

Friday, 30th 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. S. C. GUPTA, C.I.E., BAR.-AT-LAW.

Assistants of the Secretary :

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

RAI BAHADUR D. DUTT.

Marshal :

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

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LEGISLATIVE ASSEMBLY.

Friday, 30th 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. Tin Tüt, M.L.A. (Government of India : Nominated Official).

QUESTIONS AND ANSWERS.

APPOINTMENT OF INDIAN TRADE COMMISSIONERS IN FOREIGN COUNTRIES.

980. *Mr. H. P. Mody : (a) Will Government be pleased to state how far they have progressed with the scheme of appointing Indian Trade Commissioners in various foreign countries for the development of Indian Trade ?

(b) Is it a fact that since 1929 the Indian textile trade in East Africa has been gradually declining and that in 1931 the value of Indian exports to East Africa fell to £443,284 as compared with £774,170 in 1929 ?

(c) If the answer to part (b) is in the affirmative, are Government prepared to consider, if they have not already done so, the desirability of immediately appointing an Indian Trade Commissioner in East Africa ?

(d) Will Government be pleased to state whether they have received any representations with regard to the appointment of a Trade Commissioner in East Africa, and if so, what action they have taken or propose to take in the matter ?

(e) Are Government in a position to state the names of countries which have their trade agents in East Africa and the volume of the trade of each of these countries with East Africa in the years 1929, 1930 and 1931 ?

Mr. P. B. Rau : (a) An Indian Trade Commissioner has been appointed at Hamburg and for the post at Milan an officer is at present undergoing training in India. Further progress with the scheme has of necessity been held up owing to the existing financial stringency.

(b) Presumably the Honourable Member is referring to trade in cotton textiles. I have been unable to verify the figures quoted by him as the destination of the exports of the various classes of cotton textiles is not given in detail in all cases in the Accounts relating to the Sea-borne Trade and Navigation of British India for the Calendar year. Those accounts for the year 1931 show, however, that the value of exports to East Africa of " cotton piecegoods ", which form the bulk of such exports, amounted to about Rs. 93 lakhs in 1929 and Rs. 60 lakhs in 1931.

(1613)

(c) The Government of India are anxious to proceed with the sanctioned scheme for the appointment of Indian Trade Commissioners abroad but owing to the necessity for economy in public expenditure, they are reluctantly compelled to postpone the making of further appointments of this nature at present.

(d) Yes, and the representations are being replied to on the lines of my reply to part (c) of this question.

(e) The Government of India have no information.

REPRESENTATIONS *RE* DUMPING OF JAPANESE PAPER.

981. *Mr. H. P. Mody : (a) Will Government be pleased to state whether they have received any representations from Indian paper manufacturers or others on the subject of the dumping of paper from Japan, facilitated by the depreciation of the *yen*, and the disastrous effects of such dumping on the Indian paper-making industry ?

(b) If so, what steps do Government propose to take in the matter to see that the protection at present enjoyed by the industry is not rendered ineffective by such abnormally cheap imports ?

Mr. P. E. Rau : (a) Yes, Sir.

(b) The representations are being examined by the Government of India and, until this examination has been completed, I cannot say what, if any, action will be taken.

UNSTARRED QUESTIONS AND ANSWERS.

APPOINTMENTS OF HEAD ASSISTANTS OF THE TELEPHONE REVENUE ACCOUNTING OFFICES.

144. Mr. Nabakumar Sing Dudhoria : (a) Is it a fact that telephone is considered as a part of the Engineering Branch of the Telegraph Department and that telephone revenue accounting work was originally carried on in the divisional offices of the Engineering Branch ?

(b) Is it a fact that thereafter when the Telephone Revenue Accounting Offices were centralised in Calcutta and Delhi, these offices were placed under the administrative control of the Directors of Telegraphs (Engineering Circles) and rules to that effect are incorporated in the manuals of the department ?

(c) Is it a fact that even when these offices were decentralised and attached to the circle offices, these Telephone Revenue Accounting Offices were considered as forming part of the Engineering Branch of these circle offices ?

(d) Is it a fact that Engineering Branch clerks formed the personnel of the clerical establishment of these Telephone Revenue Accounting Offices ?

(e) Is it a fact that knowledge of the rules contained in some of the manuals concerning the Engineering Branch is necessary for the Head Assistants of these Telephone Revenue Accounting Offices and that these Head Assistants were required to be qualified lower selection grade clerks ?

(f) Is it a fact that lower selection grade clerks of the Engineering Branch had to pass in certain subjects which included Engineering Manuals which the lower selection grade clerks of the Traffic or the Postal Branch had not to pass through ?

(g) If the replies to part (a), (b), (c), (d), and (f) be in the affirmative, do Government propose to offer the appointments of the Head Assistants of the Telephone Revenue Accounting Offices to passed lower selection grade clerks of the Engineering Branch ?

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

(c) Yes, up to August, 1931, after which the Engineering Branch clerks transferred to the office of a Postmaster General, with the exception of those attached to the technical Engineering section, were placed in the general clerical cadre of that office.

(d) The facts are substantially as stated by the Honourable Member.

(e) There are no Head Assistants in the Telephone Revenue Accounting Offices.

(f) Yes.

(g) As stated in part (e) above, there are no Head Assistants in the Telephone Revenue Accounting Offices. For promotion to the posts of Head Clerks in the lower selection grade in the various branches of the Circle Offices including the Telephone Accounting Branch, the former Engineering Branch clerks now serving in those offices, who have passed the lower selection grade examination, with the exception of those attached to the technical engineering portions, are eligible along with all other clerks in those offices, who are similarly qualified.

EXTRA STAFF IN THE TRAFFIC BRANCH OF THE POSTS AND TELEGRAPHS DEPARTMENT.

145. **Mr. Nabakumar Sing Dudhoria :** (a) Is it a fact that the Traffic Branch of the Posts and Telegraphs Department (Telegraphists and Telegraph Masters) are much in excess of the requirements of the department ? If so, what is the number of the excess ?

(b) Is it also a fact that this extra staff cannot be usefully employed ?

Mr. T. Ryan : (a) On 1st July, 1932, the latest date for which figures are available, there was an excess of 238 telegraphists and two telegraph masters, according to standards laid down some years ago, but I may mention that the question of the suitability of these standards is about to be examined by an expert committee.

(b) The surplus staff is being employed as far as possible as explained in the reply given in this House on the 13th September, 1932, to Mr. S. C. Mitra's starred question No. 208 to which the Honourable Member's attention is invited.

STOPPAGE OF FURTHER RECRUITMENT OF TELEGRAPHISTS AND TELEGRAPH MASTERS.

146. **Mr. Nabakumar Sing Dudhoria :** Has the attention of Government been drawn to the recommendations made to the Retrenchment Committee last year by some of the Service Associations that in addition to the

stoppage of further recruitment of Telegraphists and Telegraph Masters some of the existing staff be transferred to the Post Offices and that all vacancies in the Engineering Supervisors grades including telephone sections be recruited entirely from the existing surplus signalling staff, particularly as men with practical experience of long periods are available in the Department ?

Mr. T. Ryan : Government have not seen the recommendations which were addressed to the Retrenchment Committee by Service Associations.

EMPLOYMENT OF TEMPORARY ENGINEERING SUPERVISORS AND TELEPHONE SUPERVISORS.

147. **Mr. Nabakumar Sing Dudhoria :** (a) Is it a fact that some of the temporary Engineering Supervisors and Telephone Supervisors applied to the Government for their employment as Supervisors ? Is it a fact that outside recruitment for Engineering Supervisors was resorted to even when the department was overstaffed and the question of disposing of extra staff was engaging the serious attention of Government ?

(b) Do Government propose to re-consider the whole question and employ the temporary supervisors who had put in two years' service or so ?

Mr. T. Ryan : (a) The reply to the first part is : yes. The reply to the second part is also : yes, but the overstaffing was in other branches, the surplus men not being qualified for permanent promotion as Engineering Supervisors.

(b) No, as those concerned are not considered suitable for permanent employment as Engineering Supervisors.

PERMISSION TO CERTAIN POSTAL CLERKS FOR APPEARING IN THE LOWEST SELECTION GRADE EXAMINATION.

148. **Mr. Nabakumar Sing Dudhoria :** Do Government propose to consider the cases of those who were recommended by the heads of Postal Circles for being allowed to appear in the Lowest Selection Grade examination but were not allowed on the mere technical question of having put in more than seven years' service ? If not, why not ?

Mr. T. Ryan : No ; no such cases are traceable.

PROPOSED ABOLITIONS OF SOME POST AND TELEGRAPH SUB-DIVISIONS.

149. **Mr. Nabakumar Sing Dudhoria :** Is it a fact that some of the Post and Telegraph sub-divisions are likely to be abolished ?

Mr. T. Ryan : Yes.

PROMOTION OF MILITARY SUB-ASSISTANT SURGEONS TO THE RANKS OF SUBEDAR MAJOR AND THE KING'S COMMISSION.

150. **Mr. B. N. Misra :** Will Government be pleased to state :

(a) the percentage of Military Sub-Assistant Surgeons promoted to the rank of Subedar Major,

(b) the percentage of Military Sub-Assistant Surgeons promoted to the King's Commissioned rank, and

(c) what is the criterion for promotions referred to in parts (a) and (b) ?

Mr. G. R. F. Tottenham : (a) and (b). 1½ and one per cent. respectively, of the sanctioned strength of Military Sub-Assistant Surgeons.

(c) Promotion is by selection, but seniority is also taken into consideration.

PROMOTION OF MILITARY SUB-ASSISTANT SURGEONS TO THE RANK OF KING'S COMMISSION.

151. **Mr. B. N. Misra :** (a) Is it a fact that while considering the question of promotion to the rank of Honorary King's Commission during the last three or four years only length of service has been taken into consideration and no importance was attached to the field or meritorious services of the Military Sub-Assistant Surgeons as also their seniority in the Army List ?

(b) Is it a fact that during the Great War fair chances were given to all the Military Sub-Assistant Surgeons to show their merits and win supernumerary promotion (*vide* paragraph 10, Appendix 27, Regulations for the Army in India) but now such supernumerary promotions won under very trying circumstances in the field have been ignored for further promotion ? If so, why ?

(c) Is it not a fact that in all other departments of the Government of India special promotions to the rank of Honorary King's Commission are made by selection and not by length of service ? Do Government propose to take necessary action to see that in future such promotions are made in accordance with the seniority in the Army list ?

(d) Is it a fact that Military Sub-Assistant Surgeons were given the benefit of their war service by way of accelerated promotions ? Is it a fact that such accelerated promotion is not taken into account when promoting that personnel to the King's Commission ? If not, why not ? Are Government aware that as a result of this their established seniority is virtually turned into juniority at the time of promotion to the King's Commission ?

Mr. G. R. F. Tottenham : (a) No.

(b) and (d). The answer to the first two portions of part (d) is in the affirmative. Sub-Assistant Surgeons who receive special promotion are borne as supernumerary in the new grade until they are absorbed by promotion in the ordinary course. When they are considered for further promotion, their seniority is reckoned from the date of their admission to the Department. Special promotion is a reward in itself and it is not the policy necessarily to prolong the effects of that reward throughout the remainder of the man's service.

(c) The answer to the first part is in the affirmative. The fact that an officer has received accelerated promotion in the past is naturally taken into account in making further promotions, but his seniority is reckoned in the manner described in the answer to parts (b) and (d).

NON-RETIREMENT OF MILITARY SUB-ASSISTANT SURGEONS HOLDING THE RANK OF SUBEDAR MAJOR.

152. Mr. B. N. Misra : (a) How many Military Sub-Assistant Surgeons have completed five years service in the rank of Subedar Major or have earned the full pension of their rank ?

(b) Is it a fact that in the army as a whole Subedar Majors on completion of five years service are compulsorily retired ? If so, will Government be pleased to state why this rule is not applied in the case of Military Sub-Assistant Surgeon ?

Mr. G. R. F. Tottenham : (a) No Subedar Major of the Indian Medical Department has served for five years in the rank. Four have earned the full pension of a Subedar Major, but none has so far earned the double rate admissible to an officer of that rank who has held Honorary King's Commissioned rank for three years.

(b) Yes. Last year the question of limiting the tenure of appointment of Subedar Majors and Honorary King's Commissioned officers of the Indian Medical Department was considered and dropped on account of the extra expenditure involved.

COMMUNITIES OF RETRENCHED MILITARY SUB-ASSISTANT SERGEONS.

153. Mr. B. N. Misra : Is it a fact that 150 Military Sub-Assistant Surgeons have been retrenched ? If so, will Government please state the number of Hindus, Muhammadans, Sikhs and Christians and the period of their service ?

Mr. G. R. F. Tottenham : It has been decided to reduce the cadre of Sub-Assistant Surgeons by 150, but so far only 74 Sub-Assistant Surgeons have actually been retrenched. Of these, 41 are Hindus, 15 Sikhs, 11 Muslims and seven Indian Christians. 29 of them had less than ten years' service, 25 between 10 and 20 years' service, 13 between 20 and 30 years', and seven over 30 years' service.

RETRENCHMENT OF MILITARY ASSISTANT SURGEONS.

154. Mr. B. N. Misra : Will Government please state what, if any, retrenchment is being made in the list of Military Assistant Surgeons ?

Mr. G. R. F. Tottenham : The cadre of Military Assistant Surgeons has been reduced by 10.

PAUCITY OF MUSLIMS IN THE IMPERIAL SECRETARIAT AND IN THE SUPERIOR SERVICES OF RAILWAYS, TELEGRAPHS, ETC.

155. Mr. M. Maswood Ahmad : (a) Has the attention of Government been drawn to pages 2 and 3 of the *Eastern Times*, Lahore, dated the 7th August, 1932, with regard to the paucity of Muslims in the Imperial Secretariat, and in the superior services of Railways, Telegraphs, etc. ? Will Government kindly say whether the figures and percentage, given in the above newspaper, of Muslims holding permanent and substantive appointments in the various categories of the Imperial Secretariat service are correct ? If they are not correct, will Government very kindly give correct figures and their percentage in these services ?

(b) Will Government kindly state the number of posts and their nature, carrying special pay together with the names and community to which their holders belong in the Departments of Industries and Labour, Foreign and Political, Finance, Legislative, Education, Health and Lands, Commerce, Army, Home, Military Finance and Railway Board? While giving the names of holders of these posts, will Government also state whether there is any Muslim senior to the man in receipt of special pay in that category on the office gradation list? If so, will Government kindly give reasons, apart from the post being selection appointment, for the unfitness of that Muslim to hold that post?

(c) Is it a fact that almost all the posts carrying special pay are the *sole monopoly* of non-Muslims in the Imperial Secretariat?

The Honourable Mr. H. G. Haig : (a) I have seen the letter, but I do not consider it necessary to check the percentage given therein. I would add that statements showing the communal composition of the Government of India offices are placed annually in the Library of the House.

(b) I would refer the Honourable Member to the statement laid on the table of this House on the 14th instant in reply to part (b) of starred question No. 1107 asked by Mr. Uppi Saheb Bahadur on the 1st April, 1932. I regret that I cannot collect information regarding the names of the holders of these posts. I would also refer the Honourable Member to the concluding portion of the reply given in this House on 1st April, 1932, to part (d) of question No. 1107.

(c) No. 13.7 per cent. of posts carrying special pay are held by Muslims.

CLAIMS OF A MUSLIM CLERK FOR THE POST OF CASHIER IN THE OFFICE OF THE DIRECTOR GENERAL, INDIAN MEDICAL SERVICE

156. **Mr. M. Maswood Ahmad :** (a) Has the attention of Government been drawn to page 2 of the *Eastern Times*, Lahore, dated 7th August, 1932, with regard to the claims of a Muslim clerk for the post of Cashier in the office of the Director General, Indian Medical Service? If so, will Government kindly state whether the facts mentioned in that paper are correct and what action do Government propose to take in the matter against the dealing stenographer in the Director General, Indian Medical Service office against this?

(b) Having the above questions in view and in view of the letter printed on page 3 of the *Eastern Times* referred to above, is it a fact that the difficulty of Muslims in the Imperial Secretariat is two-fold, firstly to get their proper representation in the service and secondly to maintain their position in the service? If this is not correct, will Government kindly state what are the reasons, firstly, that they are so inadequately represented in the Imperial Secretariat clerical service and secondly that they are so conspicuous by their absence in higher appointments, e.g., Assistant Secretaries and almost all appointments carrying special pay are the sole monopoly of non-Muslims? Will Government kindly state whether the Muhammadans working in the various Departments are not considered for appointments carrying special pay?

The Honourable Mr. H. G. Haig : (a) I am making enquiries and will lay information on the table in due course.

(b) No, Sir. Direct recruitment to the clerical staff of offices under the Government of India is made in accordance with the orders of 1926 regarding the recruitment of minority communities, a copy of which is in the Library. The percentage of Muslims in the Secretariat proper and attached and subordinate offices at headquarters and elsewhere has increased from 15.2 and 8.5 in 1926 to 18.4 and 14.6, respectively. Promotion is based on merit combined with seniority not on communal considerations. The remaining portion of the question is covered by my reply to parts (b) and (c) of the previous question—No. 155.

INEFFECTIVE STEPS TAKEN TO INCREASE THE NUMBER OF MUSLIMS IN THE IMPERIAL SECRETARIAT SERVICE.

157. **Mr. M. Maswood Ahmad :** Are Government aware that the steps so far taken by Government to improve the number of Muhammadans in the Imperial Secretariat Service and the recognition of their claims to higher appointments and to posts carrying special pay have proved to be ineffective? Are Government prepared to adopt more effective measures by ear-marking some per cent. of the posts in every category as well as the posts carrying special pay for Muslims? If not, will Government kindly give their reasons for not doing so?

The Honourable Mr. H. G. Haig : No, Sir. I would refer the Honourable Member to my reply to part (b) of his question No. 156.

EXTENSIONS GRANTED TO OFFICES IN THE GOVERNMENT OF INDIA DEPARTMENTS.

158. **Mr. M. Maswood Ahmad :** Will Government kindly give the names of officers, categories to which they belong and the pay which they are drawing at present, in each Department of the Government of India, who have completed thirty years' service or have attained the age of fifty-five years and have been granted extension of service? Will Government kindly state the minimum pay of that category which would be granted to a new entrant in place of these men if they had not been granted extension and the consequential saving to Government in these days of financial stringency? Will Government kindly also state against the name of each officer who has been granted extension the reasons for giving him extension and whether the extension granted to him was in public interests in that he could not be replaced by a suitable successor, or the extension granted was in the interests of the individual concerned?

The Honourable Mr. H. G. Haig : I am making enquiries and hope to be able to lay some general information on the table in due course. I do not propose to enter into the cases of individual officers.

PAUCITY OF MUSLIMS IN THE IMPERIAL SECRETARIAT.

159. **Mr. M. Maswood Ahmad :** Has the attention of the Public Service Commission and the Government of India in the Home Department been drawn to pages 2 and 3 of the *Eastern Times*, dated the 10th September, 1932, regarding the paucity of Muslims in the Imperial Secretariat?

Will Government kindly make a statement on the allegations made in the above paper by a correspondent and the measures which Government propose to adopt to remove the oft-repeated complaint of the Muslims ?

The Honourable Mr. H. G. Haig : I have seen the letter in question. I would refer the Honourable Member to the replies I have given to his questions Nos. 155, 156 and 157, which explain the position in regard to the employment of Muslims in the Secretariat.

EMPLOYMENT OF A MUSLIM ASSISTANT IN THE OFFICE OF THE PUBLIC SERVICE COMMISSION.

160. Mr. M. Maswood Ahmad : Is it a fact that there was only one Muslim Assistant in the office of the Public Service Commission who has been sent away from that office ? Will Government state reasons for this ?

The Honourable Mr. H. G. Haig : In consequence of the reduction of a post of stenographer in the office of the Public Service Commission a permanent Hindu stenographer, who was to have been retrenched and who is qualified for an Assistant's post, was absorbed in the post of an Assistant, which was held temporarily by a Muslim. The latter was reverted to the office in which he held a permanent post of Assistant on the same pay. The object of appointing the Hindu stenographer to the post of Assistant was to save the payment to him of the compensation admissible under the retrenchment terms.

REVERSION OF THE MUSLIM ASSISTANT SECRETARY OF THE FINANCE DEPARTMENT.

161. Mr. M. Maswood Ahmad : Is it a fact that the only Muslim Assistant Secretary in the whole of the Imperial Secretariat has been reverted in the Finance Department ? If so, will Government kindly give reasons for this ?

The Honourable Sir Alan Parsons : A Muslim Superintendent who was officiating as Assistant Secretary in the Finance Department was reverted from that post last May on the abolition of the post. At the time he was the only Muslim Assistant Secretary. The reversion had nothing to do with the appointment of one of the Superintendents to be in charge of the general office arrangements.

EMPLOYMENT OF MUSLIM ASSISTANTS IN THE REFORMS OFFICE.

