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THIRD SESSION

OF THE

LEGISLATIVE ASSEMBLY, 1922



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# LEGISLATIVE ASSEMBLY.

*Monday, 18th September, 1922.*

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

## BILLS PASSED BY THE COUNCIL OF STATE.

**Secretary of the Assembly :** With your permission, Sir, I lay on the table (1) the Bill further to amend the Indian Extradition Act, 1903, as passed by the Council of State, and (2) the Bill further to amend the Indian Museum Act, 1910, as passed by the Council of State.

## QUESTIONS AND ANSWERS.

### SUKKUR BARRAGE.

**330. \*Mr. W. M. Hussanally :** (a) Has the Government of India received through the Bombay Government a Resolution passed at a meeting of the Bombay Legislative Council on October 7th, 1921, asking the Government of India to bear a share of the cost of the Sukkur Barrage in the shape of interest charges ? If so, what action do the Government of India propose to take on the Resolution ?

(b) Is it a fact that the Sukkur Barrage when constructed will directly and indirectly yield a revenue to the Central Government in addition to what it pays to the Provincial Government ?

(c) If so, has it been calculated how much the project will contribute to the revenues of the Central Government ?

(d) If the project will benefit the Central revenues, do Government propose to contribute to the interest charges on the capital cost as prayed for by the Bombay Legislative Council ?

(e) If not, do the Government of India propose to make advances to the Government of Bombay, on account of the Sukkur Barrage under rule 25 of the Devolution rules ? If not, why not ?

**The Honourable Sir Malcolm Hailey :** (a) No.

(b) The Central Government's revenues cannot benefit directly by the construction of the Barrage, though no doubt the increased prosperity and spending power of the inhabitants of that part of the country will result in an indirect benefit to those revenues.

(c) No ; nor do I think that any such calculation is possible.

(d) I have already informed the Honourable Member, in reply to a question of his on the same subject at the Delhi Session, that Irrigation is now a provincial subject, and that, although the Central

Government will do all in their power to facilitate the execution of the scheme, they can accept no financial liability for it.

(c) No application for an advance under Rule 25 of the Devolution Rules has been received in respect of the Sukkur Barrage.

**Mr. S. C. Shahani :** Are Government aware of the following statement made by Sir George Benton, late Inspector General of Irrigation, in an address to the Royal Society of Arts in London in May 1913 ?

“ If we wait and see the effect of the known withdrawals up-country and others which are to follow (before constructing the Sukkur Barrage) we may see a ruined Sind.”

**The Honourable Sir Malcolm Hailey :** That appears to relate to a technical aspect of the scheme and not to the financial.

**Mr. S. C. Shahani :** Is it a fact that the Government of India have recently sanctioned the Sutlej Valley Irrigation project ?

**The Honourable Sir Malcolm Hailey :** The Honourable Member desires information on another subject not arising out of the question ; I am, however, prepared to give it to him. The project he mentioned has been sanctioned by the Government of India.

**Mr. Jamnadas Dwarkadas :** Who is going to finance the scheme ? Is it true that the Government of Bombay is going to float a loan in England ?

**The Honourable Sir Malcolm Hailey :** The Honourable Member will not, I hope, apply to me for information regarding the intentions of the Government of Bombay.

#### ALLOTMENT OF QUARTERS.

331. **\*Mr. K. B. L. Agnihotri :** (a) Will the Government be pleased to state the principle and the method on which the allotment of quarters in Simla to the Members of the Indian Legislature has been made ?

(b) Is the Government aware that the convenience of the orthodox members has not been properly looked to in allotting the quarters ?

(c) Will the Government be pleased to give reasons for not allotting Cart Road quarters to Members who had notified their intention of coming to Simla with their families ?

(d) Will the Government be pleased to state if the House Committee was consulted in making such allotments ; and if not, why not ?

**The Honourable Sir William Vincent** (on behalf of Dr. T. B. Sapru) : The following accommodation was available for allotment to orthodox members in Simla during the current session :

- 20 quarters on the Card Road,
- 5 cottages at Longwood,
- 6 quarters at Longwood Range,
- 13 double quarters at Summer Hill,
- 8 single or 4 double quarters at Summer Hill House, and
- 8 quarters in the Mythe.

When the circulars regarding accommodation for the Simla Session were issued to members, Summer Hill House and the Mythe had not been placed at the disposal of the Legislative Department. In those circulars members applying for double quarters were asked to state

their reasons for requiring such quarters, and were informed that double quarters would not in any case be allotted to members who did not definitely state that they were bringing their families with them. Nevertheless out of a total of 59 members who asked for double quarters only 14 members stated that they were bringing their families.

Every attempt is made, as far as possible, to meet the convenience of members, in the allotment of accommodation ; but when I inform the Honourable Member that there were about 60 applicants for the 20 quarters on the Cart Road, and about 40 for the five cottages at Longwood, I think he will realise how impossible it is that every member should be allotted the exact accommodation for which he applies. This difficulty must, I fear, continue, until the state of the Government of India's finances enable it to provide further accommodation. The quarters at Summer Hill are not popular ; and as far as possible those members who were compelled somewhat against their wishes to reside there in 1921, were in the current year allotted more convenient accommodation elsewhere.

Of the 14 members referred to above who definitely stated that they would be accompanied by their families, 5 applied for Cart Road quarters, 5 for a cottage at Longwood, 2 for Summer Hill and the rest expressed no preference. Three of these members were allotted Cart Road quarters, three each were allotted to Summer Hill House and the Mythe, which were considered to be at least as comfortable and convenient as the blocks on the Cart Road, and one obtained a Longwood Cottage. There seems to be no substantial ground therefore for the Honourable Member's grievances.

The question of allotment was not laid before the House Accommodation Committee as it is not one of the functions of that Committee to deal with the matter. Moreover it would not have been possible to assemble the Committee in time to consider the matter which has to be settled some weeks before the commencement of the Session.

**Mr. K. B. L. Agnihotri :** May I know why the quarters were not allotted on ballot ?

**The Honourable Sir William Vincent :** I am afraid I cannot answer that question in the absence of the Honourable the Law Member.

**Mr. K. B. L. Agnihotri :** May I know what conveniences are taken into consideration before assigning quarters for orthodox members ?

**Mr. President :** In view of the absence of the Honourable the Law Member it will be advisable to postpone that question till the Honourable the Law Member is present.

**Rao Bahadur C. S. Subrahmanayam :** May I know who is responsible for dealing with the allotment of these quarters ?

**The Honourable Sir William Vincent :** The Secretary in the Legislative Department, I believe.

**Rao Bahadur C. S. Subrahmanayam :** You are not quite sure ?

**The Honourable Sir William Vincent :** I am informed that that is the case. I have no personal knowledge.

**Rao Bahadur C. S. Subrahmanayam :** Are there any instructions given to him on what basis these quarters are to be allotted, or is he the sole master of this business ?

**The Honourable Sir William Vincent :** That is a question again which I cannot answer. I think the Honourable Member will realise that I am merely answering for Dr. Sapru who has not yet arrived.

**Rao Bahadur C. S. Subrahmanayam :** May I have an opportunity of putting the question when the Honourable the Law Member arrives as it is an important matter ?

**The Honourable Sir William Vincent :** If the Honourable Member wants to raise any question, particularly a question relating to his personal convenience, he will, I am sure, receive every consideration from my Honourable colleague.

**Rao Bahadur C. S. Subrahmanayam :** That has not been my personal experience.

#### NUMBER OF PASSED CANDIDATES ON THE STAFF SELECTION BOARD'S BOOKS.

332. **\*Rai G. C. Nag Bahadur :** With reference to (c) of the answer given on 10th January 1922, to unstarred Question No. 32, will Government kindly state the number of passed men on the Staff Selection Board's books when the recent examination was decided upon, and the number of likely vacancies in each of the different offices in the near future ?

**The Honourable Sir William Vincent :** As regards the first part of the question I refer to the Honourable Member to the answer I gave to Rai Bahadur S. P. Bajpai's question No. 86. As regards the second part I am unable to give any reliable estimate.

#### EAST INDIAN AND GREAT INDIAN PENINSULA RAILWAYS.

333. **\*Rai G. C. Nag Bahadur :** With reference to the termination of the East Indian and the Great Indian Peninsula Railway Company's contracts on 31st December 1924, and 30th June 1925, respectively, will Government kindly state what steps are proposed to be taken to adjust the Companies' share of the liability of arrears of repairs and renewals which may be outstanding on those dates ?

**Colonel W. D. Waghorn :** The contracts with the lines in question do not terminate till December 1924 and June 1925, respectively, and the only step which it is possible for Government to take in accordance with the contracts in respect of arrears of renewals is to ensure that the amount of renewals during the remaining years of the contracts shall be pushed forward as far as possible.

#### RAILWAY PROJECTS.

334. **\*Sir Deva Prasad Sarvadhikary :** Would the Government please lay on the table a statement showing in detail :

- (i) The projects and schemes for new construction of Railway now before the Government or the Railway Board for consideration in any shape ?
- (ii) The stages in which such projects and schemes now are ?

- (iii) The approximate cost of each scheme and project as far as possible ?
- (iv) The approximate time and order in which each scheme and project may be expected to be taken up ?

**Colonel W. D. Waghorn :** (i), (ii) and (iii). The Honourable Member is referred to Appendix 10 to the Administration Report on Railways in India. The Report for 1921-22 is under preparation and is expected to be ready shortly.

(iv) The Talcher Coalfields Railway has just been sanctioned for construction. The project next in order of urgency is the Hesla Chandil Railway which has been proposed as an alternative to the Hesla Munharpur Railway project, and the question of its construction will be decided on receipt of the results of the survey of the line which is now in progress. As regards other projected railways, it is not possible at present to give the indication required.

**Mr. S. C. Shahani :** Will Government be pleased to state if by any new construction of Railway in the near future the journey between Karachi and Bombay, at present of about 50 hours, is to be shortened.

