

18th January, 1922

THE

LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

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LEGISLATIVE ASSEMBLY, 1922



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LEGISLATIVE ASSEMBLY.

Wednesday, 18th January, 1922.

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

MEMBERS SWORN.

Maung Maung Sin, M.L.A. (Burma : Non-European);

Sir Montagu de Pomeroy Webb, Kt., C.S.I., C.B.E., M.L.A. (Bombay : European).

THE CIVIL MARRIAGE (AMENDMENT) BILL.

Mr. President : The adjourned debate on the motion regarding the Civil Marriage Bill will be taken on Friday at 2 O'Clock in the afternoon. Further, there will be no meeting of the Assembly on Monday, the 23rd of this month.

THE INDIAN EMIGRATION BILL.

Mr. J. Hullah (Revenue and Agriculture Secretary) : Sir, I beg to present the Report of the Select Committee on the Bill to amend the law relating to Emigration.

THE INDIAN INCOME-TAX BILL.

The Honourable Sir Malcolm Hailey (Finance Member) : Sir, I beg to present the Report of the Joint Committee on the Bill to consolidate and amend the law relating to Income-tax and Super-tax.

RESOLUTION *RE*: ABANDONMENT OF THE POLICY OF REPRESSION.

Munshi Iswar Saran (Cities of the United Provinces: Non-Muhamadan Urban) : The Resolution which I have the honour to move runs as follows :

'This Assembly recommends to the Governor General in Council the immediate abandonment of the policy of repression inaugurated in the country.'

It is under a compelling sense of duty that I venture to invite this House to consider my Resolution to-day. I am anxious, extremely anxious, more anxious than I can tell, that no word of mine should add to the bitterness or complexity of an already embittered and complicated situation. I hope it is

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not necessary for me to assure the Official Members of this House or Government that we are no less anxious than the officials themselves that law and order should be maintained. It is, Sir, in our own interest that there should be no disorder in the country, because if any lawlessness breaks out and if there takes place any disorder, we suffer with the rest of our countrymen. I am not oblivious of the fact that Government at this moment is face to face with a grave situation. Sir, the situation is grave in all conscience, but it is not necessary to exaggerate either the gravity or the difficulty of the situation. Let not our vision be blurred. Let us view things in their true perspective. Let us judge the non-co-operation movement in its true and proper light. Most of us, in fact everybody here, and most of the educated people outside, are fully acquainted with the programme of the non-co-operation movement, and, as we know, it was before the 17th of November last, for some time before that date, that non-co-operators were concentrating their attention and energy on the boycott of foreign goods and on bringing about a *hartal* on a particular date. Sir, let me say at once, and in as emphatic a manner as I can, that their decision to bring about a *hartal* on a particular day was a most unwise and a most unfortunate decision. We have it, on the authority of His Excellency the Governor General and of His Excellency the Governor of Bengal, that their attempt to bring about a *hartal* on this date exacerbated feelings and that there was an outcry, to quote the words of His Excellency Lord Reading, from the residents, particularly of Calcutta, and, in fact of most of the great cities in this country, against the intimidation and unlawful means which had been used by them in order to prevent people from taking the course which they wished to take. And, Sir, unfortunately on the 17th of November in Bombay there was a wicked and criminal outburst of lawlessness. There is no one, either in this hall or outside it in the country, who will not condemn that lawlessness in most emphatic language. Now, let us then see what followed the 17th of November. One finds that one Provincial Government after another resorted to the Criminal Law Amendment Act, the Seditious Meetings Act, the Defence of India Act and the Press Act. Sir, I have seen it stated by very responsible people that this is not a policy of repression. I shall beg the House to consider this question with me for one moment, without considering for the time being whether it is justifiable or not, but simply to confine their attention to the issue whether or not it is a policy of repression. For my purpose, it is enough to say that Government itself has called some of these measures repressive.