162. Shaikh Fazal Haq Piracha : (a) Will Government be pleased to state what is the total strength of the office of the Reforms Commissioner with the Government of India ?

(b) What is the number of Assistants and how many of them are Muslims ?

(c) Is it a fact that no Muslim has worked continuously in that office as an Assistant since its creation ?

(d) Is it a fact that the only Muslim Assistant working in that office was sent out on deputation to the Consultative Committee and his post has been filled up by a non-Muslim ? If so, why ?

The Honourable Mr. H. G. Haig : With reference to questions Nos. 162 and 163, I would refer the Honourable Member to the replies given on 27th September, 1932, to Kunwar Hajee Ismail Ali Khan's unstarred questions Nos. 101 and 102.

SELECTION OF STAFF FOR COMMISSIONS AND COMMITTEES FROM THE REFORMS OFFICE.

†163. **Shaikh Fazal Haq Piracha :** Is it a fact that when personnel is selected for commissions or committees appointed by Government under the Reforms the staff working in the Reforms Office is invariably deputed for such work and men working in the Secretariat are rejected ? If so, why ?

MADRASIS EMPLOYED IN THE REFORMS OFFICE.

164. **Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state the number of Madrasi officers and others employed in the Reforms Office ?

(b) Is it a fact that the Assistant Secretary, and the Superintendent of the Reforms Office are near relatives ?

The Honourable Mr. H. G. Haig : (a) Including the Assistant Secretary there are three Madrasis and 12 others.

(b) No. They are remotely connected by marriage.

EMPLOYMENT OF UNQUALIFIED MEN IN THE REFORMS OFFICE.

165. **Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state whether it is a fact that unqualified men are employed in the Reforms Office ?

(b) Are Government aware that a number of qualified men are without appointments ?

(c) Under what circumstances does the Public Service Commission permit the employment of unqualified men in the Reforms Office ?

The Honourable Mr. H. G. Haig : (a) The answer is in the affirmative.

(b) and (c). The Reforms Office is a temporary office and unpassed men were appointed when passed candidates were not available.

GRADES OF STATION MASTERS ON THE NORTH WESTERN RAILWAY.

166. **Raja Bahadur G. Krishnamachariar :** (a) Is it a fact that there are eight grades of Station Masters on the cadre of the North Western Railway ?

(b) If so, when did this come into force ?

Mr. P. R. Rau : I have called for information and will lay a reply on the table in due course.

†For answer to this question, see answer to question No. 162.

PROMOTION TO HIGHER GRADES OF INDIAN GUARDS AND STATION MASTERS ON THE NORTH WESTERN RAILWAY.

167. **Raja Bahadur G. Krishnamachariar** : (a) How many Indian Station Masters and how many Guards, respectively, in the North Western Railway, have been promoted to the fourth and up to the eighth grades since the introduction of the grade-system ?

(b) Will Government be pleased to state how many vacancies there are at present in each of the said grades of Station Masters ?

(c) Will Government be pleased to state how many Indian Station Masters of the lower grades and how many Guards are officiating at present in the fourth to the eighth grades ?

(d) Is it a fact that Indian Station Masters with long service and greater practical experience are not generally appointed to the higher grades of Station Masters, while Guards and others with less service and little or no experience of the practical work of a station are appointed to the said posts ? If so, why ?

Mr. P. B. Rau : I have called for information and will lay a reply on the table in due course.

PROMOTION OF STATION MASTERS AND GUARDS TO CERTAIN SUPERIOR TRAFFIC POSTS ON THE NORTH WESTERN RAILWAY.

168. **Raja Bahadur G. Krishnamachariar** : (a) Will Government be pleased to state how many vacancies there are at present of Traffic Inspectors, Chief Controllers, Deputy Controllers and Assistant Controllers on the North Western Railway ?

(b) How many of such vacancies have been filled up, if at all, from Indian Station Masters of the lower grade and how many from Guards ?

(c) Will Government be pleased to state how many Indians, Anglo-Indians and Europeans are working permanently at present in the posts mentioned in part (a) ?

Mr. P. B. Rau : I have called for information and will lay a reply on the table in due course.

PURCHASE OF BUNGALOWS IN KOHAT CANTONMENT.

169. **Khan Bahadur Haji Wajihuddin** : (a) Is it a fact that Government intends to purchase some bungalows in Kohat Cantonment ?

(b) Is it a fact that out of the bungalows selected for purchase, two are occupied by the owners ?

(c) Is it a fact that the owners of the bungalows offered to build new bungalows, for military officers, if Government needed them and requested that their personal residence in the bungalows be not disturbed ?

(d) How have Government disposed of this request ?

(e) Under what legal authority do Government intend to purchase the bungalows, and what procedure will be adopted for the purpose ?

(f) Are Government aware that under the House Accommodation Act a bungalow occupied by an owner cannot be appropriated ?

(g) Will Government please state the necessity of Government disturbing the house-owners in their residence ?

Mr. G. R. F. Tottenham : (a) Yes.

(b) Government understand that three of these bungalows are occupied by their owners.

(c) Government have not received any such offer.

(d) Does not arise.

(e) Under the conditions on which the sites are held, or under the Land Acquisition Act.

(f) Yes, but the bungalows are not being appropriated under the Cantonments (House Accommodation) Act.

(g) The sites are being resumed in order to alleviate the acute shortage of accommodation for military officers in Kohat Cantonment.

CONSTITUTION OF ELECTED BOARDS IN THE CANTONMENTS OF NORTH-WEST FRONTIER PROVINCE.

170. **Khan Bahadur Haji Wajihuddin :** (a) Will Government state if any steps have been taken to constitute elected boards in the cantonments of North-West Frontier Province ?

(b) When do Government intend to create such boards in those cantonments ?

(c) Will Government state the reasons for depriving the people of the cantonments of the North-West Frontier Province so far of the right of election ? Are Government aware that this right has been conceded in a fully developed form to the other people of the province ?

(d) Are Government aware that there is acute discontent in these cantonments owing to the delay in their having elected boards ?

(e) Did Government receive telegraphic or other representations from the cantonments in this matter ? If so, how did Government dispose of them ?

Mr. G. R. F. Tottenham : The matter is receiving the attention of the Government of India and the Local Government.

GRIEVANCES OF SHOPKEEPERS IN THE ALLAHABAD CANTONMENT.

171. **Khan Bahadur Haji Wajihuddin :** (a) Has the attention of Government been drawn to an article headed "Allahabad Shopkeepers Grievances", published in the *Cantonment Advocate* for July, 1932 ?

(b) Have Government made any enquiry about the same ? If not, do they propose to do so ?

(c) Are Government aware that the Allahabad grievances have multiplied for some months now ? Do Government propose to find out the real causes thereof and remove them ?

Mr. G. R. F. Tottenham : (a) Government have seen the article. The attention of the Honourable Member is invited to the answer given by me to unstarred question No. 110 on the 27th September, 1932.

(b) No.

(c) The reply to the first part is in the negative. The second part does not arise.

ELECTRIC SUPPLY IN CERTAIN BAZAR AREAS IN MEERUT CANTONMENT.

172. Khan Bahadur Haji Wajihuddin : Are Government aware that Bazar areas of Sudder and Lal Kurti in Meerut Cantonment are in urgent need of electric supply and if so to what extent has the progress been made towards the proposed scheme and how long will it take to provide the civil population of the said Cantonment with the supply ?

Mr. G. R. F. Tottenham : I understand that there is a considerable demand from the inhabitants of these areas for a supply of electricity.

The two areas mentioned by the Honourable Member are included in that portion of the Meerut Cantonment in which the development and extension of the electrical supply will shortly be undertaken by a private company. Negotiations are at present proceeding between the military authorities and the Company, who have applied to the Local Government for the inclusion of these areas within their licensed area of supply. I am afraid that I cannot say when a supply of electricity will be available in the areas mentioned, but I can assure the Honourable Member that the military authorities are anxious to complete the negotiations to which I have referred.

SPECIAL REPRESENTATION FOR CANTONMENT PEOPLE IN THE FUTURE CONSTITUTION OF INDIA.

173. Khan Bahadur Haji Wajihuddin : Are Government aware that the people of cantonments in India are anxious that in the future constitution of India, any representation in the Federal Assembly that may be adjudged to be the right of the people of cantonments by virtue of their population and their vested interests in cantonments be given to them either by creating them into separate cantonment constituencies for 'Muslims' and 'Non-Muslims' respectively or through nomination by Government with suitable gentlemen who may be houseowners, traders and actually residing in cantonments and may be selected from various communities in India, representing all shades of opinion ?

The Honourable Sir Brojendra Mitter : The delimitation of constituencies has not yet been taken up. The Honourable Member's remarks on the wishes of cantonment residents have been noted.

SPECIAL REPRESENTATION FOR CANTONMENT PEOPLE IN THE FUTURE CONSTITUTION OF INDIA.

174. Khan Bahadur Haji Wajihuddin : Are the Government of India aware that the majority of people in the cantonments of India, owing

to small groups of cantonments being included in various urban constituencies of both Muslims and Non-Muslims electoral rolls for the Central Legislature in which the cantonment group forms a negligible element, the cantonment people generally are not in a position to influence the course of election in most of such urban constituencies? Will Government please state whether they are prepared to convey the demands of the cantonment people to His Majesty's Government for due consideration?

The Honourable Sir Brojendra Mitter : The suggestions of the Honourable Member have been noted.

NON-REPRESENTATION OF CANTONMENT PEOPLE AT THE ROUND TABLE CONFERENCE.

175. **Khan Bahadur Haji Wajihuddin :** Are Government aware that the peoples of cantonments were deprived of the privilege to have their case represented through one of their own representatives in both the first and second Round Table Conferences and if so, are Government prepared to consider the advisability of making recommendation to nominate some one for the forthcoming conference? If not, why not?

The Honourable Sir Brojendra Mitter : The Honourable Member is referred to the reply given by Sir George Rainy to Mr. Bhuput Singh's unstarred question No. 18 on the 26th January, 1931.

ALLEGED FRAUDS IN THE EAST INDIAN RAILWAY HIGH SCHOOL, TUNDLA.

176. **Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that there have been serious frauds in the East Indian Railway High School, Tundla, and that the Divisional Accounts Officer, East Indian Railway, Allahabad, was deputed to audit the school accounts in October, 1931, on this account? If so, will Government be pleased to lay on the table a copy of the report submitted by the Divisional Accounts Officer?

(b) Is it a fact that the Head Master of the school was suspended? If so, why and by whom?

(c) Is it a fact that the articles noted below were purchased by the Head Master out of the school money and were used in connection with the radio receiver installed by him in his private house?

Radio Physics Course, Soldering Iron Type, Water Meter, Ebonite Sheet, Accumulators (big size), and Accumulators (medium size).

(d) Will Government be pleased to state whether any preliminary enquiry was made into the conduct of the Head Master? If so, with what result?

(e) Is it a fact that during the course of the enquiry the Head Master got himself admitted into the Mental Hospital at Agra and remained there for about a month?

Mr. P. B. Ran : I have called for information and will lay a reply on the table in due course.

**RAILWAY PASSES SANCTIONED FOR THE USE OF THE EAST INDIAN RAILWAY
HIGH SCHOOL, TUNDLA.**

177. Khan Bahadur Haji Wajihuddin : Is it a fact that the East Indian Railway Administration has sanctioned two passes for the official use of the East Indian Railway High School, Tundla ? If so, will Government please state :

- (i) who is the custodian of these passes,
- (ii) whether the head master of the school has been authorised to use these for his private use also,
- (iii) whether the Head Master has ever misused these passes especially in the year 1931, and
- (iv) whether any check is exercised by the Railway Administration on these passes ?

Mr. P. B. Rau : I have called for the information required and will lay it on the table of the House in due course.

**SALE OF BONUS BONDS BY THE INDUSTRIAL BANK OF INDIA, LIMITED, AMBALA
CANTONMENT.**

178. Maulvi Muhammad Shafee Daoodi : (a) Are Government aware that the Industrial Bank of India, Limited, Ambala Cantonment, are selling bonus bonds of rupees twelve each to the public in lieu of which they promise to a limited number of its purchasers bonus varying in value between Rs. 5,000 to Rs. 150 of which advertisements have appeared on a very wide scale ?

(b) If so, have Government considered the legality of such dealings ?

The Honourable Mr. H. G. Haig : (a) Yes.

(b) I have ascertained that the Punjab Government have ordered the prosecution of the Managing Director of the Bank and of those newspapers which published certain advertisements of the Bank after having been warned not to do so.

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STATEMENTS LAID ON THE TABLE.

The Honourable Sir Alan Parsons (Finance Member) : Sir, I lay on the table the information promised in reply to starred question No. 46, asked by Mr. A. Das on the 6th September, 1932.

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RECOMMENDATIONS OF THE CENTRAL BANKING ENQUIRY COMMITTEE.

Statement showing the action on the Recommendations of the Indian Central Banking Enquiry Committee.

(Vide items in para. 782 of the Report.)

- (A) Recommendations on which no action by Government is called for, 10, 89, 82, 89, 99, 109, 110, 112—118, 130—134, 137—139, 143, 147—149, 151, 152, 159, 161, 163, 165, 175, 176, 184, 185, 189, 201, 205, 206.
- (B) Recommendations which are dependent on the creation of a Reserve Bank and which it would be premature to consider until a Reserve Bank is established.
13—18, 46, 135, 136, 140—142, 144—146, 158, 166—174, 190—199.

(C) Recommendations on matters on which under the existing constitution the responsibility and therefore, the final decision must rest with Provincial Governments.

1—3, 4—9, 11, 12, 19—38, 42—45, 49—67, 68—81, 83—88, 90, 91, 95—98, 100, 101—106, 107, 108, 117—129, 162, 164, 200, 203, 207—209.

(D) Recommendations on matters on which the final decision rests with the Government of India.

Recommendations (vide paragraph 782 of the Report).

Action taken.

(40) Free remittances of funds for co-operative purposes is of the utmost importance to the co-operative movement and no attempts should be made to curtail those privileges under the rules of the Government of India in this matter. (Paragraph 182.)

(40) In practice at present remittance for proper co-operative purposes is freely granted.

(41) As regards remittance facilities for other than co-operative purposes co-operative banks should be entitled to the same privileges as joint-stock banks. (Paragraph 182.)

(41) This is actually being done.

(47) Profits of co-operative societies should be exempt both from income-tax and super-tax. (Paragraph 195.)

(47) & (48) Local Governments have been addressed for an expression of their views on the desirability of granting the concessions proposed and their effects if and when granted.

(48) The exemption of co-operative societies from payment of income-tax and super-tax on earnings from investments in public securities or land mortgage debentures to the extent such investments are necessary for the purpose of their fluid resources and for the investment of reserve funds as prescribed by the rules is recommended. (Paragraph 196.)

(92) A detailed investigation of the problem of starting railway warehouses in the chief centres of trade should be undertaken by the Railway Board and the railways should be asked to start experiments at selected centres. (Paragraph 282.)

(92) & (93) The recommendations are under the consideration of Government (Railway Department).

(93) With a view to encouraging private enterprise to provide and work warehouses in the vicinity of railway stations certain modifications in the terms of the lease suggested by the Railway Board are recommended. (Paragraph 282.)

(94) The placing of railway receipts by the legislature on the same footing as bills of lading is recommended. It is further recommended that railway receipts should be made negotiable and that the railway authorities should issue instructions that the receipt should give as full a description as possible of the goods covered by it. (Paragraph 283.)

(94) The matter is under the consideration of the Government of India (Railway Department) and the views of local Governments and Chambers of Commerce have been invited on certain points.

Recommendations (*vide* paragraph 782 of the Report).

Action taken.

(111) Any technical difficulties in the way of Government communicating acceptances of tenders to contractors and to their financing banks or bankers and payment of all monies due to the contractors through these banks and bankers should be removed. (Paragraph 322.)

(111) The recommendation has been accepted and instructions have been issued to the Auditor General on the subject with a view to the Public Works Account Code and other Codes being amended accordingly. Departments of the Government of India and Provincial and local Governments have also been circularised.

(150) No obstacles should be put in the way of mergers among smaller joint-stock banks by stamp duties or taxation, and any existing obstacles in this direction should be removed. (Paragraph 549.)

(150) Government consider that there is no justification for exempting mergers of joint-stock banks from super-tax.

(153) Steps should be taken, as early as possible, to remove the impediments which now stand in the way of immovable property belonging to a Hindu or Muhammadan family being accepted by banks as a normal security. It is left to the Government concerned and the legislatures to weigh the various considerations involved and determine what action should be taken in the matter. (Paragraph 562.)

(153) It is the general policy of Government not to effect changes in Hindu or Muhammadan law unless there is a general demand for it. In the absence of any such demand Government consider it unwise to act on the suggestion.

(154) The provisions of section 58 (f) of the Transfer of Property Act should be extended to other important centres of trade and commerce (both internal and port towns) throughout India. (Paragraph 563.)

(154) Local Governments are being consulted in the matter.

(155) The Negotiable Instruments Act should be amended so as to provide that cheques originally drawn to bearer, would despite any endorsement, retain their character as bearer instruments. The recommendation that any holder of a cheque should have the right to alter the character of the cheque from "bearer" to "order" on the face of it and that the alteration should be supported by the name of the drawer or holding endorser who makes the alteration is approved. *Hundis* which are drawn in the form of cheques should be treated similarly. (Paragraph 564.)

(155) & (156) Under the consideration of Government.

(156) The legal position as regards trust receipts should be investigated by the legal advisers of Government and such action taken as may be considered necessary. (Paragraph 565.)

(157) The cost of internal remittance in India should be reduced as far as possible. (Paragraph 566.)

(157) Government consider that the remittance facilities which the Imperial Bank and the Government between them offer to the public and other banks are extraordinarily cheap. The matter has been examined from time to time and it was decided that nothing can be done until the question has been examined by the Reserve Bank when it is established.

Recommendations (*vide* paragraph 782 of the Report).

Action taken.

(160) The abolition of the stamp duty on bills of exchange is recommended. The recommendations should be given effect to within a period of five years and as an initial step the stamp duty on all bills of less than one year's usance should be reduced to a uniform rate of two annas per one thousand rupees. (Paragraph 593.)

(177) Pending the establishment of the Reserve Bank, it is suggested for the consideration of Government that efforts should be made to obtain more complete statistics for the various classes of banking institutions and to publish them as early as possible. (Paragraph 627.)

(178) The limit for savings bank deposits in the accounts of minors may be raised. (Paragraph 645.)

(179) (a) Persons having post office savings accounts should be allowed to operate on these accounts, and to make deposits by means of cheques. (Paragraph 646.)

(b) Accounts may be opened jointly in the name of two persons payable to either or survivor. (Paragraph 646.)

(c) Depositors may be allowed to name nominees to whom the payment of deposits should be made in the event of death. (Paragraph 646.)

(180) The holder of a postal cash certificate should be allowed to nominate a person to whom the amount may be transferred in the event of death. (Paragraph 647.)

(181) The issue of savings certificates payable in gold, as recommended by the Royal Commission on Indian Currency and Finance, 1926, is supported in principle. (Paragraph 649.)

(182) The issue of a new type of gold certificate, called "*stridhan* certificate" is supported in principle. (Paragraph 650.)

(183) Facilities afforded by the post office to investors for the purchase and sale of Government securities and for their safe custody may be extended to small investors generally and not confined to those who are savings bank depositors. (Paragraph 652.)

(186) Transfer duty on debentures may be reduced to a uniform duty of 4 annas per cent. (Paragraph 657.)

(160) The recommendation might encourage the use of bills but cannot be given effect to as neither the Central nor the Provincial Governments can spare the revenue obtained from the duties and as the question of allocating the revenue on commercial stamps between the federal and Provincial Governments is still unsettled.

(177) After consulting the various authorities concerned, the Government of India have come to the conclusion that the question of altering the existing Banking Statistics should be deferred till the Reserve Bank is created.

(178)—(180) Under consideration.

(181) & (182) No action can be taken at present as it is impossible to consider the issue of savings certificates payable in gold until the rupee has been stabilised in terms of gold.

(183) In the opinion of the Government of India the existing practice meets all reasonable requirements.

(186) Action on this recommendation cannot be taken at present as Provincial Governments cannot forego revenue in the present financial stringency and there is little object in consulting local Governments pending a decision on the question of how the stamp duties on commercial stamps will be treated under the new constitution.

