

17th September 1935

THE  
**LEGISLATIVE ASSEMBLY DEBATES**

(Official Report)

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Volume VI, 1935

(17th September to 26th September, 1935)

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**SECOND SESSION**

OF THE

**FIFTH LEGISLATIVE ASSEMBLY,**  
**1935**



NEW DELHI  
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1936

# Legislative Assembly.

## *President :*

**THE HONOURABLE SIR ABDUR RAHIM, K.C.S.I., KT.**

## *Deputy President :*

**MR. AKHIL CHANDRA DATTA, M.L.A.**

## *Panel of Chairmen :*

**PANDIT GOVIND BALLABH PANT, M.L.A.**

**ABDUL MATIN CHAUDHURY, M.L.A.**

**MR. G. MORGAN, C.I.E., M.L.A.**

**MR. M. S. ANEY, M.L.A.**

## *Secretary :*

**MIAN MUHAMMAD RAFI, BAR.-AT-LAW.**

## *Assistant of the Secretary :*

**RAI BAHADUR D. DUTT.**

## *Marshal :*

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

## *Committee on Petitions :*

**MR. AKHIL CHANDRA DATTA, M.L.A., Chairman.**

**PANDIT GOVIND BALLABH PANT, M.L.A.**

**SYED GHULAM BHIK NAIRANG, M.L.A.**

**DR. F. X. DESOUZA, M.L.A.**

**MR. LALCHAND NAVALRAI, M.L.A.**

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*CORRIGENDUM.*

In the Legislative Assembly Debates, Vol. V,  
No. 7, dated the 10th September, 1935, page 724,  
last line, *for* "weakers" *read* "weakness".

# LEGISLATIVE ASSEMBLY.

*Tuesday, 17th September, 1935.*

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

## QUESTIONS AND ANSWERS.

### ● OFFICER ON SPECIAL DUTY IN THE REFORMS OFFICE.

418. \*Mr. S. Satyamurti : Will Government be pleased to state :

- (a) whether they have placed an officer on special duty in the Reforms Office for the purpose of revising the Statute Book in the light of the new Constitution ;
- (b) what the scope of the work will be ; and
- (c) what the extra cost will be ?

The Honourable Sir Nripendra Sircar : (a) The reply is in the affirmative.

(b) The provisions of section 293 of the Government of India Act, 1935, render it necessary that as a preliminary to the issue of the Order in Council referred to therein, an examination of all-India Acts, Ordinances, Orders, bye-laws, rules and regulations should be undertaken with a view to the preparation of draft amendments bringing such Acts, Ordinances, etc., into accord with the provisions of the said Act. The Special Officer will be required to take up this examination and the preparation of draft amendments : he will also have to scrutinise the proposals of Local Governments who will be undertaking similar work in respect of the revision of Provincial Acts, etc.

(c) The officer has been appointed for a period of six months in the first instance and the extra cost for this period including that of his establishment will be approximately Rs. 35,000.

Mr. S. Satyamurti : May I know to what my Honourable friend refers, when he talks of Ordinances, in connection with this Special Officer's work ?

The Honourable Sir Nripendra Sircar : I was quoting the language of section 293—whatever Ordinances, orders, bye-laws, rules and regulations which are in force and which, according to section 293, have now got to be amended and brought into conformity with the present Act. That is the work which has been taken up by him.

Mr. S. Satyamurti : Apart from Statutes, that is to say, Acts, are there, to the knowledge of the Honourable the Law Member, any Ordinances, Regulations or bye-laws which will come within the scope of the work of this officer ?

**The Honourable Sir Nripendra Sircar** : Speaking offhand, I can think of some Regulations which are still called Regulations,—not only Regulation III of 1818 which has been much discussed, but other Regulations relating to permanent settlement and similar other matters. So far as I know, there are no Ordinances at present.

**Mr. S. Satyamurti** : Are there any terms of reference to the special officer for his work, apart from that wording of the Government of India Act ? Have the Government of India laid down the scope of his work, by any order, or by any terms of reference ?

**The Honourable Sir Nripendra Sircar** : No. So far as I know, he works under the Reforms Commissioner and instructions to him are really to be found in the language of section 293. No special instructions have been given.

**Mr. S. Satyamurti** : What is the intention of Government with regard to this legislation ? Do they intend bringing it up before the next Delhi Session of the Assembly ?

**The Honourable Sir Nripendra Sircar** : So far as I can see, that has not got to be done under section 293.

**Mr. S. Satyamurti** : May I take it that the work of this special officer will not require, at any stage, the consent of this Legislature ?

**The Honourable Sir Nripendra Sircar** : My Honourable friend is correct.

**Mr. S. Satyamurti** : May I ask one more question ? How long is this Reforms Office going to be continued, even though the Government of India Act has been placed on the Statute-book ?

**The Honourable Sir Nripendra Sircar** : If my Honourable friend will tell me when the Federation is coming into operation, I may be able to answer his question.

**Mr. S. Satyamurti** : If I were the Law Member, I would be jolly glad to tell you. (Laughter.)

**The Honourable Sir Nripendra Sircar** : You would be equally ignorant, even if you were Law Member.

#### INDIAN TRADE COMMISSIONERS IN FOREIGN COUNTRIES.

419. **\*Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) how many Trade Commissioners there are representing India in foreign countries ;
- (b) whether they intend appointing a Trade Commissioner in Japan ; and
- (c) what the countries are in respect of which they intend appointing Trade Commissioners shortly ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) Two, one at Hamburg and one in Milan.

(b) The question is under consideration.

(c) No decision has yet been taken.

**Mr. S. Satyamurti :** When was the last Trade Commissioner appointed ?

**The Honourable Sir Muhammad Zafrullah Khan :** I could not give the exact date, but I should imagine about a year ago.

**Mr. S. Satyamurti :** May I know why this question has been hanging fire all this time ? Do not Government realise that, at least in certain parts of the world, there is urgent and imperative need for the appointment of Trade Commissioners to protect Indian interests ?

**The Honourable Sir Muhammad Zafrullah Khan :** If my Honourable friend will point out the quarters in which there is an urgent need, I shall consider the matter.

**Prof. N. G. Ranga :** When do Government propose to appoint a Trade Commissioner in the United States of America ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have not said that we are going to appoint one there.

**Mr. S. Satyamurti :** Are Government considering the appointment of Trade Commissioners to any other countries, except these two countries ?

**The Honourable Sir Muhammad Zafrullah Khan :** If by considering my Honourable friend means whether Government are considering the possibility of doing so, yes.

**Mr. S. Satyamurti :** Which countries ?

**The Honourable Sir Muhammad Zafrullah Khan :** The countries that are under consideration are Japan, British East Africa or rather Kenya, the United States of America, and possibly, although I do not think there is much hope of that, Egypt.

**Mr. S. Satyamurti :** How long do Government propose to consider this matter ? Is there any inherent difficulty in the subject, or is it because of the usual indifference of the Government to vital matters affecting this country ?

**The Honourable Sir Muhammad Zafrullah Khan :** I deny the implication contained in the latter part of the question. One difficulty, for instance, is finance.

**Sardar Mangal Singh :** Will the Honourable Member be pleased to state whether all the Trade Commissioners to be appointed will be Indians ?

**The Honourable Sir Muhammad Zafrullah Khan :** I could not say.

**Prof. N. G. Ranga :** Is it a fact that the question of appointing a Trade Commissioner in the United States of America has been hanging fire for the last three years ?

**The Honourable Sir Muhammad Zafrullah Khan :** I do not know what my Honourable friend means by hanging fire, but it has been under consideration for some time.

**Seth Haji Abdoola Haroon :** What is the annual cost of the Trade Commissioner in Hamburg ?

**The Honourable Sir Muhammad Zafrullah Khan :** I should require notice of that question. I have not got the figures with me here.



**Mr. Lalchand Navalrai :** May I know whether the Trade Commissioners who have been appointed up till now are Indians or Europeans ?

**The Honourable Sir Muhammad Zafrullah Khan :** The one at Hamburg and the other in Milan are both Indians.

**Sir Hormusji Peroshaw Mody :** Is it not a fact that Government have been repeatedly requested by industrial and commercial bodies in India to nominate at least one representative in British East Africa ?

**The Honourable Sir Muhammad Zafrullah Khan :** The question has been on several occasions brought to the notice of Government.

**Sir Hormusji Peroshaw Mody :** Are Government aware that this is probably the fiftieth time that the same answer has been given, namely, that financial considerations do not permit of any such appointment at the moment ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir, this is not the 50th time.

**Sir Hormusji Peroshaw Mody :** Is it the tenth time ?

**Mr. S. Satyamurti :** Has the Department of Government in charge of my friend, the Commerce Member, approached the Finance Department for the appointment of a Trade Commissioner, and has that Department turned it down ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is a sort of question to which I would give no reply.

**Mr. S. Satyamurti :** Have Government taken any initiative in this matter, and, if so, what is the initiative they have taken ?

**The Honourable Sir Muhammad Zafrullah Khan :** The initiative they have taken is that they have made enquiries and are prosecuting them in connection with these appointments.

**Mr. S. Satyamurti :** How long do they propose to go on making these inquiries ?

**The Honourable Sir Muhammad Zafrullah Khan :** No Member of Government can give a reply to that sort of question.

**Mr. S. Satyamurti :** Of this Government ?

**The Honourable Sir Muhammad Zafrullah Khan :** Of any Government.

#### INTERESTS OF INDIANS OVERSEAS.

420. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they have considered the suggestion put forward by the Indian Imperial Citizenship Association for the creation of a separate Secretariat to watch, protect and promote the interests of Indians overseas ;
- (b) whether they have decided to form such a Secretariat, and if not, why not ; and
- (c) whether they are aware of the sufferings of Indians in South Africa, Zanzibar, Kenya, Fiji, West Indies, British Guiana

and elsewhere, and whether they propose to take steps to create a separate Department ?

**Sir Girja Shankar Bajpai :** (a) Yes.

(b) and (c). There is no intention in the immediate future of appointing a separate Secretary for Indians overseas because the post of Joint Secretary in the Education, Health and Lands Department was primarily created for enabling the Department to give more attention to the problems of Indians overseas and the post of Additional Deputy Secretary was also created partially for the same purpose.

**Mr. S. Satyamurti :** What is the answer to (c) ?

**Sir Girja Shankar Bajpai :** I have answered a number of questions during this Session in regard to Africa, Zanzibar, Kenya and Fiji. I must say that the West Indies and British Guiana have been left out.

**Mr. S. Satyamurti :** May I know the reason why Government do not propose, in view of the statement in clause (c) which they do not deny, to create a separate Secretariat for this specific purpose ? Are Government aware that this is a very important matter to which India attaches great importance ?

**Sir Girja Shankar Bajpai :** My Honourable friend may rest assured that the Government of India realise the importance of the subject themselves and they are also conscious of the importance which public opinion attaches to it. All that I tried to explain in answer to parts (b) and (c) was that, at the present moment, the staff that we have is quite adequate for the work that is required to be done.

**Mr. S. Satyamurti :** Are Government satisfied that all these questions concerning these unfortunate Indians in these foreign countries receive prompt, adequate and effective treatment at the hands of this Department ?

**Sir Girja Shankar Bajpai :** In so far as it is possible for any Secretariat to give prompt, adequate and effective treatment, the staff at my disposal is giving it.

#### REPORT OF THE TARIFF BOARD ON THE WOOLLEN INDUSTRY.

421. \***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they have considered the report of the Tariff Board on the Woollen Industry ;
- (b) how long they have been considering it ;
- (c) whether they intend putting the Report, as also the conclusions thereon, on the table of the House ; and
- (d) whether the Tariff Board has suggested differential duties for British goods ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (d). The Report is under consideration at present and Government are not yet prepared to disclose any of the recommendations made therein.

(b) Since the middle of June when the Report was received from the Tariff Board.

(c) A copy of the report, when published, will be supplied to each Member of the Legislature. Copies will also be placed in the Library. The conclusions of Government on the Report are published in the Gazette of India, Part I, and proposals, if any, requiring legislation will, as usual, be brought before the House.

**Mr. S. Satyamurti :** May I know whether, before Government finally pass orders, they will consult the opinion of this House ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir.

**Mr. S. Satyamurti :** Why not, Sir ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am not bound to give reasons.

**Mr. S. Satyamurti :** May I know why Government, in a matter of this vital importance to the development of industries and trade in this country, refuse to consult this House or even refuse to give reasons why they will not consult this House ?

**The Honourable Sir Muhammad Zafrullah Khan :** Whatever decision Government take will come before this House, if it involves legislation. That will be the time for the House to express its opinion on these proposals.

#### RESULTS OF THE OTTAWA TRADE AGREEMENT.

422. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to the statement of Lord Snowden in his autobiography that :

(i) the British Delegation admitted to him that they had a difficult time and the proceedings were anything but harmonious ;

(ii) a complete break-up was averted at the last moment by further concession on the part of Britain ; and

(iii) the British Delegation were out-manceuvred at every point .

(b) whether they have seen his summing up of the results of the Ottawa Pact as follows :

“ Britain lost her fiscal autonomy and her power of bargaining through tariffs. The Dominions made no concessions of any value, but gained a free market in Britain, while maintaining their tariff walls intact ” ;

(c) whether they have considered the bearing of this on India and whether they will keep this in mind in making their recommendations in this House with regard to the Ottawa Pact ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (b). Yes.

(c) The Government of India fail to see what bearing Lord Snowden's statements have on India.

**Mr. S. Satyamurti :** May I know if Government have considered this particular statement contained in clause (b) ?

“ Britain lost her fiscal autonomy and her power of bargaining through tariffs. The Dominions made no concessions of any value, but gained a free market in Britain, while maintaining their tariff walls intact.”

May I know if my friend, the Commerce Member, has considered the bearing of that statement of Lord Snowden on India, and whether he is satisfied that India also was not let down ?

**The Honourable Sir Muhammad Zafrullah Khan :** If my Honourable friend will explain the first portion of the question and say what bearing this has on India, I may be in a position to reply to the second part ?

**Mr. S. Satyamurti :** I cannot help my friend.

**The Honourable Sir Muhammad Zafrullah Khan :** Then it is obvious I cannot answer the question.

**Mr. S. Satyamurti :** I know you cannot understand the question.

**The Honourable Sir Muhammad Zafrullah Khan :** I said " I cannot answer the question ".

**Mr. S. Satyamurti :** If you understood it, you will have answered it.

**DISPUTE BETWEEN THE MYSORE GOVERNMENT AND THE GOVERNMENT OF MADRAS re CAUVERY WATERS.**

423. \***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether the dispute regarding the Cauvery waters concerning the amount to be paid by the Mysore Government to the Government of Madras has been referred to the Government of India for arbitration ;
- (b) at what stage the matter stands ; and
- (c) whether the case for the Government of Madras has been presented and considered by the Government of India ?

**Mr. J. G. Acheson :** (a) Yes.

(b) and (c). The case for the Madras Government has been presented and the matter is under the consideration of the Government of India.

**Mr. S. Satyamurti :** Is it " consideration " by the Government of India themselves, or are they going to appoint an arbitrator or judicial authority to advise them on this matter ?

**Mr. J. G. Acheson :** It is the Government of India.

**Mr. S. Satyamurti :** When do they hope to come to a conclusion on this matter ?

**Mr. J. G. Acheson :** I cannot give any reply to that at present, Sir.

**DEMAND FOR INDIANISATION OF INDIAN PORT TRUSTS.**

424. \***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the communication of the Secretary of the Indian Merchants' Chamber, to the Secretary to Government in the Commerce Department, relating to Indian Port Trusts ; .

(b) whether they are aware of the demand of an Indian majority on the Indian Port Trusts, and an Indian Chairman ; and

(c) what steps Government have taken or propose to take in the matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a), (b) and (c). The Honourable Member is referred to the answer already given to Mr. T. S. Avinashilingam Chettiar's question No. 148 answered in this House on the 5th September, 1935, by the Honourable the Law Member.

**Mr. T. S. Avinashilingam Chettiar :** What is the answer to clause (c) ?

**The Honourable Sir Muhammad Zafrullah Khan :** Clause (c) has been answered already by the Law Member.

**Mr. T. S. Avinashilingam Chettiar :** When do Government expect to appoint an Indian as President of the Port Trust.

**The Honourable Sir Muhammad Zafrullah Khan :** This was answered several times on the floor of the House.

**Mr. S. Satyamurti :** Very unsatisfactory, Sir.

#### RE-BUILDING OF QUETTA

425. \***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to the statement made by Mrs. Karlake, wife of Major-General Karlake, General Officer Commanding the Baluchistan District, that, devastated by the recent earthquake, Quetta can never be re-built on the same spot ;

(b) whether Government have considered the site for the re-building of Quetta ;

(c) whether they are considering any alternative to re-building Quetta ; and

(d) what steps they propose to take for locating the Army if Quetta is not to be re-built ?

**Mr. G. E. F. Tottenham :** (a) Yes.

(b), (c) and (d). The Honourable Member's attention is invited to Chapter VIII of the pamphlet " The Quetta Earthquake, 1935 ".

The matter is now under consideration.

**Mr. S. Satyamurti :** May I know— I will only ask for some further light, if any is available—whether Government, before making up their minds on this very important question, will consult the opinion of this House ? Has there been any change in the position of the Government ?

**Mr. G. E. F. Tottenham :** We dealt with that matter a day or two ago, when I explained the position.

**Mr. S. Satyamurti :** Do Government propose to consult the House on this matter ?

**Mr. G. R. F. Tottenham :** I explained that it was open to Honourable Members to bring a Resolution before the House on this subject, if they wish. Government have no immediate intention of bringing the matter before the House themselves.

**Mr. Lalchand Navalrai :** May I know when the consideration will come to an end and we will know the result ?

**Mr. G. R. F. Tottenham :** I hope within the next fortnight or a month.

**Mr. T. S. Avinashilingam Chettiar :** At the end of the red pamphlet, it is said that the Legislature will be consulted before forming plans for re-building Quetta ?

**Mr. G. R. F. Tottenham :** What is actually said on the last page is that possibly the Legislative Assembly may wish to discuss the matter. It was open to them to do so, if they wanted to.

**Mr. T. S. Avinashilingam Chettiar :** Now that the Legislative Assembly wishes to discuss this matter, will Government place it before the House ?

**Mr. G. R. F. Tottenham :** I have already answered that question.

#### POSITION OF THE INDIAN BUSINESS COMMUNITY IN KENYA.

426. \***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the news published in the *Madras Mail* of June 29th, that the Indian business community in Kenya have abandoned their shops and have gathered at the Government headquarters for protection ;
- (b) what steps Government have taken in the matter ; and
- (c) the latest position with regard to the same ?

**Sir Girja Shankar Bajpai :** (a), (b) and (c). Government have seen the report in the *Madras Mail* referred to by the Honourable Member. According to information received from the Colonial Government the trouble occurred in Narok district and the disturbance, which appears to have been purely local and was in no way directed against the Indian community, was promptly suppressed. Government have had no representation on the subject from the Indian community in Kenya.

#### ALLEGATIONS OF LOOTING, ETC., AGAINST THE SOLDIERS AT QUETTA AFTER THE EARTHQUAKE.

427. \***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the statement contained in the *Daily Worker*, London, dated the 24th July, 1935, making serious allegations of looting, etc., against the soldiers at Quetta after the recent earthquake ;
- (b) whether they propose to examine the accuracy or otherwise of the statements contained therein ; and

(c) whether they will place the result of such examination on the table of this House ?

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

(b) The Government made inquiries and satisfied themselves that the allegations are without foundation. The eye-witness alleged to have been responsible for making them was traced and on being questioned, he contradicted practically every statement attributed to him.

(c) No.

**Mr. S. Satyamurti :** Who was the eye-witness, Sir ?

**Mr. G. R. F. Tottenham :** I forget his name, Sir.

**Mr. S. Satyamurti :** Was he an Indian or a European ?

**Mr. G. R. F. Tottenham :** An Indian.

**Mr. S. Satyamurti :** Who examined him ?

**Mr. G. R. F. Tottenham :** The civil authorities in Sind ; I think the Chief Commissioner, Sind.

**Mr. S. Satyamurti :** When ?

**Mr. G. R. F. Tottenham :** About six weeks ago.

**Mr. S. Satyamurti :** Where ?

**Mr. G. R. F. Tottenham :** In Karachi.

**Mr. S. Satyamurti :** Was any written statement taken from him, and has he signed that statement contradicting all these statements ?

**Mr. G. R. F. Tottenham :** I believe so, Sir.

**Mr. S. Satyamurti :** Are the Government of India aware whether His Majesty's Government proceeded against the *Daily Worker* for publishing these statements ? That was in your country—not mine ? Was any action taken against the *Daily Worker* of London by His Majesty's Government for publishing all these, to the knowledge of this Government ?

**Mr. G. R. F. Tottenham :** That is not the concern of the Government of India ; I do not know whether any action was taken at home ; I imagine not.

**Mr. S. Satyamurti :** Why, then, was similar action taken in this country, Sir ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Against what paper ?

**Mr. S. Satyamurti :** The *Free Press*, Sir. The Government of India admit that the *Daily Worker* published these statements in London. I am asking the question, in view of that statement, whether any action was, to the knowledge of the Government of India, taken against this paper in London ; if no action was taken, why no such action was taken, and why was such action taken only against the *Free Press* and other journal in this country ?

**The Honourable Sir Henry Craik :** The reason why action was taken in India against various papers was that those papers published a tissue of most disgraceful lies. I do not know whether action was

taken against the *Daily Worker* or not, but I imagine it was not worth prosecution, because it represents a minute fraction of public opinion there, and statements like that carry in England their own refutation.

**Mr. S. Satyamurti :** Why, then, should Government not follow the same good policy in this country ?

**The Honourable Sir Henry Craik :** Because the circumstances in India are completely different ; because a large part of the reading public here believes anything that is published. In England, a large part of the reading public does not believe anything and everything that is published in papers like the *Daily Worker*.

**Mr. S. Satyamurti :** What is the basis of this opinion of the Home Member that in this country the reading public is so credulous or so foolish as to believe anything and everything, that is published in the papers ?

**Sir Cowasji Jehangir :** May I ask the Home Member whether, in the opinion of the Government, any daily paper in England can publish the most serious libels about people in India and get off scot-free ?

**The Honourable Sir Henry Craik :** I do not see that that arises.

**Sir Cowasji Jehangir :** Is it the opinion of the Government that any paper in England can publish the most serious libel about people in India, whether they be Englishmen or Indians, and go scot-free ?

**The Honourable Sir Henry Craik :** It depends on the standing and influence of the paper. If the paper is one of any standing and influence, we should certainly ask His Majesty's Government at home to take action in respect of any allegation of this nature. In the case of the *Daily Worker*, we think His Majesty's Government are perfectly competent to form their own judgment.

**Mr. Lalchand Navalrai :** May I know from the Army Secretary if he will place the papers with regard to these things at Karachi on the table ?

**Mr. G. R. F. Tottenham :** No.

**Mr. Lalchand Navalrai :** Why not ?

**Mr. G. R. F. Tottenham :** Because it is not in the public interest to do so.

**Mr. T. S. Avinashilingam Chettiar :** Are Government aware that the very fact that they refuse to place these papers on the table raises a suspicion in our minds that there is something wrong at Quetta ?

**Mr. G. R. F. Tottenham :** No, Sir.

**Mr. T. S. Avinashilingam Chettiar :** If this gentleman has contradicted and signed that statement, what is the difficulty in the way of the Government placing that statement on the table of the House ?

**Mr. G. R. F. Tottenham :** It would merely give unnecessary publicity to these disgraceful lies.

**Mr. T. S. Avinashilingam Chettiar :** Will the Honourable Member show these papers to Honourable Members of this House ?

