward measures of this kind.

The fact that the agitation in the press materially helps Government in coming to right decisions on the condition of a State will be, I hope, admitted on all sides. The ignorance of the ruling classes was well known even before the French Revolution and lately in the other place a distinguished Member cited the ignorance of one of the ruling princes. All this shows that this ventilation of our grievances in the press serves a two-fold purpose. It brings maladministration to the notice of the ruler himself and it brings the matter to the notice of the Political Department. In this connection, Sir, I would like to quote the opinion of some people whom I regard as competent on this subject. The Commissioner, Kumaon Division, who acts as Political Agent to some States as well, says, in the Opinions that have been circulated to us, on page 10 :

"I doubt whether this or any other Act will be an effective remedy in cases where the personal idiosyncrasies of a ruler lay him open to attack".

Then further on he says :

"There is unfortunately little reason to suppose that any legislative action will finally kill a nuisance which *thrives on the willingness of a ruler to pay blackmail as the cheapest way to avoid trouble*".

Sir, then we have the opinion of the Commissioner, Central Division, Bombay. These are all, I may point out, the opinions of executive officers who will have to deal with this matter in the day-to-day administration.

"It is not desirable that the editor of a newspaper should be exposed to the risk of conviction for exciting disaffection amongst the subjects of an Indian State if he brings to light the true facts as to acts done by the administration which, if made known, can not but excite disaffection".

The District Magistrate, Poona, who ought to know because he is surrounded by Indian States and acts as Political Agent says :

"The administration of the Indian State is an internal part of our Government machinery in India. Press agitation against a State is, I should imagine, mostly ineffective and when it is effective it is either desirable or can be dealt with under our present law or the provisions of this Bill".

He thinks that our present armoury is quite sufficient to deal with the menace, if there is one, and there is no necessity of further armour.

Then, Sir, the Additional District and Sessions Judge, Ajmer-Merwara, says :

“ The States as they are constituted at present require the healthy check of fair and fearless criticism from the press and platform of British India to keep them going right ”.

When I said that the saving clauses were not sufficient, it may have been thought that I was exaggerating ; read the opinion of the District Magistrate, South Kanara, who says (at the end of paragraph 2) :

“ It may well be asked, what is a movement ? What is interference ? These are very subjective words, capable of almost any interpretation and I think that *it is unwise to use such vague terms in a penal enactment* ”.

The District Magistrate of Trichinopoly says :

“ that this Act gives jurisdiction to *Courts in British India to try offences committed by a subject of a State within the territory of a State* ”.

I have not been able to find any amendment in the Act itself which will take away this extra-territorial right which has been mentioned by the District Magistrate. It will be a welcome day for us, Sir, if this legislation were to bequeath this right to us ; we know that in connection with the States the thing which is most usually relied upon is not a treaty but usage and sufferance. If we look at the treaty, we will find, at least in the case of the major States, that they have almost a suzerain status and it is only by sufferance and usage that the Political Department has acquired the amount of control which it now exercises. If we are to believe that this is the thin end of the wedge and that we are going to acquire by means of sufferance and usage that right, I would welcome this measure with open arms.

Sir, I do not wish to detain the House very much longer. I have only a few words more to say. The reason for our not coming forward to help the Government in passing this Act is that we regard it as a one-sided affair. We are not getting any return for our extended hand of friendship. The Government can tell us and has told us in another place that in some of the States we have been given these powers, that if British Indian subjects committed an offence in British India, and went to an Indian State or if they did any overt act, in an Indian State, they were liable to be punished. That may be so, but that was our accrued right. That was the right which we had acquired by sufferance and usage. This is not what we are getting in return for this.

Then, Sir, there is another point, that when we are under the suzerainty of a power that relationship creates many kinds of obligations, and that is an obligation we can owe only to the supreme power and that obligation does not arise in other cases. For instance, it is a well-known principle of international law that political offenders find asylum in different countries and it has been the practice to give asylum to political offenders. The idea underlying is that the political offender has offended only against the particular form of government which is functioning and not against the humanity or against the people in general, and therefore they are immune from extradition. In the same way, the people of British India and the Indian press owe allegiance to His Majesty's Government and therefore His Majesty's Government have

[Mr. Hossain Imam.]

a right to demand from us that we should help the administration in carrying out the work. We should not hinder that administration. But this right cannot be claimed by authorities who are outside His Majesty's Government. We in British India times out of number have criticized the action of South Africa which is a component part of the British Empire—a self-governing dominion. We are not debarred from that. The press is not debarred from that. Why should we be debarred from having the same rights about our Indian States which also form part of the British Empire as we have against the self-governing dominions? The Indian States cannot claim at one and the same moment to be in direct relationship and out of British India, and have the same rights which we give to our Local Governments.

To sum up my remarks; we are not getting any return for this Act and therefore we oppose it. Secondly, we are not constitutionally bound to give support to a power which is not part and parcel of British India.

Sir, I oppose this Bill.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras: Muhammadan): Sir, the Honourable speaker who has just sat down questioned the necessity of this Bill. He questioned the justification for a measure which proposes to give protection to the princes when in return British India could not expect anything from those princes. He wound up this part of his argument by saying that the only reason that he could see in this Bill being presented to the House by the Government is the interest which the British Government is taking in these Indian States and that but for the help that the mighty arm of the British Government was giving to these States, these States would long ago have disappeared from the map of India. If these are the sentiments which one like my Honourable friend, occupying a responsible position in the country, entertains, and if this is the solicitude which we in British India evince for the welfare of the Indian princes who after all are our kith and kin—

THE HONOURABLE MR. HOSSAIN IMAM: What about the people?

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: I am coming to that next. I feel that there cannot be a stronger justification for bringing this kind of measure before this House as the attitude which has just been evinced by some of my Honourable friends in this House. Of late, Sir, there has been quite a plethora of movements which were in no small degree embarrassing to the Indian States against which they have been directed. The Indian Princes Protection Act, which has been in force since 1922, was found to afford no protection whatever in this direction. Its procedure was found to be cumbersome and defective and the remedies it offered thoroughly ineffective. This is the reason which has actuated the Government in bringing forward this Motion before this House. Sir, one of my Honourable friends who opened the discussion on this Bill observed that the mere fact that prosecutions under the Act of 1922 involved serious waste of much money and time could not afford any justification for passing this sort of measure. My Honourable friend, in making this kind of observation, forgot that it was because the action taken under this Act proved not only to involve a great amount of time and money but also results which were calculated to defeat the very object for which the prosecutions were launched—

THE HONOURABLE MR. HOSSAIN IMAM : What are they ?