When the Repressive Laws Committee was formed, some of these measures were referred to them. In view of this fact, I submit, it is not open to serious argument that the policy inaugurated is not a policy of repression. Sir, my submission, my respectful and humble submission, is that Government went wrong in applying the Criminal Law Amendment Act to these various volunteer organisations in the country. It may be open to a Judge sitting in a court of law to hold that the language of the Criminal Law Amendment Act is wide enough to cover the case of a volunteer organisation in this country, but I submit with all respect that if you look to the object with which this measure was introduced and if you look to the surrounding circumstances that induced the Government in 1908 to introduce this measure, the conclusion becomes strong, from my point of view irresistible, that Government is not right in applying the Criminal Law Amendment Act to these volunteer organisations. May I invite the attention of this House to

what Sir Harvey Adamson said in introducing this measure in the Legislative Council? He said :

'The following are some of the more prominent instances of anarchical crime which have occurred in Bengal and Eastern Bengal during the past year. On the 6th December, 1907, an attempt was made to assassinate the Lieutenant-Governor of Bengal by means of a bomb exploded under his train near Midnapore. Two other abortive attempts of a similar nature on Sir Andrew Fraser's life had already been made on the railway line near Chandernagore. On 23rd December, 1907, Mr. Allen, the District Magistrate of Dacca, was shot with a revolver at Goalundo. On 4th March, 1908, Mr. Hickenbotham of the Church Missionary Society was shot near his house at Kushtea. On 11th April an attempt was made to assassinate the Mayor of Chandernagore by a bomb. On the 30th April a bomb intended for Mr. Kingsford who had been Presidency Magistrate at Calcutta was thrown into a carriage at Muzaffarpur and killed Mrs. and Miss Kennedy. On 2nd May the Manicktolla bomb conspiracy was brought to light. On 2nd June a serious dacoity was committed near Nawabganj in Dacca District by a large band armed with guns and revolvers in which two persons were killed. On 21st June a bomb was thrown into a railway carriage at Kankanara and injured an English gentleman, and there have been several similar attempts in the same neighbourhood. On the 31st August an approver in the Manicktolla case, which is under trial at Alipur, was murdered by a revolver. On 17th September a serious dacoity was committed at Serampore. On 20th and 30th October similar dacoities were committed in Malda and Faridpore districts. Only a few days ago followed a dacoity of the gravest nature in Raita. There is ample reason for believing that all the dacoities which I have mentioned were committed by young men of the middle classes. On 23rd September a young man was convicted of sending a bomb by post to the Magistrate of Nadia. On the 7th November the fourth attempt was made to assassinate the Lieutenant-Governor of Bengal, on this occasion with a revolver. On 9th November the native Sub-Inspector of Police, who had arrested one of the Muzaffarpur murderers, was shot dead in the streets of Calcutta. On 13th November the principal witness in a case against the head of an association called the *Anusilan Samiti* was murdered and decapitated near Dacca.

These are examples of the type of anarchical crime that has been prevalent.'

Turn we now to the concluding speech of Lord Minto, who was then Governor General. He said :

'The Manicktolla Garden discoveries, followed by the attempt on the life of Sir Andrew Fraser, and the murder of the Police Inspector, have opened a new chapter in the history of sedition. They have taken us far beyond treasonable pamphlets and revolutionary speeches, they have shown us the results of those preachings and are laying bare before us (*I shall beg the House to mark these words*) the workings of a murderous conspiracy—a wide-spread conspiracy—recruited from the ranks of emotional young men saturated with grotesque ideas of political freedom.'