**Colonel W. D. Waghorn :** That question will be given every consideration.

#### INDIANS ON RAILWAYS.

335. **\*Mr. P. L. Misra :** (a) Will Government be pleased to state the number of Indians holding the post of Assistant Traffic Superintendents in the Great Indian Peninsula Railway ?

(b) Has the D. T. S., Delhi, G. I. P. Railway, been transferred to Bombay and been succeeded by D. T. Inspector, Delhi ?

(c) Will Government be pleased to state why any one of the Indians holding the post of Assistant Traffic Superintendent has not been appointed D. T. S. ?

(d) What are the special qualifications of the D. T. Inspector mentioned in (b) ?

**Colonel W. D. Waghorn :** The information is being collected and will be furnished to the Honourable Member.

#### EXPENSES OF ELECTIONS AND COMMISSIONS.

336. **\*Dr. Nand Lal :** Will the Government be pleased to state :

- (a) What was the total cost of the last election of the Members of the Legislative Assembly by their constituencies in India ?
- (b) What has been the total cost of all the commissions of inquiries in India since the first sitting of the Legislative Assembly and what is the total number of those commissions and what effective measures have been adopted eventually by the Government of India to bring the suggestions, offered in their reports, into practice ?

**The Honourable Dr. T. B. Sapru :** (a) As 'elections for the Indian Legislature' is a provincial subject and the expenses incurred on such elections are borne by the Local Governments concerned, the Government of India have no information as to the total cost of the

last general elections to the Legislative Assembly and do not consider that it would serve any useful purpose to collect such information.

(b) The attention of the Honourable Member is invited to the reply given by the Honourable Sir William Vincent on the 6th September, 1922, in reply to a similar question by Lieutenant-Colonel H. A. J. Gidney and the statements laid on the table in connection therewith which contain the information asked for by the Honourable Member.

#### INDIAN TAXATION.

337. \*Mr. T. V. Seshagiri Ayyar : (a) Has the attention of the Government of India been drawn to the observations of Sir Michael O'Dwyer that the taxation per head in India is very low as compared with that in Great Britain and his further observation that " the Indian Government has so far made no attempt to refute " the statement of Indians that the limits of taxation have been reached, in the *Fortnightly Review* for August last under the heading " India without Mr. Montagu and Gandhi " ?

(b) Will Government be prepared to issue a statement comparing the annual average income per head of an Indian with that of the people of Great Britain ?

The Honourable Sir Malcolm Hailey : (a) I have seen the article in the *Fortnightly Review* referred to.

(b) Government cannot commit themselves to any estimate of the annual average income per head of population either here or in Great Britain.

#### DEPRESSED CLASSES.

338. \*Mr. T. V. Seshagiri Ayyar : (a) Has the attention of Government been drawn to another statement made in an article in the *Fortnightly Review* for August last by Sir M. O'Dwyer that the " Central Council " refused to admit the depressed classes to the use of water in wells, reservoirs, etc., built at public expense ?

(b) Is the above statement true ?

(c) If it be not true, do Government propose to take steps to contradict the statement both in England and in India ?

Mr. M. S. D. Butler : (a) Yes.

(b) The allusion is not understood.

(c) No action appears to be necessary.

#### PROVINCIAL COUNCILLORS AND MINISTERS.

339. \*Mr. T. V. Seshagiri Ayyar : (a) Has the attention of Government been drawn to a statement made in an article in the *Fortnightly Review* of August last by Sir Michael O'Dwyer referring to what the writer describes as the extravagance of the Provincial Governments in the matter of their " bloated establishments of Executive Councillors and Ministers, all on salaries of at least £4,000 a year with corresponding secretariat staffs, which have been created regardless of expense, to give effect to Diarchy and provide power and place for ambitious politicians " ?

(b) Has Government made any attempt to reduce the number or salary of the Executive Councillors as also Ministers in the Provinces ?

**The Honourable Sir William Vincent :** (a) Yes.

-(b) The possibility of reducing the number of Members of the Executive Council in certain provinces is now under consideration. In the case of Bihar and Orissa the number will be reduced from 3 to 2 with effect from 1st\* November 1922. The salaries of Members of Council are regulated by section 85 of the Government of India Act. They in no case exceed those formerly paid, at a time when the cost of living was considerably smaller; indeed in one case they have actually been reduced; and the Government of India do not propose to recommend any alteration. As to the number and salaries of Ministers, the matter is primarily the concern of the Governor and the local Legislative Council and is not one in regard to which the Government of India can interfere.

### UNSTARRED QUESTIONS AND ANSWERS.

#### CANDIDATES EXAMINED BY STAFF SELECTION BOARD.

**203. Rai G. C. Nag Bahadur :** Will Government be pleased to state :

- (a) the number of candidates who passed the Staff Selection Board's examination in 1920 and 1921 ;
- (b) the number of passed candidates who were employed in the Government of India Secretariat and attached offices on the 1st July, 1922 ;
- (c) the number of passed temporary men who were confirmed in the several offices ;
- (d) the number of passed outside candidates for whom employment could be found ;
- (e) the number of passed outside candidates for whom no employment could be found ?

**The Honourable Sir William Vincent :** As regards parts (a), (b), (d) and (e) of the question I invite a reference by the Honourable Member to the answers given by me to Mr. Reddi Garu's and Mr. Bajpai's questions on the same subject on the 7th September 1922.

As regards part (c) of the question the confirmation of temporary men already serving in Departments of the Government of India or in attached offices who were required to pass the examination of the Staff Selection Board, is decided upon by the Departments or the heads of the attached offices concerned, and not by the Staff Selection Board. Government consider that no useful public purpose would be served by asking all Departments and attached offices to furnish this information.

#### INSPECTOR OF OFFICE PROCEDURE.

**204. Rai G. C. Nag Bahadur :** Will Government lay on the table a statement showing :

- (a) the duties of the Inspector of Office Procedure as per the recommendations of the Llewellyn-Smith Committee, and those assigned to him outside those recommendations, if any ; and
- (b) the progress made during the last two years in putting those recommendations into force ?

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\* Date of Sir H. LeMesurier's retirement.

**The Honourable Sir William Vincent :** The Honourable Member will find the information he requires in the following papers :

- (a) the Report of the Secretariat Procedure Committee, a curtailed copy of which has been placed in the Members' library ;
- (b) the Home Department Resolution No. 2366, dated the 15th September 1920, publishing the decisions of the Government of India on the recommendations of the Committee ; and
- (c) the report of the work done by the Inspector of Office Procedure since his appointment, a copy of which has been placed in the Members' library.

#### RAILWAY DEPARTMENT.

**205. Rai G. C. Nag Bahadur :** Will Government kindly state how the question of the reorganization of the Railway Department now stands, and whether the proposals in connection therewith are likely to be placed before the Assembly either during the Simla or the Delhi Session of 1922-23 ?

**Colonel W. D. Waghorn :** Government have been considering the question of the re-organization of the Railway Department in the light of the Acworth Committee's proposals but the matter is not yet sufficiently advanced to justify any statement on the subject.

#### HARDWAR RAILWAY STATION.

**206. Dr. Nand Lal :** Will the Government be pleased to state :

- (a) Whether second and first class waiting rooms for Indian ladies at Hardwar Railway station, have been built ?
- (b) Whether the Station Master, Hardwar, has been empowered to reserve second and first class berths and compartments, from Hardwar to various other stations, himself, instead of referring to the Station Master, Dehra Dun, for the same reservation ?

**Colonel W. D. Waghorn :** (a) It is expected that the first and second class waiting rooms for Indian ladies at Hardwar will be ready for use by the end of this year.

(b) The Station Master, Hardwar, has been authorised to reserve first and second class berths on trains which start from that station, but in the case of berths reserved in trains starting from Dehra Dun he must refer to the Station Master, Dehra Dun. No Station Masters on the Oudh and Rohilkhand Railway have authority to reserve compartments without reference to the Traffic Manager.

#### CORRUPTION IN RAILWAY DEPARTMENT.

**207. Dr. Nand Lal :** (a) Whether the Railway Department of the Government of India has taken any specific and special step to put an end to corruption in that Department ?

(b) Whether the Government of India has, in the maintenance of the purity of their administration, taken any specific and special step to exterminate corruption in various departments of the Government ?

**Colonel W. D. Waghorn :** (a) Instructions have been issued by the Railway Board to the Agents of the State-worked Railways to take such steps as they can to check and stop corruption where it exists,

(b) The Heads of Departments under the Government of India have been asked to take such steps as they can to check and stop corruption where it exists. Local Governments have also been consulted as to whether any change in the existing law is necessary in order effectively to put down corruption and, if so, what form the amendment should take. Their replies are not yet complete.

BABU TRIGUNA CHARAN DAS.

208. **Rai G. C. Nag Bahadur :** (a) Are the Government aware that a memorial was submitted through the Government of Bengal on 30th April 1920 to the Secretary of State for India by Babu Triguna Charan Das, retired Deputy Superintendent of Police, Maulvi Bazar, Sylhet, Assam, against the order passed on 1st June 1916 on his appeal petition by the Government of India and the said memorial was withheld by the Government of Bengal (*vide* their letter No. 1335-A.D., dated the 4th June 1920) ?

(b) Do the Government propose to call for the papers connected with this case, and pass such orders thereon as they deem fit ?

**The Honourable Sir William Vincent :** (a) Yes.

(b) The answer is in the negative. The memorial was withheld by the Local Government under rule XI (15) of the Memorial Rules, under which Local Governments have discretion to withhold memorials submitted more than 6 months after the orders appealed against.

#### THE POLICE (INCITEMENT TO DISAFFECTION) BILL.

**Mr. President :** Further consideration of the motion :

“ That the Bill to provide a penalty for spreading disaffection among the police and for kindred offences, as amended, be passed.”

The question is that the Bill, as amended, be passed.