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR : —that is, they gave opportunity to the newspaper to continue to publish the same kind of statements, to persist in the same campaign of vituperative attacks, and all this could not be stopped while the trials in the judicial courts were dragging their weary length and it is to remedy this state of affairs that this Bill has been brought forward.

What is it that this Bill proposes ? All that it aims at is simply to afford protection to the Princes from malicious and mischievous activities in British India which are designed to subvert the Government in those States. Sir, if there is any maladministration in any of these States, if there are any serious grievances in Indian States which require to be redressed, this Act will not prevent constitutional agitation being carried on in British India so long as it is carried on in an honest endeavour to bring about improvement in the State and redress those grievances.

THE HONOURABLE MR. HOSSAIN IMAM : How ?

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR : This can be done by stating what actually happens in those States without importing heat, without casting any slur, without making any insinuations. Sir, so long as constitutional agitation is allowed, I hold that there can be no objection to the principle of this Bill. On the other hand, I feel that the affording of this protection is a duty which British India owes to its neighbour Indian India, in order that this part of India might be able to carry on its administration without any gratuitous and undue interference from outside. So long as an Indian State carries on its government in a reasonably fair manner whether it be a purely autocratic form of government or a government which has representative institutions such as those that exist in some Indian States, so long as this government is carried on in a reasonably fair manner, no outsider has any right to interfere with it however much he might wish to change the form of that government to make it conform to what he thinks is the best, the ideal form of government. Sir, there is nothing like perfection in this world. Nothing that human ingenuity can devise can be claimed to be perfect and flawless. Therefore it does happen that autocratic rule in an Indian State might sometimes be as bad as the government in any other country might at times happen to be bad and disappointing even though it is based on democracy. Therefore it is not a question whether the form of government that obtains in the Indian States is or is not a replica of the form of government under which we live, it is not a question of autocratic or democratic rule, it is a question of whether it is the rule which is suited to the genius of the people, whether it is one which conduces to the well-being of the people in the State, whether it is one which caters for their needs and strives to bring them peace, prosperity and happiness. Therefore I repeat that so long as the government in an Indian State is carried on in a reasonably fair manner there is no justification for interference from outside, and much less from British India which is a neighbour of the Indian States. When I say this, I do not in the least mean to suggest that we ought to help in perpetuating and stereotyping the various forms of administration that we find in the States all over India. I do not mean to suggest that we ought to aid and abet the Indian Princes in carrying on the form of government which might have become obnoxious to the people and which the people in their States might wish to be liberalized and improved. All that I mean to say is that we have no right to create trouble. We have no right to organize *jathas*

[Saiyed Mohamed Padshah Sahib Bahadur.]

and lead them into those territories in order to create trouble. We may have, and I dare say we do have, a right to agitate for reforms whenever there is occasion for that. We have a right to advocate the cause of reform in any State whenever we see that there is justification for it. But we have no right to force the pace, no right to disseminate disloyalty and disaffection among the people of the Indian States in order to incite them to take to unlawful methods with a view to overthrow the government under which they are living and which, but for our incitement, they have been cheerfully acquiescing in. Therefore I say that the object for which this Bill is introduced is perfectly legitimate and one which ought to be upheld by the Honourable Members of this House.

Now as regards the various clauses of the Bill I will just refer to the more important ones. Clause 2 of the Bill seeks to give to the Indian princes the same kind of protection which has been given to the Asiatic Powers under section 175 of the Indian Penal Code. I feel that there cannot be any possible objection to this. As regards clause 3 this is a clause, Sir, which has occasioned considerable controversy both in the Legislature and outside it. It is common knowledge that there is a section of the press in this country, a very small and insignificant section at present no doubt but a section which is growing daily, a section which, day in and day out, indulges in attacks upon the princes. In season and out of season it persists in a campaign of vilification. This section of the press subsists merely on what it can get by way of blackmail from the princes. Sir, is it not in the interests of even British India and of the respectable part of the press in India that this section should be discouraged? (*An Honourable Member*: "Will it be discouraged by this Act?") It is bound to be. In the other House when this measure was under discussion the Honourable the Political Secretary made it quite plain how in this section of the press attacks were often levelled against Indian princes, very venomous and bitter attacks, and were persisted in for days together but which all of a sudden disappeared altogether, and not only do these attacks suddenly disappear but the very princes on whom all this venom had been expended became the objects of encomium and appreciation by the same newspapers. This goes to make it clear that it is not solicitude for the welfare of the people in those States which has prompted the newspaper to make those attacks but the promptings were due to something else. They were due merely to a desire to extort money from the princes. (*An Honourable Member*: "What about those who have bribed? Have you a word of condemnation for them?") The princes cannot be regarded quite like ordinary individuals. It is not very easy for them to resort to courts of law to clear their character, and if they did attempt it, it took so much time that by the time the decision was given in the case and the character was cleared, all the mischief that was intended by the newspaper would have been done completely. Therefore even though it is reprehensible that these princes should offer such temptation, but some of them do it out of sheer necessity. I do not justify them in that but I pity them for the sad plight in which they find themselves. Now, Sir, this section of the press is not only harmful to the interests of Indian States but it is highly prejudicial to the interests of British India also because not only does it drag into the mire the reputation, prestige and honour of the Princely Order but its very existence casts a slur upon the whole press of India. Therefore, Sir, if anything is done to discourage this section, it could not be contended that the liberties of the press in India have been assailed. All that I would say is necessary to safeguard in this Bill is to see that in the