**Mr. G. R. F. Tottenham :** If the Honourable Member wishes to see the papers, then I will show them to him personally.



**HARDSHIPS CAUSED TO PILGRIMS ATTENDING THE KANDURI FESTIVAL, NAGORE,  
BY THE CUSTOMS OFFICERS, SANNAMANGALAM CHOWKI.**

428. \***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether their attention has been drawn to the representations received by the Central Board of Revenue from the Muslim Association, Nagore, to the effect that the public, the Negapatam Municipality and the pilgrims attending the Kanduri Festival, Nagore, are put to much hardship by the Customs Officers, Sannamangalam Chowki ;
- (b) whether such officers act contrary to the provisions contained in paragraph 38, sub-paragraphs 1 to 3 (Chapter IV) of the Madras Land Customs Manual, in not exempting the cloth actually worn on and articles of less than the exempted value belonging to the passengers through the *chowki* ;
- (c) whether even *gosha* ladies are compelled to doff their clothing under the pretext of having to weigh them for duty assessment, and indirectly compelling them to pay maximum duty to avoid the ignominy of changing clothing publicly ; and
- (d) whether Government have taken any action in the matter, and if not, why not ?

**Mr. A. H. Lloyd** : (a) Yes.

(b) No. The exemption in respect of wearing apparel has been withdrawn as the concession was being greatly abused.

(c) The examination of lady passengers is always conducted by a lady clerk in a private room set apart for the purpose.

(d) Government do not consider that any further action is required.

**Mr. S. Satyamurti** : With reference to the answer to clause (c) of the question, may I know if Government have made inquiries if such representations were received by them and if they have satisfied themselves that the rules which my Honourable friend laid down,—that is to say, that *gosha* ladies shall be examined only in privacy and only by lady customs examiners—is being observed in all cases ?

**Mr. A. H. Lloyd** : Yes, Sir.

**Mr. T. S. Avinashilingam Chettiar** : What was the answer to clause (c), Sir ?

**Mr. A. H. Lloyd** :

“ The examination of lady passengers is always conducted by a lady clerk in a private room set apart for the purpose.”

**SALE OF SURPLUS STOCK OF QUININE.**

429. \***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether it is a fact that they are carrying on certain negotiations for the sale of surplus stock of quinine to the Kina Bureau,
- (b) whether Government have at present nearly 300,000 lbs. of quinine in stock ;

- (c) the reasons why they want to dispose of this surplus stock ;
- (d) whether, before they do so, they would call a conference of the representatives of the Provincial Governments with a view to evolving a plan of co-ordinated action to solve the problem of surplus stock ;
- (e) whether they have come to any conclusion about the minimum requirements of the country to fight out malaria satisfactorily ; and the actual output of the Government plantations and the ways and means to make India self-sufficient in her requirements of quinine ; and
- (f) what steps Government propose to take to make India self-sufficient in the matter of the supply of quinine ?

**Sir Girja Shankar Bajpai :** (a) No.

(b) At the end of June, 1935, the total stock of quinine held by the Government of India was 229,133 lbs. This includes 150,000 lbs. which the Government of India have decided to maintain as a reserve to meet national emergencies.

(c) and (d). In pursuance of recommendations of past Public Accounts Committees Government sought to get rid of the surplus, which was much greater before than it is now, because it represented capital uselessly locked up. Of the surplus of 79,000 lbs. which the Government of India had at the end of June, 1935, after deducting the reserve of 150,000 lbs., 45,000 lbs. have been given to Local Governments for free distribution. Only a balance of 34,000 lbs. thus remains, and it is not considered necessary to call a conference of the representatives of Provincial Governments to discuss the disposal of this amount.

(e) and (f). Public health being a provincial subject, initiative in and responsibility for this matter rest with Local Governments.

**Mr. S. Satyamurti :** With reference to the answer to clause (e) of the question, may I know if there is any all-India survey conducted, or contemplated, to find out the data for conclusions on these very important questions,—namely, the minimum requirements of quinine to fight malaria, and the actual output of the Government plantations now, and the ways and means to make India self-sufficient ?

**Sir Girja Shankar Bajpai :** Well, Sir, I have already answered that question. I have said that even in future this matter will be entirely one for Local Governments, and it is for Local Governments to take such initiative in the matter as they desire. I have had an estimate from the Public Health Commissioner that the total requirements of India are something like 500,000 lbs.

**Mr. S. Satyamurti :** May I know if the Honourable Member realises the total toll of deaths and of permanent injury to health and suffering in the whole of India, owing to this scourge of malaria year after year ?

**Sir Girja Shankar Bajpai :** I can assure my Honourable friend that the Public Health Commissioner with the Government of India, whose business it is to study provincial reports and co-ordinate such information as is available in the matter year after year, does emphasise the need for Local Governments to take suitable action.

**Mr. S. Satyamurti :** Will the Government of India address the Local Governments, and ask them to pool their resources, so as to find out the data for coming to the proper conclusions on these matters ; and also may I ask, with reference to clause (f) of this question, what steps they would recommend that India should take in order to make her self-sufficient in the matter of the supply of quinine ? Do not Government consider the matter to be of sufficient importance to give a push to Local Governments, who may not otherwise move in the matter ?

**Sir Girja Shankar Bajpai :** Sir, the Government of India have taken more than one step in the past in order, if I may say so, to stimulate the Local Governments, but the attitude of the Local Governments in this matter has not been particularly encouraging.

**Mr. S. Satyamurti :** Will the Government of India consider the possibility, under the new Government of India Act—when, as I imagine, they will have a Central Board of Public Health, or the Public Health Commissioner will continue as now—in the interests of the health of this country which suffers grievously year after year from this dreadful scourge, of doing something concrete to lay down an all-India policy and enjoin that policy on the Local Governments ?

**Sir Girja Shankar Bajpai :** Sir, there is no question really of laying down an all-India policy, because there is no mystery involved in it. Everybody knows that the best remedy for malaria is quininisation, and the Local Governments are aware of that fact too. It is for Local Governments to make up their minds that they will popularise the use of quinine progressively ; that requires the expenditure of funds ; and, unfortunately, the Local Governments are not prepared, or rather not able, to meet the expenditure involved in a more intensive use of quinine.

**Mr. S. Satyamurti :** Therefore, should we take the position to be this ? Local Governments will not move, the Government of India will not ask them to move, and malaria must flourish in this country ?

**Sir Girja Shankar Bajpai :** I do not know really as to what my Honourable friend should assume as regards the Local Governments. But so far as the Government of India are concerned, they have made the only possible practical gesture by giving away 45,000 lbs. of quinine free of cost with the intimation to Local Governments that they should distribute it free and try to follow this good example. They cannot do anything more than that.

**Mr. S. Satyamurti :** Will the Government of India continue to do this good work, and go on giving year after year as much quinine as is available, to fight the scourge of malaria ?

**Sir Girja Shankar Bajpai :** I have already informed my Honourable friend that the balance that the Government of India have is 34,000 lbs. They will certainly consider the desirability of giving this 34,000 lbs. also to Local Governments but, considering the incidence of the disease in this country, my Honourable friend will realise that 34,000 lbs. would not solve the problem.

**Sir Cowasji Jehangir :** May I ask whether it is not a remedy in the opinion of the Government for the complaint of my Honourable friend that my Honourable friend should become a Minister of the Local Government ?

**Sir Girja Shankar Bajpai :** I hope that my Honourable friend will follow the good advice of Sir Cowasji Jehangir.

**APPOINTMENT OF A BROADCASTING EXPERT IN ENGLAND FOR INDIA.**

430. \***Sardar Sant Singh :** (a) Is it a fact that a broadcasting expert has been engaged in England for India ?

(b) What are his technical qualifications ?

(c) What is going to be his pay and conditions of service ?

(d) Was he in employment in England ? If so, what pay did he get there in 1932, 1933, and 1934, respectively ?

(e) What is he going to be an expert of ?

(f) Have Government no expert in India with knowledge of Indian conditions ?

(g) Was the post advertised in India ? If so, what was the result ? If not, why not ?

**The Honourable Mr. D. G. Mitchell :** (a) A member of the staff of the British Broadcasting Corporation has been appointed as the Controller of Broadcasting.

(b) He has been employed with the British Broadcasting Corporation for the last seven years in various capacities on the programme side and was largely concerned with the development of the department which deals with what are known as " Talks ".

(c) He has been engaged on a five years' contract on a salary of Rs. 2,000—50—2,200.

(d) Yes. The Government of India are unable to furnish the information asked for in the latter part of the question.

(e) The Controller of Broadcasting will be the expert with the Government of India on the programme side and will advise them on the general administration and development of broadcasting.

(f) Government have two officers employed as Directors of Broadcasting Stations in India, who have knowledge of Indian conditions. But in making the offer to a member of the staff of the British Broadcasting Corporation, they wished to take advantage of the enormously greater experience of the British Broadcasting Corporation which is generally admitted to be the most successful broadcasting institution in the world.

(g) No. As the object of the Government of India was to obtain a man with British Broadcasting Corporation experience, there would have been no object, whatever, in issuing an advertisement in this country.

**Sardar Sant Singh :** May I know what position did he hold in England in the years 1932, 1933 and 1934 ?

**The Honourable Mr. D. G. Mitchell :** I would refer the Honourable Member to my answer to part (b) where I said :

" He was engaged in various capacities on the programme side and was largely concerned with the development of the Department which deals with what are known as ' Talks '."

**Sardar Sant Singh** : Would the Honourable Member kindly say what are his educational qualifications ?

**The Honourable Mr. D. G. Mitchell** : I require notice of that question.

**Mr. S. Satyamurti** : Is it one of the conditions of his appointment that he should train an Indian or Indians to take his place ?

**The Honourable Mr. D. G. Mitchell** : The whole conception is that he would develop broadcasting as far as possible, and, in doing so, the staff of the various stations will, as far as may be necessary and possible, be Indians.

**Mr. S. Satyamurti** : Is he now asked, as part of the condition of his appointment, to train any Indian or Indians to take his place ?

**The Honourable Mr. D. G. Mitchell** : There is no such condition in the terms of his appointment, but he will necessarily train the members of the staff who are under him.

#### INDIAN BROADCASTING SERVICE.

431. **\*Sardar Sant Singh** : (a) Are Government going to run the Indian broadcasting service on the same lines and principles as the B. B. C. in England ?

(b) Will it be used for purposes of political propaganda ?

**The Honourable Mr. D. G. Mitchell** : (a) It is Government's intention to run the Indian State Broadcasting Service on the same lines and principles as the British Broadcasting Corporation in England.

(b) It is not the intention to use it for purposes of political propaganda.

**Mr. S. Satyamurti** : Does not the British Broadcasting Corporation allow certain political leaders and Ministers to address on certain important political questions ?

**The Honourable Mr. D. G. Mitchell** : I understand that is a fact.

**Mr. S. Satyamurti** : If that is so, why do not the Government of India propose to permit certain political leaders in this country to use the broadcasting apparatus for broadcasting their speeches ?

**The Honourable Mr. D. G. Mitchell** : We should like broadcasting service to be put on a proper footing first. That is one of the questions of principle which the new Controller of Broadcasting will consider, but the Honourable Member will realise that in India it may be somewhat difficult to undertake.

**Mr. S. Satyamurti** : In view of the fact that many millions are going to be enfranchised in this country, and many millions among them will be illiterate for a long time, does not the Honourable Member consider it much more important in this country, than in his own country that the broadcasting apparatus should be availed of by leading politicians for the sound political education of the masses ?

**The Honourable Mr. D. G. Mitchell** : I personally do not agree.

**Mr. S. Satyamurti** : Am I to take, therefore, that the position of the Government is this—that they do not propose to follow the example of

the British Broadcasting Station and allow the Indian Broadcasting Station to be availed of by political leaders ?

**The Honourable Mr. D. G. Mitchell :** The position, as I have already explained, has not yet been considered. That would be one of the points that the new Controller of Broadcasting will consider.

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question.

EDUCATION OF INDIANS IN BROADCASTING TECHNIQUE.

432. **\*Sardar Sant Singh :** What steps are Government going to take to educate Indians in broadcasting technique ?

**The Honourable Mr. D. G. Mitchell :** The staff of the Indian Stations will be recruited in India and will be trained in the Indian State Broadcasting Service Stations. They will be predominantly Indian.

**Mr. Lalchand Navalrai :** May I ask the Honourable Member what would be the qualifications of the Indians for training in broadcasting ?

**The Honourable Mr. D. G. Mitchell :** I must have notice of that question.

POWER IN THE AERIAL OF THE DELHI BROADCASTING STATION.

433. **\*Sardar Sant Singh :** What is going to be the actual power in the aerial of the Delhi broadcasting station ? Is this being guaranteed by the makers of the plant ?

**The Honourable Mr. D. G. Mitchell :** The power delivered to the aerial will be 20 K.-W., according to the specification of the makers of the plant and as guaranteed by them.

**Sir Cowasji Jehangir :** When will this plant be ready ?

**The Honourable Mr. D. G. Mitchell :** Sometime in the first half of the cold weather.

**Mr. M. Ananthasayanam Ayyangar :** What is to be the range of this Broadcasting Station ?

**The Honourable Mr. D. G. Mitchell :** That is an impossible question to answer. It depends entirely on the atmospheric conditions. Its range may be 70 miles or 700 miles or even 1,000 miles at different times.

ACCOMMODATION FOR OFFICERS AND STAFF IN NEW DELHI AND SIMLA.

434. **\*Sardar Sant Singh :** (a) Will Government be pleased to state approximately how many bungalows and clerks' quarters fall vacant in New Delhi when the Government of India move up to Simla ?

(b) Will Government lay on the table a statement showing how many private houses have been taken for the use of Government offices in Simla for the current Simla season and what are the rents thereof, and for what offices they have been taken ?

(c) Is it not a fact that the rents mentioned in part (b) above could be saved if those offices were kept down in Delhi during the summer ;

(d) Will Government lay a statement on the table showing the actual rent paid during the season in Simla in the years 19<sup>o</sup>

and 1935 by (i) Secretaries, (ii) Deputy Secretaries, and (iii) Under Secretaries, for the accommodation allotted to them by Government ?

(e) Is it not a fact that accommodation for such classes of officers is comparatively cheaper than at Delhi, and if so, does this influence the decision of Government in moving up to Simla ?

**The Honourable Mr. D. G. Mitchell :** (a) About 200 bungalows and 430 clerks' quarters remained vacant in New Delhi during the summer of 1934.

(b) A statement is laid on the table.

(c) Yes.

(d) Four Secretaries and five Deputy Secretaries occupied Government accommodation in Simla during 1934. Of the five Deputy Secretaries two occupied the accommodation allotted to them for only a part of the season. No Under Secretary occupied Government accommodation. The figures for the summer season of 1934 are as follows. The figures for 1935 are not available :

	Rs.
(i) Secretaries .. .. .	4,244
(ii) Deputy Secretaries .. .. .	2,646
(iii) Under Secretaries .. .. .	Nil.

(e) Government accommodation for these officers is cheaper at Simla than at Delhi, but the accommodation available at Simla is insufficient, and private accommodation is extremely expensive. The fact that a few officers pay less rent at Simla than at Delhi has no bearing whatever on the question of the move of the Government of India to Simla.

*Statement showing the offices of the Government of India for which private accommodation has been hired in Simla for the summer season of 1935.*

Name of office.	Name of the house.	Annual Rental.	Remarks.
		Rs.	
Reforms Office ..	" Carlton Grove " ..	*3,000	
	" Cleveland " ..	*2,800	
Imperial Council of Agricultural Research Department.	" Rock House " ..	4,000	
Commercial Intelligence and Statistics Department (Statistical Research Branch).	" Dalziel " (upper flat)	2,200	
Army Head Quarters .. .. .	" Piccadilly House " (1st floor).	†1,800	Accommodation has been hired only from 1st August to 15th October.

\* Plus Municipal taxes.

† Plus water tax.

PRIVATE HOUSES RENTED FOR CERTAIN OFFICES OF THE GOVERNMENT OF INDIA IN SIMLA.

435. \*Sardar Sant Singh : (a) Will Government be pleased to state if it is not a fact that private houses have been taken for accommodating certain offices of the Government of India in Simla for the current season? If so what are their names?

(b) Will Government be pleased to state the reasons why these offices could not be kept down in Delhi, if they could not be accommodated in the existing Government buildings in Simla?

(c) Will Government be pleased to state what the cost is of such accommodation taken in Simla for these offices and whether they are prepared to consider the question of keeping them down in Delhi throughout the year with effect from the next year at least?

The Honourable Sir Henry Craik : (a), (b) and first part of (c). A statement giving the necessary information is laid on the table.

The answer to the latter portion of part (c) is in the negative.

*Statement giving information regarding private houses hired for accommodating certain Government Offices in Simla.*

<i>Part (a) of the question.</i>	<i>Part (b) of the question.</i>	<i>First portion of Part (c) of the question.</i>
(Name of the Office for which private house has been hired in Simla for the current season.)	(Why the Office could not be kept down in Delhi.)	(Cost of hired accommodation.)
(1) Imperial Council of Agricultural Research Department	It is necessary that these two offices should move to and from Simla along with other Departments of the Government of India, because (1) is a regular Department of the Government of India, and (2) works directly under His Excellency the Viceroy, in close co-operation with other Departments	Rs. 4,000 for the season.
(2) Reforms Office .. ..		5,800 for the season.
(3) Army Headquarters .. ..	Does not arise as the staff is temporarily employed for a part of the current Simla season.	1,800 for the period from the 1st August to the 15th October 1935.
(4) Statistical Research Branch of the Commercial Intelligence and Statistics Department.	The Branch works in close co-operation with the Commerce and other Departments of the Government of India and it cannot therefore be permanently located in Delhi.	2,200 for the year.

Prof. N. G. Ranga : Are Government aware that considerable inconvenience and expense are being experienced by most of their clerical staff and others because of want of sufficient accommodation in Simla?

The Honourable Sir Henry Craik : I do not think that arises out of this question. It only relates to accommodation for offices.



## OFFICE OF THE CIVIL AVIATION IN INDIA.

436. \*Sardar Sant Singh : (a) Will Government be pleased to state if the office of the Civil Aviation in India is an office attached to the Department of Industries and Labour ?

(b) Will Government be pleased to state what the strength of the office was at the time of its formation and what its present strength is, giving details ?

(c) Will Government be pleased to state (i) the reasons why this office should move to Simla during the summer, and (ii) the annual cost of the move up and down ?

(d) Will Government please state if it is a fact that it was decided by an Order in Council some years ago that offices, or portion of offices, which cannot be properly accommodated in Simla without hiring private houses, should be kept down in Delhi during the summer ?

(e) If the answer to part (d) above be in the affirmative, will Government please state why a departure from the decision is being made every year and why such offices cannot be located permanently at Delhi ?

**The Honourable Mr. D. G. Mitchell :** (a) Yes.

(b) A statement giving the information required is laid on the table.

(c) Because the Civil Aviation Office is part of the Department of Industries and Labour and deals with Secretariat as well as " executive " work. The cost of the move was Rs. 21,136 for the year 1934-35.

(d) I am not prepared to give information regarding the contents of Orders in Council ; but it is a fact that the provision of extra accommodation in Simla is discouraged.

(e) No private accommodation has been hired for the Civil Aviation Office. The question of leaving a part of the office in New Delhi during the summer is under consideration.

*Sanctioned strength of the Civil Aviation Office.*

	At the time of its formation.	On the 1st August 1935.	
		Permanent.	Temporary.
Officers .. .. .	1	5	2
Superintendents .. .. .	1	5	..
Assistants .. .. .	2	13	1
Stenographers .. .. .	1	4	1
Clerks .. .. .	2	31	2
Draftsmen .. .. .	..	2	1
Inferior servants ... .. .	5	28	2

**RECRUITMENT OF SIKH KHATRIS IN THE INDIAN ARMY.**

437. \*Sardar Sant Singh : (a) Will Government please state the total population of Sikh Khattris in India in 1925 and at present, respectively ?

(b) Are Government aware that Sikh Khattris were recruited in the Indian Army in various capacities and rendered meritorious services during the Great War ?

(c) Are Government aware that many members of the sect have held and are holding commissions in the Army ?

(d) Are Government aware that Sikh Khattris are not being enlisted in the Indian Army by recruiting officers for the last few years ?

(e) How do Government justify the stoppage of recruitment of Sikh Khattris in the Indian Army ? When was it stopped and under which order ?

(f) Do Government propose to issue express instructions to the recruiting authorities to enlist Sikh Khattris also ?

(g) Do Government further propose to raise separate regiments from these castes ? If not, what are the difficulties ?

**Mr. G. B. F. Tottenham :** (a) According to census figures, the male population of Sikh Khattris in 1921 was 37,297 and in 1931, 32,465. No figures are available for 1925.

(b) Yes.

(c) Yes.

(d) The Honourable Member is mistaken. Sikh Khattris are enlisted in the Army. They are eligible for enlistment in all units the composition of which includes Sikhs (other than Jat Sikhs).

(e) and (f). Do not arise.

(g) No. Neither the past records of their services nor the present figures of population warrant the assumption that it would be possible to maintain regiments recruited exclusively from Sikh Khattris on an efficient basis in War.

**RECKONING OF SENIORITY ON THE NORTH WESTERN RAILWAY.**

438. \*Sardar Sant Singh : With reference to Government's reply to the unstarred question No. 74, dated 13th September, 1933, will Government now please put on the table of the House a list of the staff whose cases have so far been considered by the Agent, North Western Railway as promised by Mr. P. R. Rau, in which preference has been given to the men who were superseded by their colleagues on account of racial discrimination and high start of pay, and if no action has so far been taken by the said Agent, what steps do Government propose to take in the matter ?

**Mr. P. R. Rau :** As stated in the reply to question No. 74, which has already, been laid on the table of the House, the practice on the North Western Railway is to base promotion from grade to grade on seniority and fitness. Seniority in a grade is based on the date of confirmation in that grade and between grades an individual on a higher

scale of pay ranks senior to one on a lower scale. Racial considerations are not taken into account in making promotions. In view of this, Government do not consider any action necessary.

**COMPULSORY CONTRIBUTIONS FROM THE NORTH WESTERN RAILWAY EMPLOYEES TO INDIAN INSTITUTES.**

**439. \*Sardar Sant Singh :** (a) Is it a fact that the Agent, North Western Railway, has issued orders that the staff drawing, prior to 1st June, 1910, a salary of Rs. 30 per mensem and promoted to Rs. 30 and above after that date is to be considered as compulsory member of an Indian Institute ? If so, why has the membership been made compulsory ?

(b) Will Government please state if these employees had signed an agreement at the time of their appointments, that they will be compulsory members of these institutes ? If not, under what rules are they forced to contribute subscriptions towards such Institutes ?

**Mr. P. B. Rau :** (a) The following appears in the North Western Railway Administration's Rules for the management of Railway Institutes for Indians :

“ All literate non-gazetted Indian employees drawing Rs. 33 and over per month, appointed on the North Western Railway Open Line subsequent to 1st January, 1910, will be required to become members of a North Western Railway Institute while they are in a station at which there is an Institute for Indians and similarly all literate Indian employees on promotion to Rs. 33.”

Compulsory membership has, I understand, been considered necessary to prevent the closing down of Institutes which would not be in the interests of the staff as a whole. The whole question is, however, under consideration.

(b) The service agreements of monthly rated staff on the North Western Railway drawing Rs. 30 per mensem and over contain a clause to the effect that the employee agrees, if required by the rules and regulations for the time being in force, to be a member of the Railway Institute.

**Prof. N. G. Ranga :** What are the benefits conferred on their members by these Railway Institutes in order that membership of these Institutes should be made compulsory ?

**Mr. P. B. Rau :** The benefits are those that are usually obtained from clubs, namely, games and that sort of thing.

**Prof. N. G. Ranga :** Are Government aware that there are a large number of employees who really do not like to become members of these Institutes, because these Institutes are mostly made use of by Anglo-Indians, and, therefore, will Government consider the advisability of not making membership of these Institutes compulsory ?

**Mr. P. B. Rau :** My Honourable friend is under a misapprehension. Anglo-Indians have got Institutes of their own. What we are talking about is Indian Institutes.

**RACIAL DISCRIMINATION ON THE NORTH WESTERN RAILWAY.**

**440. \*Sardar Sant Singh :** (a) With reference to Government's reply to part (c) of the unstarred question No. 73, asked by Mr. S. C.

**Mitra** in the Legislative Assembly on the 13th September, 1933, regarding certain Indian officers on the North Western Railway, will the Railway Member please state clearly if that rule is being observed rigidly on the North Western Railway in the case of the incumbents who possess similar efficiency certificates as those of the existing incumbents, who had qualified themselves in the same standard of examinations passed under the District Schemes when the schools at Kot Lakhpat and Lyallpur were not in existence? If not, why not, and when had the former fulfilled all the conditions in passing the prescribed tests which were in force during that time for Station Masters and Traffic Inspectors?

