

5th September 1927

THE
LEGISLATIVE ASSEMBLY DEBATES
(Official Report)

Volume I

FIRST SESSION
OF THE
THIRD LEGISLATIVE ASSEMBLY, 1927



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LEGISLATIVE ASSEMBLY.

Monday, 5th September, 1927.

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

QUESTIONS AND ANSWERS.

PROHIBITION AGAINST GOVERNMENT SERVANTS WEARING KHADDAR, ETC.

843. ***Mr. Sarabhai Nemchand Haji :** Will Government be pleased to state if they have in any way prohibited Government servants from wearing Khaddar or subscribing to the Funds of the All-India Spinners Association ?

The Honourable Mr. J. Crerar : I would refer the Honourable Member to the answer given on the 8th September 1924, by Sir Alexander Muddiman to a question by Mr. Harkaran Misra. The Government of India have issued no orders regarding subscription to the All-India Spinners' Association, this being a matter within the discretion of the Local Governments concerned.

RULES FOR THE APPOINTMENT OF CANDIDATES TO THE BENGAL PILOT SERVICE.

844. ***Mr. Sarabhai Nemchand Haji :** (a) Will Government be pleased to state what is exactly the intention of the expression " Served at sea for four years in a Merchant Vessel employed in foreign trade " as a seaman or apprentice referred to in the rules for the appointment of candidates to the Bengal Pilot Service under Notification of the Bengal Government Marine Department, No. 8-T. of the 7th May, 1927 ?

(b) Will Government be pleased to state if a foreign-going ship trading between any port in India and Ceylon would be classified as a ship employed in foreign trade ?

The Honourable Sir George Rainy : (a) The expression referred to means service in a foreign-going ship as defined in section 2 (2) of the Indian Merchant Shipping Act, 1923.

(b) A ship trading between a port in India and a port in Ceylon would be within home-trade limits as defined in section 2 (3) of the Indian Merchant Shipping Act, 1923.

ADMISSION OF MASTERS OF HOME-TRADING SHIPS WITH THE PILOT SERVICE AT MADRAS, CHITTAGONG, BOMBAY, KARACHI, ADEN AND RANGOON.

845. ***Mr. Sarabhai Nemchand Haji :** Is it a fact that Masters of home-trading ships are debarred from entering the Pilot Service at Madras, Chittagong, Bombay, Karachi, Aden and Rangoon ? If so, why ?

QUALIFICATIONS OF CANDIDATES FOR THE PILOT SERVICE AT MADRAS, CHITTAGONG, BOMBAY, KARACHI, ADEN AND RANGOON.

846. ***Mr. Sarabhai Nemchand Haji** : Is it obligatory on those who desire to enter the Pilot Service at Madras, Chittagong, Bombay, Karachi, Aden and Rangoon that they should hold certificates as Masters of foreign-going ships ? If so, why ?

The Honourable Sir George Rainy : With your permission, Sir, I will reply to questions Nos. 845 and 846 together.

The Pilot Services at Madras, Chittagong, Bombay, Karachi, Aden and Rangoon are under the control of Port Trusts. The information asked for is being obtained from the Local Governments and will be supplied to the Honourable Member on receipt. The Honourable Member is doubtless aware that a foreign-going certificate denotes a higher standard of competency.

MUSLIM TEACHERS OF THE GOVERNMENT HIGH SCHOOL, AJMER.

847. ***Maulvi Muhammad Yakub** : (a) Will the Government be pleased to furnish the information as to how many Muhammadan teachers, other than Persian and Urdu Maulvis and the Drill Instructor, were on the staff of the Government High School, Ajmer, on 1st April 1917 and on 1st April 1927 ?

(b) Is it a fact that there has been no permanent Muhammadan teacher other than the Maulvis and the Drill Instructor on the staff of the Government High School, Ajmer, since September 1925 ?

(c) Is it a fact that ever since the appointment of the present Assistant Head Master of the Government High School, Ajmer, the number of Muslim teachers, other than Maulvis and the Drill Instructor, has been gradually decreasing till it has been reduced to nil, and the number of Mahratta teachers has been steadily increasing till it has risen to five ?

Mr. A. B. Dalal : Information has been called for and will be supplied when received.

STAFF OF THE GOVERNMENT HIGH SCHOOL, AJMER.

848. ***Maulvi Muhammad Yakub** : Is it a fact that the present Assistant Headmaster of the Government High School, Ajmer, has his own son-in-law under him as teacher of Commerce, and that another Mahratta Assistant Drawing Master of the same school has his son-in-law over him as Head Drawing Master ? Is it also a fact that none of the Mahratta teachers belong to Ajmer-Merwara and three of them came on the staff after the appointment of the present Assistant Headmaster of the same community ? If the reply be in the affirmative, do Government propose to consider the desirability of not keeping so many of such close relations in a Government institution of about 17 assistant masters ?

Mr. A. B. Dalal : Information has been called for and will be supplied when received.

OPENING OF PRIMARY SCHOOLS FOR MUSLIMS IN AJMER-MERWARA.

849. ***Maulvi Muhammad Yakub** : (a) Is it a fact that in view of the comparative fall in the number of Muslim pupils in the primary

schools of Ajmer-Merwara the Provincial Muslim League, Rajputana submitted a memorandum to the Government of India in 1925 in which among other suggestions certain centres of Muslim population were pointed out as fit places where primary schools for Muslims could be opened ?

(b) If the answer be in the affirmative, will the Government be pleased to state if any Schools have since been opened in any of those centres ?

Mr. A. B. Dalal : (a) Yes.

(b) The majority of large villages in Ajmer-Merwara with a Muslim population are already supplied with Government primary schools. For want of funds no new Government schools have been opened in Ajmer-Merwara since 1925-26, but provision has been made for the opening of new schools in connection with the five years' programme of educational expansion.

SUPERVISING STAFF OF THE BOARDING HOUSE OF THE GOVERNMENT HIGH SCHOOL, AJMER.

850. ***Maulvi Muhammad Yakub :** Is it a fact that the boarding house of the Government High School, Ajmer, has a Head Superintendent as well as an Assistant Superintendent and that none of them is a Muhammadan ? Is it a fact that the Assistant Headmaster is the Head Superintendent of the Boarding House ?

Mr. A. B. Dalal : The boarding house has a Superintendent as well as an Assistant Superintendent, both of whom are Hindus. The Assistant Headmaster is Superintendent.

EMPLOYMENT OF MORE MUSLIMS IN THE CLERICAL CADRE OF THE EDUCATION DEPARTMENT, AJMER-MERWARA.

851. ***Maulvi Muhammad Yakub :** (a) Is it a fact that the percentage of the Hindus in the clerical cadre of Ajmer-Merwara is about 86 per cent. while that of Muhammadans is nearly 14 per cent. ? Will Government kindly state the number of clerks borne on the clerical cadre of the Ajmer-Merwara Education Department, how many of them are Hindus and how many Muslims ?

(b) Is it a fact that 40 per cent. of the population in Ajmer is Muhammadan ?

(c) Are Government prepared to increase the number of Muhammadans in the clerical cadre when filling the newly created posts under the 5-year programme ?

Mr. A. B. Dalal : (a) No, the percentage of Hindus and Muhammadans in the clerical cadre of Ajmer-Merwara is 72.2 and 27.8, respectively. The number of clerks borne on the clerical cadre of the Ajmer-Merwara Education Department is 7 out of whom 6 are Hindus and 1 Muhammadan.

(b) According to the Census Report of 1921, the percentage of Muhammadans in Ajmer city is 47.1, in Ajmer sub-division 27.5, and in Ajmer-Merwara 21.

(c) The three new posts of clerks, which have been created under the five-year programme, have been advertised, and the claims of suitable Muhammadan candidates will be considered.

Rai Sahib Harbilas Sarda : Does the Census Report of 1921 A. D. say that the high percentage of Mussalmans in Ajmer-Merwara, that is, 20.5 compared with 16.2 in 1911, is due very largely to the Urs Fair pilgrim population, and does the Administration Report for 1925-26 not say that 50,000 pilgrims attended the Urs Fair that year ?

Mr. A. R. Dalal : Yes, Sir. That is correct.

NUMBER OF HINDU AND MUHAMMADAN GRADUATE TEACHERS IN GOVERNMENT SERVICE IN AJMER-MERWARA.

852. ***Maulvi Muhammad Yakub :** (a) Will the Government be pleased to furnish the number of graduate teachers in Government service in Ajmer-Merwara in the following form :

—	Trained.	Untrained.
Muhammadans		
Hindus		

(b) How many of the above graduate teachers without training degrees draw more than Rs. 150 per month and how many of these are Hindus ? How many of the trained graduate teachers draw less than Rs. 100 per month and how many of these are Muhammadans ?

Mr. A. R. Dalal : (a) A statement showing the number of Hindu and Muhammadan graduate teachers in Government Schools in Ajmer-Merwara is laid on the table.

(b) Three untrained graduate teachers draw above Rs. 150 per mensem, and they are all Hindus. Most of the untrained graduate Hindu teachers were appointed over 12 years ago at a time when trained men were not available. Three trained graduate teachers draw less than Rs. 100 per mensem of whom two are Muhammadans.

Statement showing the number of Hindu and Muhammadan graduate teachers in Government schools in Ajmer-Merwara.

Muhammadans	..	..	..	5	1	6
Hindus	..	..	..	6	5	11
				—	—	—
			TOTAL	..	11	6
				—	—	—
				..	11	17

QUALIFICATION OF THE HEADMASTER OF THE WALTER ANGLO-VERNACULAR SCHOOL AT MOUNT ABU.

853. ***Maulvi Muhammad Yakub :** Will the Government be pleased to state the salary of the post of Headmaster, Mount Abu Middle School ?

Is it a fact that the man appointed to the post (a) has no training degree (b) is not a retired Headmaster or teacher (c) has been in Ajmer only for a few months? How many years has he been a teacher and where?

Mr. A. B. Dalal : The salary of the post of Headmaster, Walter Anglo-Vernacular School, Mount Abu, is Rs. 125 a month. He is a B.A., but has no professional degree. He is not a retired Headmaster or teacher. Government have no information as to the time he spent in Ajmer before his appointment. He has had seven years' teaching experience at the City High School, Hyderabad, Deccan, the Anjuman Islam High School, Bombay, and the New High School, Bombay.

PAY OF THE PROFESSOR OF SANSKRIT AND THE PROFESSOR OF PERSIAN IN THE GOVERNMENT COLLEGE, AJMER.

854. ***Maulvi Muhammad Yakub :** (a) Is it a fact that in the Government College, Ajmer, a Professor with no University degrees but having Oriental Diplomas only holds the same grade as an English University graduate of about 12 years' service?

(b) Is it a fact that in 1925, four boys appeared for their B. A. with Sanskrit from the Government College, Ajmer, and none passed in Sanskrit? What was the pay of the Sanskrit Professor in March 1925, and what was his pay in July 1926, after the result was out?

Mr. A. B. Dalal : (a) Yes. The posts of Professor of Sanskrit and Professor of Persian are on the same scale of pay as other posts of professors in the College. These two posts are held by officers on whom the University of the Punjab granted, after examination, diplomas conferring on their recipients the Oriental Literary Title of Shastri and Maulvi Fazil. They are on the same scale of pay as one of the professors who holds the degree of an English University and has nearly 12 years' service as compared with 25 years' service of the Professor of Sanskrit and 14 years' service of the Professor of Persian.

(b) No; in 1925 three boys appeared for the B.A. examination in Sanskrit and two passed.

The pay of the Professor of Sanskrit was Rs. 250 per mensem in March 1925, and Rs. 300 in July 1926, after reorganisation, when increase of pay had been given to the whole staff of the College.

BOARD OF HIGH SCHOOL AND INTERMEDIATE EDUCATION FOR AJMER-MERWARA, ETC.

855. ***Maulvi Muhammad Yakub :** (a) Do Government propose to allow Ajmer-Merwara to have a Board of its own for the High School and the Intermediate Examination?

(b) Does the following represent the situation there?

College Education.—European Principal to retire within 4 years.

Vice Principal and lately officiating Principal.....Hindu.

Secondary Education.—Government School Headmaster to retire within 4½ years. Not a single Muhammadan on staff except Maulvis.

Primary Education.—The Assistant Superintendent of EducationHindu.

(c) Are Government prepared to safeguard the interest of the Muhammadan community by appointing more Muhammadans ?

Mr. A. R. Dalal : (a) No.

(b) No. It does not present the whole situation in a proper perspective.

(c) When vacancies arise the claims of suitable candidates of all communities including Muhammadans will be considered. Government repudiate the implication, if there is any, that the claims of the Muhammadan community are not being safeguarded.

SEPARATE INSPECTING AGENCY FOR AJMER-MERWARA, ETC.

856. *Maulvi Muhammad Yakub : (a) Is it a fact that Provincial Muslim League, Rajputana, in its memorandum addressed to the Government of India, Education Department, in 1926, prayed for a separate Inspecting Agency directly responsible to the Superintendent of Education ? Is it a fact that the Ajmer-Merwara Education Department in the matter of recognition and administrative regulations generally depends upon the United Provinces and subject to the approval of the Superintendent of Education, Ajmer-Merwara largely follows that Province ?

(b) Is it a fact that in Ajmer-Merwara the newly appointed Muhammadan Deputy Inspector is the only Muhammadan in the Inspecting Agency, and that he is under the Hindu Assistant Superintendent of Education and is not directly responsible to the Superintendent of Education in organising Muhammadan primary education ?

Mr. A. R. Dalal : (a) No memorandum from the Provincial Muslim League, Rajputana, was received by Government in 1926. In a memorandum received in 1925, the League prayed that the newly created post of Assistant Superintendent of Education, who is directly responsible to the Superintendent of Education, should be filled by a Muslim. It made no specific prayer for a separate inspecting agency directly responsible to the Superintendent of Education.

The Educational Code of the United Provinces of Agra and Oudh is adopted, as far as possible, in Ajmer-Merwara.

(b) The inspecting agency of Ajmer-Merwara consists of one Superintendent (a European), one Assistant Superintendent (a Hindu) and two Deputy Inspectors (one Hindu and one Muhammadan). Government cannot agree to an arrangement by which the Muhammadan Deputy Inspector would go over the head of the Assistant Superintendent direct to the Superintendent.

{Nos. 857—859.

EMPLOYMENT IN THE ENGINEER-IN-CHIEF'S BRANCH OF A PERMANENT NON-MUSLIM CLERK IN THE PUNJAB GOVERNMENT.

860. *Maulvi Muhammad Yakub : (a) Is it a fact that the Engineer-in-Chief's Branch recently recommended that the services of a permanent non-Muslim clerk in the Punjab Government may be obtained for employment under that Branch ?

† Not put at the meeting, but the questions with their answers will be found at pages 3921—22 of these proceedings.

(b) Is it a fact that this clerk is related to the Cashier of the Engineer-in-Chief's Branch and has been promised to be given the first permanent vacancy in that Branch in preference to all the temporary employees of the Branch ?

(c) Will Government please state how many Muslims have been given similar treatment by the Engineer-in-Chief's Branch ?

Mr. G. M. Young : (a) Yes.

(b) No, Sir, they are not related, and I am informed that until last May they were unacquainted with each other. No promise of permanent employment has been given to the clerk.

(c) I am not aware of any similar cases.

INABILITY OF THE PUBLIC SERVICE COMMISSION TO NOMINATE MUSLIM CANDIDATES FOR EMPLOYMENT IN THE ARMY DEPARTMENT.

861. ***Maulvi Muhammad Yakub :** (a) Is it a fact that according to the existing system of recruitment, all vacancies in the Army Department must be filled by candidates nominated by the Public Service Commission and that they have instructions to nominate candidates when required by the Army Department ?

(b) Is it a fact that the Army Department recently asked the Commission to nominate some Muslim candidates but the Commission expressed their inability to do this on the ground that passed Muslim candidates were not available ?

(c) Is it a fact that in announcing the result of the last examination of their ministerial branch in the Gazette of India, the Public Service Commission declared that the list of passed candidates could be added to if Departments of the Government of India asked the Commission to nominate candidates from communities not represented or not adequately represented ?

(d) Will Government be pleased to state why action was not taken by the Commission on the lines indicated in the Government of India Gazette when they were asked to nominate Muslim candidates for employment in the Army Department ?

ISSUE BY THE PUBLIC SERVICE COMMISSION OF A SUPPLEMENTARY LIST OF PASSED MUSLIM CANDIDATES.

862. ***Maulvi Muhammad Yakub :** (a) Is it a fact that out of 4 candidates passed by the Public Service Commission on a communal basis, only one is a Muslim ?

(b) Are Government now prepared to consider the advisability of issuing a supplementary list of passed Muslim candidates in order to ensure their adequate representation ?

The Honourable Mr. J. Orerar : I propose, Sir, with your permission, to reply to questions Nos. 861 and 862 together. My enquiries into the matter are not yet complete but I shall communicate the result to the Honourable Member.

ABSENCE OF MUSLIM CLERKS IN THE OFFICE OF THE DIRECTOR OF CIVIL AVIATION.

863. *Maulvi Muhammad Yakub : (a) How many clerks are employed in the office of the Director, Civil Aviation, and how many of them are Muslims ?

(b) Will Government please give reasons for the total absence of Muslims in this newly created office, when definite instructions exist for the representation of each community in Government service ?

The Honourable Sir Bhupendra Nath Mitra : (a) One Superintendent, two assistants, two clerks and a stenographer. None of them are Muslims.

(b) The Superintendent and one assistant were transferred with the work from the Department of Industries and Labour (Public Works Branch) when the Civil Aviation Office was constituted ; the stenographer was transferred later. The rest of the staff, three in number, were selected as being the most suitable from among applicants for the appointments.

EMPLOYMENT OF MUSLIMS IN THE PUBLIC WORKS BRANCH OF THE INDUSTRIES DEPARTMENT.

864. *Maulvi Muhammad Yakub : How many fresh candidates have been employed in the Public Works Branch of the Industries Department in 1927 and how many of them are Muslims ?

The Honourable Sir Bhupendra Nath Mitra : Two. Neither of them is a Muslim.

ALLEGED IRREGULARITIES IN THE ALLOTMENT OF RESIDENTIAL QUARTERS TO CLERKS IN SIMLA.

865. *Maulvi Muhammad Yakub : (a) Is it a fact that the Under Secretary to the Government of India, Industries and Labour Department, holds dual charge of the office of the Superintending Engineer, Simla, also charge of the supervision and inspection of roads and other works in the Punjab and other parts of India ?

(b) Is it a fact that owing to these multifarious duties, the Superintending Engineer is unable to attend to all the duties and that work such as the allotment of residential quarters to clerks in Simla is left entirely in the hands of the Superintendent of the office of the Superintending Engineer ?

(c) Have the Government considered the question of the amalgamation of the office of the Superintending Engineer, Simla, with the Public Works Department, New Delhi ?

(d) Is it a fact that certain irregularities have occurred in the allotment of " C " class quarters in Kaithu ? If so, to what are these irregularities due ?

The Honourable Sir Bhupendra Nath Mitra : (a) No.

(b) No. The allotments are made personally by the Superintending Engineer himself.

(c) Yes.

(d) Government are not aware that any irregularities have occurred in regard to the allotment of quarters referred to.

ALLOTMENT OF A "C" CLASS QUARTER IN SIMLA TO THE HEAD ASSISTANT, WIRELESS BRANCH OF THE OFFICE OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

866. *Maulvi Muhammad Yakub : (a) Are the Government aware that the Head Assistant, Wireless Branch of the Director General, Posts and Telegraphs Department, is in occupation of a "C" class quarter ?

(b) Are the Government aware that the Head Assistant, Wireless Branch, is not entitled under the rules to a "C" class quarter as his pay and allowances amount to more than the maximum laid down for this class of quarter ?

(c) Is it a fact that the Head Assistant is in receipt of Simla allowance of Rs. 70 per mensem and that he draws it throughout the year even when he is in Delhi for the winter ?

(d) Will the Government please state whether this allowance was taken into account for the purpose of allotment of quarters to him ? If not, why not ?

(e) Is it not a fact that this allowance should have been taken into account as part of the pay under the Public Works Department Code for the purposes of allotment of quarters ?

(f) Are the Government aware that on account of this allotment, certain other lower paid clerks have been deprived of their rightful claim to these quarters ?

(g) Is the Honourable Member for the Industries and Labour Department prepared to enquire into this case personally and issue such orders as he thinks fit ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes.

(b) The allotment of this quarter to the Head Assistant was made in accordance with the orders issued by the Government of India in July 1925, to the effect that as a result of the revision of the classification of European clerks' quarters in Simla in that year no existing tenant would be required to vacate his quarters unless he became ineligible for the same under the old classification or he himself wished to do so.

(c) The Head Assistant is in receipt of a local allowance of Rs 75 per mensem throughout the year. Government servants eligible for it draw it even when they go to Delhi.

(d) Yes.

(e), (f) & (g). Do not arise.

ADDITIONAL EXPENDITURE INCURRED BY THE MOVE OF THE WIRELESS BRANCH OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS TO SIMLA.

867. *Maulvi Muhammad Yakub : (a) Under what orders are the staff of the Wireless Branch of the Director General, Posts and Telegraphs Department, receiving the Simla allowances in addition to their pay ?

(b) Have the Government considered the position in the light of the changed circumstances now that the office has been located at Delhi permanently ? If not, do they propose to do so ?

(c) What is the justification for bringing the Wireless Branch up to Simla instead of locating it permanently in Delhi throughout the year ?

(d) Will the Government be pleased to lay a statement on the table showing the actual cost of bringing up the establishment to Simla and the additional cost of expenditure incurred by the move of this Branch to the hills and on account of the Simla allowances granted to the staff of this Branch ?

The Honourable Sir Bhupendra Nath Mitra : (a) Under the orders contained in Government of India letter No. 661-P.W., dated the 20th March 1922.

(b) The question of the future location of the Wireless Branch is now under examination by the Director-General.

(c) The Wireless Branch has been located at Simla since its formation in 1920.

(d) The Wireless Branch remains in Simla throughout the year and consequently no expenditure is incurred in bringing up the establishment to Simla or on the move of this Branch to the hills. The allowances total Rs. 10,668 per annum, namely, Simla allowance Rs. 6,783, house rent allowance Rs. 2,560 and winter allowance Rs. 1,325.

RACIAL DISCRIMINATION ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

868. ***Rai Sahib Harbilas Sarda :** Will Government be pleased to supply to me now the information *re* racial discrimination on the Bombay, Baroda and Central India Railway promised to me on 31st January 1927 in reply to my unstarred question No. 63 put on that date ?

Mr. A. A. L. Parsons : I am obtaining the information for the Honourable Member.