attempt we make to discourage this section of the press, we should not do anything which would go to curtail the freedom enjoyed by the reputable section of the press. I feel, Sir, that the Select Committee has done all that it could do to try and ward off this contingency, but I feel, nevertheless, that there is still this danger—that the way in which this provision of the Act is administered might result in curtailing the freedom enjoyed by the respectable and responsible press in India. The question is whether the authority that will have to decide about this malicious intention referred to in Explanation 5 is the authority which will be competent to decide that question. An executive officer ordinarily cannot be expected to bring the sort of mind to the consideration of such important questions as the intention of malice sort of mind that could be expected to be brought upon the consideration of that question by a judicial officer. However, Sir, I feel that we need not be unnecessarily alarmed at this state of things, because we feel that even though a similar provision obtained in the Press Act which was enforced for nearly twelve years from 1910 to 1922, these provisions were not very stringently and rigidly administered. There have not been any frivolous prosecutions which could not be made and successfully maintained in the law courts. I feel that if only the Government issues necessary instructions to district officers this provision of the law could be prevented from causing any unnecessary hardship to the respectable press of India. The Government should therefore issue instructions to executive officers that they should be very careful in administering this provision of the Act and they should not be carried away by their zeal. All Honourable Members who have taken part in this debate have approved of the restriction that is proposed to be placed upon the right of British Indians to organize *jathas* in British India in order to lead them into Indian States. I need not say much about this. All I would like to say about it is that it is a very unhealthy and objectionable way of exercising pressure upon Indian princes if we allow these disruptive forces to be collected here and sent from British India to make inroads into the territories of Indian princes. Sir, so far as clause 5 is concerned, I am afraid—

THE HONOURABLE THE PRESIDENT: You will have another opportunity of discussing these clauses. This is the stage at which the principles of the Bill are discussed.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: Sir, I was not discussing in detail. I was simply making a passing reference to the clause. All I want to say is that the powers contemplated to be taken seem to be a little too wide. Government in this instance also should issue definite and clear instructions to district magistrates to make sure of the fact that the act they are going to prevent and which is contemplated by the person on whom the order is going to be served is such as is really calculated to create trouble in an Indian State.

Sir, I feel that this Bill is decidedly an improvement upon the Bill that was introduced in the first instance in Simla in the Legislative Assembly. Important modifications have been effected both by the Select Committee and by the Legislative Assembly during the discussion they had on this Bill recently.

Sir, I support the Bill.

THE HONOURABLE SARDAR BUTA SINGH (Punjab : Sikh): Sir, I am not a lawyer and cannot understand the implications of the various clauses. But it is strongly felt that the Indian States have a right to be protected from

[Sardar Buta Singh.]

conspiracies formed in British India in order to overawe the administration of their States and the marching of *jathas* to create disorder. The initiative under the Indian Press Act against the presses and newspapers published in British India will lie with the Government of India or with the Local Government and not with the State concerned. We can, therefore, depend that this discretion will be wisely exercised and only when it becomes inevitable. This in itself seems a safeguard against the misuse of the proposed legislation and I therefore extend my support to the Bill.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI (Madras : Non-Muhammadan) : Sir, I rise to support the Bill which has been passed by the Legislative Assembly. In view of the princes joining the Federation it is but right that some protection should be afforded to them from scurrilous attacks from the press. (*An Honourable Member* : "Have they joined?") They are going to; you and I wish they should join. It is but right that some sort of protection from scurrilous attacks from the press and the organized activities from the press and the organized activities directed against State authority should be given. The ordinary law is quite inadequate to afford them the necessary protection. As we are going to have constitutional changes very soon and everyone is anxious for the entry of the princes into the All-India Federation, it is nothing but bare justice that protection should be afforded to them in British India. Otherwise undesirable newspapers will make it a point to attack the princes and make something out of such attacks. Such attacks are quite unjustified and it is a menace to public life that such a state of affairs should continue. I am sure, however, Sir, that this Bill is not directed against honest and *bona fide* criticisms and the legitimate liberties of the press. As a matter of fact the Local Government must be satisfied before any prosecution is sanctioned and therefore there need not be any fear that frivolous prosecutions will be launched. I think it is but right that we who are anxious for the princes joining the Federation must give as far as possible protection in British India. I have great pleasure in supporting the Bill.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY (Bombay : Nominated Non-Official) : Sir, up to a few days ago I was not aware of there being any connection, direct or indirect, between sugar, matches, princes and fireworks. That was, however, the sequence of events in the other House. One could not make out what bearings those had with each other. Were the fireworks intended for the amusement of the princes or as an inducement to join the Federation? Whatever that may have been, the Bill as presented to this House is divided into two principal parts; namely, one relating to *jathas* and the other relating to the liberty of the press. There does not seem to be much of a serious opposition with regard to *jathas*; but as regards the legal aspects of the Bill the debate has been long and vehement. It is not for a layman like me to enter into the intricacies of the legal interpretation of its sections. I shall content myself with a few general remarks and to ask an explanation or two from the Honourable Member in charge of the Bill. The princes, Honourable Members undoubtedly realize are, after all, human. They are endowed with human frailties and human faults, a great deal of which depends upon their environment and up-bringing. If I were to describe some of the methods of their up-bringing, they would startle the equanimity of the House. It cannot be said that they are paragons of all the virtues, nor are they so bad as they have been depicted. Certain it is, however,

that Members of the Legislature have been inundated during the sessions with all sorts of complaints about the rigorous measures or misdeeds or maladministration in various States. It is not, however, intended by this Bill to allow the Legislature to interfere in these matters. With regard to the publication of incidents which have happened, we are aware that some three or four years back the press in England, in other European countries and also in India was flooded with information about the involvements of a certain prince. I should like to know from the Honourable mover whether the reproduction of such reports in India in future would impose upon the press a penalty? Or again, certain events may occur and become the talk of the market place; would their publication lead to a prosecution? Take, for instance, that an incident that has occurred; that it was a matter of fact and was published without malicious intent but for the information of the public, would the press come under the clutches of the law? Very often incidents are related which may not be malicious, nor intended to evoke contempt or hatred against the prince, but would lower him in the estimation of his subjects. Under these circumstances, I contend that it would be extremely difficult to draw the line between a malicious intent and a statement of fact.

I happened some time ago, Sir, to come across a news-sheet in which one of the old Rajas of patriarchal times discoursed upon the present-day style of living adopted by some of the modern princes. He dwelt upon their long absences in England, their extravagance and also their neglect of their subjects. He further said that there were two kinds of mail—the *blackmail* and the *whitemail*. By blackmail he meant money that was extorted through the vilification of a prince and for his sins of omission and commission. By whitemail he meant mere whitewash. An instance of the former was given by the Honourable Mr. Glancy in the Assembly when he said he learnt on inquiring into the sudden cessation of attacks upon a prince, that the *material* supplied to that press had changed. No doubt it was a substantial change! As regards whitemail it is whitewash—it is perhaps equally profitable, and all that it says is that all is for the best in the best of all possible States!