Recommendations (<i>vide</i> paragraph 782 of the Report).	Action taken.
(187) Insurance companies, Indian as well as non-Indian, should be required by law to lodge an initial deposit with Government and to invest, and keep invested, a fixed proportion of their premia funds in approved Indian securities. (Paragraph 660.)	(187) Under the consideration of Government.
(188) (a) Facilities for payment of land revenue by cheque may be extended to taluka sub-treasuries and district treasuries.	(188) (a) Is not acceptable. (Action on (b) must be postponed till the question of separate local Government balances under the reforms is settled.
(b) All material payments by Government should be made by cheques. The proposals made by the Bengal Committee on the subject are commended for the consideration of Government.	
(c) All municipalities and other local bodies should be asked to consider the feasibility of making and accepting payment by cheque on account of salaries to some of their employees and other items of receipts and disbursements. (Paragraph 665.)	
(202) If it could be arranged, young Indians possessing high qualifications should after they have had a good preliminary training in banks in India be sent abroad to study advanced banking, especially international exchange and other subjects connected with currency and exchange. (Paragraph 766.)	(202) The High Commissioner for India has been addressed on the subject.
(204) The suggestion that the Indian Institute of Bankers should arrange in different important centres, for courses of lectures in the vernacular of the community to which the local indigenous banker belongs and to hold special examinations, on the result of which certificate could be awarded may be considered by the Institute. (Paragraph 769.)	(204) The Indian Institute of Bankers have been addressed on the subject.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I lay on the table the information promised in reply to unstarred question No. 207, asked by Khan Bahadur Haji Wajihuddin on the 23rd March, 1932.

EXPENDITURE OF THE AJMER MUNICIPAL BOARD.

207.

(i) No.

(ii) Yes.

(iii) The infant mortality rate in the Ajmer Municipal Board was 40.54 per cent. in 1922-23 and 42.58 per cent. in 1927-28.

The Honourable Mr. H. G. Haig (Home Member) : Sir, I lay on the table a translation of the document as promised in my reply to the supplementary question to starred question No. 847 on the 29th September, 1932.

AGREEMENT MADE BY THE MANAGERS OF JUMA MASJID, DELHI.

Translation of the agreement, dated the 24th November, 1862, made by the Managers of the Jama Masjid, Delhi.

We, the undersigned, ten Members, appointed by agreement among ourselves as Managers of the Jama Masjid, thankfully enter into the following agreement of our own free will with Government :

1. We are responsible that there shall be no disturbances, disagreements or quarrels within the Mosque premises.
2. If any question should arise in connection with the Mosque or religion we will settle it privately between ourselves.
3. No act shall be committed inside the Mosque which may tend to show contempt of, or disloyalty to, Government. Should however, any such thing take place and which may be beyond our power to check or control, we shall bring it to the notice of the Deputy Commissioner.
4. We will do repairs to the buildings of the Mosque, whenever it is necessary to do so, and shall keep up regular accounts of shop rents, Tah bazari, etc., of the endowed property.
5. If a vacancy is caused among the Managers for any reason, whatever, we will appoint a successor by agreement among ourselves.
6. If anything is done or act committed contrary to the wishes of the Government, we hereby recognise that Government shall be at liberty, at all times, to close the Mosque or make other arrangements for its management.

(Sd.) Mirza Ilahi Bax.

(Sd.) Md. Sadruddin Khan.

(Sd.) Md. Ibrahim.

(Sd.) Md. Hussain.

(Sd.) Nasir Uddin.

(Sd.) Turab Ali.

(Sd.) Hafeiz Daood.

(Sd.) Md. Tafazzul Hussain Khan.

(Sd.) Mahboob Bax.

(Sd.) Hafiz Mir Mohammed.

Written on 24th November, 1862.

THE CRIMINAL LAW AMENDMENT BILL.

The Honourable Mr. H. G. Haig (Home Member) : Sir, in connection with the Select Committee the names of which are contained in the motion that is now being discussed, I wish to inform the House that the Honourable the Law Member, having become now a Member of this House, automatically becomes a Member and Chairman of the Select Committee. That being so, I propose, on behalf of Government, to withdraw the name of Mr. Gwynne.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Before I call upon Mr. Munshi to resume his speech, the Chair wishes to draw the attention of Honourable Members to the fact that this is the fifth day that the House has been discussing this Bill. There are still many Honourable Members anxious to address the House, and the Chair wishes to give opportunity to as many Honourable Members as can possibly be managed within the time available. The Chair, therefore, wishes to urge upon those Honourable Members who may be called to address the

House to-day to bear in mind that the length of their speeches has the effect of depriving other Honourable Members from getting their chance. The Chair, therefore, appeals to all Honourable Members who may catch the eye of the Chair to be as brief as possible.

Mr. Jehangir K. Munshi (Burma : Non-European) : Mr. President, clause 1 of this Bill provides that "this Act may be called the Criminal Law Amendment Act, 1932". I think it would be more convenient and more appropriate to refer to this Act as the Haig Penal Code. (Laughter and Cheers from the Opposition Benches.) This is of course on the assumption that the Honourable the Home Member is either the willing author or the willing godfather of this piece of legislation.

I would like to draw attention to clause 20 of this Bill to make another general point. In clause 20, sub-clause (d), appear the following words :

"To bring into hatred or contempt the administration of justice in British India."

It seems to me that the very first person who should be prosecuted under clause 20, sub-clause (d) of this Bill is the Honourable the Home Member himself. (Laughter and Cheers from the Opposition Benches.) Because, by forcing this law down the throat of an unwilling and resentful India, he will most certainly bring the administration of British justice in this country into very great contempt, perhaps, for the first time in the history of British India. But, who is going to direct his prosecution? (Laughter.) The new Indian Government, for whose benefit this Act is being permanently put on the Statute-book? My Honourable friend, Mr. James, drew a subtle distinction between "civil disobedience" and "passive resistance"; and, with legitimate pride, he referred to the case of his father who was a "passive resister", and that passive resistance has been approved by his worthy son in this House.....

Mr. F. E. James (Madras : European) : No. I disapproved of it. (Laughter.)

Mr. Jehangir K. Munshi : If Mr. James disapproves of his father's passive resistance, I really fail to understand the necessity of referring to it; I should have thought that his one object in referring to it was to approve of his father's passive resistance, to distinguish it from civil disobedience and to condemn civil disobedience.

Last evening, in discussing the adjournment motion on the latest tragic event in this country, the attack on Sir Alfred Watson, the editor of the *Statesman*, my Honourable friends, Mr. Morgan and Mr. James, were deeply moved. That is only natural. I can share their feelings perhaps more intimately than any other section of this House, because similar acts of terrorism and violence have been committed against Indians in the province in which I reside. We, Indians, also were deeply moved by those occurrences. Of course there is this difference between Indians in Burma and Europeans in Bengal, that, whereas in Bengal the European community has the protection of the Government of Bengal, I regret to have to say that we Indians in Burma did not have that protection from the Government of Sir Charles Innes, and, as a result, a special Indian deputation had to be sent to interview His Excellency the Viceroy and the Members of His Executive

[Mr. Jehangir K. Munshi.]

Council. But because a certain very small section of Burmans indulged in acts of terrorism and violence, we, Indians in Burma did not allow such acts to create the slightest feeling of illwill or lack of friendship towards the entire Burman race. (Applause.) We cannot possibly hold responsible a whole race or community for the sins of a few criminals. (Hear, hear.)

I entirely agree with my Honourable friends on the European Benches that the British and Indian elements should combine, effectively combine, to eradicate this curse of terrorism and anarchy from this country. (Applause from the European Benches.) But, in this country, there are at the present moment two sets of terrorists, the Bengal terrorists and the British terrorists. ("Hear, hear" from the Opposition Benches.) We offer, we willingly offer, to our European friends in this country, our help to root out the Bengal terrorists. Will not the European Members in this House also help us to suppress the British terrorists in this country? (Cheers from the Opposition Benches.) My Honourable friend, Mr. George Morgan, was so moved yesterday that he unconsciously picked up this Bill and said: "the attempt on the life of Sir Alfred Watson was made, because he had the courage of his convictions to express his views in the *Statesman* in the pursuit of his ideals", and he added "that was greater terrorism than this Bill". I entirely agree with him, because that terrorism which attempts to prevent Sir Alfred Watson from publishing his views in pursuance of his political ideals is a greater terrorism than this Bill. But is this Bill also not sufficient terrorism, when it prevents hundreds of Indian journalists from publishing their opinions in the pursuit of their political ideals? (Cheers from the Opposition Benches.) If we willingly give our support to the European community in this country to root out terrorism which interferes with the free expression of European public opinion, however unacceptable that opinion may be to Indians, have we not an equal right to demand support from the European Group in this House, when we want Indian editors of journals to express their opinions with equal freedom? (Hear, hear.) Now, Sir, what will be the effect, if this Bill becomes law? Will it help any section of the general community in India to suppress or uproot terrorism? I do make an appeal to my European friends in this House. There is only one way of rooting out not only terrorism, but all anti-European feeling in this country, and that is by extending to us the hand of fellowship and friendship. We do not know how far the Government of India are the willing authors or the willing agents of this particular piece of legislation, or to what extent they are carrying out the dictates of Sir Samuel Hoare and his supporters in Parliament at the present moment. I think we should take the more charitable view, unless the Honourable the Home Member directly contradicts us, that the Government of India have brought this Bill, this infamous Bill, before this House with the greatest reluctance and under compulsion, in the discharge of their duties dictated to them by the Headquarters at Whitehall; but that does not impose any duty on the non-official European Benches to blindly support this Bill. My European friends' presence in the Legislature will not come to an end within a couple of years. They will be in the future Legislatures also, and they will have to sit not with most of the Members who are present here to-day, but they will have to sit in the future Legislature with a hundred

and odd Congressmen who are at present languishing in the Indian prisons. It is with them that they will have to collaborate in the future in the interest and for the good of their own community, it is to them that they will have to look for protection and friendship. (Hear, hear.) What gesture are they prepared to make to-day to India so far as this Bill is concerned? This is the very worst and blackest piece of legislation that the British race has ever attempted to force on India. (Applause from the Opposition Benches.) It is the attitude of the European community on this Bill that will greatly determine the future attitude of Indians towards the European community in India. At the present moment, we, the elected Indian Members in this House, and also the entire Indian race, are at the mercy of the European non-official votes in this House, when official votes, as I have already said, must be cast in one direction, probably under orders from Whitehall; but there is no such compulsion on non-official European Benches.

I can more readily appreciate the fears and misgivings of the European community in this country, because the Indian community is more or less in the same position in Burma. But the policy which I have advocated in Burma to my own countrymen is this, that we can at no stage afford to allow our fundamental rights to be trampled upon either by Europeans or Burmans, but short of that, it should be our constant endeavour to help the people of Burma in the realisation of all their ideals including their political ideal. (Applause.) It has been and will continue to be my constant endeavour to promote friendship and goodwill between Indians and Burmans. May I not ask Honourable Members sitting on the European Benches to take up the same position in India? They are in a minority; they will always be in a minority, but the handicap attendant on a minority will disappear if they can live in India with the goodwill of the Indian people. And my warning to the entire European community in India is that if this Bill becomes law by reason of non-official European support, and unless their votes are cast in support of this Bill, this Bill can never become law, that will be an act of hostility towards the entire Indian race, which, I am afraid, India may not easily forget. Let the European community take a long and wise view. I appeal to my European friends in this House to help India by rejecting this infamous Bill. (Applause.)

Mr. N. M. Joshi (Nominated Non-Official): Sir, the discussion has reached such a stage that I feel I need not make a long speech, but I was anxious that I should not give a silent vote on this important measure. This Bill is described by some speakers as an emergency measure, but if we read it through carefully, I do not think we shall be justified in supposing that this Bill is an emergency measure. The Honourable the Leader of the House and also the Honourable the Home Member yesterday said that if they were convinced in the Select Committee, they might limit the operation of the Bill to some definite period. It is clear, they are not so far convinced, and, therefore, we are not justified at this stage in supposing that the Bill is an emergency measure. If the Bill is to be an emergency measure, in my humble view, it should not last for a longer period than a Session of the Assembly, so that the Assembly will have an opportunity every Session to review the whole situation and see whether special legislation is necessary or not. I also hold that it is not quite honest on the part of the Government to suggest that this Bill is introduced as a result of the Resolution passed by the Legislature last

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Session. If they had to bring forward legislation in response to the Resolution, they could have done so in the last Session, but they did not do it. On the other hand, they issued an Ordinance again after the lapse of the first. I feel that the origin of this Bill lies in the fact that Government and the officers of Government have tasted blood. They have enjoyed the powers under the Ordinances, and naturally now they do not like to give them up. That, Sir, is the origin of this Bill, and we need not be surprised at this. This happens in every walk of life. We know what happens in the industrial field. If you give protection to an industry, does it ever happen that industry will give up that protection willingly? The same is the case with politics. The Government have enjoyed these powers and they are reluctant to give them up. The Honourable the Home Member said that his object in bringing forward this measure was to prevent a recrudescence of communism, terrorism and the civil disobedience movement. Mr. President, I assure you that I am not a communist, although I sympathise with some of the doctrines of people who are called communists. I do not believe in terrorism. I was a Congressman ten years ago, but I am not now a Congressman. But I feel that this Bill, even from the point of view of a man who is neither a communist, nor a terrorist, nor a Congressman, is dangerous to liberty. This Bill cuts at the root of individual liberty and freedom. My Honourable friend, Mr. James, yesterday said that he would rather be an enemy of liberty and freedom than allow people to abuse them. Mr. President, it is very easy for my Honourable friend, who belongs to a privileged class, to say that there need not be any freedom if that freedom is likely to be abused. But, unfortunately, we do not belong to a privileged class. We are ordinary citizens of this country, and if we disobey the law, we are bound to be punished. I, therefore, feel that from the point of view of an ordinary citizen, this Bill cuts at the root of his freedom and liberty.

I would now like to examine, from one or two moral aspects, whether the Government are likely to attain their object in introducing this measure. After all, morality has a place in politics. Sir, the principle, from which I look at this Bill and consider whether Government will succeed in their object or not, is this. Generally it is an accepted principle in law that if you want justice, you must seek justice with clean hands. If you want to get rid of communism, terrorism and the civil disobedience movement, Government must show by their action that they do not follow any of the principles of these movements. I take one principle of communism and that is dictatorship. Are Government free from dictatorship? I take terrorism. The chief principle of terrorism is the use of force to achieve its object. Are Government free from the use of force in achieving their objects? What is civil disobedience? Those that adopt civil disobedience place themselves above the law. Are Government free from this attitude? On the other hand, by introducing this Bill they themselves show that they want to place themselves above the ordinary law of the civilised world. Mr. President, if this is the attitude of Government, I do not know how they can expect to succeed in their object.

I do not wish to go into the details of this Bill, but let me mention one or two points. There are in this world many people who do not like war ;

they abhor war, and, therefore, they consider that the profession of a soldier is not a right profession for people to follow. I am one of those people who accept this principle as regards war. I am a pacifist. As a pacifist, if I advise people that they should not take up the profession of war, the profession of a soldier, but take up some other profession, I shall come under the clutches of this law. This clearly shows that it is not the Government that wants non-violence. It shows that it is Government that insist, "You must not preach against the use of force. You must not preach against the profession of a soldier".

Mr. President, in my childhood I used to have a terror of Government officers. I will explain to you what that terror was. I was not a rich man and I am not a rich man now. We used to own a bullock cart, and whenever we went in our bullock cart and a policeman approached us, we felt a terror. We felt that our cart would be impressed for the sake of an officer. Sir, that terror lasted for many years. After some time, on account of the education of the people, on account of people having begun to understand their rights, this terror has been reduced. But what are the Government doing now? By this Bill they are trying to re-introduce that terror. Not only that. When our carts were impressed many years ago, there was no sanction of law behind that arbitrary act, but now you are passing a law by which you will create terror; you will thus have the sanction of the law behind that terror. Mr. President, I will give you one more instance, and that is this. It is my legitimate right to say even in public that an officer of Government is incompetent, or high-handed, but if I say that, I shall create hatred against that officer, I shall create contempt for him, and I shall come under the clutches of this law. One more point. I take interest in the labour movement, and, as an advocate of labour, I sometimes make speeches and say that the capitalists in this country do not do their duty properly, that they neglect the interests of labour. If I say this, I shall be creating hatred against a class which comes under one of the clauses of this Bill. Mr. President, these instances are quite enough. These show that Government themselves have not yet given up the principles which underlie movements like communism, terrorism, the civil disobedience. They want their own dictatorship; they want their officers to be dictators. They want terrorism of their officers to revive and to spread. They want also that there should be no room for free honest propaganda in this country.

Mr. President, I take up another aspect as to how far the Government will succeed in their object and, the point of view, from which I consider this question, is this. Are the methods which the communists, the terrorists, or those people who take to civil disobedience adopt—are these methods such as generally succeed or not? If communists achieve their object by communism, if terrorists achieve their object by terrorism, or if those who take to civil disobedience achieve their object by that method, they are going to adopt it and the country is going to adopt that method. If, Sir, by the conduct of the Government we find that other methods succeed with Government much better than these methods, then certainly Government have a chance of succeeding in their object.

Sir, I shall not go into old history whether the Britishers have shown that they will give self-government to any nation without the use of force. I will give you one small very recent instance to show what the spirit of Government is. You will remember that Sir Tej Bahadur Sapru had visited

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Simla some time ago. He tried to persuade the Government of India that the Round Table method should not be given up. Sir Tej Bahadur Sapru is not a bad advocate ; he is a good advocate. He tried to persuade the Government of India that it is a wrong thing to give up the Round Table method. Well, Sir, were the Government of India persuaded by his arguments ? They were not.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : They were.

Mr. N. M. Joshi : They were not. A few days after the announcement by the Secretary of State in effect that the Round Table method was given up, Sir Tej Bahadur Sapru resigned his membership of the Consultative Committee. A few other resignations followed. We then heard the pronouncement of His Excellency the Governor General that the Round Table method will now be restored. Now, may I ask, whether the Government of India was persuaded by the method of argument used by Sir Tej Bahadur Sapru or was it persuaded by the resignation of Sir Tej Bahadur Sapru ? (Hear, hear and Applause.) Well, if the Government of India were persuaded by the resignation of Sir Tej Bahadur Sapru, they have made it abundantly clear that it is non-co-operation that succeeds and not co-operation. (Hear, hear.)

The Honourable Mr. H. G. Haig : I would point out that there was no change of policy at all and when the Honourable Member talks of giving up the Round Table method, his statement is not really in accordance with the statement of the Secretary of State.

Mr. N. M. Joshi : I am entitled to interpret events in my own way ; the Secretary of State's announcement did amount to scrapping the Round Table Conference. And I hold that it is non-co-operation of Sir Tej Bahadur Sapru that succeeded and not co-operation. (*Mr. Gaya Prasad Singh* : " You are right.") Argument did not persuade the Government of India.

Sir Muhammad Yakub : Why are you arguing now, if arguments do not persuade ?

Mr. N. M. Joshi : I will tell you the reason. I am a born co-operator. I do not resort to non-co-operation unless it is absolutely necessary, and I still believe in co-operation.

Then, Sir, there is one more point about which I should like to say only a few words. It is this. I do not agree with Mahatma Gandhi in many respects. But I agree with him in one statement which he has recently made, namely, that the extraordinary powers which Government are giving to their officers brutalise the officers. These powers demoralise their officers. I will give you one instance. I have a colleague in the Servants of India Society who works in a district of Gujerat. His name is Amritlal Thakkar. After the civil disobedience movement was started and several Congressmen were sent to jail, Mr. Thakkar was given a small sum by a gentleman in order that the wives and children of Congressmen who had gone to jail should not die of starvation. Only a few days ago, one of the District Magistrates in Gujerat called Mr. Thakkar in order to bully him and browbeat him. He asked him whether he was supplying funds to the

wives and children of the people who had gone to jail. Now, Mr. President, I want to ask this question, why should an officer object to any one relieving the distress of the wives and children of Congressmen? I can understand Government putting the Congressmen in jail, but certainly it is not according to the rules of any civilised warfare that a combatant should desire that the wives and children of his opponent should die of starvation. I have absolutely nothing to complain about this officer. If we are placed in his position, we may perhaps do just as badly, but I am certain that the system under which you have placed your officers puts them in a very difficult position. You have given so much power that if a man does anything which the officer does not like, he calls him to his office and asks him not to do it. This is not the only thing. You ask your officers, here I am not talking of the petty officers, but of the higher officers, not only to defeat the Congress, but to crush and uproot the Congress. A district officer is asked to see that there should be nothing left of the Congress in his district. He has done his very best to defeat the Congress, but, Sir, he is expected to crush the Congress, and crushing the Congress is not a very easy thing. He, therefore, frets and fumes and resorts to methods which ordinarily he would not use. This is how the officers of Government are being demoralised. There is only one more point and I shall finish. The Honourable the Leader of the House said yesterday that the Congress is not crushed and the Congress must be crushed. I do not approve of this attitude. I hold that, on account of the stern measures which the Government have adopted, the Congress is defeated. But is it right that the Government should be vindictive and try to crush and uproot the Congress? Those countries in Europe which have been vindictive after the war have not done themselves any good. Mr. President, the English people imposed a humiliating treaty upon the Germans. That treaty has not done them any good. Now, let me tell the Government that if they are not satisfied with merely defeating the Congress, but if they desire that the Congress should be uprooted and crushed, it would not do them any good. In the first place, the Congress may not be uprooted, the Congress may not be crushed. Now, let me tell the Government one of my own experiences. There are large masses of people in this country who do not believe in the principles and methods adopted by the Congress, but what is happening? I have seen this in the city of Bombay. I have seen that people who do not even now sympathise with the Congress and do not approve of the Congress methods, still supply funds to the Congress; and why do they do it? I will tell you why. They do it, because they feel that the Congress is being persecuted. Government are not satisfied with defeating the Congress. Government are now trying to humiliate the Congress, to persecute the Congress and to crush and uproot the Congress. It is a very wrong attitude. I should like to make a suggestion before I close and that suggestion is that Government should give up the aim of crushing the Congress and should now adopt an attitude which every generous opponent and generous victor adopts, namely, that Government should try to reconcile Congressmen. Time has come when I believe that a serious effort must be made for a reconciliation with Congressmen and, as a first step towards carrying out that suggestion, Government should give up their intention of passing measures like this. The Ordinances and special powers should be withdrawn. Then I will suggest to Government that they should release all the prisoners. I feel, Mr. President, after having moved in my own city

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and outside, amongst Congressmen and non-Congressmen, that time has come when Congressmen, if they are given an opportunity, will reconsider their position. I have reason to believe that they will. In order to convince the House on this point, I will read only a few lines from a statement made by Mr. C. Rajagopalachariar, one of the lieutenants and a very prominent lieutenant of Mr. Gandhi. Referring to Congress co-operation with Government, he said that :

“ It was all a question of confidence. If Government can somehow create confidence in this direction, prestige will not stand in the way of the Congress entering into negotiations. There are enough big men in India to take the right step.”

