

Thursday, 29th September, 1932

THE

LEGISLATIVE ASSEMBLY DEBATES

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FOURTH SESSION

OF THE

FOURTH LEGISLATIVE ASSEMBLY, 1932



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Legislative Assembly.

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

Deputy President :

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MR. MUHAMMAD YAMIN KHAN, C.I.E., M.L.A.

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

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RAI BAHADUR D. DUTT.

Marshal :

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

CONTENTS.

VOLUME V.—20th September to 30th September, 1932.

	PAGES.
Tuesday, 20th September, 1932—	
Questions and Answers.	973-1010
Statement with regard to the treatment of Mr. Gandhi ...	1010-11
The Child Marriage Restraint (Amendment) Bill—Motion to consider—Negatived	1011-25
The Indian Income-tax (Amendment) Bill—Circulated ...	1025-50
Wednesday, 21st September, 1932—	
Questions and Answers.	1051-55
Statements Laid on the Table	1055-95
Election of a Member to the Standing Committee on Roads...	1096
The Code of Criminal Procedure (Amendment) Bill—Passed...	1096-1126
The Criminal Law Amendment Bill—Discussion on the Motion to refer to Select Committee not concluded ...	1126-32
Thursday, 22nd September, 1932—	
Questions and Answers.	1133-78
Election of a Member to the Standing Committee on Roads...	1178
Resolution <i>re</i> Constitution of a Board for the purchase of Coal and looking after the State Railway Collieries—Withdrawn	1179-1201
Resolution <i>re</i> Inclusion of Flogging and Forfeiture of Property in the Criminal Law for Crimes against Women—Negatived	1202-19
Resolution <i>re</i> South Indian Infantry Battalions—Discussion adjourned for want of quorum	1215-20
Friday, 23rd September, 1932—	
Questions and Answers.	1221-69
Statement of Business	1269
The Indian Income-tax (Second Amendment) Bill—Introduced	1269-71
The Murshidabad Estate Administration Bill—Introduced ...	1272
The Workmen's Compensation (Amendment) Bill—Referred to Select Committee	1272-85
The Tea Districts Emigrant Labour Bill—Passed, as amended	1285-1303
Resolution <i>re</i> Ratification of the International Convention <i>re</i> Narcotic Drugs—Adopted	1303-06
Monday, 26th September, 1932—	
Statement <i>re</i> Communal Award	1307-05
Member Sworn	1308
Questions and Answers	1308-53
Motion <i>re</i> Terrorist Outrage at Pahartali, Chittagong—Adopted	1353-57
Bills passed by the Council of State	1357
Statements Laid on the Table	1357-62
The Criminal Law Amendment Bill—Discussion on the Motion to refer to Select Committee not concluded	1363-97

CONTENTS—*contd.*

	PAGES.
Tuesday, 27th September, 1932—	
Unstarred Questions and Answers	1399-1439
The Criminal Law Amendment Bill—Discussion on the Motion to refer to Select Committee not concluded	1439-84
Wednesday, 28th September, 1932—	
Questions and Answers.	1485-83
Unstarred Questions and Answers	1493-98
Bill passed by the Council of State	1498
The Criminal Law Amendment Bill—Discussion on the Motion to refer to Select Committee not concluded	1498-1551
Thursday, 29th September, 1932—	
Member Sworn	1553
Questions and Answers	1553-57
Motions for Adjournment <i>re</i> Terrorist attack on Sir Alfred Watson in Calcutta—Withdrawn	1557, 1593-1612
The Criminal Law Amendment Bill—Discussion on the Motion to refer to Select Committee not concluded	1557-63
Friday, 30th September, 1932—	
Member Sworn	1613
Questions and Answers	1613-14
Unstarred Questions and Answers	1614-27
Statements Laid on the Table	1627-32
The Criminal Law Amendment Bill—Referred to Select Com- mittee	1632-56

LEGISLATIVE ASSEMBLY.

Thursday, 29th September, 1932.

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

MEMBER SWORN.

Mr. John Bartley, M.L.A. (Government of India : Nominated Official).

QUESTIONS AND ANSWERS.

HOLDING OF POLITICAL MEETINGS IN THE JUMA MASJID, DELHI.

847. *Mr. M. Maswood Ahmad : (a) Is it a fact that a meeting of the Muslim public of Delhi was held on the 29th August, 1932, to consider a letter from the Chief Commissioner of Delhi regarding the holding of political meetings in the Juma Masjid ? Is it also a fact that the action of the Local Government was highly resented in that meeting ?

(b) If the reply to part (a) above be in the affirmative, will Government please lay on the table of the House :

- (i) a copy of the correspondence which has passed between the Chief Commissioner, Delhi, and the Managing Committee of Juma Masjid, regarding the holding of non-religious and political meetings in the said mosque ; and
- (ii) a copy of the terms of agreement signed by the representatives of the Muslims when the Juma Masjid was handed over to them by Government in 1862 ?

The Honourable Mr. H. G. Haig : (a) A communication was addressed to the Juma Masjid Committee on the subject and a meeting was summoned by the Committee. I am told that no resentment was expressed by those who attended the meeting in response to the invitation issued to them.

(b) (i) I understand that the matter is still under correspondence between the Deputy Commissioner of Delhi and the Juma Masjid Committee.

(ii) A copy of a translation of the agreement of 1862 is being placed in the Library.

Mr. M. Maswood Ahmad : Have Government got any claim on this mosque ?

(1553)

The Honourable Mr. H. G. Haig : I would refer the Honourable Member to the agreement itself, a copy of which, as I said, is being placed in the Library.

Mr. M. Maswood Ahmad : Was the letter of the Chief Commissioner sent on his own motion or at the request of any one else ?

The Honourable Mr. H. G. Haig : The Chief Commissioner no doubt took action on his own authority.

Mr. M. Maswood Ahmad : Are Government aware that any interference with the full use of the Juma Masjid by the Muslims according to the *Shariat* will cause great resentment throughout the country ?

The Honourable Mr. H. G. Haig : There is no question of any interference with the Juma Masjid in connection with its use as a religious building.

Kunwar Hajee Ismail Ali Khan : Will Government place a copy of the agreement on the table of the House instead of in the Library ?

The Honourable Mr. H. G. Haig : I have already promised to place it in the Library. I do not know whether the Honourable Member particularly wishes it to be laid on the table ?

Mr. M. Maswood Ahmad : If it is laid on the table of the House, it will form part of the proceedings and everybody will be able to see it.

The Honourable Mr. H. G. Haig : If that is a point to which the Honourable Member attaches any importance, I am quite prepared to lay it on the table.

NOTICE TO QUIT DELHI ON MAULANA SAJJAD OF BIHAR.

848. ***Mr. M. Maswood Ahmad :** Is it a fact that a notice was served by the Local Government of Delhi on Maulana Sajjad of Bihar ordering him to leave Delhi at once ? If so, under what provisions of law was the said notice served ? Are Government prepared to consider the desirability of withdrawing the said order against him ?

The Honourable Mr. H. G. Haig : Yes, an order was served on the 31st August last, under section 4 (1) of the Special Powers Ordinance, X of 1932. It is not considered desirable to withdraw the order.

Mr. Gaya Prasad Singh : What was the specific offence for which this order was served ?

The Honourable Mr. H. G. Haig : There is no question of a specific offence. The gentleman was ordered to leave Delhi.

Mr. Gaya Prasad Singh : Why was he ordered to leave Delhi ?

The Honourable Mr. H. G. Haig : Because his presence there was considered to be undesirable in the interest of the law.

Mr. Gaya Prasad Singh : What was the evidence in possession of Government which made them come to the conclusion that his presence there was undesirable ?

The Honourable Mr. H. G. Haig : I am not prepared to discuss the reasons for such an order.

Mr. Gaya Prasad Singh : That is just what I thought.

EXPENDITURE ON THE ROUND TABLE CONFERENCES.

849. ***Mr. M. Maswood Ahmad** : Will Government please collect and lay the following information on the table of the House :

- (a) the total expenses incurred on the first Round Table Conference and the amount contributed by His Majesty's Government ;
- (b) the total expenses incurred on the second Round Table Conference and the amount contributed by His Majesty's Government ; and
- (c) the amounts paid to each of the different members of the Round Table Conference ?

The Honourable Sir C. P. Ramaswami Aiyar : (a) and (b). I would refer the Honourable Member to the proceedings of the Standing Finance Committee of the 19th June, 1930, in which the distribution of expenditure between His Majesty's Government and the Government of India in respect of the first Round Table Conference was explained. The same principle was adopted for the second Round Table Conference. The actual expenditure for the first Conference debitable to Indian revenues was Rs 6,64,289. Similar figures for the second Conference are not yet available, but the expenditure approximately amounts to Rs. 6,62,600. No information is available in regard to the expenditure incurred by His Majesty's Government.

(c) To calculate the amounts received by each member of the Round Table Conference would be difficult and involve an expenditure of time and labour that would not be justified.

Mr. B. Das : With reference to the answer to part (c), was there any discrimination in the matter of payment of allowances to individual members of the Round Table Conference ?

The Honourable Sir C. P. Ramaswami Aiyar : Not that we are aware of.

APPOINTMENT OF EUROPEANS TO SUPERIOR MEDICAL SERVICES IN THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

850. ***Mr. M. Maswood Ahmad** (on behalf of Mr. Uppi Saheb Bahadur) : (a) Will Government be pleased to state whether their attention has been drawn to a leaderette appearing in the *Hindu* of Madras, dated Monday, the 22nd of August, 1932, regarding the recruitment of a European to fill up the post of a District Medical Officer (senior scale) in the Madras and Southern Mahratta Railway ?

(b) Is it not a fact that the recommendations of the Lee Commission for the gradual Indianisation of the Superior Services of the Railways to the extent of 75 per cent., provided suitable candidates are available, has been accepted by the Company-managed Railways ?

(c) Is it a fact that the Madras and Southern Mahratta Railway have recruited five officers to the Superior Services of their Medical Department since 1925 of which four are Europeans ? If not, will Government

please state the number of appointments made since 1925 and the proportion maintained between Europeans and Indians in that department ?

(d) In view of the large proportion of Europeans recruited, will Government please state why the Madras and Southern Mahratta Railway have still advertised for another European Medical Officer this time ? Is it because Indians of the requisite qualifications are not available to fill up that vacancy ?

(e) Will Government be pleased to state also what attempts have been made by the Madras and Southern Mahratta Railway to find out whether such qualified Indians are forthcoming ?

(f) Over and above the policy of Indianisation, are Government aware that the recruitment of a European officer entails extra expenditure in the shape of overseas allowance, passage money and other Lee Commission concessions ? Do Government propose to see that in these days of retrenchment in expenses such expenditure should be avoided by recruiting an Indian ?

Mr. P. B. Rau : With your permission, Sir, I will reply to questions Nos. 850 and 851 together. I have called for certain information and will lay a reply on the table in due course.

EUROPEANS AND INDIANS IN THE SUPERIOR SERVICES OF THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

†851. ***Mr. M. Maswood Ahmad** (on behalf of Mr. Uppi Sahab Bahadur) : Will Government be pleased to state whether the percentage of recruitment of Indians in the other departments of the Madras and Southern Mahratta Railway is also in the same proportion as in the Medical Department ? If not, will Government be pleased to lay on the table for the information of the House a statement of the number of Europeans and Indians, with their respective qualifications at the time of recruitment, recruited to the Superior Services of the Madras and Southern Mahratta Railway since 1925 ?

Mr. S. C. Mitra : Sir, is it possible, with the permission of the House, to stop the putting of questions and take up the Bill we are discussing ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Chair understands that the Honourable the Leader of the House made an attempt in that direction, but found that there was no unanimity in the House.

Mr. S. C. Mitra : We have arrived at unanimity now and I think there is no objection on this side.

The Honourable Sir C. P. Ramaswami Aiyar : Before the House sat for the discussion of business, I endeavoured to ascertain the opinion of Members of this House and I was told that complete unanimity was not reached. In those circumstances I did not think I would be justified in placing the matter before you. But, if it is the unanimous wish of the House that the debate on the Bill should go and that questions will not be taken up to-day, I would make that request to you, Sir, and you may ascertain the wishes of Honourable Members.

†For answer to this question, see answer to question No. 850.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : A suggestion has been made that in view of the importance of the subject which is being discussed for the last three days, no further questions should be allowed to be put and that the House should proceed to the discussion of the Bill which is before it. The Chair wishes to know whether the House is unanimous in favour of that procedure.

(Cries of "Yes".) Any Honourable Member who wishes to object will please rise in his seat. (No one rose.) As no Honourable Member objects, no further questions will be allowed to be put.

The Chair further wishes to inform Honourable Members that having regard to the stage at which the discussion on the Bill has reached, there is a likelihood of the House being called upon to meet to-morrow and therefore it is desirable that the Chair should know whether the House desires that questions should form part of the order paper to-morrow or whether the question hour should also be devoted to the discussion of the Bill. This point may as well be decided now. Is any Honourable Member desirous of having question hour to-morrow? (*Honourable Members* : "No, no".) If any Honourable Member is against dispensing with questions to-morrow, he will please rise in his seat. (No one rose.)

Mr. N. M. Joshi : May I just ask whether those questions, which have been set down and which the Members are content to have replies printed thereto, will be included in the proceedings?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Chair informed the Honourable House that any Member giving to Government the numbers of questions he wishes answered, Government will treat them as unstarred questions.

MOTION FOR ADJOURNMENT.

TERRORIST ATTACK ON SIR ALFRED WATSON IN CALCUTTA.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I have received a notice from Mr. Morgan that he proposes to ask for leave to make a motion for the adjournment of the business of the House to-day for the purpose of discussing a definite matter of urgent public importance as follows :

"The terrorist attack on Sir Alfred Watson in Calcutta following on the Chittagong outrage."

I have to inquire whether any Honourable Member has any objection to this motion. (No objection was taken.)

As no objection has been taken, I declare that leave is granted and that the motion will be taken up for discussion at 4 p.m. this afternoon.

THE CRIMINAL LAW AMENDMENT BILL.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, I sincerely apologise to the House for having trespassed on its indulgence

{Mr. K. C. Neogy.]

for such a length of time yesterday, and I promise to be very brief in winding up my observations. My principal contention yesterday was that the civil disobedience movement was not on the downward grade and that the measures that the Government had taken for the purpose of putting it down, had, instead of improving the situation, worsened it, and, further, that if the movement had won fresh adherents and supporters and sympathisers from outside the pale of the Congress, it must be ascribed to the very policy of repression which had been set in motion for the purpose of countering it. It is not possible for any one Member on this side of the House to exhaust the catalogue of oppression, indignities and insults that have been inflicted upon our people in the name of the enforcement of law and order. I will, therefore, give up that attempt. I will now come to the other aspect of the question, the other branch of the dual policy to which attention was drawn by the Honourable the Law Member yesterday while I was speaking. He said, there was a constructive policy apart from the punitive policy that the Government had been following, and that the Government expected that a combined policy of punitive action and the constructive effort for the building up of a new constitution for India would root out the evil. My Honourable friend, the Home Member, referred to the very delicate and difficult operation of handing over power in which the Government were at the present moment engaged ; and he pointed out the necessity of proceeding very cautiously and insuring the body politic against any subversive movement during the transitional period. That was, I take it, the substance of my Honourable friend's argument on this particular point.....

The Honourable Mr. H. G. Haig (Home Member) : I wish to know what the Honourable Member means by proceeding very cautiously.

Mr. K. C. Neogy : I had better quote my Honourable friend's very words : I might have misunderstood him. This is what he said :

“ I would impress very earnestly on the House that we are engaged in the very delicate and difficult operation of handing over power in this vast country from one set of hands to another....That operation, according to my reading of history, is bound to set up conditions that have proved to be the most favourable occasions for revolution.”

I, therefore thought that perhaps he wanted the Government to proceed very cautiously.....

The Honourable Mr. H. G. Haig : That is a very ambiguous phrase : I do not know what my Honourable friend means by it.

Mr. K. C. Neogy : It is not necessary for my purpose to labour this particular point. I shall leave it alone. The Honourable Member made a positive statement of fact that the Government were engaged in the very delicate and difficult operation of handing over power. The Honourable gentleman is the fifth Home Member to whom I have extended the benefit of my co-operation in this Legislature and I may almost say that I am developing a kind of statutory affection for him. But for that fact, I would have said perhaps that I had not come across a more amusing statement that that made by the Home Member, outside Pickwick Papers. Now, what is it that the Government intend doing when they say that they are going to hand over power ? If they are really in earnest about it,

if they mean what they say, if those words are to convey the ordinary meaning which has got to be attached to this string of words according to the English lexicon, then there is very little difference between the Congress and the Government. What, after all, does the Congress want ? It is the handing over of power by the British authorities in favour of the people of this country, and if it is that operation in which the Honourable Members opposite are, at the present moment, engaged, I do not see where is the necessity for the quarrel with the Congress at all.....

The Honourable Mr. H. G. Haig : The Honourable Member must ask Congress that question.

Mr. K. C. Neogy : I ask that question of the Honourable Member himself as to what exactly he means. I have been, according to my poor lights, trying to follow the constitutional discussions that have been going on for some time here as also in England ; and I happened to be present in the House of Commons on the 2nd and 3rd December last when the well-known White Paper was under consideration. I found that there was at least one honest British Parliamentarian, a much misunderstood man, Mr. Winston Churchill. He has a blunt way of putting things which is not liked by many of his countrymen. But, to my mind, he and the people for whom he speaks are really the secret inspirers of the present India policy of the present British Government. It was he who put a very straightforward question to the Prime Minister while the White Paper was under discussion. He asked : " is it your intention to include India in the Statute of Westminster ? You have been talking about dominion status and all that ; do you really mean that India will be a dominion according to the meaning of the Statute of Westminster ? " To this straightforward question, unfortunately there was no straightforward answer. There was a good deal of jugglery with words which left us as wise as we were before this interruption was made. It was said in effect, well, we are discussing now the question of the amendment of the Government of India Act ; the question of inclusion of India in the Statute of Westminster can be raised when the question of the amendment of the Statute of Westminster is under consideration. Things like that were said by no less a person than the Prime Minister, and he, in one of his remarks, appeared to be quite aware as to how this statement of his was likely to be received in India, but yet he guarded himself against making any definite statement. He said : " We will see about it ; India has yet to emerge out of the condition of a subject Government ; when the time comes, we will see about it ". So far about handing over of power.

There were other parliamentarians, both in the House of Commons and in the House of Lords, who discussed the White Paper very frankly, and I find that there is at least one other British Parliamentarian, who had considerable experience of Indian administration and who, while speaking in the House of Lords, put the matter very frankly.

An Honourable Member : Who is that ?

Mr. K. C. Neogy : That is Lord Lloyd. He said this :

" If safeguards are really essential ",

[Mr. K. C. Neogy.]

and both he and the Noble Marquis Lord Reading are emphatic on this point :

“ We ought to be told how they are going to be operated and not after we part with our control of Indian affairs. We know nothing about this, and I doubt if any one knows. But let us assume that the safeguards can be made effective ”.

I think the safeguards are intended to be made effective. I have not heard anything yet to suggest that the safeguards are only in the nature of illusory safeguards.