GRANT OF FURLOUGH TO THE INDIAN EMPLOYEES OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

869. ***Rai Sahib Harbilas Sarda :** (a) Is it a fact that no Indian officer in the employ of the Bombay, Baroda and Central India and Rajputana Malwa Railway Companies is entitled to get furlough on any account, while all European employees drawing Rs. 150 and over, with ten years' service, are entitled to get furlough, whether ordinary, on medical certificate or on urgent private affairs, with allowances, up to 6 years ?

(b) Is it a fact that the furlough on half pay which may be granted to an European employee may be commuted into furlough on full substantive pay, so that after 24 or 25 years' active service, he can get furlough on half pay for six years or furlough on full pay for three years ?

(c) Are such liberal furlough rules in force on any of the State Railways in India ?

(d) Is there any reason why in the face of these rules, furlough should be denied to Indians on any account ?

(e) Are Government prepared to move the Bombay, Baroda and Central India Railway Company to consider the question of granting furlough to its Indian employees even on restricted terms ?

Mr. A. A. L. Parsons : I am obtaining the information for the Honourable Member.

EXPORT DUTY ON HIDES AND SKINS.

870. ***Mr. H. G. Cocks :** Will Government please state their intentions with regard to the export duty on hides and skins ?

The Honourable Sir George Rainy : The Government of India are considering whether the conflicting interests might not be satisfied, if the export duty were replaced by a cess for the benefit of the industry as a whole, which would be administered by a Committee similar to the Indian Central Cotton Committee. I lay on the table a copy of a letter which has been addressed to Local Governments on the subject.

Letter No. 75-T. (17), dated the 17th August, 1927, from the Honourable Sir Geoffrey Corbett, K.B.E., C.I.E., I.C.S., Secretary to the Government of India, Department of Commerce, to all Local Governments.

I am directed to address you on the subject of the export duty on raw hides. As the Government of is aware, the last Indian Finance Bill provided for the removal of the existing duty of 5 per cent.; but the voting on an amendment to continue the duty resulted in a tie, and the President, in accordance with the usual Parliamentary procedure, gave his casting vote in favour of the *status quo*.

2. The Government of India have carefully reconsidered the question, and they recognise that the voting in the Assembly reflected a definite and well-balanced conflict of interests. After examination of the most recent figures available, they are of opinion that the advantage to the exporter of raw hides from the removal of the duty would to some extent be counterbalanced by the disadvantage to the tanning industry, and they doubt whether there would be any appreciable benefit, at any rate in many parts of India, to the primary producer. In these circumstances they might hesitate again to press upon the Indian legislature a proposal to remove the duty.

3. On the other hand, the Government of India are opposed in principle to export duties except as a revenue necessity, which can no longer be regarded as justifying an export duty on hides. Moreover, the World Economic Conference recently convened by the League of Nations considered that " export duties should only be resorted to to meet the essential needs of revenue or some exceptional economic situation or to safeguard the vital interests of the country ". And it recommended that " in any case, export duties on raw materials should never be imposed for the special purpose of subjecting foreign countries using such materials to an increased burden which will place them in a position of unfair inferiority as regards the production of the finished article ". These recommendations had the unanimous support of the delegates of all countries, including India. The delegates to this Conference were appointed for their personal qualifications. They did not in any way bind their Governments nor were they qualified to act as spokesmen of an official policy. The Government of India, therefore, are not in any way bound by those recommendations or committed to accept them. Nevertheless it must be recognised that the unanimous recommendations of so authoritative a Conference cannot lightly be disregarded.

4. The Government of India think that it might be regarded as a satisfactory solution of the difficulty, if the export duty were replaced by a cess, which would be administered by a Committee representing all interests concerned and would be expended for the benefit of the industry as a whole. It is generally recognised that cesses of this nature have been of great advantage to the cotton industry, to the tea industry and to the lac industry. And in his speech to the Associated Chambers of

Commerce at Cawnpore in December last, His Excellency the Viceroy announced that the Government of India would favourably consider proposals to impose similar cesses for the development and organisation of other industries.

5. The Government of India recognise that such a proposal should ordinarily be initiated by the trades concerned, and that without their support and co-operation it would be useless to proceed with it. In this case, however, when the Bill which first imposed an export duty on hides and skins was before the Indian Legislative Council, the Honourable Mr. W. E. (Sir Erskine) Cram, speaking on behalf of the Bengal Chamber of Commerce, strongly urged that part of the duty should be set aside for such a purpose. Since then the proposal has been discussed more than once. And now that the Government of India no longer find it necessary to claim the whole proceeds of the export duties on hides and skins for revenue purposes, it seems opportune to consider whether the balance could not be profitably utilised in the manner first indicated by Mr. Cram.

6. The objects on which the proceeds of a cess might usefully be spent, would include :

- (1) Improvement in the methods of tanning and preserving raw hides, and the prevention of adulteration;
- (2) Improvement in the methods of tanning, including :
 - (a) the training of tanners,
 - (b) the supply of tanstuffs, and
 - (c) technological investigation;
- (3) Organisation of marketing, grading, etc.

It will be seen that these objects touch very closely the economic life of the people, in the villages as well in the towns, and it seems clear that they are not likely to be fully attained by the activities of the trade alone. The co-operation of the Local Governments and their Departments of Industries appears to the Government of India to be an essential condition of success.

7. In the view of the Government of India, therefore, it would be necessary to constitute a Committee for the administration of the proposed cess on the lines of the Indian Central Cotton Committee, that is, including representatives of the Local Governments. The Indian Central Cotton Committee was constituted on the recommendations of the Indian Cotton Committee of 1919. And it does not seem desirable to set up a similar organisation for the leather industry without some preliminary investigation. In the opinion of the Government of India, there is no necessity in this case for any elaborate or prolonged survey. What they would suggest is a small *ad hoc* Committee, including representatives of the export trade, the tanning industry and the Local Governments, which would report on the following points :

- (1) The articles on which a cess might suitably be imposed, and the rate of cess on each article ;
- (2) The constitution and personnel of the Committee which would administer such a cess ; and
- (3) The functions of the Committee, and the objects on which the cess might be expended.

In regard to the first point of reference, if the cess is to be utilised for the benefit of the industry as a whole, it would have to be considered whether it should be levied on skins as well as on hides, on the tanning industry as well as on the export trade.

It is thought that an *ad hoc* Committee with these restricted terms of reference, should be able to submit a report on which a Cess Bill could be based without undue delay.

8. I am now to request that the Government of after consulting the commercial and other interests concerned, will give the Government of India their views on those proposals, and in particular on the proposed appointment of an *ad hoc* Committee and on the terms of reference.

Mr. B. Das : May I enquire whether Government have received any representation from the Madras tanning industries and shoe manufacturing industries all over India for protection of those industries ?

The Honourable Sir George Rainy : I must ask for notice.

PAY AND YEARLY PROMOTIONS OF PREVENTIVE OFFICERS AND WHARFINGERS.

871. ***Mr. N. M. Joshi :** Will Government be pleased to state :

- (a) Whether there are Wharfingers and Assistant Wharfingers in the Customs Preventive Service in Calcutta ?
- (b) Whether the Wharfingers and Assistant Wharfingers in Bombay are not doing similar work as that done by the Preventive Officers ?
- (c) If so, why is much difference made in the pay and the yearly promotions of the Preventive Officers and the Wharfingers ?

GRANT OF HOUSE-RENT TO WHARFINGERS AND ASSISTANT WHARFINGERS IN BOMBAY.

872. ***Mr. N. M. Joshi :** Will Government be pleased to state :

- (a) Whether it is not a fact that a grant has been sanctioned for providing the Preventive Officers in Bombay with residential quarters ?
- (b) Whether provision has not been made for Wharfingers and Assistant Wharfingers ?
- (c) If so, why they are not given house-rent ?

RESULT OF THE ENQUIRY INTO THE GRIEVANCES OF WHARFINGERS AND ASSISTANT WHARFINGERS.

873. ***Mr. N. M. Joshi :** Will Government be pleased to state the result of the inquiry into the grievances of the Wharfingers and Assistant Wharfingers made by Sir Basil Blackett personally at Calcutta towards the end of the year 1925 ?

GRANT OF INCREASED PAY AND HOUSE-RENT TO WHARFINGERS AND ASSISTANT WHARFINGERS IN BOMBAY.

874. ***Mr. N. M. Joshi :** Will Government be pleased to state, whether Government have decided to give Wharfingers and Assistant Wharfingers in Bombay a higher scale of pay bearing a reasonable proportion to the salary drawn by the Preventive Officers and also house rent ?

The Honourable Sir Basil Blackett : I shall answer questions Nos. 871-74 together with your permission.

The Honourable Member is referred to the reply already given to question No. 859.

FINAL REPORT OF THE WORLD ECONOMIC CONFERENCE HELD IN GENEVA, DURING MAY 1927.

875. ***Mr. N. M. Joshi :** (a) Will Government be pleased to state whether the Government of India have received the Final Report of the World Economic Conference held in Geneva during May 1927 ?

(b) Have Government issued any Resolution or formulated any opinion on the said Report ?

(c) If the answer to (a) and (b), is in the affirmative, will Government kindly state whether they have any objection to supplying Members of this House with copies of the two documents in question ?

The Honourable Sir George Rainy : (a) Yes, Sir.

(b) It is satisfactory to find that many of the recommendations of the Conference are in general conformity with the principles and practice already followed by India. In particular, as the Indian delegation has said, the section of the Report dealing with tariff levels, when examined in detail, will be found to justify in a striking manner the policy pursued in India in accordance with the Resolution adopted by the Legislative Assembly on the 16th February 1923.

It is expected that the Report of the Conference will be discussed at the session of the Assembly of the League of Nations which meets at Geneva to-day, and the Government do not propose to deal with the Report of the Conference until the Report of the Indian delegation to the Assembly has been received. Meanwhile our delegation has been informed that the Government are not at present prepared to commit themselves in regard to any particular recommendations of the Conference.

(c) The Government are reprinting the Report of the Conference, and also the Report of the Indian delegation to the Conference, and copies will be supplied to Members of the Legislature as soon as possible. Meanwhile copies of both Reports have been placed in the Library.

SHORT NOTICE QUESTION AND ANSWER.

ATTACK BY THE AFRIDIS ON SHIAH MUSLIMS IN TIRAH.

Mr. Abdul Hays : Sir, with your permission I want to put a short notice question of which I have given private notice.

(a) Has the attention of Government been drawn to the news published under the heading "Frontier Barbarism, Shia Muslims' Woes", on page 4 of the *Hindustan Times*, dated the 2nd September, 1927 ?

(b) Will Government please state if the facts stated therein, namely, that a fanatical Mullah, with the help of Afridis, on August 21st, attacked two small Shia tribes, killing and wounding one thousand Shias and burning and plundering their houses and that eight hundred Shia families have taken refuge in British borders are correct ?

(c) If Government are in possession of further and more complete information regarding this will they please state it for the information of the House ?

(d) What action have Government taken or do they propose to take in the matter ?

Sir Denys Bray : I have not had the opportunity of reading the article in question. But the facts are briefly these. Towards the middle of last month a well-known Mullah of Tirah raised a large Afridi *lashkar* against the Shiah Orakzais. Joined by many Sunni Orakzais, the *lashkar* overran nearly the whole of the Muhammad Khel Orakzai country by the 23rd August, burnt several villages and drove most of the clan out of

tribal territory into the Kohat district. The casualties in this tribal fighting were very heavy, the Muhammad Khel alone admitting to 125 killed. The Chief Commissioner has lost no time in taking up the role of peacemaker and throwing his influence on the side of the restoration of normal conditions in Tirah. One of the gravest features of this heavy inter-tribal fighting is, of course, the danger of the trouble spreading to the tribal inhabitants of the administered districts.

Mr. Ram Narayan Singh : I want to ask my question. Sir.

(The question was skipped over as the Honourable Member was absent.)

Mr. President : The Honourable Member is too late.

Mr. Ram Narayan Singh : Sir. I was late only by a few minutes.

QUESTIONS NOT ASKED, OWING TO THE ABSENCE OF THE QUESTIONER, WITH ANSWERS TO THE SAME.

JOLTING OF CARRIAGES ON THE TARAKESWAR LINE.

857. ***Mr. Amar Nath Dutt :** (a) Is it a fact that the carriages on the Tarakeswar line shake too much, while there is no such shaking of carriages of the same train, when passing on the main line ? If so, what is it due to ?

(b) Do the Government propose to take steps to prevent the shaking of the carriages on the line ?

Mr. A. A. L. Parsons : (a) Government have no information to this effect. The line is administered by the Local Government with whom any necessary action rests.

(b) Does not arise.

DISCHARGE OF BABU KALI DAS MUKHERJEE, ASSISTANT STATION MASTER OF KUNRI, EAST INDIAN RAILWAY.

858. ***Mr. Ram Narayan Singh :** (a) Will the Government be pleased to state in full the reasons for the discharge of Babu Kali Dass Mukerjee, the late assistant station master of Kunri, East Indian Railway (Birbhum District) by the letter No. Es-741, dated 28th October 1925, from the Divisional Inspector of Asansol ?

(b) Are the Government aware of the fact that the said B. Kali Das Mukerjee was once assaulted by B. Durga Dass Bhattacharjee, the station master of the said Kunri station, and that the said B. Durga Dass the station master was consequently prosecuted under section 323-I.P.C., and only convicted with a nominal fine of Rs. 5 ?

(c) Are Government further aware of the fact that B. Durga Dass, the station master, made a report against B. Kali Dass, got the matter reported and enquired into by a European Inspector in the absence of B. Kali Dass while he was ailing in the local hospital owing to the injuries received from the said assault and had him discharged ?

(d) Is it not a fact (i) that B. Kali Dass had already put in service for a period of 18 years and also served the Government during the last

European War in German East Africa and Bushire for 4 years and (ii) that B. Durga Dass was, once previous to this, punished and discharged for a similar offence against a European guard and only reinstated to a lower post owing to the war exigencies ?

(e) Is it not also a fact that the said European Inspector who investigated this case, was only immediately after, found to be incompetent as an Inspector and degraded ?

(f) Will the Government be pleased to lay on the table the following :

- (1) A copy of the judgment of the said criminal case.
- (2) The whole record dealing with the discharge of B. Kali Dass.
- (3) The detailed service records of the said B. Kali Dass, the said B. Durga Dass, and the said European Inspector ?

Mr. A. A. L. Parsons : Government have no information with regard to the matter which is entirely within the competence of the Agent to whom a copy of the question has been sent.

PAY OF WHARFINGERS AND ASSISTANT WHARFINGERS IN BOMBAY.

859. ***Mr. Jammadas M. Mehta :** Will the Government answer the following :

- (a) Are there Wharfingers and Assistant Wharfingers in the Customs Preventive Service in Calcutta ?
- (b) Are not Wharfingers and Assistant Wharfingers in the Bombay Customs Service doing similar work as that done by the Preventive Officers ?
- (c) If so, why is much difference made in the pay and the yearly promotions of the Preventive Officers and the Wharfingers ?
- (d) Is it a fact that a grant has been sanctioned for providing the Preventive Officers in Bombay with residential quarters and, if so, why no provision is made for Wharfingers and Assistant Wharfingers and why are they not given house rent ?
- (e) What was the result of the inquiry into the grievances of Wharfingers and Assistant Wharfingers made by Sir Basil Blackett personally at Calcutta towards the end of the year 1925 ?
- (f) Have Government decided to give Wharfingers and Assistant Wharfingers in Bombay a higher scale of pay bearing a reasonable proportion to the salary drawn by the Preventive Officers and also house rent ?

The Honourable Sir Basil Blackett : (a) The answer is in the negative.

(b) and (c). The work done by Wharfingers and Assistant Wharfingers in Bombay is similar to the work done by Preventive Officers, but less difficult and responsible ; hence the difference in the rates of pay.

(d) The answer to the first part is in the affirmative as regards the second part, no proposals for building quarters for Wharfingers and

Assistant Wharfingers have been submitted to the Government. The Government do not see any necessity for granting house rents to these officers whose pay has been fixed with reference to local conditions.

(e) It was found on further investigation that there was no case for increase in the pay of Wharfingers and Assistant Wharfingers.

(f) The Government consider that the present rates of pay bear a reasonable proportion to the rates of pay of Preventive Officers.

MOTION FOR ADJOURNMENT.

Mr. President : I have received the following notice of a motion for adjournment of the House from Kumar Ganganand Sinha :

" I intend to move the adjournment of the business of the Assembly for discussing a definite matter of urgent importance

I suppose the Honourable Member means urgent public importance :

" namely, the feeling of great apprehension regarding the safety of person created by the successive cold-blooded murders of eight prominent Hindus during the course of the last eight months, the last of which occurred on the 27th August, 1927."

Perhaps the Honourable Member will explain how the matter which he intends to discuss by this motion, is a matter of recent occurrence. It is not any question connected with the recent murder that he proposes to discuss. What he wants to discuss is the feeling of great apprehension regarding the safety of person created by the successive cold-blooded murders. Will the Honourable Member explain how that feeling is a matter of recent occurrence so as to justify the Chair in permitting the Honourable Member to interrupt the ordinary business of the House.

Kumar Ganganand Sinha (Bhagalpur, Purnea and the Santhal Parganas : Non-Muhammadan) : Isolated cases of murder, Sir, may not have had that effect, but the cumulative effect of all the murders occurring in such quick succession has produced a tense feeling in the country. It is now at the breaking point. Nobody knows what will happen to-morrow.

Mr. President : Why not wait till the ninth murder ? What is the object of the Honourable Member raising this question after the eight murder. The Honourable Member wishes to raise the question of the feeling of great apprehension. It is a growing thing. It is a continuous thing. It is not a matter of sudden occurrence. It has been there for the last eight months. If Honourable Members really thought that the matter was of such great public importance that it should be discussed in this Assembly, they could have given notice of a Resolution. I cannot allow this motion as one relating to a matter of recent occurrence. If the Honourable Member had restricted his motion to some question, connected with the last murder perhaps the Chair would have been disposed to consider the matter, but, as the Honourable Member wishes to raise and discuss the question of the feeling in the Hindu mind regarding the safety of person created by murders that have taken place for eight months past, I cannot treat the motion as one on a matter of recent occurrence.

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban) : Would the fiftieth murder make it serious ?

Mr. President : Order, order.

Mr. Jannadas M. Mehta : Am I not entitled to.....

Mr. President : The Chair has given the ruling.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following Message has been received from the Secretary of the Council of State :

" I am directed to inform you that the Council of State at their meeting held on the 2nd September, 1927, agreed without any amendment to the Bill to repeal certain enactments, which was passed by the Legislative Assembly on the 24th August, 1927."

BILLS PASSED BY THE COUNCIL OF STATE LAID ON THE TABLE.

Secretary of the Assembly : Sir, in accordance with rule 25 of the Indian Legislative Rules I lay on the table the following three Bills which were passed by the Council of State at its meeting of the 2nd September, 1927, a Bill further to amend the Indian Succession Act, 1925, and Married Women's Property Act, 1874 ; a Bill to consolidate and amend the law relating to the provision, maintenance and control of light-houses in British India ; a Bill further to amend the Presidency Towns Insolvency Act, 1925, for certain purposes.

STATEMENT LAID ON THE TABLE.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I lay on the table the Agreement* between the United Kingdom and the Latvian Republic relating to Tonnage Measurement Certificates which affects India.

THE CRIMINAL LAW AMENDMENT BILL.

The Honourable Mr. J. Orerar (Home Member) : Sir, I move that the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1896, for a certain purpose, be referred to a Select Committee consisting of Mr. S. Srinivasa Iyengar, Mr. Nirmal Chunder Chunder, Maulvi Muhammad Shafee, Mr. A. Rangaswami Iyengar, Mr. M. A. Jinnah, Mr. Ismail Khan, Mr. Abdul Haye, Mr. Arthur Moore, Mr. A. H. Ghuznavi, Mr. N. C. Kelkar, Mr. M. R. Jayakar, Mr. J. Coatman, Mr. K. C. Roy, Sir Abdul Qaiyum, Sir Denys Bray, Lala Lajpat Rai and the Mover, with instructions to report within seven days, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be nine.

Sir, though this Bill deals with important matters, matters immediately related to what is perhaps the most urgent and insistent issue which confronts us in India to-day, it is a short and simple measure. My original intention was to move that it be taken into consideration.

* Not printed in these proceedings.

I understood however that in several quarters it was thought desirable that its provisions should be considered and examined in Select Committee, and I have accordingly substituted the motion which I have just made. I think, Sir, that I have every ground for confidence that the principle of the Bill will receive general support and the House will agree to its being referred to the large and influential Committee for which the motion provides. If my hope is well-founded it is unnecessary for me at this stage to deal with it at any great length. The intention of the Bill may be stated in the words of the Indian Law Commissioners in their commentary on the original draft of Chapter XVI of the Indian Penal Code. They said :

"The principle on which this Chapter is being framed is this, that every man should be suffered to profess his own religion and that no man should be suffered to insult the religion of another. Discussion indeed tends to elicit truth, but insults have no such tendency; instead of eliciting truth they only inflame fanaticism."

The measures which on these views the Commissioners proposed are substantially the provisions of Chapter XVI of the Code as it now stands. Many of the apprehensions expressed 80 years ago by the Commissioners of the consequences that would ensue if undue license in these matters were permitted are equally applicable, indeed there is only too much reason to believe that they are still more applicable, to the times in which we live. Religious animosities and differences have not abated, and their worst products, with a vastly greater development of the means of uttering and disseminating them, have a still more speedy and extended capacity for mischief. We live in almost daily contact with the dangers referred to by the Commissioners; dangers, as they said, which can only be averted by a firm adherence to the true principles of toleration. Our best hope of the mitigation and removal of these dangers, the gravity and the tragic consequences of which are now with such deplorable frequency impressed upon us, still lies and must continue to lie in an effective appeal to and a more general practice of those principles of toleration. But it is necessary that the spirit of toleration should have an effective protection and support in the law by the restraint and punishment of malicious and aggressive intolerance. Recent experience has rendered it desirable that the law should be clarified and more directly adapted to this purpose.

But, Sir, in legislating for these ends we have to be careful that in prescribing punishments for deliberate and unwarranted aggression on the beliefs of others we do not run the risk of restraining or penalising the freedom of legitimate discussion. In the analogous English law great emphasis is laid on the elements of "scoffing or irreverent ridicule," "uttering or publishing contumelious reproaches," "profane scoffing," exposing religious beliefs to "contempt or ridicule," and the like. On the other hand, it has been held that it is not blasphemy with due gravity and propriety to examine and comment upon religious beliefs and doctrines even to the extent of contesting their truth. That, Sir, is the English law. The most important provisions of the existing law in India, which either deal specifically with offences relating to religion or may be found applicable to them, are contained in Chapter XV of the Indian Penal Code and in section 153-A of the Code. Section 295 of Chapter XV, it will be observed, deals with what is in effect a particular though a flagrant case of the offence of mischief, the destruction, damage or defilement of a place of worship or a sacred object.

