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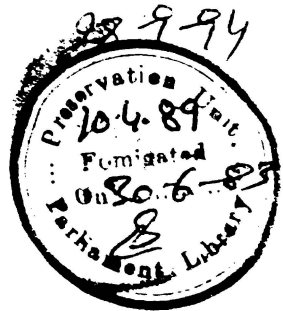
THE
LEGISLATIVE ASSEMBLY DEBATES
(Official Report)

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(2nd April to 14th April, 1934)

SEVENTH SESSION

OF THE
FOURTH LEGISLATIVE ASSEMBLY,
1934



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Legislative Assembly.

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LEGISLATIVE ASSEMBLY.

Thursday, 5th April, 1934.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

THE INDIAN STATES (PROTECTION) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty): The House will now resume consideration of the following motion moved by the Honourable Sir Harry Haig on the 4th April, 1934:

"That the Bill to protect the Administrations of States in India which are under the suzerainty of His Majesty from activities which tend to subvert, or to excite disaffection towards, or to interfere with such Administrations, as reported by the Select Committee, be taken into consideration."

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): Sir, my Honourable friend, Sir Harry Haig, asked the Members, while speaking on this Bill the second time, not to repeat what they had stated on the previous occasion. In my case I promise to observe it thoroughly, because I had not opened my mouth in the two previous discussions and this is the first time I am addressing this House on this Bill.

Sir, we are very proud of the States; their subjects are of our blood and their well-being is intimately bound up with ours. The States are coming into the Federation and are going to take an important part in the governance of this country. If the subjects of the States lag very much behind us, it will be a drag on the administration in British India, and for that reason the advancement of the States is a very desirable object. Sir, it is heard that Louis XIV of France said that he was the State. The idea was that he represented the State fully, that his subjects were created by God for his own aggrandisement, and that he was all in all in the State. This idea was tightly held in the bosom of his successors, and it ended in a revolution when Louis XVI paid the penalty for the sins of his ancestors. The idea, Sir, of some of the Indian States is on the same or analogous lines. They say that they are the State, and many of the princes, advanced in their views, deliberately made that statement at the Round Table Conference when they maintained that the representatives of the States in the Federal Legislature must be elected by them alone. But this theory of the princes themselves forming the State is not suitable to present-day ideas, and, as the standard and policy of British Indian administration will advance on democratic lines, the subjects of the Indian States too will demand their rights. The Honourable the Foreign Secretary in his address to the House on the 5th February followed a certain line of argument which I intend to follow on this occasion. He has very fairly, I think, stated before this House the case of the States, and at the same time he has taken great care not to name any State. I

[Mr. B. V. Jadhav.]

also want to follow the same line and I shall restrain myself from naming any State whatsoever when criticising some of the statements and shall also try to give no clue for anyone to find out what State I was speaking about. I agree with the Honourable the Political Secretary when he said:

“There are many many States so small and with such limited resources that it is impossible to expect them to compete with British India in the matter of an elaborate machinery”

—of Government, of course. He means to say that their revenue is so very small that their administration cannot be brought up to date on the lines of British India. Certainly that is a fact, and nobody expected that the high salaries paid to officers in India should be paid to officers doing corresponding work in the Indian States also. But in this case it is worth noting that some of the smaller States do not pay even decent salaries. I shall refer to this subject again later on. Further on, the Political Secretary stated:

“Broadly speaking, the government of an Indian State is more elastic, more intimate and more paternal than that prevailing in British India.”

This is no doubt a fact; it is more elastic certainly, because it does not bind the chiefs and the officers of the State by rules and laws. It is paternal no doubt, because the State looks upon its subjects as in a state of perpetual tutelage, and, therefore, the administration is said to be very paternal. But, sooner or later, a child is bound to grow, and the father cannot expect the same obedience from a boy of twenty or twenty-five as one can expect from a boy of five or ten. The idea also of some of the States is that the subjects should for ever remain in a state of tutelage and that they should be allowed to administer affairs in a paternal way. This is a point on which many may not agree. Further on, the Honourable Mr. Glancy told us about the advancement in the administration of Indian States, and there I agree with him. He says:

“In practically every Indian State of any importance, there is a land revenue system modelled on British Indian lines. Regular settlements have been conducted and have been carried out in very many cases by experts borrowed from British India and the rights of proprietors and tenants have been properly provided for.”

This is, on paper, a real thing. A survey settlement has been introduced in many States and an attempt is being made to bring the administration up-to-date on the lines of British India. But the laws of land acquisition and other laws are very loosely administered in the Indian States. I need not say anything further on that point. Then, Mr. Glancy said:

“It would not be difficult to point to various Indian States where the *Malguzar* enjoys a revenue assessment more lenient and more favourable than he could normally hope for in British India.”

This is a fact. I myself am not conversant much with the *Malauzari* tenure. I think the *Malguzar* in an Indian State is on a better footing than his confrere in British India. At that time I made an interjection which is in the report and an Honourable Member corrected me by saying that I did not hear what he said. That is a fact. I did not hear at all that the Honourable Mr. Glancy was speaking about *Malguzars*. It escaped me at that time, and, therefore, the interjection was quite out of

place, and I take this opportunity of withdrawing it. Further on, Mr. Glancy says:

"Similarly, it would not be difficult to instance many Indian States which can hold their own and sometimes do hold more than their own with British India in the matter of public institutions such as hospitals, colleges, schools, public roads and in such matters as free educational facilities."

Well, this is also true in certain instances, but I would give an illustration. I had an opportunity about 30 years ago to go to an Indian State and I went, with a medical friend of mine, to visit the hospital at the capital town of that State. The hospital was decently kept and the patients were well looked after. So, we expressed our satisfaction, but the Doctor in charge was not at all satisfied, and he said: "Sir, our show hospital is at such and such place which is worth seeing." I had an opportunity of visiting that show hospital also, and I must say that it was certainly a show hospital. It was kept in such an excellent state that I could not expect to have those comforts even in the royal palace of that State. Each patient had a separate room to himself. The colouring and the papering of the walls was of a very superior kind and very expensive. The curtains in that show hospital were, I think, ten times much better and more costly than the curtains that are provided in our quarters. And the bedsteads must have cost something like Rs. 100 per piece, and so on. So, sometimes the Indian States have such things as show hospitals, show palaces, show schools and show colleges which are intended more to create an impression upon an outsider. I have already told you, Sir, that the other hospital which I visited was also conducted in a very good manner. So, there is nothing to complain that the patients in the other place were neglected. But, at the same time, it ought to be noted that many things in an Indian State are provided for show purposes.

With regard to roads, in some of the Indian States the roads are very fine no doubt, but on an inquiry one may find that these roads are used for *Shikar* purposes, and that the public have not got any right to go over them. I have not visited these States, but I have heard of it from a very high English gentleman, and, on his authority, I am justified in making this statement.

As regards the finances of the States, some of the States are free from income-tax no doubt; but in these States the land revenue, at all events in ryotwari villages, is much higher than in the neighbouring British villages. At the same time, one has to note that an excessively high percentage of the total revenue is spent in defraying the private expenses of the ruler. This naturally leaves inadequate funds for the payment of the staff and we see instances of Indian States wherein District Magistrate's powers are exercised by an officer getting hardly Rs. 200 or even many a time Rs. 100 only. We have seen second class Magistrates with a princely salary of Rs. 25 or Rs. 30! Then, it goes without saying that corruption in such places is very much prevalent and that the ryots of that State have to pay a very high indirect tax. I do not mean to say that corruption is non-existent in British India or in States which pay their servants adequately. Corruption will be everywhere and it ought to be put down no doubt, but then, in the Indian States, where the servants are not adequately paid, the corruption has gone to a very high degree. Further on, the Political Secretary has said:

"The people in Indian States are by no means voiceless. As regards newspapers published, there are, according to the latest reports that I have received, 442 private periodicals appearing in Indian States."

[Mr. B. V. Jadhav.]

I need not go into the number of periodicals in each individual State, but I should like to know how many of these are free to criticise the policy of the Durbar. Generally, in an Indian State, a man from outside or from inside who wants to start a newspaper takes the first step to secure the patronage of either the Diwan or the Private Secretary and then the paper is started, and its leading articles and other matters are generally of the nature of eulogy of the administration. No free criticism is tolerated, I think, even in some of the best managed States. Some of these periodicals simply give news without any comment and in this way they are above suspicion or above being interfered with. Then, many of the periodicals are in the form of monthlies which give short stories and stories by instalments and such entertaining matter, and so they manage to survive in Indian States and generally they do not come into conflict with the authorities of the State. If anybody is bold enough to criticise, then ten to one he finds himself a guest of the State without his consent.

Now, with regard to the question of Paramountcy on which my revered friend, Raja Bahadur Krishnamachariar, waxed so very eloquent. He thinks that the Indian States, on account of their treaties and engagements, ought to be treated as equals by the Suzerain Power and that there ought not to be any interference from British officers.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): I said they are not paramount. There is no question of equality. Equal or below, I do not know.

Mr. B. V. Jadhav: If one administration is paramount to another, then I think the question of equality does not arise.

Raja Bahadur G. Krishnamachariar: That is why I say they are not paramount.

Mr. B. V. Jadhav: At all events, the Raja Bahadur wants that the British Government, as the Paramount Power, ought not to interfere with Indian States. Is that a correct position?

Raja Bahadur G. Krishnamachariar: That the British Government is a Paramount Power is a mistake in terms. The British Government is not a Paramount Power. As to whether it will interfere or not, I have said about it in another place.

Mr. B. V. Jadhav: According to the Raja Bahadur, the claim of Paramountcy on the part of the British Government is not sustainable.

Diwan Bahadur Harbilas Sarda (Ajmer-Merwara; General): Is it the Crown or the Government of India?

Mr. B. V. Jadhav: I am not going to make any distinction between the Crown of England and the Government of India at present, because they are one and the same, and I do not support this view of the Raja Bahadur. Treaties were entered into some one hundred years ago or even earlier. The conditions in those times were very different and the conditions have materially changed and the change was proclaimed to the world by the assumption of the title "Empress of India" by Queen Victoria of blessed

memory so late as 1877. At that time, it was unequivocally declared that the British Crown was the Paramount Power in this land of India, and if any of the States thought that their position was prejudiced by this Declaration it was for them to have raised a protest at that time.

Raja Bahadur G. Krishnamachariar: *Zabardust.*

Mr. B. V. Jadhav: I agree with my Honourable friend that the position of the Paramount Power was *sabardust* and Paramouncy is another term for *sabardasti*. The Paramount Power is one which is stronger.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): Has the Honourable Member read the report of the Butler Committee in which this excellent phrase and truth appeared, "Paramouncy must be Paramount"?

Mr. B. V. Jadhav: The Indian word for Paramouncy or Paramount is *sabardust*.

Raja Bahadur G. Krishnamachariar: What I said was that the assertion of the right of Paramouncy by the British Government is *sabardust*. That is what I say. That they were not entitled to do so is a matter of law, and, if still they declared to do so, I say it is *sabardust*.

Mr. B. V. Jadhav: When *sabardust* is reduced to writing and passed by some constituted authority, then it becomes law.

Raja Bahadur G. Krishnamachariar: It still becomes *sabardust* and not law.

Mr. B. V. Jadhav: Whatever that may be, it is not a profitable discussion. Paramouncy there is and Paramouncy there ought to be, and the Indian States, big or small, are protected by the British power from external aggression and internal disturbance. The British Government in granting this protection have deprived the subjects of the States of their inherent power of rising against their ruler and punishing him. If he mismanaged, if he tyrannised in olden times the subjects had the right to rise in revolt against him and to bring him to his senses. Now, that power is taken away from the subjects of the Indian States and for this reason the State subjects ought to be compensated in some other way. Sir William Lee-Warner, in his book "Protected Princes of India", has dealt with this question, and he has said that it is the duty of the British Government to see that the administration of an Indian State is carried on on very good lines, and if the State or the Durbar is not doing it properly, then the British power must intervene. My Honourable friend, the Political Secretary, has also accepted this responsibility when he said:

"I hope I am betraying no secret when I say that ordinarily where intervention becomes necessary it takes the form in the first instance of advice and persuasion. If that advice is heeded, the public, unless somebody is indiscreet, hears nothing further of what has occurred. It is only when the advice passes unnoticed that recourse is had to more extreme measures."

I say, Sir, that it takes a very long long time for the Government of India to come to a decision that advice should be tendered to a State for maladministration. Till that time, thousands and thousands of people have to suffer under his tyranny. When that advice comes, it is left

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to him to bring it into action or not. Generally he makes some excuses and asks for more time and makes some changes in his officers and in that way he tries to induce the Foreign Office to think that matters will take a turn for the better. But, generally, the administration goes on as it was before and many a time matters have come to a crisis.

The policy of non-intervention, which has been adopted by the British Government lately, has to a very great extent added to the miseries of the States subjects. There are good States and bad States. Some of the good States are carrying on their administration admirably well and I do not think any newspaper, either inside or outside those States, has any reason to condemn their administration, and what is called blackmailing is generally not practised against these States. But when an administration is not good and the prince and his favourites are charged with undesirable acts, then the question of an exposure in the Indian press comes up and some of the princes are in the habit of justifying their own position by saying that their traducers are trying to blackmail them. I am not going into the merits of this assertion, Sir, but the fact is that there is a great deal of maladministration in these States, and I think the policy of non-intervention must be modified to a great extent in the interest of the subjects of the States. The rulers of Indian States are guaranteed in their position and in their status, but not necessarily guaranteed in their privilege of tyranny and despotism. I think, according to the spirit of the times, such autocratic action ought to be tempered or modified in the spirit of modern methods. The princes generally do not need the protection that is being offered by this Bill. Yesterday we were told that there was no demand from the Princes Chamber nor from the Executive Committee of that Chamber, nor are we told that any States directly asked for such protection; and, therefore, I think that this Bill is not wanted in the present form. The British Government have undertaken the protection of the States from outside aggression, and, therefore, the action of the British Government in preventing *jathas* marching into the State is justifiable and the whole of this House will support Government in their attempt to stop these *jathas*. As was told here yesterday, the British Isles have always afforded an asylum to people who were tyrannised by the rulers of other countries, and in this way England has helped to secure good government in other countries. Inasmuch as the Government of British India have undertaken to protect the States from outside aggression, it becomes their duty to see that the subjects of Indian States are very justly treated by their rulers. One of the causes of maladministration, as I said just now, was the inadequate salary paid to the officers, because the major portion of the revenue at all events of the smaller States was spent in the luxuries and other useless expenses at the palace. It is, therefore, the duty of the British Government now to see that each prince should have a Civil List, some fixed proportion of the total revenues of the State, and to see that the prince does not exceed it. At the same time, Sir, some arrangement ought to be provided by which at least the Political Secretary should hear the complaints of the subjects of the States and try his best to persuade the rulers to mend their manners. Sir, I have just said that the provision for the prevention of *jathas* is a necessary provision, and I support it; but, as far as the other provisions of the Bill are concerned, I do not think there is any necessity for them, and it will be much better for Government to withdraw those provisions.

Mr. K. O. Neogy (Dacca Division: Non-Muhammedan Rural): Sir, the Honourable the Home Member has very justly drawn the attention of the House to the fact that the Members, representing the Opposition, who have appended a minute of dissent to this report of the Select Committee, themselves stand committed to some of the most important principles of this Bill. I very much hope that in view of that there would be no misapprehension in the mind of any one either in this House or outside that the Opposition here is animated by any kind of animosity towards the Indian States. It will, I hope, be recognised that the Opposition is perfectly ready and willing to afford a reasonable measure of protection that may be justified on the facts and circumstances of the case. But, Sir, I maintain that we, the dissenting members of the Select Committee, went as far as we could possibly go to meet the wishes of Government in this matter. Personally, Sir, I do not like all the provisions even of those clauses to which we stand committed. I should have liked some further improvements in the language of those clauses, but generally speaking I am here prepared to stand by the report of the Select Committee as modified by our own minute. I will attempt to explain hereafter our attitude with regard to the two clauses about which there was difference of opinion in the Select Committee. But, I want to turn just for a few minutes to the constitutional conundrum which has been presented before this House by the Raja Bahadur and which has been dwelt upon by my Honourable friend, Mr. Jadhav, this morning.

A proper definition of the constitutional position of the Indian States has ever been the despair of constitutional *pundits* of the world and I do not think it is possible for us, in the course of a debate on this Bill, to try to straighten out what is after all a very knotty issue. But, I should like, with very great deference to my Honourable friend, the Raja Bahadur, to examine a few propositions that he put forward in this connection. My Honourable friend disputed the fact that the British Government stand in the relation of a Paramount Power with reference to the Indian States. He says that assertion of such a superior status constitutes an act of *zubardusti*. Surely my Honourable friend knows it better than any one of us here that the history of all the States in India does not justify that assertion. I am perfectly ready and willing to concede that there are a few States—quite a handful of them in all—whose treaties might afford some kind of a justification to my Honourable friend for putting forward that plea; but if we take the bulk of the Indian States, the bulk even of that class of Indian States which describe themselves as treaty States, we find that in the treaties themselves the relationship is described as one of subordinate co-operation on the part of the rulers. There are expressions like “loyalty” and “allegiance” even to be found in some of these treaties. There are definite undertakings given in some of these treaties and engagements by the rulers to look after the welfare of their people and it is to be presumed that on that undertaking the British Government extended their protection to that class of States. Surely it does not lie in the mouth of any one to say in the face of these written undertakings given by the rulers themselves that the British Government do not stand in the position of Paramountcy or Suzerainty over the Indian States

Raja Bahadur G. Krishnamachariar: Over those who gave in writing that they are subordinates!