In former times, Sir, the oppressed subjects of an Indian State very often took the law into their own hands. They did it in a very quiet manner, not through the press or platform, nor through riots or strikes, but in a very simple and efficient manner. They collected their goods and chattels and their carts and quietly stole out of the village and went to some place that had previously been settled. That was done generally in the dead of night when the watchmen were fast asleep. When the prince awoke at the dawn of day and saw what had happened, he at once realized the situation and sent his ambassadors to remonstrate with them and offer suitable terms to the people to return to their homes. They then flocked back. And it must be said to the credit of the prince that he kept his promise to the people. Such happenings were not infrequent in times within living memory. This information, Sir, was given to me by a gentleman who was once a Commissioner of Police in one of the Kathiawar States.

The question of paramountcy, Sir, has been hotly debated. The princes owe allegiance to the Crown and to the Viceroy as the agent of the Crown. They have their rights safeguarded by treaties—the Crown upholds their rights to their States and their powers. The Honourable Mr. Glancy said in another place that in case of maladministration, etc., all that Government could do was to advise but not to interfere. Then the question arises, supposing that the advice was disregarded or ignored time after time, what would be the result? I would ask the

[Khan Bahadur Dr. Sir Nasarvanji Choksy.]

Honourable Member, is it not the prerogative of the Crown, that protects the privileges of the princes, to see that they govern well, that they do not oppress their subjects, nor fritter away their resources, exacted at times by dubious methods from their subjects. Whatever absolute powers vested in them may be, it is incumbent upon the Crown to protect their subjects against ill-treatment or arbitrary abuse of powers. What changes Federation may involve is upon the knees of the gods. One would however hope that light may then penetrate where darkness prevails at present.

Sir, I support the Motion for the consideration of the Bill.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadan). Sir, I regret I cannot support the consideration of this measure on account of certain sections which I shall deal with later on. My friend Mr. Hallett, when he moved for consideration, said that as there is only one amendment on the agenda it showed that the Bill has the support of the House except so far as that section is concerned. Sir, that is not the reason why amendments have not been tabled. The reason is this, that the amendments would have met the same fate as other amendments have met on previous occasions and therefore it was no use to give more amendments. But we on this side of the House felt particularly disgusted with section 3 of the Act and therefore one of us has tabled a particular Motion for its deletion.

Sir, I do not think that, with the existing Acts and sections 144 and 124, any other Acts are required by the Government to muzzle the press or to do anything they like. We daily see, Sir, that under section 144 people are being prevented from coming out of their houses from say six o'clock in the evening to six o'clock in the morning. We have seen, Sir, that under that section people have been prevented from riding on cycles. We have seen, Sir, under that section people have been prevented from assembling anywhere in groups of more than three or five. We all know, Sir, that under that section people have been prevented from using sticks and so on. Since we can do anything under that section, what is the necessity of bringing in this Bill, and especially, Sir, when it is concerned with a particular class who, we hope, may join the Federation when it will come into existence? I think it was but proper that this Bill ought to have been postponed till the princes had joined us and we were in a position to work hand in hand, and to lay before them the grievances of their subjects and hear from them how they were dealing with them.

Sir, the wave of independence or getting more reforms or having more privileges in the administration of the country is going from British India to the Indian States and if the subjects there demand that they should have a constitutional Assembly just as we have got in the provinces and the Central Legislature, I think their demand is quite legitimate. Sir, we all know what the previous speakers have said, how in the Indian States the press is not allowed to give vent to the grievances of the people, the subjects of the States—I do not say, Sir, all the States, there are exceptions—the subjects of the States have to come out here to British India to hold conferences to put their grievances through British India. After this Bill is passed, the Government and the British Indians will be absolutely in the dark about the administration of the Indian States. There are some States which have established Legislatures and it is in the fitness of things, Sir, that others too should follow suit. I admit that there are some papers which indulge in vituperous language—

the gutter press, as it has been called. On the other hand, there are princes and princes. My Honourable friend Mr. Hossain Imam has given instances which would not be liked by any man having national views. So, it is the duty of the Government not only to protect the princes but also to protect their subjects. If Government are going to have this legislation to give more power for the protection of the princes they ought to have similar legislation for the protection of the subjects also. Government knows that they do not enjoy as much right as we enjoy here in British India.

Then, Sir, we are asked to legislate for the protection of the princes. But we are debarred from saying anything here about their administration. It is only because this Bill has come before us that we have been able to say something about them. Otherwise, if we even mention the subject, you, Sir, would have pulled us down and would not have allowed us to do so. In rule 28 (I) (ii) it is provided that :

“ No question shall be asked in regard to any of the following subjects, namely :
 ‘ any matter affecting the relations of any of the foregoing authorities with any prince or chief under the suzerainty of His Majesty, or relating to the affairs of any such prince or chief or to the administration of the territory of any such prince or chief ’.”

So, we cannot even put questions here in this House about the administration of the princes, however bad it may be. Then, Sir, in rule 118 (I) (ii), it is provided that :

“ No resolution shall be moved in regard to any of the following subjects, namely :
 ‘ any matter affecting the relations of any of the foregoing authorities with any prince or chief under the suzerainty of His Majesty, or relating to the affairs of any such prince or chief or to the administration of the territory of any such prince or chief ’.”

So, on the one hand, we are asked to give more power to protect the princes and on the other hand we have absolutely no right to question their administration in the Legislatures. I do not think this is at all proper and sound. As I have said, the time for legislation has not yet arrived. It will come after Federation. I am supported in this view by Government officials. District officers and commissioners are of the same opinion that the time has not yet arrived. I would invite the attention of Honourable Members to page 16 of the Opinions where the District Magistrate of Poona says :

“ I consider the history of the relations of British India with the Indian States for the past few years proved beyond doubt that all the provisions of this Bill are necessary except possibly section 4—the press section. A case certainly has not been made out for this section nor do I think on the whole it is necessary or desirable. Press agitation against a State is I should imagine mostly ineffective and when it is effective it is either desirable or can be dealt with under our present law or the provisions of this Bill ”.