(b) Is it a fact that there was no different standard of examination for Anglo-Indians and Indians in the duties of Station Masters and Traffic Inspectors during the old scheme of Districts, and the former were taken on higher salaries according to the practice in force of racial discriminations?

**Mr. P. B. Rau** : (a) Government have been informed that the rule is being observed.

(b) I would invite the attention of my Honourable friend to the information laid on the table of the House on the 20th February, 1933, in reply to part (a) of question No. 1127, asked by Mr. Lalchand Navalrai, on the 14th November, 1932. The standard of examination of the different grades of station masters was not the same. Traffic Inspectors did not undergo an examination.

#### RACIAL DISCRIMINATION ON THE NORTH WESTERN RAILWAY.

441. **\*Sardar Sant Singh** : (a) With reference to the Agent, North Western Railway, Lahore's Circular No. 914-E.O., paragraphs 6 and 7, dated the 13th June, 1927, will Government state what action has so far been taken by the Agent, North Western Railway, to carry out the orders issued under the above cited circular, and put up a list of the staff who have so far been encouraged in pursuance of the said promise since 1931?

(b) Are Government aware that there are no Indian Loco Foremen, Station Superintendents, Deputy Station Superintendents, and Station Masters, grades 6, 7 and 8, on the North Western Railway?

(c) Will Government please state what action they propose to take to fill up these vacancies by Indians?

**Mr. P. B. Rau** : The Agent, North Western Railway, reports :

“(a) The inducements held out to the staff to qualify themselves in Train Controller's duties have resulted in 21 Guards so qualifying themselves and gaining promotion to Assistant Station Master, Grade V, since 1931. On the other hand, only nine guards, Special Ticket Examiners and lower grade Assistant Station Masters, etc., have achieved this promotion without qualifying in control duties.

(b) The facts are not as stated. There is one Indian Station Master, Grade VII, and two in Grade VI. Promotion to Station

Master's Grade VI and upwards is made from the next lower grade without racial discrimination.

Three Indian Foremen are at present employed in the workshops (two permanent and one officiating). Three more Indians are employed as Train Lighting Inspectors in a grade corresponding to that of Foreman in Sheds and Shops.

(c) In view of the reply to part (b) this question does not arise."

**EMPLOYEES FAILING IN NIGHT VISION TESTS ON THE NORTH WESTERN RAILWAY.**

442. \*Sardar Sant Singh : (a) Is it a fact that Station Masters and Assistant Station Masters hold better qualifications than ordinary Commercial Clerks on the North Western Railway ? If so, will Government please state their eligibility for filling up the posts of other ranks in case of their having been partially incapacitated on account of night vision tests ?

(b) If the reply to part (a) be in the affirmative, will Government please place a list of Station and Assistant Station Masters who failed in night vision tests for their own posts since 1930, but who were still eligible for another rank, giving a list showing how they have been provided ?

(c) Is it a fact that such incumbents having failed in night vision tests for their own posts, have been given leave due, and the posts for which they were considered fit were being occupied by most junior men and they were drawing cent. per cent. officiating allowances ? If so, why ?

**Mr. P. E. Rau :** (a) The Agent, North Western Railway, reports :

" Station Masters are required to qualify in both Coaching and Goods duties in addition to Transportation and General duties. Assistant Station Masters must be qualified in Coaching duties as well as in Transportation and General duties but need not necessarily be qualified in Goods duties, although some of them are so qualified. Commercial Clerks must be qualified in both Coaching and Goods duties and are not required to qualify in Transportation and General duties. From the above it may be said that Station Masters and Assistant Station Masters have more qualifications than ordinary Commercial Clerks and it will be seen that, as far as qualifications are concerned, Station Masters, though not necessarily Assistant Station Masters, who fail in night vision test could be employed as Commercial Clerks."

(b) I lay on the table a statement prepared in April, 1935, giving the numbers of Station Masters and Assistant Station Masters who have been provided with other employment, how many have refused other employment and how many have not been so provided.

(c) The employment of these employees in other posts depends on their suitability for such posts.

No. of Station Masters and Assistant Station Masters failed in vision test in their own class but declared fit for other post since 1930.	No. of Station Masters and Assistant Station Masters shown under item 1 provided in other posts since 1930.	No. of Station Masters and Assistant Station Masters shown under item 1 who have refused offer for other posts since 1930.	No. of Station Masters and Assistant Station Masters shown under item 1 who are now on leave due for want of suitable posts.	No. of Station Masters and Assistant Station Masters who have completed their leave due and for whom no posts could be provided.	Remarks.
120*	75†	5	23	16	

\* One man has since died.

† Seven out of the number shown under item 2 have since passed a medical test under the new rules and have been provided against their own posts.

**Sardar Sant Singh :** The Honourable Member, in answering my question, made the preliminary remark that "The Agent, North Western Railway, reports". May I know whether the Railway Board believes in the report ?

**Mr. P. E. Rau :** Why should the Railway Board doubt it ?

**Sardar Sant Singh :** Then, why preface your reply with those remarks ?

**Mr. P. E. Rau :** Because that is the fact.

**BAND AT THE CONNAUGHT PLACE, NEW DELHI.**

443. **\*Sardar Sant Singh :** (a) Are Government aware that the New Delhi Municipal Committee engage an English Band for purposes of public amusement and recreation in Connaught Place during the winter season every year ?

(b) What is the procedure observed in such appointments and how much is paid for that ?

(c) Are Government aware that the Indian public who go to listen to the Band do not enjoy it, as they cannot follow the same ?

(d) Do Government propose to move the Municipal Committee, New Delhi that in future they should appoint Indian Band as well, if not for all times, at least on alternate days in a week ? If not, why not ?

**Sir Girja Shankar Bajpai :** (a) Military Regimental Bands from British and Indian Regiments are engaged to play music to the public.

(b) In the winter of 1934-35, the Band of 4th Battalion (P. W. O.), 8th Punjab Regiment was engaged. The Committee paid Rs. 65 for each entertainment ; the amount included transport charges from and to the Cantonments.

(c) No.

(d) The matter is within the discretion of the New Delhi Municipal Committee.

**Sardar Sant Singh** : In reply to part (c), what justification has the Honourable Member to say that the Indian public generally enjoys the music which is given there.

**Sir Girja Shankar Bajpai** : I have at times not actually gone to the band stand, but happened to pass through Connaught Place, and I have seen a large concourse of people collected round the band. That is not exactly evidence of their disapproval of the music.

**Mr. Lalchand Navalrai** : Does the Honourable Member mean that when people collect in that place, they understand the music.

**Sir Girja Shankar Bajpai** : They enjoy the music.

#### INCOME AND EXPENDITURE OF THE NEW DELHI MUNICIPAL COMMITTEE.

444. \***Sardar Sant Singh** : (a) What was the comparative expenditure of the New Delhi Municipal Committee during 1922, 1925, 1930, 1933 and 1935 under all different heads, and what were the different sources of income in each of the above mentioned years ?

(b) Have Government ever thought of economy or reduction in the expenditure of this Municipal Committee ? If so, when and in what way ?

(c) Do Government propose to have a thorough examination of the expenditure made again in order to bring down the expenditure to the minimum ? If not, why not and if so, when do they propose to do so ?

**Sir Girja Shankar Bajpai** : (a) A statement giving the required information is laid on the table.

(b) and (c). Government do not consider that the affairs of the New Delhi Municipal Committee are not conducted with due regard to economy. The budget of the Committee receives the double scrutiny of the Local Administration and the Government of India every year. No further examination is necessary.

#### NEW DELHI MUNICIPAL COMMITTEE.

##### Sources of Income.

Sources of Income.	During	During	During	During	During
	1921-22.	1924-25.	1929-30.	1932-33.	1934-35.
	Rs.	Rs.	Rs.	Rs.	Rs.
(1) Taxes ..	..	..	1,20,629	1,49,689	2,96,558
(2) Rents ..	25	2,972	44,883	43,210	47,199
(3) Fees and Fines ..	6,266	11,261	54,264	74,562	91,102
(4) Electric Supply ..	..	..	..	8,31,341	10,49,095
(5) Water Supply ..	218	659	1,793	2,03,787	2,98,158
(6) Miscellaneous ..	..	602	12,097	41,822	86,165
(7) Grant from Government ..	11,437	22,100	29,609	2,51,825	5,68,525
Total ..	17,946	37,594	2,63,275	15,96,236	24,36,892

*Detail of Expenditure under different heads.*

Heads of Account.	During 1921-22.	During 1924-25.	During 1929-30.	During 1932-33	During 1934-35.
	Rs.	Rs.	Rs.	Rs.	Rs.
(1) General Administration ..	2,838	4,539	37,590	76,582	1,00,125
(2) Education ..	7,024	12,886	40,509	62,450	65,180
(8) Medical .. ..	..	..	..	56,382	83,174
(4) Public Health and Sanitation	2,538	3,492	41,430	2,49,927	2,79,951
(5) Water Supply ..	218	425	17,689	1,70,622	1,81,668
(6) Electric Supply ..	..	..	5,175	5,19,532	5,14,028
(7) Arboriculture ..	..	2,610	58,650	82,618	1,23,359
(8) Veterinary ..	..	..	8,157	7,821	8,014
(9) Provident Fund .. ..	..	764	3,210	9,199	17,817
(10) Cattle Pound ..	302	1,405	3,875	2,699	2,708
(11) Fire Brigade .. ..	..	..	2,120	7,672	8,269
(12) Maintenance of Roads ..	..	..	..	1,79,516	3,05,060
(13) Original works and Repairs of buildings.	..	6,649	33,709	83,934	2,53,222
(14) Depreciation and Sinking Fund	..	..	..	..	1,57,000
(15) Servicing the Government Loan	..	..	..	..	3,66,912
<b>Total ..</b>	<b>12,920</b>	<b>32,770</b>	<b>2,62,114</b>	<b>15,08,954</b>	<b>24,66,427</b>

NOTE.—The increase in expenditure since 1929-30 has been due to progressive expansion of the Committee's functions by the transfer to it of services which were formerly performed by Government Departments.

LEASE-HOLD LAND IN NEW DELHI.

445. \*Sardar Sant Singh : (a) Are Government aware that most of the lease-hold land in New Delhi is held by the contractors, their dependents, or Government tenants, or their dependents ?

(b) Are Government aware that under the lease, the final decision as to whether a breach of any of the conditions of the lease occurred, is left to the C. C. ?

(c) Are Government aware that there is serious discontent amongst the lessees on the ground that the terms of the lease are used to harass them ?

(d) Is it a fact that even public institutions have strongly protested against such treatment and invoked the intervention of certain members of the Viceroy's Executive Council ?



(e) Are Government prepared to make an impartial enquiry into this state of affairs ?

(f) Are Government prepared to separate the office of the S. E., Construction Circle, President, N. D. M. C. and the Secretary to the Chief Commissioner or in any case the Presidentship of the N. D. M. C. and the Secretaryship of the C. C. ? If not, why not ?

(g) Are Government aware that private lessees have brought this state of affairs to the notice of the present C. C. and also the acting C. C. on numerous occasions informally ?

**Sir Girja Shankar Bajpai :** (a) As all the land in New Delhi belongs to Government, all lessees of land in New Delhi are Government tenants. It is not, however, a fact that most of the lease-hold land is held by contractors or their dependants.

(b) Yes.

(c) No.

(d) Government have received no such protests.

(e) If the Honourable Member will furnish any specific instances of alleged harsh treatment of lessees, Government will be glad to look into them.

(f) It has been decided that the combination of the Chairmanship, New Delhi Municipal Committee, with the two other offices mentioned by the Honourable Member shall cease after 15th April, 1936, as the officer concerned cannot spare the time required for this work.

(g) No.

#### SUPERINTENDING ENGINEER OF THE CENTRAL PUBLIC WORKS DEPARTMENT.

446. **\*Sardar Sant Singh :** (a) What is the amount of money spent by and what are the works under the construction circle under a separate Superintending Engineer of the Central Public Works Department ?

(b) Is the post of a Superintending Engineer under the Central Public Works Department, a whole time job ?

**The Honourable Mr. D. G. Mitchell :** (a) The amount spent on works in the Construction Circle, which was formed from the 1st July, 1933, was Rs. 86,92,555 up to the end of the year 1934-35. The works in this Circle are :

- (1) Construction of residential and other buildings charged to the New Capital Project.
- (2) All Provincial works in Delhi Province.
- (3) Construction of residential buildings for the staff of the Accountant General, Posts and Telegraphs.
- (4) Work done on behalf of the New Delhi Municipal Committee and Notified Area Committee, Delhi, on buildings excluding services.
- (5) Construction of buildings for the Imperial Institute of Agricultural Research.

(6) All work (excluding Civil Aviation work) undertaken in the United Provinces by the Central Public Works Department.

(b) Yes.

**Dr. Ziauddin Ahmad :** Is this Superintending Engineer also the Chairman of the Municipality ?

**The Honourable Mr. D. G. Mitchell :** Yes, of the New Delhi Municipal Committee.

**Dr. Ziauddin Ahmad :** What are the other duties which he is required to do in addition to the supervision of all these buildings and the Municipal Committee of New Delhi ?

**Sir Girja Shankar Bajpai :** I have answered that in reply to my Honourable friend's earlier question. He happens to be the Secretary to the Chief Commissioner of Delhi in the Public Works Department.

**Dr. Ziauddin Ahmad :** Are not all these duties too much for one individual, and will not the work of Government suffer by this arrangement ?

**Sir Girja Shankar Bajpai :** It is because of that that Government propose to terminate the arrangement from the middle of April, 1936.

BUDGET OF THE NEW DELHI MUNICIPAL COMMITTEE.

447. \***Sardar Sant Singh :** (a) What was the budget of the New Delhi Municipal Committee for 1933-34 and 1934-35 and how much of it comes under the income side of the New Delhi Municipal Committee and how much is in the nature of grants direct and indirect from the central funds ?

(b) What was the budget before the transfer of certain important activities to the New Delhi Municipal Committee ?

**Sir Girja Shankar Bajpai :** (a) A statement is laid on the table.

(b) Until the Honourable Member specifies the activities that he has in mind, I regret that I cannot answer his question.

*Statement.*

Particulars.	1933-34.	1934-35.
<i>Income.</i>	Rs.	Rs.
(1) Municipal sources .. ..	14,07,319	17,26,300
(2) Grants from Government .. ..	5,30,000	5,64,200
Total .. ..	19,37,319	22,90,500

Particulars.	1933-34.	1934-35.
<i>Expenditure.</i>	Rs.	Rs.
(1) Municipal charges including public works .. ..	15,50,000	16,98,943
(2) Maintenance of Roads and Storm Water Drains ..	3,05,000	3,05,000
* (3) Servicing the Government loan .. ..	3,00,000	*6,67,000
† (4) Depreciation and Sinking Fund .. ..		1,35,000
Total .. ..	21,55,000	28,05,943

\* Government loans the service charges for which are provided in item (3) are :

(i) Rs. 60 lakhs on account of assets connected with the various activities transferred to the New Delhi Municipal Committee.

(ii) Rs. 12·70 lakhs (in round figures) advanced to the Municipality for construction of certain original works in the locality.

The increased provision of Rs. 6·67 lakhs during 1934-35 is due to (a) the non-payment of Rs. 3 lakhs provided on this account during 1933-34, and (b) the amortisation charges (·67 lakhs) for item (ii) above.

† The New Delhi Municipal Committee have instituted a depreciation fund to provide ready money for repairs and replacement of machinery. Payments are to be made annually to this fund.

#### APPOINTMENT OF THE PRESIDENT OF THE NEW DELHI MUNICIPAL COMMITTEE.

448. \*Sardar Sant Singh : (a) Did Government of India decide to appoint a whole time President for the New Delhi Municipal Committee ?

(b) Is it a fact that the post was already advertised in papers ? What was the pay and what were qualifications fixed for it ?

(c) Why was this appointment not made ?

(d) In making the decision to postpone the appointment of the permanent President, was the C. C. consulted ? At the time the decision was made, who was the Secretary to the C. C. and who was the President ?

(e) If the decision was mainly on financial grounds, do Government realise the risk in transferring various activities without having a suitable whole-time President ?

(f) Is it a fact that at present the office of the S. E., Construction Circle, the President, New Delhi Municipal Committee and the Secretary to the Chief Commissioner is held by the same person ?

(g) What is the total amount of combined budgets for 1934-35 under the three heads which are under the control of this officer ?

(h) Do Government consider that for the post of a President of such importance, previous experience of municipal administration is necessary ?

(i) What experience did this officer have of municipal administration prior to his appointment as President of the New Delhi Municipal Committee ?

(j) What is the constitution of the New Delhi Municipal Committee ?

(k) Do Government realise that by transferring certain departments to the New Delhi Municipal Committee, the control of even the Chief Engineer is removed and transferred to the President who is acting in triple capacity ?

(l) Is it a fact that contractor-members of the New Delhi Municipal Committee have been given contracts for construction under the committee and that the municipal buildings were constructed by one of the sitting members ? Is this permissible under the Punjab Municipal Act ? If not, what action do they propose to take ?

(m) What is the amount of the contract given to the sitting members of the New Delhi Municipal Committee :

(i) under the Central Public Works Department ;

(ii) under S. E., C. C. and

(iii) under other S. Es. in 1934-35 ?

Sir Girja Shankar Bajpai : (a) Yes, in 1930.

(b) The reply to the first part is in the affirmative. A statement giving the pay then proposed for the post and the qualifications required of the candidates is laid on the table.

(c) Because of the pressing need for economy.

(d) The reply to the first part is in the affirmative. Presumably the Honourable Member wishes to know who was Secretary to the Chief Commissioner, Delhi, in the Public Works Department. He was Mr. F. T. Jones. The Civil Surgeon, New Delhi, was President of the New Delhi Municipal Committee at the time.

(e) Government arranged for the appointment of an experienced whole time Secretary to the Committee so as to provide adequate assistance to the Chairman.

(f) Yes.

(g) So far as New Delhi Municipality is concerned the Honourable Member is referred to the reply just given to his starred question No. 447. The budget of the Secretary to the Chief Commissioner, Delhi, for 1934-35 amounted to Rs. seven lakhs. The Superintending Engineer, Construction Circle, has not got a separate budget.

(h) Yes.

(i) The present President has served continuously on various Municipal Committees for the past 20 years.

(j) The constitution is six members *ex-officio* and ten nominated.

(k) Such activities as have been transferred to the New Delhi Municipal Committee are subject to the same kind and degree of control as similar activities entrusted to other Municipalities.

(l) Under existing arrangements, the Central Public Works Department undertake all work required by the New Delhi Municipal Committee as its agents, as the Committee has no engineering staff of its

own. There is, therefore, no question of contractors doing any work under the Committee. The Municipal buildings were constructed by a member of the Municipality, but the contract for the work was given by a Superintending Engineer of the Central Public Works Department.

(m) A statement is laid on the table.

### Statements.

#### I.

**Qualifications.**—The appointment was open to all applicants whether officials, retired officials or non-officials, who had had experience of municipal work and were generally suitable. No particular qualifications were laid down for candidates for the post, but candidates were required to possess experience of municipal administration.

**Pay.**—The appointment was to carry the following rate of pay and allowances :

- (a) If an official were appointed, he was to be given his ordinary service pay, plus overseas pay, if admissible, plus a special pay of Rs. 150 per mensem and a motor car allowance of Rs. 150 per mensem ; the pay and overseas pay to be drawn were, however, to be limited to that admissible on the senior time-scale of the Indian Civil Service in the 14th year of service, viz., Rs. 1,600 per mensem, plus £30 overseas pay.
- (b) If a non-official or a retired official were appointed, his emoluments were to be fixed according to individual qualifications, subject to a maximum of Rs. 2,000 (inclusive of pension in the case of a retired official) per mensem, plus a motor car allowance of Rs. 150 per mensem.

#### II.

Name of sitting member of the New Delhi Municipal Committee who got work from the Central Public Works Department in 1934-35.	Under Superintending Engineer, Construction Circle.	Under other Superintending Engineers.	Total.
	Rs.	Rs.	Rs.
Sardar Bahadur Sobha Singh ..	1,10,170	..	1,10,170
Khan Bahadur Raja Akbar Ali .. ..	84,770	62,095	1,46,865

**Dr. Ziauddin Ahmad :** Will the Honourable Member inform this House how many members of the New Delhi Municipal Committee are contractors or servants of the P. W. D. ?

**Sir Girja Shankar Bajpai :** As far as I know, there are three members of the New Delhi Municipal Committee who, at one time or another, have had contract from the Central Public Works Department.

#### CONTRACTORS IN THE CENTRAL PUBLIC WORKS DEPARTMENT.

449. **\*Sardar Sant Singh :** (a) What are the classes of the contractors in the Central Public Works Department, and what is the object of such classifications ?

(b) In how many cases were the works not given by the Superintending Engineer, Construction Circle, to the lowest tenderer, even though he was a first class contractor and had deposited earnest money, and what were the reasons therefor ?

**The Honourable Mr. D. G. Mitchell :** (a) A statement giving the required information is laid on the table. The object is to classify contractors according to their capabilities.

(b) The Honourable Member has not mentioned any period, but in any case I could not have given the full information asked for. It would clearly not be in the interests either of Government or of the contractors concerned to disclose the details of individual cases.

*Classification of contractors in the Central Public Works Department.*

	Original works.	Repairs.
I class contractors ..	Upto any amount ..	Upto any amount.
II class contractors ..	Upto Rs. 50,000 ..	Upto Rs. 10,000
III class contractors ..	Upto Rs. 20,000 ..	Upto Rs. 5,000
Petty contractors ..	Upto Rs. 2,500 ..	Upto Rs. 2,500

**Sardar Sant Singh :** Is this principle accepted that ordinarily the contract should go to the person who gives the lowest tender ?

**The Honourable Mr. D. G. Mitchell :** That is the general principle, subject to exceptions.

**ELECTRIC METER RENT CHARGED IN NEW DELHI.**

450. **\*Sardar Sant Singh :** (a) Are Government aware that the Simla Municipal Committee has further reduced the rent of electric meters from Government of India employees and other public ? If so, what was the rent previously charged and what is it at present ?

(b) On what principles this present reduction has been made ?

(c) Are Government aware that the rent of similar sort of meters charged by the New Delhi Municipal Committee, is about four times the rent charged at present by the Simla Municipal Committee ? If so, why ?

(d) Are Government prepared to reduce the rent of electric meters, etc., to the minimum by the New Delhi Municipal Committee when Simla has reduced it to such an extent ?

(e) Are Government aware of the general feeling amongst the residents of the New Delhi Municipal Area, and particularly the Government servants, that in spite of the fact that these meters were installed in Government buildings by the Government of India Public Works Department, the New Delhi Municipal Committee was allowed to burden the Government servants with the addition of meter rents and that too at such a high rate ?

(f) Are Government further aware that the general public of New Delhi regard this charge due to the fact that as the Municipal Committee is composed of either Government officials or nominated members who

are no less than officials, the members of Municipal Committee simply look after the interest of maintaining the most expensive administration only and do not at all look to the limit of the burden that this charge, or similar kind of other taxes, entail upon them or even upon the Government clerks residing in New Delhi ?

(g) Do Government propose to have this rent either removed altogether or brought down to a minimum which may compare with that charged by other Municipal Committees, e.g., Simla ? If not what are the difficulties and on what basis is this allowed to continue ?

**Sir Girja Shankar Bajpai :** (a) Yes. The rent for electric meters has been reduced to four annas per month. It was eight annas in 1934 and one rupee per month in 1933.

(b) The reduction has been made owing to economies in costs.

(c) and (d). No. The New Delhi Municipal Committee now charge a rent of eight annas per month. Rent for meters in private buildings which used to be Re. 1 per mensem before has also been reduced to eight annas. The rent is based on cost of installation and maintenance which is not uniform. The New Delhi Municipal Committee rate, which is just adequate to cover costs, compares favourably with the rents charged in the Delhi City, Amritsar and Mussoorie. These rates vary from twelve annas to one rupee.

(e) The electric meters have been transferred by the Government of India to the New Delhi Municipal Committee at a fixed value and the latter are responsible for repayment of the capital value charged, with interest, besides the cost of maintenance, replacements and renewals. Payment of meter rent is, therefore, inevitable.