Mr. K. C. Neogy: My Honourable friend knows it far better than I do, but, if I had the time, I would analyse the treaties of those States which I have in mind. Besides, there are quite a good number of States which have absolutely no written treaties or engagements of any kind, and they have to depend upon what is called political practice, usage and all that kind of thing for a definition of their status and their constitutional rights. If my Honourable friend is to be taken seriously about his contention on this point, and if his remarks are to be taken to be relevant to this present measure, then he wants to draw a line of demarcation between one small section of States—shall we call it the sovereign States?—and the rest of the Indian States; and if we are to take him to intend that, I should like to know from him whether he is prepared to confine the benefits of this measure to the first class of States, the States which, according to him, are sovereign States, and deny the benefit of this measure to the rest.

A point was raised by my Honourable friend, Sardar Sant Singh, as to whether we can justly call the Indian States administrations as being established by law, and, like Jesting Pilate, my Honourable friend, the Law Member, said "What is law?"

The Honourable Sir Brojendra Mitter (Law Member): I said "what law?"

Mr. K. C. Neogy: It comes very much to the same thing. (Laughter.)

What law, my Honourable friend inquired. I should like my Honourable friend himself to give an answer to that question. What law is ultimately the basis of any Constitution in any part of the world, either democratic or autocratic? If we analyse the position, is it not the will of the people that is the ultimate foundation of all constitutional law?

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Is that the foundation of an autocratic State?

Mr. K. C. Neogy: I will come to that.

Now, we are dealing with the Indian States. I am not prepared to say offhand as to whether they are all autocratic in their Constitutions. I know there are honourable exceptions.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Have they any Constitution?

Mr. K. C. Neogy: Some of them have a Constitution, though their number is very small—they are mostly confined to South India—and I should be proud to be a citizen of any of those South Indian States. My Honourable friend, the Raja Bahadur, stated that these States were never conquered by any power. Again, if I may request him respectfully to study the history of the Indian States, he will find that, with the exception of a very few, whose history goes back to hoary antiquity, a very considerable number of the Indian States today are of a comparatively recent origin. Most of them came into existence as separate administrative units, possessing sovereign powers to a degree, on the decline of the Mughal power at Delhi. Powerful officers, successful troopers in

the army, and, as my Honourable friend reminds me, freebooters, taking advantage of the weakness of the Imperial authority, carved out territorial domains for themselves depending for the most part upon the support of the people of the locality. Constitutional writers recognise that whereas a *de jure* monarch has every right to demand the obedience of his subjects, if that monarch becomes tyrannous, the subjects enjoy the right, which has been described as a sacred right, of insurrection and of putting down the ruler. When the British Crown came in as the protector, shall I call it, with apologies to my friend, the Raja Bahadur, of these Indian States, they undertook to protect the States against all external aggression and against internal commotion on the part of their subjects. Therefore, it is the British Crown that has practically stood in the way of the subjects exercising that right. Now, Sir, before and after the Indian Mutiny, there were British constitutional writers, British administrative authorities like Governors General and Secretaries of State, and British public men who have on different occasions stated that just as the Crown guarantees the continuance of the rule of a particular house over a particular State territory, it also owes a corresponding obligation to the State people to see that they get a proper kind of administration and they are not subjected to tyranny or oppression of any kind

Raja Bahadur G. Krishnamachariar: That, I say, is absolutely incorrect except in regard to States which have no treaties.

Mr. K. C. Neogy: My friend does not want me to go over the ground again on this point: I have already mentioned what I think about it.

Now, Sir, the Paramount Power,—I hope my friend will permit me the use of this expression,—the Paramount Power in return for the protection that it gives to the ruler of any State is entitled to demand of the ruler of that particular State good government for the benefit of his subjects. This obligation, I must say, has been recognised more than once by Governors General and other persons in authority in the past. Now, what is the position today? The Paramount Power finds that it cannot discharge that obligation to the ruler of the Indian State, the obligation to maintain him on the *Gaddi* without the assistance of this Legislature. That is the occasion of this Bill; that is to say, although the British arms are powerful enough to maintain the ruler on his *Gaddi* as against internal commotion and as against external aggression by foreign powers, it is possible for movements of a subversive character to be directed from inside the British Indian borders, and in order to enable the Paramount Power to duly discharge its obligation in the matter of securing the integrity of the States, the Paramount Power comes up before us, through its mouthpiece, the Government of India, and asks us to furnish sufficient weapons to it for the purpose of enabling it to duly discharge its obligations in that behalf. Now, Sir, are we not entitled, therefore, to enquire of the Paramount Power as to how far it has discharged its corresponding obligation to the people? If you expect us to arm you with additional powers, which only this Legislature can give you, so as to enable you to discharge your solemn obligations arising out of treaties and engagements, are we not entitled to say that we must be satisfied on that point before we agree further to strengthen your position? Are we not entitled to inquire as to how far you have discharged your equally solemn obligation to the States people?

[Mr. K. O. Neogy.]

Now, Sir, there are Honourable Members here who consider Paramountcy to be an unmixed evil, but they forget that but for the existence of the Paramount Power most of the Indian States perhaps would not have maintained their separate existence on the map of India today. Therefore, Paramountcy is not an unmixed evil. While, therefore, I am prepared to strengthen that Paramount Power in the interest of peace in the country, I am not prepared to lend my support to any measure of this kind if I consider that the rights and privileges of the States people have not been duly safeguarded by that Paramount Power.

Now, Sir, I am reminded of the fact that my Honourable friend, the Home Member, has claimed it that we owe it to the future Federation to pass a measure of this kind, so that one unit of the Federation may not countenance subversive activities as against other units. I very much hope my friend has taken the warning from the fate that seems to be impending on Lord Brabourne, and he will in his future speeches refrain from making any reference to what the future Constitution may lay down, I am not disposed to examine this measure from the point of view of that consideration which my friend put forward. On a previous occasion I stated that if such a measure was considered to be connected with Federation, why not wait and let that Federal Legislature enact such a measure as soon as it was created? Now, if this is to be considered as a condition precedent to Federation, if it is considered to be a part of the price that we have to pay for Federation,—why Sir, I don't remember to have seen or heard anywhere of any claim that the princes put forward for such a measure and it cannot be said that the princes are not good bargainers. There are so many matters yet pending settlement upon which, I understand, the assent of the princes to Federation depends. We have yet to see and hear that the princes attach an equal importance to this measure in connection with the question of their entering the Federation. My friend, the Raja Bahadur, supported it on the ground of reciprocity. He said just as the Indian princes give protection to the British Indian administration in all these various ways, we, as a measure of reciprocity, owe it to them to enact similar measures for their benefit, and he quoted what, with due deference to him, I may call a very inappropriate illustration of this point when he referred to an amendment, which was undertaken on his advice by the Nizam, of the Hyderabad Penal Code under which sedition committed against the British Crown would be equally punishable with sedition committed against the Nizam himself. Now, Sir, I know my friend's opinion with regard to the constitutional position and status of His Exalted Highness, but we also know it that the Indian States subjects themselves owe a kind of allegiance to the British Crown. If I were to refer to a historic document, the Manipur Resolution of 1891, Honourable Members will find that the basic principle of that constitutional document was that the subjects of the ruler of Manipur owed a direct allegiance to the British Crown and that they could be proceeded against on a charge of treason, although the ruler himself rose against the British power and the subjects merely obeyed their own ruler.

Now, Sir, a question was raised yesterday with regard to the substitution of the phrase "States under the suzerainty of the British Crown" for the earlier phraseology of "States in alliance with the British Crown", and in that connection it was pointed out that in the

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General Clauses Act of 1895 this substitution took place for the first time so far as British Indian legislation was concerned. I trace this to the policy of the Government of India which was for the first time laid down in the Manipur Resolution of 1891 which put altogether a new construction upon the constitutional position of the Indian States *vis-a-vis* the Crown. If we examine a particular clause—I am sorry I have not got it with me here—in the White Paper, we will find that in the oath of allegiance, which has been prescribed for the States Members of the future Federal Legislature, this allegiance to the British Crown finds a mention, and that form of oath of allegiance was specially prescribed, as far as I know, with the concurrence of the States representatives themselves. It is too late in the day now to claim that it is merely as an act of reciprocity . . .

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Who claims all this?

Mr. K. O. Neogy: The Raja Bahadur,—when he said the Nizam had to amend his Penal Code for the benefit of the British Crown, and we owe it to the Indian States to pass reciprocal measures of this kind. I won't ask my Honourable friend to go very far for the purpose of examining the accuracy of his proposition, for, if my Honourable friend were to turn to clause 2 of the Bill as amended by the Select Committee, he would find that, whereas in the original Bill the intention was to put the States administrations on a footing of equality with Provincial Governments by an amendment of section 124-A of the Indian Penal Code, the Select Committee deliberately created a new offence, a far lesser offence, because they were convinced that sedition committed, if I can use that expression at all with reference to British Indian subjects—sedition committed by British Indian subjects with reference to Indian States cannot be treated on the same footing as sedition committed by them as against their own sovereign, the British Crown. This has been deliberately made a far lesser offence punishable with a far lesser term of imprisonment . . .

Raja Bahadur G. Krishnamachariar: To whose credit does it stand? Yourself?

Mr. K. O. Neogy: My modesty would not prevent me from acknowledging that tribute, because that was the point which I mentioned when the Bill was discussed in Simla, and I must thank Honourable Members of Government for readily acceding to that point in the Select Committee. I do not think I am justified in taking up much further time of the House in carrying on this general discussion.

May I now turn to the two clauses with reference to which particularly we dissented from the majority of the Select Committee? Clause 3—the Indian Press Emergency Powers provision. I do not want to repeat what has been so ably put forward by my Honourable friend, Sir Abdur Rahim, on this particular point, but I would like to point out that it is not the case, as far as I have been able to understand the Government case—it is not the case of the Government that the evil which they complain of is of a temporary and emergent character. Blackmailing has existed for a very long time, and blackmailing perhaps will exist so long as there are people ready and willing to pay blackmail. Whereas the evil complained of is not of a temporary and emergent character so far as the

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Indian States are concerned, what are we doing here? We are seeking to amend an admittedly temporary provision of the law for the purpose of providing against what is claimed to be a permanent evil. What is the implication of our action? When we enquired in the Select Committee as to what the intention of the Government was in this matter, as to what would happen when this temporary legislation would expire, because, as the temporary legislation expires, the amendment which we are seeking to make to it also will automatically cease to have any effect—all that we could get,—and here I speak, subject to your ruling, because we are not expected to divulge what happened in the Select Committee,—all that we could get was a very significant smile from the Honourable the Home Member in reply to that question.

An Honourable Member: All Smiles Movement!

Mr. K. C. Neogy: I want to utter a word of warning in this connection. Here we are, deliberately and with our eyes open, trying to provide against an evil of permanent character by seeking to amend a measure which is temporary in its duration so far as British India is concerned. If we accept this provision, as soon as the life of this measure expires, we would be, I am sure, asked by the Honourable the Home Member to renew the life of that measure, if not in the interests of British India, at least in the interests of the Indian States. So, let no one be under any misapprehension that we are merely providing for a measure which will be very temporary in its duration. Referring to blackmail, I must complain that neither in this House nor in the Select Committee did the Government of India think it fit to place before us a typical collection of newspaper writings which are expected to be prohibited by a provision of this character. But certain extracts were read out by my Honourable friend, Mr. Dumasia, on the last occasion from a collection of translations of a few typical writings in the vernacular press, which, I understand, was circulated at the instance of some of the princes among some of our friends here. It was placed at my disposal by my Honourable friend, Mr. Thampan, who had a copy of it. When I examined those extracts, I found that, with the exception of one or two, none would be covered by this provision. Some of the attacks were of an extremely personal character, of a very undesirable character, grossly scurrilous and most objectionable, and they were directed against female relations of rulers. But, in so far as they were of a personal character and in so far as they were not directed against the ruler himself, there could absolutely be no chance of the offenders being dealt with under this particular provision. I do not know whether it would be held by any Court of law that a malicious attack of that character against a ruler himself would bring the writer within the mischief of this provision, because conceivably the ruler might be taken to represent the administration or at least to be identified with it so very closely that action of that character might be taken, but what about the near members of his family? You cannot stop blackmail. If you pass legislation of this character, they will simply divert their attention to members of the family. It serves equally their purpose for the purpose of levying blackmail. So my Honourable friend, the Political Secretary, should be under no delusion that, by simply passing this measure and by taking action under this measure, he would be in a position to stop blackmail for all time.

Now, Sir, with regard to those writings which seek to rouse popular indignation against the rulers of States and their administrations

Mr. C. S. Ranga Iyer: Will the Honourable Member support this Bill when its scope is extended so as to protect the person of the rulers of the Indian States?

Mr. K. C. Neogy: I am in no mood to support or extend the provision as it stands. I am not at all prepared to make the administrations of Indian States immune from any kind of criticism. If my Honourable friend joins with me in seeking to delete this provision, I will certainly consider very seriously and sympathetically the suggestion of my Honourable friend as to whether we should not give some protection to the person of the ruler.

Mr. N. M. Dumasia (Bombay City: Non-Muhammadan Urban): In the Select Committee, you were against it.

Mr. K. C. Neogy: Of course I was, and I am still against this particular provision.

Mr. N. M. Dumasia: You were against the protection of the person also. There was an amendment moved by Mr. Anklesaria and you voted against it.

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order.

Mr. K. C. Neogy: Mr. Anklesaria's amendment was out of order. As the very title of the Bill shows, it seeks to protect the administration.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Is it open to Honourable Members to point out the attitude taken by a particular member in the Select Committee?

Mr. President (The Honourable Sir Shanmukham Chetty): The point has been made perfectly clear by a ruling. Mr. Dumasia was not in order in referring to Mr. Anklesaria's amendment.

Mr. K. C. Neogy: As I have stated, this Bill has nothing to do with the person of the ruler or the person of his near relations. As the Bill itself indicates, it is intended to protect the administrations of States, and any such amendment would be absolutely out of order on such a Bill.

Mr. N. N. Anklesaria (Bombay Northern Division: Non-Muhammadan Rural): On a point of personal explanation. What I said was that in an Indian State the administration coincides with the person of the ruler. That was what I said in the Select Committee.

Mr. K. C. Neogy: That will have to be tested by a proper Court of law, and I am prepared to concede that a Court of law might conceivably take that view so far as the ruler himself is concerned.

Mr. C. S. Ranga Iyer: Has not the Honourable Member tested whether this Court of law, of which the President is the judge, would disallow any amendment of the Bill by extending it in order to apply it to the person of the ruler?

Mr. K. C. Neogy: My Honourable friend has not understood me at all. I am not in favour of this clause as it stands. I am not in any event going to support it. All I said was that if a proper measure were brought forward to protect the person of the prince and his near relations from malicious attacks of this character and to make it a penal offence, I may be prepared to support such a measure if my Honourable friend would support me in seeking to delete this particular clause.

Mr. C. S. Ranga Iyer: It was open to the Honourable Member to move an amendment substituting for the word "Administration" the rulers and their relations.

Mr. K. C. Neogy: The rulers and their relations would not be quite relevant to the other clauses of the Bill.

Mr. C. S. Ranga Iyer: The relevancy could be tested by moving his amendment. The ruling is not generally accepted in this House. There is another authority to give the ruling. z

Mr. K. C. Neogy: I quite know that, but we have to act upon the rulings that have been given by the Presidents in the past, and if my Honourable friend were only to refresh his memory on this point from the previous rulings, he would see the absurdity of the remarks that he has been making.