This is the opinion of one of the district magistrates. If Honourable Members will turn to page 20 they will find the opinion of the Government of Burma which runs as follows :

“ His Excellency in Council does not propose to criticise the detailed provisions of the Bill and has no doubt that, if any of these provisions are so wide as to be capable of use to restrain what might be regarded as legitimate agitation against or criticism of the administration of particular Indian States, the necessary modifications will be made in Select Committee or in the course of passing the Bill through the Legislature ”.

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

Thus, the Burma Government is also of opinion that the Bill as drafted was not proper. Sir, we are not bound to have the same regard for the Indian States as we are bound to have for our own Government. The State subjects may be asked to have as much regard for their own States but we are not bound to have the same regard for the Indian States that we have to our own Government. This view of mine is supported by another official. If Honourable Members will turn to page 22, they will find that the District Magistrate of West Godavery has said :

“ The offence of sedition is a very serious offence against the State next only to waging war. But an offence committed by a British Indian subject against the Government of another administration may, I think, be treated as an offence of a different category, instead of being treated as of the same nature as an offence of sedition against his own Government. Probably a different section with a lesser degree of punishment may be appropriate ”.

We are here prohibited under certain Acts from committing certain offences against our Government. We are not bound to show the same regard to the Government of other States. By this Bill, we are required to show the same regard for the Indian States as we show to our own Government. There was no necessity of further gagging the Press than under the provisions of the Indian Press (Emergency Powers) Act, XXIII of 1931, as amended by the Criminal Law Amendment Act, XXIII of 1932. Sir, that Act is existing and it was not necessary to have another amending Act without giving a fair trial to it. Less than three years ago this Act was passed, and we find that after such a short period, which is certainly insufficient for a fair trial, another amending Bill is brought in with more severe sections. I regret my friend Mr. Padshah is not here. He started by saying that he had solicitude for the Princes and the present Act involves much time and energy in trials in judicial courts. He wanted the trials to be conducted by criminal courts. But later on when he developed his argument he changed his opinion and said that judicial courts are better and more efficient. So there can be no two opinions so far as judicial and criminal courts are concerned and I am glad that he changed his opinion and expressed a preference for judicial courts. So we find under this Bill that a judicial trial is going to be substituted for a criminal trial with a power of revision in the High Court, and we know what value will there be in this revisional power of the High Court. So far as this section is concerned, from the opinions expressed by a large number of officials it appears that they object to this section and hold the same opinion as the public have expressed. On page 21 the Madras Government says :

“ The Madras Government however doubt whether the clause, differing only as it does from the Indian States Protection Against Disaffection Act of 1922 in the machinery whereby penalties are to be enforced, is necessary or desirable ”.

Then on page 26 the District Magistrate, Chittoor, says :

“ The provisions of section 4 (the present section 3 was then section 4) present some difficulty in my opinion. It is common knowledge that the administration of many of the Indian States is corrupt and mismanaged. If the Press are not allowed to ventilate just grievances no publicity can be given to the existing maladministration in such States. A closer co-operation and mutual reciprocity between the British Government and the rulers of Indian States are no doubt requisites for the smooth working of the new Constitution, but I consider that the time for extending the provisions of the Indian Press (Emergency Powers) Act, 1931, as proposed in section 4 of the Act, has not yet arrived ”.

THE HONOURABLE SIR DAVID DEVADOSS : May I ask, Sir, whether these reports were not before the Select Committee? This Explanation was inserted at the instance of the Select Committee.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I think they were before the Members. So, Sir, many officials are also of the opinion that a fair trial has not been given to the Press Act of 1931. If Honourable Members will turn to page 16 they will find that Mr. A. H. S. Aston, Additional Judicial Commissioner of Sind, says :

“ I am not in favour of the amendments contained in sections 3 and 4 of the proposed Act, which appear to me premature. It will no doubt be necessary hereafter to take special precautions to protect each unit in a federated India. But the need for such legislation does not appear to me to have arisen yet ”.

They are all of the opinion that the time has not come. The Commissioner, Central Division, says :

“ It is not desirable that the editor of a newspaper should be exposed to the risk of conviction for exciting disaffection amongst the subjects of an Indian State if he brings to light the true facts as to acts done by the administration which, if made known, cannot but excite disaffection ”.

The District Magistrate, Poona, says :

“ I consider the history of the relations of British India with the Indian States for the past few years prove beyond doubt that all the provisions of this Bill are necessary except possibly section 4—the press section. A case certainly has not been made out for this section nor do I think on the whole it is necessary or desirable. Press agitation against a State is I should imagine mostly ineffective and when it is effective it is either desirable or can be dealt with under our present law or the provisions of this Bill ”.

This is the same opinion which I have just expressed, that they can be dealt with under the existing Act and it is not necessary to bring in this amending Bill. The District Magistrate of Larkana says :

“ Clause 4 of the Bill is open to the objection that it will prevent the ventilation of genuine grievances and the criticism of real misgovernment ”.

The District Magistrate of Belgaum says :

“ I see nothing objectionable in the provisions of the Bill except clause 4 ”.

So, Sir, it is not one or two but dozens of Government officials, district magistrates, commissioners and judicial officers, who have expressed the opinion that it was neither desirable to have the Press Act amended by this section nor proper to do it at the present stage. When that is the case, what is the reason why Government is anxious to get this Act passed ? That is the question which many people ask. When we find that the existing law is quite sufficient to control the class of people whom Government desire to control, when we find that the Press Act has not been given a fair trial though it is quite sufficient for the purpose and this Act is not required, we ask why is Government anxious to get this Act on the Statute-book as soon as possible ? Sir, we consider that the Government are bribing the States for their joining the Federation. That is the idea which we have formed, and I am very glad that one of the officials has said the same thing in his opinion. Honourable Members will be pleased to hear the opinion of the Collector of Dharwar. He says :

“ The only provision in this Bill which appears controversial is section 4. Should it be rendered impossible to bring rulers of Indian States into hatred and contempt when some of them are notoriously the most contemptible objects ?

“ It appears to be part of the price that British India has to pay for the reforms which are not being elaborated ”.