(f) No.

(g) No. For the reasons I would refer the Honourable Member to the answer I have just given to parts (c) and (d) of this question.

**Mr. B. Das :** May I inquire, with regard to the capital which has been written off by the Government of India, whether they have evaluated the various assets and the Government of India have fixed the valuation of the various properties handed over to the New Delhi Municipality ?

**Sir Girja Shankar Bajpai :** That is so. I do not know what my Honourable friend meant by saying that there has been something written off. Nothing has been written off ; it has been transferred to the New Delhi Municipal Committee at a fixed valuation.

**Mr. B. Das :** Does not the Honourable Member know that the New Delhi Municipality's assets stood at a value of 1,71 lakhs and have been written down to 60 lakhs ?

**Sir Girja Shankar Bajpai :** If it has been, it must be because of depreciation.

**Mr. B. Das :** Does the Honourable Member say that everything is due to depreciation, this reduction of 1,11 lakhs in the value of the assets of the New Delhi Municipal Committee ?

**Sir Girja Shankar Bajpai :** I am speaking on the basis of such information as I have.

**Mr. B. Das :** But I have different information in the Public Accounts Committee.

**PAYMENT OF THE RENT OF LAND BY LEASE-HOLDERS IN DELHI.**

451. **\*Sardar Sant Singh :** (a) Are Government aware of a condition in the agreement between a lease-holder of a piece of land and the Government of India as a lessee that the rent of the land leased out to the tenants should be paid to Government either through the Lambardar of *Ilaqa* or by money order direct to the Government Treasury or Nazul Officer ?

(b) Are Government aware that in accordance with this condition the rent money sent by money order by certain lease-holders of Karol Bagh, Delhi, has not been accepted by the Nazul Office or the Treasury at Delhi since January, 1924 ?

(c) If the reply to part (b) be in the affirmative, will Government please state the circumstances under which the Nazul Office compels the lease-holders to pay the rents only through the Lambardars ?

(d) Are Government aware that the treatment of the Lambardar of Gurdwara Road, Karol Bagh, towards the lease-holders of that area is impolite and generally most objectionable and as such certain people desire to pay the rent-money direct to the Treasury ?

(e) Are Government also aware that sometimes the lease-holders are away for long from Delhi and cannot personally either pay to the Lambardar or the Nazul Office ?

(f) Do Government propose to order that in future payments of rents on account of lands leased out to the tenants or lease-holders may be paid at the fixed time in any way convenient to the lease-holders, *e.g.*, through the Lambardar, personally in the Treasury or Nazul Office, or by money-order ? If not, what are the difficulties ?

**Sir Girja Shankar Bajpai :** (a) The terms of the lease provide for payment of rent either at the office of the Deputy Commissioner or to 'lambardars' who are appointed, from time to time, to receive payment.

(b) The refusal referred to by the Honourable Member would be in accord with the requirements of the lease.

(c) Lessees have the option to pay the rent at the office of the Deputy Commissioner.

(d) The local administration report that two or three lessees made complaints which were found on investigation to be frivolous and inspired by enmity.

(e) Lessees can pay rent to lambardars by cheque or money order through the medium of the post.

(f) Government do not consider that any change of procedure is required.

**SCHEME FOR THE DEVELOPMENT OF THE INTERNAL MARKETS.**

452. **\*Mr. Akhil Chandra Datta :** (a) What steps have been taken by Government to give effect to the recommendations of the Crop  
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Planning Conference, 1934, with regard to the development of the internal markets ?

(b) Have Government formulated any scheme for the development of internal markets other than the marketing scheme ?

(c) Will Government be pleased to state all the proposals involved in the marketing scheme ?

(d) What steps, if any, have actually been taken to give effect to the said proposals ?

**Sir Girja Shankar Bajpai :** (a) and (c). Attention is invited to the Government of India, Imperial Council of Agricultural Research Department, Resolution No. F.-16-M.34, dated the 10th January, 1935, published in the Gazette of India of the 12th January, 1935, on the subject of agricultural marketing. The recommendations of the Crop Planning Conference about the constitution of the Standing Committees on Wheat and Rice have been followed up by the Imperial Council of Agricultural Research. Local Governments and other bodies concerned have been consulted and action to constitute these two committees will shortly be taken. The Conference also recommended that the Government of India should consider the question of an import duty on rice and paddy from non-Empire countries. The decision of Government on this point will be found in the Indian Tariff (Amendment) Act of 1935.

(b) No.

(d) Attention of the Honourable Member is invited to the answer given by me to part (a) of starred question No. 330 asked by Professor N. G. Ranga on the 13th September, 1935.

**Prof. N. G. Ranga :** Will the peasants be represented on these two committees on paddy and wheat ?

**Sir Girja Shankar Bajpai :** According to the letter which has been addressed to Local Governments, they have been asked to arrange for the appointment of a committee of eight representatives of rice growers : I presume, rice growers are peasants.

**Prof. N. G. Ranga :** Thank you.

#### ELECTION OF MEMBERS TO THE SELECT COMMITTEE ON THE AMENDMENT OF STANDING ORDERS.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have to inform the Assembly that up to 12 Noon on Monday, the 16th September, 1935, the time fixed for receiving nominations for the Select Committee on the Amendment of Standing Orders, only seven nominations were received. As the number of candidates is equal to the number of vacancies, I declare the following Members to be duly elected, namely :

- (1) Dr. G. V. Deshmukh,
- (2) Mr. C. N. Muthuranga Mudaliar,
- (3) Mr. Ghansham Singh Gupta,
- (4) Mr. G. Morgan,
- (5) The Honourable Sir Nripendra Sircar,
- (6) Sir Laneelot Graham, and
- (7) Mr. M. S. Aney.

## THE INDIAN CRIMINAL LAW AMENDMENT (REPEAL) BILL.

**Mr. President** (The Honourable Sir Abdur Rahim) : Further, consideration of the following motion moved by Mr. B. Das on Friday, the 29th March, 1935 :

“ That the Bill to repeal the Indian Criminal Law Amendment Act, 1908, be taken into consideration.”

**The Honourable Sir Nripendra Sircar** (Law Member) : Sir, I am resuming my speech of the 29th March—after five months and a half—and, in the meantime, the matter of the Criminal Law Amendment Bill has been thrashed out on the floor of this House for six full days. Therefore, it will probably be some relief to my friends on the opposite side to hear that I shall not really detain them long. (*Opposition cries of “ Hear, hear ”.*) In fact, I propose to confine myself mainly to one point and one point only ; and that is in reference to a question which was put to me by my Honourable friend, Mr. Ghanshiam Singh Gupta. That question was put in all sincerity, and I do not take it as an interruption for causing obstruction as has sometimes been done. I am not giving the exact words, but what he said was :

“ The Honourable the Law Member is probably aware of the percentage of the terrorists, whose action he is complaining of, to the total population.”

The purport of his question was—and a very pertinent question indeed it was—that the percentage of the people whose conduct I was complaining of was very small indeed, and, therefore, no generalisations should be made. That is the point on which I want to address the House today.

I may preface this by saying that when I referred this House to the 56 cases (which, out of regard to the feelings of my Honourable friends over there, I shall not increase in number), I did not want to present them as unrelated and isolated cases of crimes. That was not my desire at all. If that were the case, I might as well have picked out 56 unconnected murder cases from the Punjab or some other province. The point which I was making and the point which is clearly apparent, not only from the result of those cases, but from the documents which have been exhibited in those cases—and from, literally speaking, more than 1,000 witnesses examined in those cases—the point is this : they prove conclusively that a very large number of associations, including some of the Congress organisations to which I specifically referred by name, were dominated by men who believed in violence, although for purposes of expediency they were sailing under the flag of non-violence, just as sometimes we have been told that Chinese pirates fly the Red Cross flag over their ships.

On the percentage question, what I have got to tell the House very shortly, is that this House has to remember—and that is my submission—that forceful and active minorities who have powers of organisation, energy and courage to take action, where others flinch, can drag on large masses into acquiescence and ultimate conversion to the same opinion.

I had the honour of receiving as a present a book from my Honourable friend, Dr. Bhagavan Das : I found from that book that the Bolsheviks, the Fascists and the Hitlerites, when they started their campaign of extirpating or subduing their enemies or people who did not agree with their views, formed a microscopic minority of the entire population of those countries. Their small percentage was immaterial.

[Sir Nripendra Sircar.]

Then, to answer my friend, Mr. Ghanshiam Singh Gupta's question as to what is the percentage, I would place before him and before this House certain facts from which, though they may not be able to work out any percentage, yet they can very well draw the reasonable conclusion that this percentage is much wider than what at first sight it would appear to be.

Again, I repeat my promise that I will not take up the list of cases, but I would like to remind the House of a case which is well known to them, and which I referred to as one of the 56 on the last occasion—I mean the Chittagong Armoury Raid Conspiracy Case.

What is the answer to the question as to how many people in Chittagong were directly or indirectly involved in this outrage? That is to say, how many people were there in Chittagong who believed in violence as a means of bringing about the salvation of the country and helped the terrorists? If I confine myself to the actual raiders, they were probably one hundred or two hundred or two hundred and fifty—a very small number compared to the population of Chittagong. But is it not right to say that apart from these 200 or 250, there were a large number of persons who were, not only actively sympathising with them, but were, in fact, part and parcel of the terrorist organisation? One has only to read the findings of the Court in that case, to see what was done by the seven Congress members of the working committee who started all sorts of associations, youths' leagues, girl leagues, volunteer corps, and so on. These associations were found in the first trial, on evidence, to be part of the terrorist organisation; and I may tell the House that the accused were defended by very experienced counsel, and, from the judgment, as well as from their addresses, it will be found that this part of the case was not denied. This was found and proved in the first trial which took place some time in 1930. But, at that time, the real leader of the conspiracy, Mr. Suryya Kumar Sen, had not been arrested: he was arrested and tried in or after 1932, after a few more murders and outrages had been committed by this terrorist conspiracy. After 1932, when he and one of his lieutenants were tried, the police produced certain documents in the handwriting of the leader, Suryya Kumar Sen. I may as well tell the House that the really important documents were three or possibly four; and, so far as these documents are concerned, learned counsel appearing for the accused—again very experienced counsel—admitted, as regards three documents, that they were in the handwriting of Suryya Kumar Sen. As regards the fourth document, he said that he would neither admit nor deny it,—a course which counsel appearing in a Criminal Court was legitimately entitled to take,—and the result was that this one document had to be strictly proved by the prosecution. But, Sir, the extract which I am going to read is not found in this document which the prosecution was called upon to prove, but is to be found in one of the three admitted documents. Why Mr. Suryya Kumar Sen should keep a diary, I do not know, but there it is. It is a hard fact, it is admitted to be in his own handwriting, and it was not denied during the trial that this document was not Suryya Kumar Sen's. Now, I will read an extract from this diary:

“ In January, 1929, we, the members of the revolutionary organisation, took over charge of the Chittagong Congress District Committee and reformed the same. Myself became the Secretary of the Congress Committee and my co-workers Anantlal

Ganesh, Loke Nath, Nirmal, Ambica Babu and others were elected as members of the working committee. In the month of May of the same year, we arranged for the District Conference, the Students' Conference and the Youths' Conference. I agreed also to Ashim's proposal for a Ladies Conference. After gaining my consent, he obtained the sympathy of the old leaders and started working in right earnest. Eight or nine months"—(this is another portion from another long document—it is not a regular diary)—“eight or nine months after, it was in 1930, that the revolutionary souls of Bengal asserted themselves at Chittagong. The novel revolutionary demonstration of 18th April, and the subsequent unprecedented events such as Jalalabad fight and the conflicts of Feni and Kalarpole were all over then. The eyes of the whole of India were turned towards Chittagong then, and the people were in general looking expectedly for fresh incidents.”

As regards girls, Sir, if they were being approached, it was not for securing independence or freedom of India by spinning Khaddar, but what was actually being done would be clear from the four lines I propose to read from that document again. Talking of one of the three girls—who afterwards became prominent, I am not going into all details,—Mr. Sen writes :

“The guardians were very strict at home and she had recently come to the suspicious notice”,—(it is not suspicious notice, this is a satiric expression)—“to the suspicious notice of the Intelligence Branch.”

The question he was discussing in the document was about the difficulty of getting this girl to come to Sen's headquarters and of having a talk with her, and then he goes on to say :

“She came”,—(I will not give the name),—“she came by what a horrible village path full of mud and water. She had to walk two miles. We finished our important talks. She was told how and through whom she was to keep up the link with us.”

The link is used in English. “She was shown and tested how she could handle a machine”. I think I told this House on the last occasion that in this correspondence “Machine” or the letter “M” stands for a revolver or a pistol. “She was shown and tested how she could handle a machine. We also talked to her of the ideal of creed of violence”.....

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Is it a diary or autobiography ?

**The Honourable Sir Nripendra Sircar** : My friend, Mr. B. Das, may choose the proper word for it, and he can call it a diary or autobiography, but it so happens that I have called it Mr. Sen's diary.

Mr. Sen further states,—and I would draw the attention of the House to this portion :

“When in the month of March, the curfew order got slackened, and the activity of the soldiers became lesser a bit, myself and Nirmal Baba began moving about.”

Now, Sir, if you go through the records of that case, what is your conclusion as to the number of people who were helping this movement ? The preparation took eight or nine months. All these Associations which professedly were non-violent associations were part and parcel of this conspiracy. Sir, I shall read only two more lines to give you another instance.

In the list of cases I gave to this House on the last occasion, Honourable Members will find one case which has been called the second Chachua-Hat case,—Chachua-Hat is one of the Hats in the district of Midnapore. There, knowing that the police officers would come the next day, the Congress volunteers began assembling from all parts of the district. There was an assemblage of three or four thousand congress volunteers, and we

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know what happened, how the police officers were dragged from the house where they had taken shelter and were murdered. Therefore, it is very difficult to say what is the exact percentage or what is the number of people who took part in that conspiracy. But one thing, Sir, I want to make perfectly clear, because I find that a certain amount of distortion of what I said has appeared in the press. I do not think that I said at any time in my last speech that I was charging the whole of the Congress body as being violent or composed of violent people, or that whosoever they may be those who professed non-violence, they were really violent at heart. I want to make it perfectly clear that I said nothing from which that inference could be drawn. At the very outset I said I would confine my remarks to Bengal, not because there had been no terrorism outside Bengal,—there had been crimes in some other parts of India as well,—but my whole speech was confined to Bengal. Secondly, Sir, I said in my speech that it was in some parts of Bengal, more in East Bengal than in West Bengal, but in fairly large parts of Bengal that the machinery had been taken hold of by the terrorists, who are dominating the situation, and a situation dangerous and with large ramifications, had to be met by the authorities. I made no general remark. I made no general sweeping remark. Again, Sir, because I confined myself to Bengal, because I am more familiar with conditions in Bengal and not because there has been no terrorism outside Bengal, I did not intend to convey the idea, which has found favour with some of the speakers, that Bengal should be amputated and Bengal should be dealt with locally and provincially, and there is no reason for an All-India Act because some untoward events have happened in the Punjab and in Bengal. Apart from anything else, Sir, it is not a practical proposition at all. In many of the conspiracy cases we have found that the ramifications are far and wide, covering several Provinces, and if an Act is passed confining it to Bengal and Bengal only, all that need be done is to remove the headquarters from Calcutta or some other part of Bengal to a few miles outside Asansol, so that the Bengal Act will not apply.

I read to you, Sir, on the last occasion a letter, a letter showing the hold of terrorists in Bengal and to which I am not going to refer again, from which it will be found that as regards one of the two well-known revolutionary parties, it was said that instructions used to come from Ranchi, which is outside Bengal. Therefore, it is not possible to treat such terrorist conspiracies by local legislation. Conspirators pay no respect to geographical boundaries.

Now, Sir, one point more and I have done. I have noticed the argument, a perfectly valid argument, that repression alone cannot remove terrorism. I agree, and none, I venture to submit, has asserted that this evil can be completely extinguished or extirpated by repression only, just as murder or other crimes cannot completely be extirpated by the use of the sections in the Indian Penal Code—but it can be crippled and controlled by what are called repressive measures. Nor is it suggested that attempt should not be made to remove causes for terrorism—the contrary being the fact? I admit, Sir, that we are in a vicious circle for this reason, that when secret conspiracies, or subversive movements though not secret, are on such a vast scale, that the ordinary law completely fails, compelling necessity requires the passing of repressive laws. I said it is a vicious

circle because these dangerous and subversive movements lead to repressive law, and the moment there is repressive law there is bound to be resentment,—that is perfectly intelligible—there will be widespread opposition to and resentment of a law under which executive judgment is substituted for trial by judicial tribunals or courts of law. This is not the first time I have said it, and I think I said in the last Session,—that this is not a trifling matter, it is very serious matter indeed. I would put it very shortly in this way. If repressive law is an abomination,—and, Sir, I agree that to the ordinary legal mind the detention of a man without trial is an abomination—its sole justification would be (and there we may disagree as to facts, but I maintain that the facts are such that the repressive law is absolutely necessary), the getting rid of a much greater abomination, namely, terrorism, and other dangerous and subversive movements. We have been reminded by Mr. Desai that we are people who do not realise that Freedom or liberty have any influence. That may be the view of *ourselves*, of the Honourable speaker who said that, but I repudiate it, and may I put the matter before the House in another way? Much as we value the influence of liberty, what we have got to consider is not merely the liberty of the suspect and of the terrorist, but also the liberty of the people who will be their victims. It is a question of choice of two evils—whether the interests of a smaller section—by a smaller section I mean people who are shut up without trial on executive suspicion—whether the interests of a smaller section should or should not give way in the much larger interests of the peace and order of the entire community. That depends on facts, and on the facts—I am perfectly aware that we are not agreed on that—but on the mass of reliable and over-whelming evidence before me, I having my own view of the facts, desire to state before this House, that I do not for one moment minimise the serious departure from the ordinary law contained in an enactment which enables detention without trial.

I think my Honourable friend, Mr. Akhil Chandra Datta, dealing with this matter, said—I believe he was talking of terrorism—that this is due to hunger for food and hunger for freedom. I would ask my Honourable friend if shortage of food and love of freedom are confined to the geographical boundaries of Bengal. Is there no love of freedom, is there no shortage of food in other provinces like Madras and Bombay? Are those provinces flowing with milk and honey so that the question does not arise?

**Mr. Akhil Chandra Datta** (Chittagong and Rajshahi Divisions : Non-Muhammadian Rural) : I have given my explanation.

**Mr. N. M. Joshi** (Nominated Non-Official) : Permanent settlement.

**The Honourable Sir Nripendra Sircar** : I shall say only one word about a remark which was made—I forget the speaker, but I think it was by the Leader of the Opposition—that if you do not repeal this Act, or rather putting it the other way, if you continue the Act there will be a probability of re-launching or re-starting the Civil Disobedience Movement. Now, that, of course, from our point of view, would be an evil.

**Mr. Bhulabhai J. Desai** (Bombay Northern Division : Non-Muhammadian Rural) : I was not referring to this Act. I was referring to the Bill that was then before the House.

**The Honourable Sir Nripendra Sircar** : I am not referring to any speech of his on the Bill which is now under discussion. That is why

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be accurate I should say that the Honourable the Leader of the Opposition said, "if you continue this Bill (that is the other Bill), then there is the probability of Civil Disobedience being again started".

**Mr. Bhulabhai J. Desai** : I did not quite say that. What I said was that measures of this kind necessarily provoke civil resistance because you make such bad laws. That is what I said.

**The Honourable Sir Nripendra Sircar** : I like to stand corrected, although I do not know where the correction comes in.

If bad law like this or some other law make the probability of a re-appearance of Civil Disobedience Movement, I say that, then it is a choice of two evils, the first evil being the probability of a re-appearance of Civil Disobedience Movement, and the other being, that if this legislation is withdrawn and thereby we lose all control over unlawful assemblies and over other matters which are the subject matter of this measure, there will be almost the certainty of this subversive movement gaining upperhand, a much greater probability than the mere chance of there being a recrudescence of the Civil Disobedience Movement by reason of the passing of this law. Sir, this Bill has been thrashed out for seven days and I have nothing more to add. But may I make a reference to the good humoured joke of my Honourable friend, Mr. Sri Prakasa, about myself. He referred to me in a good humoured way and followed it up immediately—while discussing the Motor Vehicles Act yesterday—by giving his experience of his journey in a lorry bedecked with Congress flags, but which was a danger to his life by having no brakes. My Honourable friend thinks that he was in a very unusual and unexpected situation, but, so far as the opposite side is concerned, we do not expect Congress lorry to have any brakes. (Applause.)

**Dr. Bhagavan Das** (Cities of the United Provinces : Non-Muhamadan Urban) : May I ask for just one piece of information from the Honourable the Law Member in order to be able to make up my mind properly on which side to vote ? The Honourable the Law Member has disagreed with my Honourable friend, Mr. Akhil Chandra Datta, in his analysis of the causes of this outbreak of terrorism, but he has not given us his own view as to the real causes of the outbreak. Will he kindly enlighten us on that point ?

**The Honourable Sir Nripendra Sircar** : I am quite prepared to do that if the House is willing to hear me and if the Chair allows.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member has finished his speech ?

**The Honourable Sir Nripendra Sircar** : Yes, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim) : In that case, he cannot speak again.

**Mr. Sham Lal** (Ambala Division : Non-Muhamadan) : After all, the *katha* of the Pandit from Bengal is over. We thought that it would never end, but the family priest of Bengal is here and is being paid in proportion to the amount of work that is done by him. My only claim to speak on this Bill is that while the Honourable the Law Member has dealt with records, I have dealt with human beings. I have been conduct-

ing the Lahore Conspiracy Cases and the Delhi Conspiracy Case for the last four years, and I have also argued the Delhi Conspiracy Case in appeal, and, just as the Law Member has stated that his conclusions are not based on gossip but on facts and that the conclusions are based on judicial records, I shall also confine myself to judicial records and the judgments of the High Courts and the statements of the witnesses produced by the Crown in those cases. The Honourable Dr. Bhagavan Das put one question and asked how these terrorists are recruited and how this Civil Disobedience Movement and Non-Co-Operation Movement grew, and I think he will have the answer from the records of those cases.

I am glad that the Honourable the Law Member confined his speech to Bengal. At one time it appeared to me that in Bengal there is nothing but murder, robbery and dacoity. I thought that perhaps Miss Mayo had again visited Bengal and exposed all the dirt and filth of Bengal. Bengal might well be proud of the Law Member, but the position is not as stated by the Law Member. As regards the Punjab, I have got here the judgment of the High Court, and I have got the evidence on record, and I am going to show how the terrorists are recruited, how special powers given to the Government are being abused and how the evidence is fabricated in murder cases, how the police officers and magistrates are held guilty by the High Court of fabricating false evidence and committing perjury in Court, how these police officers and magistrates are rewarded, how titles are conferred upon them, and how, in a way, all their offences are condoned. The Honourable the Law Member has stated how, under the guise of non-violence, persons have committed murders and violent crimes. I am going to show from the records of the cases that the officers of Government, interested in the maintenance of law and order, fabricate false evidence in murder cases which is no less a crime than the murder itself, and how they pounce upon the special powers and usurp them.

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : On a point of order, Mr. President. I do not see the Law Member here. Is it not discourtesy to the House that he should make a speech and then walk out of the House, when references are made to his speech ?

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member perhaps knows that even the Law Member is human.

**Mr. S. Satyamurti** : I may point out that, even on the last occasion when our Leader was addressing the House, he left the House and did not come back until he had finished.

**The Honourable Sir Henry Craik** (Home Member) : The Honourable the Law Member asked me if I was remaining in the House for the next few minutes, as he has been called away on urgent business. I am the Member in charge of this Bill.

**Mr. S. Satyamurti** : I thought he was, but you are ?

**Mr. Sham Lal** : My Honourable friend, Mr. Satyamurti, need not have raised this point of order, because all my arguments were directed to the Home Member, because all my facts are within the knowledge of the Home Member. He was at the head, practically regulating the procedure in the Conspiracy Cases. Everything was being done after consulting him and the statements that I am going to make are within his knowledge.



[Mr. Sham Lal.]