Sir, apart from the personal attacks indulged in the press, I was referring to the other class of unfair criticism, criticism which is likely to rouse popular indignation particularly among the State subjects. I should like my Honourable friend, the Political Secretary, to tell this House as to whether it is not a fact that papers which publish criticism of that character are not permitted to enter the Indian States. If that be the fact, how can the writings of such papers on such lines ever have any effect upon the States peoples themselves? I now come to clause 5 which is very much cast on the lines of section 144 of the Criminal Procedure Code, as has been pointed out by my Honourable friend, Sir Abdur Rahim. Section 144 prescribes a judicial procedure for the purpose of enabling district authorities to prevent mischief of a serious character being done on emergent occasions. As has been pointed out by Sir Abdur Rahim, the scope of section 144 has been considerably extended in this particular clause. I should like to point out one further fact in this connection, and that is this. If it is to be a judicial proceeding, if the action which we contemplate the Magistrate to take is to be taken on proper tested evidence, as is required under various rulings given under section 144, what will be the result? A British Indian Magistrate, sitting in a British Indian district, will have the authority to call upon the States Governments to furnish satisfactory evidence on which alone he could proceed. Evidence would have to be given with regard to the state of affairs in an Indian State about which the British Indian Magistrate would have absolutely no personal knowledge and without the knowledge of which he would not be in a position to discharge his judicial functions. My Honourable friend, the Political Secretary, would do well to examine this particular point and to satisfy himself as to whether, by making a provision of this character, if the Magistrate is intended to act judicially, the jurisdiction of the British Indian Courts would not virtually be extended into the

Indian State territories. I am very much in agreement with the apprehension expressed by the District Magistrate of the Nilgiris on this point. He virtually says that although in the analogous section, section 144 of the Criminal Procedure Code, from which we have borrowed this language, the Magistrate is expected to act judicially in such a case when action is taken for the benefit of an Indian State, the Magistrate will, as a matter of fact, have to take action on the testimony of Government, and the judicial procedure would be reduced to a mockery. There is another District Magistrate, the District Magistrate of South Canara, who says that the District Magistrate should know very much more than he does at present about what is going on in Indian States if he is to properly discharge his duties under this particular clause. My Honourable friend would perhaps say that the dangers which have been described by some Honourable Members, and which might arise from this particular clause, would not arise, because the operation of this particular clause depends upon a special notification to be issued by the Government as laid down in sub-clause (3) of clause 1. What may happen in practice is this that when an Indian State is in a disturbed condition, the neighbouring Provincial Government will issue a notification bringing this particular clause into operation in the neighbouring districts, and if we can accept the authority of the District Magistrate of the Nilgiris—after all, it is these officers who will have to administer this law, he will take that very fact of the Government having promulgated by notification this particular clause to be sufficient justification for him to proceed against all and sundry against whom complaints may be made. Now, Sir, that is one reason why we think that we cannot possibly agree to this particular clause. As I have already stated, so far as the other provisions of the Bill are concerned, so far as creating a new offence of a criminal conspiracy against the Indian States is concerned, so far as preventive action against the assembling of *jathas* is concerned, we on this side of the House are at one with the Government that those provisions are required in the present circumstances and, so far as I and many of my friends on this side are concerned, we will certainly support those particular provisions of this Bill; but so far as the two other provisions, which I have already mentioned, are concerned, we are afraid there can be no compromise. (Loud Applause.)

Mr. C. S. Ranga Iyer: Sir, Mr. K. C. Neogy, the Leader of the Democratic Party, said that I was rather absurd when I suggested that, if he was really honest—and by honest I mean straightforward—in his suggestion—I do not attribute any dishonesty—if he were honest and straightforward in his concern for the princes, as he *pretended* to be—and I use the word “pretended” deliberately—he would have moved an amendment to extend the scope of this Bill either by substituting “the princes and relations” for the word “administration” or by adding “princes and relations” to “administration”. I maintain, Sir, that the Leader of the Democratic Party was pretending, shedding, like the wily crocodile, tears for the princes while he had hatred in his heart. He pretended that he would much rather go to a South Indian State and be its citizen than be a subject of the ruler of a State in North India,—and then he comes and says, “I would rather have the person of those rulers protected than their administration”! Again, he pretended that he wanted democracy in the Indian States, he wanted responsible government in the Indian States, he wanted the administration to change, he wanted to clip the

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wings of the rulers, he wanted to make them as constitutional as their liege and lord, the ruler of "a crowned republic" as H. G. Wells described Great Britain, but in the same breath he says, "I would rather protect the princes, how treacherous is the Honourable the Political Secretary for having let down these princes!" There is Mr. Neogy whose heart burns for them, bleeds for them, and here is installed a betrayer of the rights and requirements of the princes on the Treasury Benches! The time has come for Mr. Neogy to change places, but my fear is whether the Political Secretary will agree to occupy those Benches, at any rate take the place of one, the Leader of a Party, who stands upon the floor of this House and denounces, as no one has denounced in this House, and saying that he would much rather be a citizen in a South Indian State—so barbarous is the rule, he would never agree to come and be a citizen of one of those States, and so free from hypocrisy is his demand that he would rather have their person protected!

Sir, if Mr. Neogy had been really earnest and serious about it, instead of indulging in a commonplace and frivolous remark, he would not have indulged in those absurdities and insincerities and hypocrisies so unworthy of a leader of the Opposition. He said the Opposition is not animated by animosity. I say, Sir, Mr. Neogy was animated by rank hypocrisy, and insincerity, for surely he said: "If you will support me in this particular matter, if you will agree to support the princes instead of the administration, I at any rate will support this Bill". Surely not! I will not agree to support the person of the princes until the personal rule in the Indian State changes, until the princes are thrown down from their present position of autocracy, until they are made responsible to the people of their States, until then, no, never, will I agree to protect the person of the princes. (Hear, hear.) I would much rather protect the administration of the States. Take, for instance, the administration of Kashmir, where the people are coming more and more into their rights—the rights and liberties and responsibilities which are certainly the cherished possessions of the subjects of an Indian State. Take, again, Kapurthala and see how reforms are being introduced in that State. Well, when reforms come into those States, as they have come into Travancore, Baroda and Mysore, —I am not satisfied with those reforms. I want responsible government, the same autonomy that comes into the Provinces must come into the States also,—and then I shall extend to the rulers of the States the rights that the ruler of a self-governing country will be entitled to. At present I can only think of the administration of an Indian State. I cannot think of the ruler of an Indian State: and there are occasions and there are times when the rulers are different from the administration. And here comes Mr. Neogys' own justification for the existence of the Paramount Power. He put his sword into Raja Bahadur Krishnamachariar. Sir, the Raja Bahadur has dealt with able veterans. Time was when he measured swords with Mr. Eardley Norton, his friend and colleague, in many cases and also opponent in some cases.

Sir Cowasji Jehangir: Poor Mr. Norton!

Mr. C. S. Ranga Iyer: "Poor Mr. Norton", as truly the Deputy Leader of the Independent Party, exclaimed, "poor Mr. Norton" sometimes had to bow to the superior wisdom of the Raja Bahadur, and oftentimes the Raja Bahadur sat at Mr. Eardley Norton's feet, but, in this

particular discussion, I am more in agreement with Mr. Neogy about the Paramountcy of the Paramount Power than with the Raja Bahadur. I say the Paramount Power has got to exist, because the ruler of an Indian State is a tyrant and a despot constitutionally, and until the Constitution changes in the Indian State, until he ceases to be a tyrant and a despot, no responsible House like the present Legislature would agree to give him support; and separating, so far as the debate is concerned, the argument from the hypocrisy thereof, the critical part of it from the hypocritical part of it, Paramountcy is necessary and will have to exercise its vigilance more vigilantly than it has done in the past or as vigilantly as it has done, until the units of the coming Federation attain the same autonomous position as the units in British India. The trouble with Mr. Neogy is:

The world feels the present spell,
But Neogy feels the past as well.

(Laughter.)

He went to the Manipur dispute or trouble, I believe, he said, of 1891. He was then wallowing in the mud of the last century, and when he came nearer to the present, he would not look far ahead or for that matter even two or three years ahead at the Federation. He would not have even read "the Objects and Reasons" of this Bill when it was introduced in this House where Federation appeared. And if he had done so, he would have played the part of a friend of the Indian States and made it possible for the development of one united India. Sir, Mr. de Valera has yet to face the problem in Ireland of a united Ireland. Ulster refuses to come into the fold merging with southern Ireland into a larger Free State and the biggest problem that confronts Ireland today, including the Irish Nationalists and the Irish Extremists, the Republicans as well as the followers of Cosgrave, is the development of one united Ireland. Are we to profit by the folly of Ireland or are we to repeat in this country the follies of Ireland and never promote the development of one united India? If the British bureaucracy were inclined to prove to be as vicious as often times we have described it to be—and in this particular instance as the late lamented Maulana Muhammad Ali dreaded in some of his brilliant articles in the *Comrade* and as some of the old leaders dreaded and spoke from the Congress platform—if that was their intention, they would have fulfilled their intention by not bringing the Indian States into the Federation, by not allowing British India and the Indian States to mix together, by putting them up into water-tight compartments, so that there would be one big belt of Ulster beginning from Cape Camorin and ending with the Himalayas or the Hindu Kush mountains. Then "British India Federation", as the reactionary politicians in and outside this House are fond of saying, would have developed and the Indian State despotism would also have developed in its own mediaeval way following the discredited methods of a forgotten past. And then autocracies would have developed side by side with democracy with the result that India could never have been united. "One land, one heart, one flag" would have remained a dream, a phantom of the wilderness. On the contrary, the British Government and the Government here have co-operated with patriotic princes and British Indian politicians in developing a Federation, and the Federation is in sight. The princes may have a past which is not creditable, but we are not concerned with the past, we are concerned with the present. We are more concerned with the future and we must make the future pleasant, the future great, the future mighty for the sake of

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nationalism, for the sake of all that is splendid and glorious in India's history. Therefore, we are asked whether we are prepared to make this the occasion to show a gesture of neighbourliness to the Indian States. The "democratic" Leader has unfortunately failed to rise equal to the occasion, although he is willing to help them. He says "my heart bleeds for the princes if not the administration". He might as well say, "My heart bleeds for Tweedledum, but not for Tweedledee". And then he talked about the press. He said, "Beware, it is not going to be a temporary measure; it is going to be a permanent one". I hope it will be a permanent one.

Mr. N. M. Joshi (Nominated Non-Official): Why?

Mr. C. S. Ranga Iyer: Mr. Joshi says, "Why". If he would allow me to complete my sentence, I hope it will be a permanent one, if this Government's successor would like to make it permanent and if that Government will be a federally responsible Government, for a responsible Government has the right of forging fetters if fetters are necessary. (Hear, hear.) Is there not a responsible Government in Italy today? Talk not of the liberty of the press in Italy, much less of licence. Is there any liberty of the press in Russia today? Has not democracy forged ahead? Democracy has set up a dictator, a dictator whose policy is rooted in the approval of the people. Democracy does not mean freedom from responsibility. Democracy does not mean giving a charter to everyone in the street, every newsboy or newspaper, every fool who can scrawl a few lines in a newspaper and call it an article. It is not democracy to give every fool the right to hurl his libellous attacks on the backs of whomsoever he likes. This is license, not liberty. My friend, Sir Cowasji Jehangir, I am certain, when he stands up, will support my point of view, because he has an administrative record like his great leader, the Leader of the Opposition, who talked with greater caution than the Leader of the Democratic Party. Sir Abdur Rahim did not stand up and offer himself like the "fatted calf" to the Secretary of the Political Department and say: "My dear fellow, why don't you have protection extended to the princes"—for the Leader of the Opposition is a democrat though he does not wear democracy on his sleeves. (Laughter.) That is the trouble. And if he were the Prime Minister of Bengal or the Prime Minister of the Federation of the future, probably he would have warmed into the subject with less caution than the Honourable the Home Member, for then he would have felt the pulse of Indian States and the pride of British Indian responsibility behind him. He would have had the glory and the patriotism of patriotic authorities behind him, and then, with the voice of a responsible and a democratic leader, he would have come forward with a legislation of this kind if it were necessary. I say this restraint is absolutely necessary for the Indian newspaper, and I shall tell you why. I speak with great caution when I say that it is absolutely necessary and I speak with great restraint when I say that I speak from the experience of smaller newspapers like the *Young Utkal* of Orissa and the bigger papers like the *Independent* of Allahabad. Both the *Young Utkal* of Orissa and a big paper like the *Independent* of Allahabad were not concerned with the Indian States, and they were model newspapers. That is what I was coming to.

Mr. N. M. Joshi: Oh!

Mr. C. S. Ranga Iyer: Mr. Joshi says "Oh". If Mr. Joshi were to walk up to the Library where we have today a good number of respectable and not necessarily responsible newspapers, and if Mr. Joshi were to look into the file for the last three months and make a study—there is time enough, because we may have this debate for another day, not this particular debate, which I hope will be finished today, but on the amendments.—if he were to go to the Library, because there is a non-official day in between, then in six hours he can make up his mind if he were to search the file of the newspapers and if he were to point out to me how many newspapers are enthusiastic about the disgraceful administration or the graceful administration of the Indian States—disgraceful as Mr. Neogy would put it and graceful as Mr. Anklesaria would put it about certain States. And if Mr. Joshi were to place his experience after reading the literature on the subject before this House, he would most certainly find that out of 100 newspapers only half a newspaper or one-fourth of a newspaper is interested in the administration of the Indian States. When I say this, I do not, of course, take into account those little rags with no circulation. They are interested in blackmailing that administration, and, therefore, for the sake of journalism we must put down these blackmailers. (Applause.) Remember that the press must not be confounded with blackmailing which is worse than the worst form of licence. The gutter press has given a bad name to the great Indian newspapers. Sir, if there was a lunatic in the neighbourhood of this House, surely we should not allow him to roam about Delhi in the name of freedom. If there was a thief or a blackmailer, we must lock him up. I know the argument that only decimal one per cent. or decimal half a per cent is so bad and why punish the entire newspaper press which is just like saying, if you have only one lunatic, why put him into the asylum and if there is only one thief or blackmailer, why put him in the prison and why condemn the whole race. Sir, this press part of the Bill is a tribute to the Indian newspapers. When I attacked strongly, on the floor of this House, the application of the Press Bill to the Indian newspapers, I did so, because they were being put down, at any rate, I felt and still feel they were put down in their exercise of a legitimate right of criticism, namely, criticism of the British Government in India. What the British India newspapers and propagandists want is to criticise the White Paper scheme, to criticise the administration and to criticise the repressive laws and their repressive policy and to criticise their internment policy, and all these matters are being day after day criticised and criticised strongly in the columns of the Indian newspapers. If my Honourable friend, Mr. Neogy, were to bring forward an amending Bill removing these press restrictions, I at any rate will strongly support that amending Bill. But the papers in British India are not concerned with Indian States, and those that are concerned with the Indian States are either blackmailers or whitetailers. The blackmailer produces the whitetailer and the whitetailer and blackmailer develop into a sort of a "Daily-Mailer", sensational, making your flesh creep. Support for the princes surges, because the other side is attacking.

And then there is a worse side, and this worse side is confined to some of the good newspapers. This brings me to the eloquent speech of my Honourable friend, Bhai Parma Nand. Sincerity always lends him eloquence especially when he is talking about his community to whose future and to whose greatness his life, I say with all sincerity and admira-

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tion, is dedicated. When he espouses the cause of Hindu citizens of a Muslim State, he finds difficulties, because a C. I. D., very likely a Muslim C. I. D. (Laughter), was following him when he was trying to enter Bhopal. If some Muslim enthusiast were to try the same thing, probably he will have to make the same complaint against a Hindu C. I. D. and a Hindu State. The trouble is, and it is not confined only to the Hindu Mahasabha, it is confined to other organisations which are supporting their own communities, and the trouble is that very good newspapers, some of them very respectable and very responsible newspapers in our country, are taking up the cause of the distressed or the depressed communities, the minority or the majority communities of these States. That communal trouble is spreading. I know Lahore was very nearly in the throes of a revolt of a communal kind when the conflagration was spreading in Kashmere. I know the newspapers, both Hindu and Muslim, took virulent sides in the Punjab. The time has come when the communal holocaust must be confined to the Indian States, the time has come when both the Hindu and Muslim newspapers must be prevented from blowing communalism into British India. (Hear, hear.) There was a time when our politicians like Gokhale rightly used to take pride in Indian States being free from communalism which was a vice of British India and its administration. But the table appears to have been turned. We know that a communal whirlwind is blowing in the neighbourhood of Kapurthala and we also know that other States are in the communal black book, whether Hindu or Muslim, I am talking with utter impartiality in the matter

Mr. B. Das (Orissa Division: Non-Muhammadan): What about the Sikhs of Patiala?

Mr. C. S. Ranga Iyer: My Honourable friend must not exhaust his arguments. I leave alone his ammunition, I should not encroach upon it. I am dealing now with a very important question, and I will not allow even the very serious whip of the Democratic Party to trifle with my arguments.

This communal mischief is the menace that threatens the growth of nationalism in this country. Even though I am not agreeable to the Communal Award myself, I refuse to flog a dead horse. I propose to treat it as a settled fact until the Hindus and Muslims, responsible men with a following unanimously or with the bulk of public opinion behind them, tear up that agreement and substitute a better one for it. That being my view, I will not be a party even if a leader of the Democratic Party were to be a party to it, I will not be a party in spite of all the "absurdities" in which these politicians sometimes indulge. To quote the very new phrase of Mr. Neogy of a parliamentary kind, in spite of all these nationalistic "absurdities", not supporting the suppression of this communal press—by suppression is not contemplated only the restraining of the communal press—and in not supporting it, their talking of nationalism is but playing with communalism. They are talking of democracy, but playing with mobocracy. Gibbon said of one of the Roman Tribunes, he "talks the language of patriots, but treads in the footsteps of despots". My Honourable friend, Mr. Neogy, expressed surprise, "Oh! it is going to be a permanent measure". Probably it will

become necessary by permanent legislation to restrain the communal press, so that nationalism may prosper, for the time has come for Hindus and Muslims to embrace each other as brothers, and when the Hindu States and the Muslim States with the Hindus and Muslims of British India are making common cause, it does not lie in the mouth of a handful of politicians to say, "do not restrain the communal press they like the howl of the banshee". Even Mr. Neogy said "like the Jesting Pilate", he was less of a pilot, so far as this Bill is concerned and more of a jester, he said, the Honourable the Law Member asked what is the law, and he added, "I wait for an answer". The Jesting Pilate asked "What is truth" and did not wait for an answer. Therefore, Mr. Neogy has taken away the honour which he threatened to thrust on the Honourable the Law Member, for he was not sure of his own legal position having wandered for a while, in this debate, from the realms of law into the realms of paramountcy which he considered was something not quite legal sometimes and sometimes extremely legal and wandered from the administration of the State into the privacies of the princes and said "their relations" also must be protected and not the princes only.