**Dr. H. S. Gour** (Nagpur Division : Non-Muhammadian) : About five minutes ago we were delivered copies of the revised Police Bill. I have gone through it and I think before we pass it into law I should like to make a few observations concerning it. Honourable Members will remember that when this Bill was introduced reference was made to the English Police Act, and on that occasion I pointed out to the House that the English Police Bill was intended to meet a temporary evil which visited the country and that it was in the nature of an emergency legislation. The intention of the English Police Bill as well as of the Police Bill sought to be introduced in this House was to prevent insubordination and discontent and desertion in the Police services and it is with that object that the Bill was primarily drafted. We then pointed out that the object of the Bill would be well served if it was referred to the Select Committee and its terms confined to the abuse or to the mischief intended to be attacked. This was so far as I can see agreed to by the House. When the Bill went to the Select Committee, I ventured to point out to that learned body that there are two things that the committee have to keep in view, first to provide against the mischief against which the Bill was directed, and secondly to safeguard the interests of the public and to see that the Bill when passed into law would not be liable to abuse. With that object in view I had drafted clause 3 of the Bill and you will see from the report of the Select Com-

[Dr. H. S. Gour.]

mittee that it was the intention of the Government, so far as the safeguarding of the interests of the public was concerned, was the same. I read to the Honourable Members of this House clause 2 of the Report of the Select Committee in which all the Members of the Select Committee unanimously agreed that the Bill must contain a proviso excepting *bona fide* advice given by persons interested in the betterment of members of the police force. The wife may give advice to the husband, the father to the son, the brother to the brother, neighbours and friends interested in the welfare of a member of the police force may give advice for the betterment of the individual members of the police force. It was never the intention of the Legislature here that these persons should be penalised because they give *bona fide* advice for the improvement of the prospects of members of the police force and I have no doubt that the Honourable the Home Member will agree with me that the Bill should not contain any provision penalising such people. I mentioned this on the last occasion when this Bill was under discussion on the floor of this House, and judging from the official report of the proceedings, the Honourable the Home Member promised that this will be rectified later on in the Council of State. I therefore appealed to him and said 'Why should we leave a matter for future rectification which we have the power to rectify here' and I had hoped that that proviso would be added to the redrafted Bill now before this House but I feel, Sir, that that proviso is not to be found either in clause 3 or clause 4. I request the Honourable the Home Member to insert that proviso as clause (b) to section 4 and change the marginal note to 'Savings of Acts done by police officers and others.' That would be a self-contained exception to the Police Bill.

Now, Sir, turning to the general tenour of the Bill, Honourable Members will find that in the course of the discussion the primary object of the Bill appears to have been completely lost sight of; and we have widened the scope of the Bill from one intended to punish discontent, desertion and insubordination of police officers to one which is substantially sedition; and with the changes made in the punishment, the position at the present moment is that those offences of sedition against the Crown in respect of police officers will be triable by any Magistrate, and by a first-class Magistrate even summarily, and the safeguards which exist for the trial of an offence under section 124A of the Indian Penal Code would not be present. The result has been, I submit, that the real intention of the framers of the Bill has not been carried out in its final draft. At this stage it would be futile to offer any opposition to the passage of this Bill, and the fact that I am making these observations is intended to draw the attention of the Honourable the Home Member for his favourable consideration. I hope, Sir, that he will add a proviso as I have suggested, and that he will recast section 3 of the Bill so as to limit it to the mischief against which it was intended that it should be directed. With these remarks, Sir, I have now no adverse comments to offer against the passage of the Bill.

**Dr. Nand Lal** (West Punjab : Non-Muhammadan): Sir, I concede in favour of the Government that they have got in their possession some important official documents which go to show that this evil, which the Bill contemplates to stamp out, exists in some parts of India. But I

cannot say that the evil is rampant. It is not established that it existed, or it exists, throughout this country. Therefore, I feel constrained to oppose this motion. So far as the desirability of moving this motion is concerned, I may respectfully submit that the present Statute Book does not require to be over-burdened. Section 124-A, as it was discussed the other day, fully and adequately meets the want if any at all, and there is thus, no necessity for this special enactment. The Bill, as it stands now, I mean to say in the amended form, does not seem to be very far off from the purview of the section alluded to above by my humble-self, namely, section 124-A of the Indian Penal Code. May I ask, Sir, if some perverted minds took it into their heads to attempt to induce some clerks in the Secretariat to resign their posts, or not to attend to their duty, would it be desirable, on the part of the Government of India, to call upon this Legislature to pass a special Act to stamp out this sort of evil? I hope the whole House will agree with me that there will be no occasion to pass such a measure. The other point which I wish to urge is this,—that the country is not in favour of this measure at all. We ought to see as to what impression will be made, on the minds of the public of this country, by passing this Bill. Will it prove helpful to the administration of justice, in reality, or will it not have a bad effect generally on the question of administration? In my humble opinion, the latter condition will be forced to exist. The country at large is not prepared to countenance the view that this sort of special Acts may be passed. There is no occasion for them; and I may very respectfully submit, and that submission is based on my very sincere fear, that it will give rise to a considerable amount of discontent, though I wish my this fear may prove utterly false. But even if my prophecy should fail, the fact remains, as I have already submitted, that this Act will not be popular, it will not have popular approbation, on the contrary it will find very hard opposition to it, so far as the public, outside this House, is concerned. Considering the stringency of the Bill, which is apparent in the provisions of section 3, it requires this Honourable House's scrutiny. Mark the word 'Discipline',—look at the ambiguity of this word, which is not defined anywhere except that its meaning is given in English dictionaries, and that is no definition. Can anybody, can any Honourable Member of this House, give me a proper and adequate legal definition of this expression or word 'discipline'? Take, for instance, a case where there is an order issued from the Superintendent of Police for the conduct of certain constables, namely, to go from this place to the other place, and in compliance with that order they are marching on. Some fools or those who cannot understand the intricacies of law come forward and say, 'Constables! do not proceed to this direction, or in this manner or by this way.' That will be tantamount to an infringement of the provision of section 3, so far as 'discipline' is concerned. What will be the fate of that man? He will be in the clutches of the law. Therefore, I am pointing out to this Honourable House that you are giving a very formidable and dangerous weapon in the hands of the Executive; and I am afraid all of us will, morally, be taken to be privy to all the trouble, which will be created on account of this enactment. As I submitted the other day, I may be permitted to repeat the same, that the provisions of this section 3, I am afraid, are sure to be abused. I may emphasise the words 'are sure to be abused',

[Dr. Nand Lal.]

and for a number of reasons. (1) Take a case in which a District Magistrate complains,—lodges a complaint, as we may call it technically. The accused is to be tried before a Magistrate who is subordinate to that very District Magistrate. Can it be believed for a moment that that subordinate Magistrate will not be influenced by the fact that the complaint has been lodged by the District Magistrate, his immediate officer? Human nature is, after all, human nature. Then there is another point relating to the question of appeal. Supposing the case is tried by a Second Class Magistrate, because the sentence is six months, and the accused is convicted. Sir, I may point out that the appeal will lie in the Court of the District Magistrate, and who is that District Magistrate?—the very complainant who has instituted that complaint. Does it not seem quite anomalous; practically it amounts to this that the prosecutor himself is sitting in judgment, so far as the determination of the merits of the appeal is concerned. Sir, will this Honourable Assembly allow this sort of legislation? I am sure most of the Honourable Members, present here, will not countenance this motion, which has been placed before this House to-day. (2) Take the other aspect of the case: the District Magistrate does not institute the complaint; but he has given the formal sanction, and in pursuance of that sanction a complaint is lodged and the accused is tried by a Second Class Magistrate, and is convicted.

Again, the appeal will be filed in the Court of the District Magistrate, namely, the very same District Magistrate who had given sanction for the prosecution. Unless my learned friend, the Honourable Sir William Vincent, assures me that his Magistrates are superhuman, or angels, and are quite capable of disregarding the opinion which they have expressed at the time of giving sanction, I am not prepared to say that this is a good law. The Magistrate, who gave the sanction, is sure to be influenced by that very fact (i.e., that he himself had given sanction) when the appeal comes up before him. Can any Member in this Assembly assure me that the Magistrate, who sanctions a prosecution, will give a right decision on the merits of the appeal against the conviction in that very prosecution? Will he accept the appeal and upset the conviction? I am the last person to accept such a proposition. However, there are a few noble exceptions—for there are some District Magistrates who are highly conscientious and independent—but, I am sorry to say that their number is very small. Sir, I am here to convey to the Government the message of the people, namely, to echo the voice of the people whom I represent. After giving full consideration to both sides, after weighing the *pros* and *cons* of the question, I feel constrained to oppose this Bill, because its provisions, so far as I can see, are mischievous. They will not produce a healthy effect. With these few remarks I very strongly oppose this motion and suggest that the measure, namely, this Police Bill may be thrown out.

**Mr. W. M. Hussanally** (Sind : Muhammadan Rural) : Sir, having committed myself to the principle of the Bill in the Select Committee, I rise to support the passing of this measure, subject only to one remark in consequence of my note of dissent in regard to the punishment provided, that I appended to the report of the Select Committee. I was the first to state in my note of dissent that the punishment provided for

the offence was too high. Now that the punishment has been reduced to six months' imprisonment and Rs. 200 fine, it follows, under the Criminal Procedure Code, that such class of cases will be triable by Tehsildars, Mamlatdars and Mukhtiarkars, because they are empowered to sentence a man to a term of six months' imprisonment as Second Class Magistrates. But in my opinion, Sir, these cases ought not to be tried by that class of Government officials. I think the offence contemplated by this Bill is a very important one, and offences of this nature ought to be tried by Magistrates of greater experience. I would therefore suggest, if I am in order, that after the word "Court" in clause 5 of the Bill, the words "other than a First Class Magistrate," be inserted. That would meet the objection of my friend, Dr. Nand Lal; as in that case appeals will not go to District Magistrates. But if the cases are tried by Second Class Magistrates, who are generally Tehsildars and Mamlatdars, appeals from their decisions must necessarily go to the District Magistrates unless sub-divisional Magistrates are invested with Appellate powers. If the addition which I have suggested is made, all such appeals from the decisions of First Class Magistrates will go to Sessions Judges. And I believe that for an offence of this important nature, an appeal should lie to Sessions Judges. I hope the Honourable the Home Member will accept my proposal for the addition of these words.