Now, Sir, the political case was tried under a special Act, Act IV of 1930. This Act was introduced by the Honourable Sir Henry Craik in the Punjab Legislative Council. Having bitter experience of the case of Sardar Bhagat Singh, he wanted that the case might be disposed of soon, and he got that Act from the Punjab Council and all these accused, about 30 in number, were tried under that Act. Now, of course, the Punjab Government had a very bitter experience of that Act and the Punjab Government had to confess that that Act did not serve its purpose. The Punjab Government was told by the C. I. D. that the case had been prolonged and that the accused had prolonged it. That is not the case. I would read to you the judgment of the High Court in order to show that the case was prolonged, not by the defence, but by the prosecution. The police officers having committed perjury and forgery in Court tried to maintain their position, and, therefore, the cross examination was justified, and, therefore, so much time was taken. They got an Act and then they condemned the Act, because the police informed them that the case could not be finished very soon. I will come to that judgment later and you will see that the Government took an undue advantage of the special powers invested in them under the Criminal Procedure Code. Now, Sir, an approver, Inderpal was produced in Court. After three or four days' confinement, Inderpal said :

“ I am confined in police custody in the Lahore Fort, and, if I am kept there, I shall have to stick to the statement prepared by the police for me. If I am removed from the police custody to judicial custody, I would be able to make a proper statement.”

An application was made by the accused that the approvers, five in number, should be removed from the police custody to the judicial custody, so that they might be able to make their statement voluntarily and freely. What did the Government of Sir Henry Craik do ? The High Court was moved. Government issued a Notification under section 541, that the Government declare the Fort to be a jail and that the custody is judicial custody. (*Cries of “ Shame ”.*) Section 541 says :

“ Unless, when otherwise provided by any law for the time being in force, the Local Government may direct in what place any person liable to be imprisoned or committed to custody under this Code shall be confined ! ”

Now, this section applies only to cases where there are no jails. Formerly no jails were established in the districts, and, therefore, this provision was laid down that unless there is some jail, the Local Government may declare any place to be a jail. The wording of the section is very clear, but the Punjab Government abused their power, and, in order that the approvers might remain under police custody, and against law made this Notification, and that was done by the Government of Sir Henry Craik. An appeal was filed against this order and the High Court declared this Notification to be illegal and the High Court ordered that all the five approvers should be removed from police custody to the jail. Here is a Government exercising their power under a section and abusing the clear wording of the section. Now, they want special powers. I do not say that Sir Henry Craik or the Punjab Government really wanted that the police should have influence over the witnesses. I do not make any such charge. What I say is that if once the Punjab Government or Sir Henry Craik is told that these witnesses might go wrong, on some excuse or other, they accept the directions of the C. I. D.

Now, the High Court did not take one minute in declaring this Notification to be illegal and still the Police refused to obey the orders of the High Court. The approvers were transferred to the Central Jail in Lahore, but all the police guard, all the sub-inspectors were admitted into the jail, and they were ordered to keep a guard on those approvers. We put in an application in the Court that the conditions of those approvers in the Lahore case had been reproduced in the Central Jail, and that it was practically a police custody, and the Court asked the Government to supply information with regard to the custody of the approvers, how they were being kept, who were the guards, and so forth, and it was the Government of Sir Henry Craik who refused to supply such information to the Court; and, knowing full well that they had not obeyed the orders of the High Court, the Government Advocate stated that jails being under the administration of the Local Government, the Courts have got no jurisdiction and they refused to give any information with regard to the custody of the approvers. Then, Sir, the Chief Justice, Sir Shadi Lal, was going to commit the Punjab Government for contempt of Court (Hear, hear), and I am told that it was the Governor of the Punjab who intervened, but the other executive officers stuck to their guns; they would not supply any information to the High Court; and when the High Court held out the threat that the Government of the Punjab would be punished, it was then and then only that an apology was offered in the High Court, and the police guard was removed. (*Cries of "Shame, shame"*.)

Mr. M. S. Aney (Berar Representative) : "Apology" on behalf of whom ?

Mr. Sham Lal : On behalf of the Government. I am going to read that judgment; it will be very interesting.

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhamadan Rural) : Interesting, illuminating and instructive.

Mr. Sham Lal : Then, Sir, I will read out that judgment which Chief Justice Sir Shadi Lal gave in the High Court.

Now, after having removed them from the judicial lock-up, of course, they had to comply with the orders of the High Court, what did they do? A certain part of the Borstal Jail was put under the charge of an assistant jailor, and the Superintendent of Jails had no jurisdiction. They, again, reproduced those very conditions here, they would not obey the law,—these preachers of "law and order", they disobeyed every direction of the High Court, and they disobeyed every provision of the law. (*Cries of "Shame, shame"*.) Then, what happened? The C. I. D. police officers stealthily came in contact with a number of the approvers in the Borstal Jail, because the assistant jailor was their own man, and they visited those approvers. Those approvers came into Court, produced the writings given by the police to them, and those were in the hand-writing of the C. I. D. officers themselves, and they said they were being asked to commit these things to memory and to give such and such evidence accordingly, and we had to produce those police officers, and they had to admit that these things were in their own hands.—(*Cries of "Shame, shame"*.)

Sir, here are these preachers of law and order! You can see what disgraceful things can happen in political cases conducted, as it was con-

[Mr. Sham Lal.]

ducted, under the direct supervision, as here, of the Punjab Government ! This, Sir, is the judgment of Sir Shadi Lal delivered in 1931 (A. I. R., page 473). Let us confine ourselves to judicial records : and if Congress people, sailing under the Congress flag of non-violence, do commit violence here and there, let us condemn them, unreservedly, but let us see whether the Government who preach law and order and ask people to maintain it, what do they do in the case of their high officers, what do they do in the case of their officers who refuse to obey the very orders of the High Court :

“ The Court is entitled to call upon the parties to a case to make a full and true disclosure of all the facts within their knowledge which have a bearing upon the question to be determined and to visit with punishment any attempt to evade this duty cast upon them. The Crown or Local Government occupies in a criminal case no higher position than that of a litigant and cannot claim any privilege which is denied to a private prosecutor unless there is a special legislative authority for it.....

When an allegation is made by one party and not denied by the other party, it must ordinarily be presumed to be correct.....

It is the function of the Court to determine an issue upon the material before it, and a litigant cannot be allowed to arrogate to himself the right to decide it.....

The circumstances, which have given rise to this application, may be shortly stated. The applicants are accused in a criminal case, which is being tried by three Commissioners appointed under section 4, Criminal Procedure (Punjab Amendment) Act of 1930. It appears that among the witnesses for the prosecution there are five approvers, and the first approver, Indar Pal, during the course of his examination stated that he had been supplied by the police, in whose custody he was being kept, with copies of the statements made by the other approvers before a Magistrate, and that pressure was being brought to bear upon him to modify his statement in certain respects in order to bring it into conformity with the statements made by the other approvers. In order to substantiate his complaint that he had been supplied with copies of the statements of the other approvers, which he was asked to study in order to make his own deposition tally with them, he declared that those copies would be found in the cell in which he was detained in the Lahore Fort ; and that he had read them and could repeat before the Court a summary thereof. He added that as he was not prepared to comply with the wishes of the investigating officers, he was afraid of being tortured by the police ; and he accordingly requested that he should be removed from the police custody. The accused also made an application on the 13th January, 1931, suggesting that arrangements be made for the immediate search of the cell of the approver in order to seize the copies referred to by him. This request was, however, refused by the Commissioners, but the approver was transferred from the police custody to judicial custody. The question was then raised whether the other approvers should remain in the custody of the police or should be transferred to judicial custody. The Commissioners decided it in favour of their detention in police custody. But against that decision the accused preferred to the High Court an application for revision.

That application was heard, in the first instance, by a Judge sitting alone, who in view of the importance of the question involved made an order on 18th March, 1931, referring the case to a Division Bench for decision. On 18th April, 1931, the learned Judges of the Division Bench, who heard the case, delivered concurrent judgments, holding that there was no legal authority for the detention of the approvers in police custody. The learned Judges accordingly directed that the approvers be detained in judicial custody, in other words, either in a prison or in a judicial lock-up, during the trial of the case.

This judgment was duly communicated to the Commissioners who issued orders for the transfer of the approvers to jail. The accused, however, urge that various devices have been adopted by the servants of the Crown to avoid compliance with the direction of the High Court ; and they have made the present application asking the High Court to enforce obedience to its direction, as the Commissioners have expressed their helplessness in the matter.....

**Mr. President** (The Honourable Sir Abdur Rahim) : Was that a trial under the ordinary law ?

**Mr. Sham Lal** : Those persons were tried under Act IV of 1930 ; so much of the Criminal Procedure Code, as was consistent with Act IV of 1930, was applicable to that case.

**Mr. President** (The Honourable Sir Abdur Rahim) : It was under Act IV of 1930 ? Is that one of the Acts in question in this Bill ? The Honourable Member must confine himself to the Bill.

**Mr. Sham Lal** : I want to make it relevant, Sir, in this way. When the Local Government has got any discretion with regard to any matter, it always exercises it in its own favour ; and if power is given to the Government, it always exercises it in its own favour, and, not only this, if it has got no power, it tries to bring that power under some section or other, and that the Local Government in such cases abuses all the powers and accepts the recommendation of the C. I. D. If these powers are given under the Criminal Law Amendment Act of 1908, to declare any association unlawful and to forfeit their property and money, they would only accept the recommendations of the C. I. D. Only executive considerations would guide them. That is our experience. My submission, therefore, is that the Government would always abuse their powers and no special powers should be given to them. And I want to prove this from the judgment of the High Court as to how they disobeyed. Not only this, but when this order had been passed by Justice Shadi Lal—and the Honourable Sir Henry Craik, the Home Member, can testify to this—they moved even the Government of India to pass an Ordinance to give them powers that the approver should be kept in the police custody. Is there any Honourable Member who can argue with any justification that an approver in a Crown case should be kept in the police custody like the attached property and can those witnesses be called free and voluntary ? With regard to these witnesses Members of Government are of this opinion that, if they are removed from the police custody to the judicial custody, there will be a grievance, and, in order to remove that grievance, a special Ordinance should be passed.

**The Honourable Sir Henry Craik** : I must rise on a point of personal explanation. The Honourable gentleman has given a completely *ex parte* account of all these things, and, in any case, it is completely irrelevant. But I must say at once that I never asked the Government of India to pass an Ordinance. That is fantastically untrue.

**Mr. Sham Lal** : I stand corrected. My information was as reliable as it could be, but if the Honourable the Home Member says that he did not move the Government of India, I accept his statement. Anyhow, this much is true. What action did the Honourable Member take when it had been discovered that the approvers were being still approached in the Borstal Jail through the assistant jailor and that notes were being given by police officers ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Individual cases like this cannot be discussed.

**Mr. Sham Lal** : It is not an individual case. I am going to show that, with regard to the whole of the C. I. D. of the Punjab, there is a doubt expressed by the High Court that they have committed perjury and

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forgery. Sir, Punjab and Bengal are being accused of revolutionary crimes, and the question is, whether the crimes are being committed by these revolutionaries or they are being committed by police officers and magistrate getting Rs. 1,000 and Rs. 2,000 a month? Forgery and perjury in the interests of the Crown are not punishable in the Punjab, and that is not my statement, but there is the decision of the High Court.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member should confine himself to the provisions of this Bill. The Chair cannot allow him to discuss the general administration of law in the Punjab.

**Mr. Sham Lal** : With all due deference to you, Sir, I may submit that the Honourable the Law Member could cite 56 cases and could read judgments and could read the statements of the approvers in order to show that the Congress is an unlawful organisation, and, therefore, it must be declared unlawful.

**Mr. President** (The Honourable Sir Abdur Rahim) : That related to terrorist crimes against which the Bill is directed.

**Mr. Sham Lal** : He dealt with terrorist crimes, and I want to show that there is another association, the association of the C. I. D. and of the magistrates which is more unlawful and which is not being declared unlawful, but it is only the organisation of the Congress which is being declared unlawful. Whom are you going to give these special powers? Are you going to give these special powers under the Criminal Law Amendment Act to the executive authority who, in murder cases, commit forgery and perjury and are allowed to retain their seats? Sir, this is not my statement, nor is it a bazaar gossip, but it is the judgment of the High Court. Now, Sir, I do not want to take much time of the House, and I will at once read the judgment of the High Court on this point and that would make the position clear. The judgment says :

“ We desire to emphasise that the original trial and this trial have become so complicated and have been prolonged so inordinately merely because the Police did not wish to place a true picture of investigation as it proceeded before the Court. It has been most painful for us to record that responsible officers have committed perjury in Court in order to maintain the untenable position they had taken up.....”

**Sir Cowasji Jehangir** (Bombay City : Non-Muhammadian Urban) : Sir, I rise on a point of order. Standing Order 31 says :

“ A motion must not raise a question substantially identical with one on which the Assembly has given a decision in the same Session.”

**Mr. President** (The Honourable Sir Abdur Rahim) : A point of order like this ought to have been raised at the very beginning.

**Sir Cowasji Jehangir** : May I point out, Sir, that a point of order may be raised whenever it strikes a Member of the House. If it did not strike me before and has struck me just now, am I debarred from raising it?

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair will not say that the Honourable Member is not entitled to raise it at this stage, but the Chair thinks that it is not fair to the House after the debate

has proceeded so far that the Honourable Member should raise a preliminary objection like this. Preliminary objections ought to be taken at the very first opportunity.

**Sir Cowasji Jehangir** : If it had struck me before, I would have raised it straightaway. It struck me only a few minutes ago. The point of order I wish to raise is this. Having referred the House to Standing Order 31, a part of which I have just read out, I contend that the Bill which was sought to be introduced yesterday by the Honourable the Home Member covers a good deal of the ground of the Act which my Honourable friend, Mr. B. Das, desires to repeal.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair would allow the Honourable Member who is in possession of the House to conclude his speech first.

**Mr. Sham Lal** : I was quoting from the judgment of the High Court when I was interrupted. The judgment runs :

“ We trust that the lesson learnt from that trial will be taken to heart and the police officers who have at all times to perform a difficult task will never again disgrace their force and cause such a waste of public time and money as in this case.”

With regard to the magistrate the finding is :

“ It is alleged that the magistrate re-wrote the whole sheet and substituted it for the original in order to correct the mistakes as to the date and the proceedings of a political meeting. All the facts taken together raise a very strong suspicion in our mind that the sheet in question was re-written by the magistrate. We are prepared to believe that this substitution was made out of their false . . . . but the emphatic denial of the magistrate on this point. There is a great doubt in our mind on his fairness as a magistrate and his veracity as a witness.”

My point is that this cantonment magistrate and these police officers, who have committed forgery and perjury, are getting Rs. 700 or Rs. 800 a month, and the chief culprit is the Czar of the C. I. D. of the Punjab. Every person is being detained and every association is being declared unlawful on his report. He is a title holder and he has been given squares of land and he is still held in respect and it is being freely stated that if any case is got up against him, he would expose the entire police, because it is also stated that the perjury and the forgery were committed because of the connivance of the superior officers concerned. I am going to show from this judgment that the perjury and the forgery could not be committed unless the whole C. I. D. was involved in it. Now, Sir, this Act of 1908 is before this House, and if I can show that these police officers, upon whose report these associations are declared unlawful and persons are detained without any trial, concoct false evidence, will it not be in order ? Just as it was relevant for the Law Member to quote those cases, so it is relevant for me to show what our experience has been in such cases.

Now, Sir, this is not a bare instance, but it involves the entire police

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force and the House will be able to follow the manner in which perjuries were committed. I would also like to refer to the two remarks made by the Judge when I was arguing the case. Justice Munroe observes that : “ so far as the magistrate is concerned, he has been maliciously false in tearing off one sheet of Indar Pal's statement and substituting it by another ”. If a Judge of the High Court remarks like that, does it not shake the credit of the people in the police

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officers and in the magistracy ? Is this not interference with the course of justice on the part of the police and the magistracy ? In the English language, there is only one word for this action, and that is "perjury". A police officer who commits perjury in a Court does not deserve to be in the service of the Crown. These are the words of Justice Munroe who heard this case. Now, Sir, that police officer is not only in service, but he is being rewarded by the Government. Government Members come to this House and preach maintenance of law and order and they want to have certain enactments in the name of law and order. But they try to shield such police officers who commit forgery and perjury and they are even given promotion. If we, belonging to the Congress, commit any such act, immediately we are hauled up for perjury and forgery. The aim of the Government seems to be that no course is dishonourable for them to suppress the Congress movement. The police can freely commit forgery and perjury in the name of suppressing the Congress and no harm would be done to the police. That is the way in which these records were prepared and the House must be surprised at this.

Perhaps the House will remember the Conspiracy Case which was started with reference to the explosion of Lord Irwin's special train and the simultaneous explosion that took place on the 19th June, 1930, in the Punjab. When actually the explosions took place, the culprits could not be traced. Certain witnesses were examined. Now, Sir, those statements were made in June, 1930. Afterwards this conspiracy was traced and certain suspects were arrested and certain people were taken as approvers and they made those statements. Now, what the police wanted was that the statements of the witnesses who were examined in June, 1930, should tally with the statements of the approvers who were examined in October, 1930. As the House is aware, under section 172, every police officer is required to submit a diary to the Superintendent of Police. That is the safeguard provided in the Criminal Procedure Code so that subsequently any fabrication may not take place. The Superintendent of Police is required to keep those original *zimmies* in his custody. What this Khan Sahib, the D. S. P., did was this. Against all rules of Government, this police officer removed those statements from the custody of the Police Superintendent and altered them by committing extensive forgeries so as to suit his purpose. With regard to these statements, 75 per cent. of the police officers were held to be guilty of having altered the statements. Now, the position comes to this. The Government depend upon the evidence of these police officers for the suppression of the terrorist movement and the Congress movement. The House can very well imagine the nature of the evidence concocted by these C. I. D. officers against the Congress. They can fabricate any evidence, commit any amount of forgery. Of course, the Government might say that they could not vouch for the integrity and veracity of the police officers. Just as the Honourable the Law Member remarked, they will say that there are always black sheep in every fold. But my submission is that this is not the question. I can well understand if there are stray cases of corruption in the police ranks, if there are stray cases of perjury or forgery. In such cases, the Government are not at all to blame. But when the cases of perjury and forgery are found to be quite rampant among the police officers, to the extent of more than 75 per cent. of the police force, and on the top of that, when the Government retain the services of such

delinquents, even in spite of the finding of the High Court against such officers, I would say that the Government are as much guilty as those police officers and the magistrates. What is the use of Government coming to this House and saying that they must maintain law and order. Is law and order only to be maintained to suppress nationalism and not in the interest of the purity of administration? Questions were put in the Punjab Legislative Council and the reply was that the Government saw no reason to interfere. The Government do not even want to institute an enquiry. I offer my services free if an enquiry is held with regard to the conduct of these police officers and the magistrates. I make bold to say that practically 75 per cent. of the C. I. D. officers in the Punjab have committed perjury and forgery and still they are retained in service. Formerly this case was heard by a Divisional Bench of the Punjab High Court consisting of Justice Dalip Singh and Justice Currie and they held that perjury and forgery had been committed by the police. After that this trial was held and though it was proved that forgery and perjury were committed by these officers, no action was taken by the Government. Of course, the Government might say regarding the Congressmen, "you preach non-violence, but many of the rank and file among the Congressmen practise violence". I will reply by saying that the Government sail under the flag of law and order, but they are the first to upset law and order. (Hear, hear.) The Government do not take any action against its officers who break law and order by committing perjury and forgery. So the Government cannot lay any claim to any honesty of purpose in their dealings with the Congress. Therefore, I say that any more power given to the executive as under this Act of 1908 is bound to be abused.

Now, coming to the statement of Inderpal, that gives you a clue as to how the terrorists were recruited. There was no terrorist crime in the Punjab before 1928. Of course there was only one in 1915, but that is past history. I do not want to take the House to the martial law days when people were made to crawl on their bellies, but afterwards those very persons were released and knighted and some of them even adorned the High Court Benches and others were made Ministers of Government. I do not want to go to those days. I make this assertion on the floor of the House that there was no terrorist crime in the Punjab before 1928. What is the story of Inderpal who was the chief approver? How did they decide to murder Mr. Saunders? What is the story of the approver in the case against Sardar Bhagat Singh? How did terrorism grow in the Punjab? It grew like this. There was no terrorism in the Punjab till 1928. On October 25, 1928, there was a demonstration against the Simon Commission led by Lala Lajpat Rai. Now, I am saying what your own witnesses said. (*Interruption by Mr. Muhammad Yamin Khan.*) My Honourable friend does not know. There is the judgment of the High Court, and if my Honourable friend wants, he can read the judgment and find out if what I say is correct or not. The Judge himself remarked that I put the case squarely and fairly before him when I was arguing the case. It was on the 25th October, that there was a demonstration against the Simon Commission. The approvers in both the conspiracy cases say that Lala Lajpat Rai was hit with a *lathi* by the Superintendent of Police and that exasperated the people in the Punjab. The approver says: "We were very much upset and we took a vow to murder the police officer who had hit Lala



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Lajpat Rai". Of course, those young men committed a crime by taking such a vow. I do not admire them. I do not adore them.

The Honourable Sir Henry Craik : That is an entirely *ex-parte* statement, the truth of which I do not admit. It has never been admitted.

Mr. Sham Lal : Here is the testimony of your own witnesses. It is the approver who says that Lala Lajpat Rai was hit by the Superintendent of Police. I would go further and say—let the Honourable the Home Member deny its accuracy if he can—there was the Boyd Enquiry Committee and a pleader of Lyallpur was produced as a witness who deposed that Lala Lajpat Rai was not beaten. That pleader afterwards issued a statement to the effect that his statement before the Enquiry Committee was a false statement made on the promise of some reward from Government. He even brought a suit against certain officers of the Government for not fulfilling their promise to reward him.

The Honourable Sir Henry Craik : That is quite untrue.

Mr. Sham Lal : Well, Sir, the pleader came to me to consult me. I know him very well. He brought a suit against the Government. My submission is this : that I have not got all those facilities which the Honourable the Law Member has of stealing some letter under some Statute. Otherwise, I could have produced all the letters connected with that case. I have no power to intercept those letters. Of course, my letter can be intercepted. In a recent case, a letter containing instructions for me was intercepted in connection with a case with which the Government had nothing to do. But the Government were interested in one party, and when I got the case settled, the party told me : " We know your case ; we have engaged the Public Prosecutor and we have managed to intercept your letter." That is to say, these letters are not intercepted in the interest of the administration alone, but also in the interest of persons who are supporters of Government. I could give the case and I could name the person, but, as I got the case compromised, I do not want to give that to the House. Here is a case of interception of letters and the stealing of letters. It was not like the Hallett Circular which was taken stealthily, but Government got this letter under a Statute,—that is what the Law Member says. When you take unlawfully and immorally it is not theft, because you take under the Statute, but what *we* do is theft. It is not maintenance of law and order, it makes the abuse of law and order more easy. Just as the Honourable Sir Muhammad Zafrullah Khan said : " Why do we want these provisions in the Criminal Law Amendment Act of 1935 ? We want to make the Act of 1908 more effective." More effective means that formerly the police officers used to take possession of our Congress houses and used to loot our property. That was not allowed by law. Now, they will be able to loot this property. A horse of the value of Rs. 250 was sold to a police officer who paid only Rs. 5 for it. This is only to appropriate the property of Congressmen. And this is law and order.

Sir, I was saying how the recruits are made. It would perhaps be a point in favour of the Law Member that witness Inderpal said : " I believed in non-violence, but when I saw Lala Lajpat Rai being hit,

I became a terrorist and made up my mind to murder the police officer on that very day." Here is the evidence which was never challenged in the Tribunal and the Honourable the Home Member can consult the Public Prosecutor whether that was his case in Court.

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 (The Honourable Sir Abdur Rahim) in the Chair.

**Mr. Sham Lal :** Sir, the Honourable the Home Member made a remark that my statements were *ex parte* and he did not accept the accuracy of those statements. I was really surprised to hear that remark. I have got here a certified copy of the judgment, and there it is given that the learned Sessions Judge thought this statement to be a fabricated one and the learned Public Prosecutor admitted it in the High Court. I am going to read it :

" There are excellent reasons in support of this conclusion, but it is not necessary to state them here. The learned Sessions Judge himself declined to accept the statement of the police officers that the Exhibit P. E. W. was the original statement made by Inderpal from the 28th August to the 2nd September, 1930. He also held that corrections and alterations were made in the original statement from time to time, though the precise date on which it assumed its final date could not be ascertained. The learned Public Prosecutor was not able to challenge the correctness of this finding, though he urged that additions and alterations were made with the consent of Inderpal. We are not prepared to consider the explanation when the Police officers concerned do not admit that any additions and alterations were made after the 2nd of September, 1930."