[Mr. J. Crerar.]

The remaining sections 296, 297 and 298 contemplate offences against particular persons or particular assemblies of persons actually engaged in religious worship or ceremonies and on some particular occasion. These provisions therefore would not be ordinarily applicable or appropriate to the case of contumelious speeches or writings against a religion or against religious sentiments. Then we come to section 153-A of the Indian Penal Code. The fundamental ingredient in this offence is the promotion or the attempt to promote feelings of enmity and hatred between different classes of His Majesty's subjects. Now it is evident, and it has been shown by experience, that in the great majority of cases this ingredient will in fact be present when a scurrilous attack is made upon religion; nothing indeed could be more calculated to promote hatred or enmity between classes. But if we are to regard a scurrilous attack upon religion as the substantive matter, this ingredient of promoting envy and hatred between classes becomes in point of law extraneous, though, in point of fact, it could hardly fail to be a circumstance of great relevance and importance. The principal effect of the Bill, then, will be precisely this, to make intentional insults to religion or intentional outrages on religious feelings the substantive matter and to make the promotion of feelings of hatred and enmity between classes extraneous at any rate to the requisite legal elements and to the definition of the offence.

Another important point arising out of section 153-A is this. If a scandalous attack on the religion or religious feelings of one class were so framed, as is possible, as to make it difficult to hold that enmity and hatred were thereby promoted against another class; if, for example, it could not be held as clearly established by the evidence or the circumstances that the author of the attack could himself be reasonably regarded as representative of some other class, or otherwise attracting to it the enmity or hatred of those whose sentiments were immediately assailed, the application of the section would be at least doubtful. This difficulty will be removed by the Bill, as it will be sufficient to establish an intention to insult the religion or outrage the religious feelings of any one class of His Majesty's subjects.

Much attention has been directed to the particular case of scurrilous attacks or calumnies on the founders of religious creeds or personages deemed sacred or divine by the adherents of such creeds. Whether a valid distinction could be drawn between such cases and insults to religion of a more general or a different character seems to me doubtful, but the Bill will remove any doubt there may be, as an intentional and scurrilous attack on a person regarded as sacred or divine could not fail to be at least an attempt to outrage the religious feelings of those holding that belief. But in applying a remedy for one evil, we must beware of setting up another and perhaps a worse evil. To curb and restrain scurrilous and aggressive intolerance is one thing, but we must beware of imposing unnecessary and dangerous impediments on the free movement of thought and speech in legitimate enquiry and discussion, which do not encroach on the rights and liberties of others, and which are themselves the best instruments of progress towards the spirit of reconciliation and toleration. This spirit of reconciliation and toleration is indeed far more to our present

purpose than the expedients of punishment and restraint which are certainly necessary, but which can never penetrate so deeply to the root of the malady or touch the profounder causes underlying it. It is therefore important to note that the Bill lays great emphasis on intention. There must be an intentional insult or attempt to insult or an intentional outrage or attempt to outrage. Hence an enquiry or discussion, conducted and expressed, in the words of the English law, "with due gravity and propriety", in good faith and without any evil intention, will not come within the danger of the Bill. The nature of the intention may of course have to be collected or inferred from the internal evidence of any speech or writing which may come into question, or from the circumstances in which it is delivered or published, or both. But it is, I think, alike reasonable and necessary to require that anyone who undertakes the responsibility, or as he may conceive it the duty, of entering upon a religious enquiry, discussion or controversy, shall so temper and moderate his language and arguments as to establish unimpeachably the integrity of his intention. We can restrain no one in any true liberty of thought or speech by merely denying him the license to insult or outrage.

The only other point in the Bill which I think I need notice is the provision that no prosecution can be undertaken without the authority of Government under section 196 of the Criminal Procedure Code. It will, I think, be generally agreed that such a safeguard is necessary against frivolous, malicious or misguided prosecutions. Without this safeguard, indeed the Bill, especially in times or places in which religious animosities run high, would be more calculated to inflame than allay the dangers of the evils against which it is directed.

Sir, in this brief and somewhat summary explanation of the necessity and the objects of this measure I have deliberately refrained from entering in detail into controversial matters, especially those which are technically controversial. I have not discussed the precise effects of recent judgments in particular cases, as my endeavour has been to limit myself to what I hope are grounds of common consent and to the essential issues raised by the law as it stands in the Statute and the requirements of the situation. But I believe that the Bill will incidentally be effective in determining the lesser controversies and will at the same time approach the larger and more important issue. Because, Sir, the Bill is intended to be, though it cannot be regarded as more than, a practical endeavour to contribute to one aspect, itself a very limited aspect, of a graver and more comprehensive problem, for any complete solution of which, as I have already urged, legislation can only serve, great as is the authority of the law, to support and reinforce the higher authority and the greater powers of good conscience, enlightenment and toleration. (Applause.)

I ask the House to affirm that the support and reinforcement in this manner due from the law is in like manner reciprocally due to the law. I ask Honourable Members to consider this measure and the motion which I have moved in the spirit which animates and pervades the message so recently delivered to us by His Excellency the Viceroy. (Cheers.)

Mr. Abdul Haye (East Punjab : Muhammadan) : Sir, I rise to support the motion of my Honourable friend, the Home Member. I first of all congratulate the Government of India.

Mr. D. V. Belvi (Bombay Southern Division : Non-Muhammadan Rural) : Sir, on a point of order, I have given notice of an amendment to the effect that this Bill be circulated for the purpose of eliciting opinions thereon.....

Mr. President : The Honourable Member should not be impatient. **Mr. Abdul Hays**.

Mr. Abdul Hays : Sir, I rise to support the motion of my Honourable friend, the Home Member, and in doing so, I first of all congratulate the Government of India on having lost no time in bringing forward this Bill before this Assembly. To me, Sir, it is a matter of extreme regret that it should have been necessary for us to legislate along the lines indicated in the provisions of this Bill. We have passed through circumstances, Sir, which are deplorable. I have no desire to make a speech which will worsen the situation, which is already deplorable, in view of certain attempts that are being made by the leaders of the various communities outside this Assembly. But I want to avail myself of this opportunity of declaring from my place in the Assembly that I most emphatically and unequivocally condemn all scurrilous attacks, no matter whether the person who indulges in them is a Mussalman or a Hindu. (Applause.) Sir, so far as my religion is concerned, there is a definite injunction in the Holy Koran that no Mussalman should indulge in any abusive language or in any scurrilous attack upon the religion or the religious founder of any other community ; and if there have been persons in the past who have been indulging in these attacks or who have written pamphlets or books like "*Unnisween Saddi kd Maharishi*", I have no hesitation in saying that those Mussalmans have acted in a most unislamic manner. (Applause.)

Sir, I accept the principle of the legislation, but my own opinion is that the provisions of this Bill are rather wide and indefinite. When we come to the clauses of the Bill, the very first question that we have got to ask is what is the immediate cause of this legislation. As you all know it was a scurrilous attack upon the Prophet of Islam, on whom be peace, which created so much agitation among the Mussalmans of India and which created a situation that was fast growing menacing. Now, the first question that I have to ask my Honourable friend the Home Member is, "Does your Bill provide for such cases?" In his speech he has said that it does, but to me it looks, Sir, that the Bill is very indefinite as it does not say in so many words that any dishonest or scurrilous attack upon the Prophet or the founder of a religion would come within the purview of the law. In view, Sir, of what has happened in the past, I have no desire to leave it to the idiosyncrasy of a Judge who will have to administer this law. My first point in this connection is that we shall have to mention specifically that any scurrilous attack or any insult offered to a Prophet, to an Avatar, to a Guru or to the founder of a religion, would come within the purview of this law. (Hear, hear.)

My next point is that the punishment that has been provided is not sufficient. The Bill says that such person shall be punished with imprisonment of either description which may extend to two years, or with fine, or with both. In my humble opinion, this is entirely insufficient. I have no desire to ask you to legislate upon the lines of the "*Shariat*" of Islam, but you must realise before you provide for punishment that there is an important section of the people, the Mussalmans of India, who hold

very strong views on this subject. My next argument is that this insult to a Prophet or to a founder of a religion, or this insult to a religion or outraging the religious feelings of any class of His Majesty's subjects is going to be made a new and specific offence, but this offence, as you have already acknowledged, would amount to more than one offence. It would necessarily come within the purview of section 153A also. In view of these facts, Sir, I would strongly urge that the punishment should be adequate and substantial.

Then, Sir, my third point is, as the Honourable the Mover of this Bill has said, that honest and candid and *bonâ fide* criticism of a religion or its founder should not fall within the purview of this law. But if that is so, would it not be more advisable to make it clear by adding an Explanation to the clauses of this Bill? In view of the fact that the Bill is being referred to a Select Committee, I reserve my further comments on the subject. I support the motion of my Honourable friend the Home Member. (Applause.)

Mr. D. V. Belvi : Sir, I rise not to discuss the principles of the Bill but to move the amendment which stands in my name. My amendment runs to the effect that this Bill should be referred to the different provinces to elicit public opinion. I do admit that this is a piece of very important legislation, but to me it seems that it is absolutely necessary to give the masses of the country sufficient time to consider this legislative measure. The measure was published only the other day. It was introduced into this Assembly not even a fortnight ago; I doubt very much if copies of this legislative measure have been received in the remote ends of the country. The Bill to my knowledge has not been published in the local Gazettes of the various Local Governments. The Bill has not been translated into the principal vernaculars of the country and this is a legislative measure which undoubtedly will affect a very large number of people, in fact the whole country, because I have no doubt that as soon as this legislation is passed, it will become an Act. The measure will come into force not only in British India but also within the territories of the Princes in subordinate alliance with His Majesty in this country. Is it right that a measure of this importance should be considered without the knowledge and without the approval of the country at large? Who is to blame for this panicky piece of legislation? It is not surely the Members of this Legislature. Government sat quiet with folded arms for a number of years without doing anything. Now that Government see that there is a good deal of public feeling in Northern India provoked by the scurrilous attacks made by one newspaper upon another and the followers of one religion upon the followers of another, they, all of a sudden, bring forward this measure and ask this House to consider it and if possible to pass it into an Act. I do not believe that we should give our consent to a procedure like this. I have always protested in this House, at any rate more than once, against the manner in which legislation is rushed through in this Assembly. A Bill is introduced into the Assembly; next week it is brought up for consideration of its principle and next week we are asked to pass it finally. I do submit that this is not fair to the people who are to be affected by the proposed legislation. I want to ascertain the opinions of the Press and the people of this country on this legislative measure. There are religious Gurus of the Hindu community, there are religious Gurus of the Mussalmans; there are also Christian priests whose

[Mr. D. V. Belvi.]

opinions will have to be taken into account. Sufficient time must be given to the various classes of the people to consider this measure. It may perhaps be urged that it is necessary to pass this measure as soon as possible to allay the public feeling that has been evoked in the country. I do not believe that public discontent or public feeling will be allayed simply by passing this measure. I do not think that we shall lose anything by trying to elicit the opinion of the country, and I do submit to the House that they should agree to my motion.

As I said at the outset, I do not want to discuss the principle of the measure at this stage. I agree with a good many points that were sought to be made by my friend Mr. Abdul Haye in his speech. If it be necessary for me to say anything on the point, I reserve my right to say it afterwards. For the present I am content to move my motion, and I do so.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : Sir, I regret I cannot support the Honourable Mr. Belvi in the motion which he has made. (Hear, hear.) I do not admit that this is a panicky legislation, though I do hold that this is a legislation which has arisen out of an emergency. If a measure like this had been introduced into this House in ordinary times, I would have considered it my duty to oppose it. In my judgment considered on its merits it is a retrograde measure ; but considering the special circumstances in which we are placed at the present moment I think the proposed measure is a necessity and I therefore support its principle. In doing so I want to make my position clear. I want to submit that as soon as I heard of the decision of the High Court of the Punjab in the *Rangila Rasul* case, I lost no time in saying that, although, technically, the writer of the *Rangila Rasul* had been acquitted and the judgment was right in law, yet morally he was guilty. With your permission, Sir, I wish to read to the House what I wrote and what was published in *The People*, of Lahore, dated the 29th May 1927 :

" Technically the decision of the learned judge is correct. The judgment is a triumph for freedom of religious propaganda. But I have no doubt in my mind that morally the publication was a mistake. In these days of intensive communal tension it is nothing short of a moral crime to publish books of this kind. I am not quite sure if it is not bad to publish books of this kind at any time. . . . But general moralising apart, this is pre-eminently a time when the followers of different religions in India should avoid all provocative propaganda. Of all religious propaganda, disrespectful criticism of the founders of religious systems is the most offensive and objectionable. That the statements are true or authoritative is no defence. May I appeal to Mahashe Rajpal to withdraw the publication from circulation and may I also appeal to the leaders of the Arya Samaj to see that publications of this kind are not encouraged ? "

I go further, Sir, and am prepared to use strong language against the writers of books of the kind of *Rangila Rasul* and "*Unniween Suddi ka Makarishi*". I realise the dangerous character of books of that kind in the present circumstances of the country. I do not defend their publication at any time and under any circumstances, but particularly at this time when we are confronted with a terrible situation. I consider that all persons who indulge in this kind of propaganda are nothing but, enemies of the country. I wish to make no excuse for them and I do not want to qualify my remarks in any way. I think publications and books of this kind ought to be discouraged and suppressed by all possible means, moral or legal, or both inclusive. Having said that, Sir, I am not quite sure if

the language of the clause as drafted is not wide enough to cover, unless properly explained, even legitimate criticism or historical research. I do not agree with the interpretation of section 153 which the Honourable the Home Member has put on it. To my mind, that section is absolutely clear and it does not cover the cases which are provided for by this clause by any stress of language or interpretation. Take, for example, the case of those people who criticise their own religion, I mean the religion in which they have been born and the religious society in which they move. No progress is possible unless legitimate criticism is freely allowed and fully protected. The Honourable the Home Member in his speech gave a long explanation of the measure now under consideration and quoted the analogous provisions of the English law. But in this country we have to be a little more careful because it cannot but be recognised that social reform is very much tied down with religious reform, and, with the interpretation of religious texts. Therefore, the law should not be so worded as to make it impossible for those who want social reform, and who want to carry on social reform propaganda. It should be, as has been suggested by my Honourable friend Mr. Abdul Haye, made clear either by an explanation added or by any change of language in the proposed clause, that *bona fide* criticism, historical research, and all that leads to the interpretation of religious texts in such a way as to lead to progressive reform in social matters will not be affected by the provisions of this clause. I do not agree with my friend Mr. Abdul Haye in saying that insults to religious founders do not come within the purview of this clause. Insults against religious founders are not directed against their personality. If the intention is to outrage the feelings of the followers of these religious founders, then the clause covers it. But if he or anybody else in the Select Committee wishes to provide anything further to stop scurrilous criticism of religious personalities, he will have my entire support. I may go a step further and say boldly that the Hindu community will welcome this measure most of all, in fact in preference to all other communities. I have many reasons for saying this, but I do not want to go into them. For a long time the Hindus had absolutely no intention of going in for any proselytizing propaganda. If at the present moment some sections of the Hindu community are engaged in proselytizing propaganda, as I understand it, it is more as defensive measure than an active propaganda for conversions. However, I do not want to go into that question, but I do want to assert on the floor of this House that the Hindu community as such will not object to any provision being made in the criminal law of the land which would make the intentional insult of religion or the intentional insult of high religious personages an offence. Therefore, to me there does not appear to be any necessity of circulating this measure for opinions. It is a measure which has arisen out of certain special circumstances and I think it ought to be passed as speedily as may be possible.

While I give my entire and whole-hearted support to this measure considering the circumstances of the times, I just want to repeat that care should be taken in the Select Committee to so word the law as to make it safe for those people who indulge in *bona fide* criticism or who make historical research about religious matters. That ought to be clearly understood.

Sir, after having said this, I just want to suggest to the Honourable the Home Member that the name of Pandit Madan Mohan Malaviya might

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be substituted in place of mine, because I may not be able to attend the meetings of the Select Committee. I have his permission to say so.

The Honourable Mr. J. Orerar : May I say one word, Sir, on the point mentioned by Lala Lajpat Rai. If you and the House will permit, I should be very glad to make the substitution he suggests.

Mr. President : The question is :

“ That the name of Pandit Madan Mohan Malaviya be substituted for the name of Lala Lajpat Rai on the Select Committee.”

The motion was adopted.

***Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) :** Sir, I also regret that I cannot possibly support the motion moved by my friend Mr. Belvi that this Bill be circulated. I think this House must realise that there can be no difference of opinion on the fundamental principle, namely, that any vilification or wanton attack upon any religion or upon any individual which is likely to outrage the religious feelings of any particular class of His Majesty's subjects should be condemned. There can be no question that that is a state of things which ought not to be tolerated, particularly at this moment, as was well described by Lala Lajpat Rai.

When that is so, I would like to ask the Honourable Member, what is the object of his motion that the Bill be circulated, except that it will mean that probably it will be several months before we can get back this Bill for discussion in the Assembly. If this is circulated, it is quite certain that it may not be possible to pass this Bill in this Session. It must wait till the cold weather Session. Is there any object in bringing about this delay ? I should like to understand from the Honourable Member what is the object that he gains by postponing this Bill. He says this Bill ought to be circulated so that the masses may understand it. Sir, if this House is unanimous—and I take it there can be no question that we in this House wish to make it clear that in future no wanton vilification or attack on any religion shall be permitted—then let us proceed with this Bill. Let us enact a measure which will give us security against these scurrilous writers of the character now described. As to how this measure should be modelled, and as to how it should be altered in the Select Committee, various suggestions have been thrown out, but I have my own ideas on the subject ; but that is entirely a matter for the Select Committee. Therefore, I do urge upon the Honourable the Mover of the amendment, Mr. Belvi, not to press his motion that the Bill be circulated because it is a dilatory motion. If he withdraws his motion, then we are only concerned with the motion that the Bill be referred to the Select Committee. Sir, on this subject, as I am on the Select Committee, I do not wish to take up the time of the House. A few suggestions have already been made and, as I said before, I have also got some ideas with regard to this Bill. The Honourable the Member made it very clear, and I thoroughly endorse the principle, that while this measure should aim at those undesirable persons who indulge in wanton vilification or attack upon the religion of any particular class or upon the founders and prophets of a religion, we must also secure this

* Speech not corrected by the Honourable Member.

very important and fundamental principle that those who are engaged in historical works, those who are engaged in the ascertainment of truth and those who are engaged in *bona fide* and honest criticisms of a religion shall be protected. Sir, there is, therefore, really no difference of opinion between the Honourable the Home Member who represents the Government and this side of the House. The only question is how to shape and model this Bill so as to secure those fundamental principles upon which we are all agreed. Sir, I would only suggest one more thing and that is this. I understand my Honourable friend Nawab Sir Zulfiqar Ali Khan desires to serve on the Select Committee, and I hope the Honourable the Home Member will kindly accept his name also for membership of the Select Committee.

Mr. President : The question is :

“ That the name of Nawab Sir Zulfiqar Ali Khan be added to the Select Committee ”.

The motion was adopted.