I, therefore, believe that the Congress is now in a mood to reconsider its decision. But, Mr. President, Congressmen should be placed in a position in which they can do so, and, in order to do it, I suggest that the Government of India should immediately release all the political prisoners (Hear, hear), because I feel that so long as people are in jail, one cannot expect them to reconsider their position or to admit their mistake. For instance, if I am placed in jail and asked to admit my mistake or to reconsider my attitude, I shall never do it. I, therefore, feel, Sir, that if you do want Congressmen to reconsider their decision and even to admit their mistake, the right course is to release them. Mr. President, I shall not take any more time, but shall urge and urge earnestly upon the Government that they should give up their intention of passing this measure and devote their attention to effecting a reconciliation with Congressmen and others. (Applause.)

Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muhammadan) : Mr. President, it is very unfortunate that we are discussing this Bill at a time when two outrages of a very heinous nature have occurred in India. These, Sir, are very likely to blur the vision of people who are sitting here to consider these momentous issues ; I have tried, however, to see that they do not cloud my vision, and I hope other Honourable Members of this House will also look at this matter quite dispassionately. Very humbly I would ask the Treasury Benches to be more cautious at a critical juncture like this. They ought to see things from a great distance and should have the broadest possible vision on an occasion like this. I admit that objectionable manifestations of the civil disobedience movement must be checked. Society cannot tolerate such objectionable things as have appeared from time to time during the progress of that movement, but, at the same time. I cannot disguise my feeling of disappointment at the conception and attitude of the Honourable the Home Member in bringing forward the Bill in this form. Sir, it appears that the Bill is designed not only to meet the present difficulties which have arisen in the administration of the country on account of the civil disobedience movement, but it is a Bill designed to place a permanent obnoxious law on the Statute-book to meet the distasteful activities of the people in this country whenever they feel that they cannot obey a certain law. Sir, from the very Statement of Objects and Reasons, it appears that the whole idea is to check any such activity in the country in future. If the Bill had been designed only to check the *present* difficulties of Government by means of legislation, that is, to meet an emergency only, I would have come forward to support it, but, as I say, the Bill is designed to check activities of the people of this

country in a general manner. I cannot give my consent to it and I, therefore, cannot support this Bill. Sir, I hold that in a country like this we must have full liberty to act according to our genuine feeling and to express our strong disapproval of a measure enacted by the Government or the Legislature. I believe that civil disobedience, if it is carried out in the true spirit in which it is conceived by its author, is a thing to which no Government should have any objection. If there are objectionable manifestations of it, they can of course arrest the culprits, send them to jail and keep them there so long as the movement is conducted dangerously--as was done during the time of the first non-co-operation movement. But the Legislature cannot allow the Government to assume power to crush the spirit of the people. (Hear, hear.)

I admit, the Government can very well put the question to me as to what they are to do in the present circumstances. My answer, Sir, will be very simple. The Government are not responsible to us, and we are not responsible to the Government. Therefore, it is for them to devise means, and for us to consider whether the means adopted by the Government are justified by the circumstances. Sir, I have no doubt that the Government require some power to meet the present difficulties which have arisen in the administration of the country, but when I look at the origin of the present civil disobedience movement, I have no hesitation in characterising it as a fight for prestige. The Congress had got its own prestige to maintain, and the Government had their own ways and means to deal with the Congress and to bring it to its knees. The Congress devised its means to bring pressure on the Government to yield to its wishes, while the Government are forging their weapons to kill those devices and assuming power to check the movement. I would submit, Sir, that in a case like this the rest of India does not appear in the picture. The two opposing parties are showing their astuteness and ingenuity in the matter for defeating each other. Sir, in my opinion both are wrong at this stage. I beg at this moment to observe that the leader of the Congress movement has now had time to ponder over what he had done in the past,—over his great achievements and his Himalayan blunders. Mahatma Gandhi, Sir, it appears, has now realised to the fullest extent that untouchability amongst human beings is the greatest curse that mankind can imagine, and, therefore, he has resolved to give up his life for it. He would now, Sir, I submit, do well to pursue this ideal and dedicate all his energies to the sacred cause of eradicating the evil as it exists not only between Caste Hindus and the Depressed Classes but between man and man, between one human being and another. Should the Government take this opportunity of releasing him from internment, they would do the greatly needed duty towards Indians to help them in the determination to uproot the very foundation of this great curse. I appeal to Mr. Gandhi, therefore, to devote himself whole-heartedly to this inhuman custom in the civilised world of to-day and I appeal to the Honourable Member in charge to resist the temptation of carrying his motion by the help of the nominated Members of this House. Let the Honourable Member utilise the opportunity now afforded to the Government by the great upheaval in the country in the cause of uprooting the untouchability from the surface of India. I would advise him to wait and see the consequences that will follow this great upheaval. Sir, Government have got more arrows in their bow. The obvious and easy course is to have another Ordinance if need be. At present there seems to be no need for another Ordinance. The other

[Maulvi Muhammad Shafee Daoodi.]

method is by introducing a Bill to check the objectionable features of the civil disobedience movement as the Bengal Council did recently in regard to the terrorist movement, but that would be an emergency measure and the Honourable Members of this Legislature will have an opportunity to judge whether those emergency powers were necessary in the hands of the Government in those circumstances. With these words, Sir, I oppose the motion of the Honourable the Home Member.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, I oppose the motion for reference of the Bill to the Select Committee. As regards the motion for circulation, so far as it means the consultation of public opinion, I shall be always in favour of such a motion, unless it is a dilatory motion. But in this case I anticipate, along with the Honourable the Home Member, that the result will be that Indian public opinion, throughout the country, will be violently opposed to any such legislation while the European opinion, whether it be of officials, merchants or missionary bodies, generally will be in favour of such legislation in India, though they will never favour similar legislation, under any circumstances, for their own country. How far this legislation will affect the civil disobedience movement, I would like very briefly to deal with the first point that the civil disobedience movement shall always be a transitory movement and cannot be a permanent feature in the country. Either the movement will mend the State by securing the purpose for which it is started, or the State will end it. Both the civil disobedience movement and a well-regulated State cannot subsist for a long time. So, I do not see any reason why, for such a fleeting movement, Government should go out of their way to have permanent legislation. But my objection to this legislation is more fundamental. I invite this House to consider patiently whether civil disobedience in all circumstances is illegitimate and unlawful. Is it not possible to conceive of circumstances when civil disobedience or passive resistance is a legitimate weapon? I think it will require no argument from me to convince this House that war, as a method of settling disputes, is considered now barbarous. The International conscience has been shocked enough at the baneful results of the last Great War and it is impossible to perceive of any civilised nation that will not discourage to have recourse to violence and war for the settlement of their disputes. The war is not only undesirable, but fruitful of immense misery to mankind. I would like to develop this point to a certain extent, because it has been doubted even by the Leader of the House. The Honourable the Law Member said that he cannot conceive of the civil disobedience being legitimate under any circumstances. A great lawyer, that he is, he argued that civil disobedience is bad and, consequently, there must be legislation to stop it. As regards the nature of the legislation, he invited us to the Select Committee to settle the details. Arguing in similar way, the revolutionaries also assert that the subjection of a country by an alien race is bad ; so the British must go out of India, bag and baggage. There may be some logic in it, but any politician will perceive that it is not a substantial argument at all. As regards the justification for civil disobedience, I would first of all like to read some passages from some high authorities showing that war or violence has no justification and how people in India, following those high principles, are forced to have recourse to processes like passive resistance or civil disobedience. I will

only give two quotations. One is from the greatest scientist of this age, namely, Albert Einstein. This is what he says :

“ This subject brings me to that vilest offspring of the herd mind—the odious militia. The man who enjoys marching in line and file to the strains of music falls below my contempt ; he received his great brain by mistake—the spinal cord would have been amply sufficient. This heroism at command, this senseless violence, this accursed bombast of patriotism—how intensely I despise them ! War is low and despicable, and I had rather be smitten to shreds than participate in such doings.

Such a stain on humanity should be erased without delay. I think well enough of human nature to believe that it would have been wiped out long ago had not the common sense of nations been systematically corrupted through school and press for business and political reasons.”

I will now read another short passage from Mr. H. G. Wells. This is what he says :

“ If I am opposed to nationalism and war, it is not merely because these things represent an immense waste of energy, but because they sustain a cant of blind discipline and loyalty and a paraphernalia of flags, uniforms, and parades that shelter a host of particularly mischievous, unintelligent bullies and wasters ; because they place our lives at the mercy of trained blockheads. Militarism and warfare are childish things, if they are not more horrible than anything childish can be. They must become things of the past. They must die. Naturally my idea of politics is an open conspiracy to hurry these tiresome, wasteful, evil things—nationality and war—out of existence ; to end this empire and that empire, and set up the one Empire of Man.”

I say that the ethical principles throughout the world are developing to that level when war will be banned and in that case what should be there to meet the circumstances that are now decided only by wars. What will be the remedy for minorities or oppressed nations who are to fight against organised tyranny or systems which they cannot conscientiously support. If the House should calmly consider the question, they will find that when argumentation, supplication and everything else fails, there is no other course except to resort to civil disobedience. From this I do not argue that there may not be cases where this movement may not go beyond its limitation. One can certainly justify picketing, for example, when it confines itself to reasoning and persuasion, but if any coercion or intimidation is used, the law should step in. I can certainly conceive of circumstances when the State, for its very existence, may be required to enact laws to curtail the civil disobedience movement to a certain extent, but we must also consider that, when we give our assent to such legislation, it should not be such that by its rigour and barbarity it may lead to the undermining of the very foundation of the State. The great danger of civil disobedience movement is that it undermines, to a certain extent, the foundation of the State, which is the rule of the law. The rule of the law must be maintained ultimately, but we must see that the remedy may not be worse than the disease. Here I should like to refer to a passage from the great English Professor, Henry Sidgwick :

12 Noon.

“ But in seeking to make punishments ‘ exemplary ’, care should be taken to prevent them from being offensive to popular feeling, and so likely to arouse aversion to the administration of the law, and dangerous sympathy with the criminal punished. Moreover, the infliction of even transient pain beyond a certain degree of severity would be opposed to a sentiment of humanity, which it is not merely political dangerous to offend, but important to the well being of society to maintain and develop.”

That is exactly the reason that I urge against the enactment of this Draconic legislation as it is now being contemplated by this Bill. In whom are you going to vest this enormous power ? Is it not to your Police ?

[Mr. S. C. Mitra.]

Here I should like to refer to some of the Government Committees which have enquired into the police administration in the country and have come to the conclusion that the police here are not of such high status as to be entrusted with unlimited powers. I shall prove this from the actual reports. I see from the Punjab Government Police Commission Report, 1925, that :

“ There is undoubtedly a change for the better in the treatment meted out to the accused and suspects, during investigations of cases, and actual tortures are now extremely rare. But apart from this, it cannot be said that any real advance has been made. Bribery and corruption appear to be as universal now as 20 years ago, the only difference being that the increase in the wealth of the Province leads to the payment of larger sums.”

That, Sir, is the report of the Government Commission and we are now being relegated to the Police Raj, by this Bill.

Then, I should like to urge for a minute or two to the points put forward that the Ordinances were necessary for the no-rent campaign in the United Provinces and for the volunteer movement in the North-West Frontier Province. Public memory is very short and, so, I should like to remind the House that the no-rent campaign in the United Provinces was not started as a measure of civil disobedience. The no-rent campaign was started as a protest against the policy of the Government to exact the full amount in a year of scarcity. (Hear, hear.) Really the civil disobedience movement was commenced after Mahatma Gandhi's return and I have had occasion to tell this to the House before, and I would remind the House again, that there was a talk of settlement in the United Provinces amongst the Congress leaders and Government about the terms of remission of rents, when, all of a sudden, the Government issued orders that before the end of the month the full amount of the rent should be paid and, therefore, the Congress people who were fighting for the cause of the poor peasants were compelled to induce the people to cease payment of any rent till the settlement was arrived at. It was not in pursuance of the civil disobedience movement that the no-rent campaign was started in the United Provinces, it was merely due to economic causes.

The same thing applies to the volunteer movement in the North-West Frontier Province. So far as I know, when Khan Abdul Ghaffar Khan refused to attend a dinner party on certain grounds, he was arrested. I do not know why Government are averse to encouraging volunteer movement in the North-West Frontier Province. This country is absolutely unarmed and so, instead of encouraging volunteers, the Government put a ban on all organisations of volunteers. I know that even the small sum of money of 15 lakhs that is set apart for territorials in India cannot be spent for the training of Indians, while a sum of 50 crores is not sufficient for the military. I shall be very glad to know why this movement of volunteer organisation by the Congress people who all profess non-violence was asked to be disbanded and their leader arrested and kept in jail for an indefinite period. Is it because he refused to attend a dinner party on account of reasons of health ? I am reminding the House of these things, so that the House may not be led to believe that the no-rent campaign and volunteer movement were the outcome of the civil disobedience movement and they were the main reasons for the issue of the Ordinances.

I have got a number of quotations, which I liked to place before the House, but, as I have to be brief, I shall not trouble the House with a long list of them. I have got several quotations to show how these Ordinances

are administered in Bengal and other Provinces and, if the Ordinances are now made permanent, they will be greatly abused. I wish to prove to the House by citing several instances, how the Ordinances are administered in different ways. Panchanan Das, convicted by the Additional Presidency Magistrate of Calcutta, under the Explosives Substances Act, was sentenced to pay a fine of Rs. 200. According to the Public Prosecutor, he was a police informer and had staged a bomb explosion in front of Halliday Park to implicate some one in a false case or for some other nefarious object ! Take the case of Mr. Abhayankar, *ex-M. L. A.* He is a barrister and leader in the Central Provinces. He was fined, in the first instance, Rs. 20,000 for mere picketing, involving no moral turpitude committed by satyagrahis and he was sentenced to two years imprisonment for the so-called breach of 'parole'. These are only a few instances to show how vindictive the sentences under the Ordinances are.

Now, coming to the Press Ordinances let us see how they are applied ; section 13 (1) and (2) says :

" No person shall communicate any information regarding the military or police forces. If any newspaper publishes any such information, the owner, publisher, editor and printer of such newspaper shall be held to be liable for such publication."

The Secretary of the Indian Journalists' Association wrote to the Bengal Government enquiring what was meant by the expression " regarding the military or police forces ", whether ill-treatment of the public by the police or military, etc., was covered. The Government refused to give any elucidation, but said that the Commissioner, Chittagong Division, had full authority to pass for publication any news items which he thought fit and Government did not intend to interfere with his discretion. It was found in the *Statesman* that a vivid description was given not only of the movement of the troops in Chittagong, but also an indication was given of the places which were harbouring fugitive leaders of the revolutionary party, thus giving a clear hint to the fugitives to clear away. The *Statesman* also described the net work of narrow creeks with their shallow draught which afford means for a quick get away, thereby telling the fugitives how to get away. All this description was found in the *Statesman* and it was known to the Government of Bengal and yet no steps were taken against the *Statesman*, while for much less offences Indian-owned newspapers were prosecuted and punished. Here is another case from Ahmedabad. Three Congress volunteers were arrested on the night of the 2nd August while they were roaming about with lights and torches in their hands and crying " searching for Swaraj in darkness ". (Laughter.) In the Madras Council, on the 22nd March last, a reference was made to Dr. Subrahmanyam's case. It was stated that the police sub-inspector admitted, in cross examination, that certain persons wearing *khaddar* were stripped of them, that a police constable brought kerosine oil which was poured on these clothes, that there was a bonfire in the public streets of Rajahmundry of these clothes and that foreign cloths were compelled to be purchased and worn by them. That is the sort of way in which the Ordinances are applied.

I will give another quotation about 1,400 prisoners having been on penal diet. Babu Sukhlal Nag of the Bengal Council asked the following question :

" Is it a fact that all the jail population of nearly 1,400 persons were kept on penal diet for four consecutive days ? If so, will the Honourable Member be pleased to state the reasons thereof ?"

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The answer was given by the Honourable Sir P. C. Mitter :

“ Yes, for refusing to work and refusing to wear jail caps.”

I will not tire the House to-day with the details, for, in the further stages of this Bill, I think I shall have more time to be able to deal more fully with the abuses of these Ordinances, and the House will then be able to see in what state the country will be if this Bill be enacted.

I should like to say only a few words about terrorism. Terrorism as such is really not only a crime against society but, as the Honourable the Home Member very ably put it, any kind of Government is impossible, whether it is Swaraj Government or any other Government, if terrorists are allowed to force their views on pain of violence or even of death on the authorities. So there is no question that all means that may be conceived should be applied for rooting out terrorism. But it is just the other thing to call somebody a terrorist and then condemn him. I am really thinking just now of Bengal. Great public leaders like Mr. J. M. Sen-Gupta, Mr. Sarat Chandra Bose, Sjt. Subhas Chandra Bose, Professor Jyotish Chandra Ghosh, Mr. Surendra Mohan Ghosh, Mr. Arun Chandra Guha,—I know all of them most intimately. What is the use of arresting them and keeping them in prison for a very long period without any charges and then condemning them for a long indefinite period ? It is a very delicate matter, but I speak with a certain confidence, because I feel that I am in contact with the thoughts of the younger generation in Bengal ; and when these energetic and visionary youths find that their leaders are kept in jail for a long time, for not committing any offence, when they find that all constitutional means for the attainment of Swaraj fails, when they find that the whole country is terrorised by Ordinances, their vision gets blurred, they run amok and these crimes are committed. It is no use merely suggesting that by some drastic enactment you will cure them of this evil. As a matter of fact, for the last few months or nearly a year we have practically martial law. Government have all the laws that they wanted ; they can arrest any man at any time without showing any reason ; they can keep him in prison for any length of time, and in some cases these detentions have extended to 9, 10 and 12 years. Government can at any time take possession of any property ; somebody occupying a house may be asked to vacate it within four or five days. Then, any gentleman may be asked to report thrice or five times a day at any *thana* ; any gentleman, whatever may be his position, may be made a special constable, merely to humiliate him and for no other purpose. I remember the Calcutta High Court once denounced this practice of making special constables for humiliation as being against the purpose of the legislation about special constables. All these things are possible under the laws that we have. My Honourable friend, Mr. Ghuznavi, wanted stricter measures. I cannot conceive what he was thinking of. It is really a painful thing to see the terrorists coming with a pistol in one hand and poison in the other. I do not know of any punishment worse than death, but they postulate that position ; and, in the last few sad cases, they sacrificed their lives. Mr. Ghuznavi may be thinking of burying them alive or some such thing, but my point is, how will legislation cure this evil ? And that is what I should like Government to think over. As a matter of fact, it is not very lightly that we think of these things. Sir Muhammad Yakub flared up at my friend, Mr. B. Das, when

he asked about that red leaflet. My friend, Mr. Das, wanted to know what appeared in that leaflet, because Sir Muhammad Yakub only read a few passages. It is strange that these leaflets now-a-days come only to Knights and would-be Knights. I have consulted other friends on this side of the House as to whether they receive these leaflets, because I wanted to read them, but they have not got them. Somebody told me that one Mr. Lacey of the *Statesman* gave him that leaflet, but, Sir Muhammad Yakub told me himself that he got it from Mr. Benthall. Anyway, it pays now to be friendly with Mr. Benthall who has now power to secure many things for many people. But the main thing that I was aiming at is this : I am glad that my Honourable friend, Mr. James, has very kindly asked for the co-operation of the Bengal Members and, I think, my leader, Sir Abdur Rahim, has decided that we shall meet and consider this question. But I find that the Government of India as such have now ceased to devise any means for eradication of the evil. As the Honourable the Law Member said, the function of the Government of India is to have repressive measures, and the constitutional side is reserved for the Secretary of State and not the Government of India. I very much lament the impotence of the Government of India. On the big issues they are dictated to from high, while on these smaller pieces of legislation it is the provincial Governments. Whatever they want, they get it enacted here. The Honourable the Home Member is very busy with his files and if he has any leisure it is devoted to dinners and dances ; and really it is very difficult to find time to consider these very serious measures. I remember that once when I came out of jail, that God-fearing and pious Governor General, Lord Irwin, sent for me and wanted to have a talk with me to feel how the younger generation feels about these matters. Since then I have found it very difficult to get any Government Member to discuss these things seriously so that they can come to some settlement and eradicate the evil. I know I am going beyond my time limit ; yet I must say so far as I know the young generations not only in Bengal but throughout India, it is not really a position that cannot be tackled successfully. The leading men, whom the Government call revolutionaries, are not unreasonable. My friend, Mr. Das, was challenged the other day ; but I accept that challenge and, I say, if there is full Dominion Status not to-day, if it is even in the course of ten or fifteen years, I can say with some confidence that this revolutionary crime will cease, at least by 95 per cent. There is no doubt in my mind. It is not a fact, as it is preached, that the revolutionaries are irreconcilable and they want the Britishers to go away bag and baggage from India this day, this very moment. These are really falsehoods ; it is untruth to prejudice the mind of the English people in England that these things are propagated. I know the difficulties of the present Government with a majority of diehards and conservatives in the British Parliament. The Government of India are very doubtful if they can bring about what they consider to be the best and necessary to meet the situation in India. I know it is stated in the newspapers that the Viceroy only is consulted ; the Government of India are not even consulted on these matters ; it is informally that the Viceroy asks this Member or that Member or all Members, but constitutionally they are ignored. I speak, of course, subject to correction—I read it in the newspapers. If that is the position of the Government of India, I do not know what remedy we can suggest and what useful purpose it will serve. I personally believe that if the Home Member could get full liberty to work