**Mr. President :** The only question before the Assembly at this moment is that the Bill as amended be passed. At this stage amendments cannot be proposed.

**The Honourable Sir William Vincent (Home Member) :** Sir, might I explain what the position of Government is in this matter; I will speak on the Bill as a whole later. We were instructed to put in a certain amendment which was accepted by this House. That amendment related to the insertion of the provisos which are attached to section 124A of the Penal Code. We have attempted to give effect to that direction. No Honourable Member here has proposed that the offences should be triable by First Class Magistrates; therefore that amendment was not taken up. The change in jurisdiction has to some extent been effected by the fact that this Assembly modified the Bill as introduced. I am quite prepared myself to support a motion that these offences should be tried by a First Class Magistrate, when the Bill goes to the other House. I also guarantee that I will consider other proposals that have been made to me in this Assembly, in order, if possible, to rectify any defects—largely consequential on the amendments made here—that there may be. In that event, Honourable Members will have an opportunity of discussing the change again. I will also examine the point raised by Mr. Cotelingam. Dr. Gour said I had promised to rectify a certain clause. I have read the report of the proceedings; I do not think I promised any such thing. I said that I did not think anything was wrong in the Bill in this respect; but I did say to my friend, Mr. Cotelingam, that I would examine the point raised by him. I need not point out to this Assembly that the reduction of the sentence to six months and its consequent effects are due, not to the

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action of Government, but of this House. However, I am quite prepared to consider the question of consequential amendments before the Bill goes to the other Chamber. Sir, in conclusion may I say that I cannot share my Honourable friend, Dr. Nand Lal's regret that this offence is not so rampant now as it was. To me and I think to most members of this House, that is a source of gratification. Nor can I give him the assurance that the Magistrate will all be angels, for they are human beings like every one else.

**Mr. Pyari Lal** (Meerut Division : Non-Muhammadan Rural) : Sir, it has pained me very much to see that this small measure has been made so much of. To me it has seemed from the beginning that it is a very small measure. Its object is simply to protect the police at the hands of unscrupulous persons who may be disposed to tamper with the usefulness of that arm of the Service. It seems to me that to proceed under section 131, Indian Penal Code, which has been so often quoted, in cases of this nature, is altogether a very cumbrous method of dealing with them. Cases under that section are regular State trials. They have to be inquired into by a responsible official ; then they are taken before a Magistrate ; and from there the Committing Magistrate sends them to a Court of Session, where the trial takes place. In the very beginning, before anything can be done, the sanction of Government has to be obtained. The mischief might as well be stopped in its infant stage. For that reason, a small section was provided that anybody who interfered with the Police might get only 2 years' conviction. What is more, Sir, I was the first man in the Select Committee to suggest an amendment to prevent this section being abused by the police, viz., that the sanction of the District Magistrate should be obtained before any prosecution was filed. I, Sir, have been in the profession of law, both at the Bar and on the Bench for the last nearly 38 or 39 years. I have had much to do with District Magistrates, District Judges and Sessions Judges. I have never found throughout my life a single District Magistrate who has been unscrupulous enough to falsely run in a person. I know instances where originally false complaints were sanctioned, but no sooner was the case found out by the District Magistrate or the Police Superintendent that the information was wrong, than they at once wrote to the higher authority to have the sentence and conviction revised and the person acquitted. Last January only, Sir, the police challaned certain respectable persons from Hapur Tahsil, Meerut District, under section 131, Indian Penal Code, i.e., sedition against the State. Against those persons responsible police officials, Sub-Inspectors and others, gave evidence. Those Sub-Inspectors had first gone to the District Superintendent and told him, " We know that the offence for which these people were prosecuted was false and we would not proceed against them." But they went against the very same persons and gave evidence in Court against them and when this fact came to the knowledge of the District Superintendent, he at once wrote to the District Magistrate to have this thing revised by the High Court and the conviction was in consequence quashed. This appeared in the newspapers some time in January or February last. When

Sessions Judges themselves in civil and criminal cases give sanction to prosecute any person and if that person is convicted and the appeal goes before them, they never hear the appeal as a matter of course. The appeal is transferred to somebody else. In the case of Sessions Judges, it is transferred to some other Sessions district and in the case of District Magistrates it is transferred to the Court of a First Class Magistrate who has the power to try the appeal. I have found in my experience that the District Magistrate is a responsible head of the district. He is not a person who is influenced by petty considerations and personal dislikes and likes in the discharge of his duty. At first it appeared to me that the section might be abused by the police, and that any Sub-Inspector or any constable might go to the Police Superintendent and say that such and such person was interfering with him, and the Superintendent of Police might say, 'All right, prosecute him.' Now, such a complaint on the part of the Sub-Inspector or constable might have been due to personal reasons, or jealousy or because they wanted to pay off old scores. And there was nothing in the Bill to prevent that. Therefore, I suggested that the District Magistrate should give the sanction. When a District Magistrate in a judicial capacity gives sanction to prosecute, he would be obliged to make some sort of an inquiry. He will not give the sanction easily. He will think twice before he gives the sanction. When the District Magistrate gives sanction, you may take it from me that there must be something in it, there must be some substance in the complaint. Then, to say that when a District Magistrate gives sanction, the subordinate officers blindly convict the person concerned is not correct; a case like that now very seldom happens. Then, again, Dr. Nand Lal now complains that the case should not be tried by a Second Class Magistrate, and that the appeal must not go before the District Magistrate. Now, who is responsible for this state of things? This Assembly itself. Originally in the Bill a punishment of two years was provided. That necessarily made the offence triable by a First Class Magistrate and was triable on appeal before a Sessions Judge. The provision of two years did not mean that every accused must get 2 years. The maximum was two years. He might get 15 days or two months. Now, we ourselves in the Assembly after having created that difficulty, use that difficulty as an argument against the Bill; I do not think that is right and fair. Then, again, by limiting the punishment to six months only, you have made the offence triable summarily. That means there is no appeal from the conviction. Supposing a First Class Magistrate tried summarily a case punishable with six months, there would be no appeal and the decision of the Magistrate would be final, whereas if the punishment was more than six months, there would be an appeal and the case must have been tried in a regular way. To my mind, we are conjuring up imaginary difficulties and dangers where none exist.

**Mr. Darcy Lindsay** (Bengal : European) : I propose that the question be now put.

**Mr. Muhammad Yamin Khan** (Meerut Division : Muhammadan Rural) : Sir, I do not think that there is any single individual in this House who can agree with the remarks of my friend Dr. Nand Lal that

there have not been such attempts. We all know that there had been great attempts made to seduce the police from their duty.

**Dr. Nand Lal :** I never said that there were no attempts. I said they were not rampant.

**Mr. Muhammad Yamin Khan :** I do not think any single individual of this House will agree with this remark that it had not been so rampant. It had been rampant. There have been many such cases reported in every district. But, Sir, though I cannot agree with my friend, Dr. Nand Lal, I agree with him in the later remark which was supported by my friend, Mr. Hussanally, and which had been originally pointed out to this Honourable House by myself the other day when we had this matter before us. There is no use, Sir, of my friend, Mr. Pyari Lal, minimising this fact. His angle of vision is totally different from the angle of vision from which I see this question. He is a Magistrate, and an Honorary Magistrate. (Laughter.) I fortunately do not happen to be under that category. I see the question from the point of view which I experience every day at the Bar. I have been practising for many years on the criminal side of the Bar, and I know that this is unfortunately the fact, and nobody will deny it, that if any sanction is given by an officer like the District Magistrate the Courts subordinate to him will find it very difficult to refuse to convict the person concerned. I made a remark, Sir, about this the other day, and I hold to that remark even to-day. It is my personal experience, Sir. I have heard several Magistrates saying this : " Look here, what are we here for ? We are the servants ; we have got to get our living ; what have we got to do ? We have to serve the Government ; we are not serving you. We have got no concern whether we have done it right or wrong. We have been under great pressure ; we have to give an account to the District Magistrate and a report will go to him about our conduct. Every case that we decide goes up before the District Magistrate. He goes through it very carefully." If this is the character of the Magistrates, what can we expect then but injustice, pure and simple, to the people who happen to be tried by such class of Magistrates ? We all know, Sir, what kind of people are the Second and Third Class Magistrates, now-a-days. They have been simply made because some gentlemen happened to provide five recruits, other men happened to have given about ten thousand rupees for the war loan, and this sort of people, simply because they have rendered such and such service during the war, have been made Honorary Magistrates with second or third class powers. I have come across myself people who are absolutely illiterate, cannot sign their names properly, and are sitting as Honorary Magistrates. Can anyone in this House think that this class of people will understand any intricacy of the law ? I had the honour of appearing before an Honorary Magistrate, who had been talking about the law, and that man said to me, " That may be so in the law, but the Sub-Inspector cannot tell wrong." Well, because the Sub-Inspector prosecutes a man, the Sub-Inspector cannot tell wrong ; whatever is in the law is nothing to him. Such people consider the Sub-Inspector superior to themselves, because they are bad characters ; they want to take the help of the police in all their illegal Acts. They want to frighten their neighbours, to force their neighbours to be subordinate to them, and this class of people are taking help

every day from the police Sub-Inspectors. If a case is challaned by the police and happens to come before such a class of Magistrates, can you expect any justice from such a man? He can never do justice, and it is very dangerous to leave such a weapon in the hands of such people where we have no justice at all. If the case is tried by a First Class Magistrate of a certain standing, a man of good strong character, it would be all right. I would much prefer if it were tried by a Joint Magistrate. I am not ashamed to say that in my experience, and I think my Indian brethren will not take offence in my saying so, in my experience at the Bar, I have found much greater justice in the Court of an English Magistrate than I have found in any Indian Court. I would much prefer a case to be tried by an English Judge or Magistrate than to be tried even by an Indian Magistrate of first class powers. (A Voice : "Democratic !") My friends may accuse me of not being democratic, but this is the justice of the people who happen to be holding the power of Magistrates and does not lie in the hands of the democratic party.