“ What, then, ”

asks Lord Lloyd :

“ about responsibility ? Listen to the list of them. I will not read all of them, because the Noble Marquis (*referring to Lord Reading*) has just given the formidable list of safeguards. Command of the army, control of foreign affairs, relations with the Princes, financial stability to be effectively safeguarded, internal security to be safeguarded ultimately, minorities to be protected, British trade to be protected against unfair discrimination, rights of the services to be maintained ”.

Mr. B. Das (Orissa Division : Non-Muhammadan) : What is left then ?

Mr. K. C. Neogy : This is the formidable list of safeguards as given by the Noble Marquis in the House of Lords. Then Lord Lloyd enquired “ what is left of responsibility if all these safeguards are to be made effective ? ” I want my Honourable friend, when he replies to the debate, to tell us as to how many of these safeguards are really intended to be illusory only for the purpose of hoodwinking the British public so that they may not raise any objection to the passing of the new Government of India Bill.

Now, Sir, my friend, Mr. James, yesterday gave us a very admirable piece of advice for which we must all be thankful to him. He said “ unite and get what you want ”. This reminded me of another observation made by that very frank and honest British Parliamentarian, Mr. Churchill, on the 27th June, 1932. He said this :

“ There is the Roman motto ‘ divide and rule ’ ; we have unanimously decided that that is an improper motto for us to follow. But do not let us fall into the opposite system—‘ combine and abdicate ’. That indeed would be a great danger and a very great error into which we might very easily fall ”.

Now, Sir, this is what he said on the 27th of June, 1932, and that, to my mind, furnished the key to the Communal Award that was to follow. If the Government really intended to hand over power, there was no necessity of any protracted controversy or conflict being continued between the Government and the Congress.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Nor was the Round Table Conference necessary.

Mr. K. C. Neogy : I admit, the situation facing us, particularly after we heard the subject matter of the coming motion for adjournment, is undoubtedly serious. I would not seek to minimise the seriousness of it, but what I maintain is that if Government were to continue their present

policy of repression with regard to the civil disobedience movement, that itself would create an atmosphere favourable for the nefarious operations of the terrorists, because, if the Government were to resort to measures characterised by high-handedness, injustice and oppression, if the Government were to continue to hit the Congressmen below the belt, that itself would alienate the sympathies of the right-minded section of the public who otherwise would have stood by Government, as we have, during all these years of criticism and opposition, and helped them for the purpose of carrying on His Majesty's administration in the country.

Mr. F. E. James (Madras : European) : Will my Honourable friend permit me to ask him a question ? Is he in a position to assure this House that should any of these Ordinances be withdrawn, the terrorist movement in Bengal would cease ? If he is not in a position to give that explicit assurance on behalf of the terrorists, what other remedy has he got ?

Mr. K. C. Neogy : I cannot claim to speak for the terrorists, but this much I can say that, if the Ordinances were to be dropped, that would certainly mean conciliation of the Congress. If the Congress were to be conciliated, and if the people of this land were to get what they really want, namely, control of their own affairs in the domain of administration.....

The Honourable Mr. H. G. Haig : Does the Congress stand behind the terrorist movement ?

Several Honourable Members from the Nationalist Benches : No, no.

Mr. K. C. Neogy : No, I do not say that for a moment. What I say is this, that those Congressmen, pledged to non-violence, would be the first to come to the assistance of Government for the purpose of putting down this violence.....

Khan Bahadur Malik Allah Baksh Khan Tiwana (Punjab : Nominated Official) : Do you think the Congressmen would be able to control the terrorists ?

Mr. K. C. Neogy : They would take all such measures that might be necessary for the purpose of controlling the terrorists for dealing most effectively with them, perhaps as effectively as the present.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Having regard to the time that is being occupied in this discussion, the Chair would appeal to Honourable Members to abstain from interrupting the speaker in possession of the House.

Mr. K. C. Neogy : As I said, the situation is very serious in all conscience. In 1908, when a somewhat similar measure was under discussion in the old Imperial Legislative Council, Lord Minto said as follows :

" I maintain that the strength of the British Raj has been built upon the justice of its administration. Heaven knows, it has been no weak rule, but it has been a just one, and it will continue to be so."

Now, Sir, British bayonets will constitute a very poor substitute for British justice as a foundation for the British Empire in India. (Applause.)

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Sir, my spirit as a lawyer revolts against the Bill as it is presented

[Mr. Muhammad Yamin Khan.]

before this House, and, as a legal practitioner, I would never have accepted this measure if conditions in the country had been normal. But, Sir, my duty in this House is not that of a lawyer. Here my duty is as a representative of my constituency and as a well-wisher of my country and I want to see my country progress steadily towards the goal which we all have in view. I am not going to be led by my sentiments as a lawyer, but as a well-wisher of my country and as a representative of my constituency. Here in this House I have to voice the feelings of my constituency, and have to express what they think and what they want at the present time.

I would ask my Honourable friends not to ignore the circumstances that prevailed in 1931 which led to the introduction of the Ordinances. We are all aware that the Congress activities at that time were directed towards the civil disobedience movement, and a particular form of this movement manifested itself in the shape of a no-rent campaign in the United Provinces. The result was that a zamindar in Allahabad, when he went to collect the rent from his village, was murdered in cold blood by his tenants and five of his followers were also done to death. (*Cries of "Shame."*) The tenants were let loose by Pandit Jawahar Lal Nehru's activities and class hatred was created which led to bloodshed and it was feared that it might spread to the whole of the province. That was resented by all zamindars and all peace-loving citizens, and they feared that if reforms were ushered in now, they would not be worked in the proper spirit if class hatred was engendered in the province by these activities. We had similar activities of the Congress volunteers who excited the tenants not only in Allahabad, but in Rae Bareilly, Bulandshahr, Aligarh, Meerut and other districts. It was a terror for any zamindar to come into the village and collect rent. No body could dare to go into the village without being properly armed. I know that in my constituency of Aligarh the Congress incited the tenants of one of our very revered friends who had been a member of the other House for many years, Nawab Sir Muhammad Muzammilullah Khan. His tenants refused to pay any rent to him. An attack on him was particularly chosen, because he is the most influential zamindar of that district, and they thought that if they could reduce and divide the influence of the Nawab Sahib, they could easily deal with the other zamindars. That being the case, we knew that this activity spread itself in other districts as well. Every zamindar was living in a state of terror, and the result was, as all Honourable Members know, that the zamindars had to forego four crores of rupees from their rents last year. More than four crores of rupees had to be given up by the zamindars in favour of the tenants.

Mr. B. Das : Half of it belonged to the Government.

Mr. Muhammad Yamin Khan : Government only left one crore of rupees to the zamindars ; that means that the zamindars had to suffer three crores from their own pockets. I know that the low prices which are prevailing are to some extent responsible for it, but the low prices and unemployment in the villages were availed of by the Congress and they made the poor tenants their tools. The Congress volunteers were recruited from the superfluous population of the villages who could not find any employment and they were fed by the people who subscribed to the Congress

funds in order to subvert the administration. The people from the villages were brought to the towns and the people who were living in the towns subscribed money and fed them. For what purpose? Just to threaten people who wanted to carry on the normal and peaceful activities of daily life. We know what occurred in Benares, Cawnpore, Agra and other places, and this was the cause of it. It is not very long since the happenings at Cawnpore where peaceful citizens who wanted to carry on their daily normal life were threatened and not a day passed without their fearing that their shops would have to be closed or a *hartal* would be declared. These forced *hartals* were getting on the nerves of the people. The poor people were not able to earn their living on account of the *hartals*; even the *tongawallas*, who had not only to feed their horses but children, had to stop plying from place to place. These Congress volunteers were hired tools recruited from the superfluous population of the villages. This led to the most shameful atrocities in Cawnpore. They got degenerated into communal riots. Now, the Congress, which stands for doing away with communalism, is the chief cause of introducing communal riots. It was their activities which engendered communalism in the country. I have heard Honourable Members blaming the Government for their activities in setting up one community against another, but, may I ask them seriously to think—they are Indians and I am an Indian, they may tell whatever they like to the Europeans in their face, but they cannot convince me if they say that they are not responsible themselves to a great extent for creating communalism in the country. This thing was reflected in Bombay where, to our shame, none of our leaders had the courage to go and control the situation which they had let loose to the destruction of so many houses and so many families. What happened in Bombay? Every day people pounced upon each other, shedding the blood of the poor passers-by. If the Hindus caught hold of a Mussalman, they would kill him in the street—a man who had no concern whatsoever with them. If the Mussalmans caught hold of a Hindu who was a peaceful walker and who was going on his business, he was done to death. Is that the thing to which India aspires? Is this a thing which will bring peace and prosperity to the country? Do we not want to stop these things in future? Do we think that we can make progress and improve our country if these things are allowed to happen in our daily life? No Honourable Member will come forward and say that he likes these things. If the Honourable Members do not like this, then what is their remedy? We must rise to the occasion. It is no use saying that we are quite capable people. You must shoulder the responsibility when the time comes. Instead of that, we are shirking it. If we are going to shoulder the future Government of this country, we must show that we are capable of dealing with the situation in the future. It is no use talking idly. We must prove our fitness. It is the proof that counts, not words.

Now, Sir, I was surprised to listen to the debate during the last four days. It is in contradistinction to the debate we had on the 1st and 2nd February. When the Ordinances were introduced, my Honourable friend, the Leader of the Nationalist Party, moved a Resolution before the House on the 1st February. I shall read two paragraphs from that Resolution. They run thus :

“Whereas this Assembly condemns acts of terrorism and violence and disapproves of the policy of the no-rent campaign and similar activities and is convinced

[Mr. Muhammad Yamin Khan.]

that it is the earnest duty of all patriotic citizens to join in the constructive task of expediting the inauguration of a new constitution ensuring lasting peace in the country :

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

This is the Resolution which my Honourable friend, the Leader of the Nationalist Party, moved ; and, in support of this, he said :

“ The first demand that the Legislative Assembly makes is that the Ordinances should be placed before them in the shape of emergency Bills for their consideration ”.

Again, further on, he said :

“ If the Government wanted to take power to cope with the political situation which they apprehended was bound to arise in the country it was their duty to bring those emergency Bills forward for the consideration of the Assembly. As a matter of fact, Honourable Members are aware that the Government did bring in a Press Bill for the consideration of this House and we gave them power of which the House is well aware. I therefore think that it was the incumbent duty of the Government to give to this House the opportunity which they ought to have had of considering as to how far these Ordinances should be enacted to cope with an emergency ”.

The Honourable Member went on supporting his demand for placing the emergency Bill before the House. Further on he said :

“ If the Government accept our Resolution, which I doubt they have only to place before us their Bills and they will receive that co-operation and support which this side of the House has never stinted. They know very well from the history of past measures to what extent we have responded to the call of co-operation from the other side and I say therefore that so far the Government are concerned, their hands will be strengthened by securing the co-operation of the elected representatives of the country in this House.”

Now, the Deputy Leader of his Party supported him in that demand and, while supporting it, Mr. Ranga Iyer said :

“ My Honourable friend and Leader, Sir Hari Singh Gour, in his very good speech, closely reasoned and legal speech, has proved, the Ordinances have no leg to stand on, hatched and hurried behind the back of this House and not brought forward before this House, they have no sanction behind them except the sanction of autocracy, of force, which is the foundation of British rule in India ”.

In other words, he was making a demand for placing these Ordinances before this House. Now, Sir, I will read one or two more passages from the speeches of other Honourable Members. Pandit Ram Krishna Jha, Mr. Hoon and Diwan Bahadur Harbilas Sarda also made a similar demand and said that if the Government did not wish to place this before the Assembly, the Assembly should be dissolved.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Did you support or oppose this motion at the time ?

Mr. Muhammad Yamin Khan : I opposed it as I am opposing the motion for circulation to-day.

Mr. B. N. Misra : (Orissa Division : Non-Muhammadan) : Do you realise the distinction between an emergency Bill and the present Bill to amend the Penal Code ?

Mr. Muhammad Yamin Khan : I will now read one or two passages not from the Nationalist Group, but from the Independent Group. Diwan Bahadur Mudaliar said.... .

Rao Bahadur B. L. Patil (Bombay Southern Division : Non-Muhamadan Rural) : Did he say that he would accept the Ordinances ?

Mr. Muhammad Yamin Khan : He said : The operative part of the Resolution is this and I want Honourable Members to concentrate their attention on it :

“ This Assembly recommends to the Governor General in Council that he should place before the Assembly for its consideration such emergency Bills in substitution of the Ordinances, as he may consider reasonable and necessary, and so on ”.

Mr. Gaya Prasad Singh : That does not mean that he necessarily supported the measure.

Mr. Muhammad Yamin Khan : Mr. Mudaliar further said :

“ I can only endorse the suggestion made by my friend humorously but which is not without an atom of truth in it. He said : ‘ The sooner this House is dissolved, the better for all concerned ’.”

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Need the Honourable Member read any more extracts ?

Mr. Muhammad Yamin Khan : I shall take your suggestion, Sir, and shall content myself with saying that the Leader of the Independent Party was also one of those who made similar demands. (*Some Honourable Members* : “ Read it.”) (*Sir Abdur Rahim* : “ It won't suit your purpose. I guarded myself.”) Now, this Resolution of the Honourable the Leader of the Nationalist Party was put to the vote, and 44 Members of this House sitting on those seats who are opposing the motion to-day voted for that Resolution. Their support must mean support of the demand for placing before the House the Ordinances. (*Mr. Gaya Prasad Singh* : “ For consideration,—not for acceptance.”) I am not saying that. My Honourable friend need not interpret my words ; I am very careful in choosing my own words. This demand was a demand by 44 Members of this House that these Ordinances should be placed before the House for consideration, and although the demand was opposed by a majority comprising 62 Members on different grounds, substantially the demand remained. Now this demand has been acceded to to-day by the Government (*Ironical Cheers from the Opposition Benches*), in the shape of this Bill. I would like to read one sentence from the speech of the Honourable Sir George Rainy, who, then, speaking on behalf of the Government, said :

“ Some of us even had a recollection of the Press Bill in Simla and I think that if I had appeared with an emergency Bill before this House, the very first motion that would have been moved by my Honourable friend, Sir Hari Singh Gour, would have been that the Bill be circulated to elicit opinion thereon ”. (*Applause.*)

Well, Sir, that is exactly the thing that has happened. There was a demand that this Bill should be produced before the Assembly, but the very thing which had been prophesied by the Honourable Sir George Rainy has now happened,—in the shape of the demand to circulate the Bill to the country, to get the opinion of the people, as if the Honourable Members sitting here are not true representatives of the country themselves. (*Hear, hear.*) They have had sufficient time to study the question and to know the views of the country ; for what purpose, then, is it wanted to send it again for circulation ? If they do not want it, if they think that the Bill is bad, certainly they

[Mr. Muhammad Yamin Khan.]

may say that they want to reject it *in toto*. They may come forward and say that what they urged on the 1st and 2nd of February was but a camouflage (Hear, hear.); that they are not ready to shoulder the responsibility for which they were asking for; that the so-called demands were never sincerely asked for; that they never wanted what they pretended to urge; that their sole object was to divert the attention of the Government. The Government knew the real tactics beforehand, they kept on, but now they have been thoroughly exposed. Now the very same thing is happening! Sir, such tactics will never do for the Honourable Members. You have to prove to the world that you can shoulder responsibility (Hear, hear), that you are capable of shouldering responsibility, (Loud Applause.) (Mr. B. Das: "Wait and see.") Honourable Members will have to prove this—that they can do it. If they are shirking their responsibility, then, Sir, their case falls utterly to the ground. (Hear, hear.) And, Sir, if all Honourable Members choose to shirk their elementary responsibility, I shall nevertheless do my duty. (Loud Applause.) (Mr. Gaya Prasad Singh: "You will be duly rewarded for it!") Now, here and there, undoubtedly there is some provision in the Bill to which I cannot agree, and I will have my say at the proper time, but, this evil which is prevalent in India to-day, which is threatening the progress of the whole country, which is leading to the violation of individual liberty, which is going to molest and harass and intimidate peaceful people in their daily avocations, has to be eradicated with a strong hand, and that strong hand must come. (Hear, hear.) Sir, if the Government neglect their elementary duty in this, I say, the whole blame would lie on them for not doing their proper duty, for not protecting people who rely for their protection on the Government. (Hear, hear.) Is there a single Honourable Member in this House who can say that this evil, which is reported from Chittagong, and the kind of evil that we have seen in today's Press of the attack on Sir Alfred Watson in Calcutta in which ten shots were fired at him—is such a kind of evil to be tolerated? and no action is to be taken to eradicate it. Do they want to kill innocent people, because a man happens to hold opinions which do not agree with yours? Do you call this progress? (Hear, hear.) Sir, Government and their servants have been blamed many times that they coerce people in order to fall in with their views, but may I ask if these violators of peace are not doing it? Is this the way that India wants to rule herself? Are you going to tolerate people being burnt and shot for not subscribing to somebody's views? Shall we not be left peacefully to give expression to our views in this House? Sir, if these dark forces are let loose, I say, we shall be having bombs in this House? Do we not remember the occasion when even the sanctity of this House had been assailed? Sir, I say, if these things go on unchecked, the India of the future will be a poor thing,—a country not worth living in. I shall say one word more, Sir, and it is this—that circulation has got no meaning even if the suggestion comes from my Honourable friend, Mr. Anklesaria, from whose speech I must say I could not gather whether he was really favouring circulation or passing the Bill *in toto*. (Laughter.) If the Honourable Member wanted circulation only for this purpose that it may be delayed, and if that is accepted, then, I say, every true well-wisher of the country will repent, for the effect will be that the subversive

activities of the Congress and of the terrorists will go on unchecked for some time longer. I have got no quarrel with those who say that the Congress and the terrorists are useful for the country : they must have their own say : but if any Honourable Member feel that these activities are a hindrance to our real progress and to peace and harmony in the land, then certainly they will not have to rise to the occasion and vote for reference of the Bill to a Select Committee. You can amend the Bill, Sir, wherever you find it inconsistent with the principles of law. With these words, Sir, I support the motion for reference to a Select Committee and oppose the motion for circulation. (Loud and prolonged Applause.)