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in the way as he thinks best in the interest of India—and it was clear from his very reasoned and very good speech which I appreciate—had he the full scope to tackle the situation in his own way, perhaps he would not have come to this House with such legislation, but would have tried to give India full Dominion Status in course of a short period of time. But unfortunately the Government of India have ceased to function. The third point is about the communists as the Honourable the Home Member said. I say atheistical principles and theories and the way they carry out those principles will have no support in this spiritual land, but so far as the socialistic side of communism is concerned, every poor country, whether it is India or China, you will find any number of men supporting views where there is some provision for food and clothing for all people. From that wider standpoint, communism is a great force and I think it is not only in India, it will be in England and other places also where this system of capitalistic organisation would fail to meet the situation. If the five years' plan that Russia has already gone through and the future five years' plan if it succeeds, if they can really provide sufficiently for the poor and the needy, certainly nobody, no amount of legislation can put a check to propagation of their views ; otherwise there is no imminent danger from communism in India for which drastic legislation is necessary. But, as I say, I would have supported this legislation had I agreed with the Honourable the Home Member that it will secure any of the three purposes that he wanted to secure. It will certainly secure the end of the freedom of the press, freedom or association, personal liberty, protection of property. It will have those effects, and if anybody has the ulterior object that this legislation will help in killing the feeling of nationalism in India, I think he is also sadly mistaken. Because when a nation starts on the high road of freedom, no legislation, no oppression can check the forward march. The Indian nation will have its Swaraj and no amount of legislation will put any effective check to that progress. So, I hope, that is not the ulterior object of anybody here ; far it be from the Honourable the Home Member that by any such legislation he should attempt at such a device. Sir, I oppose this motion.

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

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

Sir Abdulla-al-Mamun Suhrawardy (Burdwan and Presidency Divisions : Muhammadan Rural) : Mr. President, I rise to intervene in the debate at this late stage as I feel that I would be failing in my duty if I were to record my silent vote on this momentous question before the House. I am glad that I have been given the opportunity of addressing the House on the afternoon of the fifth day of the debate as, thereby, I am relieved of the necessity of making a lengthy speech or dwelling at length on the various aspects of the question or of delving deep into the causes and history of the movement which the Bill is designed to meet or of examining closely the various provisions and clauses of the Bill. I shall content myself with making a few general observations.

But, before I do so, I should like to take note of an important suggestion made by my friend from Bengal who has just preceded me. Mr. S. C. Mitra said, towards the conclusion of his speech, that if Dominion Status is granted to India, revolutionary crimes would cease in the country. I do not question the sincerity and earnestness of his statement. But I am afraid he is presuming too much. I am fully aware of his influence with the youngmen of Bengal ; yet he must be a bold man who would assert that the mere announcement of Dominion Status would lead to the cessation of revolutionary crimes. I am reminded of the simile suggested to me by a valued and respected friend in the House that when a diabetic patient develops extreme symptoms of the malady and carbuncles burst out, there is little use in trying to call in a physician to remove the root cause of the disease. One has to call in the aid of the surgeon. Dominion Status is coming ; Dominion Status is bound to come. At Westminster and Whitehall British Statesmen are concentrating and bending their energies to the evolution of an advanced constitution for India. We have no ground for being disheartened, nor should there be any ground for despair. Let us hope that the Demon of Terrorism would be laid at rest by the dawn of Dominion Status and let us hope that both my friend, Mr. S. C. Mitra, and myself will live to see the immediate cessation of revolutionary crimes on the announcement of the new constitution.

Sir, the Honourable the Home Member in his admirable speech had referred to the triple threat which the Bill is designed to meet. He also gave three reasons for introducing this Bill before the House. He referred to the three categories into which the various provisions of the Bill fall, and you, Sir, on the very first day of the debate have told us that there are three issues before the House. As regards the triple threat, the three offsprings of the Spirit of Unrest, which are disturbing the peace and tranquillity of India for some time, namely, communism, terrorism and civil disobedience movement, the Leader of the Independent Party was quite right in saying that in the Bill there is no mention whatever of communism. I would even go further and say that there is no trace of communism in the country itself but for the fact that I see traces of the insidious and subtle influences of communism in the revolutionary measures which are brought before the House from time to time in the name of social legislation striking at the foundation of the ancient beliefs, and cherished customs and habits of the people of India which receive cordial support from the European Group and even from the Honourable the Home Member himself who is so anxious, so solicitous, to preserve the beliefs and habits of generations, the sudden disappearance of which, according to him, will engulf and precipitate the whole fabric of Indian society into abysmal depths yawning below. Anyway, whether communism exists or not, it is quite immaterial to the subject before us. If terrorism exists, if civil disobedience exists, there will be ample justification for the Government to ask for power to deal adequately with the evil. So far as terrorism is concerned, there is no provision in the Bill at all, as pointed out by the Leader of the Independent Party, to deal with that evil, unless the provisions for the better control of the press is regarded as being directed against terrorism. As regards the civil disobedience movement, the existence of that movement cannot be doubted. Some speakers have said that it is on the wane, while others have asserted that it is at its zenith. But whether on the wane or at its

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zenith, whether it is alive, dormant, or dead, so long as Mr. Gandhi is alive, the movement will certainly remain alive. My friend, Mr. James, the other day read out a passage which says that Mr. Gandhi looks upon the civil disobedience movement as an article of faith. Now, so long as it is an article of faith with him, and so long as Mr. Gandhi lives, so long will this movement remain alive, and we all know that in spite of his desperate resolve and his determination to die, Mr. Gandhi is a die-hard. The movement is not dead even if it is scotched. The Honourable the Leader of the Independent Party has complained that there is no definition of civil disobedience movement in the Bill, and when Mr. James said that he has defined civil disobedience movement, he retorted by saying that Mr. James is not the Bill. It is quite true, Mr. James is not the Bill; neither is Mahatma Gandhi the Bill. But if the Honourable the Leader of the Independent Party is really serious, he can accept either the definition of Mr. James or apply to Mr. Gandhi for the definition of civil disobedience movement. I have no doubt that there is ample justification for Government asking for adequate powers to deal with the situation. My difficulty is not why you ask for powers to deal with the situation, but why you do not go on with the Ordinances, why are you asking the House to support this measure and asking us to put a temporary measure permanently on the Statute-book? It would, like untouchability, stigmatise the whole of India permanently as a land of terrorists and anarchists. Why render this measure a permanent measure whilst terrorism, in the words of the late Leader of the House, in his last flickering flame of his expiring official enthusiasm, is "only a passing phase"? He described terrorism yesterday as a passing phase. If terrorism is a passing phase, and civil disobedience, in my opinion, is not more terrible than terrorism, then why have a piece of permanent legislation? You can go on with your Ordinances. I opposed the motion of my Honourable friend, the Leader of the Nationalist Party, when he invited the Treasury Benches to bring the Ordinances in the shape of a Bill. Ukases, imperial irades, firmans and Ordinances are more in keeping with the spirit and the instinctive beliefs and spirit of the East than any legislation passed by mushroom institutions of modern growth.

The Honourable the Home Member gave three reasons, if I am not mistaken, for bringing this legislation before the House. He said that during the last Session of the Assembly, the Leader of the Nationalist Party had invited the Government to place legislative proposals in respect of the Ordinances and that his side of the House would offer co-operation and support which they had never stinted. Knowing the Honourable the Home Member as I do, his wisdom, sagacity and shrewdness, I am really surprised at the statement embodied in his speech that it was the invitation of the Leader of the Opposition which encouraged him to bring this measure before the House. If he had really seriously misunderstood the meaning of the gesture and co-operation of the Leader of the Nationalist Party, I believe to-day he realises that he was under a great illusion and delusion. The Leader of the Nationalist Party has extended to him a further invitation. I was not in my seat when he addressed the House, but I find it mentioned in the newspapers. The Leader of the Nationalist Party urged Government to withdraw the present Bill and re-draft it and bring the matter up in

the November Session. I have heard whispers in the lobby of the decision and determination of the Honourable the Home Member being shaken by this subtle suggestion. I hope he will think twice before he walks into the parlour of my Honourable friend, the Leader of the Nationalist Party. He has reminded me of a criticism, which I had read as a student, of Carlyle's attitude towards Humanity by a competent critic, namely, that his attitude towards Humanity was that of a mad dog which barked at a man if he moved, and barked still louder if he did not move. The Leader of the Nationalist Party was loud in his demand for the Ordinances being brought in the shape of a Bill before the House, and now that the Bill has been brought before the House, he is louder in his denunciations of the Bill. As I have already stated, I hesitate to support the placing of this piece of legislation permanently on the Statute-book.

The second reason given by the Honourable the Home Member is this. It is not sufficient that the powers should be existent merely until the civil disobedience movement ceases, but that they should be available without odium that naturally attaches to the issue of Ordinances. I do not know what odium he means. Odium in the eyes of the British Indian public, or odium which attaches to rule by means of Ordinances in the eyes of the civilised world, especially in the eyes of the countrymen of the lady who stampeded Government into co-operation with the Nationalist Party led by my Honourable friend, Mr. Harbilas Sarda ? If really the odium of the Ordinances weighs heavily on the shoulders of the Honourable the Home Member, I do not see why he should not shift it on to the shoulders of the Leader of the Nationalist Party and absolve us, who had opposed his suggestion of bringing the Ordinances in the shape of a Bill, from the odium of co-operating with him in passing this piece of legislation. Finally, the Honourable the Home Member says that he should like that the Government of the future should be in possession of these powers. (*An Honourable Member* : "Louder please.") He says :

"We are disposed to think that these powers should be secured not only for the existing Government during the comparatively short period before it but that the new Government should at any rate start in possession of these powers."

I do not understand why the Honourable the Home Member is so anxious to transfer these new powers to the future Government. The Leader of the Independent Party had already told the House that if the Congress was the enemy of all constitution, why give these powers to the Congress ? He was quite right in suggesting that. It must be obvious to every one that the Government of the future will not be the Government of my Honourable friend, the Leader of the Nationalist Party, nor that of the Leader of the Independent Group, nor in spite of the kind references of my Honourable friend, Mr. Ranga Iyer, the Government of Mr. S. C. Mitra or of the humble person who is addressing the House. It will be the Government of those very people who are now rotting in jail, in order to curb whose activities these Ordinances have been promulgated. Apart from that, those gentlemen when they come into power, these Lenins and Trotskys of the future, they will discard with contempt and throw into the dung heap of oblivion the weak weapons and instruments forged by the weak and vacillating hand of the present Government. They have got their own weapons, more drastic, more

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effective than the methods which the Honourable the Home Member is thinking of forging by means of this legislation.

Now, the only argument which really appeals to me is the argument which was adumbrated by Mr. Puri when he referred to a certain preliminary objection, which unfortunately he did not develop quite clearly. At any rate I could not understand exactly what his preliminary objection was. But I understood, if I am not mistaken, that his contention was that the promulgation of the Ordinances for the second time is not legal, that the Governor General, having once promulgated the Ordinance, had exhausted his powers and that he could not promulgate it for the second time. If that is so, even if some legal doubts have been expressed, there will be ample justification for the Honourable the Home Member to come before the House and ask for adequate powers to deal with the situation by means of legislation but which should not be permanently placed on the Statute-book, but whose duration should be limited to two or three years. Then, I now want to come to the three issues before the House—the rejection of the Bill, circulation for the eliciting of public opinion and, finally, reference to a Select Committee. As regards the question of absolute rejection, I must say that I have respect for those people who openly, frankly and fearlessly express themselves in opposition to the Bill, but I cannot understand the attitude of those gentlemen who consent to serve on the Select Committee, then give notice of dilatory motions for circulation and finally express themselves in strenuous and vehement opposition to the Bill. Why do they consent to serve on the Committee if they are really, honestly and sincerely opposed to the Bill? Mr. Puri has complained about a certain gentleman running with the hare and hunting with the hounds. I think the description is more applicable to himself than to the gentleman to whom he sought to apply it. Sir Muhammad Yakub, in the course of his speech, has pointed out to us the danger of a total rejection of the Bill, because thereby the House would be deprived of the opportunity afforded by the Select Committee of removing the objectionable features of the Bill. On the Select Committee I find the names of such gentlemen as Mr. Puri and Mr. S. C. Mitra. Nobody could suspect them to be ‘the henchmen of Government’ and I also find the honoured name of my friend, Mr. Gaya Prasad Singh. One word more before I sit down. Mr. Mitra, in his speech, referred to a leaflet which he said has been distributed to Knights and would-be Knights. I have the misfortune of having been recently dubbed a belted Knight, a misfortune which I share with the Leader of the Nationalist Party and with the Leader of Mr. Mitra’s own Party. I can assure him that I have not been in receipt of any such leaflet. Why that honour has been denied to me, I do not know, except perhaps because of my past association with him and, if his present Leader has been denied the same honour, it may be due to his present association. Before I sit down, I should like to urge upon the Treasury Benches this. I would invite the special attention of the Honourable the Home Member to a constructive suggestion which my Honourable friend, Mr. James, let fall in the course of his speech the other day. He had invited the attention of the House and of the Government to a certain passage in the Simon Commission’s report, namely, the extract from the note of Viscount Burnham where he urges on Government the desirability or imperative need of establishing a Bureau of Information. I have all along felt the

need of such a bureau of information and the House and the Honourable the Home Member must have noticed the effect and influence of newspaper cuttings on my Honourable friends, Mr. Neogy and Mr. S. C. Mitra. Government, by the provision for the better control of the press, may suppress the dissemination of information, but that negative process alone is not only not of advantage, but is fruitful of danger. Government must do something by the establishment of a bureau of information or by other means to disseminate truth and correct information, because half truths are more dangerous than whole lies. Mr. James also made a passionate appeal yesterday to the Members of the House and especially to the Members from Bengal for co-operation. All of us have readily responded to his appeal, but Mr. James and other European friends do not know the difficulties of those who wish to co-operate with Government and who wish to do everything in their power to stamp out the evils of terrorism and civil disobedience movement or any movement against law and order. If anybody has any doubt as to our difficulties, one has only to refer to the Honourable the Leader of the Independent Party who has considerable experience, as an official of Government and now as a non-official. As a matter of fact, he referred to the difficulties in the course of his speech yesterday. The Honourable the Home Member also made an appeal to us to mobilise public opinion, but he did not extend to us an invitation of the nature extended to us by a member of the European Group. I still await an invitation from the Honourable the Home Member of the Government of India or of the Honourable the Home Member of the Government of Bengal to non-official Members of the Assembly to assist them by placing constructive suggestions as to how to stamp out the evils of terrorism and civil disobedience movement in Bengal. So far as my experience goes, I know how difficult it is to help the Government. I happened to represent Dacca at one time in the Bengal Legislative Council. Now, if I were to go to Dacca, the city of my birth, I am afraid that the present Bill would be applied at once to me. I happened also to be the first elected non-official Chairman of the District Board of Midnapore. If I were in Midnapore, whom should I try to see to bring him back to the path of law and order? It is not the District Officer, it is not the officials of Government whom I should approach, but I should go to the Raja of Narajole. But the moment I am there, I run the grave risk of being deported under the summary provisions of this legislation (Laughter), and, I am perfectly sure, that the Honourable the Home Member will be unable to protect me, because of his implicit faith in the reports sent to him by the man on the spot, although my own experience in other spheres teaches me that when the man on the spot, even the Governor of Bengal, sends up recommendations which are not acceptable to the gentlemen here, they will then conveniently forget their theories of "the man on the spot".

I have experience, Sir, of how a man, however faithful, however consistent, however persistent he may be in his loyalty to the Government, if he does the slightest thing which touches or gives offence to an underling of Government, then vindictive malice pursues him throughout his life, and his lifelong co-operation does not suffice to protect him. I am sure, my Honourable friend, Sir Hari Singh Gour, and my Honourable friend, Sir Zulfiqar Ali Khan, will bear me out when

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I say that the sin of co-operation is probably greater than the sin of non-co-operation. (Laughter.) Then my friend, Mr. Joshi, has told us how the pseudo-non-co-operation of Sir Tej Bahadur Sapru has proved to be more powerful and more effective than the co-operation, genuine and sincere, of any of us (Hear, hear); and Sir Hari Singh Gour perhaps will tell us that it will take him years and years of penance before the sin of co-operation with the Simon Commission will be forgiven or forgotten by Government. (Laughter.) Sir, I know I am running a grave risk when I speak out my mind fearlessly and frankly. Sir, I am between the devil and the deep sea. (*An Honourable Member* : "Who is the devil?") I know I cannot satisfy my Honourable friends to my right, nor my Honourable friends to my left (Laughter), but I will satisfy my own conscience. Sir, Ordinances have failed to achieve their object so far as terrorism in Bengal is concerned, and legislation embodying the provisions of such Ordinances will make no difference whatever. (Hear, hear.) The long-drawn-out trial of the Chittagong raiders and of the murderers of Inspector Ashanullah ended like a mountain in labour and gave satisfaction to no one but the Government of Bengal who perhaps felt that the majesty of law and justice had been vindicated. Sir, they are lulled into a false security. The Governor of Bengal goes to Chittagong and delivers a speech there, and then the Government of Bengal repairs to the cool heights of Darjeeling; and the popular, able and energetic Commissioner of the Chittagong Division is sent to chew the cud of silence in Simla. Everything appears to be smooth on the surface. Yet, in spite of the Ordinances, violence did suddenly burst out in Chittagong demonstrating that your Ordinances are no more effective than the mosquito brigades of the Calcutta Corporation that cause so much annoyance to the peaceful citizens, and not to the mosquitos. Sir, the Home Member perhaps does not know how difficult it is for even some Members of the Assembly to have access to the officials in order to offer constructive suggestions in the interests of peace, order and good government. It is easier for some of us to have the honour of an interview with His Excellency the Viceroy than to have access to the *chaprassi* and an orderly of His Excellency the Governor of Bengal. I do not mean any reflection on the present Governor. I have had the honour of enjoying his hospitality and I know that he is a great gentleman and has a great personality of charming manners but, at the same time, I know also that there are prominent Members of this House who have had the honour and privilege of his acquaintance in London, but when they sought an interview with His Excellency in Bengal, they were told by those gentlemen who are anxious to protect him from coming into contact with the pernicious influence of prominent Members of the Assembly who come from Bengal and who have become a sort of outcastes, so far as their own province is concerned, that His Excellency could not see them. Therefore, I have had very little opportunity of approaching Government officials or coming into contact with them socially or otherwise, as most of my time is spent either in Delhi or in Simla.

Sir, merely by passing legislation and promulgating Ordinances Government can never, in my humble opinion, be able to cope with the situation or crush the movement in Bengal. Efforts should be directed

to humanise the agencies for the application and the administration of your Ordinances and of your law. A serious and genuine attempt should be made to overhaul the iron, wooden, ante-diluvian and soulless machine, which, in the name of peace, is creating havoc, desolation in Bengal, whose harsh and jarring notes are alienating the sympathies of the supporters of law and order and driving them slowly but surely into apathy, inaction and despair.