Then, Sir, he said it is this British Government which is responsible to us which sends soldiers to Indian States to keep the princes free from the attack of hooligans, he wants to protect those princes only by legislation! Surely he is so sincere about it that he does not want to protect their persons by lending forces when their person is in danger! So much for the sincerity of his argument. Is it unconstitutional, I ask, for the British Government to lend the strength of the army if it is necessary and asked for by the poor Indian princes? I am not going to detain this House by making a long speech on how the Indian States lost their army. I am not here to educate my Honourable friend, the Political Secretary, who knows more on this point than I at present can lay claim to. My study is yet to improve of this matter. But when the Paramount Power removed, either with the willingness or without, of the princes, the armies from the States, legally they were entitled to demand military protection should the occasion arise. It is no use saying, "Why not allow the subjects to cut the throats of the Maharajas or their wards? Why should you send your military? Are you not doing an illegal thing?" Mr. Neogy has yet to study the law on the subject. He said he liked to be a citizen of a South Indian State. Sir, he did so well as Acting President of this House once that I keep free for him the Presidentship of the Cochin Parliament. I myself have many relations in Cochin State and was once a citizen of that State. Then he talked of "constitutional conundrums", but was unfortunately caught in a constitutional cobweb. I little imagined that speakers on this side were such great "spiders" as to catch that poor "fly".

Sir, I must now turn my attention to the Leader of the Opposition. (Laughter.) I must speak with great respect, for Sir Abdur Rahim has changed. He has moved with the times. He has given a lead to India, and coming as the lead does from a highly respected leader of the Muslim community and the Leader of the Opposition in this House, a leader full of sympathy for nationalism which is in his heart, I value that lead. Sir, when he left this House and these shores, he was a pessimist; he had doubts about the Federation. He was entitled to his doubts, but after sitting in the Joint Committee and rubbing shoulders with His Highness the Aga Khan and Sir Samuel Hoare, democrats and bureaucrats, all.

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he came to the conclusion that, good or bad, Federation is inevitable and he signed the Indian Delegates' Memorandum which supports the Federation. Naturally, he spoke with great caution. Naturally as the Opposition Leader, he has got to oppose this motion. I know he has put in a note of dissent on which Mr. Neogy threatened to embark by way of a speech, but fortunately refrained from spoiling his argument. Sir Abdur Rahim's arguments were fairly good,—I cannot deny that. I believe the Honourable the Home Member will realise how reluctant lawyers are to extend provisions which they have administered and on the administration of which they have sat as Judges. I respect the disagreement of a brilliant ex-Judge of the Madras High Court and a brilliant ex-administrator of the Bengal Government. But that Government had to do a great deal in those troublous days with the restraint of public rights. I do not for a moment say that Sir Abdur Rahim did not dissent, if he thought dissent was necessary, in the Cabinet of the Bengal Government. He is one who always believes in writing notes of dissent. (Laughter.) I remember in my young days a brilliant note of dissent that he wrote in the Public Service Commission's report after the passing away of Gokhale. He and Gokhale had worked it up and he gave his signature to it, willing to plough, if necessary, a lonely furrow. When a leader of such great eminence and responsibility stands up in this House and casts doubts on the extension of section 144, I must at any rate say that there is some respect that has got to be attached to it. But what I want is this. Do you want cleanliness in the use of the section or do you not want? As Sir Abdur Rahim himself must have noticed, the public have complained about a torture of that section, using it for a purpose not meant by its originators? The attack against section 144 has been that it has been abused, so constantly abused that the public are disgusted with that abuse. I welcome a much cleaner use of a section; create a new section instead of abusing the old. Government and you are at one on that point; you and the Government agree that section 144 will not meet the requirements in this particular case. And if Government try to make that section meet the requirements you rightly pounce upon them and say, why pull this section as though it were a piece of rubber? Even India rubber has its limitations. Such being the case, so far as the creation of disturbance in an Indian State is concerned, I would most certainly cut off the coal from British India which feeds that disturbance. I would put every power in the hands of Government, so that you will cut at the root of the mischief straightaway and you will not lay the axe at the root of the Federation, Sir, we are friends and neighbours, British India and Indian States, and the time has come when we must also show that we are willing to protect them from British India being used as a base of operation for creating rebellion in the Indian States. That way Federation and unity between British India and Indian States cannot grow.

Sir, lastly, with the Federation in sight and spacious days of pan-Indian politics, I must take a forward casting vision and beg of my friend, the Leader of the Opposition, not to take a backward and a depressing view. I would ask him to look forward to posterity instead of looking backward into times that were, the beginning of the Penal Code when the States were deemed to be Asiatic Powers in alliance with the Crown. Those days have dwindled long by the slow decay of that old superstition in the

Indian State. I would rather request the Leader of the Opposition to let the past rest in its grave and face the future, as he has no doubt faced in the Indian Delegates' Memorandum. I believe his presence in the London Committee has improved that memorandum. And now I would ask him not to allow the ghosts of the past to haunt us in this House, but to ask his great following to address themselves to the future. But really, are the States any longer Asiatic Powers with an independent status? Have they been so since the days of Lord Dalhousie? Rather than summon from the shadowy times gone by, the forms that once have been, rather than brooding over "the good old times",—not that all times when old are good,—let us abandon the idea of grinding the federal mill of the future with the still and stagnant water of the past. Let not our souls be stirred with the voices that come from a distant and disappearing era. While retaining, if Sir Abdur Rahim must, a secret sympathy with the heritages of olden times, I hope this House will espouse by its vote, should it be pressed, the cause of modernism. Our souls must not be stirred by the pre-Federation rhetoric in which Mr. Neogy indulged, because the princes who stood aloof and stood away are coming under one umbrella. "The present must interest us more", as Disraeli said, "than the past, and the future more than the present". As Wordsworth says in "Excursion",

"We see by the glad light
And breathe the sweet air of futurity
And so we live or else we have no life."

(Applause).

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Mr. President, when speaking on the first reading of this Bill, I inquired of the Honourable the Home Member whether it was the princes themselves who wanted a measure like this. This question was again repeated on the floor of this House; but the Home Member gave no definite reply

The Honourable Sir Harry Haig (Home Member): I do not know what kind of reply my Honourable friend expected me to give; but I said that, though the princes have not made any formal representation, we have no doubt whatever that the princes as a body do want this legislation.

Sir Muhammad Yakub: If the princes, though they have not formally asked the Government of India for a measure like this, have expressed their desire for this measure, I think they have committed a second Himalayan blunder: the first blunder was when they agreed to join the Federation with British India. In our desire to give protection to the Indian princes, I find that the very discussion of this Bill, during the last two days, has subjected the administration of Indian States to such severe criticism as it was never criticised or attacked before this in any Honourable House like the Indian Legislative Assembly. I find that the discussion on this Bill during the last two days has attacked the constitutional position of the princes to such an extent that probably it was never publicly assaulted in any tribunal in British India. My Honourable friend, Raja Bahadur Krishnamachariar, in his zeal to show to the world that for a long time he has eaten the salt of an Indian State, tried to expound his old theories of constitutional law explaining Suzerainty and Paramountcy and things like that

Raja Bahadur G. Krishnamachariar: I object to that remark: it is not a question of having eaten the salt: it is an absolute conviction though it may not be shared by my Honourable friend as he never studied this constitutional position at all.

Sir Muhammad Yakub: Therefore, I say that it was his zeal that made him explain, in his old age, all that he had learned in his youth in an Indian State, and the result was that his old and antediluvian arguments provoked my friend, Mr. K. C. Neogy, to make an exhibition of his knowledge and to show to the world that he was also briefed by a few Indian princes to advocate their cause at the Round Table Conference. In this fight between two friends or foes of Indian States, during the last two days, their position and their prestige has been so much wounded, behind their back, that it was never done before; when these gentlemen were making their speeches, I thought that the Indian Legislative Assembly had turned into a Butler Committee; and the pity of it is that all these discussions were going on behind the backs of Indian princes when there was nobody to advocate their cause, when there was nobody to explain their point of view, when there was nobody to defend their position. I am sure that the Honourable the Political Secretary has taken notes of the two speeches and probably he will say something about the matter, but it would be from the point of view of the British Government, and I know that on questions of Suzerainty and Paramountcy the points of view of the British Government and of the Indian States always do not agree.

Coming again to the question of protection, I submit that this Bill, when it is brought on the Statute-book, will expose the Indian States to more criticism, and to more scrutiny by the British people and the British Courts of justice than it was done before. What is the object of this Bill when it is passed into law? If there is any agitation going on in the Indian States, and if the Indian press writes certain articles which, in the opinion of a Magistrate in British India, are calculated to bring into hatred the administration of the Indian State, they would immediately file a complaint in a British Court and then the administration of the Indian State would be asked to supply material for the prosecution of the case and to defend their administration: up to this time the rulers of Indian States could very well escape all scrutiny and all sorts of criticism from British India. They could very well say "Well, what can we do? These newspapers are publishing calumny against us and we are gagged; we have got no weapon to attack them, and, therefore, they could screen their follies and their mistakes". But, now, when this Bill is placed on the Statute-book, they will have to defend their administration, and they will have to prepare their brief. Not only this. My friend, Sardar Sant Singh, said that if we are asked to give protection to Indian princes, what are we getting in return from them? I say, we are getting in return from the Indian States the thing which we had never before, and it is this, that our lawyers and our Courts of justice will scrutinise the administration of the Indian States and will see whether the Indian States administration is right or wrong, and our lawyers will subject the officers of the Indian States to searching cross examination and to very severe criticism, which could not be done before; and, therefore, I say that by putting this Bill on the Statute-book we are not affording protection to the Indian princes. On the other hand, we are trying to improve their

administration, to expose their administration to the criticism of British Courts of justice, and, in this way, we are forcing them to come into line with the administration of British India: and it is in this light that I welcome this Bill.

As regards the two clauses to which objection has been taken, that it would inflict great hardship on the Indian press, I think that these clauses will not bring any hardship on the *bona fide* criticism made by papers in British India. On the other hand, they will raise the value of their criticism. Their criticism and their just scrutiny of the administration will be appreciated more than it is now appreciated, when it would come on the anvil of a British Court of justice. If they have got sufficient material to prove their case, they will come out of the ordeal with flying colours, but if the press is trying to blackmail the Indian States, naturally they deserve the punishment which would be awarded to them, and we should have no reason to sympathise with a press like that.

As regards the question as to whether these two clauses are permanent or temporary, my own idea is that if the provisions of the clause are clearly based on a measure which is itself temporary, they could not be considered as permanent measures, and if they are not permanent provisions, there is no reason why we should forestall the date of grief which would come when the time of the temporary measures expires. If after the expiry of the term of emergency measures, the Government come up again before this House and want to put these provisions permanently on the Statute-book, we will see whether a state of emergency exists then or not. There can be no doubt that the tide of agitation which arose in India, during the last four or five years, has gone over to the Indian States, and no doubt a state of emergency exists today in the Indian States. The administration of Indian States, whether it is Kashmir, Bhopal, Rampur or Alwar, has been attacked during the last four or five years in such a way as was never done before at any time, although the administration of those States was conducted on exactly the same lines as it is conducted today. Now, what does it show? It shows that the infection of agitation in British India has affected the people of the Indian States and their supporters, and, therefore, a state of emergency does exist in the Indian States as well, and a measure like this, which is a measure of emergency, if it is passed into law for British Indian administration, should also be passed for the administration of Indian States. With these observations, Sir, and in this light I lend my support to the motion before the House.

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

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. N. N. Anklesaria: With all my limitations, I venture to submit that much of the talk on Paramountcy and the constitutional aspects of the question was irrelevant to the issue before the House. It is a trite maxim concerning a legislative debate like the present that when a legislative measure is criticised it is incumbent on the critics to suggest a better

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measure than the measure that they are criticising, if there is to be any validity or justice behind their criticism. So far as I have been able to understand the debate, almost every Honourable Member has admitted the justice and validity of the principle of protecting Indian States administrations from attempts to subvert the State or to create disaffection or to cause interference with the administration thereof. Now, Sir, that principle is embodied in the scheme recommended by the Select Committee, and any speaker who criticises the present Bill must suggest a better scheme of implementing that principle. Whether the scheme suggested by the critics is a better one or not than the one recommended by the Select Committee can only be seen when we come to consider the different clauses of the Bill, and I submit that long discussions on the general principles involved with regard to the Bill and the clauses would hardly be justified at this stage of the discussion.

Mr. B. Das: But you are speaking.

Mr. N. N. Anklesaria: I am going to be very brief.

My Honourable and esteemed friend, Sir Abdur Rahim, who has wholeheartedly and absolutely unreservedly supported the principle of the Bill, has also supported some of the important provisions of the Bill, but he has objected to the clause relating to press and to clause 5 relating to preventive action by the executive. Criticism coming from Sir Abdur Rahim is entitled to all possible weight in this House, but I venture to submit that his criticism, as I hope to show, is based somewhat on misapprehension of even the basic principles involved in this question.

There are two schools of juristic thought concerning the principles involved in this Bill. There is a juristic school which says that "man is by nature good", and the less the interference with his activities the better for the State. There is another school which says that "man is by nature a ferocious and libidinous gorilla", and his being left uncontrolled is, more likely than not, to give scope for activities of the worse side of his nature, and that, therefore, he requires to be controlled in accordance with the principle of prevention is better than cure. My Honourable friend, the Home Member, like most British statesmen, has taken up a middle position. He wants to interfere with the individual's activities by way of prevention of evil as far as possible and by way of punishment of evil when and so far as is necessary. I submit no reasonable man can possibly cavil at the position taken up by the framer of this Bill. The Leader of the Opposition based his opposition to clauses 3 and 5 on four grounds. He said that the substitution of judicial procedure by executive action is uncalled for, because, firstly, he says that there is an existing law, namely, the Indian States (Protection Against Disaffection) Act. I submit, my Honourable and esteemed friend is labouring under some misapprehension when he cites that Act in support of his contention, because that Act does not substitute executive action for judicial procedure or judicial trial. Secondly, the Leader of the Opposition said that clauses 4 and 6 are obnoxious, because the experience of the Indian States (Protection Against Disaffection) Act of 1922 shows that it has had no practical trial. I say, there is another way of looking at the thing. If there have been very few cases under the Act of 1922, it ought to be rather the merits of that legislation than otherwise. It ought to show that the executive is not likely to abuse such powers if they are entrusted to the executive as in the present case. Then

it has been said that this Bill and this clause 5 particularly is part of an emergency legislation. Now, Sir, that is a presumption which is not justified by the facts. Clauses 3 and 5 do not show by themselves that they are meant to be emergency powers except that clause 3 is part of the Act of 1922. Now, as my Honourable friend, Mr. Neogy, pointed out, so long as blackmailers and inciters to sedition will exist in this world, legislation like the one before us will be necessary, and if such legislation is not enacted in its permanent form by this Bill, it will have to be enacted later on when the occasion arises, when circumstances may be considered more favourable than today. Another argument is advanced, and it is asked who wanted this Bill? The princes never wanted it. I am surprised at this argument being addressed in this House. Who wanted the Indian Penal Code? Who petitioned for it? Who wanted the Ordinance Bill? I say that the necessities of the situation which must appeal to a Government worthy of its name have caused this Bill to be brought forward. Honourable Members talk of reciprocity, but I regret to say that in their remarks on the present Bill they avoided giving proper effect to that principle of reciprocity. Whoever looks at the map of India must acknowledge how closely the Indian States are interlaced with the British territory, and if the subversive movements which happily have been brought under control in British India were to be held simply by British Indians without the active and sympathetic support of the States, I think the Government of India would have found it somewhat hard and difficult to cope with the situation and with the same success, as I am happy to say, they have done. There is another aspect of this reciprocity question. Honourable Members have talked of Paramountcy which requires the Paramount Power to interfere in the internal administration of the States for the protection of the subjects. I say if the subjects have a right to be protected, have not the rulers the same right to be protected and in a like manner?

An Honourable Member: Protect the subjects first.

Mr. N. N. Anklesaria: I cannot see why the subjects should be protected first and the rulers next. An impartial Paramount Power should extend protection equally on both sides.

Then, it is said that, as regards clause 5, it substitutes executive action for judicial procedure. If my Honourable friend who raised that objection had looked at sub-clauses 4, 5 and 6 of clause 5, he would have found how untenable the objection is. As a matter of fact, in so many words, sub-clauses 4, 5 and 6 provide for judicial procedure, for a pleader, for arguments, and for cancellation or alteration of the order passed by the executive. If that is not judicial trial and if that is not judicial procedure, I do not know what can be called judicial trial and judicial procedure. In one of the opinions submitted there is an opinion of Mr. Justice Niamatulla. He says that, if the States want protection, they must also undertake to some degree of control by the British Indian Government. He says, if only the States agree to some degree of control by the British Indian Government, they should be placed on the same footing as the British Indian administration. The least that should be insisted upon in return for such a legislative enactment is that a right to petition the Governor General or Governor should be conceded to every person aggrieved by any action of the State Administration and the same right of appeal to the Privy Council should be given from the decisions of the highest tribunals in the State as exist in British India.