The Honourable Sir C. P. Ramaswami Aiyar (Leader of the House) : Mr. President, the function and duty of a non-official Member of the Executive Council, either of His Excellency the Governor General, or in

12 Noon.

any Local Government, are, I take it, to explain and elucidate what may be called the non-official point of view to his colleagues in the Government and, on the other hand, to try to explain to the people at large that point of view, which forfeited by his experience of official affairs, he is able to present to the country. I shall discharge that function to the extent that it is permissible for me to do subject to time-limit which is inexorable. And, in so doing, I have, as I stated on a previous occasion, the additional advantage that in a few hours I shall be able to speak wholly as a non-official and in what I say now let me be understood as saying nothing which I shall not repeat a few hours later as a non-official. (Applause.) Mr. President, what is the present posture of affairs ? There is a tremendous amount of work before this country. The magnitude of the work, the complicated nature of the task, the intricacy of the problems confronting us cannot be gainsaid. And what is that work ? That work is to make of this great and ancient country a country to be proud of, a country fit to live in and die for. It is in pursuance of that desire, it is because of our pursuit of that ideal, that we are asking for constitutional progress and for constitutional self-realization. Politics, we must, however, admit, is a means to an end ; and let me say, Mr. President, that the experience that I have gained in the last few months in a department of activity with which I was not connected in my previous career has taught me one thing if it has taught me anything, namely, that a large leeway has to be made before India can come to her own in the matter of financial and economic rehabilitation and commercial evolution. It must be granted on all hands that to-day the great need for India is economic revival and economic progress, and political security, political rehabilitation and political self-determination are a means to that end, namely, happiness, peace and prosperity of the masses of our countrymen. That is why the programme before this country is and should be two-fold : firstly, increasing the wealth of this country by every means that can make India a great and self-reliant entity in the commercial and economic brotherhood of the world and, secondly, the realisation and unfolding of the inner spirit of our specific culture. It is because some of us feel that political growth and political advancement are necessary to bring about these results that some of us have worked in the political field. Politics, thus, is not an end in itself, but a means to a great end, namely, the happiness of the nation at large. That being granted, what do we find in this land of ours ? We are face to face with a very difficult

[Sir C. P. Ramaswami Aiyar.]

political position and we are at the cross roads so far as constitutional progress is concerned. Speaking at this moment I should be omitting my duty if I were not to utter one word of congratulation to those representatives of various communities who have taught us that even in the India of to-day, with all its clashes and communal and racial bickerings, it is possible to unite and arrive at a largehearted settlement. I am speaking in the presence of the representative of the depressed classes who has worthily played his part in the solution that has recently taken place. (Applause.) Is that not a lesson and shall it not be a warning? Is it not a lesson to us that we can and shall come together for the purpose of obliterating our differences and making ourselves a united body? Is it not also a warning that we should not let the opportunity slip? Now, what is the relevance of all these remarks? I say this, because of two reasons: I hold, in the first place, that constitutional progress and the constitutional realisation of our dreams and ideals will come only with a harmonious and united people working together for the common cause. That union will be irretrievably and irremediably jeopardised if occurrences like those of which we have had recent experience were the order of the day. I am not going to make capital out of the temporary, let us hope very temporary, madnesses that are overtaking the youths of the country. But let there be no mistake about this, namely, that unless there is comradeship, unless there is fellow-feeling between the Englishman and the Indian in this country, between the Hindu, the Mussalman, the Sikh, the Parsee and every community, neither shall we get a worthy and satisfying constitution nor shall we retain its advantages when secured. (Hear, hear.) It is because, Mr. President, of these considerations that I am rising in my place to say that, in the language of my Honourable colleague, Sir Brojendra Mitter, there is a great evil which has to be combated and the removal of which is a *sine qua non* to the achievement of our hopes. (*An Honourable Member*: "What is that evil?") Mr. President, my Honourable friend asks me "What is that evil?" Is it or is it not a fact that to-day a movement which began as passive resistance has become civil disobedience and has often degenerated into forms indistinguishable from direct and violent action? Let me be perfectly clear about it and I am indebted to my friend, Mr. James, for having brought the point out on a previous occasion. There is a clear distinction which can easily be drawn between the passive resistance such as was originally practised by Mr. Gandhi and the recent manifestations of civil disobedience. Whether passive resistance is permissible or allowable, is beyond the scope of this particular debate and I do not propose to enter upon that task, though I am naturally and by tradition a strong upholder of the laws of the land. But I assert that the forms which civil disobedience has taken are such that not only this Government, but the governments of the immediate future and the governments of the distant future will have to fight them.

Now, let me turn to this Bill which is before the House. Is it or is it not a fact that there has been tampering with public servants? Is it or is it not a fact that there has been dissuasion of enlistment into services? Is it or is it not a fact, is it or is it not abundantly provable by unimpeachable evidence that public servants have found that their life was rendered unendurable, because they could not get the bare necessities of life in certain localities. Has there or has there not been

boycotting of public servants as a campaign? Is it or is it not a fact that picketing is pursued under certain conditions which makes the lot of both the picketer and the picketee a burden on their respective lives? Has all this not been the case? Is it or is it not the case—I say it with humiliation, I say it with shame—is it or is not the case, that young boys who ought to know better, young boys whom the great Leaders of the Congress themselves exhorted to stick to their studies until they were able to think for themselves and to act on their own responsibility—is it not a fact that young boys are utilised for propaganda and for direct action which are detrimental not to the young boys alone, but to their parents and to society at large. Has it not been actually preached that studies are immaterial and insignificant by the side of the waiving of flags and picketing? Is it or is it not a fact that women are being employed for purposes which are foreign to their great purpose in life? I have all along been a champion of the cause of women and, if I may say so, I am one of the feminists. But, as regards some aspects of the political activities of a few women, there can be no two opinions. Using argument and discussion and even suffering for the sake of political ideals is one thing, but lying down in the street in front of a moving car and hurling diatribes before a shop are beyond the bounds. Does this kind of thing happen, or does it not happen? If it does happen, is it to be eradicated or not? Mr. President, is it or is it not a fact that there are unlawful associations in this country? Is it or is it not a fact that they are somehow, mysteriously, but definitely and indubitably, supplied with large funds? Do they not operate on these funds? Is it too much to ask that the possibility of operating on those funds should be checked? I am saying all these things not with the view of casting reproaches, because I feel the reproach, if any, is on all of us. I am saying this, because no one, who is responsible for the welfare of this country, can omit to bear these things in mind or to feel the shame of the recent occurrences. This Bill is an attempt to remedy these things in the best way which has occurred to the mind of the Government. My Honourable colleague, the Law Member, has stated that ample opportunities will be given for discussion of the arguments put forward from the opposite Benches. It has been suggested in the course of the debate, for instance, that, after all, as we hope and as we dare to aspire, this would be a temporary phenomenon. It has been suggested that if self-government were established in the country on lines acceptable to the thinking and rational portion of India, then these evils will disappear automatically. No one would welcome the disappearance of the movement more than those on the Treasury Benches of to-day and to-morrow. But, Mr. President, we have to deal with the trouble that undoubtedly exists and so long as it exists. If the point is that an emergency should be met by what may be called a temporary enactment, that is surely a matter which it is within the ambit and scope of the labours of the Select Committee. It has been stated by my Honourable colleague, the Law Member, that it will be open to the Select Committee to consider this alternative and, I am sure, my Honourable colleague, the Home Member, will not think I am taking too great a liberty when I say that knowing him as we do and knowing that he possesses those qualities of political compromise and accommodation in the highest sense which have characterised his career in this House, the Honourable the Home Member will seriously consider propositions for the purpose of making this a temporary measure, temporary

[Sir C. P. Ramaswami Aiyar.]

in this sense, namely, that it will enure so long as the evil exists and so long as it is a menace. What the period is, is a matter for discussion, and for harmonious adjustment. I come now to the next point, namely, that it is no use running away from the fundamental facts of the situation. The appeal was actually made, "why not govern by Ordinances?" "Why don't you go on further with that process?" I do not wish to utilise the opportunity which has also been afforded by my Honourable and learned friend, the Leader of the Nationalist Party, who himself asked that such a Bill must be brought forward. I am not going to content myself with that. There is a higher and more compelling aspect which I would like to put before the House and it is this. The making of an Ordinance is a responsibility of the Governor General. If we are satisfied that there is this evil, if we are satisfied that that evil must be grappled with, I think it is up to us to take that responsibility on our shoulders away from those of His Excellency the Governor General. (Hear, hear.)

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : May I ask why this has not occurred to the Government when they promulgated the Ordinances for the first time ?

The Honourable Sir C. P. Ramaswami Aiyar : For the first time when Lord Irwin issued the Ordinances ?

Mr. C. S. Ranga Iyer : Or for the second time ?

Mr. Gaya Prasad Singh : They thought they would be able to crush the Congress with the Ordinances in a short time.

The Honourable Sir C. P. Ramaswami Aiyar : I hope the idea which underlay the Congress will not be crushed. It will be a sad day if the Congress is crushed or if anybody else is crushed, because what is the advantage of crushing the Congress to anybody ? I wish to put the matter, Mr. President, in this way. These remarks are so often used, namely, crushing the Congress. We may crush individuals who compose or who form a part of the Congress, but ideas will not die, (Hear, hear) and, if the Congress stands for a legitimate, if it stands for a righteous, fruitful and energising ideal, it will not die (Hear, hear). but if the Congress stands for a deleterious ideal or standing for a rightful ideal, at the same time, allows or encourages deleterious practices when formulating and carrying out that ideal, to that extent the Congress will be crushed and must be crushed. If the Congress stands for complete self-government within the Empire, it will last and must last. If it stands for communal and racial harmony and uplift, it will and must be a great force.

Mr. C. S. Ranga Iyer : May I enquire why the Government did not come to us before the termination of the first Ordinance ? Why should they come to us at the fag end of the third Ordinance and not just before the termination of the second Ordinance ?

The Honourable Sir C. P. Ramaswami Aiyar : Mr. President, that matter has been explained by my Honourable colleague. It was explained before on the floor of the House. They were sudden emergencies which demanded sudden action, and, it is because we feel that there is

comparative quiet in the country, that we come before the Legislature with this Bill. At one time it was practically impossible to turn round and deliberate, because the onslaughts were many-sided and were furious and intense. At that time, the Ordinances were promulgated. But, to-day, thanks to these Ordinances—here again, I am not rejoicing over that, I am lamenting over that—but thanks to these Ordinances, by virtue of the operation of these Ordinances, the old manifestations have largely disappeared, and, I think, the atmosphere is apt for the consideration of those legislative measures, the importance of which has been stressed not only by the interruptions, but by the general course of the debate.

Sir, I do not wish to say much more, but I wish to end with two observations. This Bill, it will be noticed, manifests that where local needs and local remedies are concerned, no resort will be had to all-India legislation. It is only to meet what one may call the all-India aspects of the civil disobedience movement that this Bill has been framed. The second remark which I wish to make before I conclude is this, that there have been great countries outside India which have suffered and are suffering from the same trouble which is confronting us. To-day in the United States, which many regarded as the home of democracy and the home of freedom, they are lamenting the growth of a complete lack of respect for law and order. They are driven to talk of the loosening of the bonds of society. It is, therefore, not a limited evil ; it is a widespread evil ; and that evil, I submit, will have to be fought and eradicated. To the extent of the success with which we grapple with that evil, we shall deserve and retain that heritage which is ours and which we are striving to regain. (Applause.)

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) :

Sir, I have been patiently waiting for the last three days to understand fully what the Government case is and I think I know now, at any rate partially, what their case is. The last speaker, the Honourable the Leader of the House, has spoken with an amount of enthusiasm for this Ordinance Bill which, I must admit, has taken me entirely by surprise. I will not accuse him of not having studied the Bill carefully, and an astute and able lawyer as he is, I am certain that he understands all the implications of it. He has made a very eloquent speech, he has delivered a great oration, but I am afraid he has not tried in the least to meet any of the obvious objections to this very serious measure.

Sir, a great deal was made of the debate at the last Delhi Session upon the Resolution moved by my Honourable friend, the Leader of the Nationalist Party. We demanded then that the Ordinances should be placed before the House in the form of a proper Bill so that we might consider it and pass it if we found it reasonable and confined to certain specific ills. My friend, Mr. Yamin Khan, quoted certain passages from some of the speeches delivered on that occasion and he was about to quote from my speech when he desisted even though I pressed him to do so.

Mr. Muhammad Yamin Khan : I took the hint from the Chair.

Sir Abdur Rahim : Sir, you will pardon me ; I am not in the habit of quoting from my speech, but on this occasion I think it is necessary that I should point out to the House the attitude which I took up on that

[Sir Abdur Rahim.]

occasion, and which I believe was the attitude of all Members on this side of the House. I said :

“ If the law is defective ” (meaning the ordinary law) “ in any particular respect in order to meet certain evils, surely they can draft a proper Bill and place it before the House with proper provisions to meet the situation. Why should not Government do that ? The only inference we can come to is that their intention is not merely to strike at a certain mischief or to suppress certain evils ; the Government really want to go further.”

Then, Sir, I also said :

“ I ask Government with all respect to seriously consider the position, and if they really believe that there are certain movements, I believe there are, which require to be checked, I believe it is possible to frame reasonable laws to be administered by the ordinary courts of law in order to check and eradicate those movements.”

Sir, that was our attitude. What did Government do at the time ? What did my Honourable friend, Mr. Yamin Khan, do ? They opposed our request and defeated us ; and now he wants to throw that very Resolution in our face. Sir, in saying this I do not agree with those of my friends who say that no such Bill ought to have been brought before the House or that Government acted wrongly on this occasion to bring in this Bill. As regards the Ordinances, Sir, it is well understood that His Excellency the Governor General can pass an Ordinance in order to meet a particular emergency. He has no other powers. The function to legislate and make laws for this country is our responsibility. He can only meet a particular emergency by a particular Ordinance. That emergency over, he has no other function left in the matter of legislation. Sir, I do believe also that there is no limitation under the law to his passing more than one Ordinance, one after another, if there are emergencies. I do believe, however, that it was the intention of the law-giver, those who enacted the Act of Parliament, that emergency must be understood in its ordinary English sense. That is to say, if the ordinary body, whose function and responsibility is to enact laws, is not meeting at the time and is not available in order to enact the necessary law to meet a particular emergency, then and then alone His Excellency the Governor General, in order to save the situation, can pass an appropriate Ordinance. It is not, therefore, the intention of the Government of India Act that while there is every opportunity for the Government of India to bring a proper Bill before this Assembly, the Governor General should pass an Ordinance to take the place of a regular enactment. Sir, if the Government failed in their duty to bring a proper measure before the Delhi Session, and if they are trying to rectify that mistake now, we cannot complain of that. They have introduced a measure which they consider to be proper and it is for us to say whether in our judgment, it is a proper Bill or not. We never consented to abdicate our functions in favour of Government.

Sir, what is the Bill that is brought before us ? It is a Bill to replace the Ordinances. The Ordinances being an emergent measure, this ought to be an emergent measure also. Has it been brought before us as an emergent measure to meet only an emergency, unless by emergency is understood something perpetual and eternal ? Will the Honourable the Home Member say that the condition of India is such that we must have emergency measures for all time ? Is it a chronic disease of India ? It has been suggested by the Honourable the Law Member and, following

him, by the Leader of the House, that we can amend this Bill in Select Committee. But the two things are totally different. The ordinary law of the country exists for the purpose of meeting ordinary normal conditions. An emergency measure, as the phrase implies, means that it is needed for only a particular occasion to meet a certain specific evil. This Bill is a mere copy of certain provisions of the Ordinance which was passed by the Governor General in exercise of his prerogative. But we are asked now to add to the ordinary criminal law of the land, provisions which, I submit with the entire confidence to the House, are absolutely inconsistent with the principles of criminal jurisprudence, even as prevalent in this country. The importance of this measure, the serious character of its effects on the lives of the citizens on their most cherished rights, on their rights of personal protection, and personal liberty, on their rights of property, on their rights of association are all of a character which cannot be said to be at all slight or which can be brushed aside as something unimportant. Now, a measure of this magnitude and importance and seriousness can only be passed by us if we find it absolutely necessary to meet a condition of things which exists at the present moment and if we had the support of public opinion. As regards public opinion, it was admitted by the Honourable the Home Member who presented his case in a way which has been fully appreciated by everybody on this side of the House—he himself admitted that it is no use sending the Bill for circulation, because, as he said with a smile, “ We know what the verdict will be of the public ”. I ask him, as an Englishman whether that is not enough to dispose of this Bill altogether. If public opinion is against it, does he expect us to defy public opinion? We are here in order to represent and voice public opinion, to din it into the ears of the Government; and are we the persons to be asked to act contrary to public opinion? (Hear, hear.) Is not this enough to show that this measure is wholly unjustified and cannot be forced down upon us? The officials are in a different position. I understand that, they can defy public opinion and they have often done it. But our position is very different. So, I say, we are not in a position to support this measure, as admittedly public opinion is hostile to it. This is one conclusive answer. Another conclusive answer is that Government have not proved their case. I know a great deal has been made of the terrorist outrages. Every one of us condemns them, we condemn them most strongly, and I think every one will believe me that I can have no sort of sympathy with any of the things that are going on. Now, what does the Statement of Objects and Reasons say? Is it to suppress terrorist outrages? No. Is there a word in the Bill, is there any provision which, any one can honestly say, would tend to suppress or abate these brutal insensate crimes, crimes against society, crimes against good order and Government? There is not one provision like that; it is not within the scope of the Bill at all. What is the good of drawing a red herring across our path? It is nothing but drawing a red herring across our path. There is no such provision in the Bill. If I thought for one moment that this Bill would go in any way to any extent to deal with these crimes, I should wholeheartedly give it my support. But there is nothing of the kind. As a matter of fact, it does not purport to deal with terrorist crimes.

The Honourable Sir Brojendra Mitter (Law Member) : Nobody suggested it. My Honourable friend is raising a phantom and fighting it. Nobody suggested that this Bill was intended against terrorism. The Home

[Sir Brojendra Mitter.]

Member made it perfectly clear that this Bill was intended to combat the civil disobedience movement.

Sir Abdur Rahim : Only my Honourable friend, the Law Member, has forgotten what his colleague, the Home Member, in his speech said, that there are triple evils to be combated : one is terrorism, one is civil disobedience and one is Communism.

Mr. K. C. Neogy : That was with special reference to the Press provisions in the Bill.

The Honourable Mr. H. G. Haig : On a point of explanation : that was a general review of conditions in India ; and, with regard to the particular point raised now by Sir Abdur Rahim, I did say that the provisions with regard to the Press would help to restrain the terrorist movement, and so they will.

Sir Abdur Rahim : Well, the Honourable the Home Member is apparently not in agreement with the Honourable the Law Member. Any law in some way or other tends to discourage crime : is not that so ? Not only criminal law, but civil law. But this Bill, I agree entirely with the Honourable the Law Member, is not directed at all against terrorist crime and will not affect it. I understand the Bengal Legislative Council has already passed an Act in order to deal with terrorist crimes, and I do hope that they will succeed in suppressing and stamping out once and for ever all such outrages.

Then, as regards Communism, is there any provision in the Bill which deals with Communism ? Communism, if it is to be dealt with, has to be defined first of all. Is there any definition in this Bill of Communism ? No. As a matter of fact, very few of us understand what is meant by Communism, very few of us understand what Communism is. We all have very vague ideas about it. I know that some eminent thinkers in England say that the whole world is tending towards Communism, and that it is the only solution for the present economic problems. But, Sir, if the Bill was intended to deal with Communism in any way, there ought to have been first of all a definition of Communism, there ought to have been proper provisions to deal with Communism, but there is no such thing.

The Bill is entirely directed against what is called civil disobedience, which again is identified with the Congress. I speak subject to correction by the Honourable the Leader of the House, because he seemed to detach the Congress from civil disobedience....

The Honourable Sir C. P. Ramaswami Iyer : As an old member of the Congress, I may say this that we in Congress, when Congress was, according to us, a great and beneficent power, had not then wandered into the region of direct action or civil disobedience. What I meant to say was this, that the old Congress ideal is very different from recent Congress practice.

Sir Abdur Rahim : Sir, our ideas do not differ very much. The ideals on this side are the same, if you are to believe the Treasury Benches, it is also the ideal of the Treasury Benches—Responsible Government in India for Indians. Now, let us see what civil disobedience means. I wish civil disobedience had been defined....

Mr. F. E. James : I defined it.