Another point is, Sir, that my friend has given an illustration, and has ignored one point. He referred to a case from Hapur. The facts were that some person in authority happened to talk to a Sub-Inspector of Police, "Look here, such and such man is your friend, and he is leaning to the Khilafat movement. Why is he not challaned for such a long time." This man said, "All right, next time." The Sub-Inspector comes and challans him for marching at the head of the Khilafat volunteers. This man was tried and when the Sub-Inspector of Police, who was to give evidence, said that he had arrested the man in the street. He subsequently came and confessed to the Superintendent of Police, who happened to be a very honest and very efficient officer stationed at present in the Meerut district. When he came to know about this fact, he told the Sub-Inspector not to give false evidence. The Sub-Inspector went and gave false evidence that he had arrested the man in the street, while as a matter of fact he had arrested him in his own house. The man was convicted and sentenced to 18 months' rigorous imprisonment. The Superintendent of Police finding that the evidence given was absolutely wrong, reported the matter to the District Magistrate and the District Magistrate reported it to the High Court and the man was let off. When you find that an efficient Superintendent of Police is an honest man, he does not like any man to be falsely convicted. Then you find this kind of cases. Unfortunately we cannot always have such good officers. (A Voice : "Except in Meerut.") There is another point of which I will give the House an illustration. My friend says that a District Magistrate will never give sanction without going through the matter very carefully. Unfortunately in a certain district which I will not name, but it happened in my own experience, a man lodged a complaint against a Sub-Inspector of Police for beating him because the Sub-Inspector demanded certain gratification from him and threatened to prosecute him, and this man refused to give the gratification. He lodged a complaint in the District Magistrate's Court, and the District Magistrate, without recording his statement on oath, as is required by the Criminal Procedure Code, sent the matter to be investigated by the Police. The Superintendent of Police sent it to

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the Inspector of Police. The Inspector of Police happened to be very friendly with the Sub-Inspector. They used to dine together, live together. The Inspector wrote a very lengthy report upon this.....

**Mr. President :** The Honourable Member is dealing with the ordinary accidents of police administration.

**Mr. Muhammad Yamin Khan :** I am only drawing attention to what will happen if there is not sufficient safeguard. This incident that I am relating will give the House a clear insight into what will happen, and it all depends upon individual District Magistrates. We have got some people who are careful and they decide everything like a Court ; other people ignore judicial methods and are led by the Police, and in that case, as it happened, the Inspector of Police, when he wrote the big report, said that this man should be prosecuted, and that the case was false. The District Magistrate without going into the merits and without making any inquiry said, " Yes, I reject his complaint and the man should be prosecuted." I happened to defend this man at that time. I brought a ruling of the Allahabad High Court to the trying Magistrate that this was quite illegal and I got the man off. This is what is happening every day, and we must expect that a certain thing will happen which will not be fair justice, and for this purpose I had requested the Honourable the Home Member to make this provision that this case should be tried only by a First Class Magistrate of certain standing.

**Mr. J. Chaudhuri** (Chittagong and Rajshahi Divisions : Non-Muhammadian Rural) : Sir, there is no question that we did recommend that there should be a proviso and safeguard, as given in regard to Clause 3 in our Report, and I wish the Honourable the Home Member to embody here the very words of our report, namely, that the clause does not penalize " any action taken *bonâ fide* to procure in a lawful manner the absence from duty or resignation of a policeman for the purpose of bettering his prospects or otherwise furthering his welfare."

The very words of the Report, if embodied in section 3, will  
12 noon.                      save.....'

**Mr. President :** Order, order. The Honourable Member is not in order in making such proposals at this stage. The Honourable the Home Member has given an undertaking to consider it at a later stage.

**Mr. J. Chaudhuri :** I have to explain, Sir, that when my Honourable friend, Mr. Cotelingam, moved his amendment it was thrown out under a misapprehension. Every Member of this House knows.....

**Mr. President :** Order, order. The amendment was not thrown out. It was moved at a stage at which it could not be moved, and, therefore, it was not accepted by the Chair.

**Mr. J. Chaudhuri :** I am not questioning the ruling of the Chair, but I appeal to you, Sir, that even in law Courts, if a decision is come to under a misapprehension or mistake of facts, it is always subject to a review or revision. There is not a single Member of this House who does not know

that, when we understood that Mr. Cotelingam's amendment was being put to the House, it was the whole of clause 3 that was put and not Mr. Cotelingam's amendment, and it was under those circumstances that the Members of the House said "Aye." They did not understand that it was the clause that was put before the House and that without the amendment that was moved by my Honourable friend, Mr. Cotelingam. Under those circumstances the whole House voted in favour of clause 3, and the fact was mentioned. If that fact was mentioned—and the Honourable the President could ascertain if this was not the fact—the ruling of the Chair should not be like the laws of the Medes and Persians, and as such should not be unalterable. If the proviso to clause, regarding which the whole discussion in this House is proceeding is put in, I think there will be no trouble and the Bill, as modified, will be passed. That will shorten the procedure and we can then proceed with the other business of the House.

If my proposal commends itself to the Honourable the President and the Honourable the Home Member, I think there will be an end to the discussion with regard to this Bill.

**Mr. N. M. Joshi** (Nominated : Labour Interests) : I move that the question be now put.

**The Honourable Sir William Vincent** : Sir, I am grateful to the House for the attitude which they have adopted to-day in regard to this measure. I believe this decision will redound much more to the credit of this House than one in the contrary sense would have done.

Sir, various personal attacks have been made on me in the course of this debate. I regret them, but I have abstained from answering them for two reasons, first, because I did not wish to waste the time of the House, and in the second place, because I rarely allow my personal feelings to interfere with the attainment of the object I have in view. If I had thought that any answer I might have given would have done any good to the cause which I have in view, namely, the passing of this Bill, I should certainly have put it up ; but I know that recriminations lead to nothing but harm, and, in the circumstances, I will leave it to this House to judge whether the attacks which were made on me were justified. As to the Bill itself, I want to refer only to one point in reply and that was the suggestion, I think, of Dr. Gour, which has been repeated by Mr. Chaudhuri and other Members, that we should have added to this Bill between Friday and to-day, a provision suggested by Mr. Cotelingam. My recollection is that Mr. Cotelingam did not move the amendment, but asked me to consider certain points, and I promised to consider them. But whether he moved the amendment or not, it was not carried, and, if I had inserted any clause in this Bill at this stage, I should have been guilty, I submit, Sir, of a gross breach of the privilege of the House and should have acted without authority. Indeed I could not possibly have taken this course. I demur however to the statement of Dr. Gour that we have in any way increased the scope of the Bill. I understand that he contends that the addition of the words moved as an amendment by my Honourable friend, Sir Deva Prasad Sarvadhikary, have had this effect. I do not believe that any one who examines the Bill will accept that contention, and I

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emphatically deny it. In any case, may I say that the addition was made at the instance of this Assembly and not at the instance of Government.

Dr. Nand Lal suggests that this Bill is merely a prelude to legislation to prohibit attempts to tamper with the loyalty of other Government servants. There is no foundation for that suggestion. So far as I am aware, the Government have not any such Bill in contemplation. What we have always recognised, what this House has recognised, what has been recognised in Great Britain, if I may say so, is that the police stand on a peculiar position, that they are a service, which it is essential for the peace and tranquility of this country to protect from such attacks. There are special laws relating to the military services and a similar enactment, though apparently in the opinion of the House a law of a much less drastic character, is needed for the protection of the police.

I want now to turn to the question of the class of Magistrate who is to try these offences. I do not join with Mr. Yamin Khan in the opinions that he has expressed on the merits of Indian Magistrates or Honorary Magistrates. (Hear, hear.) I believe that many Honorary Magistrates are very capable and intelligent men. (Hear, hear.) I have met many. They may not be great lawyers. Many of the Justices of the Peace at Home are not lawyers at all, but they are men of affairs, men of honesty, and men of position and respectability who do their duty well and honestly and, in these circumstances, I regret the reflection that has been made upon their character and on the character of their work. But, Sir, if there has been any change in the jurisdiction of the Magistrates who are to try these cases or in the mode of trial, who is responsible, the Government, or the Members of the Assembly, by making amendments without considering their effect? We opposed the amendment; we were voted down. I believe now that the House will see they were not entirely wise in proposing an amendment without, at any rate, realising what the effect would be, or proposing some supplementary amendment to meet the new situation. Sir, at the same time, I am quite prepared to look into this matter and to propose an amendment in the Council of State to the effect that the offences under this Act shall be triable by First Class Magistrates only. (Hear, hear.) I hope that will meet the objections that have been urged here. (Dr. H. S. Gour: "And not summarily.") What I said was I would attempt to secure that the cases are tried by First Class Magistrates. I cannot promise to do more than give consideration to the point raised by the Honourable Member. If any amendments are made in the Council of State, the Honourable Member will have ample opportunity of re-opening the question when the Bill comes back, if he so desires.

On this other question raised by Mr. Cotelingam, I have already said, and I repeat it, that I myself believe that the Bill does give effect to what is required. I am quite prepared however to re-examine that with any Members of this Assembly and, if I find the Bill is defective in any way, then I will introduce, or cause to be introduced, in the Council of State an amendment which will enact that lawful measures on the part of persons seeking to promote the welfare of constables, even if they involve their leaving the service in a lawful manner, shall not be offences.

I hope now that I have satisfied this House on all the points raised by Honourable Members.

**Mr. President :** The question is :

“ That the Bill to provide a penalty for spreading disaffection among the police and for kindred offences, as amended, be passed.”

The motion was adopted.

### THE INDIAN BOILERS BILL.

**Mr. A. C. Chatterjee** (Industries Secretary) : Sir, in the absence of the Honourable Mr. Innes, who has to be in another place on urgent business, I ask your permission to make the two motions standing in his name.