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhamadan Rural) : Sir, I rise to support the motion of my Honourable friend Mr. Bevi that this Bill be circulated for eliciting public opinion. I desire, Sir, to make it perfectly clear that I am not for a moment in favour of permitting intentional or scurrilous attacks upon the religion of anybody. Here, I may parenthetically add that I claim to be a student of religion. To religion I have given the best years of my study and I claim to this day to be more intensely and more passionately attached to my religion, the universal religion of my forefathers, than anybody, probably, who claim to be attached to his religion. But that apart, with all that, Sir, I do not see why I should be so much taken out of my equilibrium or out of my thought-balance because, as it always happens, a few people with more zeal than discretion indulge in what they consider to be a kind of great propaganda for the enlightenment of the world. Very often these attacks are due to superficial knowledge of religion, and if anybody has to resent, Sir, if any community has been subjected to the most intentional, most scurrilous and most vilifying attacks at the hands of all persons in the world. We, the Hindus, are the greatest sufferers in that respect. Every dear aspect of our religion has been criticised, every sacred text has been torn to pieces by men who know only to scoff, who do not know the elements of true religion nor of true spirituality. For many hundred years, the Christian missionaries who have come to India by cartloads have been attacking the most supremely beautiful, the most supremely rapturous revelations of spiritual life contained in the Hindu scriptures. Has the Hindu religion been thereby shattered to pieces ? On the other hand the Hindu religion is spreading everyday by leaps and bounds. The universal religion of the Supreme is spreading every day, not necessarily with a single name, but the same supreme spirit with various names. What is after all Christianity, but a faint shadow of the Hindu religion. What is Muhammadanism ? The Great Prophet whom I revere as much as any Mussalman friend of mine and the religion that he established are but reflections of the one Light. “ The One remains, the many change and pass ”. What are these changes but the passing glimmers of the Eternal Light ? Some misguided people, out of zeal, take it into their heads to attack the founders of other religions. If fanatics lose their balance,

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there is no reason why we, sober and saner people, should also lose our balance. Sir, I am sorry to bring it to the notice of this House that the religion to which I have the honour to belong has been ruthlessly vilified by hundreds of Christian missionaries. Coming nearer home, the Arya Samajists have in their ignorance been condemning us who follow the Sanathan Dharma as idolators. But who in this world are not idolators? And of what are the majority in the world idolators? Idolators of Lucre, of Lust, of the wine bottle! Surely our idolatry has not been so base as theirs. Whom do we worship through our idols? The all-merciful, all-benevolent Lord Sri Krishna who in his infinite Love incarnated on the banks of the Jumna, fascinating all hearts with his magic beauty casting on all around His bewitching glances and helping all to free themselves from the fetters forged on themselves by ignorance, and lust, and greed and vanity. And yet is there any non-Hindu man or woman who has not attacked Sri Krishna? These silly attacks, we simply pass by. We treat them with the contempt they deserve. These attacks have not belittled Him in our eyes. Surely we who are legislators should show a larger measure of level-headedness in enacting penal measures in this House. Why should we be scared and why should we lose our mental balance at the silly doings of these fanatics? Fanatics there will always be in the world. These misguided fanatics have merely a very superficial knowledge of religion; and owing to their half knowledge, which is worse than ignorance, they attack other religions. Are we therefore to lose our heads and cry out: "Oh, religion is in danger". Even if all the rest of the world should attack my religion, I do not see why I should lose faith in myself and raise any alarm. The supreme religion in which I believe is bound to flourish in spite of the scurrilous and vilifying attacks by others. Those who attack my religion do not know its real truth that all are brothers, so far as the Spirit is concerned, the one Spirit that pervades the whole world and is God. He is inseparably close to us; he is the bond that cements us all together; and makes us brothers. If this you grasp, why do you allow the writings of the fanatics to disturb your equanimity? Very often those fanatics prove to be not learned in any religion. They are over-emotional and often change suddenly. Some, when they come to scoff, very often remain to pray. It is our duty, it is the duty of every truly religious man, to take these things in their true light. Let all the world attack Sri Krishna. He is none the less the Sri Krishna of unbounded mercy whom I adore. I will treat all His detractors with the contempt they deserve. How many hundreds of people have not attacked Christ? How many hundreds of people have not attacked the divinely-inspired Law Giver of the world, the Great Manu, during the past six or seven years in my own Presidency of Madras. Not a day passes in the Madras Presidency without the Brahmin community and the Law Giver Manu not coming in for a fair share of ridicule and attack from certain people. All our temples, all our rituals and all our ceremonies have all been ruthlessly attacked. Yet, Sir, the great Law Giver Manu has not disappeared. The greater the attacks made upon Manu, the more resplendant does he shine. I am surprised in this connection that such a level-headed gentleman like my Honourable friend Mr. Jinnah should be so alarmed at the doings of the fanatics. He cannot understand why the Prophets should be attacked. He wants that this Bill

should be rushed through at once. Why should we not wait for three months more to elicit public opinion on this Bill? For hundreds of years the Hindu Avatars have been attacked. I am not a lawyer, and I hope my lawyer friends will correct me if I am wrong, I think the Indian Penal Code has been in existence for nearly 60 years; in spite of the existence of the Indian Penal Code these irresponsible attacks have been going on and will go on. I do not see why the leaders of parties and the front bench leaders in this House should be so disturbed in their equanimity as to rush this Bill through without giving sufficient opportunity to the public to know what the contents of the Bill are. Are we to lose our heads because a fanatic has written in the most scurrilous manner against the founder of another religion? I wish that we are cool-headed in all matters, especially in legislation. The other day, a fanatic lectured to other fanatics that he wanted not Swaraj but only Muslim Raj. Are we on that ground to lose our heads? Fanatics there have been and fanatics there will always be in this world. In this world, there are always good men and bad men. Human nature is complex. It is impossible to separate the chaff from the grain through mere legislation. I should therefore appeal to the House that they should calmly consider this matter. As I have already said, it is not that I am lacking in fanaticism of my own kind. I love my religion most ardently, but I also revere other religions. It was the Christian religion that I learnt first. I love the Christian religion. I love the Christian religion because I believe it is part and parcel of my own religion. The Christian religion I learnt from preachers of Christianity who were most qualified to preach it. In this connection, I would refer only to one name, the name of Dr. William Miller, at whose feet I sat and learnt the New Testament, and I can claim that I know the New Testament fairly well. It has been my privilege to come in contact not only with preachers of religions but also with great men who have lived in blissful communion with the Supreme Existence. Just three days ago, I got a letter from one of whom the world knows nothing, from one who is a Christ, a Muhammad, almost a Sri Krishna, telling me; "Be true to yourself, be a true Brahman". (Applause.) If there is one single true Brahman left, the whole world will be saved. (Laughter.) Now, Sir, am I going to be disturbed in my mental equilibrium because the Arya Samajists vilify Sri Krishna, and denounce me as an idolator? The Arya Samajists vilify Sri Krishna as one who lived in the midst of thousands of *Gopis* and as one who performed the *rasakrida*. These ignorant men, grown-up babies revelling in dirt, cannot understand the mystery and the rapture, the unspeakable beatitude of the union of the human with divine Love, of the Eternal *Rasakrida* which the pure in spirit alone can in spirit comprehend! The Arya Samajists like ordinary Christian missionaries are mere children who believe in big words. As to those who vilify, let me ask how many of them know the true meaning of the Spirit? Can they so much as think of the Spirit? "*Yato vacho nivarantē aprāpya manasā saha*"—Whence all thought and world alike fall back without reaching it. Yes; God is Spirit; and can be realised only by the spirit in us cleansed of all dross. But everybody is not a saint in this world. Everybody cannot visualise God in the nameless, formless. Men's minds want some Word, some Figure. *Nāma* and *Rupa*, Sound and Form, are the very basis of this world. What is *nāma* and *rupa*, but idolatry. The man that transcends *nāma* and *rupa*, that ancient wise man, he does not come out

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and complain that the Spirit has been destroyed. He does not complain against any one or anything in this world. He takes up all things smilingly, with Love in his heart and blessings on his lips; for in all verily he perceives the blissful Krishna, the Supreme Soul! The true Sikh, the true Christian, the true Muhammadan is also the true Hindu, is also a true devotee of the Lord Krishna, the One merciful Lord of beatitude and grace. And I do not see why because some people have said certain stupid things, therefore the sedate Legislatures of India are to be rushed into legislation. Do you think this legislation is going to bring about the millenium? Will it set all disputes at rest? It will not. This therefore is my first objection to the passing of this legislation at once, in a manner which is not warranted for people who have to carry very cool heads on their shoulders.

Secondly, what about the scurrilous things against our culture and religion that are written and said outside India? What are you going to do about that? Very recently there has been an instance where an American lady after a short visit to our land has written and published a book which severely scurrilously criticises Hinduism. What is going to be done with that book? In the papers there has been much agitation about that book. Will this legislation reach that book? If anybody has been an offender I suppose that lady has been. Personally I should simply read that book and smile over it, half in sorrow, half in contempt. There are some few things in it that are true, but a great many things that are absolutely imaginary, the product of a too fertile brain, of the obsessed imagination. Remember the book is written by a lady who has no husband, no home, no children of her own; yet she longs to set right other's children! Of course, bachelors' wives and maiden's children are always well taught! I pity the good-intentioned lady, she seems to have had some very sad experiences in India which have led her to the conclusion that 8 out of 10 Hindu male adults are impotent, and Hinduism is responsible for it all! And she rushes into the public gaze and wants the whole world to agree with her in her denunciation and blasphemy of things too holy for her American brain to fancy even! Now, Sir, is this how India can be reformed? Who is the man that can reform other people? Surely he that has first reformed himself, that has himself overcome the temptations of the flesh. And he will reform others not through foul words, nor through foul propaganda, nor through foul books, but by smiles and gracious words of brotherly love. Yes, as the great Ram Tirtha has said beautifully: "Wanted reformers not of others but of themselves!" We want the reformer that can stand up in his naked purity even as the *Gopikas* stood before the eye of the Supreme Lord Krishna. We want one that can purify and ennoble everything that he comes into contact with. That is the sort of reformer we need.

I want to be true to my religion; and I wish to plead for tolerance. By all means let us see how we should deal with mischief-makers and those who hurt other men's religious feelings. But, as I said, most of the things said about India is absolute trash when it is not pure villification; and how are you going to deal with that? There is Mr. Pileher, for instance,—I suppose he is Right Honourable (*Honourable Members*: "No, no.") Well, I am glad he is not a Right Honourable gentleman. He or somebody else says something deliberately wicked in England, and it is

flashed across the wires, a huge fuss is made about it in the papers, the *Statesman* has got it one day ; next day apologies and explanations are made ; and so on.

Now, Sir, I think that the best thing for us to do is to find out what the best brains of the country think. We cannot of course arrogate to ourselves all monopoly of the best brains of the country, although I do not claim that we are quite representative of the people. But there are those outside this House who can be expected to be better exponents of religion, better guardians of their own religion. And why should we not know what these say ? But, if we do not pass this legislation next week, says somebody on the opposite Benches, the Heavens will tumble down. I for one should not be sorry for that. All the wickedness and sin of this world will then be washed away and we may have a newer and a better world. It is true there has been some correspondence going on in the papers. I remember Sir Sivaswamy Aiyer writing in the *Hindu* suggesting some kind of legislation. Some were for it and others were not. I say, why should this House arrogate to itself all wisdom and what is the necessity for this breathless haste ? Mr. Jinnah does not say what the necessity of it is. It is not for Mr. Belvi to prove the non-urgency. It is for Mr. Jinnah to prove the urgency and he has not shown the absolute and urgent necessity of immediate legislation. I know somebody wrote something bad in the Punjab ; and I suppose the man has been booked. (*An Honourable Member* : " No. ") Such a man can be booked, and the best way of booking him is to treat him with the contempt that he deserves. I therefore think that there is very good reason why we should consult all the various religions in India,—the leaders, the Sankaracharyas and the great Maulanas—we should consult them all, some Buddhist leaders, and some good Christian missionaries also who live according to the word of Christ and not only preach it. We should do well to consult them ; I do not know why we should throw away what these people have to say. And if after consulting the sedate, the thoughtful, calm, considered opinion of the country, we still find that certain mischievous people should be seriously dealt with, then, of course, there will be time enough to do it. Who is to judge—and already my Honourable friend, Mr. Abdul Haye, has said that he is not going to trust to the idiosyncrasies of any official Judge—who is to say whether there has been an intentional insult or not ? Not certainly Mr. Abdul Haye in every case, nor I either. Who is to decide ? The poor Judge has to say whether it has been intentional or not. But it is a very difficult thing to do that. The accused may claim all along that he is not really blaspheming but only propagating the supreme religion of Truth. Miss Catherine Mayo may claim that she is—and who can say that no, she is not, lunatic as she is—sincere. All lunatics are very sincere. Therefore, it is rather asking the House to take a huge plunge to penalise all such things with severity. It is just because the matter is agitating our minds, I say let us have some time during which our feelings may cool and our ideas assume proper proportions. Therefore, I strongly support the motion that this Bill be circulated for opinion, and I give my word as a religious man that the Heavens will not tumble, the Himalayas will not rush down the valleys, the oceans will not swell and the earth will not disappear if we take this measure at the next Delhi Session. I strongly recommend to the good sense, calm consideration and sedate judgment of every Honourable Member of this House that he do give his support to the amendment of my Honourable friend, Mr. Belvi.

Mr. S. Srinivasa Iyengar (Madras City : Non-Muhammadan Urban) : After the speech of my Honourable friend, Lala Lajpat Rai, it is not really necessary for me to elaborate the points which he has made. I am in entire agreement with the general principle and spirit of the Bill. So far as the details are concerned, we must examine them very carefully, and such exceptions or explanations as may be necessary to put in, for instance, explanations corresponding to that which is found in section 153-A. or the exceptions to the defamation section, will have to be examined and corresponding safeguards may have to be provided. While I do think that tolerance is far more important and that the liberty of the Press cannot be held to be sacrosanct in this direction, still the Press and its liberty ought also to be safeguarded. Equally, you must see that there is a difference between publication and authorship, and you must not, as in the case of the sedition section, make authorship and publication identical and say that even mere innocent publisher of an insult becomes liable. These are things which have to be examined and I hope the Select Committee will examine them. There are many other observations which strike me, but I think they are more pertinent to a later stage, when the Bill is discussed in Select Committee and afterwards when it emerges from it and is taken up for consideration. I refrain, therefore, from alluding to many technical and substantial points. But I would only say that this Bill has been long overdue. It is by no means a day too soon. It is not simply for the Muhammadans, not simply for the Hindus, not simply for the Christians, but for every community and for every religion in the land. Simply because it has been necessitated by the *Rangila Rasul* case, let us not imagine that the evil was not there or it is merely for the purpose of one religion being safeguarded. It is for the purpose of protecting the religions in India from deliberate, intentional insults and gross and wanton outrages. I would prefer, of course, not the word "intentional" by itself—I would say that it should be "deliberate." I like the word "outrage" and not the word "wound", because it is a much stronger word and it is necessary to have a stronger word than the weaker word which is used in some of the sections dealing with offences relating to religion in Chapter XV of the Penal Code. Speaking for myself, I do think that tolerance has been the law of the land—certainly in ancient times and in mediæval times. I do not wish to deal with the age of religious persecutions, but taking the great age of Asoka there is not the slightest doubt that tolerance was really technically the law of the land,—and no one was permitted in the guise of either proselytizing or championing the cause of his religion to wound other religions. Respect for the religion of another is the essence of the matter, as Asoka's edict puts it, and without it you cannot be truly religious and you cannot defend your own religion. Therefore, I think this was the law of the land whatever may have been the fluctuations of opinion in mediæval times. The Chapter in the Penal Code was, I suppose, thought sufficient when it was enacted. It is a great pity that during recent years there has been a large recrudescence of religious feuds which has made the introduction of this Bill, though it is highly regrettable, necessary. We must look at it not from the point of view of pure religion, but from that of secular considerations. The considerations of a united nation, the considerations of peace and good will

between the two great communities which inhabit this land, and the opportunity that we are denied for doing other things when people break each other's heads, make it imperative that this Bill, made word-perfect and brought up according to the latest patterns and consistent with reasonable liberty of the Press, the people and all sections of the House, should certainly be passed. I have myself felt that this is only one of the measures which by legislation should be undertaken by this House for the purpose of settling the communal trouble. There are other far more important measures than this which in another place, I suppose, will be discussed, and when the time comes, those measures also, if the Government agrees, will have to be put on the Statute-book. If, as His Excellency the Viceroy said the other day, Government is prepared to take all those steps which may be necessary for the purpose of bringing about communal harmony in this land, I say legislation is inevitable, and legislation of the type that is going to be suggested, of course, subject to such modifications as Government and this House may think necessary to make, will have to be taken up in case this is to be supplemented, as it has to be—for this Bill by itself will hardly do. Then, there is one other point that strikes me in this connection. It is true that, so far as Southern India is concerned, we have not got very much of this Hindu-Muhammadan trouble, and perhaps because of that, the Honourable Member who just spoke before me thought that there may not be so much necessity for this legislation. I do not consider that this Bill is either panicky or useless. As I said, it has been long overdue. The truth is, the conditions in Upper India with which we in the South are not altogether very familiar, make it necessary that some steps should be taken in order that religion may not be abused, that in the name of religion communal troubles should not be fomented and fostered. What really happened is, not that you really propagate your religion, or you defend your religion, but religion is but a play-thing, religion is but a toy, and you use it for the purpose of your secular ambitions and for your secular quarrels and rivalries. That, Sir, is the conclusion to which I have been obliged to come after such measure of experience as I have been gathering throughout the length and breadth of the country. The All-India Congress Committee has taken a great step forward in the direction of communal harmony and with the warm-hearted support not only of Mr. Jinnah and his friends but also of others who are still wavering, or differing, we will be able to lay the foundation stone of a great nation. The other steps which I hope will be taken on the 7th instant at Simla will bring about even greater peace and good will; but we do want the Government to give all the legislative assistance it can and its voting strength to those who are interested in bringing about communal harmony. If they say, 'Hands off', you cannot bring about peace and good will by mere conferences. It is impossible, because no leadership in India is of that indisputable description that you can say that a leader's word is implicitly obeyed throughout India. Therefore, it is that we want the sanction of legislation and the authority it carries, which will prevent persons profaning the sacred name of religion. Persons who are actuated, consciously or unconsciously, by purely secular considerations have brought about a great deal of trouble and turmoil. I have no desire to take up any sectarian cause or hold a brief for any one in this connection. The blame has been on both sides. All the

[Mr. S. Srinivasa Iyengar.]

communities in India are to blame, and more, for more than all the communities, Government are to blame and to blame throughout, and in saying that I am not saying a hackneyed thing or a thrice-told tale but what I firmly and conscientiously believe to be true, namely, that Government have been grossly negligent in the discharge of their duties in having allowed this communal conflagration to spread for years in this way. Therefore, Sir, I do support this Bill and I would request my Honourable friend Mr. Belvi not to press his motion for the circulation of the Bill.

Maulvi Sayyid Murtaza Sahab Bahadur (South Madras : Muhammadan) : I had no idea of taking part in this discussion but for the fact that my Honourable friend from Madras, Mr. M. K. Acharya, dwelt upon the fact that legislation on the subject is not so very necessary and that the matter may be put off. I will be as brief as possible in what I am going to say. My friend Mr. M. K. Acharya said that it was not a case where we must lose our balance. Then I should tell him that the agitation is not confined only to Upper India but it has extended to every nook and corner of India, I may even say, to our own Presidency. Sir, this is not the outcome of fanaticism, but it is the outcome of pure religious fervour. The House should be alive to the fact that the Mussulmans as a class are very much attached to our Prophet and the reason is this. We firmly believe that it is he who taught us the strictly monotheistic principles of religion. It is he who taught us the unity of God. It is he who has shown us the way to salvation by means of peace. The very term 'Islam' means to resign ourselves to the will of God, to be peaceful. So legislation is a means of keeping up the peace. Our revered leader, Mr. Srinivasa Iyengar, has remarked, this kind of legislation has been long overdue. So far as we are concerned our principle is :

Mai Khuro, Mushaf hisazo, atish unlar kaaba zan

Herchai Khaki Kun valaikin mardumazari maken.

This is the philosophy of our religion. It is not a philosophy taught by Mr. Acharya. It means "You may take wine, may burn down (holy) Koran, you may set fire to Mecca itself, but do not wound the feelings of anybody, which is the most heinous and unpardonable crime." This is applicable with even greater force in the case of religious feelings of the professors of different religions.

So, Sir, it is highly necessary that legislation of this kind should be undertaken and any further delay will prove disastrous to the country and will not be in the interests of Government itself. Though I have not congratulated the Government on any occasion, at least now I congratulate the Government of India on having introduced this legislation. Therefore I gladly and most willingly support the motion.

Maulvi Mohammad Shafee (Tirhut Division : Muhammadan) : I would be extremely sorry if my Honourable friend Mr. Belvi insisted upon his motion for delaying this piece of legislation. I think the great leaders of the Nationalist Party and of the Independent Party have given good reasons for proceeding with this legislation and not circulating it for eliciting public opinion. If my Honourable friend Mr. Acharya

wants further reasons for proceeding with this legislation and not delaying it any more I would tell him one or two reasons. My friend might not have heard that there was anything like a controversy over the question of music before mosques. In Southern India at least it was absolutely a new thing, but my friend must have experienced by this time that this question which arose in Northern India has made its way to Southern India and there were riots, fightings and even killing of human beings on this account. I do not understand why my friend does not perceive what is going on in the country. Is it not a fact that we are passing through a very delicate time, because mischievous people in both the communities are trying to disturb as far as they can the harmony between the two great communities of India? I believe that this question of music before mosques was nothing more than the invention of the evil genius of mischievous people in both the communities, and I submit that these scurrilous writings are only another phase of the same activity. It has begun only recently and we have seen what amount of agitation it has created. Of course it is still confined to the Punjab and the Frontier Provinces, but then it must have its sequel throughout the length and breadth of India in no time. I confess, Sir, I am really glad that the Government has intervened in time to check this growth of another deplorable phase of communal outbursts. I submit the Government is doing the best thing at the present moment. If it did not come up at once with this sort of legislation, whatever shape it may be given in the Select Committee, I think this would have spread like wild fire, in the same way as the question of music before mosques has spread from one part of the country to the other. If my Honourable friends Mr. Belvi and Mr. Acharya think there is not enough tension in the country between the two great communities, then they might press this motion for delaying the matter and might carry it and then see what consequences will follow.

Pandit Hirday Nath Kunru (Agra Division : Non-Muhammadian Rural) : Sir, the House will unanimously agree with the remark of the Honourable the Home Member that while everyone is entitled to complete religious freedom, no one has a right to wound the religious susceptibilities of others. There are occasions, Sir, when the truth or falsehood of a statement is a matter of secondary importance, and when the manner of it is more of its essence than its correspondence to fact. I understand that when a man makes defamatory statements against another person it is not a sufficient defence for him to say that the statements made by him are true. He has also to show that he was not actuated by malice and that he was performing a duty in making those remarks. It is right therefore that the same principle should be applied to a matter which is of far greater importance than purely personal reputation or personal feelings. But when I consider the scope of the Bill I confess, Sir, that my apprehensions are somewhat roused. When I looked first at the legislation proposed by Government I regarded it as an innocuous measure, as calculated only to counteract the evil which it is its object to prevent. But I happened to compare the new section 295-A with the legislation proposed by Sir Sivaswamy Aiyer, and then I became aware of the dangers concealed in the language which has found favour with Government. Now, Sir Sivaswamy Aiyer proposes to punish any man who intentionally indulges in "remarks of a blasphemous character against any religion, the founder of any religion, the deity of any religion

[Pandit Hirday Nath Kunaru.]

or any reputed incarnation thereof, or any prophets, saints or spiritual leaders". Now, as Lala Lajpat Rai has said, we witness daily in India the spectacle of reformers belonging to a community attacking the religious beliefs of that very community. And the question is of great importance in so far as living spiritual leaders of a community are concerned. There have been disputes in various communities with regard to their spiritual leadership. I have one or two such communities at the present moment in view. There are friends of mine of heterodox opinions who have used strong language on the subject which some might regard as scurrilous but which others would not regard as being stronger than the facts warrant. If the general language of the new clause proposed by Government to be enacted as section 295-A is sufficient to cover all the various categories mentioned by Sir Sivaswamy Aiyer, I am not sure that the clause may not lead to worse results than its absence would produce. It is of the greatest importance, Sir, from this point of view that this clause should be so drafted as to protect honest and legitimate criticism and as not to prevent social reformers from giving effect to views, the expression of which they regard as necessary for the uplift of their community. This is not a question merely of quarrels between Hindus and Muhammadans. It is a question which affects members of the same religion to no less an extent; and, if I may speak more explicitly, it affects members of the Hindu community more than the followers of either the Muhammadan or the Christian religion.

From another point of view, Sir, I am not sure that the Bill would be regarded as wide enough to cover all objectionable cases. Recently the feelings of the Hindu community in general and the people of Maharashtra in particular were agitated by some remarks which appeared in an Urdu paper about Sivaji. Now, any one who is acquainted with Maharashtra will know that Sivaji is not regarded merely as a political hero. He is looked upon with feelings bordering on religious reverence; but the Bill does not prevent the vilification of such a person. We have then to guard against these two great difficulties. We have to see that the Bill is of such a character as to satisfy members of all communities and at the same time not so wide as to kill all free and honest criticism. The illustrations that I have given are sufficient to show the difficulties inherent in the case, and that might, I hope, be regarded in some quarters as a reason for giving more thought to the subject than has so far been bestowed on it.

Sir, apart from these things, one cannot, as a student of literature and history, deny that it might sometimes be legitimate and necessary to criticise even the religious beliefs of others. Now I know that nothing is further from the intention of the Honourable the Home Member than to prevent the expression of remarks which are meant to be purely historical, provided they are uttered in a proper spirit, and, I said to myself when the Honourable the Home Member was speaking, "If this law is passed, would it be permissible for a man in India to publish a book like Renan's *Life of Christ*? Surely no exception could be taken to the serious language and tone of that book, and yet, I honestly confess that I am not sure that a book of that kind would not place its writer within the four corners of this law as it is proposed to be enacted.