Sir Abdur Rahim : But I am afraid my Honourable friend is not the Bill. (Laughter from the Nationalist Benches.) I am only criticising the Bill. Sir, as I understand the phrase, civil disobedience means disobeying or violating the law....

Mr. F. E. James : For the purpose of coercion.

Sir Abdur Rahim : It does not matter what the purpose is. If the law is disobeyed, there is the sanction forthcoming, there is the civil sanction as also the criminal sanction. So long as law is there, it cannot be violated by any one with impunity. He either has to pay damages to somebody or has to pay fine or go to jail or even undergo the sentence of death. Now, what is the Congress creed? Civil disobedience. What is the procedure they adopt? They openly violate certain laws, not the law against theft or robbery or anything like that. They openly defy certain of your laws; they even do not put in any defence. Is that not the fact? They are only too glad to be arrested and sent to jail. Their one idea or policy, whether you agree with them or not, is to fill the jails. They say "You cannot find jails enough for us, you cannot feed us in jails all the time". That is their policy. They want to paralyse the Government in that way, that is to say, by creating financial difficulties—so many idle mouths will have to be fed, Government will have to construct new jails. That seems to be their procedure, they want to create public opinion against the Government by compelling the Government to send them to jails. That is the very thing they want, and the Government want to help them in that, by sending more people to jail. I want the Government seriously to consider this. If they are going to make laws of this nature, which are undoubtedly very stringent and inconsistent with the principles of law under which we have been living so long, then what are the Government doing? They will be creating public opinion in favour of the Congress. The Congress will say: "Government are not satisfied with sending us to jail, but they are making laws more strict for those who do not belong to the Congress—and so come and join the Congress". I am afraid, Sir, the Government are enacting a measure which is against public opinion, which certainly cannot be justified like the ordinary law under which we have been living for centuries. Government are abolishing the rule of law for which, even Sir John Simon said, we Indians ought to be thankful to the British Government. When my friend, the Honourable the Law Member, was speaking, I ventured to interrupt him and asked him what the principle of the Bill was—he said civil disobedience....

The Honourable Sir Brojendra Mitter : That is a travesty of what I said.

Sir Abdur Rahim : To defeat civil disobedience....

The Honourable Sir Brojendra Mitter : No, Sir; that is not....

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural) : He is not giving way.

The Honourable Sir Brojendra Mitter : What I did say was this, that this Bill was intended to fight the present day manifestations of the civil disobedience movement. There are particular manifestations of the civil

[Sir Brojendra Mitter.]

disobedience movement, and it is to fight those that this Bill has been brought forward.

Mr. S. C. Mitra : Very nice discrimination.

The Honourable Sir Brojendra Mitter : That is the principle. (Loud Laughter from the Nationalist Benches.) Loud laugh spoke the vacant mind.

Mr. K. C. Neogy : The Honourable Member is losing his temper.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order.

Sir Abdur Rahim : I did not want to say anything which would ruffle my learned friend. I was only trying to meet some of his arguments, but I was not....

The Honourable Sir Brojendra Mitter : Do it fairly.

Sir Abdur Rahim : I think he has made his case a little bit worse. This Bill is directed not against any particular acts of civil disobedience, but against the movement itself, not against any particular manifestations or against any particular acts, but against the whole movement itself. That is the very purport of the Bill. Those who framed this Bill knew the difference between civil disobedience movement and certain acts which come within the ordinary law. The object was to strike at a certain movement, and all the provisions tend towards it, and not against any particular manifestations or acts. Indeed my contention is that you ought to confine yourself to certain specific acts, because, after all, it is by punishing such acts that you can meet and suppress a mischievous movement.

Now, Sir, I also ventured to interrupt with my remark that most of the evils that are sought to be met by this measure can be met by the ordinary law. There may be one or two provisions in the Bill, just one or two clauses which perhaps supply a lacuna, and if they are to be retained, they may be retained with amendments ; but if you take the rest of the provisions of the Bill, I say that they are amply provided for in the different Acts—the Penal Code, the Criminal Procedure Code, the Police Act, the Press Act, and other Acts. Now, there is provision in the Penal Code against conspiracy. Any two persons or more conspiring together to commit an illegal act—mind you, not even an offence, but an illegal act—are guilty of a conspiracy and liable to punishment. Therefore, if there is a body of persons whose object is to commit illegal acts, to violate the law, they would come within the definition of criminal conspiracy and become liable for criminal conspiracy. Then we have a number of sections, a whole Chapter devoted to what is called abetment. If any person abets any one to violate the law and, thus, to promote civil disobedience movement, or abets an illegal act in any way by words or gestures, then, in that case, there is the Penal Code, and the abettor is punishable. There are also sections which are often utilised in dealing with what is known as sedition in this country, and, by amendments, as my Honourable friend, the Law Member, is perfectly aware, that definition has been considerably widened and the latest interpretation of the Courts almost amounts to this that if you do any act which is likely to alienate the affections of the people

towards Government, then, in that case, you are liable for sedition. Again, we have got provisions in the existing law dealing with class hatred. If anyone does anything by which class hatred is aroused, then, in that case, you have a provision dealing with it. Again, you have the law against unlawful assemblies. Any assembly which has for its object disturbance of the peace or commission of any crime is an unlawful assembly and is punishable under the law. But there is another section which is still more important and that is section 144 of the Criminal Procedure Code. The Honourable the Law Member is fully aware that the first non-co-operation movement was dealt with not under any Ordinance, but under the ordinary law, and the object of the Congress to fill the jails was amply fulfilled. What was that movement? That movement was not essentially different from the present civil disobedience movement. How was that movement dealt with? By the ordinary law, as I have said, and mainly by section 144 of the Criminal Procedure Code. Therefore, I say that there is nothing in the civil disobedience movement which cannot be checked or which cannot be punished by the ordinary law.

But, Sir, that is not really the scope and effect of the Bill. I will not dive into the motives of the Government; I never like to impute motives to any one, but what is the scope and effect of the Bill? The scope and effect of the Bill is this, the Government want to set up executive authority in place of the ordinary Courts. They want to remove the jurisdiction of the Courts in dealing with certain offences. They want to substitute executive action for the procedure of the Courts. They want to place the ordinary rights and liberties of individuals at the mercy of the executive. Government also want to make the existing laws more stringent. They want to vest more power in the police. Offences which have hitherto been non-cognisable and bailable, Government want to make them cognisable and non-bailable, that is, offences for which the punishment is a fine, although, under the ordinary law, all offences of that class, at least generally speaking, are non-cognisable and bailable. I have gone through the list and I find that for most of these offences which are now made cognisable and non-bailable, the punishment is fine or imprisonment. So, a person who commits an offence of that nature can, under the Bill, be at once arrested by the police, kept in custody, although at the end he may be acquitted or has to pay only a fine. This is a very serious departure, and I do not find any reasons given, excepting that it is in the Ordinance,—no other reasons are given why Government should change the law in this respect.

Sir, I find that the Bill also purports to create certain new offences. Clause 2, for instance, deals with what is called dissuasion from enlistment. Now, that might very well be made an offence, but has a case been made out to that effect? Has the Honourable the Home Member been able to give us statistics to show how many men have been dissuaded from enlisting in the military service or in the police service? If, as a matter of fact, the activities of the Congress or of the promoters of the civil disobedience movement had affected enlistment in the army, then, I should say, such a provision is perfectly justified. On the other hand, one Honourable Member here has offered to supply five thousand recruits, another, ten thousand, and again another, one thousand, and I myself believe that there is no lack of recruits either for the army or for the police force.

[Sir Abdur Rahim.]

I believe it was my friend, Mr. Shah Nawaz, who pointed out that
 1 P.M. thousands and tens of thousands of people would like
 to be employed in either of these forces. If you take the
 educated classes, many of whom are implicated in the civil disobedience
 movement, what was their answer to the invitation of the army authorities
 for admission to the new military college? I believe, if my memory
 serves me aright, Government received ten times as many applications
 (*An Honourable Member* : "30 times") as there were vacancies. What
 are you striking at then?

Mr. S. C. Mitra : A shadow.

Sir Abdur Rahim : My friend on my left says, at a shadow. I entirely agree.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order. order. I should like to know how long the Honourable Member is likely to take. The Honourable Member is aware that there is an Assembly social function to-day and, unless he is likely to finish in a few minutes, I should like to adjourn the House now.

Several Honourable Members : Adjourn.

The Assembly then adjourned for Lunch till Thirty Five Minutes Past Two of the Clock.

The Assembly re-assembled after Lunch at Thirty Five Minutes Past Two of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

Sir Abdur Rahim : Mr. President, I have just pointed out that clause 2 is absolutely superfluous and not wanted. Similarly, with clause 3—that is, the clause dealing with tampering with public servants. Here again, if the Government wanted our support, they could easily have given us facts—not general statements that some Congress speakers have said this or that—facts, showing that a number of public servants, an appreciable number of public servants, have failed to do their duty or have resigned Government service because of dissuasion by any one. If they had given us such facts and figures showing that a substantial number of public servants have really been tampered with, then, in that case, there would have been justification for a clause of this nature. But, what do we find? The public services, Sir, are full to overflowing, and we know also that there are numerous applications every day to fill the least important posts in public service. I have been trying to get at the mentality of the Government in order to find out the reason why they want us to enact these two clauses. Sir, these clauses, if accepted by the House, would imply that a serious attempt is being made to dissuade people from entering the police service and enlisting in the army or, when they are there to induce them, to fail in their duty. Sir, there being no evidence of that—no evidence worth speaking of—all I say is that if these two clauses remain, then that would mean a serious reflection on the country. Sir, it may be very well for purposes of propaganda to tell the world : "Look at the state of things in India. The army is being tampered with, the

public services are being tampered with, the whole country is in danger". Now, Sir, if that were a fact, there would be no hesitation at all on our part to make provisions like this on the Statute-book. But the facts being otherwise, just the contrary, I say, we ought not to be a party to placing any such provision on the Statute-book. We should otherwise be saying to the world : " Yes, the state of things in this country is really in a very perilous condition "—which is not the fact. The public services are not in danger, and the army is not in danger. As a matter of fact, Sir, the Congress, so far as we are aware, have not carried on any active propaganda against the public services nor dissuaded people against entering the public services. Some isolated speakers might have spoken words to that effect, but they have not produced the least effect on the public services or on the army or on the police.

I need not deal with clause 4 at length, because it has been amply dealt with. It is a most dangerous clause ; it infringes people's rights of property. If I have a house, is there any reason why I should be compelled to let it to a particular person, because he happens to be a public servant ? We know that, as a matter of fact, many persons cannot get houses in a big city like Calcutta. Surely, a public servant should not be placed in a position which would enable him to invade the property of an ordinary citizen. As regards the supply of services. Sir, in the twentieth century when you have motor services, when there are plenty of tinned provisions which people can carry from place to place and when, we have far better roads than we had before, surely to have an enactment like this, which is an invasion on peoples' rights of property cannot be justified. It may mean a little extra cost in carrying provisions to Government servants. That is another matter. But surely we ought not to punish the people in the way that is proposed to be done by this clause and every one knows in this House, who knows anything about the state of the country, that a law like that is very liable to be abused.

Sir, as regards the Criminal Law Amendment Act, we know the history of that Act. It was enacted at the time of the anti-partition agitation and we know what happened then. As if that Act, as it stands now on the Statute-book, was not enough, Government seek to add provision after provision which would make it very difficult, indeed, for the people to live in this country. The jurisdiction of the Courts is to be taken away. Any association may be declared unlawful by executive authority. Once it is declared unlawful, any Local Government, any executive authority, may notify a particular place, and then any property found therein is to be confiscated, and no appeal lies. This is a very serious matter, and I do not see how we can be asked to accept it. Sir, my complaint against this Bill is this. You are adding extremely harsh provisions to the ordinary criminal law of the land already very stringent and we all have to live under it. Because a certain class of people are defying certain laws, you cannot take away the jurisdiction of the Courts under the law which gives protection to the people's personal rights, rights of association and the rights of property. You cannot take away all those rights, simply because a certain class of people violate certain laws. If you employ the machinery of law, as it is, against those people, nobody can complain against that. But, why go further ? Why punish millions of people who are absolutely innocent ? The answer, I suppose, would be

[Sir Abdur Rahim.]

that the executive will exercise discretion in applying the law. That is all very well. If that be enough, then abolish all the Courts of law ; abolish all law. Leave it to the executive to administer the country without any law. I daresay, in the executive there are men who are highly civilized and highly educated, and knowingly they will not oppress the people of the country. But that is not the point. We cannot consent to live under this kind of law which empowers the executive to do whatever they like. It not only so empowers the executive Government, but all sorts of public servants, men who are not even public servants, men who are classed as public servants only for this purpose. We do not know, but they may be favourites of the executive who will be given powers and privileges which are denied to any other law-abiding citizen. Sir, this is a very serious measure and, in order to justify it, we ought to have had before us far greater evidence than has been supplied. We are repeatedly asked : what is your positive suggestion ? My suggestion is that Government should administer the laws that are there properly and, if they do that, I am perfectly sure that the position will be no worse than it is at present and in fact it will improve. These Ordinances cannot in any way improve the position. They will make the position of the ordinary citizen much worse without helping Government in suppressing what is called the civil disobedience movement. Sir, I do not want to make any reflection upon the administration, but I do think from what I have seen and observed that the laws are not properly administered. If they were properly administered, if they were fully taken advantage of, then there is no offence which this Bill wants to strike at which could not be dealt with under the ordinary law. Take, for instance, the Press Emergency Powers Act which is now sought to be amended and amplified. Sir, the House will remember that there was very strong opposition to this measure when it was passed last year and it was only by a few votes that Government were able to carry it. That Act in itself is of an extremely drastic character and Judge after Judge of different High Courts have commented upon it. If, after applying that law to the newspapers of the country, Government have not been able to achieve their object, then, I say, these additional provisions, which are sought to be placed on the Statute-book, will not help Government any further. I know there are newspapers of all shades of character, European as well as Indian. As a matter of fact, they do indulge in writings at times which are objectionable from many points of view. But, if there are to be newspapers at all, if there are to be comments on public affairs from day to day, I do not know of any law short of strict censorship which can regulate the writings in the way desired by Government. Sir, I do not wish to take up the time of the House any longer. Having considered every provision of the Bill before us and compared it with the existing law, my deliberate conclusion is that, barring perhaps one or two provisions, the rest of the measure is highly objectionable and should never be passed into law. I do not propose to dwell on the question of constitutional advance as a remedy for civil disobedience. The position is that the Congress, in practising and preaching civil disobedience, has a certain political objective. That objective, in its extreme form, many of us on this side of the House do not sympathise with, but we are all agreed that there should be and there has to be a substantial advance in the direction of responsible

Government. Sir, let us hope that, as a result of further deliberations in London, we shall have a proper constitution, a constitution which will work, a constitution which will enable whatever political and constructive talents there are in the country to have full scope and opportunity to do something for the uplift of the people. I have often heard it said that the British here are the guardians of the masses, they are their trustees. So far as the educated section of the community is concerned, I do admit that we are under a debt of obligation to the British for western education which has been inaugurated in the country. This recognition is due to them. But I must frankly say that so far as the masses, so far as the general population, so far as the millions are concerned, the British in India have done nothing to uplift them from their present miserable condition. (Hear, hear.) Sir, I have said more than once in public that if the British even now made up their mind to treat the people of India, of whom they are the trustees and guardians, in the same way as they treat their own people in England, if they saw that their lives were much happier and better than they are in fact, if they raised the standard of living in the country from its present low level to something decent, not to their own standard but to something decent, if they gave them education, if they looked after their health, if they initiated adequate economic measures, then, in that case, the demand for political power would not be so insistent as it is now. Sir, it is because in these essential respects, the Government here have not functioned as efficiently and as usefully as was expected, and ought to the expected in the twentieth century, it is because of this that the demand for political power and for political advance is so great in the land. Anyhow, Sir, whatever may be the future constitution that we are going to have, let me make an earnest appeal to the Honourable the Home Member and his colleagues on the Treasury Benches that this is not the sort of law which will be accepted by the country and it is not fair on their part to thrust this law on the country. The argument about the transition stage does not appeal to us. You are saying with one breath that the Congress is the enemy of constitutional Government and yet you are placing on the Statute-book a measure which, if the Congress came into power, will utilise it to their own advantage and to your disadvantage. Sir, does it require very much foresight to see this? Is there not inconsistency throughout this Bill? (Hear, hear.) I do ask the Honourable the Home Member, who has shown that he can keep an open mind when questions of serious import are under consideration, to consider very carefully whether they should proceed with this Bill at all. It is inadvisable from every point of view. If you look at it from an ordinary citizen's point of view, it is vicious and indefensible, if you look at it from the political point of view, it will serve no advantage and, as a matter of fact, it will react upon the Government in a way which is not good for them. (Applause.)

3 P.M.

Sardar Sant Singh (West Punjab : Sikh) : Sir, I listened with very great interest to the course of the debate on this important measure which has to form a prominent part of the criminal law of this country. The advocates of the measure, the Honourable Members on the Treasury Benches, have emphasized this aspect of the case, that there is civil disobedience movement in the country and that the movement is subversive

[Sardar Sant Singh.]

of all Governments and, as such, requires to be checked. They have utilised the argument which was advanced from the Opposition about the existence of civil disobedience movement in the country, but the remedies, that are being proposed by those who are sponsoring the Bill, are not remedies which go to meet that movement. We find in the course of the debate that both the parties, the Oppositionists as well as the advocates of the measure, try to hunt for arguments to support their own case, but, in their zeal for the cause which they have to advocate, they forget, Sir, that ultimately the fate of the measure does not lie in its being passed or rejected, but, as a matter of fact the fate lies in the effect that the measure has on the masses if it is passed or rejected by the House. The submission which I want to make to Honourable Members is this : admitting the fact that civil disobedience movement is in the country, may I respectfully and, in all humility, ask my Honourable friends sitting opposite whether the legal jurisprudence, I mean the British jurisprudence of criminal law, admits or does not admit the right of the people to rebel against the particular Government to resist laws which they enact ? My position is very simple. This thing has yet to be decided whether the established Government is a Government for all times, for all people and for all climes or whether the people, who are under the particular Government, have a right to show resistance to the measures or to the methods of Government that are being carried on. After giving our cool consideration to the fact that occasions do arise when the people are called upon to resist particular measures of a particular Government, may I ask, whether the softest measure that can be adopted for that resistance is not civil disobedience movement. It would be a vain attempt on my part to advance an argument of my own in impressing upon the Honourable Members of this House that when that occasion arises the people have the right to resist measures of Government. For my purpose I will quote from the well-known author Austin's book on Jurisprudence. He says :

“ If we take the principle of utility as our index to the Divine Commands, we must infer that obedience to established Government is enjoined generally by the Deity. For, without obedience to ‘ the powers which be ’, there were little security and little enjoyment. The ground, however, of the inference, is the utility of Government : And if the protection which it yields be too costly, or if it vex us with needless restraints and load us with needless exactions, the principle which points at submission as our general duty may counsel and justify resistance. Disobedience to an established government, let it be never so bad, is an evil : For the mischiefs inflicted by a bad government are less than the mischiefs of anarchy. So momentous, however, is the difference between a bad and a good government, that, if it would lead to a good one, resistance to a bad one would be useful. The anarchy attending the transition were an extensive, but a passing evil : The good which would follow the transition were extensive and lasting. The peculiar good would outweigh the generic evil : The good which would crown the change in the insulated and eccentric case, would more than compensate the evil which is inseparable from rebellion.”