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

It is put in very clear language. He says it is the price which British India is paying these princes for their joining the Federation, and that is what we in this part of the House are thinking, that the Government is bringing this Act because they want to rope the princes into the Federation. Sir, we all welcome their coming into the Federation and sitting side by side with us, but we should certainly like the subjects of Indian States to have the same rights and privileges as we in British India have. If they have no objection to that, we would welcome them and we will consider ourselves honoured by their presence in these Legislatures. I hope the Government who have so much solicitude for the princes would also see that the rights and privileges of the subjects of States are protected somehow or other.

4-5 P.M.

With these words, Sir, I close my remarks.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan): Sir, I rise to support the real object underlying this Bill. The Bill can be divided into two parts, one part deals with *jathas* and the other the press. As far as *jathas* are concerned, we Punjabis had considerable experience of them and we found that they hatched conspiracies and invaded Indian States to excite the mob to violence, rioting, arson and murder. I therefore hope that every Member of this Council will give their support to stop such *jatha* movements and its invasion into Indian States. As far as the press is concerned, I was expecting the Honourable the mover of this Bill to suggest some method by which State subjects could ventilate their grievances—I think we as well as the Government have the progress and the improvement of the administration of Indian States at heart. In case we stop State subjects from ventilating their legitimate grievances through the press, what avenue will those State subjects have to ventilate their grievances? I think it is the sacred duty of the Government in order to rightly guide and improve the administration of the States to find some method by which the right grievances of the State subjects could be ventilated. Either the present Indian State Peoples' Conference or some similar institution ought to be made exempt from prosecution while ventilating their grievances. There must be some source left by which the maladministration of Indian States be exposed. I would therefore request the Honourable the Home Member or the Home Secretary to let this Council know as to what method they want to substitute as they are going to take away this power of the press from ventilating the grievances of State subjects? Another thing on which Government has not thrown any light is as to how they intend to effect improvements in the standard of administration in Indian States. At present we find that in most of the Indian States the services are not competent. Efforts should be made in this direction and also in giving proper education and training to their rulers. I also wish that the Government Agencies in the various Indian States be instructed to post the Government of India with all the right grievances which the State subjects may have. Sir, there are very big States and also very small States in India. In Simla Hills we have very small States, the annual income of some of them is about Rs. 200. Are you going to place such States on an equal footing with the ruling chiefs or with those ruling princes who are entitled to a salute? These small Chiefs ought not to be treated on a par with the big Princes in this matter.

With these few words, Sir, I give my support to the consideration of the Bill.

THE HONOURABLE SAIYID RAZA ALI (United Provinces : Nominated Non-Official): Sir, in the course of the debate to which I have listened very patiently one or two things have occurred to me and I think it is my duty to lay them before this House, even though the hour is late. I do not propose, Sir, to take upon myself to examine the soundness of certain propositions that were laid before this House by the Honourable Mr. Hossain Imam. The attitude of benevolent indifference that he seems to have adopted with respect to the present Bill reminded me of certain answers that were given to a Committee of which I happened to be a member by a certain candidate for the Indian Civil Service. I believe this was about three or four years ago. The candidates who had taken the Indian Civil Service examination were being examined by a Committee on which I also sat, and in order to test the general intelligence of a bright young man who came to us and attracted our attention I believe one of us put the question—“I am afraid the sinner was myself and I put the question—“Have you any solution of the Indian States problem to suggest?” The young man brightened up with joy, just paused for two or three seconds and said “Yes.” He was asked what the solution was and he said in a cheerful tone “Confiscate them”.

THE HONOURABLE MR. HOSSAIN IMAM : That is the right solution.

THE HONOURABLE SAIYID RAZA ALI : The next question was, “What would you do with the Ruling Chiefs?” and quickly came the reply “Pension them off!”

THE HONOURABLE MR. HOSSAIN IMAM : Right solution again.

THE HONOURABLE SAIYID RAZA ALI : The third question was “Do you not think that that would lead to bloodshed in India?” and to that the answer was “It does not matter!” If this is the attitude, Sir, I do not think most of the Members of this Council can follow that up with any profit.

But coming to the important question as to how far the provisions of this Bill are entitled to the support of this House, all I can say is that the very first question which has been debated at very considerable length is whether there is any necessity for a Bill of this character. Reference was made to the Princes Press Protection Act that was passed in 1922. We know, Sir, the short history of that measure. We also know the fate with which that measure has met. Very briefly stated, Sir, the facts that have made a change, an enormous change, since the year 1922 have been the quickening of consciousness and the carrying on of agitation—and I am never afraid of the word agitation, in fact I do not think I have been less than an agitator myself for the most part of my life—but the agitation against certain Indian States has degenerated into vilification. We know, Sir, that in 1922 there had been no agitation against Kashmir, or against Alwar, or against Bahawalpur, or Patiala. So, having regard to this very important fact, it is not surprising that a measure of this character should be brought before this House.

Now, as to the attitude of the princes themselves, the question is whether they have deserved well or ill at the hands of the Government of India. I think the princes, most of them, indeed the vast majority of them, have done very well and have not spared themselves at any time when they were asked to undertake a duty by the Government of India. Now, if that is so and if there is such a thing as the principle of reciprocity working in this world, I entirely fail to see how the Government of India or this House can refuse to help the princes if they had made out a case.

[Saiyid Raza Ali.]