There are certain other remarks of a general character which one might make on this subject, but as the matter will be considered in the Select Committee, which consists of a large number of Members of this House, I have no desire to weary Honourable Members with detailed remarks. But there is one consideration that I should like to place prominently before the House, particularly before Government. What is the object of the constantly recurring religious attacks that we come across in newspapers and in speeches? The object surely is proselytisation. My friend Dr. Paranjpye suggested three years ago that it should be made penal to convert a man to any faith other than that of his forefathers without adequate previous notice of the proposed conversion being given to the District Magistrate ("Hear, hear.") (*An Honourable Member*: "Do you think so?") and without adequate publicity being given to that fact. If it is desired really to destroy the incentive to these religious attacks, which we all deplore, I think it is not merely desirable but necessary to see that conversion is allowed only in accordance with a well-understood legal procedure. I am not, Sir, pleading for one community or another. I am sure members of all communities here would agree that the mischief that we are trying to check would perhaps cease to exist to a considerable extent if a law of the kind I have suggested could be enforced. It is, Sir, from this point of view that I confess that I find myself in some sympathy with the remarks that have fallen from Mr. Belvi. I know how acute the situation is. I know the great tension that the present state of the law created a short time ago, but we have to legislate not for the moment but in such a way as to subserve the permanent interests of our country. I belong, Sir, to no communal organization; in fact, I belong to a Society which debars its members from joining communal organizations. If I have spoken in the strain which I have done, it is because I honestly feel lest our best and permanent interests should be injured by our being in a hurry to check temporary causes of estrangement between the various communities inhabiting this country. I have spoken, Sir, as far as one living in India may do, as a detached and impartial observer, and I trust that the House will take my remarks in this spirit.

Mian Mohammad Shah Nawaz (West Central Punjab: Muhammadan): Sir, while I congratulate the Government on the introduction of this very important and urgent measure of legislation, I cannot help saying that in one respect it is dangerously wide. It rightly punishes those who make scurrilous and malicious attacks on religion and the founders of religions, but when it punishes those persons who outrage the religious feelings of a class, I honestly confess that I do not understand what is the meaning of the words "religious feelings", because to my mind some of the religious feelings are essentially irreligious. I beg leave to say that notions about God and religion and religious feelings are changing with the changing wheel of time and the days are not very far off when some of these seemingly religious feelings will be entirely disapproved of. Again, Sir, there are some religious feelings, say the religious feelings of the Hindus, which are diametrically opposed to the religious feelings of the Mussalmans and thus there is a conflict of religious feelings between the two communities. I do not wish to irritate the members of the Hindu community or any other community in India in any way. It is not my religion that I should attack or wound the feelings of any man

[Mian Mohammad Shah Nawaz.]

in the world who believes in the unity of God and call him infidel—but I know that there is a feeling among Muhammadans and Christians, be it right or wrong, that they think that the idol worshippers are infidels who cannot escape the fire of hell ; that is to say, they outrage the religious feelings of the Hindus, and in this way the religious feelings of the Hindus and the religious feelings of members of other religions are diametrically opposed. I do not wish to give more illustrations, but I tell you, Sir, that some religious feelings are such that they cannot be respected, and if we want to reform socially and in the sphere of religion, the words "to outrage the religious feelings of a class" should be deleted, and the Select Committee should seriously go into this aspect of the case. One should not be allowed to insult the religion and founders of religions, and if you like, Hindu incarnations. This is of course in accordance with the recent ruling of a Division Bench of the Punjab High Court and other High Courts. The Bill should not go further, because if it goes further, it will be trespassing on dangerous and mischievous grounds. The remedy will be worse than the disease. With these remarks, Sir, I support the motion that the Bill be referred to a Select Committee.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I am perfectly certain that the Honourable the Home Member will admit that a bad law is worse than no law at all ; but if I can show to him that the draft of his Bill now before the House is defective in three very essential respects, I am sure he will feel the desirability of recasting the whole measure. It is perfectly obvious that the Government of India is pledged to religious neutrality, and all classes of His Majesty's subjects in this country are firm believers in religious toleration. But while there must be religious toleration in the widest sense of the term, it must not trench upon freedom of speech and freedom of action, so far as that freedom is consistent with liberty which does not primarily and directly lead to a breach of peace. It is perfectly obvious that the Indian Penal Code, a most unscientific enactment, contains within its purview (*An Honourable Member* : "Why not try to reform it ?"). (I have tried to make it more scientific) four classes of cases. In the first place it has sections which deal with the defamation of the State known as sedition, and so forth. In the same Penal Code there are a few sections dealing with the defamation of a class, of which illustration is to be found in section 153A of the Indian Penal Code. We have then the third class of defamation, dealt with in sections 499 and 500 of the Indian Penal Code—defamation of the person ; and lastly we are now embarking upon the fourth class of defamation, namely, defamation of religion. Now, Sir, in a scientific Code I should have expected all these sections grouped together, but whether that is possible or not, one thing is absolutely certain, that all these classes of defamation are subject to the same principle and are equally subject to the same or analogous exceptions. Now let me give you a few illustrations. If you turn to section 124A, which deals with defamation of the State, 153A, which deals with the defamation of a class, or to section 499, which deals with the defamation of a person, you will find all these sections conditioned and circumscribed by a few salutary exceptions ; and those exceptions are that nobody would be punishable under any of those sections if the act in question is done in good faith without an intention to bring either the State or the class or the person

into disrepute. That, therefore, is the cardinal principle underlying all these classes of defamation, whether it be the State or class or person.

1 P.M.

Now, if we turn, however, to the clause in this new proposed Bill, we find that there is absolutely no Explanation at all. I should like the spokesman of Government to justify this provision, and I ask the Select Committee when they go into the question to consider the analogous provisions of the Indian Penal Code and bring the language of this clause into harmony with the general generic law of defamation which is dealt with under the various sections of the Indian Penal Code to which I have adverted.

Mr. M. A. Jinnah : I can assure my Honourable friend that I am perfectly alive to this point of view.

Sir Hari Singh Gour : I am glad, Sir, that my friend Mr. Jinnah is perfectly alive to this point of view and I can only hope that the other members of the Select Committee would be equally alive to his point of view and mine.

Mr. President : Is the Honourable Member not on the Select Committee ? (Applause and Laughter.)

Sir Hari Singh Gour : No, Sir. There is another point and a very important one. Lawyers in this House will bear me out that the meaning of the term "intentionally" has been the subject of numerous cases. There are cases in which it has been held—and I venture to submit rightly held—that nothing is said to be done intentionally which is not done with that intention ; and there are cases in which it has been held that every man is presumed to intend the natural consequence of his act ; in other words, the word "intentionally" has been subjected to a dual sense,—one, an express intention, and secondly, a presumed intention. Now, Sir, I should like in a case of this character especially dealing with religious questions, that the word "intentionally" should be obviated and the opening sentence of this clause should be "Whoever with intent to wound the feelings, etc., commits a certain act should be made punishable". That would avoid the ambiguity which centres round the definition of the word "intentionally" and which I am sure will give rise to further difficulties in the application of this clause.

The second point that I wish to draw the attention of the Select Committee to is that while I can understand the meaning of the words "in sults the religion" I cannot understand what the draftsman means by "outraging the religious feeling" as distinct from religion. One Honourable Member has himself expressed his doubt as to how these two things are to be understood and understood by the lay mind and I am sure that the members of the Select Committee will apply their minds to either focussing their thoughts upon the meaning of the words "religious feeling" with a view to make it clear to the man in the street or to delete that clause altogether from this section.

Now, there are a few more points, Sir, upon which I should like to draw the attention of the members of the Select Committee. I am glad that Honourable Members on both sides of this House have acknowledged the fact that while religious toleration is a good thing, they have not disguised the fact in this House that religious reform is equally important, and this Bill is a compromise between these two conflicting principles, the one principle being religious toleration and the other principle being

[Sir Hari Singh Gour.]

religious reform. The members of the Select Committee should see that they adopt that golden rule of taking the middle course and do not swerve too much either to the one side or to the other, because there is a lurking danger in curtailing human liberty if you wish unduly to emphasise the principle of religious toleration. On the other hand, if you swerve on the other side there is the obvious danger of defeating the very purpose which this Bill has in view. The question as to whether that middle course has been adopted is not free from doubt when we read this clause as it is presented to us by the Honourable the occupants of the Treasury Benches.

There is a further point to which I would draw the attention of the members of the Select Committee. If Honourable Members will turn to the Statement of Objects and Reasons and to the speech just delivered by the Honourable the Home Member they will find that there is a reference made to the effect that section 153A of the Indian Penal Code indirectly deals with this question. Now, Sir, I should like to know why you do not enlarge the provisions of section 153A and cover this case in point, instead of enacting a new section and thereby multiplying the already numerous sections of the Indian Penal Code by creating a new offence. It is conceded in the Statement of Objects and Reasons that anyone who reads section 153A of the Indian Penal Code will find that by a suitable amendment of that section you could have dealt with the mischief which this Bill is intended to provide against. I therefore suggest that the Select Committee should examine not only the provisions of the draft Bill but of section 153A of the Indian Penal Code with a view to see whether the object which the Government have in view cannot be served better by a mere amendment of section 153A of the Indian Penal Code. There are decided cases in which it has been held by the Judges of the High Court that persons who commit acts analogous to blasphemy by defaming other people's religion and thereby arouse sentiments of hostility in any class of His Majesty's subjects are punishable under section 153A. But as doubts have arisen it is just as well that suitable words should be inserted in section 153A so as to make that point clear. Section 153A contains an Explanation, and, as I pointed out, you cannot possibly enact any law dealing with defamation, whether of the State, of the class or of the person or, as in the present case, defamation of religion, without adding suitable Explanations or exceptions. Section 153A of the Indian Penal Code dealing with defamation of the class contains an Explanation which is more or less an exception. It says :

"It does not amount to an offence within the meaning of this section to point out without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce, feelings of enmity or hatred between different classes of Her Majesty's subjects."

Now, if section 153A is amended in the manner I have indicated, another Explanation might be added for the purpose of showing that it is not an offence within the meaning of this section if the criticism is made without the intention of arousing hostile feelings, but in the discharge of a public duty to state a historical fact or to publish the result of research. Historical writings, of a scientific character, writings even of a polemical character, are not all punishable and should not be punishable under the new clause or under section 153A of the Indian Penal Code, because by doing so you would be gagging the expression of free discussion, and I am

perfectly certain that it is the object of the Legislature here that there must be the maximum of personal liberty given to the people of this country to express their views without the fear that they would be prosecuted merely for an expression of opinion, though their intention may be to improve other religions, or it may be a mere matter of social reform, or their intention may be merely to publish the views which are the result of prolonged research.

One word more, Sir, and I have done. I wish to suggest to the members of the Select Committee that what my Honourable friend Mr. Abdul Haye and others have said—and I think there have been some expressions of opinion on this side of the House—is that this clause should be converted into a direct clause punishing blasphemy, namely, that whoever defames God, or a Prophet or a particular religion or a saint or a priest considered as a divine and thereby arouses feelings of hostility towards any class of His Majesty's subjects shall be punished. This, of course, is indirectly brought out in section 153A, but if the intention of the Legislature be to provide for the punishment of blasphemy direct, then I see no reason why the clause should not be recast again by punishing blasphemy as such instead of leaving it to inference, as is done in the proposed draft Bill. In other words, the criticism which the Honourable the Home Member has made against section 153A equally applies to the Bill which is now being consigned to the Select Committee. I, therefore, suggest that if you really wish to suppress blasphemy, by all means do so, but say that you are enacting against blasphemy. Do not do it in the indirect and inferential way in which you are trying to do in this Bill. I realize the difficulty of a secular Government dealing with religions towards which it professes absolute neutrality. But it is a difficulty the solution of which lies in enacting against a possible breach of peace which it is the duty of Government to maintain. It must be its sole objective. Sir, these are the only observations which I wish to make and I hope members of the Select Committee will take due note of them.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I congratulate the Government on introducing this Bill. I think that after the judgment of Justice Kunwar Dalip Singh it was inevitable that the Government should take note of the deficiency pointed out by him in the law and make an early attempt to remove that deficiency. I agree with my friends who have pressed that this Bill should receive very careful consideration. Any measure which infringes the liberty of the subject, as this measure does, must receive very careful consideration. The desire that it should receive careful consideration is reasonable and natural, but I do not agree with the proposal that the Bill should be circulated at this stage for opinion. I think, Sir, that on this question opinion has been to a certain extent crystallised, and I think we should trust the Select Committee to consider the measure in all its aspects and, if possible, report on it with such changes as it may think fit to this Assembly in this Session, so that this measure in the modified form in which it may emerge from the Committee and commend itself to this House, might be placed on the Statute-book before we leave Simla at the end of this Session. I wish to draw the attention of those friends who are anxious that we should not legislate in a hurry and thus give rise to greater future trouble than we desire to provide against, to the most important feature of

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this Bill. The Bill aims at preventing attacks upon certain religious personages. Every religion has somebody or some person at its head. We, Hindus, believe in the incarnation of God; we worship certain personalities as incarnations of God. Christians believe in Jesus as the one medium through whom salvation will be attained by Christians. Muhammadans believe that salvation will be obtained by believing in Muhammad. Buddhists worship Buddha and Parsees worship Zoroaster. Now, Sir, there are thus certain personalities which occupy the place of pre-eminence in every religion. What might be the facts about or incidents in the life of any one of those individuals is a matter of very little concern now to the vast mass of those who believe in, adore, worship and revere those personalities. The lives of these persons have been elevated from the sphere of ordinary criticism to a sphere where criticism must be reverential, and well considered. I am less concerned with the facts of the life of any of these glorious men of the world than with the fact that millions of my fellow-men hold each of them in reverence. I wish to bow to that feeling of reverence entertained by millions of my fellow-men more than to the facts of life connected with any of these personalities. The follower of any religion may study the lives of the prophets and even of the Avatars, and criticise them to the extent that an ordinary fair-minded critic would do, but with this difference that we should remember that the followers of the other religion or religions hold those high personalities in high reverence. I would place myself in that position and would consider how a criticism of one of these personalities will affect the minds of millions of my fellow-men who honour, revere and worship them. Do I wish to criticise the life of Jesus? I am not debarred from doing so. But I must show by my criticism that I approach the criticism of a personality which has been the source of moulding the lives of millions of men and a source of solace to millions, with the proper feeling and in a proper manner. Similarly, with the founder of the Muhammadan religion. If I wish to discuss the life of Muhammad, I must show that I hold him in the reverence which is his due because millions of my fellow-men hold him in that reverence. So also with the Avatars of the Hindu religion. If my friends, the Christians or the Muhammadans know that the Hindus hold certain Avatars in reverence, that they believe that God himself came down upon earth in those personalities, I expect that they will approach the study of the lives of those Avatars with a feeling of reverence. They may not believe in the particular tenets taught by the Avatars. But the personalities of the Avatars, and the personalities of eminent teachers of religion and of its founders and prophets stand on a different and a higher footing, and I wish, Sir, that this distinction should always be borne in mind. In discussing religious personalities, or the founders of religions, of the Avatars, of the leaders of religions, their personalities should be regarded as entitled to receive reverential consideration, while the tenets and doctrines of the religion which they preached or supported might well be open to free discussion and consideration. If that distinction is made, we shall be nearer together in the object we all have in view, and in the measure that we want to place on the Statute-book in order to secure that object. As I have already said, there should not be a light-hearted discussion of the facts connected with the life of any high personage, because as against the facts,

which may be simple in themselves—they were all human and so the facts may be simple and of little importance in themselves—there is the mountain of feeling, a living feeling existing in the minds of millions of men who hold that personality in reverence, not because of the incidents of his life, but because of the teaching he promulgated and the solace and comfort which he gave to many sore hearts, because of the knowledge he spread in the world and the solace of religion which he has left for large sections of mankind. I, therefore, submit, Sir, that while we are all entitled, while any critic may be entitled to challenge the intellect of his fellow-man who does not believe with him in the same religious faith, while he may be entitled to argue with him and to discuss the tenets and the doctrines of the other religion in a friendly way, no one ought to hold himself free to utter or write in a light-hearted way anything which would wound the heart or hurt the religious feelings of his fellow-men. The intellect may be left open to attack. A person belonging to another religion may be invited to an intellectual contest so far as the tenets and doctrines of a religion are concerned, but his heart should be left unhurt, it should be respected, as one would wish his own heart to be respected. My Honourable friend Sayyid Murtaza Sahib told us what Islam taught to the world. While I support in part the view he expressed, I wish to remind him and all other fellow-men that the essence of religion was enunciated ages ago, several thousands of years ago in one couplet in the *Mahabharata* which says :

“ *Śrutō dharma sarbbhasvam śrutva chapyabadharyyatām,
Atmanah pratikulāni pareśhām na samig̃charet,
Jad-jadatmani ch̃tchchēt,
Tat parasyapi chintayet.* ”

“ Listen to this essence of religion, and having listened to it treasure it in your heart. One ought not to do that unto another which he would not like another to do unto him. One should do that unto another which he would wish that other to do unto him.”

The same truth is inculcated by all other religions, such as Christianity, Muhammadanism, Buddhism. Now, Sir, that is the teaching we have to carry out to enforce. I would not wish my father, even if he had some weakness, to be vilified in my presence. He was my father and the object of affection and reverence to me, and no brother of mine, no fellow-man of mine, who is a gentleman would like to tell me to my face about the weakness of my father. If that tenderness is expected by one gentleman from another in the case of individuals, may we not expect in a magnified degree that same tenderness of feeling, that same tender regard for the feelings of other fellow-men when they hold the propounder of a religion, or an avatar, in a thousand times greater reverence than even that in which they hold their own fathers, because that greater teacher, that Avatar, or that propounder of religion has been more than a father to every one of those who believe in him ? I submit, therefore, that the rule should be that though the doctrines and tenets of a religion might be discussed, that which is likely to hurt or wound the feelings of our fellow-men should be avoided. This only means that in matters touching religion, this rule of

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ordinary human fellowship and of the ordinary duty of one gentleman towards another should be the rule of conduct throughout the world.

I do not wish to detain the House any longer. With reference to the fears that have been expressed that the liberty of criticism might be curtailed, I wish to say that this world of ours is now rather an old one. We have got the great religions of the world established in the affections of those who believe in them and those who practise them. It is not likely that there are to be any great changes by vast numbers of men abandoning one religion for another. Therefore we should be content to establish such a rule now as will make for peace, harmony and good will among men, such a rule as will eliminate causes of ill will and discord and discontent.

Sitting as we are together in this very House, Christians, Mussalmans, Parsis, Jews and Hindus,—do we not show consideration for the feelings of our fellow-men who do not belong to the same faith? Even so should we seek earnestly and prayerfully to establish a similar state of things in the country at large so that while each individual remains free to follow, the faith he has inherited or which has been given to him, each shall respect the feelings of others who do not share the same faith with him. And I submit, Sir, that if we keep that before our minds we shall be able to arrive at a conclusion in the Select Committee which will meet the object we all have in view, which will avoid the danger of too wide a generalisation which has been referred to by some of my friends and will enable this House to accept the measure in a form which will promote mutual respect and good will among the followers of different faiths, and give us an assurance that individuals shall not with impunity be permitted to attack the religious personages held in reverence by any one community, and allowed thereby to create a gulf or alienate feelings between the members of two communities. Sir, I strongly support the motion that the Bill be referred to Select Committee. I would with your leave also beg to add that Sir Hari Singh Gour's name be added to the Select Committee.

Mr. President : The question is :

“ That the name of Sir Hari Singh Gour be added to the Select Committee.”

The motion was adopted.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Pandit Thakur Das Bhargava (Ambala Division : Non-Muhammadian) : Sir, I have heard with rapt attention some of the speeches delivered on the floor of this House. I heard with great happiness the speech of Sayyid Murtaza Sahib. I heard the quotation he gave, for the first time, and I am very glad to know of the quotation which says that the Koran and all the books may be burnt, but the feelings of other persons

should not be wounded. I can only say that I have never heard a more blasphemous quotation so far from the lips of any other person. But all the same, Sir, I congratulate my Honourable friend for harbouring such noble feelings which are nobler even than the dogmas of particular religions. I have heard also the speeches of Mr. Acharya and Pandit Malaviya. With great deference to all the speakers who have preceded me I wish to point out, Sir, that coming to the sordid matters of this world, we find that if India were constituted of inhabitants like those who come into this Assembly there would be no trouble. These sentiments and all these good feelings may be very good in themselves; they are very noble, very elevating; all the same, Sir, you will excuse me if I point out that the man in the street has not got these noble things in his heart. If he had them there would be no necessity for this legislation. It is not that I am not at one with those who have spoken so far in condemning that sort of feeling which has given rise to the present impasse between Hindus and Muhammadans. All the same, Sir, I believe it is the prophets, the avatars and the great men who are very potent powers for good, whose lives should be criticised freely. If a Muhammadan says to me "You turn a Muhammadan, come and believe in my Koran", I am bound to say to him in all humility "You are weaning me from my own religion. Allow me to see how your tenets stand certain tests, and how the Prophet conducted himself on particular occasions". I think it is correct to say that it is the Sanatanists and Hindus of this land who are the victims of the proselytising activities of different religions. I do not wish to submit before you that they are not right in converting those whom they want to, but at the same time I do want to emphatically state before you that in this panic we should not take away the liberty of speech and the liberty of criticism. When I read this Bill as it is, I feel, Sir, that the right of criticism and the right of liberty of speech have been taken away to such a large extent that I fear that this Bill will ultimately, if passed into law in its present state, only perpetuate religious intolerance which it seeks to avoid. My humble submission is that the dissension we find at present is not so much due to the innate nature of Hindus and Muhammadans for fighting with each other, but is in a great measure due to the attitude of Government in dealing with the trouble. Sir, I put some questions to Honourable Members opposite about their attitude and their conduct in respect of certain publications, such as the *Uniswin Saddi ka Maharishi* and *Sair Din Dunga*. Similar questions were put in the Punjab Council by various Members, and the reply of the Government was that since the agitation in respect of those publications was not such as justified them in launching prosecutions against the authors of those books, those books were neither proscribed nor their authors punished. May I submit, Sir, with all the emphasis at my command that the present situation would not have arisen if the Government had stiffened their attitude from the start towards the authors of those books. I maintain, Sir, that *Rangila Kasul*, which has been written as a reply to the book *Uniswin Saddi ko Maharishi*, would never have appeared in print if the Government had taken care to see that the first book, of which the second was the result, was proscribed and the author punished? I know that Mr. Abdul Haye was one of the gentlemen who condemned the publication. We find that reasonable people condemned that publication and still the Government says there is no agitation against it. Is it not, I submit, unfair to those who do not want to indulge in agitations of this nature that their religious

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views are not properly protected ? This is not the only case. Similarly, I put another question in this House about an article that appeared in Hasan Nizami's paper *Musadi*, and the Government replied that since that gentleman begged pardon he was not prosecuted. Now, Sir, I am not vindictive. I do not want any such prosecutions which would end in nothing and which would only embitter feelings between Hindus and Muhammadans further ; but at the same time had the gentleman mended his ways I would have thought that the action of the Government had been justified. When however we find in the administration of justice such considerations as political exigencies, such considerations as that a particular sect or a particular people have not raised a sufficient amount of agitation : matters which are considered by Government in according sanction or making complaints, are we not justified in holding that it is due to the partial attitude of Government that the present position has been brought about ?