This is a quotation from a very respected jurist of England who has occupied a very high place in English law. Even Austin allows that there are occasions when resistance to Government, howsoever bad it may be, becomes the duty of the subject. Then we have to ask, whether or not there is any justification for the existence of the civil disobedience movement. It has been proclaimed many times by Mahatma Gandhi himself and by the Congress too that the present Government are too costly, it is busy in exploiting the subjects and exploiting the country and he has said that anarchy would be far better than the law and order that we are

having in these days. This has not been a saying of yesterday or day before yesterday. This has been the position taken up by the Congress for the last ten years since the non-co-operation movement came into existence. May I ask, what Government have done to take away those conditions which justify resistance, to remove those evils which would take the wind out of the sails of the Congress movement? So far we have been given hopes that the new constitution by which real power will be transferred from Whitehall to this House will come, but it has not come so far. Now, my submission is that if the authorities, the powers that be, who control the destinies of this country are so reluctant to part with that power, there is no wonder that the civil disobedience movement has come in the wake of the non-co-operation movement. After all, what is Government? Government are here to do acts, to regulate the acts of the persons composing the society and community, in a regular manner not detrimental to the interests of others, but which produces concord between the various communities and various classes of the subjects of that Government. The purpose or end of Government is the weal and welfare of the community. But we find, Sir, if we go through the literature that has been broadcast by the Government Benches, that they have laid very great stress on this point that the maintenance of law and order is the only function of Government. I will presently quote from Austin again to show that the maintenance of law and order is not the primary function of Government; it is a secondary function and it is a necessity which enables the Government to bring about the welfare of the community over which they have been placed by the deity. I cannot give long quotations as the time at my disposal is short, but this is what he says:

“But, by most or many of the speculators on political government and society, one or a few of the instrumental ends through which a government must accomplish its proper absolute end, are mistaken for that paramount purpose.

For example: It is said by many of the speculators on political government and society, that ‘the end of every government is to institute and protect property’. And here I must remark, by the by, that the propounders of this absurdity give to the term ‘property’, an extremely large and not very definite signification.”

It is, therefore, clear that those who want to govern must govern, not for the end of maintaining law and order, but for the purpose of bringing about the welfare of the community of which they are in charge for the time being. My purpose in pointing out this is, that India has long outstanding grievances in this respect. India says that the British people or the British Government in India have not been governing India for the benefit of Indians, but they have been governing in the interests of the English people. That is to say, a definite charge has been laid for a very long time in the history of political institutions in India. The result is natural; the logical sequence of that has been the civil disobedience movement. That is the terminating point. When that terminating point has been reached, Government want more powers not to advance the welfare of Indians, but to crush this movement. The result would be, as has been pointed out very ably by my Honourable friend, Sir Abdur Rahim, that to grant more power to Government for the purpose of crushing the civil disobedience movement would be to provide more feeders to the civil disobedience movement itself. The present Government seem to agree with the theory of Mr. Hobbes who believes that Government, howsoever bad it may be, should always be obeyed. There should be no disobedience offered

[Sardar Sant Singh.]

to the laws of the country and, the reason given by Mr. Hobbes is that because of the obedience to laws the welfare of society is safeguarded. That theory he tears to pieces in his book and says that Hobbes is an advocate of tyranny and not an advocate of advancement and progress. I am quoting these well-known authors not for a useless purpose, but for bringing home to the Honourable Members on that side that even if we concede, for the sake of argument, that an emergency exists and that the civil disobedience movement must be put a stop to in order to give way to progressive constitution that is forthcoming, even then it is not the business of the Honourable Members on the Treasury Benches to ask for a permanent change in the criminal law of the country. Permanent change implies that they are not willing to part with their power, and the constitution, hope of which is offered to us, is only a dream and not a reality. If they believe that Indian constitution requires a change and the people are impatient to get power in their own hands, in that case the only course open to them is to hurry forward with the constitutional advance and part with the real power from themselves to the people of this country ; and, as soon as this is done, the need for any such legislation as this will soon disappear. The emergency has been in existence practically for the last three years. We have been governed by such legislation which has been termed in certain quarters to be nothing short of martial law in disguise for three years : the country's patience has been tried and tried very sorely ; but yet there are no signs of that description where disorder should be the rule and order the exception. Still there is order in the country ; disorder has not come. If three years have not been sufficient to make up their minds as to what power to give and what power to withhold, or if they have not yet decided upon the number of safeguards, as, from the reading of the proceedings of the Round Table Conference, we find that there may be more safeguards in the constitution than the ordinary rules—it seems difficult how they will be able to make up their minds during the next two or three years ; and if they mean to govern with the help of such extraordinary legislation, the result would be that they will goad the people to desperation, I hope their object and our object is that it should not happen in the country. The provisions of the Bill have been subjected to a good deal of comment and it has been shown that the ordinary law of the land is quite sufficient to meet the requirements of the situation. Reference to the Select Committee may help in removing some of the more hateful provisions of the clauses, but it cannot remove the primary objection to the principles on which the Bill is based. Therefore, I support the motion for circulation.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official) : Sir, I do not only congratulate the Honourable the Home Member but thank him very warmly for this very useful and much needed Bill. He has done a great service to the peaceful and peace-loving Indians by bringing such a good and effective measure, which, when passed, will kill the germs of civil disobedience, lawlessness and anarchy in India, the country we love so much and which is the brightest jewel in the British Crown. This Bill is intended to remove all illegal and improper pressure by mischief-makers over the peaceful public. It is an open secret that there are in and out of this House two kinds of Indian mentalities. The one wishes to see the British in India and the other wishes to see them out of India, the one

opposes the civil disobedience and the other supports it secretly or openly. Therefore, it will be no surprise if some Honourable Members following one mentality will support the Bill and some Honourable Members following the other one will adduce as many arguments against the Bill as their best brains can help them.

Weakness in any form is not liked, while strength is always worshipped. No man likes to have weak legs, weak health, weak children, weak finance, weak laws, weak police, weak army, and weak Courts of law. Therefore, to cope with the civil disobedience and many other harmful movements and activities, we the peace loving and peaceful Indians, do like firm laws and strong measures to root out all evils from our country which so often disturb us and ruin our further progress, prosperity and unity. No weak Government on earth command respect and no Government with weak laws can govern and administer the country successfully or cope with the hostile activities. No nation in any country can flourish without peace, and peace cannot be maintained without rooting out all kinds of anti-peace movements and activities. This Bill is simply and only intended to root out all anti-peace movements. If the Honourable Members agree with the principle and aim of the Bill, the wordings in the several sections can be changed to their reasonable satisfaction by the Select Committee, but if the Honourable Members disagree with the principle and aim of the Bill, then they must say goodbye to the peace and prosperity of India. Perhaps the Honourable Members, who have opposed or will oppose the Bill, have not seen the riots and disturbances on a big scale and, therefore, do not value public peace so much as those who have been in the riots and have passed days of dangers and nights of waking and they know well how great were the dangers to their lives, wealth, families and properties. We must, as good sons of India, love and welcome such laws and measures which give us peace, security and safety, and it will surely be a diabolical act to oppose them. We must use our brains, energy and power for the good and not otherwise. We should honestly try to improve and modify the Bill in the Select Committee by constructive proposals and wordings, and must not try to oppose the Bill by legal quibbles and destructive criticism. I know a number of persons, who wish the British to leave India, but they must understand well that without the British, India will be in hell again, and there shall be no peace, prosperity, liberty and all what we are enjoying now. I must also tell them frankly, that the British cannot leave India and I assure England that so long as the British are just and impartial in India among the different communities, interests and religions, her rule shall always be liked and welcomed in spite of any and every hostile activities and movements by the mischief makers. It is evident that the destinies and vital interests of England and India are so much mixed and interwoven together that one country cannot live without the other. We and the British in India and in England have to live and die together for centuries to come.

Sir, a little firmness with justice and impartiality by the Prime Minister has brought the high caste Hindus, Mahatma Gandhi and the depressed classes to a mutual settlement, while the long efforts of the Hindu reformers, the European missionaries and the delegates to the Round Table Conference could not succeed. Thus when so many troubles have been averted by over co-operation with the Government, why not now we wholeheartedly co-operate with the Government to eradicate the germs of the civil disobedience by this very useful Bill? I am sure, we shall

[Major Nawab Ahmad Nawaz Khan.]

have thus a very bright and most hopeful future for India. Sir, it is our foremost and imperative duty in this House to help and support the Government in administering the country firmly, justly and fairly, always aiming at the maintenance of peace, law and order as well as to root out all sorts of harmful and hostile movements and activities against the Government and the public.

If we place ourselves in the position of those who have to govern the vast Indian Empire which has so many religions, communities, interests and cultures, we will then at once see and realise the necessity and usefulness of such a measure as is brought by this Bill for each province in India. So long as the emergency was for a short period, the Ordinances were brought into play, but when experience has proved that the necessity to cope with all undesirable movements is for an unknown and long future, then the expediency and administrative faculty have compelled the Government to bring such a measure in a comparatively permanent form, as this Bill is, to be used when required in each province of India.

The issue before the House is a very simple and clear one, that if Honourable Members dislike anarchy, disturbance, riots and civil disobedience, they should wholeheartedly support the Bill and, if they like some change in some words as some lawyers have discussed these points at length, they can do it in the Select Committee, or, if the Opposition likes, they can include one or two more capable men of their party in the Select Committee for this purpose.

Sir, I have been for a long time in England and have toured in France, Germany, Austria, Turkey and Persia, and I assure the House that out of all the foreigners, the British are the best to rule India. (Applause from the Nationalist Benches.)

Mr. Gaya Prasad Singh : Very good certificate from a nominated Member !!

Major Nawab Ahmad Nawaz Khan : It is also a foregone conclusion, as all of us know well, that neither the Hindus alone nor the Muslims of India can now rule and govern India. The only possible form for us to participate in the Government of India is to remain under the British, maintaining peace and harmony in each province and removing all possibilities of disturbance, riots and civil disobedience, etc. (*Mr. B. Das* : "That applies to the Frontier."), therein, which is the whole aim and object of the Bill now before the House and which must, therefore, be passed.

Lastly, I appeal to the Honourable the Home Member and the Law Member that though I hope this House will pass this Bill, but, if, unfortunately, it is rejected, even then the Government must have it passed to save India from greater destruction and vast ruin. (Laughter from the Nationalist Benches.)

Sir, I support the Bill and oppose all motions for circulation which will only cause delay and will not serve any useful purpose at all. This Bill should now be referred to a Select Committee.

Mr. Jehangir K. Munshi (Burma : Non-European) : Mr. President, I would like to congratulate the Honourable the Home Member on his very able speech, a speech remarkable in more sense than one, but all the same

wholly unconvincing. (Laughter from the Opposition Benches.) It is necessary, at the very outset, to find out what the principle of the Bill is, because the Honourable the Law Member made light of this very important question in answer to a pertinent inquiry from Sir Abdur Rahim. The principle of this Bill is a negation of all liberty, suppression of all freedom, a savage and murderous attack against the most elementary rights which every Indian subject of His Majesty is entitled to enjoy in India and every other part of the British Empire. This, Sir, is the principle to which the Honourable the Home Member has solemnly asked us to lend our support. In asking us to lend our support to this principle of the Bill, the Honourable the Home Member has presumed that the Opposition consists of a pack of congenital idiots or a group of contemptible traitors. (Laughter and Cheers from the Opposition Benches.) I am not certain which particular presumption has gained the upper hand in the Honourable the Home Member's mind ; but he will probably tell us when it is his turn to reply.

It has been claimed by Sir Samuel Hoare and by his henchmen—it has been repeated everywhere,—that his policy of governing India by drastic Ordinances and his orders, loyally carried out by the Government of India, have crushed the Congress movement, that the Congress movement as such is non-existent in the country. These statements could not have been unknown to the Government of India. Either these statements are well founded or they are untrue. If these statements are well founded, it is the duty of the Government of India to inform Sir Samuel Hoare, the British Government and the British public that the Congress has been crushed. If the Congress movement has been crushed, if the Congress is no longer a living force, then, Sir, there is not the slightest excuse even from the Home Member's point of view for introducing any Bill whatever, much less a Bill of this character. If the Congress is still a living force, why continue this misrepresentation to the British public ? Why not admit that although Mahatma Gandhi is in prison, although all the Congress leaders are in prison and have been in prison for eight months, although thousands of Congressmen have been in prison and are still prepared to go to prison, the Congress movement is a living force in the country, and Congress influence to-day is at its zenith. Now, Sir, if, by the rule of drastic Ordinances extending over a period of eight months, the Government of India have not been able to crush the Congress movement, the Congress spirit and the Congress mentality, how do they propose to achieve their object by putting permanently on the Statute-book a legislation of this type ? (Hear, hear.)

Mr. President, the provisions of this Bill are not aimed against the Congress or against the Congress movement. The provisions of this Bill are aimed against the whole Indian population, the vast majority of whom are every day acquiring, in an increasing measure, what I describe as the Congress mentality. I, Sir, do not belong to the Congress. I have never belonged to the Congress. I have no anti-British feelings. I stand before this House garbed with everything that is of British manufacture. I take no pride in making that statement. I only point to that fact to illustrate that although I am not a Congress follower, I still have got the Congress mentality. And this Congress mentality was not there three years ago, and, for this daily increasing Congress mentality in me, I have to thank the Government of India.

An Honourable Member : And the Ordinances.

Mr. Jehangir K. Munshi : I am now placing before this House this typical illustration. There are millions of Indians like myself to whom, three years ago, the Congress did not mean very much, but to whom to-day the Congress is the only living force, providing the only method by which India can achieve her political aspirations. I, therefore, contend that the provisions of this Bill are aimed against the whole of this vast Indian population who have got the Congress mentality and who, every day, in an increasing measure, are lending their support to the Congress movement. (Applause.)

Mr. President, there are three methods open to India to achieve her freedom. The first method, which has been referred to so often, is the so-called constitutional method. That constitutional method the Indian National Congress has pursued for more than 40 years. The Indian National Congress has abandoned that so-called constitutional method after giving it a trial for more than 40 years. And, I am sure, the Honourable the Home Member will agree with me that a trial for a period of 40 years, even in the lifetime of a race or a nation is a sufficiently long trial.

Mr. F. E. James : No.

Mr. Jehangir K. Munshi : May I enquire from my Honourable friend, Mr. James, what he would call a sufficiently long period ?

Mr. F. E. James : It took us 400 to 500 years to achieve the liberties that we are at present enjoying.

Mr. Jehangir K. Munshi : Liberties wrested from a foreign race ?

Mr. F. E. James : Yes.

Mr. Jehangir K. Munshi : Mr. President, my reading of English history is slightly different from Mr. James' reading of his own history. (Laughter.)

Then, Sir, coming to this very House itself, what are we all pursuing in this House ? Are we not pursuing constitutional methods ? Is the Honourable the Home Member prepared to give in to constitutional methods ? Is the Honourable the Home Member prepared to say that the official followers, sitting behind him, will not vote on this motion ? Is he prepared to take the vote of the elected representatives of the people in this House who have come here to formulate their complaints and demands in a constitutional manner ? He is not prepared to do that.

The Honourable Mr. H. G. Haig : Because it is not the constitution, Sir. (Laughter.)

Mr. Jehangir K. Munshi : I am greatly obliged to the Honourable the Home Member for making the position clear. According to the Honourable the Home Member, the only constitutional method by which Indians can achieve their freedom is by obtaining the votes of the official elements in the Indian Legislatures. (Cheers from the Opposition Benches.) It is quite clear, Sir, that this so-called constitutional method is entirely useless in the hands of the Indian people. It is for this reason that Mahatma Gandhi had to turn to some other method of a non-violent nature. And

this civil disobedience movement is the result of Mahatma Gandhi's conclusion that, constitutional methods having failed for a period of 40 years, the only other method of a non-violent nature was civil disobedience. Now, Sir, my point is this. I do not wish to go into the controversy, in the comparatively short speech which I propose to deliver, whether the civil disobedience movement is harmful or harmless. But I do wish to put this point to the Treasury Benches. If the vast majority of the population of India favour and support the civil disobedience movement, then it is not for the Honourable the Home Member to tell the people of India what is or what is not good for the administration of this country. The whole strength of the Congress movement, the whole strength of the civil disobedience movement lies in the fact that the Congress carries with it and behind it an ever growing public opinion, and, for that ever-growing public opinion, the Government of India are mainly responsible. (Hear, hear.)

Now, Sir, if this Congress method is not open to Indians to achieve their freedom, the only other method is the method pursued by other races and other nations, and, that is, a revolution, a physical revolution. That, Sir, is unthinkable from any point of view in the present state of India, and, I am sure, the Honourable the Home Member would be the last to advocate any activities in that direction. So, it again brings us back to the question, how, and, by what means, is India going to gain her freedom ?

We have recently had evidence of increasing terrorist activities. These terrorist activities I condemn and all other Members in this House condemn. (Hear, hear.) We all wish that these terrorist activities would cease. But I do ask the Treasury Benches, can they entirely disclaim all responsibility for these terrorist activities ? When young men and women are prepared to lay down their lives, whether from a right motive or from a mistaken motive, because they feel that there is no other method open to them, can the Government of India say that they have got no responsibility at all in the matter ? (Hear, hear.) And there is one important factor which I earnestly ask the Government of India to consider. I think His Excellency the Viceroy had made reference to it in his speech. What is the position of public opinion with regard to these terrorist activities ? Terrorist activities will come to an end to-morrow if public opinion is definitely against it. There is no question of it. No terrorist movement can prosper in any country, if public opinion is definitely against it, because, then the spirit of patriotism, the spirit of martyrdom would not be there. If any particular act is condemned by one's own countrymen, then it is robbed of all patriotism and martyrdom. I am asking—I am making no assertion,—but I am asking the Government of India to consider very carefully whether public opinion daily is hastening against or sympathising with terrorist activities ; and if public opinion is not saying itself against terrorist activities, it is for the Government of India to solve the problem, because no Government and no armaments can possibly control or suppress sporadic acts of violence. Large bodyguards, armed to the teeth, have not been able to save kings' lives ; and how is it possible for any Government, for any administration, for any armaments to guard the lives of any particular set of people in a vast country like India ? The only insurance which Government officials, whether they are British or Indian, can have, is public opinion. But their greatest insurance agent, their greatest policeman is, by Government's own act, kept in jail. It is,

[Mr. Jehangir K. Munshi.]

by Mahatma Gandhi being kept in jail, that the most wholesome influence in the public life of this country is not allowed to have its sway in the country. (Hear, hear.) If Mahatma Gandhi were free, if he were allowed to assert his influence, these terrorist activities would very soon come to an end. But the Government of India have chosen to keep their best friend and ally in jail,

Mr. F. E. James : But there were terrorist outrages even when Mr. Gandhi was free.

Mr. Jehangir K. Munshi : If Mr. James were to follow the history of the terrorist movement, he would find that the terrorists gave the Mahatma ample scope to follow his own non-violent methods, to achieve success or admit failure. From the terrorists' standpoint, Mahatma Gandhi's non-violent methods have ended in failure, and his imprisonment is the admission of failure that the terrorists wanted.