Dr. R. D. Dalal (Nominated Non-Official) : Mr. President, it is universally recognised that the Executive must have full powers to meet emergencies. So, when the civil disobedience movement was started, to meet that situation Government were compelled to abandon the policy of deliberate forbearance which they had patiently pursued and to promulgate Ordinances to ensure the maintenance of law and order. As a result of the Ordinances, lawless movements have been controlled to a considerable extent, but still the civil disobedience movement does exist to a certain extent. However, at present conditions so prevail that it has been considered desirable to withdraw the Ordinances and to replace them by a Bill to supplement the ordinary criminal law. The object of this Bill is to strengthen the ordinary law so as to prevent activities in support of subversive movements which do not come within the letter of the existing criminal law. This Bill includes certain main provisions of the Special Powers Ordinance, X of 1932. In his eloquent, admirable, and effective speech, the Honourable the Home Member has dealt with these provisions so exhaustively, so lucidly, and so clearly that it is superfluous for me to add a word. But I will say this that this Bill is required for the suppression of lawless movement, and for the protection of the public, and for the protection of private liberty. Sir, so far as I have been able to gather, there is a sufficient consensus of approval behind the Bill. I confess that there is some opposition, and I am fully conscious that dissentient voices have been raised ; but, Sir, I submit that so far as my experience goes, all legislation is unpopular with somebody, and Honourable Members must be aware of the most salutary measures denounced as iniquitous at the time of their introduction and of the Government savagely abused for the passing of the Acts which were afterwards extolled and applauded as their principal title to fame. I foresee that such would be the case with this Bill (*Honourable Members* : " Question ") and I will go further and say that even those Honourable Members who have opposed this Bill will some day bless the Honourable the Home Member. (*Mr. B. Das* : " No fear.") If the Ordinances be withdrawn, I am strongly of opinion that it is absolutely necessary to pass some such legislation as is now before this Honourable House in order to resist forces which would create a state of anarchy and chaos, and to bring to fruition the policy of Government in the framing of the new constitution and in the establishment of peaceful conditions in India, and to hand over to the future Government a working administration in such a manner that the transfer of command shall be a transfer of power and not of weakness. Government cannot be expected to hand over authority to an India convulsed by disorder. India is on the threshold of a great political change on a democratic foundation ; so it is a matter of great importance that the peace and tranquillity of India should not be disturbed in any way during this transition stage. If democracy is to succeed in

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India, it is very important that law and order should be properly maintained. It is for these reasons that the Government of India are anxious to secure these legislative powers to maintain peace. I have no doubt that as a result of the labours of the Select Committee the Bill will emerge a useful and efficient measure, and I earnestly appeal for the support of all Honourable Members who have at heart the peace, welfare, and happiness of the people of this country.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, no doubt this Bill is a very important Bill and, as it was very drastic, it was necessary that it should be circulated for eliciting public opinion. With that purpose I had tabled an amendment which was moved by my Honourable friend, Mr. Anklesaria. I would again urge upon the Honourable the Home Member the necessity and the expediency of sending the Bill for eliciting public opinion and the period that has been set need not come in the way of the Bill being passed at the next November Session of the Assembly. The Honourable Mr. Haig has already anticipated such a motion for circulation and he said that they could all shrewdly guess what sets of opinions would be received thereon. I may point out to the Honourable Member that on every measure, circulated for opinion, there will be three sets of opinions; some will be in favour of the measure, others will be opposed to the measure and a third set will give generally milk and water opinions or, simply say, they have no remarks to offer. So, we all know that whatever the nature of a measure may be, if it is circulated for eliciting public opinion, these three sets of opinions will come to us. In that case, is it the policy of Government, may I ask, not to circulate any Bills at all henceforward, because the nature of the replies can be anticipated as I have stated just now? I want to know, Sir, from the Honourable the Home Member whether that has become now the policy of the Government not to circulate any measures. Only a few days ago, the Government tabled a motion for circulating Dr. Gour's Bill. So, till that day, the policy of the Government was to circulate a Bill and, since that day, has that policy been changed?

Sir, on the merits of the Bill, I shall say that I am completely opposed to it. In his address to the House, His Excellency the Viceroy said :

“ It is, therefore, worthwhile to recall that at a time when Mr. Gandhi with the other representatives of India was sitting in conference with the representatives of the British Parliament engaged in the joint endeavour to find the greatest measure of agreement as the basis for the new constitution, some of his professed followers in India were actively engaged in organising intensive and dangerous movements directed against the stability of Government.”

My Honourable friend, Mr. Neogy, has shown to us what the Secretary of State and some Members of British Parliament were engaged in doing. While the negotiations at the Round Table Conference were going on, Ordinances were drafted and everything was set in motion. I do not think the blame attaches only to one side and that the other side is perfectly innocent. They have also taken an aggressive part in the affair, and everything was kept ready for the return of Mahatma Gandhi. As a matter of fact, as soon as the Tory majority in British

Parliament got the upper hand, they were chafing under what is called the Gandhi-Irwin Pact and they were trying their best to upset everything and to introduce the reign of strong Government. Their policy was to strike hard and strike at once and, with that purpose in view, everything was kept ready and even a decent opportunity was not sought.

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Matters were taken in hand without much consideration. Mr. Sen-Gupta was arrested before he got down from the boat and even before he opened his mouth telling us what he was going to do. Pandit Jawahir Lal Nehru expressed his intention of going to Bombay to see Mahatma Gandhi, but he was arrested on the way and put into prison. There are many such things which I need not take up the time of the House in recounting once more. Suffice it to say, and everybody is almost convinced now, that Government wanted to have a quarrel with the Congress and, as is the general principle, "give a dog a bad name and hang it", so cases were started against Mahatma Gandhi and his followers and they were put in prison. I may quote a small passage from His Excellency's speech again. He says :

"Over the greater part of India, the mass of the population is no longer concerned with civil disobedience and so far as they reflect on the matter at all, there is a feeling of relief that measures have been taken which have restored a sense of security and peace. During the first two months of the movement, the number of convictions was large amounting to over 32,000."

I may point out, Sir, that the Conservative Government chafed under what is called the humiliation of the Gandhi-Irwin Pact and they wanted to smash the Congress and, therefore, under urgent orders the whole machinery of law and order was put into operation and persons were arrested and placed before magistrates and sentenced without saying whether they were actually at fault, whether they had committed any crime or intended to commit any crime at all. I may point out that although I was never a Member of the Congress, I have a good many friends among the Congress people and, as soon as they were released from jail under the Gandhi-Irwin Pact, I met many of them and had talks with them and they assured me that they were not desirous of returning to the prison again. But Government had no patience to see who were really supporting the Congress and its propaganda. Without taking any account of what any one was doing, every one, who was in prison at the first movement in 1931, was at once arrested and put before a magistrate and sent to prison. According to my estimates, nearly sixty per cent. of the old persons would never have done anything to merit going to jail. But, in their impatience, Government arrested all of them and they have now become confirmed Congress people. So, I think the Government are helping the Congress movement and have not crippled it as much as they think they have done. His Excellency the Viceroy says again in his speech, a little further on :

"To us, it is by this time abundantly clear that the movement cannot succeed so long as Government maintains its existing policy."

The same sentiment has been repeated by the Honourable the Home Member. As long as the Government are maintaining the policy, so long peace, as they say, will remain and the movement cannot succeed. So, as soon as the existing policy is reversed, Government are quite sure that the Congress movement will succeed. So, in order to keep down the Congress movement, there ought to be a constant pressure of law

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and, therefore, this Bill has been introduced here. How long do Government think that there will be necessity for the Bill. According to their confession, the necessity will never cease. They think that as long as the law is there, pressing the movement down, so long will the movement be kept under check ; but as soon as the law is taken away, the movement will again raise its head. Government on their admission, Sir, are keeping the steam, so to say, under pressure. The fire under the boiler is not removed, but more and more pressure is put upon the lid and the steam is kept under check. How long are Government to let it go on ? It is a very dangerous situation and one day it may result in an explosion. As I said, the Home Member repeated the same sentiment. He said :

“ None could prophesy when the movement would come to an end so long as its leaders still felt that there was any prospect of success.”

I cannot say anything for the leaders, but I may assure the Honourable the Home Member that the national movement, the movement for the liberation of the nation, cannot be put under check by these repressive measures. It may produce a calm for some time, but the discontent will be seething inside and it will end in quite a different way.

Then, Sir, I am very much thankful to the Home Member for his lofty sentiments and I fully believe it :

“ It was not Government's intention to crush the spirit of nationalism.”

Government may not intend to crush the spirit of nationalism, but, may I ask, what is the spirit of nationalism ? As I understand nationalism, it is the self-respect of the nation. As long as the self-respect of the nation is kept, so long there is nationalism. The idea of nationalism is to keep one's prestige and the reputation of one's nation. India is a subject nation now and India has suffered a great blow in its ideal of nationalism. But this self-respect of the country is also bound up with the self-respect of the country's servants. If these servants of the country are deprived of their self-respect, then, I think the country also suffers in the loss of self-respect, that is, nationalism. When Government say that they do not want to crush the spirit of nationalism and, at the same time, by their acts, they are trying to crush individual self-respect, I say, that these two things are inconsistent. When they are trying to crush the self-respect of individuals, they are trying to crush the self-respect of the nation ; that is, they are trying to crush the spirit of nationalism also at the same time. We have seen how these Ordinances are being worked, specially in the province of Bombay. Innocent persons on any suspicion whatsoever,—whether there are good grounds for the suspicion or not,—are hauled up before a Court. If an individual happens to displease a subordinate police officer, that police officer has his revenge. He at once arrests him and says that he is a partisan of the Congress, and so on. He is hauled up before the magistrate. The police, of course, have got no evidence at all and do not care to produce any. He is placed before the magistrate and, as no evidence is forthcoming, he is discharged. But, as soon as he is outside the Court, he is at once pounced upon and taken to the police office and there asked to present himself once or twice a day before the police officer. It is, of course, very galling to a self-respecting man to be obliged to call at a police station and say that he was present there twice

or thrice a day. Therefore, he naturally refuses to attend, and then what happens? He is hauled up before the Court again a second time for disobeying a lawful order and then sentenced to one or two years' rigorous imprisonment. Even some of the most heinous offences are not so heavily or drastically punished. But this offence of disobeying such a worthless order is punished so heavily. In to-day's paper, I was pained to read of a fresh case. Mr. Bhulabhai Desai, who once acted as the Advocate General of Bombay, was placed before a magistrate and discharged and then he was asked not to leave the town of Nasik. This gentleman is a practising Advocate and everybody knows that he is at the top of his profession in Bombay. But he is prevented from carrying on his lawful profession and he was given an order not to leave the town of Nasik. He naturally refused,—I would have done the same in his position,—and he preferred to go to jail. He has been sentenced to one year's rigorous imprisonment and to pay a fine of ten thousand rupees. The policy of Government in inflicting these heavy fines is almost akin to our old oppressive rulers who, when they found that their treasuries were empty, pounced upon the richest men and fined them very heavily. It was not exactly *loot* in those days, because it was done under the orders of the king. Under the cloak of these Ordinances, this legal *loot* is going on and such heavy fines, as ten thousand rupees, are imposed. And, in the city of Sholapur, a person was sentenced to pay a fine of twenty thousand rupees for such a trivial offence. So Government have been doing everything in their power to alienate the sympathies of the people and to inflame them against their autocratic rule and laws. Then the Home Member said :

“ It was not Government's intention to crush the spirit of nationalism : they were endeavouring to enable that spirit to give a practical expression in framing the constitution.”

Now, Government's object has been explained, that is, they want to frame a constitution and, for that purpose, they are putting into force these obnoxious laws for bringing about a calm atmosphere. Well, Government may parade this as their intention, but everybody knows that a calm atmosphere cannot be created under such circumstances or under such measures. Then the Home Member further goes on :

“ It is not sufficient that powers should be in existence until the civil disobedience movement ceases, but that they should be available, without the odium that naturally attaches to the issue of Ordinances, in case that movement or a similar movement is revived.”

So Government do want these Ordinances, but they do not want that the odium of passing the Ordinances should lie upon their heads and, therefore, they want to share that responsibility with this House. My other friends have dealt with this question and so I need not say anything further. Then :

“ When the civil disobedience movement ceases, ideas may be dormant, but they will not be dead.”

The Government do recognize that the measures they are introducing will not remove the cause of the unrest and the cause of the civil disobedience movement ; they simply hope to keep these movements dormant. As I said before, when these ideas are dormant, as soon as the

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pressure is removed, they will again flare up and will again cause a conflagration. Sir, I was very much struck by a sentence from the speech of the Honourable the Home Member :

“ Not only the present Government, but the new Government should start in possession of these powers.”

I fail to understand, Sir, why, if the constitution that is promised to us and that is coming to us in the near future be a very liberal one, should the Government be afraid of the consequences of the introduction of the new constitution. And why should they think that these drastic powers ought to be in the hands of the new Government? The Government further say that it will be open to the new Government to discard these powers or leave them unused. Now, may I ask Government—if they think that the new Government should have the choice of either discarding or using these powers—why should they not leave it to that new Government to forge such weapons as they require for the maintenance of law and order? As the new Governments, under the system of Provincial Autonomy, as it is called, are to have an assured majority in the legislature, I think any measure which may be actually necessary can be enacted *there* for the preservation of law and order, and, therefore, these reserve powers need not be now provided for the purpose of enabling the future Governments to carry on their administration in peace. Then, says the Home Member :

“ 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.”

I have grave doubts as to what the other set of hands will be—because, all that we know is that we are promised Provincial Autonomy; but the nature and the constitution of such Provincial Autonomy has yet to be discovered. I do not know what that Provincial Autonomy will be,—whether it will be an enlarged edition of the present system under which some subjects are transferred or one under which all the subjects will be transferred. At present the Governor rules with the advice of his Ministers. If, in the future constitution, the Governor is still to rule with the advice of his Ministers, then that sort of Provincial Autonomy will never satisfy any section of the Indian community. In that case, in order to strengthen the hands of the future Government, which means simply the hands of the Governor acting with his Ministers, such drastic powers will certainly be required. So the solicitude of the Government of India to provide for the peaceful administration of the future Government leads me to suppose that the future Government, which is promised to us and which we are likely to get, will be simply nominal, only in name, and that real transference of power from one set of hands to another will never take place. The Governor, with his special powers, will then be all in all, and, in order to maintain the power and prestige of such a Government, such drastic powers will certainly be necessary. The provincial legislatures, under this constitution, will never be with the Government, and, therefore, the Government of India know that in the future, they will have no chance of getting such drastic Bills passed in the provincial reformed legislatures, and, therefore, they are in a hurry to provide for the continuance of power in the hands of the Governors. I need not take any further time of the House. I am concluding. Lastly, in closing his

speech, the Honourable the Home Member made a reference to Thomas Carlyle and borrowed a phrase from him ; he said :

“ A crust has been formed over a great abyss by the labour of many generations which have found expression in the instinctive beliefs and habits of the people : let us beware that the crust does not give way and we find ourselves precipitated into the abyss.”

There is a vast gulf between English interests and Indian interests, but many years' rule has formed a crust over that and, I may say, the crust was strongest when the Great War was fought and India wholeheartedly joined in that war to assist England. The crust was strongest then. At the time the Gandhi-Irwin Pact was signed last year, another layer was put on that crust and it became stronger still ; but, by the enactment of these Ordinances, are Government strengthening that crust or are they weakening it ? And, by the passing of this measure, let me ask the House and the Government whether they are still going to strengthen that crust or going to weaken it.

Mr. C. S. Banga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I congratulate my distinguished friend, Mr. Jadhav, from Bombay on the manner in which he has handled the case for the Opposition. He has completely answered my friend, the Honourable the Home Member, and practically left very little for me to say on certain aspects of the subject under discussion on which I had originally intended to concentrate. He concluded by referring to the peroration of the Honourable the Home Member, a peroration borrowed, as the Honourable the Home Member happens to be a great student of the French Revolution, from Thomas Carlyle, the historian of that revolution. Obviously the Honourable the Home Member sees the vision of a revolution in this country. Naturally he, like the great Home Member that he is, wants to prepare legislation to prevent the country bursting into a flood of revolution. No wonder that the Government think we are on the brink of a revolution. No wonder Home Members are refreshing their minds reading books on French Revolution and thinking of what Thomas Carlyle had got to say. But, if the Honourable the Home Member can quote Thomas Carlyle to suit his own purposes, if he can cite scripture for his purpose, some of us, devils on this side, too, can cite scripture. (Laughter.) For what did Thomas Carlyle say ? The Honourable the Home Member, referring to Thomas Carlyle, quoted from his books on the French Revolution. I am sure the Honourable the Home Member remembers having read in Thomas Carlyle's *Essays—Goethe's works*—the following observations :

“ Men seldom or rather never, for a length of time and deliberately, rebel against anything that does not deserve rebelling against.”

Therefore, there is a rebellion in this country ; the civil disobedience rebellion : there is another rebellion in this House, a constitutional rebellion against the measures that the Government are bringing forward with a view to suppressing the civil disobedience movement, or with a view to suppressing the terrorist movement, but which, as experience has shown, has also been really and deliberately used for suppressing constitutional agitation. The Honourable the Home Member states and, I suppose that he weighed every word that he uttered, that the press laws are meant for the suppression of the terrorist movement. He recalled the history of the Press Act beginning from very nearly 1910 : perhaps he did not go so far : he confined himself to comparatively recent

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history, but when he referred to the report of the Press Committee, he was obviously thinking also of the Press Act of Sir Herbert Risley, which was passed in 1910, when great champions of the old Imperial Legislative Council like yourself, Sir, and Gokhale, Pandit Malaviya and Vijayaraghavachariar and others fought against the passing of every repressive measure. Then, again, was started the constitutional rebellion against the bureaucratic measures, such as the Seditious Meetings Act, against which the late Sir Rash Behari Ghose protested and warned "Repression makes the meat it feeds on". To-day constitutionalists on this side of the House continue the rebellion against coercive legislation that the Government of the day bring forward repeating almost phrase for phrase some of the old discredited arguments used by the Honourable the Home Member's predecessors in office. If the Honourable the Home Member had but read the speech of Sir Herbert Risley in the old Imperial Legislative Council on the Press Bill, he would know that he was not saying anything new when he said it was meant for the terrorist press. That is what Sir Herbert Risley also said : that is what my Honourable friend, Mr. H. G. Haig, says ; and if the Government do not change for another ten years, that is what his successor after five years would repeat. But what is our experience of the administration of the Press Act ? The administration of the Press Act has shown that the Press Act was meant to suppress the constitutional liberties in this country. The very press that has been condemning violence has been gagged. I was the editor of a great newspaper once upon a time. Over a decade ago, the *Independent* of Allahabad which had among Indian papers the largest circulation of the day and had taken up arms against the Government : and I condemned, day after day, the violence of the Government, the violence inflicted, for instance, on the *kisans* in Rai Bareli where the *kisans* were shot, not by the Government people, I admit, but by zemindars. Then, again, there was repression and I protested against the repression in the press and what happened ? I was proceeded against and the paper was subsequently suppressed. It was not a terrorist press : my offence was the condemning of the violence on the part of the Government : the Government ran me in—the Government of Sir Harcourt Butler—and gave me one year's rigorous. They offered not to proceed against me if I accepted a *locus pœnitentiæ* : I publicly rejected it and took the consequence. They said I had preached violence and I answered that I had condemned violence : their original intention was to take action under section 124A ; but they proceeded against me under section 108, under which there is no conviction, but only detention, which was partly responsible for my having been qualified to enter this House even though I had one year's rigorous. Apart from my own case, take the case of my friend, Mr. B. Das of *Young Utkal*. He is the Joint Editor or Chief Editor of that paper and we had, the other day, on the floor of the House, a specimen read out of the writing for which he was almost dragged over the coals. I know my own little paper with which I am associated in a corner of this country was called upon, not to pay any security, but to conduct itself properly, under the Press Ordinance. We were commenting rather severely, I admit, but truthfully and honestly against certain features of maladministration in the neighbourhood of the Punjab. We were not preaching terrorism. I will leave these three cases, and dwell at some length on the case which arose from the writings in the

Bombay Chronicle of Mr. B. G. Horniman. I know his name is anathema maranatha to the Government, but his articles in the *Bombay Chronicle* were written with great restraint. He was condemning the Government for not having shown alacrity in suppressing the riots in Bombay when the Bombay atmosphere was pretty bad. Government showed great alacrity in suppressing political rebellions.