An Honourable Member: Read also the second paragraph.

Mr. N. N. Anklesaria: It says "It is not fair to State subjects to be deprived of the right to criticise the State administration, etc.". That is absolutely irrelevant to the point I am making. I say, you cannot legislate on a principle of *quid pro quo*. Imagine a man saying that the Ordinance Bill will be passed if such and such rights are given. Can anybody consider this as common sense?

Diwan Bahadur A. Ramaswami Mudaliar (Madras City: Non-Muhammadian Rural): But that is the position of His Majesty's Government—dual policy.

Mr. N. N. Anklesaria: The dual policy is a matter of policy and not a matter of legislation. We are present here to legislate seriously with regard to a serious legislative measure. Imagine, Sir, a prostitute being told that she will have no remedy in a Court of law unless she improves her conduct.

An Honourable Member: She is a citizen.

Mr. N. N. Anklesaria: In the same way, an Indian prince is a human being.

An Honourable Member: Not a citizen of British India.

Mr. N. N. Anklesaria: And in some cases he is an ally of the British Government, a subordinate ally though he may be. Sir, for all these reasons I say that we should finish this first reading of the Bill as soon as possible and pass on to the consideration of the clauses.

The Honourable Sir Brojendra Mitter: Sir, I find that there is some amount of confusion in the appreciation of the scope and principle of the Bill. We have had an interesting discussion on Paramountcy, but in my judgment Paramountcy has nothing to do with the present measure. The principle of this Bill is not founded upon any doctrine of Paramountcy. Paramountcy is a relation between the Crown and the States, but here we are dealing with the States as international persons, and we are seeking to afford protection to those international persons. The whole principle of the Bill is the principle of neighbourliness, nothing else; it has nothing whatsoever to do with the relation of the Crown to the States, it has nothing whatsoever to do with the internal organization of a State, or in other words, the constitution of the States. A State may be autocratic, it may be a constitutional monarchy, it may be anything, but we are not concerned with that. What we are concerned with is this. Here are the States dotted all over India and we in British India are their neighbours. As neighbours, they are entitled to some amount of protection from us. We have nothing to do with their internal organization. All we are interested in is that, as neighbours, as good neighbours, we should give them protection from mischievous activities which are initiated in our territory. That is the scope of the Bill. It is simply the law of neighbourliness; that is the principle underlying this Bill. It has nothing,

again, to do with the individual rights of any ruling prince. We in this Bill are dealing with the rights of a State, the administration of a State, or, in other words, the government of a State. We in British India should see that busy bodies in British India or a scurrilous press in British India do not do anything which may disturb the tranquillity of a friendly State. That is the scope of the Bill. It has nothing to do with the personal rights of a ruler; it has nothing to do with the relation between the ruler and his subjects; it has nothing to do with sovereignty or semi-sovereignty or with all those other questions which are involved in Paramountcy or Suzerainty. In the Preamble to the Bill it is said :

“Whereas it is expedient to protect the Administrations of States in India which are under the suzerainty of His Majesty.”

Now, those words—“which are under the suzerainty of His Majesty”—have been introduced merely for the purpose of identification, for nothing else. They do not create any right, nor do they take away any right.

Raja Bahadur G. Krishnamachariar: But it claims suzerainty?

The Honourable Sir Brojendra Mitter: By this Bill nothing is claimed. It is only identifying the States to whom protection is sought to be given by this measure. Nothing else. Sir, it has been said that a State does not lose its identity either by the change of its Constitution or by a change in the dynasty or by the limitation or extension of its territory. There are certain States which enjoy a certain amount of sovereignty, others which enjoy a larger or lesser degree of sovereignty, nevertheless, they are distinct from British India, they are also distinct from some foreign States which are within the geographical limits of India, namely, French India and Portuguese India. The latter are foreign States. In order to distinguish the Indian States from foreign States, that is, French India and Portuguese India, in order to distinguish them from British India, these words have been introduced,—merely for the purpose of identification, not for any other purpose. This is not an insidious method for taking away rights which the States may possess. No insidious intention underlies this Bill.

Then, it has been said by my friend, Sardar Sant Singh, that every subject in a State has got the right to rebel against his ruler. Sir, he may or may not have the right. We are not discussing that; that is a matter concerning the internal organization of the State,—the rights of the State subjects against their ruler. We are not dealing with that, we are dealing with the States as “units”, whatever may be their internal order. They are our neighbours, and we have evidence that mischief is brewing in British India or mischief brews from time to time in British India for the purpose of disturbing the tranquillity of those States. The whole question, therefore, is this—what is the measure of the mischief, and what is the measure of the protection that is necessary? That is the whole question before the House. Sir, we have to satisfy the House that the need exists. The House has the right to ask—what is the extent of that need and the measures which you propose? Are these measures in excess of the needs, do they fall short of the needs, or do they just meet those needs? These are the relevant questions which the House has a right to discuss. I submit, Sir, that the debate should be confined to the relevant issues—that is, does the need exist? If so what is the extent of that need and of the measures proposed? Are they necessary, or in excess of the needs of the situation? If we limit ourselves to the real points at issue, the debate may be brought within reasonable bounds.

Mr. B. R. Puri (West Punjab: Non-Muhammadian): Sir, before I enter into the merits of the debate, I think I owe an explanation to my Honourable friend, Mr. Ranga Iyer, since the last Session

Mr. C. S. Ranga Iyer: Louder, please.

Mr. B. R. Puri: I thought you had ears long enough to hear me.

Sir Muhammad Yakub: But he has got a longer tongue.

Mr. B. R. Puri: Sir, my Honourable friend occupies a responsible position in the Nationalist Party, though—at present he has migrated to the European Group—but I know, at all events I knew. . . .

Mr. C. S. Ranga Iyer: On a point of correction, Sir—my friend is chivalrous enough to give way, and as he is very accurate in his work, I hope he will be accurate here also. Sir, I belong to the Nationalist Party, and not to the European Group, for the Ethiopian may change his skin, but not I my politics.

Mr. B. R. Puri: You are evidently acting under false colours.

Mr. C. S. Ranga Iyer: On a point of order, Sir. I want the Honourable gentleman to withdraw his remark "under false colours", because the allotment of the seats is made by the President in consultation with Parties. I am not responsible for the allotment of my seat here. The Honourable gentleman must withdraw the expression "under false colours". I ask your permission to make him withdraw that expression.

Mr. B. R. Puri: I refuse to do anything of the kind

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair must point out that the locality which is occupied by a Member does not indicate the Party to which he belongs. The place where Mr. Ranga Iyer is sitting is the place allotted to the Nationalist Party.

Mr. B. R. Puri: Then I apologise to the Chair. That is the only quarter to which my apology is due.

Now, Sir, the observations which emanated from the gallant Deputy Leader of the Nationalist Party—I do not know whether he still occupies the same position as he at one time did—I am told that he does—I am very particular that the observations which I happen to make are not inaccurate and I would like my Honourable friend to let me know if it is a correct statement that he still occupies the position of a Deputy Leader of the Nationalist Party.

Mr. C. S. Ranga Iyer: I would ask him to inquire from the Whip of my Party, who does not seem to contradict him.

Mr. B. R. Puri: Well, Sir, I will assume since my learned friend is not in a position to contradict what I say

Mr. C. S. Ranga Iyer: I made an offer of my position to my friend who was almost tempted once.

Mr. B. E. Puri: The speech which we heard this morning, I must confess, was a great performance. It was couched in a bellicose spirit, and, in the course of his long speech, we discovered my Honourable friend had many occasions of pouncing upon Honourable Members all round the House.

Mr. C. S. Ranga Iyer: Not quite so badly as you did on a former occasion.

Mr. B. E. Puri: Whenever I find that you are legitimately entitled to be heard or permitted to interject, I will sit down and give way, but unless and until I do that, please keep to your seat.

Mr. C. S. Ranga Iyer: I interrupted you sitting.

Mr. B. E. Puri: Now, Sir, the attitude of my learned friend this morning reminded me of an incident which I read a few days back of an Irishman who happened to go to America for the first time, and, passing through Broadway, he saw an altercation going on between some people in the street until it developed in—to blows. He approached the policeman on duty and said: "May I know, Sir, if this is a private fight or can anybody join?" My Honourable friend, Mr. Ranga Iyer, was this morning in the same mood as the Irishman who visited America.

Mr. C. S. Ranga Iyer: You cannot have a private fight in a street.

Mr. B. E. Puri: My learned friend's views which he expressed this morning no doubt were very valuable from his own point of view, but if they were intended to be any contribution towards the subject that the House is now engaged in, I am afraid I did not discover any relevancy beyond the fact

(Mr. C. S. Ranga Iyer got up to speak.)

Please sit down.

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order.

Mr. B. E. Puri: So far as the contribution towards the State Protection Bill is concerned, I must honestly confess that I found absolutely no material in that speech.

Sir Muhammad Yakub: You must remember that the Leader of his Party has not yet spoken.

Mr. B. E. Puri: Well, so far as the Leader of the Party is concerned, I have got every regard for the Leader or even for the Deputy Leader. I have not lost all regard even for Mr. Ranga Iyer.

Mr. C. S. Ranga Iyer: Question?

Mr. B. E. Puri: But I cannot help remarking that he belongs to a Party which at present is in the position of a battalion consisting of all Field-Marshal. And Mr. Ranga Iyer happens to be one of them.

Mr. C. S. Ranga Iyer: When did you cease to be one of them?

Mr. B. E. Puri: Long ago.

Mr. C. S. Ranga Iyer: That is too modest.

Mr. B. E. Puri: Now, Sir, all that Mr. Ranga Iyer said before the House this morning had, as I have already submitted, very little bearing on the subject that the House is engaged in. It was, however, replete with unparliamentary epithets and at times one thought that it was an impeachment of the Leader of my Party than a speech on the States (Protection) Bill.

Now, Sir, Mr. Ranga Iyer, speaking in the last Session on this very Bill, said by way of an apology in the course of his speech that the views he was expressing were not the views of Mr. Ranga Iyer as a member of the Nationalist Party and that they were his private individual views. Some Honourable Member interrupted him and wanted to know from Mr. Ranga Iyer if the views he was expressing regarding the attitude of the Indian Press towards the States were his views as the President of the Northern India Journalists' Association. Mr. Ranga Iyer candidly said that those were not his views as the President of that Association either.

Mr. C. S. Ranga Iyer: When did I say that?

Mr. B. E. Puri: Nor did those views bear any resemblance with the views which used to emanate from the mouth of former Mr. Ranga Iyer as we knew him. Therefore, we wondered whose views Mr. Ranga Iyer expressed and in what capacity such views were being commended to the House. They were not the views of a Nationalist; they were not the views of Mr. Ranga Iyer of former fame; and they were not the views of a Journalist. Then, whose views were they? It struck me that Mr. Ranga Iyer's politics had undergone some sudden change on account of some circumstances not known to us. It is not for us to probe into that question, but, nevertheless, we felt that there had been a marked change in his views. Mr. Ranga Iyer was perfectly welcome to entertain one set of views at one time and change and shift to another set of views at another if it suited him.

Mr. C. S. Ranga Iyer: I have not changed my views in regard to my attitude towards the Princes (Protection) Bill. The Honourable gentleman is tilting at wind mills in his brain.

Mr. B. E. Puri: If Mr. Ranga Iyer persists in interjecting, then I have no objection to yielding to him provided he comes out with some sensible interjection. If it is merely for the sake of preventing me from going on with my speech, then I must say that I am not going to yield at all.

Mr. C. S. Ranga Iyer: I am willing to make a sporting offer to my friend, for he has very savagely accused me of changing my views. I say that, all the time I have been in this House, I have always opposed the restriction of the liberties of the press in regard to the administration in British India. And wondered why a similar restriction has not been put in regard to their criticism of the Indian States as 99.9 per cent of the Indian newspapers are not interested.

Mr. B. B. Puri: This is not an interjection, but a speech.

Mr. C. S. Ranga Iyer: A sensible interjection if you please.

Mr. B. B. Puri: Sir, I would draw your attention to the main point in his speech delivered in the last Session and also read it in the light of some of the observations made by the Honourable the Political Secretary in his speech which he made on that occasion. The Honourable Mr. Glancy made the following observations at page 533 of the Assembly Debates, Volume I, No. 8:

"What I have been saying will serve, I hope to bring out one unfortunate feature of the irresponsible Press, and that is, that the editors and proprietors of such newspapers tend to pay more regard to their own profits than to any benefits which they may confer on others. This is an aspect of the case which has been touched upon by my Honourable friend, Mr. Ranga Iyer, and others who have followed him and I do not think that I need say very much more about it. Everyone will have noticed, for instance, that a certain type of newspapers will make a point of running a violent campaign against a particular State. Day after day, week after week, these attacks go on and then suddenly for no very apparent reason they fade away into silence and calm prevails. Not very long ago, I asked the proprietor of a certain newspaper to explain a phenomenon of that nature. He thought for some time and then he said very wisely that he believed the material supplied to him must have changed. (Laughter)."

Now, I commend each and every word of this passage to the consideration of the House, and I will ask the House to recognise its most significant character. It is a pregnant passage, it is a passage replete with sense. There is a very clear innuendo involved in it and it requires no effort to discover its meaning. It says practically in plain language the thought of the speaker. He says that the credit of ventilating or bringing before the House this idea goes to my Honourable friend, Mr. Ranga Iyer, and some others who followed him, but the principal contributor of that idea is Mr. Ranga Iyer. It is on Mr. Ranga Iyer's information and assurance that the Honourable the Political Secretary was in a position to place before this House this serious aspect of the state of affairs which prevails in the Indian Press, that from day to day, from week to week a campaign is carried on, and, then, all of a sudden calmness and silence prevails. One wonders what has come about. What has happened all at once that those eloquent and persistent attacks have subsided without leaving any trace or semblance behind. The Honourable the Political Secretary makes no secret of it, and he says that the reason why that campaign has come to an abrupt end is due to the fact that the man has been bought over. It is a clear case, according to him, of blackmailing, and I agree with him. I think his conclusion is perfectly correct. That credit goes to Mr. Ranga Iyer who passed this idea into the head of the Political Secretary

Mr. C. S. Ranga Iyer: The Honourable Member's statement is a reprehensible untruth. I have had no conversation with the Political Secretary in regard to the Press and have put no idea into his head, and the first time I knew that there was a Press Bill was when I came to this House.

Mr. B. B. Puri: Well, Sir, I would not allow myself to come down to the level of Mr. Ranga Iyer and I would, in spite of provocation, still use parliamentary language. I am very grateful to Mr. Ranga Iyer for the

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choice language which he has used, not only towards me, but towards my leader also, and it seems that he is in a mood to go for any man and to use any sort of epithet against anybody who crosses his way.

Mr. C. S. Ranga Iyer: Any one who makes insinuations full of untruths

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order. The Honourable Member made a violent attack this morning, and the House patiently gave a listening to him and he was not interrupted. The Chair has certainly no objection to allow the Honourable Member to get up and make any personal explanation he wants, if the Honourable Member, Mr. Puri, gives way. But the Chair cannot allow this continuous interruption (Hear, hear) which is against all recognised practice of this House. (Hear, hear.)

Mr. C. S. Ranga Iyer: I rise to a point of order. I want your definite ruling and I think I am within my rights as a Member of the House when, unchallenged by you, Sir, he went on insinuating and suggesting and asserting that I had given the particular information to the Political Secretary, I say I am within my rights to say that the Honourable Member indulges in reprehensible insinuations. I have no other way to speak but to interrupt as I am doing, and I propose to do so and take the consequences in the matter if you do not prevent the Honourable Member concerned in indulging in personal attacks. This morning, when the Leader of his Party in an unparliamentary way spurned my interruptions and accused me in indulging in absurdities, I did not attack him personally as the Honourable Member is now attacking me personally. I attacked his arguments vehemently and propose to do so right through the debate. I will not allow any Honourable Member in violation of parliamentary privilege to discuss personally telling untruths of a reprehensible kind that I was in collaboration with the Political Secretary giving him information. I spurn that statement as a vulgar falsehood.

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order. The Chair cannot take upon itself to decide whether an Honourable Member is mentioning a fact or what is contrary to a fact. If an allegation has been made against any Honourable Member, it is up to the Honourable Member to get up and, by way of personal explanation, to say that the allegation is not true. That is the only parliamentary privilege allowed here. The Chair cannot allow in this House a continuous interruption when an Honourable Member is on his legs.

Mr. C. S. Ranga Iyer: May I request you, Sir, to address the Honourable Member concerned to direct his machine-gun arguments against my arguments in which case I shall delightfully listen. I did not attack personally the Leader of his Party, but I tore his arguments to pieces.

Mr. B. R. Puri: I am very grateful for the ruling which the Chair has been pleased to give, and I hope Mr. Ranga Iyer will profit by that ruling and will not resort to most abusive and insulting language which he has so far resorted to. I must now proceed with the argument.

I was addressing the House and I will go back now to the point when I was interrupted and say that the position taken up by the Honourable the Political Secretary in that passage is that Mr. Ranga Iyer, who was referred to by name specially along with certain other Honourable Members who followed him, certainly gave him the necessary information on that point or expressed their views to him to that effect.