Now, Sir, with your permission, I will just dissect the causes of the present strife between Hindus and Muhammadans a bit further. Hindus and Muhammadans have been living in this land for ages past, for about a thousand years ; and in fact, Sir, the Christian missionaries also came on the field long ago. Christ, Muhammad and Krishna have come into conflict in this land for a long time ; but still why were such books not written before, and how is it that Hindus and Muhammadans did not break each other's heads with so much frequency as we see now ? The real reason is not far to seek. To my mind, the real reason is not that Hindus and Muhammadans have suddenly become ultra-religious during the past three or four years. The real reason, the mentality which is the real cause of all this trouble goes a little deeper. I understand, Sir, that since the inauguration of these Reforms with the introduction of a separate electorate, these dissensions have appeared in their present form. And this is not the whole cause. Hindus and Mussalmans have not got enough political rights to enable them to think of nothing else. In fact, Sir, if the Government really wanted to tackle the question and to settle the Hindu-Mussalman dispute, I for one believe that it would not be difficult for Government so to arrange matters as to bring about a condition of amity and goodwill between the Hindus and Mussalmans. What is the use of passing this Bill ? Will this Bill bring about the millenium ? My own opinion is that it will never do anything of the kind. You can pass any number of Bills, but how are you going to change the mentality of Hindus and Muslims. That mentality will not be changed by the passage of this Bill. I would therefore submit that instead of remedying the disease, this Bill and others like it, if they are not administered in the right spirit, will only add to the virus of the disease and will prove more poisonous than the disease itself. If you really want a solution of the question, then it is not for me, a humble Member of this House, to suggest any remedies ; and I will not assume to myself the ability to suggest better remedies than those which are known to the leaders of all parties and to the Government itself. I would only submit that this whole question should be gone into not in the rarified atmosphere of tolerance, but in that real atmosphere which is out for finding a solution. And, Sir, judging from the nature of the Bill and its wide range, I submit that full scope must be given for that criticism from all parts of the country which will

be of great help ultimately. I understand, Sir, that the Muhammadans of the Punjab have sent a telegram to several Members of this House, and I have just seen in the *Hindustan Times* that a meeting was held in Lahore and a resolution was passed that it may be urged in this House that the Bill should be circulated for public opinion. I will read now from the *Tribune* of the 4th September :

"A meeting consisting of respectable Mussalmans representative of various Mussalman bodies of Lahore was convened in Muhammadan Hall on the 1st September 1927.

After long discussion the following resolution was unanimously passed :

'Resolved that in the opinion of this meeting of representatives of different Mussalman representative bodies in Lahore it is imperatively urgent to circulate Bill No. XXXIX of 1927 for penalising attacks on religion so as to elicit public opinion, as the matter is of great and vital importance'."

Now, Sir, it has been said in this House by several speakers who have preceded me that this is a dilatory motion on the part of Mr. Belvi, that a further postponement of this measure will not conduce to the best interests of Hindus and Mussalmans. I, Sir, as you know, come from the Punjab, and I know how this agitation in regard to the *Rangila Rasul* case has been developed, hatched, burst upon the poor people of the Punjab. But all the same, with a full consciousness of the gravity of the situation, and with all the responsibility that attaches to a Member of this House, I feel and submit that however grave and however urgent the matter may be, considerations of public policy and fair criticism warrant the motion of Mr. Belvi. If conversions are to go on at this rate or in this manner, then the Prophets and Avatars, etc., are liable to be criticised. Considering everything, I do think that the opinion of the whole country must be taken before we proceed with a measure of this nature.

Mr. Anwar-ul-Asim (Chittagong Division : Muhammadan Rural) : I am glad, Sir, at this late stage of this very important debate my friend Mr. Belvi has found a supporter in our friend Pandit Bhargava. Personally speaking, I have always had an open mind on these matters, and coming as I do from a place where the number of Muhammadans is 80 per cent. of the total population, I think it will not be a bad idea if I speak a few words on the motion.

First of all it will be desirable to give a short reply to the points of the previous speaker. He seems to think that this measure is the outcome of the Moslem agitation in this country. He takes his seat in a group of which the Leader has spoken. We have heard the Honourable the President of the Congress. We have heard our friend, the Honourable Mr. Jinnah. And it seems to me, Sir, that most of us on all sides think that this Bill should be referred to a Select Committee. That is the opinion of the majority of us here in this House. In listening to the debate I have chalked out one or two points upon which I wish to speak. Mr. Belvi has said that this is a measure more or less to please the Mussalmans. But I can assure you, Sir, that it is nothing of the kind—the Government of India exist for all, and if they find that any section of the people are taking the law into their own hands, it is their duty to preserve law and order. The *Rangila Rasul* case is in point. The Arya Samajists have tried to defame the Prophet of Islam, and there have been conflicting decisions with regard to the interpretation of section 153A of the Indian Penal

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Code. Hence this measure. We have felt a keen interest and are aware of the disservice this tall talk has caused to this part of India and other places also. Unless and until this irresponsible talk is nipped in the bud, I am afraid I do not know where we shall be led to. The previous speaker has in an interesting way suggested that, until we have an atmosphere of give and take, none of these measures will have any effect. May I ask him what his friends in the Punjab have been doing in this matter? Platitudes always sound nice. You can put any sort of measure on the Statute-book, but until you have a change of heart you will not meet the purpose, he says. May I ask my friend if he and those of his ilk would continue to support the gutter press which is agitating the illiterate masses all over the country. Will that restore quiet and peace which we all so wish to have and desire? The high priests of the Sangathan and Suddhi must know that they are mostly responsible for this aggressive propaganda. They have defied the law and perhaps this piece of legislation is overdue. Sir, some speakers have also lamented the curtailment of the activities of the vernacular press of this country. If I have to say the truth, I think, Sir, that this trouble which has been going on in the country is due to the kite-flying policy of these vernacular papers. If the writers in this section of the press, and if the owners of these papers, had a little sense of proportion in them, I can assure you that these troubles would have been very much minimised. I do not know if the previous speaker referred directly to the Hijrat—I hope he did not. At no time of Indian history during the past 700 years did the idea of the Hijrat come into the mind of the Mussalmans, and I again assure my friend that the time will never come when the Mussalmans of this country will have to do that. Then, Sir, the previous speaker has also referred to the reforms. He seems to think that the reforms that were granted to the people of this country are partly responsible for these troubles. My humble opinion, Sir, is that they are not. The real fact is, the real pinch is, that those who happen to be in greater and larger numbers in this country cannot have their own way everywhere and in every thing. The Government have their own duties; they are not partisans of anybody in this country. They have the duty to rule peacefully and to see everybody prosper, and I am sure they will not hesitate to put this legislation on the anvil. With these few remarks, Sir, I support the motion of the House Member.

Raja Ghazanfar Ali Khan (North Punjab : Muhammadan) : Sir, I had no intention to take part in this debate to-day, but to reply to some of the remarks which have come from my Honourable friend from the Punjab. So I want neither to enter into communal discussion nor would I like to enter into a long debate on such controversial matters as have been pointed out by my Honourable friend. I think most of his remarks were absolutely irrelevant to the question which is now before us. To attribute these attacks on the Prophet and other saints of various religions to the separate electorate is the most illogical way of looking at things. However, Sir, there are two things which I would like to bring before the House. While I congratulate the Government on bringing forward this measure, and I strongly support the motion that this Bill may be referred to a Select Committee, I would point out two things. By doing so, I do not agree with every word of the clause as it is now before us. As everyone knows, it was due to the *Rangila Rasul* judgment, that is, the defect in the law which was pointed out by the Honourable Judge who tried that

case, and who thought that the law required to be amended. The two things which he pointed out clearly were, first, that an attack upon a Prophet may not necessarily mean an attack upon religion, and the second thing was that it was necessary to prove that one man by attacking the Prophet or founder of a religion provokes feelings of hatred and contempt between two different communities. The object now is that mere attack upon the founder of a religion whether it has provoked any feelings of enmity between the two classes of His Majesty's subjects or not should be made punishable. There are conflicting rulings upon this point. Some Judges think that even under section 153A, as it stands at present, such attacks can be punished. Some of the Judges think that such cases cannot be brought under this section. So the object of this Bill should be restricted to making it clear that any attack upon a religious founder or any other person held sacred by the followers of any religion should be liable to be punished, and that it should not be necessary to prove that by making this attack the author provoked enmity between different classes of His Majesty's subjects.

Another point which the Select Committee should consider is that the punishment which has been awarded in this section is in my opinion too light. I think two years' imprisonment for such scurrilous writings which have created such a critical situation in a country like India should be subjected to severer punishment than two years. I am not one of those people who would say that distinction should be made by law between prophets or heads of different religions, but I think that if the maximum punishment is higher, the trying Magistrate always considers that an attack upon a prophet of a religion or a founder is more serious and more punishment should be awarded in such cases than for criticizing an ordinary man or a man who is politically regarded as a leader.

There is only one more point to which I would refer, and it is this, that some people have suggested that the Government's attitude in this matter has been objectionable. Particularly my friend from the Punjab blamed the Government for being at least indirectly responsible for this communal trouble. I think it is my duty, Sir, to repudiate this charge in the strongest possible terms I can. So far as the Punjab Government is concerned, their attitude towards this *Rangila Rasul* agitation has been most fair and reasonable. They have handled with the greatest prudence this critical situation which otherwise might have grown much worse than what it is at present. If His Excellency the Governor of the Punjab had not received the Moslem deputation and had not assured them that the Government sympathised with them in their grief, that the man who attacked their Prophet was let off because there was a technical flaw in the law, I think the Muhammadans would have been much more disappointed and the consequences would have been much more serious.

With these words, Sir, I oppose the amendment that the Bill be circulated for eliciting public opinion and support the motion for its reference to a Select Committee.

Mr. M. S. Aney : (Berar Representative) : Sir, we have heard in this House up to this time many speeches in which the speakers have attempted to explain the principles or give their opinions on the principles underlying the substantive part of the new Bill under consideration, a Bill in which it is proposed to penalize intentional outrageous attacks upon religions or

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religious heads. But, Sir, this Bill consists of two parts. One part proposes to define the conditions and ingredients which will go to make attacks on religion an offence. There is another clause in this Bill which is in my opinion also equally important with this clause. If the provisions defining the offence are important, I submit that the provisions of the Bill which are intended to empower certain constituted authority to enforce that law are also equally important. In short the procedural portion of the Bill also deserves to be very seriously considered by this House. From

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the speeches hitherto delivered in this debate it must have been obvious to some of the Members of this House at any rate, that among the various causes which have brought about the present tension between the great communities some blame is laid at the door of the Government also, inasmuch as they have not been sufficiently alert or vigilant or even impartial in enforcing the provisions of the existing laws at the proper time. That is one of the causes which, according to some of the speakers, has contributed to some extent at least to bring about this existing deplorable position. If that is a fact, you have to seriously consider whether by the new changes that you seek to introduce in the Criminal Procedure Code, the powers to enforce the law and set the judicial machinery in motion should be entirely in the hands of the Government or whether there should be some latitude given to the aggrieved individuals or communities in this matter. Sir, my learned friend Sir Hari Singh Gour has analysed in the spirit of a jurist characteristic of him the whole of the Indian Penal Code and tried to bring together the various scattered sections dealing with defamation. He has said that the new offence which it is intended to penalise is one more addition to the penal law on defamation. If that is so, let us see what the procedural law regarding the various sections dealing with the three classes of defamation is. If this clause is to be examined in the Select Committee in the light of the principles underlying the law of defamation, on the ground that the proposed offence is analogous to that law, then I think, Sir, that when dealing with the procedural clause of this Bill, the principle underlying the provisions of the Criminal Procedure Code dealing with the procedure in regard to the different classes of defamation may also be appropriately taken into consideration by the Select Committee for careful comparison. Now, my learned friend has already shown that defamation against the State is dealt with in section 124A, and defamation against a class under section 153A; then there is defamation against individuals which is treated under sections 499, 500, and so on. Now, it is a matter of common knowledge to those who have to do something with the practice in the criminal courts and the provisions of the Criminal Procedure Code that the procedure lays down two different ways for dealing with these three classes of defamation. Defamation against the State and defamation against a class provided for in sections 124A and 153A are purely matters in which the initiative for launching a prosecution lies with the Government. But as regards defamation against individuals the initiative is left with the individual and not with the State. What I have to bring to the notice of this House particularly and which I want those who are members of the Select Committee to take particular note of is to see whether it will be advisable to leave the initiative entirely in the hands of Government, and whether by so leaving the initiative of prosecution in this matter purely

to the machinery which is provided for under clause 3 of this Bill, we shall be able to satisfactorily serve the object which the Honourable Member in charge of the Bill has in view. The initiative for prosecution will under clause 3 of this Bill be in the hands of the Government. If the charge which some Members have made and to which I have already referred is true, that is to say, if the Government has not been very alert, vigilant and even impartial in launching prosecutions against persons who have often offended against section 153A, then it will be a matter for the members of the Select Committee to seriously consider whether initiative for prosecution under this new clause should be entirely left in the hands of the Local Government as provided for by clause 3. That is a point which I want them to seriously consider. If there is no foundation for this charge, then I at once admit that the provision made in the Bill is all right. But if there is any foundation for this charge, as I maintain that there is very strong foundation, there is no doubt then that we shall have to find out whether some latitude should not be also given in the procedural part of this Bill for private individuals to bring their grievance to the notice of Government and set the judicial machinery in motion without sanction or to make it obligatory on the Government in certain circumstances to launch the prosecution. It is necessary for the Committee to see whether some suitable amendment could not be made in clause 3 with a view to bring about this result. I am anxious to bring this point to the notice of the House particularly to safeguard the religious feelings of certain minorities. There are certain minor communities, small communities, who hold a particular religion. Their number is very small. I do not want to give any example, as it may wound the feelings of some Members. There are certain communities who hold certain religious views; they have unbounded devotion for and implicit faith in their founder; they have got some peculiar tenets. These communities, small in number, are very often mercilessly and even indiscriminately attacked by the so-called learned men belonging to other communities which are larger in numbers. They have many times protested against these scurrilous attacks, but these attacks very often go unheeded. Now, in considering such cases it has been one of the points sometimes urged by the authorities but which we have found it difficult to understand that the communities that have tried to bring their grievance to the notice of the Government official are neither sufficiently numerous nor vociferous. Such or similar grounds we have heard actually advanced in reply to some questions put on the floor of this House a few days ago. It has been stated that a sufficiently large community was not affected by certain scurrilous writings and therefore the Government did not think it worth while to launch any prosecution with a view to put a stop to scurrilous attacks made upon their religion. I can only mention one instance. There is a community called the Mahanubhava community in Maharashtra. They have got their religious founder. Certain attacks have been made against them and nobody thought it worth while to initiate a prosecution because presumably the community was very small. That community is scattered all over the country. In no place has the community such a dominant numerical existence as to force the attention of the Government by intensity of agitation to take note of the grievance which they have been labouring under on account of these attacks. These are cases where, on account of the very small number of the persons belonging to that sect and the comparative insignificance of their existence as compared to other large communities in those tracts, Government do not

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think it worth while to launch prosecutions as the authorities feel that such prosecutions are likely to enrage the feelings of another numerically large community living in those tracts. Under those circumstances Government, as a matter of policy, has avoided in the past and may continue to avoid in future to institute prosecutions. There are possibilities therefore that even in proper cases the Government who are immediately responsible only for peace and order and maintenance of goodwill among the various communities in a particular tract, may not be inclined to enforce the provisions of the law as rigorously and promptly as they should ; and thus in all probability justice will not be done to them. Such cases are possible. If this contingency is taken into consideration, the reasonableness of the position which I am placing before the House may to some extent be realised by those who are now entrusted by us with the duty of shaping this Bill in the Select Committee. That was the specific suggestion which I wanted to make for the consideration of the Select Committee. With these remarks, Sir, I support the motion that the Bill may be sent to the Select Committee.

(Several Honourable Members moved that the question be put.)

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I do not want to enter into controversy with the speech which was delivered by my Honourable friend Mr. Thakurdas in this House. Really, our intention to bring this Bill on the Statute-book is not to accentuate the feelings which are already existing in the communities. But I shall only deal with the point at issue and it is this, whether this Bill should be referred to a Select Committee or whether it should be circulated for eliciting public opinion. Now, Sir, we find that since the judgment in the *Rangila Rasul* case was pronounced by a single Judge of the Lahore High Court, there has been a very strong feeling among the Mussalmans throughout the whole country that the defect in the law in this respect should be remedied as soon as possible. The House probably knows, that meetings were held nearly in all the districts, in which resolutions were unanimously passed that the defect in the law in this respect should be removed at once and that in the meanwhile, if it takes some time before this law is amended, a Regulation should be enacted to stop this vilification of the founders of religions. In the face of this unanimous desire on the part of the Mussalmans of India that action should be taken immediately, I am sorry I cannot support the amendment that the Bill should be referred for eliciting opinion. As has already been remarked, public opinion is already known and we know what the desire, the unanimous desire, of the people of the country, both Hindus and Muhammadans, is. We are unanimous in holding that unwarranted attacks on the honour and persons of Holy Prophets and founders of recognised religions levelled against them by unscrupulous fanatics should be stopped, and therefore I am at one in agreeing with the principle of this Bill. But at the same time, Sir, I am also anxious that in our zeal in removing one evil we may not create another evil of the same serious nature. That is to say, I consider that the provisions of the Bill, as it is framed now, are too wide and too indefinite. I consider that the Bill, as it is prepared now, will not give sufficient protection to the seekers after truth and honest preachers of religions. The word " intentional " as used

in the Bill, is not, I think, sufficient to protect such *bona fide* criticism and it leaves the accused entirely at the mercy of the court. We know, Sir, the history of this Bill. This Bill is really intended to protect the honour and the persons of the founders of religions against vilification, but the provisions of the Bill as framed at present still leave the point open whether the attacks on a person are really included in outraging the religious feelings of a community or not. I submit, therefore, that when this Bill goes to the Select Committee, it should be reframed in this way that its provisions should be confined only to the object for which it is intended to be enacted, that is to say, its provisions should be limited only to attacks on the holy prophets and founders of great and recognised religions.

Now, the other point which I beg to submit is that which has been raised by my Honourable friend Mr. Aney. I am sorry I am unable to agree with him on this point. I think it will be very injurious, improper and unwise if initiation of cases under this law is left in the hands of the public or if power is given to the individuals to lodge prosecutions under this clause, because under the present unfortunate conditions of this country the result would be that the courts would be overloaded with frivolous cases of this sort. Therefore, I think that it is quite just and proper that the initiation in such cases should be left with the Government.

I have just been reminded of a meeting, recently held at Lahore, in which it was resolved that this Bill should be circulated for obtaining public opinion. My answer to this is that in the face of hundreds of meetings which were held, not only in Lahore, but throughout the whole country, I do not think that a single meeting, which was held at Lahore the other day, carries a greater weight than the unanimous voice of the Mussalmans of the whole country. With these words, Sir, I support the motion that the Bill be referred to the Select Committee.

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

Mr. K. C. Roy (Bengal : Nominated Non-Official) : Sir, this Bill enacts a provision which is of great importance to the newspaper press in India, and so far the House has only heard the lawyer's point of view. I hope, Sir, that you will not accept the motion that the question be now put.

Mr. President : If the Honourable Member wishes to speak, he should rise. If the Honourable Member desires to continue the debate, some Member should rise, otherwise there is no remedy.

Mr. K. C. Roy : Sir, I want to put it on record.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, I am ashamed that it has been necessary for Government to bring up this measure before this House. I am ashamed and pained at the circumstances that have made such a measure necessary to be brought forward for our consideration. The criminal law of a country is the index of its civilization and of its social conditions, and this particular section which is going to be added to the Statute-book will stare us in the face and proclaim to the world the unhappy relations that subsist between the different communities in our land. Sir, only last year about this time we amended section 99A of the Code of Criminal Procedure in order to bring in communal matters within the purview of that section. Some years back section 153A had to be added to the penal laws of the

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country, which could do without such a provision for very many years in the past. All this goes to show that our progress in this matter has been in the backward direction. Last year, speaking on the amending Bill of section 99A of the Code of Criminal Procedure, I made a complaint that the Government, while very anxious to add to the criminal offences of the land, did not make proper use of the existing provisions of the law. And, if I rise to speak on the present motion to-day, it is to repeat that complaint once again. As my Honourable friend Mr. Bhargava has pointed out from his special knowledge of the province from which he comes, that the situation that has necessitated the present measure could have been prevented if Government had taken early action in certain directions. I have no desire to expatiate on that point. But, coming as I do from a part of the country where the head of the administration some years ago made a confession of his political bigamy and described one of the communities as his favourite wife, I cannot give a silent vote altogether on this motion.

Sir, religious neutrality, even as a platitude, is of not very long origin. After the Mutiny the cry was raised by British publicists and by British administrators that the Muhammadan religion must be suppressed and I find that a Governor General, Lord Ellenborough, writing to the authorities in England, remarked as follows :

" I cannot close my eyes to the belief that the race of Muhammadans is fundamentally hostile to us. Therefore, our true policy is to conciliate the Hindus." (Laughter.)

But things have changed a good deal since. Well, as my friends are getting a little impatient over it, I will come to the present year. I will refer to the evidence which the District Magistrate of a Bengal district gave only in June last in connection with a communal case. Sir, I am told this District Magistrate has since been thought fit for promotion ; and therefore I take it that the view which he expressed had the substantial support of Government, at least his views did not go altogether counter to the Government policy. Sir, this is what Mr. Blandy, who is the District Magistrate of Barisal, giving his evidence in a communal case in that district said :

" So far as Eastern Bengal was concerned, the Muhammadans preponderated here and, that being so, their feelings were to be respected far more than the Hindu feelings."