Sir, whatever opinion one might hold as regards these volunteer organisations, I assert with all the emphasis I can command that it cannot be contended that these are murderous associations or that these are associations which organise political dacoities. It may be, and I think it is true, that in some cases there has been committed intimidation and other excesses by certain members of some of these volunteer organisations; but, I shall ask the House to remember that the creed of the volunteer organisations all over the country is non-violence. I find an Honourable Member occupying the Government Benches laughing at it; I shall ask him to consider whether or not it is a proof of their non-violence that leader after leader has been arrested, hundreds upon hundreds of young men have been arrested and sent to jail and there has been no trouble at all. If you look at the Resolution which has been passed by the Congress organisation, you will come to the conclusion that whatever might be the action of individual volunteers here and there, the aim that has been put before them is non-violence. This is the pledge that each volunteer has to take :

'With God as witness I solemnly declare that I shall be a member of the National Volunteer Corps; as long as I remain a member of the corps, I shall remain non-violent in

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word and deed and shall earnestly endeavour to be non-violent in intent since I believe that in India's circumstances it is non-violence alone that can help the Khilafat and the Punjab and result in the attainment of Swaraj'.

In their own interest non-co-operators have to be non-violent.

If the inauguration of this policy has been wrong, what about its application and its exercise? What do you find? You find that the Seditious Meetings Act has been applied not only to public meetings but even to Congress Committee Meetings. You find that volunteers have been indiscriminately arrested and packed off to jail. You have the unhappy spectacle of practically all the members of the United Provinces Congress Committee being arrested while they were sitting in a committee meeting. Their only offence was that they had supported a Resolution calling upon members to join the volunteer organisations. I have myself seen in Calcutta young men and even elderly people coming and saying: 'Purchase *Khaddar*: observe *hartal*'—that was enough; they were arrested and put into prison vans and sent to the lock-up. I have seen this with my own eyes.

This is not all. What more has been done? Speaking of my own province, I say that men whose political opinions you might condemn, whose political judgment you might find fault with, but whose character and attainments you dare not question, have been sent to jail because they have signed the pledge of these volunteer organizations. Take the case of Pandit Motilal Nehru. It is open to anybody in this House to disagree with his politics, but I submit that by virtue of his attainments, his knowledge, and his position, he could have well aspired to occupy any position open to an Indian under the Crown. Take another distinguished man in Benares, Babu Bhagwandas, a scholar, a student, an educationist. He has been sent to jail, and the case is so gross that even Dr. Subrahmania Aiyer from Madras has publicly said in the papers that an appeal should be made to His Excellency the Governor General to consider the case of Babu Bhagwandas. What more has been done? Indiscriminate arrests, trials in camera, sentences which are out of all proportion to the technical offences which have been committed. You find that boys and men with honourable records have been sentenced to various terms of rigorous imprisonment because they have joined these volunteer organizations. This, I submit, is a thing which Government will do well to stop and stop forthwith. What has been, I ask, the result of this policy which has been inaugurated by Government? The result has been that this policy has been taken by the non-co-operators as a challenge to freedom of speech and to freedom of association. Thousands upon thousands have become volunteers; *hartals* which would otherwise not have been so complete have been made absolutely complete by the inauguration of this policy. Jail has lost its terror. Instead of being a place of humiliation, jail has become a place of honour, and to some, it has become a place of pilgrimage. Furthermore, this policy has thrown into the ranks of the non-co-operators thousands upon thousands of men who before took no interest in politics. The psychology is easily understandable. You find a man with a clean and decent life, esteemed and respected by his fellowmen, and, when you find that man sent to jail for an offence of this nature, general sympathy goes out to him because the feeling, right or wrong, is created that the man is made to suffer for the sake of his country. The result, I say, has been the aggravation of the very evil which Government wish to remove. Look at Lahore, I read in the papers only last night that hundreds of ladies have come out and are going about in

the streets as volunteers. Might I ask whether this policy has been supported by the moderate opinion in this country? The National Liberal Federation has spoken against it; the moderate organizations all over the country have spoken against it; the All-India Christian Conference, the Indian Association of Calcutta, the various Bar Libraries, the Moderate Press, I shall not mention individuals of recognised worth and position who condemn this policy—in fact all have protested against this policy and urged its abandonment. I submit that what the present policy has done is to aggravate the evil which it was intended to remove. Sir, non-co-operation I shall beg this House to treat as a symptom and not as the disease itself. If you go on fighting non-co-operation without looking into the causes that have given birth to it, I submit with confidence that you will never be able to destroy it. The way to destroy non-co-operation is to remove the causes, and the causes once removed, it will wither, and will ultimately disappear. Sir, luckily for me I have on my side the authority of the Honourable the Home Member himself as regards the unsoundness of the policy of repression. Speaking in this House, he said :