Sir, I beg to move :

“ That the following seven Members of the Legislative Assembly be nominated to serve on the Joint Committee to consider and report on the Bill to consolidate and amend the law relating to steam-boilers in India, namely :

The Honourable Mr. C. A. Innes,  
Mr. N. B. Saklatvala,  
Dr. H. S. Gour,  
Sir Montagu Webb,  
Haji Wajihuddin,  
Mr. Seshagiri Ayyar, and  
myself.”

I may state, Sir, that I have obtained the consent of these gentlemen.

The motion was adopted.

### THE WORKMEN'S COMPENSATION BILL.

**Mr. A. C. Chatterjee** (Industries Secretary) : Sir, I beg to move :

“ That the following eleven Members of the Legislative Assembly be nominated to serve on the Joint Committee to consider and report on the Bill to define the liability of employers in certain cases of suits for damages brought against them by workmen, and to provide for the payment by certain classes of employers to their workmen, of compensation for injury by accident, namely :

The Honourable the Law Member,  
The Honourable Mr. C. A. Innes,  
Mr. N. M. Joshi,  
Mr. N. B. Saklatvala,  
Mr. Darcy Lindsay,  
Mr. K. C. Neogy,  
Mr. B. S. Kamat,  
Rao Bahadur T. Rangachariar,  
Maulvi Abul Kasem,  
Mr. P. P. Ginwala, and  
myself.”

The motion was adopted.

### THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

**The Honourable Sir William Vincent** (Home Member) : Sir, I move :

“ That the Bill further to amend the Code of Criminal Procedure, 1898, and the Court-fees Act, 1870, as passed by the Council of State, be taken into consideration.”

[Sir William Vincent.]

I do not propose at present to refer to the various clauses of this Bill. They are fully explained in the Statement of Objects and Reasons, the notes on clauses, and also in the report of the Joint Committee. The report itself, I may say, covers about 12 pages. But I should like to explain the exhaustive consideration which has been given to this Bill before the House decides whether it will accept the motion which I put before it.

A code like the Criminal Procedure Code necessarily needs revision in the light of changing condition, and also of changing decisions, from time to time. The first consolidated Code, I believe, was enacted in 1872. It was revised and re-enacted in 1882 after an interval of 10 years ; but I may say that in the meantime in 1874 some 47 new sections had been added to it. There was a further revision and consolidation in 1898, and the present revision, or the revision from which the present Bill arises, was begun in 1910 when the Government of India invited the opinion of Local Governments on certain suggested amendment. I myself began to work on the proposals included in the present Bill in 1912. I was then Secretary in the Legislative Department and I may say that I devoted many months of heavy work to this Bill. Well, the Bill was introduced, I think, in the old Council in 1914 by my predecessor. Subsequently a Committee of very distinguished lawyers sat on this Bill and examined it for many months in 1916. The names of the members of that Committee are such that they will command respect throughout India. The President of the Committee was that eminent lawyer Sir George Lowndes. They modified certain provisions of the Bill as originally proposed. Well, the Bill was again introduced in the new Legislature in February of last year. I think many Honourable Members of this House will remember that. It was not at that time referred to Select Committee, because the House was not willing to adopt that course. It was again introduced this year, and it was referred to a Joint Committee in the Delhi Session. It was examined by that Committee in great detail in June of this year, and I am grateful to the Members who attended that Committee. I am bound at the same time to say that a number of gentlemen who promised to serve on the Committee did not attend or give us any assistance. I have caused to be appended to the report a statement showing which Honourable Members attended and who failed in this, because I wish to emphasise a point that I have made in this Assembly in the course of the last Session, namely, it is not so easy as is said to secure full attendance of members of committees throughout the year either at Simla or at Delhi. The report of the Joint Committee was laid on the table of the Council of State, in which Chamber the Bill originated, on the 6th September. Copies were, I am informed, circulated at the same time to all Members of this Assembly. The Bill as amended by the Joint Committee has not been changed by the Council of State. It was returned here and laid on the table after securing the approval of that Chamber. It has indeed been subjected to full examination by many authorities. It has been before the Members of this Assembly for 18 months. It is true that the Members have had a shorter time to consider the amendments which have been made by the Joint Committee, but I contend that the time afforded has been sufficient for any one who wished to make a study of the changes made, for really

the modifications are not radical in their character. If however the Honourable Members propose to make any changes in the Bill which have not been made by the Joint Committee, they have had 18 months' time to consider. I understand, however, that some of the Members of this Assembly seek to have the consideration of this Bill postponed again. I myself do not think that Government would be justified in accepting that motion. The non-official Members of this Chamber are however in a large majority and they are in a position to enforce their views that the consideration of this Bill should be postponed if they think fit. The Government are anxious not indefinitely to delay a measure of such importance which has received such careful consideration. I mention one other fact for the consideration of the Members of this Assembly, not indeed as a matter of importance to them but as a matter which must weigh with the Government—the fact that the two Members of the Government who have been closely connected with this Bill from its inception, my Honourable Colleague and myself, will be here this Session and will not in all probability be here to complete the examination of this Bill if consideration is deferred. But I do not ask the House to attach undue weight to that fact. I merely say that it is a factor which must reasonably weigh with the Government in bringing forward this motion. In conclusion, I have only to say that if the House are unwilling to accept the motion for consideration of this measure and seek to delay the passing of a Bill which effects material improvements in the criminal law the responsibility for the consequences of the delay will not lie on the Government but on those who seek such a postponement.

**Dr. H. S. Gour** (Nagpur Division : Non-Muhammadan) : Sir, I regret I have to repeat the request which I made on the last occasion when the Honourable the Home Member announced to this House the business to be brought forward on a future date. I then stated that the Code of Criminal Procedure was a very comprehensive and intricate measure and required some time to study. I also pointed out that the crowded programme of this Session precluded many members from giving to it the time and leisure which they would otherwise do. The Honourable the Home Member then pointed out that it was for this House to decide whether the Bill should or should not be proceeded with. He has enlarged upon what he said on the last occasion and I shall very briefly advert to the various reasons given by the Honourable the Home Member in support of the view of the Government.

He has told this House that this Bill has been on the *tapis* of the Government for the last 12 years. I congratulate the Honourable the Home Member for placing before this House the accumulated result of the labours of these last 12 years, but is that not the reason for giving this House at least 12 days to consider what has been brought about after 12 years of very productive work and labour? The Honourable the Home Member says that this Bill has been passed unamended by the Council of State. But I venture to ask the Honourable the Home Member whether the question is more relevant or not whether any amendments were tabled in the Council of State and rejected.

**The Honourable Sir William Vincent** : May I answer that question, Sir? A number of amendments were taken and were either rejected or withdrawn. (*Rao Bahadur T. Rangachariar* : "What are they?")

**Dr. H. S. Gour :** That strengthens my position. It is the duty of this House, it is incumbent on this House to re-examine those amendments and to see whether those amendments or the rejection of those amendments should receive the concurrence of this House. Have we got those amendments ? We have not. Had we time to get those amendments ? We had not. When was the Bill finally passed by the Council of State ? I only read in the daily press the speech of the Honourable the Secretary of the Legislative Department and a summary of the discussion and the fact that the Bill was passed. I have been most anxious to provide myself with a copy of the proceedings of the Council of State and I am perfectly certain that the Honourable the Home Member would not grudge me time to obtain a copy for the purpose of informing myself and I am sure that every Member of this House would like to possess copies of the proceedings of the Council of State to see as to what amendments were proposed by the representatives of the people and with what result and for what reason. Now, Sir, this takes time and I am sure that the motion of the Honourable the Home Member that the Bill be taken into consideration is a purely formal motion. He knows that there is a very strong *prima facie* case for giving us time. The Honourable the Home Member said that this Bill has been before the Legislature for the last 18 months. But I am sure the Honourable Member knows that we do not commence the study of a Bill which is in the course of formation. Changes are made, amendments introduced, discussion is proceeded with, and it is only after the Bill emerges from the Select Committee that we are called upon to examine its provisions. Consequently, the fact that it has been before the Legislature during the last 18 months, does not, I think, tie the hands of this House in asking for time. Then the Honourable the Home Member said that this Bill does not contain any radical changes.

**The Honourable Sir William Vincent :** I think the Honourable Member is misquoting me. What I said was that the Joint Committee had not made any radical changes in the Bill as introduced.

**Dr. H. S. Gour :** I thank the Honourable Member for correcting me, that the Joint Committee have not made any radical changes in the Bill. Well, Sir, I am not quite sure whether that is any reason for not postponing the consideration of the Bill. We have all some changes in our minds, we have all some amendments to propose, and unless we examine the provisions of the Bill clause by clause, it would be impossible for us to say how far the Bill as presented to this House should receive the concurrence of the Honourable Members. Only, Sir, a few minutes before I got it, I got a letter from Mr. Ross Alston, the leader of the Allahabad Bar, asking me to move an amendment in this House to a most important clause of the Criminal Procedure Code. If the Bill is proceeded with now, I shall not be in time to move this amendment, and there are a large number of amendments, I have no doubt, in the minds of Members which could not be moved for want of time. Lastly, I lament and I have no doubt the majority of the Members of this House will lament the impending changes in the Executive Council. But, much as we lament those changes we cannot forget the fact that we are not ready to go on with the Bill and the fact that two Members of the Executive Council will cease to hold office before the next term of this Assembly commences cannot alter our

position in view of the fact that we have not studied the clauses of the Bill with a view to give our concurrence to the motion which the Honourable the Home Member places before this House. I must also in this connection point out to the Honourable the Home Member that this Bill as it was presented to the Honourable Members contains merely the proposed changes, or the proposed amendments but the amendments have not been placed *in situ* with the sections with which they are to be incorporated. I think for the purpose of facilitating the examination of the Bill all these amendments should be embodied and incorporated in the sections to which they relate and the amendments should be printed in italics as is the rule of the Legislative Department. If the Bill is placed in our hands with the improvements suggested by the Select Committee it will facilitate our work, economise our time and we shall be ready to go on with the Bill on any future date that the Department may be able to place it at our disposal. As at present advised, it is a long and laborious production of 158 pages which will take us days and days to work into the existing Code of Criminal Procedure and it is only after that that we can visualise the changes which the Legislature intends should be made in the existing Code. I therefore suggest that these are weighty considerations which cannot be dismissed on the grounds suggested by the Honourable the Home Member and as I have said and I repeat, though I regret that we shall be deprived of the mature experience of two Honourable Members of this House, still, we cannot possibly proceed with the consideration of this Bill to-day for the reasons I have stated. I have no doubt that I shall receive the concurrence of the Honourable Member in the motion that I am making which is, Sir :

“That the further consideration of this Bill be postponed till the next Session.”