Mr. C. S. Ranga Iyer: The Honourable Member does not know English.

Mr. B. B. Puri: May I know, Sir, if I am permitted to answer these interjections and abusive remarks in the same coin, for I assure you, I also know how to abuse and insult. (Laughter.)

Several Honourable Members: You go on. Leave him alone.

Mr. B. B. Puri: This is not the proper place for the display of such language. If the Chair is going to give me the necessary protection, well and good; otherwise if the Chair is going to give me also a blank cheque, I can go on. (Laughter.) I should like to have your ruling.

Mr. B. J. Glancy (Political Secretary): Sir, may I make a personal explanation? I am afraid I perhaps expressed myself badly. If I did, I am sorry. All that I meant to suggest was that on the floor of this House certain Honourable Members, including Mr. Ranga Iyer, had drawn attention to that particular aspect. I did not mean to insinuate that he said anything to me privately about that particular incident of a change of material; and if I gave that impression, I am sorry.

Mr. B. B. Puri: I am grateful for this statement and I accept that as absolutely accurate. And if I conveyed the impression that Mr. Ranga Iyer went about and gave the Political Secretary some private information, I apologise for it. What this passage really conveys is, as the Honourable the Political Secretary has stated, that Mr. Ranga Iyer expressed that view on the floor of the House. That, I submit, is practically the same thing. What I really intended to convey was that that was the view of Mr. Ranga Iyer. Whether he expressed it to one Honourable Member or whether he expressed it before the whole House makes not the least difference. I merely wanted to trace the authorship of that statement to Mr. Ranga Iyer that was my point, and I again repeat and maintain that it was Mr. Ranga Iyer's view, namely, that there is a section of the Indian Press which carries on for some time a persistent propaganda of calumny against the rulers of the states and their administrations; and all at once some thing happens and their activity is abruptly closed. The point was taken up and pursued by the Honourable the Political Secretary.

Now, Sir, I hope my eyes are not deceiving me at the present moment, for I do not see Mr. Ranga Iyer in the House just now. As I am going to deal with a very important matter relating to the activities of a certain newspaper, of which Mr. Ranga Iyer himself was the editor, I would like to see Mr. Ranga Iyer present in the House to face the statement I am about to make on the floor of the House. Sir, Mr. Ranga Iyer was the editor of a newspaper called the *Daily Herald* which is published and printed in Lahore. During the celebrated days when a campaign was going on against the Kashmir State, when there

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was a lot of agitation against the administration of that State, when *jathas* were being organised and were marching into the interior of that State, when according to Mr. Ranga Iyer there was apprehension of a serious riot on a very large scale in Lahore over that question, in that atmosphere it would be of some interest to the House to know what Mr. Ranga Iyer was doing.

Mr. C. S. Ranga Iyer: On a point of personal explanation; the Honourable Member has made a personal reference and I am standing up, because he has put to me a question as to what I, as the editor of the *Daily Herald*. . . .

Mr. B. E. Puri: I never put any question to you, and I do not want any answer.

Mr. C. S. Ranga Iyer: On a point of personal explanation; the Honourable gentleman referred to me as the editor of the *Daily Herald* in that riotous atmosphere in Lahore and wanted to know what I did. I wrote several articles in my paper calling upon Government to interfere and put down that riot, and I wrote a poem editorially on the Governor of the Province, praising him for prompt interference resulting in the prevention of a ghastly riot in Lahore arising from the repercussions of the Kashmir strife. That is what I did.

Mr. B. E. Puri: Well, Sir, Mr. Ranga Iyer has given us his exploits and he has told us that he wrote a poem in praise of the Governor . . .

Mr. C. S. Ranga Iyer: For preventing a riot.

Mr. B. E. Puri: for preventing a riot. We have not seen that poem so far.

Mr. C. S. Ranga Iyer: I am quite willing to produce it to the Honourable Member.

Mr. B. E. Puri: I daresay, some sort of poem might have appeared which might have escaped my notice. But I will tell you what did not escape my notice which appeared in his paper.

Sir, from day to day, week in and week out, Mr. Ranga Iyer in the *Daily Herald* in those troublesome days came out in broad headlines and announced in very bold type that Mr. Ranga Iyer, the editor of the *Daily Herald* was about to bring out and let loose on the world a book which would expose the maladministration and the misrule prevailing in the Kashmir State. This was the announcement which was made, not in one issue, but repeated in various issues from day to day. If anybody followed those announcements and studied their language and the wording, one could not escape the impression that the writer or the person who was responsible for these announcements wanted the "proper quarters" to know that Mr. Ranga Iyer was about to blow up the Kashmir State, unless some measures, to prevent him from doing that, were taken in time. That, Sir, was the announcement and it appeared continually, but all at once we found that those announcements subsided. Not that Mr. Ranga Iyer had resigned his post, not that Mr. Ranga Iyer

had gone out of the country, the self-same Mr. Ranga Iyer was still there; the paper was still going on; only one fine morning we found that those announcements all at once disappeared, and that promised book has up to this date not seen the light of day. The world today is the poorer for not having that valuable book.

Mr. C. S. Ranga Iyer: On a personal explanation, Sir—I have a right to it, because the Honourable gentleman has suggested and very truly because from day to day an advertisement appeared in the *Daily Herald* that I was going to write a book: perfectly true: the *Daily Herald* took my part in this business: I was in Delhi; and I got a warning from the Punjab Government which is no longer private property, because it was exposed in the Council of State and reprinted in the *Daily Herald* that if within the next 24 hours or perhaps the next two days,—I forget which,—the offending article and the spirit of that article is repeated, heavy securities will be demanded from the *Daily Herald*. If Mr. Puri will find me a Press in the Punjab to publish that book and pay security, I will hand over the copy.

Mr. B. E. Puri: Apart from the fact that no book came out, how did Mr. Ranga Iyer happen to change his views along with it? His original views, as Mr. Ranga Iyer then expressed, were that there was misrule of a most scandalous character which obtained in the Kashmir State and that he was about to expose it. That being his view; one has only to compare that view with the views which Mr. Ranga Iyer has expressed today and in the last Session regarding the attitude of the Indian Press to blackmail the princes. When the Honourable the Political Secretary made his observations in the passage referred to, he little realised the irony of fate, that the author who was responsible for advocating that idea on the floor of the House had perhaps himself acted in a manner which was susceptible of a very uncharitable interpretation upon his own conduct. I am not suggesting that Mr. Ranga Iyer was bought over or that his effort was directed to blackmail the State. All I suggest.

Mr. C. S. Ranga Iyer: In this particular matter I was on the side of the Kashmir administration.

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair would draw the attention of the House to a ruling that has been given in the past with regard to matters of personal explanation, and this was the ruling:

“An Honourable Member is not entitled to make any personal explanation while another Member is speaking. He must wait.”

The meaning of this ruling is that if an Honourable Member wants to make a personal explanation in the middle of a speech of another Honourable Member, the Member making the speech must give way, and if the Honourable Member does not give way, then the Honourable Member who wishes to make a personal explanation must wait until the Honourable Member who is speaking has finished his speech, and then he should ask the permission of the Chair to make any personal explanation.

Mr. C. S. Ranga Iyer: On a point of order, Sir: when an Honourable Member indulges in false insinuations and persists in indulging in such

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insinuations, it has been the parliamentary practice to interrupt him from the seat loud enough to contradict him; but if the Chair denies the opportunity for that interruption, then the only alternative is to rise to a point of order and then, even though it may not be a point of order but a personal explanation, contradict the Honourable gentleman. The Honourable Member has made one attack on me of a personal kind that I was going to write a book. . . .

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order.

Mr. C. S. Ranga Iyer: I have got to explain, Sir, I will submit to the Chair's ruling, but I am explaining my point of order, and I will finally take your ruling. I am only making my position clear, so that I want your ruling in the matter. The Honourable gentleman has indulged in a series of personal attacks: the first attack I have already mentioned—that I had come to an unholy agreement privately with the Political Secretary. . . .

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member is now actually going into the merits of that personal explanation. The Chair has quoted the ruling which it proposes to observe (the Honourable Member must listen to the Chair), that if any personal explanation has to be made, the Honourable Member can do so only if Mr. Puri gives way; otherwise the Chair will certainly give him a chance as soon as Mr. Puri finishes. That is the practice that the Chair proposes to follow, and the Chair would like Mr. Ranga Iyer to say anything which will make the Chair alter that practice that has been followed.

Mr. C. S. Ranga Iyer: To avoid the luxury of personal explanations, it has been the parliamentary practice to allow Honourable Members who are attacked in an untruthful and insinuating manner to interrupt with one sentence or half a sentence, so that there will be no necessity for a personal explanation, and, even if the necessity arose, the relevancy would be understood by the House and the misunderstanding which, under the cover of privilege, an Honourable Member makes is removed. That has invariably been the parliamentary practice, and, therefore, if I am not allowed by the courtesy of the Honourable Member concerned to make my interruption in a parliamentary manner, I have got occasionally to interrupt him from my seat.

Mr. President (The Honourable Sir Shanmukham Chetty): Occasional interruptions are certainly permissible, but if the interruptions reach a point when the Honourable Member making the speech cannot proceed with his argument, then it is the duty of the Chair to protect the Honourable Member who is making his speech.

Mr. C. S. Ranga Iyer: On a point of order: and my point of order is this: when an Honourable Member indulges in every sentence in a personal insinuation of a vulgar kind, interruption becomes equally necessary in every sentence; but if it is only in paragraphs that he indulges in insinuation, the interruptions will also be in paragraphs.

Mr. B. R. Puri: I had almost forgotten that I was on my legs. (Laughter.) Proceeding with the topic, I will now invite the attention of the House to the speech of Mr. Ranga Iyer on this Bill made in September, 1933 (Vol. VI, No. 4, page 1191 of the Assembly Debates). Mr. Ranga Iyer is reported to have said :

We know what happened in regard to Kashmir when *Jathas* proceeded from British India. Had this Bill been in existence instead of the poor Maharaja of Kashmir incurring the odium of putting them in prison, the British Government would have legitimately taken the responsibility on their shoulders and stopped these people proceeding to the State. They were arrested after crossing the borders. The example of Kashmir is before me. I personally feel that I should not go into the details in regard to a particular State. But I am within my province when I say that I do not want the mischievous, the wicked and the unpardonable kind of propaganda that was carried on in a certain section of the Punjab press against a Hindu Maharaja."

Now, may I respectfully ask this House to weigh these noble sentiments which Mr. Ranga Iyer has so ably expounded in this passage? He is practically shedding his tears over the unfortunate lot of the Kashmir administration. Such tears are sometimes described as "crocodile tears", a phrase which, with apologies to Mr. Ranga Iyer, he used more than once towards Mr. Neogy this morning. Anyhow, they are not genuine tears, and that is all that I want to show. They are not genuine, because the self-same Mr. Ranga Iyer, while the *jathas* were proceeding, while the position of the Kashmir Durbar was being embarrassed by the advance and march into the Kashmir territory of those *jathas*, Mr. Ranga Iyer was adding fuel to the fire by announcing to the world that he was about to come out with an exposure of the maladministration of that State. I put it to the House in all seriousness and in all fairness to see whether the conduct of Mr. Ranga Iyer, which he on that occasion evinced, did not lend encouragement to the propaganda against which he is now complaining now for it is no small support to know that your *jathas* are directed against a scandalous maladministration. But, Sir the views of people do change. To-day he is the champion of Northern Indian States. When Mr. Neogy this morning committed the sin of saying that he would be proud to belong to one of the States in the South, Mr. Ranga Iyer could not tolerate such insinuation, he could not stand it; he would not allow such a remark to be made, because it indirectly contained a slur, it was defamatory to the position of the Northern India States. Those Northern India States, according to Mr. Ranga Iyer of 1931-32, were the very States whose administration was, according to his programme, such that it required to be exposed, so that the world might know to what limits autocratic atrocities could be carried.

Now, Sir, I am not accusing Mr. Ranga Iyer for his having changed his views. People have changed their views before this. People have changed their views for good reason, for bad reason and for indifferent reasons

An Honourable Member: Sometimes for no reasons.

Mr. B. R. Puri: Yes, sometimes for no reasons.

Another Honourable Member: Sometimes for "material" reasons.

Mr. B. R. Puri: Yes, sometimes for "material reasons". That is a very material suggestion. This, Sir, reminds me of the story of Sir Thomas Holland who stood for the parliamentary election and was going round his constituency. He called at a house

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadian Rural): Is it the Geologist Sir Thomas Holland or the Jurist?

Mr. B. R. Puri: The Jurist. Does it make much difference?

Mr. Amar Nath Dutt: Yes, the Geologist Sir Thomas Holland was a Member of the Executive Council here.

Mr. B. R. Puri: Well, he was going round his constituency, and he happened to call at the house of a voter. The voter himself was not there. The old lady was there, and the candidate thought that since he had come all the way he might make use of the opportunity by entering into a conversation with the lady. He said: "Well, now, what are the political views of your husband, my good lady?" "Oh", she said, "His political views, what do you mean?" "What I mean is, whether he is a 'liberal' or a 'conservative'." "Oh", she said, "if he goes to a liberal meeting, he comes back as a liberal". But Sir Thomas asked what happens if he goes to a conservative meeting. The lady replied: "Oh, if he goes to a conservative meeting, then he comes back home as a conservative". Sir Thomas Holland asked: "But, what are his views at home?" "At home", she said, "he is a blooming nuisance." (Laughter.) So, Sir, people sometimes according to change of circumstances hold views which are liberal and sometimes conservative, but must they be a blooming nuisance as well. (Laughter.) Sir, I think I would now leave Mr. Ranga Iyer alone.

I will now get on to the merits of the Bill, but, before I do so, I should like to deal with an argument which was advanced by my friend, Mr. Raghubir Singh. He gave us a very original argument, namely, that these States are entitled to protection at the hands of the Government of India, because these States are the children of the Government of India:

"Farzand arjumand" "Sarkar Englishia".

These are the titles which some Rulers possess. They are the *Farsand* and *Farzand* literally means a son. I would like to remind my friend that the subjects of these rulers are children of the rulers of these States. Therefore, the children of that child of the British Government are the grandchildren of the British Government, and as such does my friend mean to convey that the children of the British Government are entitled to protection, but these wretched grandchildren are entitled to no protection

Bai Bahadur Kunwar Raghubir Singh (Agra Division: Non-Muhammadian Rural): I did not mean that.

Mr. B. R. Puri: I know you did not mean it, perhaps it did not occur to you.

Now, with regard to the speech of the Honourable the Political Secretary, it is no doubt a very clever speech. I am not going to flatter him by saying that it constitutes a "Magna Charta" for the Indian States as one Honourable Member has described it. To begin with, he has laid down a very convenient formula, I say convenient, because with that formula at his disposal, he can make any statement,—such statements would not be verifiable; there is no means of knowing how far the material stated in his speech is accurate,—I am not accusing him of having deliberately made any wrong statement,—far from that,—but in the very beginning of his speech he made it quite clear that we were bound by the practice of this House,—namely, that we cannot, bring into the arena and discuss anything relating to the administration of an Indian State. What he says amounts to this: "I am going to place certain data relating to the administration of the States before the House, but I hope I shall not be compelled to give any statistics or details regarding it, because that would necessarily lead to the disclosure of the identity of the States concerned". No doubt, it is the correct position, and I say that if one must keep in the background the identity of the States concerned, there is no other way but the one which has been followed by my friend. He then proceeds to say (after laying down this formula), that in some of these Indian States the most ideal form of Government is prevailing, that Governments existing in most states were "paternal Governments". There is more "accessibility" the rulers are more accessible to the subjects, and that, according to his picture, there are rivers of milk and honey flowing in Indian States. He says: "Please do not ask me details or the particulars about it, because, I am precluded from disclosing it". I accept that position, and will only ask in return if my Honourable friend would be prepared to show me the same courtesy, and let me have the benefit of the same formula when I state that in most of the States rank maladministration obtains, that in bulk of the States people are under a very heavy system of taxation, that in a majority of the States the administration of justice is corrupt, that in quite a large number of States forced labour is resorted to and that, in some of the States at any rate, there is actually up to the present day slavery prevailing. I am, however, willing to give up this formula if my Honourable friend would do the same. I can give him chapter and verse, names, references, passages from books, in support of what I have said. If he challenges the accuracy of my statement, I am here to prove it to him. Let him not take it as conclusive, because I am making the statement, for I am prepared to back it up by reference and by authorities.