That does not look like religious tolerance ! Sir, communal preference goes ill together with religious neutrality. My Honourable friend Mr. Aney quite pertinently drew the attention of the House to the procedure section in this Bill, because no prosecution under the new section can be undertaken except by the sanction or at the instance of the Local Government.

And if the Local Governments are not above these communal preferences, how are we to think that this new law which we are going to add to the Statute-book will not prove an engine of oppression, will not prove an engine in the hands of the executive further to alienate the communities ? Sir, my Honourable friend Mr. Yakub said that this provision was necessary in order to prevent frivolous and vexatious proceedings. We, who come from Bengal, know that before the regrettable riots of Calcutta and Eastern Bengal broke out last year, there were scurrilous writings in the newspapers and leaflets and the Government for a long time took no notice of them, with the result that there

was a huge conflagration in the country. Attention was pointedly directed to the scurrilous attacks that were made either by one community or another, and yet the Government took no action, no effective action, with what result we all know. Sir, before I sit down, I want to make it clear that, although I have my suspicions about the way in which this new law may be administered with the help of the Local Government, I am not opposed to the present motion.

Mr. M. B. Jayakar (Bombay City : Non-Muhammadan Urban) : Sir, I must apologise to my Honourable friends for interposing at a very late stage of the debate, when I feel that many of them have become impatient and want the question to be put. My justification for intervening at this late stage is that I want to point out to my Honourable friends one or two aspects of this measure upon which some Members have spoken and about which I want the Government to form definite notions before they call a meeting of the Select Committee. I congratulate the Government, Sir, on the promptitude with which they have responded to the call of the country and brought forward this measure. They have come not one minute too soon. But while I congratulate the Government I cannot congratulate my countrymen that they should have so adjusted their religious affairs as to make this Bill necessary. In my opinion, Sir, such Bills are an indication of the inability of Indians to adjust their own affairs and let the operative processes of nation-building go on in their midst and I hold that in the same measure that these Bills are rendered necessary, Indians have failed to consolidate themselves into one nation. I remember, Sir, the time as a student when section 153-A was enacted. I wish to call the attention of my Honourable friends to a very celebrated judgment of a Judge, always eminent in the annals of the law. Mr. Justice Ranade, commenting on the necessity of such sections as 153-A, laid down a wholesome principle which I want the Government to keep clearly in their minds, notwithstanding the voices raised in some parts of the House that they ought to depart from the plain principle mentioned in the section. That principle is intelligible to us all, whether Hindus, Muhammadans, Sikhs or Christians, the principle which the Honourable the Home Member has accepted in section 295-A and on which I congratulate him, the plain principle, I say, namely, that the gist of the offence is an insult to the religion or religious feelings of the citizen. It is not the gist of the offence that a *prophet* is attacked or that an *avatar* is assailed or that a *founder* is criticized or a *follower* is ridiculed. I congratulate the Government that they have in this section recognised the rational principle that when religious fanaticism becomes a nuisance to the land and causes a conflagration of irritation and hostility, and when the peace, harmony and good will of the community are disturbed in the name of religion an offence is committed against the *State*. It is not an offence against *religion*. Somebody spoke here of blasphemy ; but that is entirely a different offence. In England it is an offence *per se* against religion. The State, as the upholder of the Church, protects people from irreligion. I hope the Honourable the Home Member in enacting this Bill has not such an ambitious ideal in view, that he is going to cure the religious feelings of Indians. I hope he has a limited ambition and wants to enact a section which will not allow religion or religious feelings to become a nuisance to the peace and harmony of the community, disturbing its growth and progress. If the Honourable the Home Member takes such a limited view of the section, I shall support

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him with all the weight I can command. But if he is going to go further and accede to the suggestion of some Members here who say : " Oh, we ought to have *prophets* mentioned in this section, the *founders* of religion ought to be specifically referred to, *Gurus* and *avatars* protected *eo nomine* " ; if this cry is acceded to, I do not know, Sir, where we will be able to draw the line. Is an offence against the peace and good will of the community less culpable because it is against a *follower* and not against the *founder* ? Is an offence more culpable because it is against a *prophet* ? Are we going to accept a graduated scale of criminality and administer justice according to the personality of the victim of the attack, or the measure of the disturbance of harmony and good will ? Are we going to accept the plain principle which this section speaks of, namely, no matter on whom the attack is levelled, if the attack causes religious disturbance of feeling which is a menace to the peace and goodwill of the community, then the disturber is punished. This is an intelligent principle which I can follow and which I hope will alone be protected by this section. If this is the principle accepted by the Government, then we have some sound and rational principle to go upon. But we embark upon the principle which my Honourable friend Raja Ghazanfar Ali Khan suggested, I do not know where we will be. He suggests that the punishment ought to be increased because the attack on the founder is more culpable than on others, may I know why ? If it causes the same trouble in the country, the same disturbance to peace and order as an attack upon the humble follower of a religion or his tenets or religious beliefs, why is it more or less culpable ? I hope, Sir, that the Honourable the Home Member will not accede to these siren voices although they may appear to be sounded through the trumpet of religion ; I hope he will adhere to the rational principle which I can understand, namely, that no one in the name of religion has a right to disturb the peace and goodwill of the community because upon their preservation nation-building processes entirely depend. But if the Honourable the Home Member is going to depart from this principle and follow another, which I hope he will not, then I submit, Sir, that the Select Committee will be lost in the quagmire and miasma of religious disquisition and controversy and I do not know how and when we shall emerge from them. In other words, I regard this as an offence against *State* and it ought to be classed under the Chapter of the Penal Code where other offences against the State are mentioned. I regard it not as an offence against religion. The British Government are not here to favour one religion against another. It is only when a religion comes within the region of public disturbance that the Government can step in. It is only when a religion ceases to be pure profession of faith of a tolerant character and its open profession or preaching causes trouble, *e.g.*, when it affects the peace, harmony, and goodwill of the community, that the interference of the Government is justified. Judged in this light, I submit that this offence should be regarded as offence against the State, like sections 153A and 124A. This is the proper view of the section, though it does not really matter where the section is actually inserted. I want to point out to the Honourable the Home Member that he should regard his duties purely from the point of view of a secular government trying to protect the peace and harmony of the citizens and not embark on the religious principle that the deities and founders, etc., of the community, should be protected against the attacks of unbelief. Then, Sir, it was suggested that the punishment of two years

is not severe enough. I entirely differ from that view. (Hear, hear.) I regard this religious fanaticism as a monomania and those who indulge in that mania ought to be treated as lunatics are treated, with indulgence of course, but segregated from the rest of the community. If I were on the Government Benches, I would try and establish an asylum for these estimable gentlemen (Hear hear, and Laughter) where they can be taken. They would be segregated from all social and religious provocation and they would be allowed to stop there for a time isolated from the rest of the community so that their mania may be cured, even as lunacy is cured in isolation from provocation. I do not class these gentlemen with ordinary criminals known to the Indian Penal Code. They are a special class of criminals manufactured by the present circumstances of the country. In that way, Sir, as a counterblast I would even go the length of reducing the two years of imprisonment on the ground that it is perhaps too excessive. I want the Honourable the Home Member to regard these manias, as I do, from the point of view of an Indian, and treat them as a temporary phenomenon. I shall be very sorry, Sir, if this measure has to be put as a permanent one on our Statute-book. As the Honourable the Home Member rightly pointed out, it is an expedient measure, a temporary remedy, devised for a temporary aberration. Therefore it ought to be allowed to go through and on that ground, I do not agree with the view of my Honourable friend Mr. Belvi that the Bill ought to be circulated for the purpose of eliciting public opinion. In my view, the sentence of two years is adequate enough. It may even be made simple imprisonment. Again I warn the Government not to yield to the suggestion that offences and their punishment ought to be graduated according to the personality of the victim of the attack, *e.g.*, if the attack is against the founder—10 years, prophet—7 years, Guru—5 years, Avatar—9 years, follower—4 years, tenets—3 years, and a humble individual like myself—6 months! We do not want to yield to this demand. Let Government adhere to the simple principle which they have accepted in the section.

For the rest I have many more points to suggest, but I shall wait till the Bill comes before the Select Committee. But I shall say one thing, namely, that I hope, Sir, the Government will not stop with this measure. This is only a preventive measure. May I suggest, as a man who understands a little of these questions, that the true cure will not come unless Government courageously lay their hands on the real cause of this disease. I do hope, Sir, some day when this Government is more courageous because it has behind it the voice of the community and there are more Indians on their Benches giving them less timidity and more courage,—some day when this Government is more courageous, they will I hope come before this House and carry the same reforming processes underneath the surface of society and not merely confine them to the surface. The Honourable the Home Member will then delve underneath Indian society to find out what is the true cause of this trouble and lay the axe courageously at the root of it. May I submit that processions and religious conversions are the prime causes of the trouble and what we want is some law which the Government can courageously adopt to meet the situation. I know I am speaking of a highly controversial matter, which will cause a difference of opinion in certain quarters, but if I had the government in my hand I would courageously restrict these conversions to circumstances where a purely psychological change of faith is permitted; I would remove from these conversions all causes which introduce the elements of fraud, decep-

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tion, cajolery, chicanery, elements which make even a contract under the Indian Contract Act invalid. The House must be aware that under the Indian Contract Act a contract is invalid—merely a contract to buy and sell cotton, not change religion which is a far more important thing; but even a contract for goods is rendered invalid according to the law of the land if certain elements enter into it, such as fraud, duress, coercion, mistake or misrepresentation. How much greater is the necessity for such safeguards when the transaction affects a change of religion. Therefore I hold the view that some day in the near future either the Government themselves should bring in, or allow a non-official Member to bring in, a measure which will lay the axe at the root of these conversions by means of some provision of the law which will make sure that each conversion is really a psychological change of faith which a true conversion should be and not a conversion brought about by or in an atmosphere of fraud, deception, promises, threats or even political considerations—if I may add the last. Until that is done I venture to believe that Bills like this are all temporary remedies. They may stop the disease for a time and its manifestations on the surface; they will not cure the disease at the root from which it emanates.

*Mr. Hla Tun Pru (Burma; Non-European): Sir, I have followed the speeches of the leaders of various communities with a great deal of interest and my own excuse for participating in this debate is that I feel all penal legislation is a necessary evil. I feel, Sir, that an extraordinary situation in India has brought forth this legislation. In Burma there is no communal tension, and submit with great respect to the leaders of the Hindu and Muhammadan communities that it is because they have exhausted all their resources of reconciliation that they have now to face this penal legislation.

Sir, in so far as it is a measure providing for religious tolerance it is very good. On the other hand, it may in actual practice work against the equally important principle of freedom of public discussion. In these days of advancing civilisation we value nothing more than the freedom of public discussion, whether it affects the measures of the State or any other thing. There may be a necessity for this legislation in certain parts of India, but I have spoken to-day only because I feel that the operation of this Bill may not be extended to those parts of India where it is not really necessary. It is only exceptional communal circumstances which must be met by this kind of legislation. We in Burma have always tolerated other religions. We have always acted on the principle "Suffer fools gladly." So, Sir, this legislation, so far as Burma is concerned, is unnecessary. I would therefore respectfully submit to the members of the Select Committee that when they come to consider the Bill they should exempt Burma from its operation.

Well, Sir, to come to a further criticism of this Bill. The Honourable Sir Hari Singh Gour has pointed out that the expression "intentionally insults" may be misused. I had something to do with the operation of the law of sedition in my country. I found, Sir, that the Judges always said that intention was to be gathered from the effect of the

* Speech not corrected by the Honourable Member.

words. Therefore, as the words stand at present, it will be only a matter for each Judge to say "Yes, so far as I am concerned, these words constitute an attempt to outrage religious feeling." His judgment will vary really with the measure of his thought. Therefore, there must be some standard. We can well trust the Select Committee, which comprises eminent lawyers from both sides of the House, to frame a definition which will cover only a grossly unfair, outrageous and wanton attack upon religion or religious powers. Now, Sir, we are in certain difficulties with regard to what a religion is. So far as Muhammadanism, Buddhism, Christianity, Jainism, Zoroastrianism are concerned, everybody understands or thinks he understands what religion is. On the other hand, Sir, religion should be so construed as to include also atheism, rationalism and even irreligion. Why, Sir, should a man holding rationalist beliefs be unprotected under this particular section? So, Sir, with these remarks I thank the House for patiently listening to me.

Mr. Ram Narayan Singh (Chota Nagpur Division : Non-Muhammadan) : Sir, I also rise to join in the chorus of congratulations for the Honourable the Home Member and his Government, but my congratulations will be confined greatly to the Honourable the Home Member and not so much to the Government ; because it appears to me that the steps which Government have taken so far are timid and negligible. They are going now to legislate against writings against religions and to respect religious sentiments and feelings of the people. But so far as the religious sentiments of my country-men are concerned, they are very tender and it is very difficult to protect that tenderness. Sir, I have known that some time ago when a monkey was killed by some body, the religious feelings of the Hindu community were wounded. I do not know how the Government will protect that tenderness of our Hindu brethren. I may quote another instance. Some times, when there was a discussion about the Deva-Nagari script and the Urdu script, I found my Muhammadan friends being offended as though their religious feelings were wounded by somebody talking against the Urdu script. The very sound of a conch is likely to wound the tender feelings of our Muhammadan friends. It is very difficult for the Government to protect them in cases like these. We heard only a few weeks ago that a *tajia* in a procession in the United Provinces was not respected by the Hindus and the religious sentiments of Muhammadans were wounded. Not only that ; in these days, whenever two people start fighting, of whom one is a Hindu and another a Muhammadan, if the Muhammadan is beaten, the religious feelings of all the Muhammadans are wounded, and when the Hindu is beaten, the religious feelings of all the Hindus are wounded. How are we to protect such religious tenderness? Many more such instances may be quoted when religious feelings are said to have been wounded in several other ways, and this legislation cannot help people in such cases. I therefore say, Sir, that the Government is still timid and has not the courage to legislate the right things.

Mr. President : What is the right thing?

Mr. Ram Narayan Singh : I am going to say that, Sir. We hear of murders here and there ; a murder committed in one place on one day and a murder somewhere else the next day. There is no legislation for that yet. But in this *Rangla Rasul* case while I see that Rajpal is still living, we hear of head breaking, we hear of riots, we hear of all sorts

[Mr. Ram Narayan Singh.]

of trouble here and there because of the question of music in processions before mosques and nothing like this has yet happened as the direct result of this case. There is the decision of the Privy Council that every citizen of the country has a right to go in procession on the King's highway. Where is the legislation, where is the courage of the Government in regard to bringing legislation to enforce that right? I may tell you, Sir, that in my own *ilaga*, there is no trouble between Hindus and Muhammadans on account of all these things. But there is trouble between Hindus and Muhammadans always over the question of cow slaughter. Where is the legislation for stopping this kind of trouble? But, Sir, I may tell you that all the trouble in this country between Hindus and Muhammadans is going on not for religious feelings but for the leaves and fishes which are at the disposal of the British Government and may be bestowed by them on either Hindus or Muhammadans. I may tell you, Sir, frankly that religious quarrels are created only in order to achieve leadership, so that certain people may be elected to the Council or the District Board or Municipality. Then, Sir, if the Government have the courage, the remedy lies in their coming forward to legislate only for civic rights, not in talking about religion. But they have not the courage, nor the strength, nor the sense to take up that. I therefore oppose the motion, Sir.

Mr. T. A. K. Shervani (Cities of the United Provinces : Muhammadan Urban) : At this late hour I do not want to sound a discordant note. Moreover, as my community has demanded legislation to protect the founder of the religion from scurrilous attacks, out of respect for their feelings, I do not oppose the Bill. But personally I do really feel that this Bill, instead of serving the purpose for which it is going to be enacted, will do harm to the cause and will be more capable of mischief than of protecting religions and religious founders. Sir, the immediate need of the Bill is said to be that some scurrilous attacks were made on the Prophet of Islam. I, as a Mussalman, do feel utter humiliation in seeking the protection of my Holy Prophet through a Legislature which cannot protect itself. Turn your attention now, Sir, to the potentialities of this Bill. Here there is a quarrel between Hindus and Muhammadans, but have the Muhammadans thought about the differences between Sunnis and Shiahhs and Ahmadis? What is going to be the result of this Bill if it is enacted? A greater discord between communities, themselves. Sir, as I have said, it is out of respect for the feelings of my community that I do not oppose this Bill; but I do ask, through you, Sir, the Members of the Select Committee to limit the scope of the Bill as far as possible. We have seen to-day, while only discussing the principle, we have come down from the Prophets to Shivaji and consequently to Aurangzeb, and I do not see any reason why to-morrow we should not come down to the two Honourable Members from the Panjab. (Laughter.) Sir, I do acknowledge that if religions ever required protection they do require protection in this 20th century. I do feel that, but it is not protection from the scurrilous attacks of certain lunatics that we require protection, but protection we require from the growing scepticism arising out of the demons of civilization and rationalism; and that protection no legislation can provide. I do not oppose the Bill, but I would request the Select Committee to limit the scope of the Bill as far as they possibly can.

The Honourable Mr. J. Cawar : Sir, the debate has, already covered a great deal of ground and in view of what I think is the general sense of the House it would really be unnecessary for me to prolong it. In moving the motion I ventured to express the hope that the principle and the intention of the Bill would meet with very general acceptance. I think that hope has been more than fulfilled, because the principle and intention of the Bill have, I think, been almost unanimously accepted. I agree entirely with the Honourable and learned gentleman from Bombay, Mr. Jayakar, that in defining the principle and the intention of the Bill, we must beware of extending our ambitions beyond the limits which a secular Government can reasonably be called upon to attempt or can reasonably hope to effect. As I conceive them, the principle and the intention of the Bill are to make an intentional insult to religion the substantive matter of an offence, with the object of securing the rights and enforcing the obligations of good citizenship and of protecting society from the consequences which might otherwise ensue. That position may perhaps not go so far as some of my Honourable friends would desire, but it is a position which, so far as it goes, will command universal acceptance in this House. The House and the Government substantially agree that this measure should go to a Select Committee, and the reasons have been so ably and so forcibly urged both by Honourable gentlemen on this side and by Honourable gentleman on that side of the House that it is unnecessary for me to pursue that argument further. In conclusion, therefore, I would only suggest to the Honourable and learned gentleman opposite that after having heard the arguments on both sides on his amendment, he will now withdraw it and support the motion which I originally moved. (Applause.)

Mr. President : The original question was :

“ That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for a certain purpose, be referred to a Select Committee consisting of Mr. S. Srinivasa Iyengar, Mr. Nirmal Chunder Chunder, Maulvi Muhammad Shafee, Mr. A. Rangaswami Iyengar, Mr. M. A. Jinnah, Mr. Ismail Khan, Mr. Abdul Haye, Mr. Arthur Moore, Mr. A. H. Ghuznavi, Mr. N. C. Kelkar, Mr. M. R. Jayakar, Mr. J. Coatman, Mr. K. C. Roy, Sir Abdul Qaiyum, Sir Denys Bray, Pandit Madan Mohan Malaviya, Nawab Sir Zulfiqar Ali Khan, Sir Hari Singh Gour and the Mover, with instructions to report within seven days, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be nine.”

Since which the following amendment has been moved :

“ That the Bill be circulated for the purpose of eliciting opinions thereon.”

The question I have to put is that that amendment be made.

The motion was negatived.

Mr. President : The question I have now to put is :

“ That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for a certain purpose, be referred to a Select Committee consisting of Mr. S. Srinivasa Iyengar, Mr. Nirmal Chunder Chunder, Maulvi Muhammad Shafee, Mr. A. Rangaswami Iyengar, Mr. M. A. Jinnah, Mr. Ismail Khan, Mr. Abdul Haye, Mr. Arthur Moore, Mr. A. H. Ghuznavi, Mr. N. C. Kelkar, Mr. M. R. Jayakar, Mr. J. Coatman, Mr. K. C. Roy, Sir Abdul Qaiyum, Sir Denys Bray, Pandit Madan Mohan Malaviya, Nawab Sir Zulfiqar Ali Khan, Sir Hari Singh Gour and the Mover, with instructions to report within seven days, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be nine.”

The motion was adopted.

**APPOINTMENT OF A COMMITTEE TO CONSIDER THE QUESTION
OF RESIDENCE AND ACCOMMODATION FOR MEMBERS OF
THE INDIAN LEGISLATURE.**

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) : Sir, I move : ..

" That the Honourable the President do appoint six Members of this House to serve on a Committee to consider the question of residence and accommodation for Members of the Indian Legislature, including the use and disposal of the Western Hostel, New Delhi, and that the Council of State be asked to nominate Members to serve on the Committee."

Sir, the House is aware that there is a certain amount of grievance among Members of this House who occupy the accommodation provided for them by Government in New Delhi in regard to that accommodation, to the catering arrangements for the Western Hostel and various other matters. These matters have been receiving the consideration of Government from time to time, and last year we were inclined to think that perhaps an effective remedy would be to encourage a hotel company to establish a hotel in New Delhi. Now if that arrangement is feasible, it would not only help Members of the Legislature but it would also help the officers of Government and would thereby be of advantage to Government in reducing the extra accommodation which it may ultimately be compelled to build for its officers in New Delhi. Tenders were accordingly called for by advertisement asking hotel companies whether they were willing to establish a hotel in New Delhi, certain concessions in regard to land being offered. Unfortunately that did not evoke any response. Private conversations elicited the information that so long as Government wanted practically to run a hotel in the shape of the Western Hostel, it was unlikely that any hotel company would come forward to establish a hotel in New Delhi. On the other hand, if we were to hand over the Western Hostel to a hotel company, that might cause inconvenience to some of the Members of the Legislature who now utilise that accommodation. After consideration of all the difficulties, Government have accordingly decided to consult the Legislature in regard to this troublesome matter. They have no doubt that this Committee, whose composition I am now proposing, will, in making their recommendations, take into consideration every aspect of the question including the interests of the tax-payer. Sir, I have nothing more to add, and I move my motion.

Mr. President : Before this motion is discussed, I should like to know from the Honourable Member firstly, as to how many Members he wants the Council of State to nominate, and secondly, what would be the functions of the proposed Committee : would it be purely an advisory Committee, a Committee to make recommendations only, or would it have power to finally settle all questions regarding residence and accommodation for Honourable Members. My own idea is that it would be much better if Honourable Members are left to settle for themselves this question of their accommodation in view of the great dis-satisfaction that prevails at present.

The Honourable Sir Bhupendra Nath Mitra : Sir, in regard to the first question, that is the number of Members from the Council of State, we do not propose to ask them to nominate more than six. But I should prefer to leave it at that at this stage. A similar motion will be moved in the Council of State as soon as this motion is adopted by this House.