**Sir Deva Prasad Sarvadhikary** (Calcutta : Non-Muhammadan Urban) : My friends on this side of the House entirely support the motion for the postponement of the consideration of the measure. At the same time I must admit that the Honourable the Home Member has placed his proposition in a very fair and candid spirit. It was his duty, as the retiring Home Member in charge of the measure, to bring the matter earlier before the Legislative Council. He has given more than one indication that he will not use his usual zeal in seeing the measure through now if there is a substantial volume of opinion in the House to the contrary. I think Honourable Members on both sides of the House will take his cue, read between the lines from what the Home Member himself has said than from Dr. Gour and myself. Sir, I join in the regret that we are losing two of our colleagues who have been long with us and been of so great use to the Assembly in their deliberations. I discern however a ray of hope. When the Honourable the Home Member speaks, he speaks cautiously. I do not know whether some members heard and understood him as I did. He used the qualifying words ‘in all probability’ to the effect that he and Dr. Sapru will not be here when the matter comes up next. I hope they will be with us. Sir, this measure may not be taken up again for detailed consideration for another 16 years like that of 1898. It may not be taken up for 10 years like that of 1892. We are not legislating for all time but we are legislating for a fairly long time and must be cautious and deliberate. I think that what has taken the Government 12 years to mature ought to take us a little less than that but reason-

[Sir Deva Prasad Sarvadhikary.]

ably long, longer certainly than a week or ten days. As has been pointed out, the ordinary member, I would not call him lay member as distinguished from the lawyer members, does not seriously begin to apply himself to a measure till he sees what the Select Committee has done in the matter. Having regard to the difficulties that have been mentioned about the amendments not being shown in position and various other difficulties, I do not think it could be possibly expected of us, having regard to the very fast life we have been leading for the past few days (Laughter) (I mean in this Assembly, not outside) that we shall be able to do justice to the measure if it is attempted to be rushed. Like Dr. Gour, I have received several recommendations and requests for amendments which could not be tabled. Mr. Pantulu is the only one who has been industrious enough to give us some amendments. I do not think they cover the whole of the ground. There are outstanding points, even after the Council of State has dealt with the matter, that have to be omitted or brought in which will have to be fully dealt with by the Assembly when the matter comes up. There is another matter that I want to mention in this connection. I hope that in the interests of economy it will not be said that a big Act like this cannot be printed in the way suggested by Dr. Gour. I think it ought to be. In addition to that, I think the collected opinions on the Bill ought to be circulated. I know that from time to time we receive batches of opinions. I hope it would not be considered wrong if I were to say that people do not remember the substance of what they received 18 or 12 months ago or that they can see things in their proper perspective on the strength of such recollection. In fact it is difficult to keep these scattered papers for a length of time. I believe Select Committees receive collected opinions and views from different people and bodies when they are considering a Bill. I think Honourable Members of this House should, at least in connection with a measure like this, be helped with recirculation of those opinions in a connected form before they can apply their minds to the amendments. Sir, in view of the considerations that have been urged, I think the postponement of the measure should be accepted.

**Rao Bahadur T. Rangachariar** (Madras City : Non-Muhammadan Urban) : I am very sorry indeed that I have to support this motion for postponement of the consideration of this Bill. The House will bear witness that I am not an indifferent member of this House. I can honestly assure the House that many a time my apprentice placed this Bill before me for consideration, so that if I have any amendments to make I should make them, but having regard to the other and more urgent business that commanded the attention of this House I was not able to bestow even 15 minutes on this Bill.

**The Honourable Sir William Vincent** : You have had 18 months

**Rao Bahadur T. Rangachariar** : My friend reminds me that we have had 18 months. Sir, was not the Bill committed to the Select Committee in the meanwhile ? And, it is but courtesy due to them that we should await their report. It would be arrogating to ourselves the function of doing the work of the Select Committee whom we ourselves have chosen. Therefore, Sir, I was anxiously awaiting the report of the Select Committee. The Select Committee's report was only available on the 7th

September and I do not think the country has had an opportunity of seeing the Select Committee's report and noting the changes they have made, whether substantial or otherwise. I know, Sir, there are very many people who are keen on knowing what the contents of this Bill are as amended by the Select Committee. There is a friend of mine, Dr. Swaminadhan, who has edited several editions of the Criminal Procedure Code. He wrote to me only at the end of August last asking me to send him a copy, if that was permissible (and my Honourable friend the Home Member assured us the other day that it was not permissible that Members of the Legislature could have copies of the Report without its being placed on the table of the House and he is quite right there). He also tells me, 'I shall be glad to jot down many points. Not that it will escape your attention but to give myself the benefit of early suggestion.' So that, there are people anxiously waiting to make suggestions and therefore the public have not had an opportunity of considering the report and the amended sections, and personally, Sir, those of us who have interested ourselves in the work of this Assembly have not had the requisite time. It is quite true, my Honourable friend is right in saying that we have had 18 months; I have already given the explanation for the 18 months,—it is only now that we have taken to it seriously; when we know really that the work is coming on, we shall devote ourselves to that work. What is the good of saying that we knew that this work may come on? We have got other work to do; we have not an army of Secretaries, Deputy Secretaries, Under Secretaries to assist us in this work, and therefore we have to do it here, and we got the report here in Simla where we live on the top of hills, inaccessible from each other, and where we have not got our own library. It is difficult, it is a very difficult proposition indeed to ask us, to say that we have completely studied the 500 and odd sections of the Code so as to be ready to give such assistance as we ought to give in this Assembly in the shaping of such a Code. Much as we regret, Sir, that we, the House, may be deprived of the assistance of the two great Members on the Treasury Bench in the final shaping of this Bill, the interests of the country and the interests of this Assembly demand a postponement. We have the benefit of their views already in the amendments they have introduced: therefore, it is a question of what amendments and what alterations we of the Assembly can make; and therefore that consideration ought to have its weight, but not to have undue weight with us. I may mention one other fact. So far as this question goes, we had only two non-official Members of this Assembly on the Select Committee,—my Honourable friend, Mr. Subrahmanayam, who I find attended every one of the meetings, and I am proud he did so, and my other Honourable friend, Mr. Chaudhuri, who attended 10 out of 14 meetings; so that our Assembly was not strongly represented on the Select Committee. Only two of the non-official Members were on the Select Committee, and on an important Bill like this I think most of us ought to have a voice in the shaping of the Code,—and we have not had much time and opportunity to bestow the attention and care which the subject demands. I therefore gladly and strongly support the motion for postponement.

**Mr. W. M. Hussanally** (Sind : Muhammadan Rural): Sir, I entirely associate myself with my Honourable friend, Dr. Gour, on the motion for

[Mr. W. M. Hussanally.]

postponing this Bill which he has made this morning. The Bill is a very important one, Sir, and it has been in our hands, so far as this Session is concerned, for about 10 to 12 days ; and it is a question whether a Bill which has taken 12 years in the making of it, and one full month, almost from day to day, for the Joint Committee to amend it, should not be in the hands of the public, more especially the lawyers, the several Bar Associations and other gentlemen who take an interest in this measure, for them to consider what sort of suggestions they will make, or what amendments they will propose, through their representatives on the floor of this House. Sir, the only serious objection to the postponement of this Bill that appears to my mind, is the contemplated retirement of two of our Honourable friends, the Honourable the Home Member and the Honourable the Law Member. So far as these two gentlemen are concerned, we wish them all happiness and joy in their retirement. And we do all wish very sincerely to see the Honourable the Law Member as one of us in the very near future on the non-official benches ; and, so far as the Honourable the Home Member is concerned, that he will guide us with his advice from the India Office in London. The printing of this huge Bill, Sir, as has been pointed out by my friends, is also defective. Not only the amendments should be separately printed, but I would add that the explanations to the various clauses at the end of the Bill should also be printed side by side with the various clauses so that we can see and read and study them all at a glance. This would also be an additional reason, Sir, for the postponement of the consideration of this measure. I do not see, Sir, that there is any very great emergency for rushing through this Bill in the next two days which have been reserved for it. Nor do I think that the several proposals which are likely to come forward for amending the Bill during these two days that have been reserved, besides to-day, will be at all sufficient. Therefore, I do not consider that even if we take this measure into our consideration to-day, it will be got through within the two days as proposed. For these reasons, Sir, I heartily associate myself with my learned friend, Dr. Gour, and strongly support the motion for adjournment.

**Rao Bahadur C. S. Subrahmanayam** (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Sir, with regard to this motion for adjournment, the grounds for adjournment have been put very temperately by my friend, Mr. Rangachariar. But so far as the representatives of this Assembly are concerned, I must say that there was something radically wrong in the number assigned to this Assembly. We were three non-officials, of whom one was altogether absent right through ; and speaking for myself, well I always found myself pitted against the experience and the inside knowledge of the Honourable the Home Member, and found myself too weak single-handed to resist the arguments which he very often put forward. (Hear, hear.) I do not say that he therefore took any undue advantage ; he did comply with many of our suggestions, and I do not say that in any spirit of depreciation ; but I say that it would have been much better,—and seeing the attitude which the Assembly now takes, it should be made possible to have a larger number of Members of this Assembly on Select Committees of this character on Bills of this controversial character. Well, Sir, there

are two sides to this question of adjournment. It is said there has not been sufficient time to go through the Bill. It must also be said to the credit of my learned friends, Dr. Gour and Rangachariar, that they could make up their minds in a single night what changes ought to be made in this Bill. This Bill is not a new Bill ; this is a Bill which they have dealt with practically all their lives, and I suppose they have had a week over this Bill—this is a piece of Legislation with which they are familiar for more than 30 years, each of them ; and therefore, the arguments they put forward are evenly balanced, and I for the present leave the matter in the hands of the Assembly.