‘ Now, in such a situation, there were three policies open to Government. We could have gone in for a general policy of repression, but we were very unwilling to adopt this course, though we have been pressed to undertake it by a certain section of opinion. Such a policy leads nowhere. It is not consistent with the spirit of the Reforms. It would have served merely to increase bitterness and racial feeling; it would have impeded the social and political progress of this country; it is inconsistent with the greater liberty of speech and action which these Reformed Councils would demand from the Government; it would have necessarily involved an invasion of private rights which are highly cherished by all the people; it would have alienated support for Government, would have strengthened the very people we wanted to weaken, and would, I believe, materially have weakened the moderate party and precipitated disorder.’

I submit, Sir, that this is exactly what has happened on the inauguration of the present policy. Sir, as I stated at the outset, the difficulties of Government are enormous. It is up to Government to devise ways and means for restoring peace and harmony in the country. If Government will ask the assistance of the non-official Members of this House, I suppose they will be willing, they will be ready, nay they will be eager, to place their services at the disposal of Government in restoring peace and order. But, Sir, as regards the policy, I must urge its abandonment because its initiation has been bad. I must urge its abandonment because its application has been worse; I must urge its abandonment because its administration has been still worse. I must urge its abandonment because it has alienated public sympathy. I must urge its abandonment because it has aggravated the very evil that it was intended to remove. I must urge the abandonment of this policy because I believe that if persisted in, it is bound to lead to disaster.

Mr. President : Before the Assembly proceeds to debate, it may perhaps clear the air a little if I make a statement regarding the amendments on the paper. There are eighteen amendments, but there has been handed in to me this morning a comprehensive amendment, standing in several names, which supersedes most of them. It offers a definite alternative to the terms of the Resolution and practically covers all the amendments on the paper. The only amendments which in my opinion, it does not cover are those standing in the name of Khan Bahadur Sarfaraz Hussain Khan, numbers 4 and 16, which introduce a different idea in the proposal to make the abandonment of a certain policy by Government conditional upon the abandonment of a certain policy by persons outside the Government. Therefore, I propose to

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take the comprehensive amendment, which has been handed to me, standing in the name of Dr. Gour and others, and then to take the amendments of Khan Bahadur Sarfaraz Hussain Khan as an amendment to Dr. Gour's amendment.

Lieut.-Col. H. A. J. Gidney (Nominated Anglo-Indian) : May I take it, Sir, that the other amendments will not be touched upon at all? My amendment is not covered by Dr. Gour's comprehensive one.

Mr. President : If, as the debate proceeds, any Honourable Member, in whose name an amendment stands, is of opinion that the question before the House does not adequately cover the purpose of his own amendment, he will be at liberty to put his amendment before the Chair, but, I think, as the debate proceeds, it will be evident that the general amendment, standing in the name of Dr. Gour and others, covers, in substance, though not actually in terms, the other amendments on the paper, except those to which I have drawn attention.

The Honourable Sir William Vincent (Home Member) : May I have a copy of Dr. Gour's amendment? I have not seen it yet?

Mr. R. A. Spence (Bombay : European) : May we all have copies?

Dr. H. S. Gour (Nagpur Division : Non-Muhammadan) : I will read it out. Sir, on behalf of the Democratic Party of this House, I have the privilege of moving the following amendment :

'While strongly deprecating the aggressive form of non-co-operation manifested by some non-co-operators and the resort to violence by them in some places, as also the menace of mass civil disobedience, this Assembly strongly disapproves of the recourse by Government to a general policy of repression without previously consulting this House, and recommends to the Governor General in Council the immediate abandonment of the policy of repression inaugurated in the country, the reversion to the policy announced to this House on the 23rd March, 1921, the release of all prisoners in detention in pursuance of that policy, and the convening of a conference comprising the representatives of all shades of opinion with a view to concert a practical plan for the restoration of peace in the country and for ensuring its political progress in consonance with its national aspirations.'