Mr. President, if we turn to clause 2 of the Bill, it contains an amazing admission. I do not propose to go into the details of the Bill. I am referring to this clause to make a general point. Clause 2 of the Bill, which will be section 140-A of the new *Haig* Penal Code (Laughter and Cheers from the Opposition Benches) reads as follows :

“Whoever *dissuades* or attempts to *dissuade* the public or any person from entering the Military, Naval or Air Service of His Majesty shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.”

Mark the words, Sir, “*dissuades* or attempts to *dissuade*.” There is no element in this section of intimidation or coercion. What is the Government's admission underlying this section? We have in the country vast unemployment and acute economic distress. Millions of people are starving; and what does my Honourable friend, Mr. Haig, tell this House and the country? He tells us that Congress influence is so great, that public opinion and public sympathy are so strong with the Congress, that although millions are starving, still the Congress can, by methods of *persuasion*, prevent a few thousand men from joining the military, naval and air services of His Majesty. That, Sir, is the Government's admission underlying this section, because, what is made penal here is the act of “*persuasion*”; and the admission here is that so great is the Congress influence that the Government of India themselves recognise that the Congress can, by mere acts of “*persuasion*”, prevent thousands of starving men from obtaining pay, food, clothing, quarters, pensions, and maintenance for their families. The same argument applies to clause 13 of the Bill which relates to the police. These two clauses, as they are worded, reveal an entirely different tale from the official boasts which we have heard and read about from time to time that the Ordinances have succeeded in securing the object of the Government of India. (Hear, hear.)

Then, Sir, there is one omission in the Bill from the Government standpoint, and I would like to point that out to the Honourable the Home Member. This Bill takes away from a man his liberty, his money, his lands, his houses, his property, his stocks and shares, his securities; but there are thousands of cases in which a man holds his country more precious than all his possessions. So even these drastic provisions will not touch that particular class of men. But those men, who value their country more

than all their possessions, may still value their wives more. There are thousands of men who value their wives more than their country, and, in this Bill, there is no provision for taking away a man's wife ; and I suggest to the Home Member that when this Bill goes to the Select Committee a provision should be added whereby, the Government of India, and, of course, the Local Governments, should have the power to authorise the police to take away men's wives also. (Laughter.) If this provision is added to this Bill, the Home Member's fear, that the police service may prove unattractive, will disappear, because the police would be empowered to take away the wives of thousands of men. (Laughter and Cheers from the Opposition Benches.)

Mr. President, the Indian Penal Code has been in operation for more than 70 years. It is a great Penal Code in spite of about half a dozen unfortunate sections subsequently added. It is a monument of English jurisprudence, a monument to British justice. (Hear, hear.) What the Home Member is trying to do is to disfigure this great monument of English jurisprudence and British justice ; and what is his reason for attempting to commit this sacrilege ? His reason is that he is not doing so for the benefit of the present Government, but for the benefit of the future Indian Government that might come into power two years hence. May I inquire of the Home Member, if such a desire on the part of any section of the Indian public has ever been expressed ? We are not aware that any such desire has ever been expressed that there should be a law of this kind when the new Indian Government comes into power. This kind of argument cannot convince the House and does not carry conviction even to the Home Member himself. (Hear, hear.)

Mr. President, this Bill will make it impossible for any man to live in this country except at the mercy of petty police officials. No man can be free and feel safe from imprisonment or deprivation of property if, at any time, a petty police official takes it into his head to proceed against him under the provisions of this Bill, if it becomes law. How can this House possibly lend its support to such a Bill ? (Hear, hear.)

Now, Sir, I would like to answer a few points made by my Honourable friend, Mr. James, and, in doing so, I would like to congratulate the European Benches on the acquisition of a distinguished Member. Mr. James took very great pride in saying that although the Consolidated Ordinance consisted of 80 sections, 60 of the most objectionable sections have been dropped, and only 20 of the more harmless sections have been embodied in this Bill and placed before us ; and Mr. James says : " Why do you make so much fuss about putting on the Statute-book these remaining 20 'harmless' sections ? " (Laughter.) Mr. James proceeded to say that the belief of the European Group is that the drastic provisions for the control of the press have had the desired effect. I asked Mr. James what the reasons for the belief of the European Group were. Mr. James gave no answer.

Mr. James made a very great point of Mahatma Gandhi's statement that one man has no right to control or dictate the destiny of millions of people. Mr. James tried to use this very statement against Mahatma Gandhi himself and he advanced the argument that one man, namely, Mahatma Gandhi, had no right to dictate to the Government of India. But the one fundamental difference Mr. James lost sight of is this, that whereas Sir Samuel Hoare's dictation carries no public opinion either

[Mr. Jehangir K. Munshi.]

with or behind it, Mahatma Gandhi's so-called dictation carries with it the vast majority of the people of this country. (Applause.)

Sir, Mr. James waxed eloquent and said that the civil disobedience movement has brought ruin and distress to the poorer people of Indian society. May I inquire of Mr. James as to what the European community in India has done for the past 75 years to alleviate the distress of the poorer sections of the Indian population ?

An Honourable Member from the European Group : We have given them employment.

Mr. Jehangir K. Munshi : Mr. James also used this argument—I am using his own words :

“ That the weapon of direct action is likely to be used not only by the Congress, but also by other parties and organizations.”

But this statement again is based on the same initial fallacy, because no movement can possibly take root or flourish in any country unless and until it carries public opinion and sympathy with it. (Hear, hear.) Then there was an amazing part in Mr. James's speech—the bargaining offer to the Nationalist and Independent Benches—that, if the Opposition Benches would be prepared to vote for the motion for reference to a Select Committee, the European Group would be prepared to promise, on their part, to try and agitate for reduction of the period of duration of this legislation. The question was put to him as to what period would he agree to on behalf of the European Group ? At this stage Mr. James became very guarded and said : “ as the exigencies of the situation would require.” (Laughter.) Now, mark you, Sir, this would happen *after* the Opposition had voted in support of the motion ! (Laughter.)

That reminds me of the Honourable the Law Member's invitation to the Opposition to walk into his parlour. The Law Member, in a very able and good-humoured speech, kept on saying that he is open to conviction, that he is open to reason. By that time—when he made that statement—these provisions had been in operation by way of Ordinances for eight months. The Honourable the Law Member knows how the Ordinances have been administered. The debate in this House had continued for three days including Mr. Puri's very exhaustive speech, but till that point the Honourable the Law Member was not convinced, and he did not inform the House at what stage and, by what process, he would be convinced that this Bill is not acceptable. (Laughter.) I gathered from the Law Member's remarks that the Opposition should first vote for reference to the Select Committee and then take their chance of succeeding or failing to convince the Honourable the Law Member in the Select Committee. (Laughter.) My Honourable friend, Mr. James, referred to and sought to make a point of the powers used by His Majesty's Government during the general strike in England, but, unfortunately for Mr. James, he added on to that very sentence—to emphasize his point I think—the words, “ with the sanction of the vast majority of the people of Great Britain.” (Laughter and Hear, hear.) Sir, that is the whole point. The Government of India, in enacting this Law, are seeking to do so *without* the sanction of the vast majority of the people of this country, otherwise there would be no opposition in this House, and

there would not be a five days' debate. On the contrary, the Government of India are trying to enact this law in the teeth of fierce and consistent opposition from every section of the Indian population and from every part of this country. (Applause.)

(It being Four of the Clock.)

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order. **Mr. Morgan**.

MOTION FOR ADJOURNMENT.

TERRORIST ATTACK ON SIR ALFRED WATSON IN CALCUTTA.

Mr. G. Morgan (Bengal : European) : Mr. President, I rise to move my motion :

“ That this House do now adjourn.”

Sir, I little thought when I was speaking last Monday that I should have to bring a motion of this description before this Honourable House. I then said that it was very difficult to speak without a certain amount of heat,—and I hope I shall be able to keep comparatively calm while I am putting this motion before the House. This is not a censure on the Bengal Government. It is to bring before the House the fact that it is evident from what has happened since last Saturday that the powers which the Bengal Government have are not sufficient, or appropriate, to check revolutionary and terrorist movements and crimes of this description. The attack, as this Honourable House knows, was made upon a certain gentleman, Sir Alfred Watson, who is the Editor of the *Statesman*, when he went out for a drive last evening, and the method of the attack was that of what we understand as the “ gangster ”. It is rather a new method of murderous attack ; I do not think, so far as I can remember, that in all my experience of Bengal, an attack of this description has been made before ! One would never have thought, when going out for an evening drive, that one was going to be shot at by a number of people who came alongside and fired revolver shots. Fortunately, as far as we can gather, there has been no death so far. But I want to make it clear that the Bengal Government, at the present moment, *will have to* set aside most of their other activities and concentrate on the suppression of terrorist crimes. I cannot see how any other part of the administration is going to function successfully *as long as* this species of crime prevails in the province. Sir, it is an attack on the public. It may be said, some people will say, and they may concentrate on that point, that it is an attack against Europeans. That may be so at the present moment. Even granted that it is primarily, *at the present moment*, an attack on Europeans, I hope my Honourable friends in this House will realise that, once a revolutionary movement of this description gains strength, there is nothing to stop it being used against every single person in this country who does not agree with this particular revolutionary programme. (Hear, hear.)

Now the question comes in, so far as Bengal is concerned,—is the administration of education in Bengal satisfactory ? I have had a good

[Mr. G. Morgan.]

deal to do with educational matters in Bengal and I have seen the administration and the discipline of education in Bengal growing steadily worse and, I am sorry to say, that I have no admiration for the administration and discipline of education in Bengal at the present moment. I understand that the position of the Government is stronger in other provinces and I think the point ought to be investigated as to whether the Bengal Government should not have more power over the schools and colleges in Bengal with regard to discipline and administration. This Honourable House will no doubt have followed the correspondence between the Bengal Government and the Corporation of Calcutta. I need not go into details, but I would ask the Honourable Members to read that correspondence and judge for themselves. Sir, it has been alleged that in the Bengal Provincial Congress Committee there have been persons connected with the terrorist movement and persons who have been convicted of terrorist crime. I understand that facts are obtainable on that point and, if the Government can definitely say, that they have these facts in their possession, I would urge them to lay those facts before this House. Mr. President, we have heard a great deal about the freedom of the press. Sir Alfred Watson is the Editor of a paper well-known to all of us. Is this freedom of the press, that an editor who merely gives voice to his opinions in the press which are not palatable to some section of the people is to be shot at and, if possible, murdered? Is that the freedom of the press? Is it not worse than this Bill which is before the House? Now, Sir, I would quote a few words of Mr. Gandhi which he said in connection with outrages. Mr. Gandhi said :

“ So long as outrages were tolerated and public did not condemn them in action rather than in speech and assist Government in bringing the offenders to book, these outrages would continue even with self-government or with complete independence.”

Those words are not mine ; they are Mr. Gandhi's. I may refer to a remark just made by my Honourable friend, Mr. Munshi, that brings in this point. He said that public opinion and public action in this country are the methods by which terrorist crime will be suppressed. Unless the public are definitely going to come forward and insist that this terrorist crime shall cease and help the Government and its officers in every way to detect and convict the persons connected with this crime, it is going to be a very difficult matter to suppress it except by absolute force of a military character. Sir, I may mention in this connection that this is one more crime added to a long list, and in that list 18 Government servants and Government officials have been shot at when they were more or less in execution of their duty. This is a black record and I hope that public opinion in this country will be so roused that it will not only take the form of passing Resolutions in the Legislatures or in the municipal corporations of the country, but take the form of actively assisting Government in rooting out this terrorist and revolutionary movement. One point comes forward to my mind in connection with this movement in Bengal. It is most unfortunate that this outrage should have been perpetrated at this particular moment and it is a question as to whether, so far as Bengal is concerned, the grant of any constitutional reform should not be postponed until this terrorist movement is definitely got rid of. It is a hard thing to say

when we are all doing our best to get constitutional reform brought on as quickly as possible. I would ask this Honourable House what they think the position in Bengal would be if provincial autonomy were started to-morrow in the midst of terrorist crime. The position, as I know it in Bengal after nearly a whole life time spent there, would be extremely difficult for any Government.

Sir, I move.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Motion moved :

“ That the House do now adjourn. ”

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadian Rural) : Sir, I can quite appreciate the anxiety and the difficulty of the community which my Honourable friend, the Leader of the European Group, represents in this House. (*Honourable Members* : “ Louder please ; cannot hear. ”) In those days when terrorism was let loose in the Punjab, during the dark days of the martial law, we also felt deeply, and denounced such actions up and down the country, with the result that such an eminent authority, as Lord Curzon, rose and denounced it in the House of Lords describing Amritsar as “ reeking shambles ”. Sir, that “ official terrorism ”, as my Swarajist friends used to say, in the Punjab had to be repudiated by a statement of the Secretary of State in Parliament in deference to the public indignation which expressed itself in this country. Therefore, I can quite understand the European Members on those non-official Benches getting excited though my Honourable friend, Mr. Morgan, talked very calmly and got angry and, righteously so, at the abominable outrages as are being perpetrated in Bengal.

Sir, the Editor of the *Statesman*, Calcutta, has been known to be a great friend of the Indian cause. It is true that he is the opponent of our policy, the nationalist policy, but a mild opponent, a sympathetic opponent. He is an advocate of reforms and of progressive reforms. That an anarchist of this country should aim at the life of such good people, is an indication of the fact that several youths of this country are leaving the pleasant and sheltered paths of constitutionalism, getting cold about the creation of a reforms constitution. Sir, they want no reforms. The terrorists in the country want revolution. They say that the constitutionalists and the reformers stand between revolution and the present Government. They want to wipe us out as Redmond and his party were wiped out in Ireland until Sin Fein came to power and, at the point of the pistol, dictated to Great Britain : “ You must endorse these terms ”. Sir, extremes meet. My Honourable friend, Mr. Morgan, and his European extremist friends to-day naturally feel something more than a righteous indignation. If I were in Mr. Morgan's position, I might have talked like him, because I too might have shared the same despair. Sir, when these mad revolutionaries make it impossible for Englishmen to live in Calcutta, I can understand Englishmen becoming desperate, but despair, as the history of Great Britain and of the British Empire shows, is no remedy for terrific situations of this kind. Had Great Britain listened to Redmond, Redmond would have delivered the goods, but Great Britain chose to listen to the die-hards in England, to men who said, do not proceed with the reforms in

[Mr. C. S. Ranga Iyer.]

Ireland, do not conciliate the Redmonites, the nationalists and the constitutionalists in Ireland. My Honourable friend over there stands up and says, do not go forward with the reforms. It is like saying, walk into the jaws of the revolutionary terrorists, let constitutionalism disappear, let Bengal become another Ireland. I know that the Governor of Bengal is a great administrator with Irish experience, but I doubt whether he would endorse a statement of that kind, saying that we should not go forward with the reforms, that education must be turned upside down. The late Sir Surendra Nath Banerjee used to say that anarchism in Bengal was a noxious growth of the West transplanted to the East with western education. Sir Surendra Nath Banerjee was right. My Honourable friend, the European leader, does not want you to pour western wine into eastern bottles, but having poured it so long he cannot grumble and complain that you should not march forward with the reforms. Block everything, block progress, let there be no reforms, let there be revolution or repression. This was what he suggested. The Honourable Member was talking of absolute military force. As a constitutionalist, I take strong exception to his thinking that the present terrorism in Bengal should take the form of militarist repression of the whole people of Bengal. Terrorism can be attacked only in one way, and that is by rousing public opinion against the terrorists. We all share the feelings of my Honourable friends of the European Group so far as the putting down of terrorism is concerned. Terrorism must be wiped out, and I endorse every word of Mr. Morgan that public opinion should rise as one man to put down terrorism. Government and public opinion must work together in putting down terrorism, because the terrorist stands in the way of constitutional progress. But unless you go forward with constitutional reforms, you will be only helping the terrorist, you will be only playing into the hands of the terrorist and helping forward the policy of terrorism.

Sir, my Honourable friend said that provincial autonomy should not be introduced in Bengal. Let us assume, for instance, that Bengal is to-day, though I deny that fact, as Ireland was before the settlement, when De Valera was its leader. Bengal has not yet reached that crisis, but if the sad mistaken policy of blocking the reforms and blocking provincial autonomy is pursued, the result will be that Bengal will become ten times worse than Ireland. (Cheers from the Nationalist and Independent Benches.) I do not want Bengal to become worse than Ireland. I want terrorism to disappear and, if there be De Valeras in Bengal, I want them to come and take office, because the bite will not be so bad as bark. The bite from office will not be so bad as their barking from the platform. But surely the terrorists—if their terrorist movement is meant for the liberty of the country which I deny—surely the terrorists, are only helping forward the development of a reactionary policy. But when reforms are introduced, when provincial autonomy is introduced in Bengal, the extremists of to-day will become the moderates of to-morrow. Who was Mr. Consgrove in Ireland, who was Michael Collins, who was Arthur Griffith? Michael Collins was the Captain General of the anarchist party in Ireland. He was shot by the Irishmen themselves when he signed the Anglo-Irish

Pact. Even so, if you go forward with provincial autonomy, the result will be there will be such a comradeship between the public and the European community and all, that terrorism will be put down and, instead of a European Home Member of Bengal putting it down to-morrow, it will be my Honourable friend, Sir Abdullah Suhrawardy, or Mr. S. C. Mitra who will be putting it down, just as Griffith put down terrorism in Ireland. As I was saying, I deeply sympathise with the feelings of my Honourable friends over there, if leading members of their community are being shot like this, they will grow desperate and it is time, Sir, that all repressive measures in the country are withdrawn. It is time that the Honourable the Home Member does not go forward with the measure to which the Leader of the European Group just referred which is before the House. Let there be no repression, let there be no repressive measures and let Mahatma Gandhi be released, because the Mahatma can be the greatest policeman of the British Empire. (Hear, hear.) I am glad my Honourable friend, Mr. Morgan, referred to the Mahatma. He also alluded to some of his previous teachings and I hope negotiations will immediately be set on foot and the services of the Mahatma sought to put down terrorism in Bengal. On a previous occasion, when terrorism was assuming large proportions in Bengal, a wise Viceroy and a wise Secretary of State released Mahatma Gandhi. Now that the situation is getting bad in Bengal and no one will accuse Mahatma Gandhi of being a terrorist or a sympathiser of terrorism, it is time that Mahatma Gandhi and all those of his way of thinking are released, so that this terrorist atmosphere might be wiped out, so that we may have an atmosphere of calm and peace and, so that we may proceed rapidly with the policy of reforms under which there can be no encouragement of any kind to terrorism. Sir, I deeply sympathise with my Honourable friend, Mr. Morgan, I deeply sympathise with all the Members of the European Group who sit on those Benches, I strongly condemn the anarchist outrage in Bengal and I hope public opinion will come forward and assert itself, for public opinion and the granting of progressive reforms are the only panacea for the terrorist despair. With these words, I take my seat.

Sir Muhammad Yakub : (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, the extent to which and the manner in which the terrorist movement is spreading in Bengal must be a source of great concern to all law-abiding citizens in India. The movement, Sir, is not confined to Bengal alone, but like a wild fire it has spread from one corner of the country to the other. This movement which has taken its birth in the land of my Honourable friend, Mr. Mitra, is so quickly spreading over the whole country.....