(Several Honourable Members : “ I move that the question be put.”)

**The Honourable Sir William Vincent :** Sir, I should be very grateful if you, Sir, would give a ruling on the question which has been raised about the circulation of the Report of a Select Committee to individual Members before it has been presented to the House. It is a matter of some importance, and I believe that the procedure that was followed was correct, and certainly in accordance with the practice of the older Council. If you would give me a ruling on the point before we close to-day, I should be very grateful.

There is one point in connection with the merits of the motion before us that I wish to make abundantly clear to Members of this Assembly, and that is, that if I consulted my personal feelings in this matter, I should undoubtedly vote for the amendment. I do not think any Member of the Assembly who knows the strain devolving on a member of the Government who has to push a measure of this kind through the Assembly with the innumerable amendments to be dealt with, would think that I would willingly undertake the task. (Hear, hear.)

Sir, we have been reproached because, it is said, that the number of Members of the Legislative Assembly on the Joint Committee was inadequate—the number of non-official Members I should say. Might I remind the House that they voted the number to go on the Joint Committee. Any one could have proposed the inclusion of other names ; I should not have opposed the suggestion. It is hardly fair to suggest now that an insufficient number of members of this House were on the Joint Committee when not a single member took the trouble to suggest that more members should be elected. Further, Sir, I am not sure that all the members who were elected did attend, or even that some of them did not fail to attend, a single meeting of the Joint Committee. It was then suggested by my Honourable friend, Sir Deva Prasad, that I was a little doubtful in my statement that my Honourable colleague and I will not be here if this Bill is postponed. Naturally I expressed some doubt in speaking of my Honourable colleague, because I have not first-hand information of what his intentions are. But, speaking for myself, I have no doubt whatever that I shall not be here.

Another point raised by Sir Deva Prasad was that the opinions should be circulated. May I put it to Honourable Members who are always out for retrenchment and so keen on economy that these opinions cover a considerable amount of paper and would make quite a large book ; here is the file containing the whole case (picking up a large file). (A Voice : “ And

- [Sir William Vincent.]

you suggest our reading all that ?') I suggest you should not put the Government to the expense of reprinting and circulating such a volume of papers to persons who will not take the trouble to keep or read them. (Laughter.) The question of printing the amendment proposed in the Bill *in situ* will, I have no doubt, be considered by the Legislative Department, but I am not in a position to make any promise as to what they will do. Honourable Members will however find that they have such a pile of papers to read that next Session, I suppose, they will come up and say they have not had time to examine them. Sir, I heard with surprise that Honourable Members never even examine the principle of a Bill until it has emerged from the Select Committee. I suppose that explains the attitude of some members of the House on the Police Bill we have just passed. Sir, I am constrained to press the motion before the House ; if the non-officials like to turn the motion down and to accept the proposal for adjournment, then let them turn it down. But let it not be said that this was done with the Government consent.

**Mr. President :** The original question was :

“ That the Bill further to amend the Code of Criminal Procedure, 1898, and the Court-fees Act, 1870, as passed by the Council of State, be taken into consideration.”

Since which an amendment has been moved that further consideration of the Bill be postponed.

The question I have to put is :

“ That further consideration of the Bill be postponed.”

The motion was adopted.

## ELECTION OF STANDING COMMITTEES.

**Mr. President :** The Assembly will now proceed to elect a panel of six Members from which the Members of the Standing Committee to advise on subjects in the Home Department will be nominated : and to elect a panel of nine Members from which the Members of the Standing Committee to advise on subjects in the Departments of Commerce and Industries will be nominated.

The elections then commenced.

## CONDUCT OF BUSINESS.

**The Honourable Sir William Vincent :** Owing to the action of this Assembly in regard to the Code of the Criminal Procedure Bill, I am afraid there will be some blank days before us and I suggest that it might meet the convenience of Members of the Assembly if, subject always—I must be quite clear on this point—subject always to His Excellency's permission, we took the non-official Bills which are down for the 26th on Wednesday next after any official business there may be. I am informed the official business will not take us more than an hour. There are a number of non-official Bills down for the 26th in which Members take considerable interest. If this meets the convenience of Members—and I should be glad

to receive some assurance on the point—I will approach His Excellency to-day and ask him if that day may be given, namely, Wednesday, for the non-official Bills which would normally come up on the 26th. There may of course be one or two Bills which will not be ready that day, but I will do my best to meet the wishes of the Assembly in that matter.

**Sir Deva Prasad Sarvadhikary :** What happens to-morrow ?

**The Honourable Sir William Vincent :** I can arrange the business for Wednesday, but I really cannot be responsible for consequences of the vagaries of the Assembly on the Criminal Procedure Code in so far as to-morrow is concerned. I have not the time to arrange any business. As far as I can see at present, we shall have meetings of Select Committees but I could not possibly foresee what the Assembly will decide and arrange business for a meeting.

**Sir Deva Prasad Sarvadhikary :** Cannot some non-official Resolutions be taken to-morrow ? We want to do some intensive work now. This will save much cost and be a convenience to the Members. There seems to be no non-official objection to this.

**The Honourable Sir William Vincent :** I cannot promise anything. I know there are some Resolutions affecting the Home Department which I myself have not had time to prepare.

**Mr. President :** Honourable Members will observe that their action to-day has made it really easier to bring the Session to a close somewhat earlier than we anticipated. As far as I was able to see, there was no possibility of adjournment before the 27th having regard to the programme of business. But if now the non-official programme for September the 26th is transferred to the day after to-morrow, then I think it may be possible. I do not suppose Government can give any undertaking—I certainly cannot give an undertaking—to bring the entire programme for next week into this week. But I shall examine the question with that object in view.

**Mr. Jamnadas Dwarkadas :** May I be permitted to inquire whether you, Sir, or the Government are in a position to announce whether we are going to have a Session of the Assembly in November or not ?

**The Honourable Sir William Vincent :** Sir, let us decide what we are going to do this Session before we go on to the next. As far as the business of the 26th is concerned, I will do my best to put as much as I can down for Wednesday. I cannot however undertake to move the Resolutions forward to-morrow, because I think Honourable Members will realise that we, like themselves, can only prepare our Resolutions a short time before they come on. But I will examine the list and if it is possible to do anything I will communicate, Sir, with you.

**Mr. Harchandrai Vishindas :** Is there any business down for 27th which, like the business of the 26th, could be put back ?

**The Honourable Sir William Vincent :** I cannot tell the Honourable Member until I have examined the papers, but he may rest assured we will do all we can to meet the convenience of Members,

**Mr. W. M. Hussanally :** There are a number of supplementary grants for this Assembly to consider. Cannot we take them up to-morrow ?

**The Honourable Sir Malcolm Hailey :** The papers on this subject are already being circulated and we will endeavour to bring the matter forward as soon as possible. If, however, we have to give the Assembly less than the usual 10 days' notice, I hope the Assembly will not object to this. We could not possibly undertake to bring them up to-morrow ; the Assembly would not have time to study the papers.

**Dr. H. S. Gour :** Sir, in view of the postponement of the Code of Criminal Procedure Bill, may I request you to alter the time of the elections for the Court of the Delhi University fixed for the 19th September, 5 P.M., to an earlier hour, which I think will meet the convenience of the Members. I would suggest 3 P.M.

**Mr. President :** That hour was not fixed by me and therefore I have no official concern with it. But I have no doubt that Members will appreciate an announcement to that effect. On the other hand, if the Honourable the Home Member finds he is in a position to set down some business for to-morrow I cannot undertake that the House will adjourn at such an hour as will enable us to meet Honourable Members' convenience in the matter of the election for the Court of the Delhi University. I am in some doubt as to what form the statement that this House now adjourn should take, because if the Honourable the Home Member is in a position to put down business for to-morrow, I understand it is the desire of the Assembly that business should be so put down (*Voices : "Yes"*) ; and similarly that whatever business he can bring back to Wednesday from next Tuesday, he should also do that (*Voices : "Yes"*). I also understand that it is the general desire of the House that arrangements should be made as far as possible to bring the programme of next week into this week.

**The Honourable Sir William Vincent :** I have now got the list of Bills, and subject to anything unforeseen I believe that, nearly all of them can conveniently, from the point of view of Government, come on Wednesday.

I have also got the list of Resolutions for the 22nd and certainly so far as the first one is concerned which affects the Home Department, I am quite definitely not prepared to take it up to-morrow. I have not had time to work up the case. I do not know about the other Resolutions.

**Sir Deva Prasad Sarvadhikary :** If there is no other business, the Committee elections will be the only thing as already announced for to-morrow, both with regard to the remaining Standing Committees as well as the Delhi University. Therefore it is desirable that some business should be arranged for to-morrow which can be easily done. The Government business of the 27th may be thought of in this connection. I don't know if that can be brought over to-morrow ?

**Mr. President :** There is no regular programme either of legislative business or Resolutions, and we should be consulting the convenience of

everybody if we were to postpone the elections for the two remaining Committees to a later date.

**Dr. Nand Lal :** In view of the expression of opinion of the Chair, may I now suggest that the election of candidates to the Court of the Delhi University may also be postponed to such a day as may be a busy day for the Legislative Assembly, so that we may have a majority of the elected Members to attend that election ?

**Mr. President :** The arrangement for the election of the Court of the Delhi University is outside the official cognisance of the Chair and it is no concern of mine to make any announcement on the subject, but I allowed allusion to it as it had a certain bearing on Members' convenience.

**Mr. W. M. Hussanally :** Will the election of the remaining two Standing Committees be held on Wednesday ?

**Mr. President :** No, it will be announced hereafter.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 20th September, 1922.

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