My Honourable friend said in his speech that he would hope and trust that Honourable Members of this House, when criticising the Indian States and their administrations, would resort to "moderation". My answer to that is that there are times when moderation amounts to hypocrisy, and I submit that where there is abundant evidence in support of these diabolical practices which are prevailing in some of the States, then to ask Honourable Members to resort to "moderation" is asking something altogether too much. I maintain that misrule on the part of a Government upheld by British power is misrule by the British power itself. (Hear, hear.) It seems to me that this legislative measure has been altogether misconceived. The underlying principle of this measure appears to me a perfectly unilateral and one-sided. It shows that the Government of India, according to their lights, have got a duty only

[Mr. B. R. Puri.]

towards the rulers of the States and none towards the people and the subjects of such States. I submit that this is neither logically correct nor morally sound, and, if morality finds no place in politics, then I would say that it is politically wrong also. If you are out to suppress disturbances and offences which are the outcome of maladministration prevailing in the States, you would be but half dealing with the situation if you left alone the causes which had given rise to those disturbances or offences. It is up to you to look into the question from both sides and not confine yourself to one side of the picture only. And what is the Government case? The Government case seems to be, put in a very few words, this. That there is a lot of unwholesome activities going on in the British territory against the administration of Indian States, and that these Indian States are very convenient and useful institutions. Therefore, as a neighbourly act and as an act of reciprocity, and a piece of goodwill, we are bound to protect them, because, in converse cases, they show us the same courtesy. If, Sir, that were all there would be very little to be said by way of comment or criticism. But I submit that that is not the whole of the case. In the first place, I take it, after the statement made by the Honourable the Home Member, that the States have not asked for this Bill. The position of the Honourable the Home Member is that the rulers of the States have not demanded this Bill, but that they would welcome it. If they have not made a demand for it, then I take it that the initiative has come from the Government of India themselves. But may I respectfully ask the Home Member whether, before the Government of India initiated this measure, if informally the Government made any effort to ascertain the views and wishes of at least some prominent heads of these States as to whether a measure of this kind would be acceptable to them or not. I would pause for a reply.

The Honourable Sir Harry Haig: The Honourable Member does not like being interrupted. So let him continue his speech.

Mr. B. R. Puri: My Honourable friend is not in a mood to disclose his cards. He is welcome to it and I am at liberty to conclude accordingly from his attitude, and if my conclusions are fair, I can justifiably ask the House to accept them. What I state is that the rulers of States have not asked for this Bill, and in the absence of any assurance from the Honourable the Home Member that they have informally expressed a desire for a measure of this kind, I am entitled to say that this is an unsolicited measure which is being imposed upon the States. But how does the Honourable Member know that States would welcome this measure; unless he is in a position to say that he has made enquiries and ascertained their wishes privately? While dealing with this point, I would submit that I have got a grievance against the Home Department of the Government for not making any effort to find out and ascertain the views of these rulers and for not placing those views before this House. Do I take it that the rulers of these States, for whose benefit all this legislation is being enacted, are too big to give us their own views as to whether they would like to have a measure of this kind or not. Is it *infra dig* for them to say that. Have they got no say in the matter, have they nothing to contribute? Can it be said that they out of all the people in the world know nothing about this subject? Are not they the only people who are in a position to tell us as to what would be the

value or utility of a measure like this? Sir, it is like treating a patient without hearing from him the history of his trouble. If the Government of India had taken the trouble to ascertain the views of the heads of these States, we should have had today the most valuable material to work upon. We could have then known where really the shoe pinches them. They could then have explained to the House the way they stood to suffer. Their reasons and their arguments may be even more weighty than the arguments put forward by the Government of India on their behalf. Therefore, my submission is that it is not adequately dealing with the subject nor fairly with the House, to ask us to pass a measure without placing us in a position to know what are the views of the very party who is to be affected by the legislation, and that party is not the rulers alone, but their subjects as well. I submit that, in the absence of such material, I shall be entitled to say that it is a measure which has not been asked for by the States.

Let me examine here for a moment the proposition that this Bill would be welcomed by the rulers of the States. I submit that it may be welcomed by some thoughtless rulers, but those rulers who understand and recognise their real interest would have nothing to do with a measure of this kind. I maintain that the rulers of these States have come to a stage, a sort of parting of ways, when they might adopt one or the other of the two courses open to them. One course obviously is to persist in their present methods. If anybody inside the State puts his head up and asks for any reformation or improvement in the administration, put him down. If anybody outside the State brings to light the black spots in the administration, get the Government of India to put them down. What would be the result of that? The result of that would be that there would be a continuous estrangement being created between the subjects of the rulers, and I make bold to state that there is no power on earth which can prevent the progress of human thought. There may have been a time when the people submitted, due to dire ignorance, to primitive modes of Government. In the light of the progress and environments within which they are now living, there has been a certain measure of awakening, not only in British India, but also amongst the people of the Indian States, and by measures of this kind a false immunity and a temporary security is being provided for the rulers of the State to perpetuate their despotic and autocratic methods of ruling and such measures would only lead to one result. It will create a greater gulf between their subjects and rulers, and, in the lives of the people, there are occasions when finally the cup of injustice is full, when people cannot tolerate iniquities any more, and then, Sir, the bubble bursts, and what would be the consequence of that? Now, I am not suggesting for a moment that the Government have got an evil eye. I am not saying that by putting this Bill upon the Statute-book they are allowing these rulers to carry on their propaganda in a manner which would ultimately lead to very disastrous results and bring about a clash between the people and the rulers. I am not saying that they are imbued with that idea, but what I do say is that it is bound to lead to those disastrous results, and, then, if it comes to that pass, in the natural sequence of things, what would happen? The State would be swallowed up, would be annexed as the result of their own indiscreet persistence in perpetually resorting to those methods and those forms of government which are incompatible with the modern notions of a government.

[Mr. B. R. Puri.]

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Sir Abdur Rahim, one of the Panel of Chairmen.]

On the other hand, it is open to the rulers of the States to set their house in order to bring about a better understanding between themselves and their own subjects, to relieve them from the burdens of heavy taxation, to look to their economic improvement. With those ideas, there would be a real, genuine happy state of things, and I submit that this measure, which has been placed before the House, is a measure which takes into cognisance only one side of the picture, a most mischievous measure and one which is likely to lead to consequences which would be disastrous to the rulers as well as to the subjects of the Indian States. (Applause.)

Dr. F. X. DeSouza (Nominated Non-Official): Sir, this is the third piece of important legislation which the Honourable the Home Member has been piloting through this House since he assumed office. The first was the Bill to amend section 526 of the Code of Criminal Procedure for the purposes of preventing frivolous and vexatious applications for adjournment. The second was the Criminal Law Amendment Bill, intended to crush the Civil Disobedience Movement, and this is the third piece of legislation which is intended to protect the Administrations of Indian States from subversive activities. Sir, there is a school of thought in this country which regards this kind of legislation as highly repressive. It certainly does make for repression, but for repression of license and for the restoration of ordered liberty. Act XXI of 1932, which amended section 526 of the Criminal Procedure Code, has now stopped all attempts to defeat and delay justice by frivolous applications for adjournment. The Criminal Law Amendment Act has been able to crush the Civil Disobedience Movement, to crush the regime of the negation of law and to substitute in its instead the reign of law; and the present Bill, when it becomes law, will, it is hoped, enable the princes when editors will cease from troubling and princes will be at rest to set their house in order and prepare their States to become fit members of the Federation which is to come.

Sir, the main line of attack on this Bill has been that it is a serious curtailment of the liberties of the Press. But I venture to submit for the consideration of this House that there is no novel principle of criminal jurisprudence which has been introduced by this Bill; on the contrary, it attempts to bring the law in India into line with the law as it is administered in England—and nobody can for a moment say that the English law as applied to the Press is not the most liberal law which exists anywhere in the world. I say that this Bill attempts to bring the law with regard to the Press into line with the English law. Under the common law of England, the publication of malicious and scurrilous reflection upon foreign sovereigns or their representatives tending to degrade and defame such persons are indictable. The reason for this rule is stated to be by Mr. Justice Ashhurst in the case of *R. versus Lora George Gordon* decided in the year 1787 that “such libels might be supposed to have been made with the connivance of the State where they were published unless the authors were subjected to punishment. Then followed

the case in 1803—King *versus* Pellier—where Chief Justice Lord Ellenborough laid down the law. He said:

“I lay it down as law that any publication which tends to degrade, revile and defame persons in considerable situations of power and dignity in foreign countries may be taken and treated as libel.”

Then, in the beginning of this century, in the case of King *versus* Antonella, Lord Justice Phillimore in 1905, said:

“Labels which bring persons into hatred and contempt may apply to persons outside the dominions of the King, because they are libels which tend to bring our peaceful relations with the States to an end.”

but he added that:

“seditious libels are such as tend to disturb the Government of this country and not to disturb the Government of a foreign country.”

It may be pointed out that this element of danger always exists in this country where communalism is rampant, because an attack on a Moslem potentate will certainly be retaliated by the Hindu Press and an attack on a Hindu potentate will be taken up by the Moslem Press, and so there will be a danger to the disturbance of the peace, whoever the object of the attack may be.

The policy of the English law with regard to a foreign nation is based upon the principle of international law—the principle of the comity of nations. With regard to Indian States, my friend, the Honourable the Leader of the House, Sir Brojendra Mitter, pointed out this afternoon that the policy of this Bill was based upon the principle of neighbourliness. There is, however, one essential difference between the case of the British Government and foreign States and the case of the Government of India and the Indian States, and that is that while the Government of India are bound by treaties to protect the rulers from subversive activities, they are also bound at the same time to protect the State subjects from misgovernment. It is, in view of this latter complication in the situation with regard to the Government of India, that you, Sir, from another place earnestly pleaded for fairness of criticism on the part of the Indian Press with regard to the administration of Indian States. But I venture to submit that *Explanation 5* to clause 3, as amended by the Select Committee, furnishes ample room for fair criticism of the administration of Indian States by the Press in India. One of the features of the law as to seditious libel in England is that unlike the law as regards defamation the plea of truth and public interest is not a sufficient defence for an indictment for seditious libel. It is for this reason that I welcome the change made by the Select Committee by the addition of *Explanation 5*. By that explanation it is clear that the burden of proving that any statement of fact was made with a malicious intention and with an attempt to excite hatred lies upon the prosecution. That being so, it seems to me that the rights of the Press are sufficiently safeguarded.

Then, Sir, there was another line of attack which was directed against this Bill. It was said that it is an emergency legislation, and there is nothing to show that there is at present any emergency which requires legislation of this character. You argued, Sir, that by this Bill executive action was being substituted for judicial process, a procedure which can only be justified in the case of the existence of an emergency and you asked where was the emergency requiring such legislation? Sir, I venture

[Dr. F. X. DeSouza.]

to submit that there is an emergency and that that emergency is caused by the growth of political consciousness amongst the people not only of British India, but also amongst the people of the Indian States, and as this political consciousness has unleashed passions both in British India and in Indian States, it is necessary to curb them in the interests of law and order. In British India this awakening of political consciousness led to a movement, called the Civil Disobedience Movement, which fortunately is now no more, and, in order to meet this movement, the Criminal Law Amendment Act had to be passed. To prevent similar movements and to prevent the growth of unrest in Indian States, which, as the Honourable the Political Secretary pointed out, is being fomented by the Press in India by vilification of the rulers and by fanning into flame the communal passions and communal hatred and is rendering the administration of Indian States more and more difficult, legislation of this kind seems to be absolutely necessary. It will also be remarked that the duration of this legislation will also be co-extensive with the duration of the present form of Government, because the Criminal Law Amendment Act XXIII of 1932, which is made applicable to this piece of legislation, was originally enacted for three years and will now last for another two years, and by that time we all hope Federation will come into force and there will be no need for repressive legislation of this kind.

There is, however, one piece of drafting in this Bill to which I should like to draw the attention of the Honourable the Home Member and the framer of this Bill. By clause 3 any attempt to bring into hatred or contempt or to excite disaffection towards the administration established in Indian States is rendered punishable. We all understand what is meant by bringing into hatred or contempt. Hatred or contempt may be caused either among the subjects of Indian States or it may be caused among the British Indian subjects. But what is the disaffection aimed at; is it disaffection to be caused among the subject of British India or the subjects of Indian States? I venture to submit that it would be wrong in law to speak of causing disaffection towards administration in Indian States among the subjects of British India. Disaffection has been defined by the highest judicial authority as absence of affection and is defined in the Webster's Dictionary as alienation or want of affection or goodwill especially towards the Government or those in authority. If that is so, there is no question that the subjects of British India owe any kind of affection towards the rulers or the administrators of Indian States, and, therefore, to cause disaffection towards the rulers of Indian States among the subjects of British India seems to be a misnomer. On the other hand, if this disaffection is meant to be caused among the subjects of Indian States towards their rulers, then it puts the British Courts in a very unenviable position of being the guardian of the loyalty of foreign subjects towards their foreign rulers. This is a constitutional question which I should like to put before the framers of the Bill for such action as they may deem fit. It is purely a legal and a technical objection. There may be something in it or there may be nothing in it, but I would like to put it before the framers of the Bill for their consideration. That is all, Sir, I wish to say. With these observations, I support the Bill.

Maulvi Muhammad Shafee Daoodi (Tirhut Division: Muhammadan):
Sir, I have risen at this fag-end of the day to say a few words with regard to this measure. I would have kept quiet, because everything for and

against the Bill has been so ably said in the House, yet I thought it my duty to rise and say frankly what the consequences of this measure will be. I feel that this measure is not going to give happiness to the Indian States. On the other hand, it will drive the people to secret societies, to hidden actions and all sorts of things which we all deplore. The reason for this is very simple. Those who have any connection with the Indian States know it fully well by their bitter experience that the administrations of most of the Indian States are in a condition in which even a whisper of their grievances under which they are groaning is not allowed. Under such conditions, Government are going to impose from outside a measure which aims at restricting the freedom of action and freedom of speech of people who would like to redress their grievances. I am sure, this is not the right policy to be followed at the present moment. I was glad that there was a lull in the country, and everybody was thinking of more reforms and improvements in the States. But by this measure, which is nothing less than repressive in all its aspects, Government are going to create more trouble both for themselves as well as for the Indian States. I need not say more of the difficulties and the tyrannies under which the subjects of the Indian States are groaning. The Honourable Member, Mr. Glancy, has more experience of such things than I do. He knows very well how his statesmanlike examination of the situation brought about a calm in the country and he knows full well that with his departure from that State another trouble cropped up not less acute even now. I do not know what measure of relief he can give to the subjects of the Indian States of whom he has personal experience. It is for him to tell us, and I hope, Sir, that the remarks I am addressing will be listened to by Mr. Glancy, and I hope that my Honourable friend, Mr. Ranga Iyer, who I see is now talking to the Political Secretary, will allow my remarks to be heard by him. I am just making a few remarks to be listened to by Mr. Glancy. I was saying that he has got full experience of the troubles in which the subjects in the Indian States are, and, as I have just said, it was the statesmanlike dealing with the subjects of a particular State that brought about a calm in that part of the country, but no sooner he departed from that State than the subjects have fallen again into difficulties and troubles. I believe they are now in a more desperate condition than they were some years back. On the top of this, you are going to impose these repressive measures on the people who sympathise and who want to do something for the oppressed. I do not understand these *jathas* to mean anything else than a sort of warning to the people who would not listen without such a warning. My personal knowledge is that when all avenues of being constitutionally heard were exhausted, then the attempt of *jathas* was made in Kashmere and it only worked as a loud speaker. It only roused the consciousness of the authorities both in British India as well as in the Indian States. It did nothing more than that, it did not create much trouble. In the beginning, when the *jathas* were marching, if the authorities of the British Government as well as of the Indian States had taken the warning and offered to do the same which they did a little later, I think most of the mischiefs which were committed in the State would have been avoided very easily. I find now that the gentleman who had experience of this sort has been brought in this House to support the measure which, I hope, he must be fully convinced, cannot be in the interest of the large number of inhabitants of the Indian States. I hope the Honourable Mr. Glancy will indicate in his speech in reply as to what relief he suggests to these people of the States who are suffering in that way. We shall listen to that part of his

[Maulvi Muhammad Shafee Daoodi.]

speech very attentively and will be thankful to him if he gives us a suggestion that is acceptable to us. I know that the Bill will be passed, because the power of resistance of the House has come to the zero point practically, and that is all the more reason that I have risen to speak my mind on this question and tell the House and the Government what I feel on this subject. With these remarks, I oppose the motion.

Mr. Muhammad Yamin Khan: I must in the beginning congratulate the Honourable the Law Member for having clarified the great issue that this Bill is not concerned at present with the question of Paramountcy, which ambiguity in the Preamble of the Bill has led to a great deal of controversy. In his explanation he has said that this Bill refers only to the offences which are being committed in British India simply to afford a neighbourly protection to the Indian States, that the words "under the suzerainty of His Majesty" are put in simply to indicate this and that this expression has got no other significance. I do not think that after this Bill has been on the Statute-book for some time, the explanation given by the Leader of the House on behalf of Government will have any significance. We have known that the High Courts do not refer to the speeches made on the floor of the House. . . .

Mr. Amar Nath Dutt: Because the High Court Judges do not appreciate us.