You will observe, Sir, that this amendment divides itself into four different parts and conveys a sense of the feeling of a section of this House, both as regards the activities of the non-co-operators outside this House and of the action taken by the Executive Government in combating non-co-operation.

It also suggests a constructive policy for the Government to adopt for the permanent settlement of the questions that are agitating this country.

Sir, my Honourable friend, the Mover of the principal Resolution, has told you in general terms the line of action which the Government took and which he has condemned. In doing so, he has referred to the genesis of the Act of 1908 which arms the Government with power to proclaim what is there described as 'unlawful associations'. If Honourable Members will turn to that Act they will find that in section 15 of Part II of the Criminal Law Amendment Act an 'unlawful association' is described in the following terms :

'Unlawful association' means an association which encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts.'

Then we have an extremely vague, extremely general clause which runs :

'Or which has been declared to be unlawful by the Governor General in Council under the powers hereby conferred.'

I would ask Honourable Members to indulge me for a few moments if I lay bare the facts which have culminated in the present national crisis. After the memorable speech delivered by the Leader of this House, to which reference has been made by the Mover of this Resolution, the non-co-operation movement throughout the country was languishing for want of support, and I venture to say that that movement would have died a natural death had it not been for the events to which I am about to refer. Honourable Members will well remember that on the 17th November last, His Royal Highness the Prince of Wales landed in Bombay, and on that day in the City of Bombay certain riotous crowds committed excesses for which the leader of the non-co-operation movement fasted for the purpose of restoring peace. I lament, with the Members of this House, that that should have been the method adopted for the purpose of preserving peace and restoring order.

I equally lament, Sir, that the aggressive non-co-operation movement should have stimulated the hooligans of Bombay to break out into that riotous conduct. But what happened? The Bombay Government kept their heads cool. They took no action. They did not resort to the emergency legislation which then existed as it exists now on the Statute Book. Now, listen to me for a moment. On the 17th of November, the day I have referred to, they observed a complete *hartal* in the City of Calcutta, and on the morning of the 18th of November two Anglo-Indian dailies, which shall be nameless, came out with flaring leaders: 'The *hartal* in the premier City of this Empire has been dramatically complete. What is the Government going to do? Is it going to abnegate its primary right of preserving order?' Acting upon the suggestion made in these two journals, the Bengal Chamber of Commerce felt aroused to its duty and addressed an urgent letter to the Government of Bengal to suppress the Congress and the Khilafat volunteer movement, and on the same day, the Government of Bengal, acting under the section, issued a *Communiqué* declaring the whole volunteer movement in Bengal as unlawful and proscribing these associations under the Act. Within 24 hours of the issue of this *Communiqué* arrests were made in the town and suburbs of Calcutta and in many places in Bengal, and I am given to understand that no less than 8,000 volunteers were arrested in the town and neighbourhood of Calcutta. Up to that moment there was no allegation that this volunteer movement, which had been in existence for a considerable time, had violated the letter or the spirit of section 15, clause (2) sub-clause (a) of this Act. But, all of a sudden, the Government of Bengal was roused to action by the two journalistic efforts combined with the letter of the Bengal Chamber of Commerce. The sole object of this repressive policy of the Bengal Government was not to preserve

Mr. President: Order, order. The Honourable Member must address his remarks to the action of the Government of India.

Dr. H. S. Gour: I presume, Sir, and I speak subject to correction, that this action by the Government of Bengal could not have been taken without the previous knowledge and sanction of the Central Government. I am quite aware

The Honourable Sir William Vincent: Would the Honourable Member like to know the facts? The facts are that the Government of Bengal could have taken action without the sanction of this Government, but this Government did approve of the action taken by the Bengal Government.