I would not at this stage, Sir, try to analyse the provisions of the Bill but we all know the parts into which the Bill can conveniently be divided. So far as I have been able to follow the speeches made in this Council, it seems that there is something like practical unanimity that no exception should be taken by this Council to the provisions against the formation of *jalkhas*. The provisions for counteracting what I might call direct action on the part of those who are interested in the Indian States are indicated in clauses 4 and 5. Since there is something like practical unanimity on that question, I do not think it is necessary to take that up. But there is another question which relates to the measures that have been embodied in clause 3 and which aim at the activities of a certain section of the press,—what might be called perhaps the irresponsible press—and it requires consideration. Now, Sir, so far as this point is concerned, I have tried to give my very careful consideration to the Bill and yet I am not quite free from doubt whether this provision is not likely to work a certain amount of hardship. After all, how are the grievances of any section of the people, whether they belong to British India or to an Indian State, to be ascertained? They can only to be ascertained by ventilating those grievances in the press. After all, the strongest searchlight through which exposures of abuses can be made is the searchlight of criticism. I know that a certain section of the press has indulged very fully in blackmailing. They have victimised the princes. They have blackmailed the princes. And under various threats, founded or unfounded, they have obtained huge amounts of money from the princes. That must quickly be stopped and we must take all the steps necessary to put a stop to that. But at the same time, we should be very careful not to so widen the scope of any provisions of the Bill as to put a check on the ventilation of real and legitimate grievances. Now, Sir, I am aware that a very important explanation which is termed Explanation 5 has been mentioned in clause 3 of the Bill. I hope that up to a point that will safeguard the rights of those who are interested only in the redressal of the grievances of the subjects of Indian States. Whether this goes far enough is more than I can say. But there is one thing which I hope is quite as important in this connection as Explanation 5 which has been added to clause 3 of the Bill, and that is the vigilance of that watchdog of the rights of the subjects of the Indian States, namely, the Political Department of the Government of India. I know it is not always right to rely exclusively on the vigilance or carefulness of any particular Department but knowing as we do what the Political Department has done in regard to the protection and safeguarding of the rights of the subjects of the Indian States, I hope that if that attitude continues there is not the least doubt that it will prove as effective a safeguard as Explanation 5 of clause 3 of the Bill.

Sir, consistency is not always to be found in this world but the difficulty is that a section of the Indian press that is unfortunately interested in the Indian States is more inconsistent than most of us human beings. My study of the problem of the Indian States is this—that a section of the press, wherever anything goes wrong in a State, is loud in its demand of intervention on the part of the Government of India. It even assumes to be disappointed at the Government of India not taking earlier action. And if it is a fit case and if action is taken by the Government of India, as soon as action is taken by the Government of India, the Government of India is denounced. What for? Not because it took the action but because, it is alleged, the action taken is too sweeping, too wide, too rigorous, too stern. Sir, that being the state of affairs, I very much sympathise with the Government of India having regard to the class of people with whom they have to deal, but I hope that the Political Department

will continue to take as keen an interest as it has done in the past in protecting the subjects of the States from their enemies—may I say both external and internal ?

In this connection, a lot has been said about autocracy and the autocratic temper developed by the princes and the indignation that is caused in British India because of the existence of that autocratic temper. I shall not go into the question of the form of government obtaining in various Indian States. But may I in this connection, make a suggestion for the consideration of Government ? It is impossible for any one of us to suggest that before giving consent to this Bill, the Government of India should bargain with the princes as to what they would give us in return in the shape of establishing a particular form of government for their subjects. I think that is too big a question and the implications involved are too obvious to be discussed at this hour, I do not therefore propose to discuss that. But I think there is a suggestion which if properly considered might result in something tangible, in something fruitful, in something which is likely to promote the interests of the subjects of Indian States. It is this. I know that in Southern India, in certain States, a certain percentage of the revenues of the State is earmarked for the Prince and his family, and is known as his privy purse. Unfortunately, this system does not obtain so far as the majority of the States in India are concerned. It may be that the States subjects want a change in the form of government. But what they want more than a change in the form of government is that enough money should be released for the promotion of beneficial objects in the State itself. It is obvious that this cannot be done unless a fixed percentage of the revenues, and no more, is assigned to the prince or ruling chief. It may be that the prince and the ruling chief are not functioning themselves but that their duties have been taken up by a council of regency. If the council of regency functions, the problem is much simpler. But I suggest that the Government of India should persuade the Indian princes and do all it can to bring about a system whereby an allowance—a liberal allowance I must say—is allowed to these princes and chiefs. A stipulation should at the same time be made that once a certain percentage is fixed, the Prince will not be entitled to take more than the amount which is allowed to him.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: May I ask the Honourable gentleman whether he wants a civil list to be opened for the ruling princes ?

THE HONOURABLE SAIYID RAZA ALI: I believe, Sir, if my suggestion commends itself to this House, and I hope my Honourable friend the Nawab of Hoti will lend me the support and weight of his authority, this proposition is quite capable of finding acceptance at the hands of others. Yes, Sir, it will be something like a civil list, with this difference that whereas in the case of a civil list it is always open to the authority that sanctions the civil list to grant an additional amount, in this case it will be open to that authority in consultation with which the amount is fixed, to increase the amount if a proper and suitable case is made out.

Sir, I support the Bill.

THE HONOURABLE SIR HARRY HAIG (Home Member): Sir, I have listened to the debate with great interest. As I listened, I formed the opinion that in general there was a recognition in this House that a Bill of this kind was required. There were, it seemed to me, very few Honourable Members in support of the view which I understood to be taken by my Honourable

[Sir Harry Haig.]

friend opposite, Mr. Hossain Imam, that there was no reason why we should attempt to interfere with the formation of *jathas*, with the attempt to bring to bear on Indian States that non-violent force of which he appears to be an admirer but I hope not a practiser, that we should do nothing to prevent the development of conspiracies against Indian States from within British India or the promotion of seditious agitation. I do not think, Sir, that was a view that commanded much support in this House. But I have felt, as I listened to the debate, that a number of Honourable Members were somewhat doubtful about one point or another in this Bill, and I hope to be able to deal with at any rate some of the criticisms and doubts that have been given expression to by Honourable Members, who on the whole have shown a disposition to accept the Bill.

Now, Sir, before I go on to any substantial points, perhaps I should deal with one point which I regard as unsubstantial. When there is a paucity of substantial points I do not complain about my Honourable friends opposite if they devote themselves to unsubstantial points. I do not complain, but I merely note the fact. Well, Sir, this particular point is that it has been suggested that the princes have not demanded this Bill. I have made that point clear—at least I hope I made that point clear several times in the course of debates in another place. I have stated that though the princes have not made any formal demand, it is perfectly clear to us that the princes want this measure, and indeed, that it is very evidently in their interests that they should have it. Consequently, I am a little surprised when I see this in a telegram from a local correspondent of a newspaper :

“ Sir Harry Haig has not answered the straight question whether Indian princes wanted the States Protection Bill ”.

My answer is, “ Yes ”. I hope that will dispose of that particular point.