When political murders take place, the Government pounce upon us with legislations after legislations, they bring forward emergency measures, they contemplate martial law, they issue Ordinances after Ordinances which assault anybody and everybody as Mr. Jadhav truly pointed out. But when there was thickening in Bombay an atmosphere of communal riots, when the atmosphere in Bombay was surcharged with communal feelings, the paper which published Mr. B. G. Horniman's writings was punished. Government ought to have known that the Bombay situation was pretty bad, but they took no precautionary measures, they issued no Ordinances, they took no steps to suppress the communal outburst. I admit that in these riots it was the Indian lives that were lost. And, if Bombay had provincial autonomy and were under a responsible Government, if Bombay had been under a Parsee or an Indian Christian Home Member and if he had tolerated or not averted such a riot, that man's political career would have been wiped out. No Indian, worth his salt, would tolerate a ghastly political riot or a communal riot of that kind. If communalism is politics and politics, communalism, the politics of the future Home Member of a self-governing India will be the extermination of communalism and sedition from India. Here when a movement is anti-British, the Government call it seditious, they declare it as rank sedition. When Indian lives are in danger, why on earth don't they issue Ordinances? Mr. Horniman's contentions were correct, and with the responsibility attaching to me on this side of the House and, as a working journalist, I say, that Mr. Horniman's contentions were absolutely correct. We had to denounce the Government time and again for not taking necessary and prompt measures to deal with communal riots. I do not condemn them for taking necessary actions if they want to put down political rebellions, but political rebellions in this country have not cost so many lives as communal rebellions, because the Government took more than necessary measures to suppress political rebellions, but they took no action to suppress communal outbreaks, and when an English journalist takes upon himself to criticise the attitude of the Government, what happens? His paper is brought under the Ordinance. The Honourable the Home Member stands on the floor of this House and makes out a case that the provisions relating to the Press are designed to meet terrorism. Why did his predecessor in this House, that steadfast Scotsman, Sir James Crerar, invite some of us to work in the Select Committee in connection with the Press Bill? Why should his successor bring forward now a measure of this kind? Why was the Press Act amended by an Ordinance after it had been adopted by this House? Why do they waste the time of this House, why do they waste the time of the Members of this House by asking them to serve on the Select Committee which amended the Press Bill to a great extent, and then re-shape it with the help of an Ordinance? Thus is this Legislature being converted into a ridiculous farce. Keep to your Press Bill in a modified form, if you like, even though much against our wish. We agreed with some of the things that Government brought forward, they agreed with some of the things that we objected to in the Select Committee, and

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then they issued an Ordinance to amend the Press Act. I do not think this kind of playing with the Opposition will do for a responsible Government. The Government in India is irresponsible. They cannot be removed by a vote of the House ; they cannot be removed by the electorate, and, therefore, they are playing with the rights and the liberties of our people. They keep what they like and what suits them, and take out what does not suit them. The civil sword is long enough and strong enough to put down the press men who violate what is proper, what is legal. Such being the case, I cannot understand the Honourable the Home Member standing on the floor of the House and saying that the Press requires to be controlled so that terrorism may be uprooted. The Government have been saying this from 1910 onwards. What happened ? Was terrorism suppressed ? Did the Press Ordinance stop terrorism ? I want an answer from the Honourable the Home Member when he rises to speak if he has any answer at all ! Has terrorism increased or decreased with the suppression of the Press ? There have been Press Ordinances, there have been press restrictions, but has terrorism disappeared from this country ? Is terrorism going up or going down ? It is ridiculous for the Honourable the Home Member to say that the press is an agent of terrorism. No, Sir. The terrorist press does not at all come under his Bill, it can never come under his Bill. The terrorist works underground. He issues his own leaflets and pamphlets, and nobody knows from where they come. They are printed underground. The terrorist, the Honourable the Home Member says, is an open individual. I was really astonished, Sir, to find a responsible Home Member of this House describing Terror as an open force. When he talked in that style, he took our breath away. What did he say ? He said :

“ We have in India a triple threat to peaceful progress, civil disobedience, communism and terrorism ; though the main provisions of the Bill are directed against the first of those, I hope the House will not forget that the provisions relating to the Press will exercise a strong controlling influence over the movements of communism and terrorism. Discontented elements will always tend to coalesce, though on the surface these three are very different movements, behind the scenes there are certain contracts ”,—

contacts which he has not been able to explain in his lucid and placid but dull speech, because Parliamentary dullness is one of the effective methods of disarming Opposition, and the Honourable the Home Member deliberately made his speech tame with a view to disarm all opposition. Continuing he said :

“ Terrorism threatens Government by *open force*. The other two, civil disobedience and communism, are *more subtle* in their methods, but possibly *even more disastrous in their results*. For their object is to destroy the whole basis of authority and the traditional institutions on which society is founded ”.

As if the object of terrorism is to maintain the whole basis of authority and traditional institutions on which society is based ! Here is an Honourable gentleman responsible for the administration of the Home Department, for law and order in this country who pays a tribute to the terrorists as being an “ open force ”, whereas the civil disobediencewalla is a secret snake in the grass. The civil disobediencewalla comes up surreptitiously and when a dance goes on, bombs the dancing hall, because he works secretly, whereas the terrorist works in the open ! How ridiculous ! Let the Home Member answer. I am astonished that our talented Home Member should say that terrorism works as an open force. Terrorism is a surreptitious

snake in the grass which comes out suddenly, scotches your life, our lives and everybody's life, and goes back to its hole underground. Terrorism is a secret force, as the Honourable gentleman's predecessors have admitted on the floor of the House, and it must be suppressed. A secret force must be suppressed ; an open force can be combatted by military power which the Honourable the Home Member has behind him in abundance. Terrorism is not an open force. It is a dirty, secret organisation which burrows underground, whereas civil disobedience is an open force. The addresses of those connected with the civil disobedience movement are well-known. They appear before the court, they court arrest. How many terrorists has the Honourable gentleman proceeded against under the Ordinances ? And how many civil disobedience-wallas has the Honourable Member not proceeded against under the Ordinances ? If terrorism were an open force, so many terrorists must be in jail, and not civil disobedience people. The civil disobedience movement is an open force, as Mahatma Gandhi has repeatedly said, and it is because it is an open force that Government have been able to put thousands of people in jails. They come to the law courts and say : " We do not recognise the British Courts, we offer no defence ". Theirs is not a secret organisation. It is an open institution. They work in broad day light ; they prosper in open day light, and they flourish under the Ordinances. Sir, I hope the Honourable the Home Member will not encourage the terrorists by such irresponsible statements describing them as an open force in this country, and say that civil disobedience is more subtle than terrorism. Surely not. Terrorism is more subtle. Civil disobedience is not subtle at all. It is open, straightforward, passive resistance.

My Honourable friend the Leader of the House being away I do not want to discuss the question of the difference between civil disobedience movement and passive resistance. But were he here, I would have shown to him that the difference between civil disobedience movement and passive resistance is all the historic difference between Tweedledum and Tweedledee, and if passive resistance was good in South Africa, civil disobedience cannot be very bad in India. But I say to the Government not to exaggerate matters as the Honourable the Home Member has done when he dealt with communism : not only is civil disobedience more subtle and more disastrous than terrorism but also communism ! If the Honourable gentleman had in mind the no-rent campaign in the United Provinces, I am sure that his Ordinances are not necessary to combat the no-rent campaign. If the Ordinances were necessary, deputations after deputations of people with stake in the United Provinces would have waited on the Government of India. If they thought that the no-rent campaign was inspired from Moscow, if they thought that it was a communistic movement and if they thought that they did not have the capacity to prevent it and that it was going to wipe out the existing institutions in the United Provinces, surely they would have applied to the Government. How many applications did they receive ? The Honourable the Home Member has not so far produced them before this House, nor did his predecessor produce any. It is all well and good to make one's flesh creep by saying that communism is more subtle, more disastrous, than terrorism. That is pure hyperbole, for communism can never find a place in this country. Communism has no present or future in India. The whole religion, politics, life, society in India will rebel against communism. The caste system of the Hindus and the culture of the Mussalmans plainly indicate to those who

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have understood and studied Muslim culture and Hindu caste system that there can be nothing uncommon between Islamic culture and Hindu caste system to encourage communism. Both Hindu and Muslim religious culture, our historic wealth of life, our society, are strong enough to prevent communism without any unnecessary measures from the Honourable the Home Member to curb the press or, for that matter, chain the platform. If it is honestly said that terrorism must be stopped, this Bill has nothing to do with terrorism ; it is only to stop the press, though the same argument was used by Sir Herbert Risley when he said : " We want to cut off the coals that feed anarchism in Bengal " but the Press Act was meant for the whole country. I need not repeat the arguments relating to the press, but I would ask the Honourable the Home Member not to highly colour the picture, not to try and maintain that communism is more disastrous or more subtle than terrorism, that communism is secret while terrorism is open. Neither communism nor civil disobedience has anything in common between them for, in the civil disobedience movement, you have got the worst reactionaries from the communist point of view. Neither communism nor civil disobedience has anything in common between them, because civil disobedience is a nationalist revolt against foreign domination. Call it right or call it wrong, the revolt is there, and Thomas Carlyle has indicated why such revolt takes place in some countries. And not only Thomas Carlyle, but another high authority whom the Honourable the Home Member quoted—if he cited scripture, so can we cite scripture (Laughter), as I said some time ago. What did he do ? He quoted Lord Irwin, and I, too, Sir, can quote Lord Irwin and possibly with better effect, for if I may tell the Honourable the Home Member through you, Mr. President, I may tell him " You quoted Lord Irwin when he was raw and inexperienced in Indian affairs ". I quote Lord Irwin when he was mature and fully experienced. After the fullest experience of Indian affairs, after a crowded career, after a great administration, nobly administered, that great Viceroy, on the eve of his departure, uttered these words at a dinner organised by my Honourable friend, Sir Brojendra Mitter. In that great speech Lord Irwin said—not an oration or utterance made at the beginning of his administration with lesser knowledge but made in the fullness of his wisdom, in the evening of his administration, a few days before he laid down his office embodying his intense personal experience. He said :

" In so far as the present movement involves any of the forces that we call nationalism, I would repeat what I have said more than once, that an attempt to meet the case with rigid and unyielding opposition is merely to repeat the unintelligent mistake of King Ganute. And therefore it behoves us to seek another and a better way ".

Lord Irwin could as well have added, the mistake of Dame Partington. A wave of nationalism is passing over the country and the Honourable the Home Member assumes the attitude of Dame Partington. The old lady who lived upon the beach was troubled by the rising tides of the Atlantic. With mop and patters she was seen at the door of her house, trundling her mop, squeezing out the sea water, with a broomstick, she thought, she could resist the Atlantic waves ; but wave after wave came. She was very good at a slop or a puddle but the contest was unequal. She should not have meddled with a tempest. The Atlantic was aroused and easily beat Dame Partington. It is perhaps this consideration which made the Leader of the

House yesterday, my Honourable friend, Sir C. P. Ramaswami Aiyar, utter these pregnant words. He said in his inimitable style :

“ I hope the Congress will not be crushed ”.

He went on to say, laying, I admit, the emphasis on the “ IF ” :

“ If the Congress stands for a right, if it stands for a righteous, fruitful and energising ideal, it will not die ”.

He also said :

“ Ideas cannot die. You may crush individuals who compose or form a part of the Congress, but ideas will not die ”.

And ideas of liberty which are animating the people of this country cannot be crushed. They can be driven underground ; they cannot be resisted ; and it is these repressive measures which resist the constitutional movement, it is actions such as the present Government in Great Britain and in this country have taken to resist the fulfilment of the goal of nationalism, that make constitutionalists despair whether constitutionalism with the best will in the world can have a future in this country. It may be, we may be wiped out by the Ordinances, the new Ordinance Act on the one hand and by the revolutionaries on the other, but, until we are wiped out, we will perform our duty and repeatedly warn the Government not to play the revolutionary's role, by passing revolutionary measures, ignoring the fact that the constitutionalists are behind them, but to play their part against revolution with the support of the constitutionalists and not to alienate the constitutionalists. We are reasonable. When they come to us with a demand for reasonable powers, as they came during the Select Committee stage of the Press Bill, we gave them reasonable powers. They assumed unreasonable authority behind the back of this House, and when their Ordinances are discredited in the country, when their Ordinances have created antipathy of a kind which India knew never before, when there is sullen discontent sitting like a nightmare on the land, they come to us and say : “ Please endorse our Ordinances in a modified form. We have distributed the sections to the Provincial Governments. We only want some all-India sections ”. If the Government of India had any democratic sense, if they were not insulting the intelligence of this House, if they were not suspecting the opposition of the constitutionalists, they would not have treated us with the contempt with which time and again they have treated this House. When it was necessary for them to make a constitution, they find their men from the hedges of Burma and the highways of Bombay and Bengal, but when they want to repress public opinion, when they want to put down some of their own Round Tablers as agitators, for Mahatma Gandhi was one of the Round Tablers, so were Pandit Madan Mohan Malaviya and Mrs. Sarojini Naidu, they come to us and say, their followers must be still further suppressed. I would rather ask the Honourable the Home Member to ponder over the pregnant passages in the speech of his great Guru, Lord Irwin. I would tell him that picketing, though peaceful picketing, is the privilege of a people who are denied the control of their own tariff policy. If we had parliamentary control over tariffs, there would have been no necessity for peaceful picketing. No one understood this better than Lord Irwin and when the Home Member quotes his great Guru, let him quote him rightly. There is no use of coming to this House with a quotation which is ancient. I will give him something which is the most recent or nearly the most recent. Lord Irwin said in the famous

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Chelmsford Club Dinner, for organising which India will be always grateful to the great Bengali leader, who is the Leader of this House to-day :

“ No Englishman can, without being false to his own history, and in recent years to his own pledges, take objection to pursuit by others of their own political liberty ; nor have I ever been able to appreciate the attitude of those who might be the first in Great Britain to exhort their countrymen only to buy British goods and yet would regard a movement for the encouragement of Swadeshi industry in India as something reprehensible and almost, if not quite, disloyal ”.

These words of a great Viceroy will live in immortal print and it is the best reply to what the Home Member had to say on this subject.

Sir, I must not take much more of the time of this House. I would ask the Honourable the Home Member once again to revive what Lord Irwin said when he assumed office under the present Conservative-Labour Party, the Liberals having practically left it with the exception of Sir John Simon and his followers. Now, when Lord Irwin assumed office, he said that he did so, because the Indian policy which he initiated had not changed. He had the authority of the Prime Minister, Mr. Ramsay MacDonald, and the Secretary of State, Sir Samuel Hoare, when he made that statement. He publicly informed the people of India that every signature that he put on the Indian question will be honoured, the most important of which was his signature on the Gandhi-Irwin pact. I would ask the Honourable the Home Member, instead of trying to draw red herring across the trail of statesmanship, to make every endeavour to revive the Gandhi-Irwin pact. I would ask him to follow the advice of his former Chief whom he served so loyally and so faithfully both in India and in England. Lord Irwin said :

“ I conceive that task in the main to have been that of attempting to secure smooth running for the coach laden with the relations between India and Great Britain. That coach is drawn by two horses, namely, the public opinion of India and the public opinion of Great Britain, and it is the duty of the Viceroy to do his best to see that those two horses pull with, and not against, one another ”.

To-day they are pulling against one another, for this Opposition cannot be ignored. Our policy may be mild as milk and water as the Congress people are never tired of calling it, but we are a factor to reckon with in this country. We may have been ignored for purposes of constitution-making by the Government, but we are not, I dare say, ignored by public opinion of a constitutional kind in this country. It is true that our strength of opposition is belittled by our Congress critics, because we are not extremists. We are moderates of moderates, but as Lord Irwin said, public opinion in this country must not clash but harmonise with the public opinion of Great Britain. Public opinion in Great Britain has become imperialistically aggressive, aggressively nationalistic as was evidenced by the wiping out of the Socialists at the last general election. To-day England is as nationalistic as India. To-day there is as much authority behind the policy of Sir Samuel Hoare in England as behind the policy of Mahatma Gandhi in this country. (Hear, hear.) It is perfectly true that we do not see eye to eye with Mahatma Gandhi—the majority of us on this side of the House. It is also perfectly true that there is a minority in this House which sees eye to eye with him so far as the Gandhi-Irwin pact is concerned. When the Mahatma signed that pact, is the Honourable gentleman aware that he practically signed his

political death warrant, for after the unfurling of the flag of independence at Lahore, after going through a great struggle, he took the courage of a true leader in both hands, lowered that flag, so that England and India may rise or fall together. He did not ask, much against the wish of the extremists in the Indian National Congress, for full blooded independence. He did not seek to cut the painter. He said that he would be content with something less than Dominion Status, namely, Dominion Status *with safeguards*. He comes to this country and asks for an interview with the highest authority in this country. The interview is denied. He is greeted with imprisonment and his followers with the Ordinances. I cannot help wondering whether the Government were really playing the role of statesmen when they brought about this policy. Lord Irwin stated :

“ Time and again in the last two or three years, when there seemed fair chance of getting nearer to this smooth and even pulling of the two horses, the chance has been wrecked either in India or in England ”,

in the present case in England or by the British in India which comes to the same thing. I would appeal to them all and I would appeal to the Home Member not to go forward with this measure. I do not serve on the Select Committee for reasons of my own ; some of my friends are going to the Select Committee ; and I am perfectly certain that they will give a good account of themselves. (Laughter.) (A voice : “ They are anxious to serve ”.) Sir, my Honourable friend, Mr. Reddi, knows that there is no question of anxiety on the part of anybody ; nobody is anxious ; but if we are going to lose to-day, our friends will carry the fight into the Select Committee. Our men will be there : and if the Government do not satisfy us there, we shall begin trouble in this House again, and the actual experience of calamity which he has been passing through for a whole week will hide its diminished head before the prospective plans that the House will see us adopt, when the Bill emerges from the Select Committee. I have only to say, Sir, that I hope he will make such action unnecessary because of Mahatma Gandhi's birthday message. In the latest of his memorable utterances he says :

“ Despite my repeated declarations, it is not generally recognized that by instinct, I am a co-operator ; my very non-co-operation is intended to purge co-operation of all meanness and falsity, for I hold that such co-operation is not worth the name. Therefore, as far as I am personally concerned, when the proper time comes, I should throw the whole of my weight in favour of co-operation ”.

Sir, I would appeal to the Honourable the Home Member to throw the whole weight of his responsibility and position, of his great earnestness and sincerity of purpose, to secure the co-operation of Mahatma Gandhi, who is, or who at any rate can be, the greatest asset of the British Empire in India. Sir, I know the difficulties in England, but it is for the Government of India to see to it, so far as may be possible, to secure the co-operation of Mahatma Gandhi. No stone should be left unturned. Already there is the Irwin-Gandhi Pact which has got to be incorporated into the law of the land. It may be that differences may arise between Mahatma Gandhi and Members on this side of the House on the interpretation of that Pact. It may be that differences may arise between Mahatma Gandhi and Englishmen, but, so long as the Pact is there as a basis to work upon, it is time that the Honourable the Home Member should exert his uttermost to see to it that this night of repression is

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replaced by the bright dawn of co-operation. (Loud and prolonged Applause.)

Several Honourable Members : The question be now put.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I accept the closure. The question is that the question be now put.

The motion was adopted.

The Honourable Mr. H. G. Haig : Sir, (Loud Applause), before I
 4 P.M. begin the remarks which I wish to make to the House
 at the close of this debate, I ought to say a word or
 two with reference to the very fervent speech we have just listened to
 from my Honourable friend, Mr. Ranga Iyer.

[A this stage Mr. President (The Honourable Sir Ibrahim Rahimtoola) vacated the Chair, which was taken by Sir Hari Singh Gour.]

Sir, my Honourable friend complained that my earlier speech was dull. I fear, Sir, that a fair analysis of a situation may often appear a little dull; at any rate I can assure my Honourable friend that I did not find his speech dull. (Laughter.) He sympathised with me in what he described as the experience of calamity that I had undergone in this House during the last five days. Sir, the debate did not strike me in that way. The debate has covered a very wide range of subjects. It is natural enough that at this critical hour of India's history the House should express its opinion freely and frankly, as Honourable Members opposite and Honourable Members on this side have done, on the momentous issues that confront us in India at the present time—issues which, though they or some of them may not be directly connected with this Bill, yet do naturally come to our minds when we are discussing this measure. I think, Sir, it is an advantage both to the Government and to Honourable Members opposite that we have been able to review in a general way the present difficult political situation in the country. Now, before coming to the main questions that face the House, I would like to deal first of all with what I myself am inclined to regard as really a minor issue, and that is the question of circulation. I was accused by my Honourable friend, Mr. Anklesaria, of adopting an unaccommodating attitude with regard to this question of circulation. I confess I look upon it, Sir, mainly as a matter of machinery and not of principle. I gave certain facts to the House which I need hardly repeat in detail, which suggested that there really was no time for any effective circulation of this Bill unless the whole programme of the Government for proceeding with this measure were to be interrupted. Our idea, Sir, is that the Select Committee—if the House agrees to appoint a Committee—should meet on the 24th October. Now I maintain that it is evident that no opinions of any value can be obtained, collected, printed and placed at the disposal of the Select Committee before the 24th of October. In connection with certain remarks I made when referring to this matter in my previous speech, it was suggested by the Honourable the Leader of the Independent Party that I had in fact admitted that public opinion was altogether against this measure. What I said, Sir, was that we could

all form a pretty clear idea of the kind of public opinion that would be elicited. I do not for a moment suggest that Honourable Members opposite, on a matter of this enormous public importance and interest, are so little in touch with their constituents that it is necessary for them to elicit the views of their constituency through a Government agency on this vital issue. (Laughter.) Nor again are Honourable Members on this side of the House unaware of the views that would be taken by their constituents,—and the Government of India are very well aware of the views of the Local Governments. Therefore, Sir, I suggest that no practical object is to be secured by the circulation of this Bill.