These facts are admitted, and the only question that arises is that these officers and these magistrates are still in the service of the Crown—I do not want to put the case higher—I appeal to the whole House, even the supporters of the Government—supposing there is a finding by the High Court that police officers and magistrates have committed forgery and perjury and the Government do not take any action, what would be their sense of justice ? I appeal to their sense of justice that in the case of a finding by the High Court where the police officers and magistrates had full opportunity, does it not call for an inquiry ? Does it not call for any action, and does it call for rewards and titles ? One officer is a Deputy Superintendent of Police, other officers are inspectors and sub-inspectors of police, and one officer, who tore away one sheet from the approver's statement and substituted another, is a section 30 magistrate, who can sentence a man to seven years' rigorous imprisonment ; and the question is this : if we read the Criminal Law Amendment Act of 1908, the Government made a declaration that any terrorist association or any other association which is a danger to the peace of the country to be an unlawful one : what I want is that if the Government can act upon C. I. D. reports and declare an association to be an unlawful one, should that power be given to such police officers who are capable of committing such perjury and forgery ; and, if the Government is not taking any action, what should be the attitude of the House ? If this case was decided in June, 1935, the Government can still say that they might take action. If the Government do take action, well then there is something to be said : or if any undertaking or assurance is given that the inquiry will be made it might be something. The Honourable the Home Member

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may go through the certified copy of the judgment of the High Court. If no action is taken, what will be the presumption? If a man commits theft and if I have any sort of control over that man and I do not punish him or admonish him, what would be the natural presumption? It may be very difficult for us to prove that this had been done with the connivance of the Government but what is the natural presumption? Government may be keeping up their high position of domination and we may be helpless, but what is the natural presumption? My submission is—and I say it with all the emphasis at my command—that really very high police officers were involved in this investigation and it is for this reason that no action has been taken.

I was dealing with the beating of Lala Lajpat Rai : the Boyd Inquiry Committee reported that no beating had taken place, while there was clear evidence of the Crown witnesses that Lala Lajpat Rai had been beaten. and there is the Crown evidence that it was on account of the beating of Lala Lajpat Rai that the terrorist crime began in the Punjab. With regard to the demonstration against the Simon Commission, my point is that the non-violent demonstration against the Simon Commission was justified ; even subsequent events have shown that the appointment of the Simon Commission was a mistake. And if a demonstration is led by a man of the position of Lala Lajpat Rai and he is beaten with *lathis* by a Superintendent of Police, what would be the feelings in other countries? Supposing in England a demonstration against some measure of the Government is led by the Leader of the Opposition, and he is beaten with *lathis*, what would be the attitude of mind of the young men of England? If they lose their temper or if they become terrorists, who is to blame for this terrorism? Dr. Bhagavan Das put a question to the Honourable the Leader of the House to be answered : I can understand the Law Member's position that the Congress volunteers or the Congress members of the committee, on account of oppression and on account of terrorism of the Government, might have been converted to terrorism ; but the question is, who is responsible for this Civil Disobedience and for this terrorism? I had occasion to see Lala Lajpat Rai after the beating he had received : what he told me was : " I can bear all these pains and the physical injury : what I cannot bear is this, that I should be beaten like an ordinary criminal by a police officer, when I was not doing anything wrongful." He was tired of his life : he told me : " I do not want to live in a country where, after having dedicated the whole of my life to the service of the country, I should be beaten like a criminal." Those were his feelings. Mahatma Gandhi may be able to control himself. But what would you think the ordinary person would do, when he finds that in their own country for a justifiable demonstration they are beaten with *lathis*? You will not take these incidents into consideration : you merely say : " These persons have become terrorists : they must be executed." I do not want that you should slacken or relax the law in their favour ; but I want to tell you that if you go on like this, treating non-violent demonstrators like this—and the position of Lala Lajpat Rai who was respected throughout the country was such that if there was any calamity or earthquake or famine anywhere, Lala Lajpat Rai was there. He was called " The Lion of the Punjab " : I put it to you, Sir, was there any terrorist crime in 1926 or 1927? How is it that, just one month after the death of Lala Lajpat Rai, you find this crime,

and who is responsible for this crime ? You might punish the crime, but you must go to the root cause, because it is the Government oppression that is at the bottom of this terrorism : I must say that the exploitation by the Government and this unemployment problem are responsible for these terrorist crimes.

Let us now come to the question of recruitment of other accused in the conspiracy case and go through the statement of Inderpal. Inderpal himself said that their movement could not succeed with all their efforts, but the Press Ordinances having come to their help, they succeeded. Sir, the copy-writers in the newspapers in the Punjab were thrown out of work. They had nothing to do with politics ; they did not know politics, but they became idle, and they were recruited as members of conspiracy instead of remaining as copy-writers for newspapers and they began to make bombs. This is the statement of Inderpal. He said, this was the work of the Press and other Ordinances, and if Government threw people out of work, if educated men were thrown out of employment, if educated people could not make a living, they found terrorism was the only way open to them. Whatever amount of preaching Mahatma Gandhi might do,—and it must be acknowledged that he has been able to wean most of the terrorists from terrorism,—what would be the position of an ordinary human being ? My submission is that it is the Ordinances, it is the oppressive laws of the Government that are responsible for the recruitment of members to these conspiracies.

Let us again go through another part of the statement of Inderpal. He says, when ladies and volunteers were beaten by the police, they decided to throw bombs on police. In every case, whatever the ultimate cause may be, the root cause is the oppression of the Government. Youngmen get no employment ; even now, though most of the accused have been acquitted or discharged or have served their sentence, they cannot make even Rs. 15 a month ; they cannot find any kind of employment anywhere. My submission, therefore, is that this kind of oppression on the part of Government, coupled with unemployment, is driving youngmen to terrorism, and, as I said, every high salaried Government servant is a potential revolutionary himself. He is responsible for unemployment in the country. Everybody is trying to keep up a high standard of life. That was not the case a few years ago. In the districts, the Deputy Commissioners who were the highest officials used to lead a simple life ; there was not much disparity in the life led by the ordinary people and that led by the highest officials. But, now, high salaries are paid to officials and every one of them wants to join that class of exploiters with the result that the whole burden is thrown on the poor people. It is not so much a question of patriotism or nationalism. My submission is that it is a question of bread and butter. People who have not got anything to fall back upon are kept back at the point of the bayonet, and these criminal laws and other kinds of oppressive laws are being enacted so that the few may enjoy the sumptuous dinner served to them. Sir, you may appeal to the people in the name of law and order. but what is law and order to them when they don't get sufficient food ? Therefore, my point is that the root cause of terrorism is unemployment and exploitation by the Government, and, unless and until that root cause is removed, you can enact any number of criminal laws or other oppressive laws, but they will not serve the purpose and terrorism will not disappear. Sir, I know that

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our voice will not be heard. We know that the rule of game in this House is that even if we win, we lose. If we lose, we lose ; even if we win in this House, still we must admit defeat. I remember an incident in a Munsiff's Court, and that has an exact parallel to our position here. In a mufassil Court, when the judgment was pronounced against the defendant, the defendant threw the paper weight at the head of the Munsiff and the Munsiff was seriously injured. The defendant was arrested and sent to jail. He was there beaten by the warders as a mischievous person, and the warders fearing lest he should complain challanned him for a jail offence in the Court of the magistrate. The magistrate heard all the evidence ; but that man, the alleged culprit, protested and said that he was quite innocent, but the magistrate gave him two months imprisonment. The magistrate, however, asked him to argue the case in which he had beaten the Munsiff. The man said : " I have no further arguments to urge ; my only argument is that in this case the Munsiff should be imprisoned ". The magistrate asked, why ? The reply was : " Well, so far as I can find the rule of this Court is that he who is beaten is sent to jail. I was beaten by the warders, and I was given two months. I had beaten the Munsiff, and, therefore, it is the Munsiff who should be sent to jail ". (Laughter.) The rule of this House, it appears to me, is that he who is aggrieved should be imprisoned. We are to be imprisoned in any case, whether violent or non-violent, and even if all these criminal laws are repealed by this House, orders will still be passed by executive decree against us. We now find that everything is changed. Democracy here means loss of liberty. Young people come and preach to us saying : " Oh, you do not understand democracy, this democracy has been made safe by the world war ". A claim was made at the time of the Great War that Britain was making democracy safe for the world, and we now find how safe it is, and, therefore, it is we say that democracy in this country means loss of liberty. And what is more, air bombing is a humanitarian act of Government. The whole order of things has been upset, all our calculations, all our values are being upset, and the only root cause responsible for terrorism and for oppressive laws is the British Government and British exploitation. If we can remove this dominating spirit, if we can remove this spirit of exploitation, my submission is, there will be no terrorism, and there will be peace and tranquillity and true democracy.

**Sir Cowasji Jehangir** : Sir, I wish to say . . . .

**Mr. President** (The Honourable Sir Abdur Rahim) : On the point of order ?

**Sir Cowasji Jehangir** : Yes, Sir. Standing Order 31 says that a motion must not raise a question substantially identical to the one on which the Assembly has given a decision in the same Session. I am not going to read the whole of it, because it is not relevant to my point. Yesterday, the House considered the introduction of a Bill, and the House had been considering the same Bill during the whole of last week which sought to make permanent certain sections which are today the law of the land and which are included in this Act of 1908.

**Some Honourable Members** : Some sections.

**Sir Cowasji Jehangir** : I did not say all. Sections 17A, B and C were sought to be made permanent on the Statute-book. That was being discussed during the last few days. The present Bill seeks to repeal the whole of the Act which contains these sections. I contend, Mr. President, that this motion does raise a question substantially identical. The whole question is not identical, a part of it is identical....

**Mr. N. M. Joshi** : No, no.

**Sir Cowasji Jehangir** : You are not the President. As I have said, and I will repeat, we were discussing making permanent sections 17A, 17B and 17C of the Act of 1908. This Bill seeks to repeal the whole Act.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Bill which the House disposed of yesterday sought to make permanent certain sections of the Criminal Law Amendment Act of 1932. Those sections will expire in December.

**Sir Cowasji Jehangir** : They will expire in December, and the Bill that was before us sought to make them permanent, but today they are part of this Act.

**Mr. President** (The Honourable Sir Abdur Rahim) : Supposing this Bill now before the House is passed, that will mean that it will come into operation at once.

**Sir Cowasji Jehangir** : Yes, and it will repeal all those sections which we were discussing for the last number of days.

**Mr. President** (The Honourable Sir Abdur Rahim) : Upon the Honourable Member's statement that all those sections he has mentioned are now sought to be repealed, the Chair takes it, the object of the present Bill is to repeal the Act altogether at once, while the result of the discussion of the Bill that was disposed of yesterday, that is to say, the rejection of the consideration motion of that Bill means that those sections will not become permanent, but they expire in December.

**Sir Cowasji Jehangir** : That is exactly the position. The Bill yesterday sought to make permanent certain sections of the Act, which are to expire in December. The Bill that we are now discussing seeks to repeal the whole Act including these sections.

**Mr. President** (The Honourable Sir Abdur Rahim) : To repeal it at once.

**Sir Cowasji Jehangir** : Yes, to repeal at once, and, therefore, I contend that although the whole of this Bill that we are now discussing does not fall within Standing Order 31, part of it does.

**Mr. President** (The Honourable Sir Abdur Rahim) : Then, why does the Honourable Member say that there is any inconsistency between the two Bills ? So far as the operation of the sections in question is concerned, it goes on until they expire next December.

**Sir Cowasji Jehangir** : If they had already expired, my point would not arise. My point simply arises, because they do not expire and we have not come to December.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member has not perhaps understood the difficulty which the Chair is feeling. The difficulty which the Chair is feeling is, supposing his premises are correct that certain clauses are sought to be continued by the clause which are mentioned in the Bill which was disposed of yesterday,—supposing that is the fact, the present Bill seeks to repeal them at once.

**Sir Cowasji Jehangir** : Then, under Standing Order 31, we are discussing the same subject.

**Mr. Bhulabhai J. Desai** : May I say a word ? Standing Order No. 31 says :

“ A motion must not raise a question substantially identical with one on which the Assembly has given a decision in the same session.”

The shortest way to put the issue is this, has our decision of yesterday repealed the Act of 1908 ? That must be the only possible test. If my Honourable friend says, yes, I have no objection ; but, I am sure, he won't say that. The true test is this. If it is the case of the Leader of the House—I am sure, he would not support any such thing, I am almost confident, but supposing it was so, he would have to answer the question in the affirmative, namely, inasmuch as yesterday's decision necessarily involves a repeal of the Act of 1908, there can be no debate now.....

**Mr. President** (The Honourable Sir Abdur Rahim) : Yesterday's decision was that it shall remain.

**Mr. Bhulabhai J. Desai** : Yesterday's decision does not touch the Act of 1908 in so far as the main provisions are concerned. The Act of 1908,—the main provisions, at all events, which have survived, are the power given to Government to declare associations unlawful, (a) those which incite to violence, and (b) any other associations which, in their opinion, disturb, I am using substantially the same words, disturb public peace. Having done that, there are certain other provisions dealing with being a member of an unlawful association and assisting in the operations of an unlawful association. Those are the substantive provisions of that Act. Undoubtedly, added to that, were certain provisions, all those which have been repealed by the House yesterday, namely, confiscating property or taking charge of it, and so on. The point on which I lay emphasis is this. Is the question raised substantially identical, because, in so long as what we call declaring an association unlawful and punishing people who are members of an unlawful association and for assisting in the operations of an unlawful association are concerned, the Act remains untouched by these provisions so to say, and, as was said by my Honourable friend, Sir Muhammad Zafrullah Khan, they are what is called the logical extension of the thing. In order to test what is substantially identical, you ought to say that our decision covers this, and it cannot possibly be said that our decision does it. I should be very glad if the Government thought so, inasmuch as we turned down the motion, we will now agree to repeal all this also. But, I am sure, they would not do any such thing. There has been strenuous effort spread over for more than 5½ hours to argue out the case. What we submit is that the motion for repealing the substantive provisions of the Criminal Law Amendment of 1908 is not a motion

substantially identical with refusing to pass the further provisions of certain Acts.

**Mr. President** (The Honourable Sir Abdur Rahim) : The decision was that it shall not be made permanent.

**Mr. Bhulabhai J. Desai** : The Act of 1932. The decision is that the Act of 1932 shall not be made permanent, but it does not, in the least degree, affect any decision, either direct or indirect, whether or not the Act of 1908 shall remain. There are some provisions which refer to the Act of 1908.

**Mr. President** (The Honourable Sir Abdur Rahim) : What are those provisions ?

**Mr. Bhulabhai J. Desai** : Section 6 of the Bill that was presented here deals with section 13 of the Act of 1932, which provides for section 17A, etc., in the Act of 1908. Substantially what remains of the Act of 1908 after repeal is this,—section 15, “ ‘ association ’ means any combination or body of persons, whether the same be known by any distinctive name or not ”, “ ‘ unlawful association ’ means an association—(a) which encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts, or (b) which has been declared to be unlawful by the Local Government under the powers hereby conferred ”, then, section 16 which gives power to declare an association unlawful, section 17 is penalty section which was sought to be supplemented by clause 13 of the Bill dealt with yesterday, and section 13 of the Criminal Law Amendment Act of 1932, says. “ So long as this Act remains in force ” the following section shall be deemed to be inserted in the Act of 1908, and so on, so that the position is this, that in so far as the Act of 1908 is concerned, irrespective of whether these provisions are passed or not, and, in fact, up to the year 1932, when these provisions were not a part of the law at all, the Act of 1908 had still an operation as part of the law, and really that is the substantive part of the law, that is power to declare an association unlawful and punishment in respect of persons who are members or who aid the operations. The other sections were sought to be added to that Act with a view to making it stronger and more effective. That does not affect the question we are discussing. You may not declare any class or group of persons unlawful by means of executive orders under section 16, and, consequently, you may not punish any person under section 17, so that the real and substantial point is this, that though the motion yesterday covered a part of the supplementary powers sought to be added to the Act, the motion which is before you today intends to deal with a substantive Act itself, and, therefore, they are not substantially identical, one with the other, that is my submission.

**The Honourable Sir Nripendra Sircar** : The position shortly is this.

3 P.M.

Consistency or inconsistency is not the test of the situation. The idea is that the same question should not be put twice in the same Session. If we compare the two Bills, speaking in colloquial language, the sections making picketing and certain other offences non-bailable, and so on, and the Press sections are not in the Act which my Honourable friend, Mr. B. Das, is trying to repeal. Conversely, there are some in this Act which are not there.



[Sir Nripendra Sircar.]

The position is that although there is a certain amount of overlapping, the two motions are not substantially the same.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair holds that the question raised by the Bill under discussion is not substantially the same on which the Assembly gave a decision yesterday. The Chair need not go into the details of the provisions of the two Bills which have been very clearly dealt with by the Leader of the Opposition and the Leader of the House.

**Sir Abdul Halim Ghuznavi** (Dacca cum Mymensingh : Muhammadan Rural) : Sir, my good friend, the Honourable Member from Orissa, Mr. B. Das, is, I think, pursuing a Chinese policy—of “no see” and “no hear”. If my Honourable friend will not pursue that policy, I shall be able from the facts, that I shall place before the Honourable House, to convince him that it is not practical politics to repeal this Act. Now, Sir, I shall place before the House some facts as to what the terrorists themselves say and what the Communists themselves say. It is not what the Government say or we say. I shall produce the literature I have received from time to time (*An Honourable Member* : “From whom?”) From these terrorists. My terrorist friends give me notice saying “Your time is up, you scoundrel!” Bhagat Singh dropped a bomb in the Assembly during the Delhi Session of 1929, and, immediately after that, a notice was sent to me by my terrorist friends.

**Mr. S. Satyamurti** : Who are they ?

**Sir Abdul Halim Ghuznavi** : Mr. Satyamurti may know them.

**Mr. S. Satyamurti** : I do not know them.

**Sir Abdul Halim Ghuznavi** : This is the plan of the Assembly Chamber (showing it to the House), and the aim of the terrorists was to wipe out the Treasury Benches, the European Group and the Central Muslim Party of which I was the Secretary. This is from the “Hindusthan Socialistic Republican Association”. I shall not read the whole of it. (*An Honourable Member* : “Please do.”) You want to hear it ? This is how it runs :

“Notice to A. H. Ghuznavi, M.L.A., Secretary, Central Muslim Party, Legislative Assembly, New Delhi.....”

(Interruptions.)

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member had better take no notice of these interruptions.

**Sir Abdul Halim Ghuznavi** :

“Whereas you and the other members of your party are blindly supporting Government, knowing it is a Government of foreign exploiters, against the larger national interests ; Beware, therefore, that any further support you may give to the present foreign Satanic Government will draw upon you the just punishment that all treachery to the National Cause deserves at the hands of those who are determined to avenge all national treachery and dishonour. Issued on Monday night, 8th April, Delhi Camp, Dharam Raj, Minister of Justice.”

When I went back to Calcutta, I received this literature. (*An Honourable Member* : “You have preserved it all this time !”) This is a book about Khudi Ram, the first terrorist of Bengal.....

**An Honourable Member** : Is it proscribed ?

**Sir Abdul Halim Ghuznavi :** It is proscribed.

**An Honourable Member :** Then, where from and how did you get it ?

**Sir Abdul Halim Ghuznavi :** Sir, terrorism was first started in 1897 (*A Voice* : " Not 1757 ? ") during the plague at Poona where a bomb was thrown at an English doctor.....

**Mr. N. V. Gadgil** (Bombay Central Division : Non-Muhammadan Rural) : It was not a bomb—it was a revolver shot.

**Sir Abdul Halim Ghuznavi :** Sir, I have been listening to my Honourable friend, Mr. Sham Lal, who said that the Satanic Government is responsible for all these terrorists because they have been taking such actions as were irritating people and compelling them to become terrorists. May I ask my Honourable friend, what did the Satanic Government do in 1897 ?

**Mr. N. V. Gadgil :** Do you know the acute troubles the people had to undergo in connection with the segregation measures ? You know nothing about these, I tell you.

**Sir Abdul Halim Ghuznavi :** Well, the Government wanted to prevent people from dying of plague by segregating people. And the result was a shot at the English doctor !

**Mr. M. S. Aney :** My Honourable friend knows nothing about the affair.

**Sir Abdul Halim Ghuznavi :** Sir, the next shot was in London. (*A Voice* : " From Poona to London ! ") At that time, Mr. Curzon Wylie was shot. Then, Sir, I gather from this book that the first *Gupta Samiti* (secret society) was started at Midnapore in Bengal, and then what happens ? There was an " extensive organisation "—the book has given me that information, and, on the Partition of Bengal in 1905, Bengal was very much agitated, and what do we find ? This *Gupta Samiti* sends a gentleman—one of its own members—to murder Sir Bamfylde Fuller. The man was one Prafulla Chaki. But this attempt was frustrated. However, in 1908, a lot of agitation was going on against the Partition of Bengal.

**Dr. P. N. Banerjea** (Calcutta Suburbs : Non-Muhammadan Urban) : You yourself were against the partition.

**Sir Abdul Halim Ghuznavi :** I am not ashamed of that. (Laughter.) Sir, Mr. Kingsford, who was then the Presidency Magistrate of Calcutta, sentenced the *Naba Sakti*, a terrorist newspaper, once and he sentenced another terrorist paper, the *Yugantar*, thrice—and Honourable Members must by now be familiar with the name of the *Yugantar* to which reference was so often made by my Honourable friend, the Law Member, only the other day,—the *Bande Mataram* once, and the result was that Mr. Kingsford had, as a safeguard, to leave Calcutta and was posted at Muzaffarpore as District Judge (*A Voice* : " Promotion ? ") (*A Voice* : " What is that book ? ")

**Mr. S. Satyamurti :** What is that book ?

**Sir Abdul Halim Ghuznavi :** " Khudi Ram ". (Laughter.)

**Mr. Mohan Lal Saksena** (Lucknow Division : Non-Muhammadan Rural) : Is not that a proscribed book ?

**Sir Abdul Halim Ghuznavi** : I do not think so.

**Mr. Mohan Lal Saksena** : Where did you get it from ?

**Sir Abdul Halim Ghuznavi** : It was sent to me by a terrorist. And, first of all, from this book I find that in Lower Circular Road, Calcutta, they had their association. Now, they made a "bookbomb", that is, a bomb in the shape of a book and they sent it to Mr. Kingsford, so that, in case he happened to open it, he might be dead. Well, that did not succeed with Mr. Kingsford; by some accident or other, Mr. Kingsford did not open that book at all. Then Khudi Ram and Prafulla were deputed to murder Mr. Kingsford at Muzaffarpur. Sir, many of us, who come from Bengal, know that instead of murdering Mr. Kingsford, unfortunately Mrs. Kennedy and Miss Kennedy, two European ladies were murdered. Now, the Criminal Law Amendment Act was passed in 1908 after the murder of Mrs. and Miss Kennedy.

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : And still that Act did not stop the murders ?

**Sir Abdul Halim Ghuznavi** : It would have stopped the murders and I will tell you now why it did not stop them. This is the information I get from this book—not from Government or from any other person.

**An Honourable Member** : That is your Bible ? What is the name of that book ?

**Sir Abdul Halim Ghuznavi** : I have said it half a dozen times,—“Khudi Ram”, “Khudi Ram” (Laughter.)

**An Honourable Member** : Was it sent to you as a present ? When was it sent to you ?

**Sir Abdul Halim Ghuznavi** : It was sent recently to me.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member had better address the Chair.

**Sir Abdul Halim Ghuznavi** : Sir, my good friend, the Honourable Member for Bakargunj *cum* Faridpur in Bengal, and the Mayor of Calcutta, in his speech the other day said this :

“ Since the year 1910, efforts have been made to pass various Acts in order to put down terrorism, anarchism and Communism. Has any attempt been made to find out the root causes of this anarchism, terrorism and Communism ? I say, no attempt has been made. A faint voice says, ‘ yes ’ ”—(that faint voice was mine)—“ but I say that no attempt has been made to find out the root cause of these. Sir, if there is a headache, is that the way to eradicate the disease,—to cut off the head ?.....”.