Mr. Muhammad Yamin Khan: My Honourable friend ought not to interrupt frivolously, as his interruption has no meaning and it does not clarify anything. I submit that the Judges are always guided by the language of the Statute and not even by the Statement of Objects and Reasons which are appended to the Bill. Therefore, this expression "under the suzerainty of His Majesty" will, of course, be interpreted by Judges as it stands and not by the explanation given by the Law Member on the floor of the House. My submission is, I have got no grievance about this expression, and whatever may have been felt by my Honourable friend, the Raja Bahadur, I want to make it clear that there is no such thing as Paramountcy without force or that Paramountcy is only *zabardusty*. I do not know what there is otherwise in the word "Paramountcy." How do these rulers happen to rule over these people? Is it *zabardusty* or otherwise? If the British Government are Paramount, it is on account of *zabardusty*. It means that because they have got power to call themselves Paramount, they are the rulers. May I ask, how the rulers of the Indian States happen to be rulers except through their power. It is only the power to rule that determines who is to rule and who is to be ruled, and, if they are to justify themselves as rulers, they must yield to a superior power to decide their destinies or interfere in their affairs. My friend, Mr. Jadhav, said at some length and also interjected when another Honourable Member was speaking that these rulers of the Indian States had been rulers for a long time, because they were heads of particular clans. A second class of rulers are descendants of Provincial Governors who rebelled against the Central Government and became independent. And a third class of rulers is made up of the descendants of freebooters who were going about looting villages and destroying crops; but when the British came in, they entered into a treaty with these freebooters in order to keep them under control, so that their activities might be confined to a particular area

instead of spreading over the whole country. They knew that in the middle of the 18th century nobody's life and property and honour was safe from these freebooters, and, in this category, there were all kinds of people concerned, like Mahrattas, Pindaris, Rohillas, etc., who took possession of other people's property by force and coercion. When the British came in, they brought them under control by giving them property, so that they might not go about plundering the people and the country. That was done by the British as representing the East India Company who derived their power from the Mughal Emperors who were the *de jure* and *de facto* power at the time. So there can be no question that whatever treaties were entered into, and on whatever basis, those treaties hold good and must be respected, because they were properly made between the proper authorities, and they must be respected by the people who have taken the place of the East India Company and the Mughal Emperor after 1857. Now, Sir, my Honourable friend went against his own argument when, while condemning the treaties as unauthorised, he said that in 1877 after Queen Victoria became Empress and declared herself as the Suzerain Power, everybody accepted her as such. By that it was implied that they accepted the Crown to be the Suzerain Power and there can be no dispute about that. I do not want to discuss this at length, but there is no doubt that there is a Suzerain and Paramount Power which means a power which gives protection to other people. And if the British Government are responsible for stopping different States from fighting with each other and affording protection as between the bigger and the smaller States, then they must also interfere in their affairs whenever it is right and proper to do so. Without the Paramount Power, India and Indian States cannot exist. There are two sides to protection, protection of the subjects of the State and protection of the ruler. If the ruler expects to get protection from his aggressive subjects, then the subjects can also claim protection against the ruler. And it is only fair and in accordance with constitutional methods that the British Government should stand as the Paramount Power. If the British Government do not protect the rulers, then, within ten years' time, every one of these States will be wiped out. So this point about not recognising the British Government as the Paramount Power is meaningless and has no force. I agree that these words should be retained and should be understood in the sense in which they are used, and it must be declared once for all, to remove all this misunderstanding in future, that there is a Paramount Power which must exist as such.

Now, Sir, as far as the Bill goes, I am glad to find that one objectionable thing has been removed, and I congratulate the members of the Select Committee, the Law Member and the Home Member, on their modifying the Bill and taking away that objectionable portion which was that the Bill originally sought to amend the Indian Penal Code. I felt strongly that the Indian Penal Code should not be touched, and now this Bill creates a separate offence and does not seek to amend the Indian Penal Code. That is a great advance which has been made.

Then, there is another improvement, that is, giving power for reference to the High Court. There are, however, two or three things which I should like to have been cleared and I want them to be cleared by the Honourable the Home Member in his speech and explained properly.

In clause 3(a), the words occur "to bring into hatred or contempt or to excite disaffection towards the Administration established in any State in India". I do not understand the word "disaffection". To excite disaffection in whose mind? In the minds of the British Indian subjects

[Mr. Muhammad Yamin Khan.]

or in the minds of the subjects of that particular ruler? If it means the latter, it is all right. But if it means in the minds of British Indians, then I think it is unnecessary. Whatever is in the minds of British Indians does not affect the ruler or his administration and therefore, this word must have reference to the State subjects themselves, and not any one else. If an offence is to be created, it must relate to them, because this Assembly has got jurisdiction only as far as British India is concerned, and no jurisdiction to legislate for the people residing in Indian States. We cannot say that no disaffection should be created in the minds of those people, by an action done in British India. If that is the intention it ought to be made clear, because there is no analogy with the English law. My friend, Dr. DeSouza, has referred to the English law, that that law wants that disaffection may not be created by propaganda in the minds of the subjects of a friendly State against the administration, but not in the minds of the British people in England: the British people may have anything to say against the Kaiser or the Czar or their administration: that would not be an offence, but if the British public tries to create disaffection in the minds of the people in that territory, like Germany, against the Kaiser, that might become an offence. So it must be explained fully what the intention is. If necessary, I hope the Honourable the Law Member will bring some kind of amendment to make perfectly clear what the object is.

Another point which I cannot understand is in clause 4. The closing words in clause 4(1) are:

"prohibit within the area specified in the order the assembly of five or more persons in furtherance of the said purpose."

Does this assembly mean assembly in a particular spot or in different areas? An unlawful assembly, as defined in the Penal Code, means that five people may not collect at a particular place; but when you are dealing with a conspiracy to go into an Indian State, five people may not collect at a particular place: they might not be holding a meeting of more than five; but they may be conspiring together, four in one place, four in another place and four in a third place, and so on: and how can you get rid of this conspiracy when all these people, four at a time, meet at different places and march and collect together just on the outside of the British territory in the Indian State's territory and gather about 200? If the object is to stop these *jathas*, this provision is not enough, because the *jathas* will not form into a group in British Indian territory and march in a big company into the Indian State: they will go gradually and will join together inside the State territory, some from the north, some from the south, some from the east, and so on, and thus evade the provision of this Bill quite easily. If you want seriously to put a stop to conspiracies of this kind, then proper steps should be taken, so that this thing may not be evaded so easily.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

Then, clause 5(1) says:

"tends to prevent obstruction to the Administration."

I cannot understand how any one can obstruct the administration of a State when he is actually in British India. I want to obstruct the State, say in Patiala; and I am sitting in Ambala. How can I obstruct any

administration in Patiala by remaining in Ambala, unless I go within the territory of Patiala? Obstruction implies necessarily physical force: it cannot be by mere words; and physical force must be employed within the territory itself. It cannot be employed from outside, that is from British India; and the offence is to be punished within British India and not within the State. The magistrate has got no jurisdiction over that and he cannot foresee how it is going to prevent obstruction there: that must actually happen there. So this point also has to be clarified, and I hope that the Honourable Member will make it clear what is meant and how this will be stopped and what the legal consequence will be, because legislation has to be so framed as to meet all devices which the ingenuity of people who are going to commit such offences can think of. We have to see that we do not fail to foresee all the devices which may be adopted in future.

As far as I can see, this Bill is not going to give the licence to the Indian princes to go and misuse their power, and it is a greatly improved measure now. As the time is drawing close, although I had some more observations to make (*Cries of "Go on"*), I would like the debate to close today, and so I conclude, giving my support to this measure.

Some Honourable Members: The question may now be put

Mr. President (The Honourable Sir Shanmukham Chetty): The question is that the question be now put.

The Assembly divided:

AYES—55.

Abdul Aziz, Khan Bahadur Mian.
 Ahmad Nawaz Khan, Major Nawab
 Ahmed, Mr. K.
 Allah Raksh Khan Tiwana, Khan
 Bahadur Malik.
 Anklesaria, Mr. N. N.
 Bagla, Lala Rameshwar Prasad.
 Bajpai, Mr. G. S.
 Bhore, The Honourable Sir Joseph.
 Brij Kishore, Rai Bahadur Lala.
 Cox, Mr. A. R.
 Dalal, Dr. R. D.
 Darwin, Mr. J. H.
 DeSouza, Dr. F. X.
 Dillon, Mr. W.
 Dumasis, Mr. N. M.
 Ghuznavi, Mr. A. H.
 Glancy, Mr. B. J.
 Graham, Sir Lancelot.
 Grantham, Mr. S. G.
 Haig, The Honourable Sir Harry.
 Hardy, Mr. G. S.
 Hezlett, Mr. J.
 Hudson, Sir Leslie.
 Irwin, Mr. C. J.
 Ishwarsingji, Nawab Naharsingji.
 Ismail Khan, Haji Chowdhury
 Muhammad.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur
 Sardar Sir.

Lal Chand, Hony. Captain Rao
 Bahadur Chaudhri.
 Lindsay, Sir Darcy.
 Macmillan, Mr. A. M.
 Mitter, The Honourable Sir Brojendra.
 Morgan, Mr. G.
 Mukharji, Mr. D. N.
 Mukherjee, Rai Bahadur S. C.
 Noyce, The Honourable Sir Frank.
 Pandit, Rao Bahadur S. R.
 Raghbir Singh, Rai Bahadur
 Kunwar.
 Rajah, Rao Bahadur M. C.
 Ramakrishna, Mr. V.
 Ranga Iyer, Mr. C. S.
 Rastogi, Mr. Badri Lal.
 Ran, Mr. P. R.
 Roy, Rai Bahadur Sukhraj.
 Sarma, Mr. G. K. S.
 Schuster, The Honourable Sir George.
 Scott, Mr. J. Ramsay.
 Sher Muhammad Khan Gakhar,
 Captain.
 Singh, Kumar Gupteshwar Prasad.
 Singh, Mr. Pradyumna Prasad.
 Sloan, Mr. T.
 Talib Mehdi Khan, Nawab Major
 Malik.
 Tottenham, Mr. G. R. F.
 Varma, Mr. S. P.
 Yamin Khan, Mr. Muhammad.

NOES—28.

Abdoola Haroon, Seth Haji.
 Abdur Rahim, Sir.
 Aggarwal, Mr. Jagan Nath.
 Das, Mr. B.
 Dutt, Mr. Amar Nath.
 Gour, Sir Hari Singh.
 Ismail Ali Khan, Kunwar Hajee.
 Jadhav, Mr. B. V.
 Jog, Mr. S. G.
 Joshi, Mr. N. M.
 Krishnamachariar, Raja Bahadur G.
 Mitra, Mr. S. C.
 Mudaliar, Diwan Bahadur A.
 Ramaswami.
 Murtaza Saheb Bahadur, Maulvi
 Sayyid.

Neogy, Mr. K. C.
 Parma Nand, Bhai.
 Patil, Rao Bahadur B. L.
 Puri, Mr. B. R.
 Reddi, Mr. P. G.
 Reddi, Mr. T. N. Ramakrishna.
 Sant Singh, Sardar.
 Sarda, Diwan Bahadur Harbilas.
 Shafee Daoodi, Maulvi Muhammad.
 Sitaramaraju, Mr. B.
 Thampan, Mr. K. P.
 Uppi Saheb Bahadur, Mr.
 Wilayatullah, Khan Bahadur H. M.
 Ziauddin Ahmad, Dr.

The motion was adopted.

The Honourable Sir Harry Laig: Sir, today the thunder clouds of debate have discharged their indignations and, as a prudent man, I propose, as far as possible, not to intervene between them. I shall endeavour at this late hour to confine myself strictly to what I conceive to be the merits of the debate, and, therefore, I shall not follow my Honourable friend, Sardar Sant Singh, into the discussion of whether this is one of those repressive laws that leads by natural reaction to acts of rebellion and whether the provisions we are proposing for the Press will lead to the gathering of *jathas* of editors to invade our precincts in order to protest against them. My Honourable friend, though he belongs to the legal profession, never forgets that he is also a member of a martial race. (Laughter.)

In the course of the debate, one point, which seems to me to be of very little significance, has continually been cropping up, and I have endeavoured more than once by interruptions to make the position of the Government clear. It is said that there has been no demand by the States for this Bill. Well, Sir, the position seems to me to be perfectly clear. This Bill, as we conceive it, is in part very definitely required in the interests of British India. It is not in the interests of British India that *jathas* should be organised from here, that communal feelings should be stirred up and that all those other consequences should arise with which we have been unfortunately familiar in the last two or three years. It is equally obviously to the interests of the States that such movements should not develop and be directed against their administrations. What, then, Sir, is the significance of the enquiry whether the States have or have not made certain formal demands that this legislation should be undertaken? If it could be shown that the States were opposed to this legislation, that would be a different matter, but I do not think that any Honourable Member has suggested that conclusion.

With regard to the Bill itself, in the first place, I should like to endorse what was said by my Honourable friend, Mr. Neogy, about the general spirit in which the members of the Select Committee approached their task. It was a spirit of no hostility to the States, it was a spirit of no unreason. I fully recognise that even those members of the Select Committee who did not agree with us viewed the subject in a spirit of reasonable argument and not of prejudice, and as they themselves have made clear, there are certain portions of this Bill the principle of which they accept. Therefore, I do not propose to enlarge on those portions of the Bill—the

provision dealing with conspiracies, and the provision intended to prevent the assembling of *jathas*. Objections taken by our opponents are concentrated mainly on clause 3 which restricts the powers of the Press. Those objections were put before the House very ably, and if I may say so, moderately by my Honourable friend, the Leader of the Opposition. I know from previous discussions with him that he views these questions from a different angle to that from which I view them, and I think perhaps it is natural in consideration of our different training. As one who has had mainly to do with the executive side of Government, I confess that I tend to regard prevention as being a matter of great importance.

Sardar Sant Singh: (West Punjab Sikh): Policeman's mentality.

The Honourable Sir Harry Haig: My Honourable friend, on the other hand, prefers, if I may say so, that the offence should be committed, and then he is always ready to punish it.

Sardar Sant Singh: Judicial mentality.

The Honourable Sir Harry Haig: My Honourable friend said that we were attempting to extend the powers which had been taken in British India under stress of a particular emergency—that we were seeking to extend those powers to quite different conditions, namely, the protection of Indian States. It is perfectly true that we are not resting our case for the grant of these powers on the same ground on which we rested our case for the taking of these powers in British India. If we had rested this case on the same ground as the Ordinance legislation, we should have included it in that ordinance legislation. I would ask the House to remember that, in fact, these powers were in existence as the ordinary law of the land for some 12 years from 1910 to 1922 while the old Press Act was in existence. They are not, therefore, necessarily emergency powers or powers which are only required on the occurrence of a specific emergency. They were also in force during the time of the Ordinances, but when we replaced the Ordinances by certain legislation which this House passed, we struck out from our proposals the portion relating to the States, because we recognised that the case for this legislation was different to the case for what one might call the Ordinance legislation. This does not rest on the existence of a Civil Disobedience Movement, but on different conditions, which my Honourable friend, Mr. Glancy, has explained at considerable length to the House at an earlier stage of these debates. Therefore, I do not accept it as a valid criticism of our proposals that we are introducing emergency legislation at a time when the emergency is already passing away. That, however, leads me to a point which was made—a perfectly just point—by my Honourable friend, Mr. Neogy, that we are in the form of this legislation making proposals in respect of the Press which will be of only temporary effect. That is perfectly true. That is an inevitable result of the fact that the Press Emergency Powers Act is only a temporary Act. In regard to that, some Honourable Members have suggested that the conditions may be permanent, others have suggested that in a few years' time with political conditions changing in this country such powers might not be necessary. It is not for us to try to anticipate the verdict of the future. We are content to leave the question of what is to happen when these powers expire to that time and to the Government which will be then in power.

Now, Sir, another point made by more than one Honourable Member is that clause 5 gives powers to District Magistrates which are too wide and

[Sir Harry Haig.]

which they are not really in a position intelligently to exercise. Well, Sir, I would ask the House to remember in the first place that this clause does not come into operation in a district until it has been specially extended by the Local Government. That means to say that there must be in existence a serious, a dangerous movement in which both the district and the neighbouring States are concerned. In those circumstances, it will be a strange District Magistrate who is not pretty closely acquainted with what is going on in his own district and just across the border in the State, and I do not think that he would in practice have much difficulty in forming the conclusions which we expect him to be able to form under the provisions of clause 5. It has been objected also that that clause gives a very wide power to the District Magistrate, but I would again ask the House to remember that this clause will not come into operation unless an emergency is in existence, and it may well be, and we have seen ourselves within the last few years examples in which it has been most desirable, that a District Magistrate should be able to stop the development of a movement on the borders of an Indian State, a movement the progress of which would have exceedingly serious consequences both to the peace of British India and to the peace of that State and we believe that the grant of these powers will enable us to avoid those very serious risks. It has been suggested, for instance, with reference to this clause that a general conference of Indian States people could be prohibited. I think that suggestion could only be made by those who believe that the executive act always in a most arbitrary manner and without regard to the provisions of the law. Various points of detail have been raised by different Honourable Members as to the meaning of particular words and phrases. My Honourable friend, Mr. Yamin Khan, asked us certain questions in his speech, but I would suggest that those could most conveniently be dealt with in our debates on the various clauses. I do not think I need add anything on the general merits of the Bill, and I would ask the House to support us in taking it into consideration.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

“That the Bill to protect the Administrations of States in India which are under the suzerainty of His Majesty from activities which tend to subvert, or to excite disaffection towards, or to interfere with such Administrations, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty): Tomorrow, as Honourable Members will remember, is a non-official Resolution day. On Saturday, what the Chair proposes to do is that the House might meet from 10 to 1 and not meet in the afternoon. The Chair thinks that will meet the convenience of the House.

Mr. Muhammad Yamin Khan: Instead of 1 o'clock I suggest it may be quarter to one. The “Maidens” is half an hour's run from here.

Mr. President (The Honourable Sir Shanmukham Chetty): At a convenient hour—approximately at one.

The Assembly then adjourned till Eleven of the Clock on Friday, the 5th April, 1984.