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : It is not a fact.

Several Honourable Members : No, no.

Sir Muhammad Yakub : It is spreading over the whole country.

Rao Bahadur B. L. Patil (Bombay Southern Division : Non-Muhammadan Rural) : No, no.

Sir Muhammad Yakub : In the Punjab, in the United Provinces, and, in the North-West Frontier, murders were committed like

[Sir Muhammad Yakub.]

that, although it is not on such a wide scale as it is in Bengal. At the same time, it is spreading throughout the whole country.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Wish is father to the thought.

Sir Muhammad Yakub : At first the European officials only were the targets of this movement, but now we find that the life and limb of the non-officials are also insecure and unsafe. Within the last two months, two murderous attacks have been made on the life of Sir Alfred Watson, the Editor of the *Statesman* who, I understand, is the most popular non-official European among the Bengali community. It is unfortunate that all the officers murdered in Bengal were, I understand, persons who were very popular with the Indian community and sympathised with the aspirations of Indians in that province. This dastardly attack on the life of Sir Alfred Watson, soon after the diabolical and, I should say, savage-like invasion on the Railway Institute at Chittagong, has created a great sensation throughout the whole country. And the law-abiding citizen has started to think whether the British Government have ceased to function in India and whether the time has not come when we should take the law into our own hands and organise our own forces in order to meet the forces of terrorism in the country. It is really surprising that a great and powerful Government like the British Government, with their enormous forces, should be paralysed by a few Bengali young men and women. While the Indian tax-payer is paying 75 per cent. or more, of the total revenues for the maintenance of safety in this country, Government stand with folded hands and the blood of innocent men, women and children is being shed ruthlessly without any rhyme or reason. The other day, speaking on the Ordinance Bill, I quoted a few passages from the bulletins and leaflets which were issued in the country, in different provinces, and I tried to show that it was on account of the excitement and provocation which was caused by such leaflets that the raw youth were incited to commit acts of terrorism. Here, in my hand, I have got another red leaflet with pictures of two pistols at its head. It is in Bengali, but I have got an English translation also in my hand.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Better lay it on the table.

Sir Muhammad Yakub : You are not governing the order of the House ; it is the President who can direct me.

Mr. B. Das : It will form part of the proceedings.

Sir Muhammad Yakub : I am obliged to say that it is this half-hearted condemnation of terrorism which is increasing and inciting terrorism in this country. Sir, this pamphlet was issued in Chittagong only a few days before the diabolical invasion on the Railway Institute. I will not weary the House by reading a translation of the whole of this pamphlet, but, with your permission, Sir, I will only read two or three sentences. It says :

“ Who do speak ill of revolution ? It is they who deceive the masses by holding before them alluring hopes with a view to satisfy their individual or class interests. We never understand what is individual good. We never know of any special class.

We want to wet the earth with torrents of blood coming from the heart with a view to do good to oppressed mankind. We want to organise the deceived masses to end the persecution of ages. They are only engaged to do harm to us who have the chance of a ruin to their own interests when we go to carry out this great vow."

This long pamphlet ends with these words :

"Royalist Association ! Don't think that for ever ' the wind will blow favourably and you will pass your days merrily '.

European Association ! Don't think that no one will be able to touch the end of your hair, because the Government are behind your back. Never think that you will be able to carry on your business peacefully and by sucking the blood of this country you will be able to carry on unrestricted oppression in the heart of the country. In future, official or non-official, none will have any escape from our hands."

Then it addresses the Detective Department in the same strain, and concludes with these words :

"Rai Bahadur ! Khan Bahadur ! Rai Sahab ! Open your eyes and look to the future. The God of Revolution is awakened. Victory to him ! There is no other path than this one.

Bande Mataram !"

It is literature like this which is spreading terrorism in this country. Sir, I do not want that the liberty of the press should be restricted, but I do certainly want that the press which publishes or issues venomous literature like this should be suppressed with an iron hand.

Mr. N. M. Joshi (Nominated Non-Official) : But it does not give the name of the press ?

Sir Muhammad Yakub : It has not given the name of the press, but it is for Government to find out what press it is. Sir, I do not want Government to punish the innocent, but what I want Government to do is this that when once the guilt is brought home to any individual, then they should act with courage and with firm and resolute hands. I will not repeat the famous sentence of Mr. Winston Churchill that "you must govern or go", but I will only say that Government should give up their vacillating policy of trying to please those who will never be pleased, and they should abandon the policy of sacrificing their friends in an endeavour to please those who will never be pleased with them. Government should abandon the policy of breaking their own laws and rules for the sake of affording facilities to those who have taken the vow of independence and have made it their creed to crush the British Government in this country. The Government ought to rule with justice and firmness in this country and their policy should be firm and resolute. I quite agree that the spread of crimes, like these, should not work as a stumbling block in the way of our progress. I quite agree that provincial autonomy for India should not be postponed on account of these crimes just as giving power in the centre has been postponed, because the Indian princes would not make up their minds. I say, that inspite of these crimes, progress of India should remain unchecked, but, at the same time, the Government should at least as much care for their friends as they have for their opponents. I sympathise with Sir Alfred Watson in his misery. I wish to congratulate him, and the innocent lady who was driving in the car with him, on their providential escape and I wish them a speedy and complete recovery. With these words, I associate myself with the motion that has been moved.

Mr. B. V. Jadhav : Sir, the Bill now under consideration of the House (Laughter).....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Does the Honourable Member wish to address the House on the adjournment motion which is now under discussion ?

Mr. B. V. Jadhav : No, Sir.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Mr. Das.

Mr. B. Das : Sir, first of all I rise to offer my sympathy to Sir Alfred Watson, the Editor of the *Statesman*, not only as a Member of this House, but as one who belongs to that profession, the profession of journalists of which Sir Alfred Watson is a towering figure. I also offer him my congratulations that he has escaped with a slight injury. Living as I do on the borderland of Bengal, the repercussions that happen in public life there always react in my province. Although my friend, Sir Muhammad Yakub, in his enthusiasm almost challenged me and condemned me that I half-heartedly criticised the terrorist movement, my friend who lives in far away Moradabad does not know and does not also sympathise with the Congress movement and whenever he spoke he combined Congress activities with terrorist activities and, when I asked him to lay that red leaflet on the table, he said that I sympathised with the terrorist movement. Why is it then that my friend read out half of that terrorist leaflet ? Thereby does he not sympathise with the terrorist movement or terrorist propaganda ? I will leave him at that. I have every sympathy with my Honourable friend, Mr. George Morgan, whom I hold in high esteem and high respect ; and when I see the least ripple in his temper, I feel perturbed, because I have come to regard him as a man of great sober thought and one who does not like to ruffle his temper if he can help it. But the remedies he suggested are not the true ones. I am at one with him as regards his condemnation of terrorist crimes and terrorist movements in Bengal, in India and elsewhere in the world ; for, I am a follower of Mahatma Gandhi ; I belong to the school of non-violence and I have faith in non-violence ; and, I believe, India will attain liberation through non-violence ; but yet I differ very much from the remedies which my friend, Mr. Morgan, suggested, that Bengal should have no provincial autonomy, that we should arm the Government with powers to utilise all the army at their command, to suppress terrorist crime. Although my friend was a little perturbed this afternoon, while my esteemed friend, Mr. Munshi, was speaking, if he had listened to him he would have seen that not all the army that parades the city of London or Petrograd could prevent an anarchist from throwing a bomb at some Ruler or some big Minister. These terrorist crimes are suppressed crimes ; they are not mass movements, that the action, my friend suggests, can be given effect to. But I want to ask my friend, Mr. Morgan, and the gentlemen who sit behind him, not to ruffle their spirit and not to ruffle their temper ; they belong to a democratic country and I want them to bring out democratic methods for the solution of the present problems in India. I wish to remind them of this. I do not live in Bengal, but I am a regular reader of the *Statesman* and I read of those movements a year or two ago when younger men of the European society in Calcutta organised a red

royalist movement as a counter to the terrorist movement. That does not help to create calm atmosphere in the country. The superior democratic training of the Europeans should entitle them to counsel to the Government and the country how to end the root cause of the terrorist movement. My Honourable friend, the Home Member, may pass hundreds of Bills like the one introduced this Session, but the movements that come from the underworld, that come from disappointment and the system of hopeless education which provides no employment and no future to the people that are educated, that movement cannot be suppressed by a newspaper agitation or by hundreds of Ordinance Bills that you may pass. My Honourable friend, Mr. Morgan, brought out the great name of Mahatma Gandhi; and my Deputy Leader, Mr. Ranga Iyer, also alluded to that incident when a great Viceroy and a great Secretary of State released Mahatma Gandhi so that the terrorist movement should not have raised its head; and, I believe—though I cannot quote it from memory—that Mahatmaji warned the terrorists and asked them to lie low so that he could settle the future destiny of India with the British. We know what happened. Mahatma Gandhi went to England and came back empty handed as my friend, Mr. Morgan, knows it well from the secret Circular known as the “Benthall circular”. Mahatma Gandhi came back “empty handed” and to-day Mahatma Gandhi, the greatest man, who can control all the world, cannot control these young boys and girls who have to-day got out of all control. And when a wise friend of mine, Mr. George Morgan, advises “do not give provincial autonomy to Bengal”, he does not say anything about the central responsibility.

Mr. G. Morgan : I did not say, do not give provincial autonomy to Bengal. I said it was a question as to whether it was advisable, under these circumstances, to go on at once with provincial autonomy, so long as the terrorist crimes continue.

Mr. Gaya Prasad Singh : You will make the situation worse.

Mr. B. Das : I was glad to know what my friend thought, but the remedy he suggests would be worse. This terrorist propaganda and anarchist movement is absolutely foreign to the Indian climate, Indian soil, Indian culture and Indian religion, and if, to-day, the Government or the people of this country allow such a movement to grow and assume enormous proportions, it will be very difficult for future Governments, whenever Provincial autonomy is given to Bengal according to the advice of my friend, Mr. George Morgan, and the Europeans of Calcutta, it will be very difficult for the Swaraj Government where, I think, one of the members of my friend Mr. George Morgan's community will be a member of the Cabinet, because they hold 25 seats in the Bengal Council, it will be very difficult then to suppress the terrorist movement. So my advice is, while I condemn wholeheartedly all terrorist crimes and anarchist movements in the country, let us all press upon the Government of India and also upon the British Government to find an immediate solution, and let us press on the Government to free Mahatma Gandhi so that he may settle the future constitution of India so that no terrorist movement may raise its little head again.

The Honourable Sir C. P. Ramaswami Aiyar (Leader of the House) : Mr. President, it was not long ago that I had to bring to the notice of the House the lamentable news of what took place in Chittagong or near Chittagong, and to-day, we have news of something that took place in the heart of Calcutta to a man who was enjoying his evening drive with his Secretary and his chauffeur, alongside of which another high powered car was being driven in which there were people so thoroughly armed that they were able to fire a few rounds of 10 shots into the car that went before. The mere recital of what happened demonstrates firstly a sinister and clever organisation. In the second place, it manifests a callous disregard for the sanctity of human life and all the decencies of human intercourse which, I repeat what I said the other day, is uncharacteristic and entirely foreign to the essentials of our life and our culture. Fight him if you like, but to aim a shot at a man who was driving in his car for his constitution is not only hitting below the belt, but is contemptible, ignominious and cowardly. (Applause from the Nationalist Benches.) To-day I feel ashamed that an Indian should have done this. If I were not sure that this was a passing madness, if I were not certain that this would not be the India of to-morrow and the day after, my sorrow would be profound and everlasting. Face to face with this crisis, the one thing I would emphasise, the one thing I would insist upon, is that this is not a moment to be downhearted, this is not a moment for suspicion. This is a moment for conjoint action, for collaboration, for harmonious and co-operative effort (Applause from the all sides of the House), yet to exorcise the demon and not to cave in. Therefore, I would appeal to every one in this country to come together and get rid of this terror and this threat so as to make it impossible for these things to recur, but not to allow these things to deflect us from the great and glorious destiny that is India's by right. (Applause.)

Mr. F. E. James (Madras : European) : Mr. President, the purpose of moving the adjournment of the House was not that this part of the House should indulge in any hysteria or should show any undue excitement, however tense the emotion under which we might be labouring. Nor was it our intention merely to show a demonstration of our horror, because it happened that members of our own community have been recently attacked. We have chosen this moment deliberately, we have chosen this particular issue for a very definite purpose. We hold that all these things, whether it is the murder of an official or a non-official, whether it is the murder of an Indian or a European, with equal abhorrence. ("Hear, hear" from the Nationalist Benches.) What we do wish to impress upon the House is, that this cult of terrorism which is growing,—I wish I can be as sanguine as the Honourable the Leader of the House and think that it is merely a passing phase,—this cult of terrorism has been growing in recent years, and is growing so fast and so rapidly and so powerfully that unless it is checked before many months, the whole of Bengal will be in its throes; and we wish to call the attention of every Member of the House to this important fact. Every shot that is fired at an official or non-official is a blow at India's freedom, and this House should realise the seriousness of the situation. Mr. President, it is not surprising that the members of my own community who have hitherto, I make bold to

say, co-operated to the fullest possible extent in bringing about that constitutional reform which all India desires, it is not surprising that in the face of these things the members of my own community, particularly in Bengal, should halt and say "whither are we going". If this thing is allowed to remain, it is not surprising that they ask, "Can we go forward? Is it wise, is it desirable for us to go forward?" And the question which this House has to decide is, whether India's freedom shall halt while Bengal welters in blood.

There are three courses which have been suggested to this House. One is to go forward unflinchingly, with courage, taking risks. Another is to go ahead, leaving Bengal out of constitutional reform, until this movement has definitely been suppressed and brought under control. I may say, in passing, that that particular suggestion, when made to a prominent leader of the Congress movement, some time ago, was received by him with some promise of support. And the third suggestion is one which no Member of this House would like to adopt—namely, that all constitutional reform in this country should be stopped until this thing is dealt with. This is not a time for levity, and I am surprised at the light-hearted manner in which Members laugh. This is a time for tears, and not for laughter.

Sir, there are two things that we wish to say in this connection. The first is a question addressed to the Government of the day. My community, particularly in Bengal, would like to know from the Honourable the Home Member as to whether he is satisfied, completely satisfied, with the powers which are possessed at present by the Government of India and the Government of Bengal for dealing with this terrorist movement. I do not think that any Member of this House will fail to sympathise with the difficulties of the Government of India, and particularly with the difficulties of His Excellency the Governor and the Government of Bengal. But are the Government satisfied that the powers, that they have, are adequate for the situation? Are the Government satisfied that they have gone as far as they can go in concentrating all their forces in all directions, all their energies in every department to meet this one menace which, unless met, will put away for all time any thought of advance along constitutional lines? That is the first question, and that is addressed to the Government of the day. And the second question is addressed to my Honourable friends, the Members of this House, and, if I may say so, particularly to the Members of this House representing the great province of Bengal. Sir, the time has come when it must be stated in plain and unmistakable language that sympathy is not enough. There must be a more active mobilising of public opinion on this matter than is expressed merely by Resolutions of sympathy or speeches of condolence in this House. I admit the difficulties, I realise the special difficulties in which some of my friends from Bengal are placed. But I do suggest to them with very real earnestness and sincerity that the time has come when it must be made clear that every man, who is not actively against this movement, is, in fact, for it; and that every man who merely contents himself with expressing opinions of sympathy, without actually co-operating in mobilising public opinion against it, is failing in his duty; nay, he is doing more than that, he is actually committing the offence of allowing a movement like this to grow without using the forces which are latent in the community to stop it. Sir, it may fairly be said by the Members of the House, to whom I am addressing these remarks, that it is easy to talk about active mobilisation of public opinion.

5 P.M.

[Mr. F. E. James.]

I, therefore, make a practical suggestion for the consideration of this House, and I make it on the authority of my own Leader. We would be prepared, in fact we are now prepared to invite the Honourable Members, particularly those coming from Benal, to meet us within the precincts of this House either this afternoon or to-morrow, in order that we and they may try and find out some practical means of putting the sympathy that is being expressed in this House to practical use. I hope, Sir, that the Members of this House, to whom I am addressing specially these remarks, will respond to this invitation in the spirit in which it is made.

The Leader of the House, in his closing remarks, spoke of the need of courage. I may say, Sir, that my own community is not wanting in courage. That courage has been exemplified in the career of Sir Alfred Watson himself. Shot at once, he went back to his post, refusing a guard and continued using the gifts of his brilliant journalism in the pursuit of those ideals for which he and his paper stand. (Cheers.) I say, that is an act of courage; and there are many men in my community who are as courageous as Sir Alfred Watson. There will be no courage wanting from us. May I appeal to the well-known courage of the Bengali Members of this House? I have lived amongst them. I have known many of them as my friends. Once you touch the heart of a Bengali, he is your friend for ever. (Cheers.) Once he is attracted to a great ideal, his courage knows no bounds. May I suggest, that my Honourable friends and we should join together in the pursuit of an ideal than which there is no greater to-day,—the ideal of stamping down this menace which is fettering India's progress to freedom, stamping down this threat which, unless it is met with courage and persistent courage, nay, courage regardless of death, will strangle the very life of Bengal herself. (Cheers.)

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : I am happy to find that my Honourable friend, Mr. James, has, after all, made a constructive suggestion which deserves every consideration at our hands. I intended to speak at a much earlier stage of the debate, but I must frankly confess that much as I admire my Honourable friend, Mr. Morgan, much as I sympathise with the issue which he has brought forward, and much as I sympathise with the victims of this terrorist outrage, I could not help feeling rather unhappy that he made certain observations without much consideration. What we want really is to diagnose the disease before we can suggest any remedy. My Honourable friend, Mr. Morgan, has tried to hold the system of education in Bengal responsible for it. I do not know.....

Mr. G. Morgan : Not the system, but the administration of education in Bengal.