My Honourable friend, Mr. James, asked :

“ What efforts did you make to eradicate this evil of terrorism ? ”

My Honourable friend from Bengal replied :

“ I was not given a chance at all.”

May I point out to him—that my Honourable friend then was serving this Satanic Government as a Deputy Magistrate, and, if I am not wrong, he was then posted at Jamalpur, where he used to lash Hindu boys who used to shout “Bande Mataram”.....

**Mr. A. K. Fuzlul Huq** (Bakargunj *cum* Faridpur : Muhammadan Rural) : Sir, I could not hear what the Honourable Member said about me ? But if this is what he said about me, it was absolutely false, I say. (Hear, hear.) I warn the Honourable Member and must ask him to drop that expression. Will he ?

**Sir Abdul Halim Ghuznavi** : If it hurts him, certainly I will.

**Mr. A. K. Fuzlul Huq** : Sir, I never tried a single case, as Deputy Magistrate,—a case between Hindus and Muslims, and I never sentenced a Hindu to jail or any such thing to which the Honourable Member refers.

**Sir Abdul Halim Ghuznavi** : Then he sentenced to jail only Mussal-mans ? (Laughter.)

My Honourable friend's memory is so defective that only the other day he said when my Honourable friend, Mr. James, asked him.....

**Mr. A. K. Fuzlul Huq** : On a point of order, Sir. Will my Honourable friend withdraw his statement which I say is absolutely false ?

**Sir Abdul Halim Ghuznavi** : I have already said that if it hurts my Honourable friend, I withdraw it. When I asked him the other day :

“ How many repressive laws did you support while you were a Minister in Bengal ? ”

What reply did my friend give ? He said :

“ I do not think the pages of the proceedings of the Bengal Legislative Council can show a single instance where I supported any repressive measure. (Applause.) ”  
(Laughter.)

Now, what do we find ? The Honourable the Law Member, the Leader of the House, in his speech has shown an instance from the debates of the Bengal Legislative Council where he lent his support to these repressive measures. (*Dr. P. N. Banerjea* : “ He was not a Minister then.”) He might not be a Minister, but he was a member of the Bengal Legislative Council all the same. If time is given to me to go through the proceedings of the Bengal Legislative Council, I shall be able to show at least dozens of instances where he had supported these measures.

**Mr. President** (The Honourable Sir Abdur Rahim) : We are now discussing the Bill and not any individual Honourable Member.

**Sir Abdul Halim Ghuznavi** : Mention has been made even today : Did you find out the root cause ? Why do Government not find out the root cause ? I want to tell the House that they did find out the root cause. When these terrorist activities were going on, Government wanted to find out what was the cause. They were told that the root cause was the Partition of Bengal. Well, the Partition of Bengal was annulled in 1912 to remove the root cause of terrorism in Bengal.

**Mr. A. K. Fuzlul Huq** : On a point of information. Was not the agitation against the Partition led by Sir Surendra Nath Banerjea.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member is not giving way.

**Sir Abdul Halim Ghuznavi** : If Mr. President will permit him, I will let him put the question to me.

**Mr. A. K. Fuzlul Huq** : I wish to ask a simple question. Is it not a fact that the agitation against the Partition of Bengal was led by Sir Surendra Nath Banerjea and the Honourable Member was his right-hand man ?

**Sir Abdul Halim Ghuznavi** : Yes. My Honourable friend, Mr. Fuzlul Huq, in his speech in Machua Bazaar Park declared me to be a *Kafir* as my Honourable friend then called Hindus *Kafirs*. Sir, the Partition was annulled, and there was a general amnesty, and all the detenus and political prisoners were let out. Now, what was the result ? They started with double force and double vigour. Then, Sir, in 1916, the Home Rule Agitation was started. Again, my friend will ask me : " Why did you not go to the root cause of this agitation of terrorism ? " They went to the root cause and the result was—the Montagu-Chelmsford Reforms. There was another amnesty, and they were all let out.

**Dr. P. N. Banerjea** : What about the Amritsar disturbances ?

**Sir Abdul Halim Ghuznavi** : I will answer that in the lobby.

**Sardar Sant Singh** (West Punjab : Sikh) : Do not come to the Punjab please. You had better confine yourself to Bengal. We are practical people in the Punjab.

**Sir Abdul Halim Ghuznavi** : Sir, after the amnesty, the usual thing happened. They went on with full force again. The first part of the Criminal Law Amendment Act of 1908 was repealed to soothe them down. Nothing happened. When Sir Stanley Jackson came to Bengal as the Governor in 1927, there was another amnesty, and the result was that terrorism increased with treble force. So, we know now that by repealing these Acts and by giving them the general amnesty, they take more courage and they come out stronger to destroy the whole fabric of Government. Sir, what happened in 1930 ? Part I of the Bengal Criminal Law Amendment Act of 1925 was repealed. Now, this Part I gives the executive power to arrest and detain without trial members of the revolutionary organisations who have for their object violence and assassination. A Bill was introduced in the Bengal Council early in 1930 to repeal the powers of arrest and detention to which I referred just now. This Bill was passed in the Bengal Legislative Council on the 1st April, 1930, and it received the assent of the Governor General on the 5th April, 1930. Thereafter, there was no power to arrest and detain without trial members of revolutionary organisations planning violence and murder. Now, Sir, what was the result of the repeal of these powers which Government had ? The result was that, on the 18th of April, the Chittagong armoury raid took place. Sir, the Chittagong armoury raid was so well devised, so well organised, and so well planned that if the two machine guns which had been in the armoury, but had been already removed, could be seized—and they went there to get hold of those two machine guns—the result would have been the complete wiping out of the whole European colony.

**Mr. M. Asaf Ali** (Delhi : General) : Why did not the Act of 1908 stop it ?

**Sir Abdul Halim Ghuznavi** : Because it had been repealed, as I have just now said. The Government had no power to arrest even when they knew that the raiders were coming there. That power was repealed. The result was the Chittagong armoury raid. That was my point.

In 1931, the Indian Press Act was passed. The assent of the Governor General was obtained on the 9th October, 1931. What do we find? There was a murder, by two girl terrorists, of the District Magistrate of Comilla. Sir, I have heard a lot from my Honourable friends opposite. Why don't you get into touch with the people? That was the cry of my Honourable friends opposite. You cannot do it yourself. You must get into touch with the people to help you. That is the burden of the song of my Honourable friends opposite. Let us now see how that helps us, namely, getting into touch with the people. The District of Midnapur is one of the districts, as I have already said, where terrorism first started. What do we see? In 1931, at Midnapur, Mr. James Peddie was the District Magistrate. He came into touch with the people and he wanted to help the whole district by going about from door to door and making necessary arrangements for the improvement of the district. He wanted to help Swadeshi in his district. There was a Swadeshi Exhibition in Midnapur which was being held at the Collegiate School, and the District Magistrate was asked to open the Exhibition. He had no suspicion in his mind as to any malpractice, because, after all, he was going there to open the Swadeshi Exhibition at the request of the people of the district with whom he had been in touch for some time then. Of course, he did a very foolish thing. There is no electricity in Midnapur and he went to open the Exhibition in the darkness of the night with a hurricane lantern in his hand. He was shot in the Exhibition grounds when he went there to open the Swadeshi Exhibition. Still my Honourable friends opposite say; "Why don't you get into touch with the people? Unless you get into touch with the people, how can you help these things not going on?" What is the next incident? In the following year, that is, 30th April, 1932, Mr. Douglas was murdered. He went there to help the people. As the Chairman of the District Board, he made various improvements for the district, he opened roads, he opened hospitals and dispensaries. He went to the District Board to preside over one of its meetings. He also had no suspicion in his mind of any danger for his life. He was in close touch with the people, he improved the district in several respects; he never even allowed an attendant to follow him with a revolver behind him. What was the result? One of the employees of the District Board—if I remember rightly, one of the very men whom he appointed—shot poor Douglas. That is the outcome of getting into touch with the people and mixing with people and trying to help the District Board and trying to help the country to achieve prosperity.

What is the next incident? Mr. Burge was murdered. He was a very popular officer. He used to mix with students freely. He opened a football ground for the students to play in. He was asked one day to play football with the boys on the football ground. He went there unarmed without any suspicion of the impending danger. He was shot by those very boys who were playing in the football ground. Still my Honourable friend, Mr. Das, wants to repeal this Act, so that tomorrow anarchy, terrorism, and, what not, will spread from one end of the country to the other. Then, there was the murder of Mr. Garlic, the District Judge of Alipore. He was known in Bengal as the *padri* judge, and I was told that, excepting in one terrorist case, in which he sentenced the accused to death, he never passed a sentence of death in any other case. I may be wrong. That was his only folly. He was murdered in the open

[Sir Abdul Halim Ghuznavi.]

Court. Then, there was a meeting at the Dalhousie Institute, Calcutta, in which four of us were asked to speak. The *Morning Post* reported the proceedings of that meeting thus :

“ It was significant that the loudest British cheers were reserved for Mr. Ghuznavi, a delegate to the Round Table Conference, who demanded that the British should govern or get out.”

Four of us were the speakers at that meeting. Mr. C. C. Biswas, whose father was shot by a terrorist, was one of the speakers. Myself was another speaker.

**Mr. S. Satyamurti :** Were you also shot at ?

**Sir Abdul Halim Ghuznavi :** There was also an attempt on me. What do we find ? I got a terrorist letter for making that speech. This is what the letter says :

“ Now the time has come to warn you that you will be shot or bombed down soon. You are going to have this punishment for your going against your native country with the co-operation of your English friends.”

This is the liberty of speech and freedom of talk that we have been hearing so much about for the last one week, that I must not talk in the way I did. This is only oppression by the minority against the majority that they must not talk in a manner they do not like. Then, the letter says :

“ You delivered a lecture in the Dalhousie Institute attacking Congress, Corporation and Revolutionaries and condemned violence and non-violence also.”

—I do not know when I said that—

“ Moreover, you and your white friends sent a deputation to the Governor to control the power of Corporation, to revive Press Ordinance and to chain the youths of Bengal. You said that India will not be independent by such coward attack upon British officers. Will you please tell how India will be free ; by flattering and licking the feet of the Englishmen like you ? (Laughter.) You fool : do you know what is the punishment for the betrayers of their own countries—a righteous retribution—Death. Now time is come to send all betrayers like yourself in hell, none will be able to protect you in this world, because, one will kill you even at the sacrifice of his life for motherland to remove the sin like you of this country.

Bengal Revolutionaries,

Calcutta, 25th May, 1931.”

What was the condition of that time ? I will read only one passage from the speech that I delivered in 1931 on the 11th September on the Press Bill.....

**Mr. S. Satyamurti :** Sir, I am sorry to interrupt my Honourable friend, but I would invite your attention to Standing Order 29 which says that the matter of any speech shall be strictly relevant to the matter before the Assembly. My Honourable friend, Mr. B. Das, wants to repeal the Criminal Law Amendment Act of 1908 which gives power to Government to declare certain associations unlawful. The Law Member undoubtedly tried to connect Congress membership with terrorist organisations, and suggested that, since terrorist organisations sometimes flourish as Congress organisations, this power ought to remain. The Honourable Member, who is speaking now, has not attempted to connect these interesting incidents with any association whatever ; unless my friend contends that all these acts or speeches were made by persons

professing to be members of lawful associations, but who pursue unlawful activities, and, therefore, Government ought to have this power, I submit, the speech is irrelevant.

**Mr. President** (The Honourable Sir Abdur Rahim) : In several parts of the Honourable Member's speech, he has been wandering from the point. The Chair hopes the Honourable Member will try to stick more closely to the Bill.

**Sir Abdul Halim Ghuznavi** : My aim was to impress on this House that this Act should not be repealed. In trying to convince my Honourable friends on the other side, I am showing that, every time an Act has been repealed, terrorism has increased, and, for every amnesty that has been granted, terrorism has increased doubly and triplefold. There was also a question asked today as to why Government does not go to the root cause. I showed that the first root cause was the Partition of Bengal. That was annulled, but there was no improvement. Then, the new reforms were introduced, but I want to show that the terrorists did not want those reforms at all.

**Mr. S. Satyamurti** : How is that relevant ?

**Sir Abdul Halim Ghuznavi** : The relevancy is that, if you repeal this Act, you will encourage the terrorists to come in full strength and upset the Government. Your idea is that if you repeal this Act, they will agree to settle down in life, but, I say, it is all a mistake. I will just show in what respect they hold the Congress. Their own literature which they sent me and which I will read out will show that. Let me tell you frankly what they really want. They want no ordered Government at all ; there is no communalism in them, and they do not care a tuppence how many seats the Muslims get and how many seats the Hindus get. What they want is a Communistic Republic, and nothing short of that.

Sir, I find that Honourable Members opposite are getting impatient, because I am saying the whole truth, and, so, my Honourable friend jumps up to say that I am speaking irrelevant matter.

**Mr. S. Satyamurti** : The Chair called the Honourable Member to order.

**Sir Abdul Halim Ghuznavi** : My Honourable friend has drawn the attention of the Chair, as if we are not accustomed here to listen to all sorts of things which are quite irrelevant to the point under discussion. If my Honourable friend will have a little patience, he will see the relevancy.

Before I go into this literature, I should like to say that dangerous associations and conspiracies exist, that terrorism, Communism and communalism and Civil Disobedience, in some form or other, still exist, and I shall show that. I have prepared a statement of terrorist incidents in India after the passing of the Criminal Law Amendment Act of 1932,—that is, in the years 1933, 1934, and 1935. The number of cases in Madras in 1933, were 3 ; in 1934, *nil* ; in 1935, *nil*. In Bombay, in 1933, 3 ; in 1934, 10 ; and, in 1935, 3 . . . . .

**Mr. S. Satyamurti** : How is this relevant to this Bill ? Perhaps this speech was all prepared for the other Bill !



**Sir Abdul Halim Ghuznavi** : I want to show that this Act should not be repealed : that is the point. In Bengal, in 1933, 42 ; in 1934, 16 ; in 1935, 6 :

**An Honourable Member** : Why are they decreasing ?

**Sir Abdul Halim Ghuznavi** : Because of the existence of this Act. In the United Provinces, in 1933, 7 ; in 1934, 9 ; in 1935, 7 ; in the Punjab, in 1933, 1 ; in 1934, *nil* ; in 1935, 1 ; in Assam, in 1933, 3 ; in 1934, 6 ; in 1935, 3 : in Bihar and Orissa, in 1933, *nil* ; in 1934, 1 ; in 1935, 2 : in the Central Provinces, in 1933, *nil* ; in 1934, 1 ; in 1935, *nil* ; in Ajmer-Merwara, in 1933, *nil* ; in 1934, *nil* ; in 1935, 1.....

**An Honourable Member** : The number goes up !

**Sir Abdul Halim Ghuznavi** : The number is going down : the Honourable Member has not heard. (Laughter.) Everywhere it is going down.....

**An Honourable Member** : Read your last figures.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair would ask Honourable Members on its left to hear patiently what the Honourable Member, who is now addressing the House, is saying. It is not fair to the House to go on interrupting speakers in this way.

**Sir Abdul Halim Ghuznavi** : As regards Communistic speeches and writings, there were 46 prosecutions all over India in places so far apart as Calcutta, Cawnpore, Sholapur, Lucknow, Bombay, Amritsar, Etawah, Nasik and Agra. The point I am making is this : that I have placed these statistics for 1933, 1934, and 1935, in order that Honourable Members may be able to judge the advantages of the Act of 1932, and, therefore, it should not be repealed. (Interruption.) It may be irrelevant to my Honourable friend, Mr. Saksena, but it is quite relevant to the House. As regards prosecutions under section 18 (1) of the Press (Emergency Powers) Act of 1931, this Honourable House has already heard that there have been 4,004 convictions out of a total of 4,214. Taking Bengal, in particular, with which I am better acquainted, the matter regarding securities from papers and presses stands as follows....

**Mr. S. Satyamurti** : How is this relevant ? Presses have nothing to do with this Bill.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair would remind the Honourable Member that the whole subject has been debated at length for six days.

**Sir Abdul Halim Ghuznavi** : I admit, the matter has been debated, but the figures that I am placing before the House show how the Act has worked and the benefit that has accrued.....

**Mr. S. Satyamurti** : How is it relevant to this Bill ?

**Sir Abdul Halim Ghuznavi** : I say, you must not repeal this Act.

**Mr. S. Satyamurti** : This is not the Press Act.

**Sir Abdul Halim Ghuznavi** : These are the points which should convince you that you should withdraw this Bill. If it is your ruling, Sir, I will not read it ; but I think it ought to be on the record once for

all to show that this Act has been beneficial so far as terrorism, Communism and this sort of writings is concerned and also communal unrest to a certain extent. The security demanded in.....

**Mr. President** (The Honourable Sir Abdur Rahim) : This Bill has nothing to do with the press. (Opposition Laughter.)

**Sir Abdul Halim Ghuznavi** : All right, Sir. One word about my Honourable friend whom I do not see here—Mr. Abdul Matin Chaudhuri. He was shedding crocodile tears about the Muslim presses..... (Interruption.)

**Mr. President** (The Honourable Sir Abdur Rahim) : The Act of 1908 has nothing to do with the press.

**Sir Abdul Halim Ghuznavi** : Sir, I have not yet finished the sentence—in connection with that, what he said was this : that is what I was coming to : he said that the Muslims are not terrorists : why this *zoolum* on the Muslim presses ? I say, he forgets that the Islamic injunction forbids them to be terrorists : but there is nothing against being Communists which they are. Communist Muslims there are in large numbers : and, if those presses had been suppressed, it was for the Communist literature that they used to publish.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair is doubtful if the Honourable Member has read the Act sought to be repealed.

**Sir Abdul Halim Ghuznavi** : This is a red leaflet—a terrorist leaflet (Interruption) sent to me after three warnings that I should behave properly.....

**An Honourable Member** : They seem to be very fond of you !

**Sir Abdul Halim Ghuznavi** : Because they get the truth from me. It has been translated : they have sent me the translation also : what they want they have said very clearly in this document. This red leaflet, entitled “Swadhin Bharat”,—“Free India”, says this :

“Who do speak ill of revolution, it is they who deceive the masses by holding before them alluring hopes with a view to satisfy their individual or class interests. We never understand what is individual good. We never know of any special class. We want to wet the earth with torrents of blood coming from the heart with a view to do good to the oppressed mankind..... A class of people term us as terrorists and try to convince the country that freedom cannot be attained by means of such secret murders. On the other hand, the Government also circulate in foreign countries that these murders are being committed by a handful of terrorists. We once again proclaim to our people—we are not terrorists,—our object is to establish a revolutionary Government by a country-wide armed revolution.”

Now, Sir, may I read something of what they say about the Congress ?.....

**Mr. S. Satyamurti** : How is it relevant ?

**Sir Abdul Halim Ghuznavi** : This is what they say, and it will show  
4 P.M. the House in what esteem they hold the Congress :

“Oh, the deceased men and women of this persecuted country ! Say ye—how can freedom come without the help of revolution ? There is only one party in the whole of India who speak about complete independence, and it is the Congress. But it does not do the thing with all the sympathy it can offer. Congress has done many things for the country. We have not the meanness to deny its offering in the national sacrifice; but we cannot also deny this fact that behind all the doings of the

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Congress there lies the mentality of a tradesman. There, the supremacy, is in the hands of traders who are blind for their self-interest. They want reforms; they want wider chances to satisfy their self-interests—”.

--referring to my friends from Bombay,—

“ Not only that, Congress wants to bring freedom through non-violence. There may be self-progress of the nation by initiation to non-violence, but the value of freedom is much more than that. We might have been able to reach our goal by non-violent agitation if the majority of the men and women of the country would have tried in all possible ways to make the movement a success. It is not possible for men to make that sacrifice and accept that hardship which are necessary to undermine the very foundation of that throne by non-violent means which have been firmly implanted in India by a people covering a period of more than 175 years. Victory is only possible in the path aligned by the Congress if for over a year the trade and commerce and the agricultural production of the country may be stopped and the country may be turned into a cremation ground like the Rajput age, if the railway or other vehicles of locomotion are closed for a long time, and if Indians in bands resign Government appointments.”

Next, Sir, there was what was called the “ United Socialistic Republican Party ”, and, in their programme, they say :

“ Propaganda, agitation, and destructive and terroristic activity. Terroristic activities consist in the destruction of the most harmful persons in the Government, the protection of the party from spies and the punishment of official lawlessness, the organization of small secret societies with all sorts of revolutionary aims is indispensable.”

Then, there was another pamphlet called the “ Call to Revolt ” It says its policy is :

“ An eye for an eye, a tooth for a tooth, and, therefore, a life for a life ”.....

**An Honourable Member** : Supposing there are false teeth, then what happens ?

**Sir Abdul Halim Ghuznavi** : One more, and this is from the “ Hindustan Socialistic Republican Association ”, and this is what they say :

“ The object of the Association shall be to establish a Socialist Republic of the United States of India by an organized and armed Revolution ”.....

**Prof. N. G. Ranga** (Guntur *cum* Nellore : Non-Muhammadan Rural) : With yourself as its President ?

**Sir Abdul Halim Ghuznavi** :

“ By the armed insurrection of the widest possible masses of the working class, the peasantry, and the revolutionary petty bourgeoisie.”

Now, Sir, what was the position before this Act was passed ? The Corporation of Calcutta, the Second City in the British Empire, paid a tribute to Dinesh Gupta who was executed.....

**Mr. S. Satyamurti** : What has that got to do with the motion before us ?

**Sir Abdul Halim Ghuznavi** : The Corporation adjourned its meeting as a mark of respect to Dinesh Gupta. The Corporation of Calcutta expressed its sorrow at the execution of Dinesh Gupta and adjourned its meeting on the 8th of July. When the Corporation assembled, Councillor Mr. B. N. Banerjee moved :

“ This Corporation records its sense of grief at the execution of Dinesh Gupta who sacrificed his life in the pursuit of his ideal ”,

and the House adopted the Resolution standing. On the motion of another Councillor, a meeting was adjourned till Friday, the 10th of July. The Mayor of the Calcutta Corporation, in associating himself with the Resolution, paid a tribute to the courage and devotion of the deceased. Sir, this was published in the *Corporation Gazette*, and still my friends say that we must.....

**Mr. S. Satyamurti** : The Honourable Member can declare the Corporation unlawful.

**Sir Abdul Halim Ghuznavi** : Sir, what happened ? In 1931, while I was passing, I noticed the Corporation free schools were holding morning and night classes. A beautiful song was being sung. I saw that one day, and I thought that it was only on that day. But, next day, I found the same, and so on. What was this song ? This is the lesson which the Corporation teaches to its boys numbering 40,000 in the Calcutta free schools. What is the lesson ? It is in Bengali, but I shall translate it also. (*An Honourable Member* : "Sing it in Bengali.")

**Mr. B. Das** : On a point of order, Sir. My Honourable friend, when he was "Mr. Ghuznavi", gave out this song on the floor of this House. Then, the Mayor of Calcutta, sent a telegram which was read out by Mr. S. C. Mitra. The Mayor of Calcutta denied that in the Calcutta schools any such education was being given, and that is in the records of the Assembly debates.

**Sir Abdul Halim Ghuznavi** : I will completely answer my Honourable friend, but let me finish this song :

*"Ek, Dooi, Tin, Bharat Hoyibe Swadhin ;"*

The English translation is : "One, two, three, India will be free." I say Amen :

*"Chāār, Pānch, Chhai, Ghandhi Maharajki jai ;"*

The English translation is : "Four, five, six, Mahatma Gandhiki Jai". I say Amen also. Now comes the sting :

*"Saat, Aat, Naai, Picketing karite Haai ;"*

The English translation is : "Seven, eight, nine, learn picketing". (*An Honourable Member* : "Say Amen") I would not say Amen. Then, comes the greatest sting :

*"Dash, Egara, Baara, Ingrejoko Dharo aur maro."*

"Ten, eleven, twelve, catch hold of the Englishman and give him a thrashing."