There has been a feeling, which has been given expression to by more than one Honourable Member that there are legitimate grievances of the States' subjects in certain States and that it is not reasonable that we should take steps which make it impossible for those grievances to be ventilated in British India, that we should do nothing that will prevent fair criticism in British India of conditions in Indian States. Sir, I agree with that point of view. I accept that point of view: Our contention is that there is nothing in this Bill which interferes with fair criticism or the ventilation of legitimate grievances. Now my Honourable friend Sir Mahomed Akbar Khan, for instance, appeared to be under the impression that we were putting on the British Indian press, in regard to conditions in Indian States, restrictions which we do not apply to the British Indian press in regard to British Indian matters. That, as my Honourable colleague the Law Member has explained, is a misapprehension. It is perhaps not unnatural that there should be some misapprehension as to the exact scope of the provisions of this Bill, because the drafting is a little complicated. We are in clause 3 amending a Bill known as the Indian Press (Emergency Powers) Act, which itself had been extensively amended in 1932 by what we call our Ordinance legislation, and it is sometimes a little difficult to follow the exact provisions. But I would like the House to remember that in regard to preserving the right of fair criticism there is in this Indian Press Emergency Powers Act as amended special provision that comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred contempt or disaffection shall not be deemed to come within the provisions of the Act, and that comments expressing disapprobation of the administrative

or other action of the Government without exciting, and so on, also do not come within the provisions of the Act. Now, Sir, a good deal of attention has been directed to Explanation 5, which has been added by this Bill, and there has been I think a tendency to suppose that the only safeguard we are giving to the press was that Explanation 5. But I would like the House to remember that Explanations 2 and 3, which I have just read out, are in existence and apply to comments on affairs in Indian States and that we brought in this additional safeguard, Explanation 5, in view of certain criticisms which had been made to the effect that apart from comments certain statements of fact might come within the provisions of the Bill, and we wanted to safeguard the persons not only who commented but who stated facts. I hope therefore the House will remember when it is suggested that it is impossible to ventilate grievances in the States or to make any fair comment or criticism on what goes on in the States, that the powers over the press will be if anything slightly less severe than they are at the present moment over the British Indian press, and my experience—I do not know what the experience of Honourable Members of this House is—but my experience is that in British India there is very little difficulty about indulging in fair comment on the actions of the Government, in ventilating their grievances and in attacking the Government in a thoroughgoing way. Now, Sir, it has also been suggested that while we are giving protection to the administration of the States, no protection is given to the subjects of the States. Well, Sir, I think in most cases the subjects of States do not stand in need of any direct protection. But there is, I would remind the House, in the last resort the Government of India who do admit their responsibility for maintaining reasonable standards of administration in the Indian States, and that is a responsibility which from time to time, as the House knows, they have not hesitated to exercise. My Honourable friend Mr. Kalikar remarked that we should not treat political institutions as if they were archaeological specimens. Sir, here again I entirely agree with my Honourable friend. My view is that political institutions if they are to live must continually adjust themselves to changing conditions, they must be continually developing, and the last thing we want to do is to stereotype some archaeological specimens. The Bill, Sir, I wish to make it quite clear to the House, is not aimed at stopping natural and reasonable development in the States but at stopping the destruction of the system of rule in the States. It is aimed at definitely subversive activities. It may be that certain people think that changes ought to be made. It may be that in a few cases there may be serious abuses. Our line is that we cannot have people in British India taking these matters into their own hands and trying to force changes on the States by conspiracy, by revolution or by seditious agitation. That is the principle of this Bill and I feel sure that the House will give us support in bringing into effect those provisions.

Now, Sir, there is only one other point that I might mention. There seemed to be at one stage of the debate a little misunderstanding as to the application of these provisions. The provisions apply of course to activities in British India and not in the States, but activities in British India which are directed against the States. And that brings me on to an important point which is that while we are promoting this Bill in order to maintain the stability of the administration of the States, we are also promoting it in order to maintain the stability of the administration in British India. For experience has shown us very clearly that when a serious agitation develops in British India directed against an Indian State there are grave dangers of the peace of British India being seriously affected. I hope the House will remember that, while it is primarily in the interests of the administrations of the States, it is also very definitely in the interests of the peace of British India.

THE HONOURABLE THE PRESIDENT : The Question is :

“That the Bill to protect the administrations of States in India which are under the suzerainty of His Majesty from activities which tend to subvert, or to excite disaffection towards, or to obstruct such administrations, as passed by the Legislative Assembly, be taken into consideration.”

The Motion was adopted.

**ELECTION OF ONE NON-OFFICIAL MUSLIM MEMBER TO THE
STANDING COMMITTEE ON PILGRIMAGE TO THE HEJAZ.**

THE HONOURABLE THE PRESIDENT : We shall proceed with the next stage of the Bill to-morrow, but before I adjourn the House, I have to announce that the Honourable Sirdar Saheb Sir Suleman Cassim Haji Mitha has been nominated for election to the Standing Committee on Pilgrimage to the Hejaz in the vacancy caused by the resignation of his seat on the Committee by the Honourable Mr. Hossain Imam. I therefore declare him to be duly elected to that Committee.

**NOMINATIONS FOR THE ELECTION OF SIX NON-OFFICIAL
MEMBERS TO THE CENTRAL ADVISORY COUNCIL FOR
RAILWAYS.**

THE HONOURABLE THE PRESIDENT : I have to announce that the following Honourable Members have been nominated for election to the Central Advisory Council for Railways :

1. The Honourable Diwan Bahadur G. Narayanaswami Chetti.
2. The Honourable Sir Homi Mehta.
3. The Honourable Khan Bahadur Syed Abdul Hafeez.
4. The Honourable Sardar Buta Singh.
5. The Honourable Mr. Mahmood Suhrawardy.
6. The Honourable Mr. Ali Buksh Mohamed Hussain.
7. The Honourable Rai Bahadur Lala Ram Saran Das.
8. The Honourable Raja Charanjit Singh.
9. The Honourable Mr. Satyendra Chandra Ghosh Maulik.

There are nine candidates for six seats. In these circumstances I direct that the election be held according to the principle of proportionate representation by means of the single transferable vote.

The election will be held on Thursday, the 19th April, or if there is no meeting on that day on the next following day on which the Council meets.

The Council will now adjourn.

The Council then adjourned till Eleven of the Clock on Tuesday, the 17th April, 1934.