Mr. K. C. Neogy : Whatever it is, there is absolutely no difference. I can assure my Honourable friend between those who sit on this side and his own Group with regard to the desirability of contriving some effective measure for grappling with the situation. But, then, what I want to impress upon my Honourable friend is, that we must proceed in the right manner and try to find out the root cause of this disease and then apply the right remedy. While, on this point, I want to cite the testimony of no less a person than Sir Stanley Jackson who retired from the Governorship of my province only very lately, testimony with regard to terrorism in Bengal. Terrorism in Bengal, said Sir Stanley Jackson in an interview

which he gave to a British journalist, shortly after his arrival in England, is still rather serious, but, during the past two months, there has been a marked change in public opinion on which you must depend. Sir Stanley Jackson himself has borne testimony to the fact that there has been a good deal of change in the public opinion which might have been dormant for some little time. I can assure my Honourable friends that public opinion in Bengal is quite alive to the danger of this movement. Later on, Sir Stanley Jackson says this : " Some terrorists "—this has reference to the suggestion that my Honourable friend let fall without much consideration, I suspect, that it should be considered very seriously as to whether the course of reforms should not be stopped so far as Bengal is concerned, till this evil is rooted out—" are actuated by strong patriotic feeling and others by strong race hatred ". Now he divides the terrorists into two classes, terrorists who are actuated by strong patriotic feeling and those who are actuated by strong race hatred. Certainly, it is no remedy to suggest that if you want to put a stop to the nefarious activities of these two classes of people, the reforms should be stopped so far as Bengal is concerned. How are you going to root out the evil so far as that particular class of terrorists are concerned who are actuated by patriotic feeling ? Surely my Honourable friend will realise, on calm reflection, that the measure, that he has suggested as a remedy, will certainly not do in this particular case. Then, what about the terrorists who are actuated by strong race hatred ? Surely, the remedy is to end any undue race domination on the part of the members of that group to which he belongs. That, again, I maintain, is connected with the question of reforms in India ; and I, therefore, maintain, though I am quite willing to join any conference that my Honourable friend, Mr. Morgan, may summon either this evening or to-morrow (*Mr. Gaya Prasad Singh* : " Not this evening ") that, as far as I can judge, it is the granting of reforms in a very liberal manner that is above everything else needed at the present moment.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : Mr. President, there is no one in this House who does not wholeheartedly condemn this latest outrage in Calcutta. I have not the privilege of knowing Sir Alfred Watson, but it does not make the slightest difference what the position of the attempted victim is in his community or in the public life of the province. My position is, that an outrage of this character committed on an innocent person, whichever community he may belong to, is to be condemned without the least reservation. I think my friends, Mr. Morgan and Mr. James, will realise that whatever we may feel, and I fully sympathise with them on this occasion and I am not at all surprised that they are excited with deep emotions, it is not an easy matter to suppress a movement of this character. Sir, if it were in the power of any one of us or any group of this House, whether on this side or on the other side, to suppress this movement, we would have done it. It is a subterranean movement. It is a secret conspiracy. We do not know how it works and, if it is the business of any one to find out, it is the business of those who have got power at their command, who have got the means and the resources of finding out what is wrong. It does not befit any Honourable Member of this House to vent his wrath on people who are as helpless as himself. Threats will not do. Mr. James does not realise what injury he is doing by holding out threats.....

Mr. F. E. James : I should like to make it perfectly clear that I held out no threat whatsoever.

Sir Abdur Rahim : Mr. James ought to realise, as I know Mr. Morgan does, that there are very large sections of the population in Bengal who have not the slightest sympathy with any disorder, not to speak of terrorist outrages. I do not know what the strength of the terrorists is. Perhaps the Home Member could give us some idea. It must be very small, though they are a dangerous lot. Are you going to punish the province of Bengal for their crimes and, do you think, the position will be improved by any such punishment? Most certainly not. I know, in moments of excitement, we are liable to talk at random and I do not blame either Mr. James or Mr. Morgan for putting forward propositions which, on calm reflection, they will realise, are not sound or practicable. Their suggestions will only make the situation much worse. It is the primary duty of Government to put down crimes of this character like other crimes. I know that, having regard to the nature of the movement, it is a difficult task even for the Government, however strong they may be and whatever weapons you may give them, to suppress such a movement. It must take time. There have been errors in the past. There have been errors in the policy of education, in the nature of education Government are imparting. Whose error is that? Why have they not reformed the education that is being given? Why have they not been educating the general population? However, this is not the time to recriminate. All that I wish to say is, that I do not know whether the members of the European Group think that we are really half-hearted in condemning this outrage. If they think so, they are grievously mistaken.

Mr. F. E. James : The Nationalist Press.

Sir Abdur Rahim : I do not know about the Nationalist Press. I do not know whether the Nationalist Press is represented here. But we are here, and I challenge any one to contradict me when I say, that every one of us sincerely condemns this crime. (Loud Applause.) Sir, it was also said that it is not enough to express mere sympathy,—we must actively help the Government. I tried to find out exactly what the method was of helping the Government that was suggested. No one has been able to suggest what men like ourselves can do to help the administration. If we give them certain advice, they might say, “No, we cannot accept it”. That is our difficulty. Of course it is primarily for them to find out the remedies. We can only say that we, who are peaceful citizens who believe in law and order and who believe in the progress of the country, have no sympathy whatever with crimes of this nature or of any other kind. Sir, all the same, if my Honourable friends opposite have any particular course to suggest to us, which will help the administration of Bengal to meet this movement, we shall be ready to consider their suggestion. But, I am sure, they will find out, when they explore the possibilities, that there are great difficulties and limitations in our way. It is the Government of Bengal that must find out the means; and my own opinion is that even with the law, as it is, even with the resources which are at present at the command of the Bengal Government, they will be able, if they set about the right way, to suppress these crimes. (Applause.)

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I should not like to cast a silent vote on this very momentous question. I have heard, Sir, Honourable Members on both sides discoursing upon this most lamentable question. We are all agreed, and there can be no doubt, that the recrudescence of terrorist crime in Bengal is a serious menace to peace and order in that province, and that, in spite of the efforts that the Government have made of recent years, there seems to have been no perceptible diminution in the occurrence of such crimes in Bengal. As for the outrage recently reported, everyone of us sympathizes with Sir Alfred Watson and congratulates him on his escape from the dastardly onslaught made upon his life. But, while our sympathies go out to Sir Alfred Watson, we are naturally anxious to see that these outrages, which are multiplying and occurring with such frequency, are put a stop to by the Government ; and it is upon this point that I discern a difference of opinion between the various Members who have spoken on the subject. My friend, the Honourable Mr. Morgan, is of opinion that the administration of education in the schools and colleges of Bengal is responsible for this species of crime. Whether this is so or not, I am not in a position to judge. My friends in Bengal are in a position to express their views on that subject, and I have no doubt that the Government of India are in a better position than many of us to ascertain the value of the suggestion made on that score by the Honourable Mr. Morgan. The second suggestion made by the Honourable the Mover is that public opinion should be mobilised against these crimes. I have no doubt, Sir, that public opinion, if it is sufficiently mobilised, will go far to diminish this species of crime. It may not eliminate it, but there would be a notable diminution of crime when Indian public opinion expresses itself in unmistakable terms against this recrudescence of terrorism in Bengal. On these two points, therefore, we are more or less in agreement. But when we come to the last point raised by the Honourable Mr. Morgan, namely, whether Government should not consider whether it would not be advisable to postpone the reforms until terrorism subsides in Bengal, that is a question upon which one may take leave to differ. I have seen resolutions passed by the European Association in Bengal and elsewhere to that effect. But I have not been able to connect terrorism with the suggestion made from that quarter. So far as I have been able to judge, the underlying purpose of terrorism in Bengal and elsewhere is different in that the terrorists are against all constitutional reforms. They are against the Congress, because they consider the Congress to be a pacifist organisation. I have myself seen leaflets in which the terrorists have, in unmistakable terms, denounced the Congress. They are against all "constitutional" progress, because they believe constitutional progress is slow and halting. They want reforms in another way. The revolutionary leaflets that have been found, either on the person or in the houses of suspected terrorists, make it abundantly clear that the prime object of the revolutionaries in Bengal and elsewhere is to make one clean sweep not only of the bureaucracy, but also of the constitutional party in the country—whether it is the Congress or the representative institutions like this Honourable House and the Provincial Councils. They are more or less akin to the Soviet method of destroying all vestiges of the present system of law and order and orderly government.

[Sir Hari Singh Gour.]

Now, if that be the case, and I venture to submit that it is the case, then how will the postponement of the reforms bring about the subsidence of this movement? On the other hand, it will set a premium upon those constitutionalists in Bengal who are pledged to an evolutionary method to join the ranks of those mal-contents who become revolutionaries and terrorists in the end. There would be a sliding from the right to the left and that process of recruitment has been going on since the last ten years. Take the case of well-known communities and commercial bodies in Bombay and Bengal, the Marwaris and the merchant class generally. We all know that ten years back, they took no interest whatever in Parliament. In Bara Bazar and elsewhere, they did their work, shut up their shops and went into the evening to enjoy their well-earned rest. But what is the position now? That idle rich class, as the terrorists call them, the mercantile class, the professional class, the trading class, has become active politicians. Not only have they become active politicians, but they are drifting towards a progressive policy which would culminate in the strengthening of the terrorist movement. We must take the facts as we find them. And what is all that due to? It is due to the fact that this movement is being fed by the delay in the evolution of India's progress towards its appointed goal of self-government. Therefore, if you were to stop the reforms in Bengal, you would be strengthening the seed of discontent and creating a larger body of discontented people in that province and creating a situation that would get out of hands. I look at the question from a detached standpoint and submit that the postponement of the reforms has nothing whatever to do and is certainly not a cure for the terrorists movement in Bengal.

Now, Honourable Members may ask, what else is the cure? The cure is well-known. The terrorists themselves in the leaflets, which have been read, say that they want a self-government. (*Honourable Members*: "They want no government.") At any rate, when the discussion took place on the floor of the House—and whether it is in the leaflets or not, I do not know—it cannot be denied that the terrorists want to destroy the present order of things, so that they may be able to rule over the country in some form of democracy or it may be the Soviet form of government. That seems to be the underlying principle of this terrorist movement. Now, if we strengthen the law in the direction of what Sir Muhammad Yakub has pointed out, namely, by strengthening the Press Act and by passing certain other measures, how are we going to seize hold of these unauthorised publications which do not come from any recognised press at all? We do not know where they come from. The Press Act deals with the recognised press, and, consequently, the leaflets that issue have nothing whatever to do with the Press Emergency Law now in force or any Press Emergency Act that you may bring into force in future. The position, therefore, is a very difficult one and I am glad that the Honourable Mr. James has invited a few Members to confer with him and his Group upon what practical line of policy to adopt and what concrete proposals to make for the purpose of bringing under this growing menace to peace and order. That, I think, is a valuable suggestion, but because that suggestion has come from the Honourable Mr. James he will recognise that the suggestion that has been thrown out by the European Association and feebly "voiced" by the

Honourable Mr. Morgan that no Reforms and no Revolutions seem to be no cure at all for this growing symptom of lawlessness in the province of Bengal. I, therefore, submit, Sir, that we might perhaps on this occasion confine ourselves to recording our sympathy with Sir Alfred Watson and publish to all concerned our utter detestation and abhorrence of the terrorist crimes which we regret are increasing in volume and number and which are a disgrace to the entire Indian nationalist movement. Having done that, I am quite sure, that the Honourable Mr. Morgan will see fit to withdraw his motion.

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Sir, on my own behalf and on behalf of my Party, I condemn this outrage and other similar outrages in unequivocal terms and without any reservation. We sympathise with Sir Alfred Watson and congratulate him and the lady who was accompanying him on their miraculous escape.

The Honourable Mr. H. G. Haig (Home Member) : Sir, I am convinced that the whole House has been profoundly shocked by the news that we have received during the last few days from Bengal. I do not think, Sir, there can be any doubt of the universality of that feeling. Government share those feelings as keenly as, and perhaps more keenly than, any other Members in this House for, apart from the ordinary feelings of humanity that are outraged by these events, they have a responsibility as far as possible to prevent such crimes and, if they cannot be prevented, to bring the offenders to justice and to punish them. That Sir, is a responsibility that Government fully realise. It has been suggested by some Honourable Members in the course of this debate that the powers that Government possess are not adequate and that the action they have taken is not sufficient. I can only assure the House that the Government of India and the Government of Bengal have been in the closest consultation with regard to the measures that are necessary to take against this very formidable menace.

The Government of Bengal, only a few weeks ago, passed in their Legislative Council a new Act directed towards the suppression of terrorism. The Government of India are inviting this House in the next Session in November to pass certain supplementary legislation in pursuance of that Act and, I trust, Sir, that when those proposals are put forward, they will receive the full support of this House. Whether any further powers are required, I cannot at the moment say. But if it should prove, on further consultation, that further powers are required, we shall not hesitate to ask for them.

Now, Sir, the object of this motion, I understand, is to call attention to a very serious state of affairs in Bengal. It is not, as these motions normally are, an attempt to censure the Government for action or inaction. It is rather, as I interpret the feeling of the House, a call to the public (Hear, hear) and that being so, I think that the most convenient course, so far as Government are concerned, will be to accept this motion which, I hope, will be carried unanimously by the House. Now, Sir, I have said that in the course of this debate we have had a call to the public. There are some perhaps who feel that this movement is directed solely against the present Government or against those of a particular race. I believe that my Honourable friend, the Leader of the Nationalist Party,

[Mr. H. G. Haig.]

is right in thinking that that is a profound mistake. Do not let us delude ourselves in the belief that, with a particular change of Government, this terrorist movement will cease. I do not believe that, Sir, for a moment. I too have seen, as the Honourable the Leader of the Nationalist Party has seen, recent leaflets issued by the terrorist party which left on my mind the very clear conviction that they are determined to get their own way not against the present Government only, not against Europeans only, but against any of their countrymen who have the temerity to differ from them. (Hear, hear.) This is a problem, Sir, not merely for the Government, but for the people of Bengal. I admit, the Honourable the Leader of the Independent Party said quite justly that the immediate measures for the suppression of this movement must be taken by the Government. We do not expect, Sir, that individual members of the public in Bengal will, by their individual efforts, be able to trace out and suppress terrorists. But, Sir, what we do expect and what I urge them to do, not only in our interests, but, in their own interests, is to mobilise public opinion. (Hear, hear), to make it strong, vigorous and lively (Hear, hear), for, there is no doubt, Sir, that in the past, this movement has been fed and supported by a sentimental sympathy amongst certain sections of the population in Bengal. (Hear, hear.) That, Sir, is the help that the Honourable Members opposite can give and which, I hope, they will, with all their efforts, devote themselves to bringing about. (Applause.)

Mr. A. H. Ghuznavi (Dacca *cum* Mymensingh : Muhammadan Rural) : Sir, after throwing this leaflet broadcast and posting them throughout Calcutta, the terrorists have started in right earnest on their terrorist activities. This leaflet says that the terrorists are determined to shed blood and they call on the country at large to rise up, declaring that the Congress has failed to achieve its real purpose as the Congress is run by people with self-interest. It condemns the non-violent policy of the Congress. The leaflet further declares that non-violence can never produce political freedom, but only blood can do that. The terrorists add that they are not only out against Europeans, but also against their own countrymen who help the Government and who will be content with Dominion Status. They want complete independence. Now, Sir, after this kind of publication, what can we expect ? Why should they not take up pistols against every European or against every Indian who supports the Government ? Here is a photographic reproduction of the front page of the issue of the *Calcutta Municipal Corporation Gazette*. What does it say ?

“ Execution of Dinesh Gupta, Corporation's Tribute, Meeting Adjourns.” “ The Corporation of Calcutta expressed its sorrow at the execution of Dinesh Gupta and adjourned its meeting on Wednesday, the 8th July. When the Corporation assembled, Councillor Bhupendra Nath Banerjee moved : ‘ This Corporation records its sense of grief at the execution of Dinesh Gupta who sacrificed his life in the pursuit of an ideal’. The House adopted the Resolution standing. On the motion of Councillor Madan Mohan Burman, the meeting was adjourned till Friday, the 10th July. The Mayor, in associating himself with the Resolution, paid a tribute to the courage and devotion of the deceased.”

Well, Sir, that is the sort of circular which is printed in the Press and which encourages these assassins to continue their activities and their

terrorist movements. Sir, only last Monday, we condemned the cowardly outrage that was committed on last Saturday night at Pahartali Railway Institute. To-day we are condemning the cowardly attack that was made on the life of Sir Alfred Watson. Mr. President, if any assurance is needed, I may tell you that the Muslim community abhors and detests these outrages.

Mr. Gaya Prasad Singh : Why do you get so much excited ?

Sir Muhammad Yakub : Don't be frivolous.

Mr. A. H. Ghuznavi : The Muhammadan community condemns these cowardly assassinations and anarchical crimes and all terrorist activities in all its forms. (Hear, hear.) Sir, as I said the other day, we should not content ourselves with condemning these terrorists only, but, Sir, as I have shown just now, we should strongly denounce those who, by their writings, by their actions, and by their speeches, extol these deeds of violence and eulogise assassins as saints, martyrs and heroes. At the same time, Sir, I must say that we cannot exonerate Government from the charge of apparent inaction. What have they done in Calcutta, I should like to ask them—after this publication by the Corporation of Calcutta what action have they taken to suppress those publications in Calcutta ? They have done nothing. They have surrendered and taken no action whatever. And it is said, that when Government are approached, they say they are helpless and cannot tackle the situation. Is it therefore surprising, I ask, that by this inaction of Government these misguided youths are led to believe that by shooting a few dozen or a few officials and non-officials they will be able to completely demoralise the Government and bring them down to their knees ? And, by this, they think they can hasten the attainment of Swaraj. Sir, political progress or Swaraj cannot rest on the foundation of assassinations and anarchical crimes. But let me warn Government that the time has come when they should awake from the deep slumber of inaction and realise their full sense of responsibility towards the vast majority of the law-abiding people of India who cannot indefinitely allow themselves to be trampled under foot by these enemies of peace and progress. The tyranny of a clamorous minority is becoming intolerable and you must govern or get out.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : Sir, I am sorry that my Honourable friend, Mr. Ghuznavi, should have tried to exploit this grave occasion for the purpose of introducing a controversial and offensive note. My Honourable friend, Mr. James, in a very well-reasoned and eloquent appeal asked for our co-operation. The Honourable the Home Member endorsed that appeal, and I am certain that I am speaking on behalf of every Member on these non-official Benches when I say that this appeal has found a warm and whole-hearted response in our hearts. What is the use of creating dissensions, emphasising our differences, when our whole object to-day should be to find out how we can all, unitedly by our efforts, meet this menace which threatens to ruin the whole fabric of our constitution ? And, Sir, the only way, in which we can strike at the root of this terror which to-day is stalking the province of Bengal, but which to-morrow will stalk every part of the land, is by whole-heartedly co-operating with our friends on the European Benches, with our European fellow-citizens in all parts of the country with a view to discover how we can remove the root causes

[Mr. H. P. Mody.]

of the evil and stamp out this terrorism. Sir, just as my Honourable friend has appealed to us, I should like to appeal to him and his friends. I can understand the laceration of their feelings. Considering the provocation they have had, the way in which their nerves have been on edge and their tempers have frayed, they have expressed themselves with a considerable amount of self-restraint. My appeal to them would be to preserve their courage and the evenness of their temper. Let them remember what Lord Hardinge, on a memorable occasion, said to Sir Guy Fleetwood Wilson. When, very shortly after the dastardly outrage perpetrated upon him, Sir Guy Fleetwood Wilson saw him, the very first words of that great Englishman were, "No change of policy, Wilson". I would ask my friends,—and that appeal has become necessary, because of some unguarded utterances that have fallen from the European Benches,—not to lose their heads. The way to strike at the root of terrorism is not by crying a halt to reforms, but by the mobilisation of public opinion, European and Indian. And I hope, Sir, that this mobilisation of public opinion will be accelerated by this latest and most dastardly outrage on Sir Alfred Watson.

Mr. G. Morgan : Sir, after what has fallen from the Honourable the Home Member and after what I have heard from Honourable Members in this House, I am satisfied that the general feeling is that terrorism must be tackled and that public opinion must be mobilised. I am satisfied with the position and, under the circumstances, I would ask leave of the House to withdraw my motion. In doing so, I would like to say that, with regard to what we have put forward, *viz.*, to confer with our friends on the other side of the House, I hope they will co-operate with us, and I trust my Bengali friends,—who are all personal friends of mine,—will make a point of coming and discussing the situation.

The motion was, by leave of the House, withdrawn.

The Assembly then adjourned till Eleven of the Clock on Friday, the 30th September, 1932.