But it is not the intention of Government that the Council of State will be asked to nominate more than six Members....

Mr. President : Is it the intention of Government to ask the Council of State to nominate equal number, regardless of its size?

The Honourable Sir Bhupendra Nath Mitra : I said "not more than six"; we shall probably reduce it to four. (Hear, hear). (*An Honourable Member :* "Still more if possible.")

As regards the other point you raised, Sir, this Committee will simply make recommendations. It will not be the function of

4 P.M. this Committee to settle particular questions. For example, I may mention that one of the questions which this Committee will have to consider is the use and disposal of the Western Hostel. They cannot possibly dispose of the Western Hostel themselves; that is a matter which must be left to the Government. This Committee will simply make recommendations and it will thereafter be left to Government to take action thereon. I shall give another example. Let us suppose that this Committee say: We want 30 more quarters to be built. Surely they are not going to build those quarters. Therefore it follows that they will simply make recommendations and thereafter Government will take such action as they deem fit on those recommendations.

Mr. T. C. Goswami (Calcutta Suburbs : Non-Muhammadian Urban) : Would any Honourable Member care to serve on a Committee of that description?

The Honourable Sir Bhupendra Nath Mitra : Surely they would.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot : Non-Muhammadian Rural) : Sir, I should like to know from the Honourable Member whether it is the intention of Government that this Committee that he proposes should serve as a House Committee to look after the convenience of Members of this House or is it a temporary Committee only for this purpose.

The Honourable Sir Bhupendra Nath Mitra : This Committee is a temporary Committee. If thereafter it is found necessary that there should be a permanent House Committee, that will certainly come within the purview of the recommendations of this particular Committee and Government will be at liberty to take action on that recommendation.

Mr. President : So many complaints have come to me from Honourable Members regarding accommodation that I thought the time had arrived for the Government to leave the question of allotting accommodation to Honourable Members themselves through a Committee appointed by them. I should not have made this suggestion had it not been for the fact that there has been a strong feeling on the subject among Members and numerous complaints have reached me from time to time.

The Honourable Sir Bhupendra Nath Mitra : Sir, I was not here then, but I believe there used to be a House Committee of the type referred to by you. But my information is that that Committee did not function properly and it came to a natural death. (*An Honourable Member :* "That was in the first Assembly.") I do not know whether it was the previous Assembly, or whether the allegation made by my

[Sir Bhupendra Nath Mitra.]

friend over there is correct, *viz.*, that its members were less active than the Members composing this Assembly. I was not here then. But in any case, as I have already said in reply to a question asked by my Honourable friend Mr. Chetty, if this temporary Committee, the appointment of which is now before the House, includes in its recommendations that a permanent House Committee should be appointed to deal with the question of allotment of accommodation provided and ancillary questions, Government would be quite prepared to consider that recommendation in due course.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly : Non-Muhammadian Rural) : It seems to me, Sir, that the Honourable Member is mixing up two separate and distinct questions in this motion. There is first...

Mr. President : The Honourable Member is entitled to separate the questions by an amendment if he wishes to do so.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadian) : Sir, the Honourable the Mover of this motion has referred to a previous House Committee. (Laughter). Well, Sir, I know something about it. As a matter of fact, it was at my initiative (Hear, hear) that the first House Committee was selected in the first Session of the Legislative Assembly, and I think Honourable Members of this House would like to know from me the history of that House Committee which never functioned. When we suffered inconvenience from the accommodation in the Western Hostel and elsewhere, we met and decided to force the hands of the Government to appoint a House Committee, to give that Committee power to select houses and allot them to Members at their own discretion. The proposal was resisted by Government, but we carried it and a Committee was duly nominated and the rest of the story of that Committee was that that Committee was never called into existence ; it remained a paper Committee and in spite of the protest made by the Members on this side of the House that the Government were not taking that Committee into confidence nor called upon it to function, the Government remained obdurate and that Committee died a natural death. This is the history of the first Committee.

Mr. President : How many non-officials were there ?

Sir Hari Singh Gour : Now, Sir, I am very glad to find that there has been a resurrection of that Committee after 6 or 7 years. But you, Sir, have anticipated, because it is not merely sufficient if the Committee is appointed ; we must know definitely as to what are the powers and functions of that Committee and how far that Committee would have the initiative of deciding who should have what accommodation and what arrangements should be made. I find, Sir, from a small book I have in my hand that we have in the British House of Commons a Kitchen and Refreshment Committee (Hear, hear, and Applause) and that Committee is in sole charge of all the arrangements. (*An Honourable Member* : "Accommodation !"). They have no accommodation there. They are in charge of all the arrangements of the Kitchen and Refreshment Rooms. Now, so far as the British House of Commons is concerned, they do not provide accommodation for their members because

they live in London and consequently there is ample accommodation available to Honourable Members. We are, on the other hand, to visit the deserted city of Delhi once a year and consequently there is necessity for accommodation. I therefore suggest, Sir, that the Committee may be nominated, but on this condition that it will draw up rules in consultation with the Honourable Member and that he would accede to the rules, and if there is any difference of opinion between the Committee and the Honourable Member, you, Sir, I expect, will act as the umpire. It is only in this way that that Committee is likely to function. I submit it is a reasonable request and the Honourable Member who is the author of this motion should have no hesitation in accepting this suggestion. There is another suggestion that I have got to make. The Honourable Member says that the number of members of the Council of State will not be more than six, and then he suggested in answer to your question that they would be four. Considering that we are 143 and they are only 60 I suggest that the representation of that House on the House Committee should be *pro rata*, proportionately to their number (*Sir Victor Sassoon* : "24.") It does not matter how many there are, provided we have not got too many of them. The third point, that I wish to suggest is this.

Mr. President : It is no use suggesting these points. Has the Honourable Member any definite amendment to move ?

Sir Hari Singh Gour : Yes, I have a definite amendment to move, and it is this.

Mr. President : Will the Honourable Member pass it on to the Chair ?

Mr. A. Rangaswami Iyengar : Sir, I am sorry I am not ready with the amendment. If this motion is adjourned, I dare say I shall be able to put forward an amendment acceptable to all parties. I move, Sir, that this motion be adjourned.

Mr. President : To what date.

Mr. A. Rangaswami Iyengar : Some other Government day, the day after to-morrow.

Mr. President : The Honourable Member must be definite.

Mr. A. Rangaswami Iyengar : Sir, I move that this motion do stand adjourned to Wednesday next.

The Honourable Sir Bhupendra Nath Mitra : Before this motion is taken into consideration, may I submit that there seems to be a certain amount of misapprehension on the part of several Members, including my Honourable friend Sir Hari Singh Gour, about the scope of this motion. This motion is not intended to establish a permanent or standing Committee on the lines of the previous House Committee, as I have already made clear. The Committee contemplated in my motion is required to examine certain specific matters and those matters are the question of residence and accommodation for Members of the Indian Legislature including the use and disposal of the Western Hostel. As I have already said, that Committee will certainly be entitled to consider the question of appointment of a permanent House Committee and should they include that proposal in their recommendation, the matter will receive the consideration of Government in due course. But at the present moment, if I may say so, there seems to be a certain amount of confusion in the matter....

Mr. President : I do not think there is any confusion in the matter. Some Members wish to move amendments to this motion, and for that purpose they want time.

The Honourable Sir Bhupendra Nath Mitra : I wanted to explain, Sir, that it was hardly necessary for them to move for an adjournment with the object of introducing an amendment at this stage. There is nothing in this motion regarding the appointment of a Committee for a specific purpose which prevents that Committee from making that particular suggestion.

Mr. A. Rangaswami Iyengar : We can make many suggestions even on the floor of the House.

The Honourable Sir Bhupendra Nath Mitra : I quite agree that the House is entitled to make any amendments coming within the scope of my motion, or any suggestions, but that would, if I may say so, be wasting the time of the House. My motion, as it stands, is a perfectly colourless motion.

Mr. T. C. Goswami : We want to give it a little colour.

Mr. President : The question is :

“That the further discussion of the motion do stand adjourned till Wednesday next.”

The motion was adopted.

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

(AMENDMENT OF SECTION 59.)

The Honourable Sir Basil Blackett (Finance Member) : Sir, I beg to move that leave be given to introduce a Bill further to amend the Indian Income-tax Act, 1922, for certain purposes.

The purpose of this Bill is to remedy a defect which has come to light as the result of the proposals made in the last Budget in regard to the assessment of income-tax upon tea companies. It will be remembered that the Government were of opinion that the existing rule which limited to 25 per cent. the amount of the profits of the tea companies which might be treated as non-agricultural was unnecessarily generous to some, at any rate, of the tea companies and that the Government proposed to raise the figure to 50 per cent. There was an existing rule issued under the Income-tax Act which fixed at 25 per cent. the amount of the profits of tea companies which were to be treated as non-agricultural. When the Government proposed to raise that to 50 per cent., they naturally had some discussion with the tea companies before action. In the course of those discussions it became obvious that there was, at any rate, some doubt whether the rule under the Income-tax Act was *intra vires*. It laid down that in all circumstances 25 per cent. of the tea companies' profits must be treated as non-agricultural and assessed to income-tax, but the Income-tax Act says that agricultural income shall not be assessed to income-tax. Therefore it was possible, though not likely in many cases, that the effect of the rule fixing 25 per cent. for all cases would be to tax agricultural profits in some cases. That being so and a doubt having arisen in regard

to the validity of the existing rule, the Government through the Central Board of Revenue entered into negotiations with the tea companies. The Government's first intention was, what seems a straightforward arrangement, that the question of the amount of each particular tea company's profits, which should be treated as non-agricultural, should be decided by the Income-tax authorities with reference to the particular case. It is proved, however, that that would be extremely cumbersome and inconvenient to the tax-payer, and it is at the request of the tea companies that the Government now propose that this slight change in the Income-tax Act be made in order that they might be able to re-introduce a rule, which will be *intra vires*, fixing a definite percentage which will apply to all tea companies. This Bill, as I said, is introduced after negotiations with, and at the request of, the particular taxpayers to whom it applies. At the same time, we found that if there was a doubt as to the question whether the rule regarding the tea companies was *intra vires*, there was a doubt also as to the rule which made a similar arrangement in regard to one or two other matters. The Bill, therefore, proposes to take power to make a new rule which shall be *intra vires* in the case of the tea companies and to remove whatever doubts there may be as to the validity of certain existing rules which are for the convenience of the tax-payer. The Government are anxious to get this Bill through this Session in order that they may be able to proceed conveniently to the assessment of tea companies for the year. The next motion that I shall make, therefore, will be that the Bill be taken into consideration unless I am given to understand that a Select Committee would be desired, in which case no doubt one will consider it, but I am anxious that this Bill, which makes a very small change in the law, should come into force soon after the end of the Session. Sir, I move.

***Mr. A. Rangaswami Iyengar** (Tanjore *cum* Trichinopoly : Non-Muhahmadan Rural) : I just want to put a question to the Honourable the Finance Member. I understand that this Bill is intended to remove a defect which the Government have found in regard to the 25 per cent. rule as regards the assessments of tea companies. When the Finance Bill was under discussion in this House, the House was asked definitely to assent to the proposal that the export duty on tea should be removed, on the understanding that the revenue lost by it would be recovered by means of this assessment of non-agricultural income of tea estates. That proposal has so far not been carried out and it is still in the negotiation stage. We are now asked only to assent to a rule-making power on the part of the Government to enable it to do so. So, before this House gives leave, I desire to ask whether the Government have fulfilled the undertaking that they had given that so far as the tea companies are concerned the income that the State has lost through the export duty on tea will be re-imbursed by means of the change proposed, and if so whether that provision should not be properly put into the section itself.

The Honourable Sir Basil Blackett : With your permission, Sir, may I answer this question ? The Government have certainly kept very much in mind the intentions that they had at the time of the Budget and it is in order that they may be able to assess the tea companies to that higher income-tax which they regard as due from them, that they ask the House to pass this Bill. Without this Bill the Government will have to try and proceed to assess every single tea company separately and come

• [Sir Basil Blackett.]

to a separate conclusion as regards the rate applicable. Instead of that, they desire power under this Bill to fix a rate once for all. What that rate exactly will be must necessarily remain for discussion with the tea companies, when we have power to make the rule, but the intention to make good the loss on the tea export duties still remains.

The motion was adopted.

The Honourable Sir Basil Blackett : Sir, I introduce the Bill.

THE INDIAN INCOME-TAX (SECOND AMENDMENT) BILL.

(AMENDMENT OF SECTIONS 2, 23, 28, ETC.)

The Honourable Sir Basil Blackett (Finance Member) : Sir, I move that leave be given to introduce a Bill further to amend the Indian Income-tax Act, 1922, for certain purposes.

Sir, if the last Bill which I introduced was a small Bill and an innocuous Bill, a Bill introduced at the request of a particular class of tax-payer, I cannot claim that this is the position in regard to this Bill. This Bill is a small thought on a great subject. The object of this Bill is to do something to protect the revenue of the general tax-payer against skilful legal evasion of income-tax. The possibilities of legal evasion of income-tax have been before this House on several occasions and I have more than once foreshadowed to this House the probability of our desiring to introduce and pass into law legislation with a view to checking the habit which is a growing one and which does a serious injustice to the ordinary tax-payer. I do not propose at this stage to make any attempt to explain the Bill in detail. In regard to this Bill, if leave is given to introduce it to-day, the next motion which the Government propose to make will be that it should be circulated for opinion. Sir, I move.

The motion was adopted.

The Honourable Sir Basil Blackett : Sir, I introduce the Bill.

THE CANTONMENTS (AMENDMENT) BILL.

Mr. G. M. Young (Army Secretary) : Sir, I move that leave be given to introduce a Bill further to amend the Cantonments Act, 1924, for certain purposes.

The proposed amendments are explained in detail in the Statement of Objects and Reasons. They are, with perhaps one exception, of minor importance. Some of them are intended to clarify the language of the Act, others to remove inconsistencies, and others again to bring the provisions of the Act more into line with the existing municipal law.

Clause 2 of the Bill contains a purely verbal amendment which requires no comment.

Clause 3 deals with a subject to which attention has been drawn more than once in this House. It is a statutory duty of a Vice-President, as the name implies, to preside in the absence of the President. But section 20

of the Act lays down that the President of a Cantonment Board must be the Officer Commanding the Station; and under military practice there is always an Officer Commanding the Station present in the station. If the permanent Commanding Officer goes away, for however short a time, the next senior officer takes his place, and automatically becomes the Commanding Officer of the Station and the President of the Cantonment Board. The result is that no Vice-President can ever preside at a meeting of the Cantonment Board unless the President deliberately stays away from the meeting to enable him to do so. Clause 3 proposes to remove this anomaly, and enable the Vice-President, on occasion, to preside at meetings of the Board.

Clauses 4 and 5 propose to empower Local Governments to remove members of Cantonment Boards who have, since their election, become subject to any disqualification, which if it existed at the time of their election would have rendered them ineligible for election. This, also, is in accordance with municipal law.

Clause 6 proposes to assimilate the powers of Local Governments of imposing taxation in Cantonments with their existing powers of imposing taxation in municipalities.

Other clauses are intended to improve the phraseology of certain sections of the Act which deal with property tax.

Clause 12 proposes to enable Cantonment Boards to invest their funds in fixed deposit with banks other than the Imperial Bank. Formerly, Cantonment Board funds vested in the Crown, and merged in Government balances. They could therefore be invested in fixed deposit with the Imperial Bank only. Cantonment funds now vest in, and are managed by the Cantonment Authority, and there is no reason why Cantonment Authorities should not be able to deposit their funds with other banks, subject to the approval of the Local Government. Sir, I move.

The motion was adopted.

Mr. G. M. Young Sir, I introduce the Bill.

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

(AMENDMENT OF SECTIONS 10, 14, ETC.)

The Honourable Sir Basil Blackett (Finance Member) : Sir, I rise to move that the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes be referred to a Select Committee consisting of **Maulvi Muhammad Yakub, Haji Abdoola Haroon, Mr. Fazal Ibrahim Rahimtullah, Sir Purshotamdas Thakurdas, Mr. A. H. Ghuznavi, Mr. A. Rangaswami Iyengar, Mr. Ram Narayan Singh, Mr. T. A. K. Shervani, Mr. Nirmal Chunder Chunder, Mr. D. V. Belvi, Mr. R. K. Shanmukham Chetty, Seth Jamnadas, Mr. M. S. Aney, Rai Sahib Harbilas Sarda, Mr. Anwarul-Aziz, Sir Victor Sassoon, Mr. H. G. Cocke, Mr. W. S. Lamb, Mr. V. K. Aravamuda Ayangar, Mr. G. Sarvotham Rao, Mr. K. C. Roy, and the Mover** and that the number of Members whose presence shall be necessary to constitute a meeting of the committee shall be seven.

Sir, the holiday that we have had from other legislation seems to have produced a number of measures so far as income-tax legislation is concerned to-day. This is the third Bill dealing with income-tax in regard to

[**Sr. Basil Blackett.**]

which I have had the privilege of rising to move a motion. This Bill is the Bill which was introduced last Session and was then circulated for public opinion. It contains eleven sections which even the Government have assessed at varying valuation and which I gather some of the taxpayers regard as of varying wickedness. I think it is a little difficult to attempt to summarise the contents of the Bill and I already did so on the motion, during the last Session, when the original idea of referring the measure to a Select Committee was modified into a motion for circulation. The opinions received are fairly voluminous and will give an opportunity for study to the members of the Committee. I have no reason to suppose that there is any objection in the House to the motion that the Bill as a whole should go to a Select Committee. I know that when we reach the Committee, there will be difference of opinion about some of the clauses. I think, therefore, that I shall be suiting the interests of you, Sir, and of the House, if I do not prolong my speech on the subject now but content myself with moving the motion which I have just read out.

The motion was adopted.

Mr. President : Sir Basil Blackett.

The Honourable Sir Basil Blackett : There is a Resolution by Mr. Dalal which comes before the Supplementary Grant that stands in my name.

Mr. President : Is the Honourable Mr. Joshi going to speak on that motion?

Mr. N. M. Joshi : (Nominated : Labour Interests) : I shall not make a long speech on this motion, Sir ; but I want to speak on it.

Mr. President : That is why I passed it over at present. Sir Basil Blackett.

DEMANDS FOR SUPPLEMENTARY GRANTS.

SALT.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I am not sure that the House has had much time to consider the Supplementary Grants and I would suggest for your consideration that, if the Resolution of Mr. Dalal is not to be moved, we might conveniently adjourn. However, if it is not the desire of the House, I am perfectly prepared to go on.

Sr. I beg to move :

That a Supplementary sum not exceeding Rs. 6,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1928, in respect of ' Salt '.

The purpose of this supplementary estimate is not to permit of expenditure over and above the amount which has already been voted by the House, but the sum for which we ask authority is required for the quarrying of gypsum at Khewra and it has been held by the Auditor General, with the full concurrence of the Government of India, that this expenditure

constitutes a new expenditure which ought not to be incurred in the course of the year without the special approval of the House. The matter has been before the Standing Finance Committee and I do not think the House will have any difficulty in agreeing that the sum should be granted. Sir, I move.

The motion was adopted.

EMIGRATION—EXTERNAL.

The Honourable Sir Basil Blackett : Sir, I move :

“ That a supplementary sum not exceeding Rs. 81,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1928, in respect of ‘ Emigration-External.’ ”

The purpose of this grant is stated at the bottom of page 2 of the document which has been circulated, and I am sure it is one with which this House will have great sympathy.

The motion was adopted.

CURRENCY.

The Honourable Sir Basil Blackett : Sir, I beg to move :

“ That a supplementary sum not exceeding Rs. 2,93,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1928, in respect of ‘ Currency.’ ”

The purpose of this grant is explained on page 3 of the Supplementary Demands. It is partly required to meet the expenditure on accounts of scales and weights, to be supplied to the Treasuries to enable them to receive sovereigns and half-sovereigns in exchange under section 2 of the Currency Act, 1927 ; and partly it is for the purpose of meeting expenditure on paper required to manufacture a larger number of currency notes. This last item is not an additional expenditure but an anticipation of expenditure with a view to the fact that we foresee the coming into existence of the new Currency Printing Press at Nasik which will, we hope, in a short time be supplying India with the whole of the currency notes which she requires instead of any being manufactured elsewhere.

The motion was adopted.

CIVIL WORKS.

The Honourable Sir Basil Blackett : Sir I rise to move :

“ That a supplementary sum not exceeding Rs. 75,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1928, in respect of ‘ Civil Works.’ ”

This Supplementary Demand is required for the purpose of providing a solution for the very difficult problem of the accommodation of the lady clerks in the Government of India at Delhi. The matter has been discussed for some time and the solution that is here proposed is one which, I think, both a satisfactory one in itself and, I am convinced after considering possible alternatives, the most economical way of providing for the housing of these ladies. It is a duty that I think the House will recognise is one which cannot be neglected by the Government of India, and the Government of India are of opinion that this is the most economical way in which that duty can be discharged in New Delhi. Sir, I move.

Mr. Pandit Hirday Nath Munzru : (Agra Division : Non-Muhammadan Rural) : As this is a contentious matter may I suggest that it will be to the convenience of this House if it were adjourned until to-morrow.

Mr. Gaya Prasad Singh : (Muzaffarpur cum Champaran : Non-Muhammadan) : Some of us are going to oppose it.

The Honourable Sir Basil Blackett : May I say a word. The matter was discussed by the Standing Finance Committee and was passed by a majority. It is a question which I think should be considered by this House—I do not say necessarily discussed—but it should be carefully considered by this House, and if there is a demand for an adjournment I do not wish on behalf of Government to oppose it.

Mr. S. Srinivasa Iyengar : (Madras City : Non-Muhammadan Urban) : It may be discussed now.

Mr. Gaya Prasad Singh : I oppose the motion. I move the adjournment of the debate.

Mr. President : The Honourable Member has already spoken to his motion. He is not entitled to move an adjournment of the debate.

Diwan Chaman Lall : (West Punjab : Non-Muhammadan) : May I suggest an adjournment of this motion till to-morrow. Apparently there is a feeling in the House that the motion ought to be discussed, and in the circumstances I would suggest an adjournment.

Mr. President : I understand from the Leader of the Congress that there is no objection to going on with the business now. I do not understand why members of the same party should speak with different voices.

If no Honourable Member is going to speak I will put the question.

Diwan Chaman Lall : I move that the motion be adjourned until to-morrow.

The Honourable Sir Basil Blackett : May I suggest that the Government business is arranged by Government. If it is adjourned to-day we shall put it down for to-morrow.

Mr. President : The question is :

“That further discussion of this motion be adjourned.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 6th September, 1927.