Now, Sir, it has been suggested that the powers we seek are not intended for the obvious purpose which I described in my opening speech but are intended in some way to impede the coming of the new constitution. That, Sir, is the last thing that we have in our minds. What we feel, on the contrary, is that these powers are intended to keep under restraint the civil disobedience movement and that, in fact, nothing could be more disastrous to the new constitution than the success of civil disobedience for it would deal, in my own view, a deadly blow to the working of any free constitution in the future. It is a method which, as I suggested in this House yesterday, like terrorism, if successful, will be applied to other conditions. Now, Sir, the Honourable the Leader of the Nationalist Party made a point which has no doubt been present to the mind of many Honourable Members. He said that repression is not a cure. If by that phrase he refers to the broad political problem, if he says that repression is not a cure for political unrest, for political aspirations and for the rising tide of political self-consciousness, then, Sir, I entirely agree with him, and His Majesty's Government entirely agree with him. Repression in that sense is not and never has been our policy. But, Sir, we must distinguish between concessions to political development—those concessions which will be embodied in the new Government of India Act, the whole of that policy which is centred round the Round Table Conference and the discussions that have been proceeding for the last two years and the fruition of which we hope to see in the coming year—we must distinguish between concessions of that kind and concessions to practical lawlessness. To fail to take the measures which we consider necessary to deal with lawlessness in the country arising from the civil disobedience movement would, in my opinion, be a serious failure of our duty. It has been suggested that the whole of this civil disobedience movement is a necessary reaction against a particular policy, an illiberal policy, in the matter of political reform that we are following. Sir, I think if Honourable Members will cast their minds fairly back over the last two or three years they will see that is not so. I have a particular event very clearly fixed in my own mind. It happened in the month of December 1929. The Viceroy, Lord Irwin, had announced a month or two before with the consent of His Majesty's Government the policy of the Round Table Conference and it was hoped that the Congress would accept the invitation that had been offered to it. But in December they turned their back on that invitation. I have always regarded it as an almost wanton action, at any rate a disaster to India. They turned their back on that invitation and within the next few months they launched the first movement of civil disobedience in order to coerce His Majesty's Government into granting a particular form of independence or substance of independence or shadow of independence or whatever it might have

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Well Sir, I have always regarded that decision as one of the tragedies in the recent history of India, and I sometimes wonder what it was that induced the leaders of the Congress at that time to take that action. My Honourable friend Mr. James in the course of this debate called attention to a rather striking sentence in Mr. Gandhi's recent letter to Sir Samuel Hoare. He was talking about how it was possible to arrest the embittering of relations between the two peoples and he said : " Not by stopping civil disobedience ; for me it is an article of faith ". Well, Sir, it is possible that that gives the clue to the action that has been pursued in the last two years. Where faith comes in, reason goes out ; and it may be that Mr. Gandhi has been hypnotised by the previous success of a particular method. But, Sir, in my judgment we must prove to the people that civil disobedience is not a panacea for political problems. We must show them that it is a discredited political weapon and we must endeavour to break that faith. (Applause.) What, indeed, are the Congress fighting for at the present time ?

[At this stage Mr. President (The Honourable Sir Ibrahim Rahimtoola) resumed the Chair.]

It was a question that was put to me in the course of the debate and I said it was a question that should be put to the Congress. Indeed, I think that the Congress themselves find it hard to explain what they are fighting for. In fact, we hear what I venture to regard as the topsy-turvy argument that they are fighting against the Ordinances. Now, Sir, how did this second civil disobedience movement start ? What happened was that just before that, two very dangerous movements had developed. I do not say that they were definitely civil disobedience movements, but they were movements of direct action which could not possibly be ignored by Government. We have heard from some of the Honourable Members of the United Provinces what in fact the no-rent movement in the United Provinces meant. When Government took the action which was necessary in order to deal with those movements, the Congress said, unless you stop that action, we start civil disobedience. Now, Sir, it was not as one Honourable Member said just now that they were fighting for responsible Government. It was not a protest against the conclusions of the Second Round Table Conference, the Conference in which the Congress took part. It was an attempt to back up and to support those two dangerous movements and that, Sir, was a challenge that no Government in this country could possibly afford to ignore, and if they did ignore it, they would be betraying the interests of the country. (Applause.) It has been argued that the powers which we have put into this Bill are powers that will provoke the people and will strengthen the opposition. But, Sir, I think some of the critics are apt to forget that those powers have been in existence and in fact much more drastic powers than are included in the Bill, that those powers have been in existence for nine months and our judgment of the situation is that they have had precisely the opposite effect. Many Honourable Members themselves have suggested that it is not necessary for us to have the powers that are included in the Bill because the civil disobedience movement, as a result of the operation of the Ordinances, is in a state of inanition. I am not myself prepared to go as far as that, but I do think, Sir, that if those powers are maintained and are applied with caution and moderation, we may in a comparatively brief time see the end of the civil disobedience movement. But if we

weaken in our attitude now, I fear there may be a third revival. Now, Sir, various Honourable Members have made statements of various abuses which they maintain have been experienced during the operation of the Ordinances. I admit, Sir, that in a country-wide movement of this kind, there must be occasional excesses of authority. But I maintain that looked at broadly, the Government servants, often in the face of very serious provocation, have acted with commonsense and with restraint. (Applause.) Certain Honourable Members have given us their carefully treasured extracts (Laughter), I too have similar extracts (Laughter), when I say similar, I mean for making out my case (Renewed Laughter) refuting the allegations, but I do not propose to inflict them on the House. I do not think that this question can be decided by charges and counter charges. We have before us broad issues and those issues have to be faced broadly.

I come now, and I propose to deal with it quite briefly, to the argument which was developed by my Honourable friend, Mr. Puri, whom I am sorry not to see in his place this evening, for he certainly contributed most generously to the length of this debate, and I should have liked him to hear the concluding portions of it. Mr. Puri's indignation at the Government in not referring their original proposals to this House was only equalled by his indignation that they are now referring these proposals. His attitude might be summed up in three words, in fact I think he used them himself, 'why ask us'. Well, Sir, one of the advantages of having an Opposition which speaks with many mouths is that they sometimes answer each others arguments (Laughter) and among others the Honourable the Leader of the Independent Party demolished the arguments of Mr. Puri. Indeed, I think it is clear that whether we like it or not, it is our constitutional duty, if we want to get these powers, to put our Bill before this House and ask them to grant it.

I come now to the question of the Select Committee. Various questions have been put to us in the course of the debate as to what is the principle of this Bill. My Honourable colleague, the Honourable the Law Member, gave the answer which I think is the only answer that can be given, that the principle of the Bill is to counteract certain definite manifestations of the civil disobedience movement. My other Honourable colleague, the Leader of the House, whose skill and ability throughout this Session has been so marked, when speaking on this motion yesterday went through a number of the clauses of this Bill and established, to a large extent from his own personal experience, the fact that the provisions of this Bill deal, one after the other, with certain serious manifestations that have been experienced in the course of the civil disobedience movement. Our object, Sir, is to keep those in check.

Now, Sir, various Honourable Members of this House have done me the compliment of suggesting that in Select Committee I would show a very accommodating spirit. I hope, Sir, that neither I nor other Members of the Government would fail to meet in a fair way fair arguments. But, Sir, I do not wish to secure from this House any spurious reputation. I must make it clear that Government would not be prepared to accept as fulfilling the object of this Bill any pale shadow of the provisions which we have inserted. We must be satisfied that the efficacy of the essential powers is not impaired. Within that limitation if we

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can be shown that certain powers have been too widely or mistakenly drafted we are perfectly prepared to argue that matter out in Select Committee, and I hope, reach a satisfactory agreement.

Another point that has been raised continuously in the course of the debate is that of the duration of the Bill. It has been said that we are endeavouring to deal with an emergency and that it is not proper that provisions intended for that purpose should be placed permanently on the Statute-book. When I introduced this motion, Sir, I admitted that various views might be held about the duration of the measure. That is an essential point which we shall have to discuss with Honourable Members opposite in Select Committee.

And now, Sir, I have little more to say. Many who may vote against us this afternoon, I think, will yet believe that this movement is not in the interests of their country and that measures should and must be taken to check it. I would hope, Sir, that on both sides of the House we should all have the courage to do what is right, however difficult and however unpleasant. It is a responsibility thrown on us by the constitution, and I believe it is a responsibility that this House will not reject.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : In putting the question to the House the Chair proposes to take the third amendment first which proposes to circulate the Bill for eliciting opinion thereon by the 1st January 1933. The next question which the Chair will put will be the amendment of Mr. Ramakrishna Reddi which proposes to elicit opinion by the 7th November, 1932. And the third question which will be put is Mr. Anklesaria's amendment restricting the time for circulation to the 1st November, 1932.

The question which I have now to put is :

“ That the Bill be circulated for the purpose of eliciting opinion thereon before the 1st January, 1933.”

The motion was negatived.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question which I have now to put is :

“ That the Bill be circulated for the purpose of eliciting opinion thereon by the 7th November, 1932.”

The Assembly divided :

AYES—32.

Abdul Matin Chaudhury, Mr.
Abdur Rahim, Sir
Anklesaria, Mr. N. N.
Azhar Ali, Mr. Muhammad.
Badi-uz-Zaman, Maulvi.
Bhuput Sing, Mr.
Chinoy, Mr. Rahimtoola M.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.
Gunjal, Mr. N. B.
Jadhav, Mr. B. V.
Jog, Mr. S. G.
Joshi, Mr. N. M.
Maswood Ahmad, Mr. M.
Misra, Mr. B. N.
Mitra, Mr. S. O.

Mody, Mr. H. P.
Munshi, Mr. Jehangir K.
Murtuza Saheb Bahadur, Maulvi
Sayyid.
Neogy, Mr. K. C.
Pandian, Mr. B. Rajaram.
Pandit, Rao Bahadur S. R.
Parma Nand, Bhai.
Patil, Rao Bahadur B. L.
Ranga Iyer, Mr. C. S.
Reddi, Mr. P. G.
Reddi, Mr. T. N. Ramakrishna.
Sadiq Hasan, Shaikh.
Sarda, Diwan Bahadur Harbilas.
Shafee Daoodi, Maulvi Muhammad.
Singh, Mr. Gaya Prasad.

NOES—63.

Acott, Mr. A. S. V.	Metcalf, Mr. H. A. F.
Ahmad Nawaz Khan, Major Nawab.	Milligan, Mr. J. A.
Ahmed, Mr. K.	Mitter, The Honourable Sir Brojendra.
Altaf Baksh Khán Tiwana, Khan Bahadur Malik.	Morgan, Mr. G.
Amir Hussain, Khan Bahadur Saiyid.	Muzaffar Sahib Bahadur, Mr. Muhammad.
Anwar-ul-Azim, Mr. Muhammad.	Mujumdar, Sardar G. N.
Bajpai, Mr. G. S.	Mukherjee, Rai Bahadur S. C.
Banerji, Mr. Rajnarayan.	Naydu, Rao Bahadur B. V. Sri Hart Rao.
Bartley, Mr. J.	Nichols, Mr. H. L.
Clow, Mr. A. G.	Nihal Singh, Sardar.
Dalal, Dr. R. D.	Parsons, The Honourable Sir Alan.
DeSotza, Dr. F. X.	Rafiquddin Ahmad, Khan Bahadur Maulvi.
Deo, Thakur Mahendra Nath Shah.	Rajah, Rao Bahadur M. C.
Fazal Haq Piracha, Shaikh.	Rajan Baksh Shah, Khan Bahadur Makhdm Syed.
Fazi-i-Ilahi, Khan Sahib Shaikh.	Rastogi, Mr. Badri Lal.
Fox, Mr. H. B.	Rau, Mr. P. R.
Ghuznavi, Mr. A. H.	Russell, Lieut.-Colonel A. J. H.
Gidney, Lieut.-Colonel Sir Henry.	Ryan, Mr. T.
Graham, Sir Lancelot.	Sahi, Mr. Ram Prashad Narayan.
Greenfield, Mr. H. C.	Scott, Mr. J. Ramsay.
Gwynne, Mr. C. W.	Shah Nawaz, Mian Muhammad.
Haig, The Honourable Mr. H. G.	Sher Muhammad Khan Gakhar, Captain.
Hezlett, Mr. J.	Sorley, Mr. H. T.
Hudson, Sir Leslie.	Suhrawardy, Sir Abdulla-al-Mámün.
Ishwarsingji, Nawab Naharsingji.	Tin Tut, Mr.
Ismail Ali Khan, Kunwar Hajee.	Tottenham, Mr. G. B. F.
Ismail Khan, Haji Chaudhury Muhammad.	Wajihuddin, Khan Bahadur Haji.
James, Mr. F. E.	Wilayatullah, Khan Bahadur H. M.
Jawahar Singh, Sardar Bahadur Sardar.	Yakub, Sir Muhammad.
Lal Chand, Honorary Captain Rao Bahadur Chaudhri.	Yamin Khan, Mr. Muhammad.
Mackenzie, Mr. B. T. H.	Zulfiqar Ali Khan, Sir.
Macqueen, Mr. P.	

The motion was negatived.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st of November, 1932.”

The motion was negatived.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That the Bill to supplement the Criminal Law be referred to a Select Committee consisting of Mr. Muhammad Yamin Khan, Mr. S. C. Sen, Mr. Gaya Prasad Singh, Mr. S. G. Jog, Mr. B. R. Puri, Mr. S. C. Mitra, Mr. Muhammad Azhar Ali, Mr. B. V. Jadhav, Sir Leslie Hudson, Sir Muhammad Yakub, Mr. N. N. Anklesaria, Captain Rao Bahadur Chaudhri Lal Chand, and the Mover, with instructions to report on or before the 7th November, 1932, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

The Assembly divided :

AYES—64.

Acott, Mr. A. S. V.
 Ahmad Nawaz Khan, Major Nawab.
 Ahmed, Mr. K.
 Allah Baksh Khan Tiwana, Khan Bahadur Malik.
 Amir Husain, Khan Bahadur Saiyid.
 Anwar-ul-Azim, Mr. Muhammad.
 Bajpai, Mr. G. S.
 Banerji, Mr. Rajnarayan.
 Bartley, Mr. J.
 Clow, Mr. A. G.
 Dalal, Dr. R. D.
 DeSouza, Dr. F. X.
 Deo, Thakur Mahendra Nath Shah.
 Fazal Haq Piraha, Shaikh.
 Fazl-i-Ilahi, Khan Sahib Shaikh.
 Fox, Mr. H. B.
 Ghuznavi, Mr. A. H.
 Gidney, Lieut.-Colonel Sir Henry.
 Graham, Sir Laneclot.
 Greenfield, Mr. H. C.
 Gwynne, Mr. C. W.
 Haig, The Honourable Mr. H. G.
 Hezlett, Mr. J.
 Hudson, Sir Leslie.
 Ishwarsingji, Nawab Naharsingji.
 Ismail Ali Khan, Kunwar Hajee.
 Ismail Khan, Haji Chandhury Muhammad.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur Sardar.
 Lal Chand, Honorary Captain Rao Bahadur Chaudhri.
 Mackenzie, Mr. R. T. H.
 Macqueen, Mr. P.

Metcalf, Mr. H. A. F.
 Milligan, Mr. J. A.
 Mitter, The Honourable Sir Brojendra.
 Morgan, Mr. G.
 Muazzam Sahib Bahadur, Mr. Muhammad.
 Mujumdar, Sardar G. N.
 Mukherjee, Bai Bahadur S. O.
 Naydu, Rao Bahadur B. V. Sri Hari Rao.
 Nichols, Mr. H. L.
 Nihal Singh, Sardar.
 Parsons, The Honourable Sir Alan.
 Rafiuddin Ahmad, Khan Bahadur Maulvi.
 Rajah, Rao Bahadur M. C.
 Rajan Baksh Shah, Khan Bahadur Makhdum Syed.
 Rastogi, Mr. Badri Lal.
 Rau, Mr. P. B.
 Russell, Lieut.-Colonel A. J. H.
 Ryan, Mr. T.
 Sahi, Mr. Ram Prashad Narayan.
 Scott, Mr. J. Ramsay.
 Shah Nawaz, Mian Muhammad.
 Sher Muhammad Khan Gakhar, Captain.
 Singh, Kumar Gupteshwar Prasad.
 Sorley, Mr. H. T.
 Suhrawardy, Sir Abdulla-al-Mamun.
 Tin Tut, Mr.
 Tottenham, Mr. G. R. F.
 Wajihuddin, Khan Bahadur Haji.
 Wilayatullah, Khan Bahadur H. M.
 Yakub, Sir Muhammad.
 Yamin Khan, Mr. Muhammad.
 Zulfiqar Ali Khan, Sir.

NOES—32.

Abdul Matin Chaudhury, Mr.
 Abdur Rahim, Sir.
 Anklesaria, Mr. N. N.
 Azhar Ali, Mr. Muhammad.
 Badi-uz-Zaman, Maulvi.
 Bhuput Sing, Mr.
 Chiny, Mr. Rahimtoola M.
 Das Mr. B.
 Dutt, Mr. Amar Nath.
 Gour, Sir Hari Singh.
 Gunjal, Mr. N. R.
 Jadhav, Mr. B. V.
 Jog, Mr. S. G.
 Joshi, Mr. N. M.
 Maswood Ahmad, Mr. M.
 Misra, Mr. B. N.

Mitra, Mr. S. C.
 Mody, Mr. H. P.
 Munshi, Mr. Jehangir K.
 Murtuza Saheb Bahadur, Maulvi Sayyid.
 Neogy, Mr. K. C.
 Pandian, Mr. B. Rajaram.
 Pandit, Rao Bahadur S. R.
 Parma Nand, Bhai.
 Patil, Rao Bahadur B. L.
 Ranga Iyer, Mr. C. S.
 Reddi, Mr. P. G.
 Reddi, Mr. T. N. Ramakrishna.
 Sadiq Hasan, Shaikh.
 Sarda, Diwan Bahadur Harbilas.
 Shafee Daoodi, Maulvi Muhammad.
 Singh, Mr. Gaya Prasad.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 7th November, 1932, in New Delhi.

CORRIGENDA.

In the Legislative Assembly Debates—

1. Vol. IV, No. 2, dated the 6th September, 1932—
 - (i) page 115, against item 10, column 2—
 - (a) line 12 from the bottom, for the word "sotcks" read "stocks";
 - (b) line 9 from the bottom, for the words "and are not taken" read "and are now taken";
 - (c) line 8 from the bottom, for the word "dimunition" read "diminution".
 - (ii) page 123, against item 47, column 2, line 3, for the words "to a new" read "to all new".
 - (iii) page 129, against item 78, column 2, line 6 of the paragraph, for the words "India Stores Department" read "Indian Stores Department".
2. Vol. IV, No. 6, dated the 13th September, 1932—
 - (i) page 539, line 9 from the bottom and page 540, line 11 from the bottom, for the words "Dr. Ziauddin Ahmad (on behalf of Khan Bahadur Haji Wajihuddin" read "Khan Bahadur Haji Wajihuddin".
 - (ii) page 559, line 16, for the word "Marks" read "Mark".
 - (iii) page 565, line 17 from the bottom, for the word "member", where it occurs for the second time, read "number".
 - (iv) page 580, line 17, for the word "highly" read "high".
3. Vol. IV, No. 7, dated the 14th September, 1932, page 641, in the entry relating to M. S. Branch in column 11, for "2" read "2§".
4. Vol. V, No. 2, dated the 21st September, 1932—
 - (i) page 1060, line 18 from the bottom, for the word "this" read "his".
 - (ii) page 1079, line 20 from the bottom, for the words "working at Army Headquarters and at Summer Hill" read "working at Army Headquarters".
5. Vol. V, No. 3, dated the 22nd September, 1932—
 - (i) page 1163, line 14 from the bottom, for "to leave 4 p.m." read "to leave at 4 p.m.".
 - (ii) page 1176, in the subject-heading to starred question No. 657, for the words "Enforcement of Contractors" read "Enforcement on Contractors".
 - (iii) page 1185, line 8 from the bottom, for the words "Dr. Ziauddin Ahmad: The Honourable gentleman may give his" read "Dr. Ziauddin Ahmad: I wish you good luck. The point is this,".
6. Vol. V, No. 8, dated the 29th September, 1932, page 1599, line 6 from the bottom, for the words "the Government should at least" read "the Government should have at least".

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