I received a terrorist notice wherein they said : "Because you went to the Governor and asked him to legislate against the Corporation" ;—the Government was helpless without the Act as the Corporation was not taking any grant from the Government. I asked the Governor to stop that education which was being given to 40,000 little boys inculcating the hatred of the British and the boycott of British goods and picketing. My Honourable friend, Mr. Das, said just now that the Mayor denied this when I referred to it in connection with another Bill of the same type as this in this Assembly. What happened was this. In 1931, I made this statement in the Round Table Conference when Mahatma Gandhi and Pandit Madan Mohan Malaviya were there. When I said, one, two, three, Malaviyaji said "Amen". But, after I had finished my speech at 12 o'clock at night, Mahatma Gandhi rose to answer and

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regretted if what I had stated was a fact, and he apologised on behalf of the Corporation. What do I see? On the following morning, I saw in the *London Times* the Mayor of Calcutta calling a meeting regarding the statement that had been made by me in the Round Table Conference. A Resolution was passed to prosecute me. I was prepared for that prosecution, because, I had evidence in my pocket before I made a statement of that kind. It was in their educational curriculum which is in my possession still. After that, many of the teachers have been sentenced to imprisonment over this teaching. But I was prepared to receive a summons for making a statement which was not true, but what did I find? On the fourth day, it was said: "Don't give publicity by prosecuting him, he is too small, ignore what he has said." And, still, the then Mayor of Calcutta had the audacity and cheek to say that it is not a fact. (*An Honourable Member*: "Withdraw.") Yes, I will withdraw. I will make the statement outside the House, and let him prosecute me.

**Mr. A. K. Fuzlul Huq**: I said nothing of the kind.

**Sir Abdul Halim Ghuznavi**: I am very sorry. I never meant the Honourable Member. This happened long before him. This took place in 1932, and he was not anywhere near it. All the statement that I have made is not during the Honourable Member's term as Mayor.

Sir, we have heard of high political philosophy, liberty of association. Who, in his sense, I ask, would ever think of disputing the proposition that these are sacred rights, fundamental rights, valuable possessions? But every right, if I may say so, implies a corresponding obligation, a duty on the part of the citizens not to abuse those rights and privileges and turn them into veritable engines of oppression for a section of the people and create and foment those disruptive tendencies which operate as clogs in the wheel of administration and act in such a way as to make ordered progress impossible. Sir, the liberty of person, the liberty of press, liberty of association are not rights unrestricted in character. I shall not give this House instances of countries where there are no parliamentary institutions, but let me take the House to what England has done. These rights are often restricted there by the existence of strong public opinion in the first instance, and, where and when necessary, by exceptional legislation. One recent instance of this exceptional legislation in England was to be found in the reference to Hansard quoted by my Honourable friend, Pandit Govind Ballabh Pant, and to which attention was pointedly drawn by my Honourable friend, the Commerce Member. Legislation regarding trade unions in England, during recent years, was a clear restriction of the right of association. The New Deal in the United States is a clear restriction of various individual rights which the citizens had learnt to appreciate and value, so that, even in the most go-ahead countries, where Parliamentary Government prevails, exceptional circumstances would seem to justify exceptional legislation. The exceptional attitude of the people in general and the press in particular towards similar exceptional manifestations of cankerous growths in the body politic would also justify exceptional legislation. If the great strike in England, for instance, which was the biggest instance of direct action in recent times in England, failed, it was because of the unmistakable force of public opinion which asserted itself through the press and otherwise. Now, Sir, there were exceptional circumstances in the country which

justified the enactment of the Criminal Law Amendment Act of 1908 and the existence of those circumstances has not been very much questioned. If the Partition of Bengal had been the proximate cause, it was undone in 1911, and still terrorism went on. Then, Sir, there was the general amnesty of political prisoners and still this is going on and the revolutionary movements have continued. I have been able to show that these various amnesties that have been granted had only given more time to the terrorists and they came out with full vigour and stronger than they had been before. There is no doubt that law and order are at a discount, the seeds of revolution are abroad and public opinion has not yet fully asserted itself against these subversive movements, and, but for the preventive measures taken by Government and permitted by the provisions of the Act of 1908, which we are now called upon to drop, ordered progress will be impossible, constitutional government a mockery and the reign of the rule of law a figure of speech. Sir, I ask my friends, do they not see even now what is happening at Chittagong? Have you not heard of another manifesto which has been plastered all over Chittagong—red leaflets—immediately when this Session of the Assembly began? What did that leaflet say? It incited the students to terrorism and threatened with violence and death those who worked against the terrorist organisations. With your permission, I will read....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member has already taken one hour and 20 minutes and there are other Honourable Members who want to speak.

**Sir Abdul Halim Ghuznavi** : Why should I not be allowed to read, when I have got the materials with me?

**Mr. President** (The Honourable Sir Abdur Rahim) : Provided the Honourable Member does not repeat himself and repeat the arguments of other speakers.

**Sir Abdul Halim Ghuznavi** : I am not going to repeat what other speakers have spoken :

“ The teachers of the English High School at Chittagong..... ”

**An Honourable Member** : Where did you get it?

**Sir Abdul Halim Ghuznavi** : This is a photographic reproduction of the notice.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member had better address the Chair.

**Sir Abdul Halim Ghuznavi** : I will read only the last paragraph of that notice :

“ I, therefore, warn you not to do anything that may offend the national feeling.”

(Interruption.) I have repeatedly told my Honourable friends on the opposite side that, every time I get a notice, I get some literature also. Will you see the number of literatures I have got? There you are, look.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member is again reminded that he should address the Chair.

**Sir Abdul Halim Ghuznavi :**

“Patriotic culture of students, not to harm or punish any student for his love of country and not to help the police or the military in any repressive measures against the student community. If in spite of this warning, you still resort to reactionary, unpatriotic and immoral methods, the Indian Republican Army will be compelled to take drastic steps against you which the Army has not done so long, as you are the sons of the same Mother India whose independence is the ever cherished goal of the army.”

I will read only one paragraph of the Indian Republican Army's second notice :

“While thus vindicating before the world the claim of humanity on behalf of India's down-trodden millions, the Indian Republican Army craves the sympathy and hearty approval of every Indian people and hereby proclaims its emphatic condemnation of the conduct of the public leaders who are juggling with the solemn sentiment of the nation at this hour, in the name of emasculated non-violence.”

The Indian Republican Army further declares that any person who will be able to produce any Englishman, woman or child of any age to its headquarters, dead or alive, will be amply rewarded.

Sir, I think I have been able to show that this Act has done a lot of good to the country, and that, if it is repealed, the same thing will happen as had happened before. Once you repeal the Act, you can realise from the instances, I have already given, what will happen. Sir, I ask the Honourable Members—do not pursue the Chinese policy of “no see”, and “no hear”. I say, do your duty by voting against this Bill, as, I dare say, a good case has been clearly made out for the retention on the Statute-book of Part II of the Criminal Law Amendment Act of 1908. (Loud Applause.)

**Srijut N. C. Bardaloi** (Assam Valley : Non-Muhammadan) : Sir, after the long and tedious oration of my Honourable friend opposite, I hope this House will excuse me if I speak for sometime about a few facts which are within my own personal knowledge concerning the administration of this very Bill which has been the subject-matter of discussion. Sir, the Honourable the Law Member began his speech during the discussion at Delhi by saying :

“The question at issue before this Honourable House is whether this Act of 1908 should be repealed. Is there any justification for its continuance ?”

And, then, the Honourable the Law Member confined all his arguments to the cases of Bengal alone, as he said he was well-conversant with Bengal and was not so well-conversant with the instances that occurred in other provinces. Sir, although I do not belong to Bengal, I did pass a long number of years of my life in Bengal from 1893 till 1915. So, as a disinterested observer, I have been observing all the time how the soul of Bengal has been troubled, how Bengal has suffered all these years from different cruel circumstances. But, before I begin with Bengal, I will begin with my own province of Assam and shall give you some examples of the numerous acts of lawlessness of the police and the magistracy in the name of law and order.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta).]

Sir, Assam never knew anything about anarchy or terrorism before, but, after the shooting at Amritsar, when men, women and children were mercilessly murdered by a high European military officer,—after that, the soul of India got troubled and Assam could not avoid that excitement. Before that, things were different. I, myself, Sir, belong to a

family of loyalists, and was myself a loyalist, and I followed English ways of food and dress and used to feel like a Sahib ; but, after I read the accounts of those barbarous atrocities and after I read the statement of Dr. Rabindra Nath Tagore and when I read the words by which he gave up his knighthood, after that I had to give up my ways of life, my ways of food and clothing, and then I came to know that a slave is a slave, however, much you ape the ways of your rulers. (Hear, hear.) Well, Sir, Mahatma Gandhi then came to the front, and after that he said that for a subject-nation to get redress from insolent and arrogant rulers, the only way is Civil Disobedience, the only way is non-co-operation, non-violent non-co-operation. (Hear, hear.) I am still, Sir, a strong believer in non-violent non-co-operation. I am a humble follower of Mahatma Gandhi. I believe in non-violence, and nobody regrets more in this House the violence committed by our own fellow-countrymen in Bengal or elsewhere, and also the acts of violence perpetrated by the Government party, nobody regrets this more than I do. Sir, I do not eulogise or praise those men who commit violence ; I say a murderer is a murderer who ought not to be eulogized ; but the fact remains, Sir, why do these people commit all these murders ? I will first begin with my own province of Assam. In 1921, suddenly a notification appeared in the Assam Gazette that all the Congress volunteer organizations were unlawful. After the publication of that notification, the orgy of oppression began. Wholesale arrests of innocent men were made after wholesale house searches, people were sent to jail in numbers, all the leaders were sent to jail, and then what happened ? I will give you a few instances of all these acts of cruel oppression. While I was in Jorhat jail a number of volunteers—some Muhammadans and some Hindus, at a distance of about four miles from the town, were holding a common ground. The Muhammadans were saying their *Molud Sharif* and the Hindus also were saying their prayers. Suddenly, a lot of Gurkhas surrounded the house and set fire to the house, and the poor volunteers could escape only with very great difficulty from that house, and everything was burnt down ! The police officer—I can even name him, he was a Ghose—was ultimately imprisoned and lost his service for other misdeeds, but were these officers, including this man, at all punished then ? The District Magistrate, who was a European, and who was almost as fluent a speaker as my Honourable friend, Mr. Griffiths, the District Magistrate of Midnapore, was at the station while this act of arson was taking place ! Then, Sir, in Assam, many Congress offices were cut down with the help of Gurkhas and many such houses were set fire to. Were not these cases of arson ? Then, there were many other cases. Is one case at Lakhimpore, a volunteer was being married, he sat down before the sacred fire with his would-be wife on his left, and then the police officer came and said : “ I arrest you, you must come at once ! ” And, then, what happened ? The bridegroom went away leaving his photograph on the seat ! Sir, I can cite innumerable other authentic and pathetic cases like this.

Sir, was this Act of 1908 properly used ? Who misused its provisions ? Did the volunteers misuse it ? I say, no. I challenge anybody to say that any of the Assam volunteers committed any act of violence or assault on any policeman or anybody else. Then why were they treated like this ? Sir, when I came to know of all these things, I was inside the



[Srijut N. C. Bardaloi.]

Jorhat jail, and then I felt how terrorism was being generated in Bengal. Possibly, the Assamese being not as sentimental as Bengalis, there was no revolutionary manifestations there. Then, I shall give you another example. In 1921, a batch of Gurkhas, under a civilian officer, went to Boko to realise fines from the Boko men, because that was a stronghold of non-co-operation. And how, Sir, were the fines realised? Well, those who paid the fines, it was all right with them. But, alas, with those who did not, what happened to them? Some of them were put into the cold waters of the river during the night, for hours and hours together, and, in the morning, they were brought out, and their hands were tied down, and they were made to stand facing the sun, and this used to be continued unless and until they paid their fines. They were tortured like that! (*Cries of "Shame, shame"*). Sir, did this Act of 1908 authorise them to do all these acts of oppression? Then, in Sylhet, a Muhammadan sub-inspector, with a posse of Gurkhas, went round and tore a copy of the Holy Koran in the house of a Muhammadan besides doing other injuries to his house and properties. A newspaper had written that a copy of the Holy Koran had been torn in this way, and the editor of that paper was hauled up in Court; but, because there was a very honest and impartial judge at that time, he went to the place of occurrence, saw it, and then acquitted the editor, and afterwards a case was brought against the persons who committed this act, a Resolution was also passed in the Assam Legislative Council, condemning the action. And, then, Sir, there was the famous shooting case of Kanaighat. In that case, a constable was shot and it was said that a European I. C. S. officer shot him, because he disobeyed his orders, and there was also a lot of repression at that time. Later on, notice was given for the filing of a civil suit against that officer, but by that time that officer had left the country. These facts are not mine. They can be corroborated by the proceedings of the Assam Council of 1924 of which my friend, Mr. Basanta Kumar Das, was a Member. All these facts were mentioned in the Legislative Council and Mr. Bentinck, who was the Commissioner of Sarma Valley and the Deputy Commissioner of Gauhati in those days and was in the Council as Chief Secretary, did not contradict these facts. He himself said later on:

"When all these things occurred, when we arrested our respectable friends and when we sent them to jail, there was lot of searching of the heart. Now, my friends, forgive and forget and let bygones be bygones."

That was the reply. Now, I ask, was good use made of this Act of 1908? Whenever any extraordinary power is given to the executive, they always abuse it right and left. Sir, this Act of 1908 came as a bolt from the blue in Assam because there was no necessity of such an Act there. During the days of the Non-Co-Operation Movement this Act was used extensively. After that the Non-Co-Operation Movement subsided in Assam. In 1930, the movement began again and as it was an All-India movement, Assam also took her part in it. If I were to recite one or two instances of oppression of those days, I am sure the House would be shocked. The Deputy Leader of the Opposition in the Legislative Council, Babu Brojendra Narayan Chaudhuri, a great zamindar, a great patriot and a man who is held in the highest reverence, and my Honourable friend, Mr. Basanta Kumar Das another great leader, were leading a procession. What happened was that they were stopped on the street.

Gurkhas assaulted them and they were thrown into the ditches. They were caught hold of by their necks with their own *chadars* and were shoved into a motor lorry and were then taken to the jail. What was their offence? They were leading a procession. Was all that authorised by this Act of 1908? They were tried and sentenced to two years rigorous imprisonment each. Now, when they were in Sylhet jail, what happened? In this jail, there were a number of boys some of them of the best families. A warder insulted them and they came in a body to the jailor to make a complaint against him. My friends were then confined in the European ward. Suddenly an alarm signal was given and a lot of warders and police constables rushed into the jail and gave such a beating to these men that some of them got their arms broken, some had their legs injured and others had other injuries. After that good beating, they were transferred to different jails. All the men who were assaulted complained to the District Magistrate and a sort of inquiry was made and it was said that the boys were to blame. All this beating and all this breaking of bones went for nothing. I myself was imprisoned at Gauhati in 1932, and I will tell you why I was arrested. On one occasion, I hoisted the national flag and this I did inside a private compound where the Congress office was. I and my friends were at once surrounded by the Gurkhas and the police constables with their regulation *lathis* and the Deputy Superintendent of Police was there in full uniform. I asked him: "How could you come inside this private compound? Is it an offence to hoist a flag?" He said: "I have come here under section 144. I don't care what you say, but I have been ordered by the Deputy Commissioner to arrest you, and so I will arrest you." So, all of us were arrested and were taken to jail. Probably the Deputy Superintendent of Police reported to the Deputy Commissioner who wired to Shillong, and, after the close of the day, we were let off. We came home thinking that good sense had prevailed with the authorities. After seven days, I was again arrested, not on the previous charge, but because I was the head of the volunteer organisation. I was not the captain, but I was the President of the District Congress Committee. I was hauled up under section 17 of this Act, and, then, I was given three months. Of course, the magistrate was an honest man and a friend of mine, and I have got all respect for him. He wrote in his judgment that so far as Mr. Bardaloi was concerned, he was connected with many good movements and public activities, and there was nothing wrong in his speeches. As, however, I was the head of the organisation, I was sentenced to three months' rigorous imprisonment and was sent to Sylhet jail. I expected two years, but I was sent for three months. On the previous occasion, I was sent for 18 months. Now, when I went to Sylhet jail, what did I find there? I found a serious rebellious spirit inside the Sylhet jail. The boys in that jail were highly spirited boys and were well educated, but they had become very glum, because they were so much offended on account of the above beating. The Superintendent of the Jail, who was a good man by the name of Colonel Sen, could not manage them easily and he came to me and said: "Look here, what can I do? These boys do not obey my orders." So, I sent for all of them and argued with them and said: "Look here, as you have come inside the jail, you must obey the jail rules. That is the injunction of Mahatma Gandhi. I have been doing work and you can also do the same. You must obey the orders." So, I made them obey the orders and the Superintendent of the Jail came and thanked me. While I was in jail, I

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made two bamboo and cane stools which I have got still with me as memento. I asked them to emulate me. If I had not been there to pour oil on troubled waters, perhaps there would have been another case of beating. At that time I felt that, because of the way in which these boys were treated, Sylhet may see some terrorist activities hereafter, because every boy was dissatisfied, every boy was angry and every boy was punished for it. One day I saw a number of boys—about 12 of them—being ordered to put on gunny clothing for 15 days, because they had said something to the jailor. Probably, those gentlemen sitting opposite have no idea what gunny clothing means. They may say : “ You have done some wrong, and, therefore, you must put on gunny clothing.” But, even as a *tamasha*, I would ask them to put on gunny clothing in great heat like that of Sylhet and see how they like it. Now, Sir, these boys had to put on this gunny clothing for 15 days and suffered tremendously. After all, they were human beings. Do you mean to say that their hearts were not rebellious at that moment when they were suffering from itchings day and night and they could not sleep because of it ? And, mind you, they were all educated and members of respectable families. Do you mean to say that these punishments did not bring some sort of anger into their hearts ? At that time I felt that something was coming to Sylhet as it is part of Bengal and as it was suffering like this. There was no terrorist movement at that time in Sylhet.

Another fact which attracted my attention very much was that in some places in the Assam Valley the punishments were light. Even an old offender like myself was sent to three months only, but when I went to Sylhet I was simply shocked to see the condition of things there. Girls of 16 and 17 and wives of very respectable lawyers with little babies were sent to two years' rigorous imprisonment and some of them also got 2½ years' rigorous imprisonment simply because they were picketing foreign cloth shops. They were awarded two years and 2½ years' imprisonment. In one instance, I saw a pleader's wife sentenced to two years' imprisonment. She had a little baby, and, because the pleader could not maintain the little baby, the baby also was kept in the prison along with the mother. I used to see the pleader every day, after attending the Court, would come in the evening to the jail gate with a bottle of milk for the baby. Was it humane ? This was not any isolated instance of a lady going to jail. There were several other instances where ladies were sent to prison with small babies. Those ladies all belonged to respectable families and their husbands were respectable members of society. In Sylhet, there was no light punishment for anybody, everybody was sentenced to hard labour, sometimes ranging over two years period. There were a number of subdivisions in which the European officials and the policemen assaulted young boys. Can the Government show a single instance in which a European official or a policeman was assaulted by boys ? The District Magistrate of Midnapur, Mr. Griffiths, while speaking in the House, the other day, asserted with great vehemence and eloquence that civil resisters used to begin with non-violence, but ended by violence. I want to know how many heads have been broken in Bengal on account of that ? How many heads of magistrates and policemen were broken on account of violence on the part of the people ? None. All the violence was on the other side. Now, Sir, I think I have finished with the instances in Assam. Though there are innumerable cases left, I think I will now come to Bengal.

I was in Bengal from 1893 to 1915, most of the time as a student, and, afterwards, as a legal practitioner in the High Court. I observed that Bengal has always been suffering. I have always been observing from a distance, because I was not in it. I always hated terrorism. I submit that the whole trouble began from the partition days. The partition of Bengal was effected in spite of the unanimous opposition from the Bengalis of all classes. There were very few who did not oppose it. There were meetings all over the country. The public voice was silenced without being able to get its objective. What did these men do in Bengal? They first started the swadeshi movement, that is boycott of British goods. The British people are a dominant race. They have got plenty of soldiers and bayonets and cannons. In their pride of power, the British people did not hear the wailings of the poor people of this country. They did not take into account the sincere prayers of the people of this country. The people of Bengal thought there was no use of fighting the British physically. They also thought there would be class war if violence is resorted to. So, as a subject race, the only instrument in their hands for the redress of their grievances was the instrument of boycotting British goods. What did they do? They boycotted British goods by way of retaliation. They went to every shop and picketed those shops and dissuaded people from buying foreign goods. In fact the seeds of swadeshim were sown only at that time. Out of evil cometh good. Every Bengali, whether he is an official, in the police service or in any other Government service—go wherever you like into the interior of the country—has got that national sentiment within him. Buy swadeshi, that is the slogan of all.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

The Bengali has suffered the greatest of oppression and repression at the hands of this Government. The people have come to believe firmly that Swadeshim is the only panacea for all the economic ills of this country. At that time when swadeshi preaching was at its height, we know what sort of repression was going on in Bengal. The people were mercilessly beaten. People were sent to jail in numbers. What is all this due to? The chief aim of this Government is to set up one class against another. During the days of the partition of Bengal, Sir Bampfye Fuller was the Governor. He had the bad taste of saying that Muhammadans in Eastern Bengal were his favourite wives. That was a very bad taste. In that way, one class was set up against another. In those days, there were many riots and lootings. It was only from that time anarchy began in Bengal. I hope my Honourable friends, including the Honourable the Law Member, would not take me to task if I say that before that everywhere in India, especially among Englishmen, the Bengali was considered to be a cowardly man. I know of one incident which happened in the St. Xavier's College in my college days. There were 150 or so Bengali boys sitting in the college, and a European boy came and said: "I wish I could kick out all the Babus from this college". Not a single Bengali boy replied to that challenge. All the boys pocketed that insult. Now, what is the position? Even if a hundred Europeans should come and taunt a single Bengali boy with advanced ideals, he will give a proper reply. The Bengalis have got rid of that cowardly mentality. (Hear, hear.) Who has changed the mentality of the Bengalis? It is

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only the Government by their oppression and repression have stirred up the nationalism of the Bengali young men. These young men read all the literature of Europe and their imaginations were fired by such literature and they actually began to form secret societies with a view to liberate India from foreign domination. Formerly when a handful of Muhammadan hooligans attacked the Hindus, the Hindus were so cowardly as not to retaliate. Afterwards, the Hindus began to practise *lathi* play and sword play, with the result that, when the Hindus are now attacked by the surrounding Muhammadans in a village, they will be able to repel all their attack. Similar was the case with Muhammadans formerly. When the Muhammadans were attacked formerly by the Hindus, they kept quiet. Now, the Muhammadans also have practised all the *lathi* play and the sword play and now they are able to defend themselves against the attack of their neighbours. The people in Bengal have become much more manly than the older race in Bengal. Unfortunately, the Government could not divert that manliness among the Bengalis to proper channels, but by oppressions diverted that to a wrong channel. That is why anarchism broke forth. That is why secret societies sprung up and that is why the cult of murder became generated in the minds of young Bengal. We have heard of several instances of murder. Nobody denies that. I say there are murderers, there are anarchists. I deplore the incidents, I regret that these young men have taken to acts of terrorism. Being a follower of Mahatma Gandhi, I deplore the violence of these young men. They should not take the life of a single individual. Though I regret their acts of violence, I regret much more the apathy of the Government because though they see all these sorrows and miseries of the people, yet they do not take any steps to remove these sufferings and miseries. The case of Khudi Ram was mentioned. If you go into the history of the case, possibly you will find behind it some strong cause. Possibly the attempt to murder Kingsford was due to the fact that one man was publicly flogged by his order. I think there are many people in the world who think that life is not worth living after being flogged publicly. Personally I would also think so. I may not commit murder, but I may commit murder to my own self, or immolate myself in some way. There are men with such mentality, that if you do any wrong to them, if you oppress them or if you insult them publicly, they would not take that insult lying down.

**Mr. President** (The Honourable Sir Abdur Rahim) : Will the Honourable Member be able to conclude his speech today ?

**Srijut N. C. Bardaloi** : I will take some time more.

**Mr. President** (The Honourable Sir Abdur Rahim) : The House will now adjourn till tomorrow.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 18th September, 1935.