Dr. H. S. Gour: I am very glad to hear it, but I knew it already, and I was going to say it, Sir. This action of the Bengal Government was not taken, we now hear, without the previous sanction or concurrence of the Government of India. I do not ignore the Devolution Rules, and I know that it was within the jurisdiction of the Bengal Government to act. But remember my words, the Bengal Government take that action and create a situation in which it may be necessary that the Central Government must co-operate for the preservation of law and order, and the Central Government realise that that may involve financial responsibilities for which the sanction of this House might be necessary. Consequently, before any Government can embark upon a wholesale policy of repression, that Government, I submit, must, as a matter of logical necessity, consult the Central Government, and that Central Government must equally, as a matter of constitutional necessity, consult this Honourable House. Now, Sir, on the 23rd of November, 1921, the United Provinces Government issued a notification and commenced arrests of volunteers. On the 5th, or I think on the 6th of December, 4 days before the Prince was due in Lucknow, the Nehru Brothers and Jawaharlal Nehru and 12 or 13 other persons were arrested, and later on 50 or 60 members of the Congress Committee were arrested on the ground that they had enlisted themselves as volunteers. Up to that date, there was no suggestion that the Nehrus or members of the Congress volunteers in the United Provinces had either aided and abetted the commission of acts of violence or had themselves habitually committed such acts. The Honourable the Mover of this Resolution has paid a compliment to the *doyen* of the Allahabad Bar, Pandit Motilal Nehru, in which I join. I am sure, Sir, that no Member in this House can seriously say that the Nehrus either encouraged or aided persons to commit acts of violence or that they were members of an association which habitually committed such acts.

Let me complete the picture. I have told you what took place in Bombay. I have told you what took place in Calcutta and I have told you about two journals and the Bengal Chamber of Commerce and what the Bengal Government did and, acting upon a similar impulse and providing themselves against a remote contingency, what the United Provinces Government did. I now pass on to the Punjab. In Punjab, about the 3rd or 4th of December, Lala Lajpat Rai was arrested while he was attending a committee of the Indian National Congress. A notification was issued by the Bihar Government but, yielding to the protest of the local Legislative Council, the Government withdrew its proclamation and released all the prisoners who had been arrested. I am glad to say, Sir, that a similar contingency has not arisen in my own province, and, while the notification was issued in Madras, no action was taken. This is, I submit, the brief history of this general policy of repression, upon which the Government of India embarked acting on the suggestion of a certain Government and to provide for one single contingency. That, I submit, is a short history of the general law of repression, and Honourable Members will ask how far and why the Government of India are to blame. It is perfectly obvious that if the Government of India intended to legalise and sanction, on the part of the other provincial Governments,

recourse to this general policy of repression, it is only due to the Honourable Members of this House that the Government of India should have previously consulted us. Remember, Sir, we desire as much as any member of the Government would desire that there should be no disturbance of peace in the country and we are as anxious as any member of the Government would be to stamp out disorder and to arrest the spirit of lawlessness which is abroad in the country but we are equally jealous of the privileges of this House and we desire and demand that before the Government launches out on this policy of repression the Members of this House should be previously consulted and their concurrence obtained. That this is not done is the gravamen of our charge, of which the Government of India stand accused. I further submit, and I anticipate the arguments that will be advanced by the apologists of that policy that the Government of India have got the right under clause 15, sub-clause 2 (b) to declare any association unlawful, but let me remind my Honourable friend, the Law Member, and I think he will agree with me that this must be read reasonably and *ejusdem generis* and under this general vague clause the Government of India cannot proscribe persons lawfully engaged in a peaceful and non-violent form of activity merely because it happens to be political and intended to bring and focus popular grievances for the consideration of Government. I submit, therefore, Sir, that so far as the Government of India are concerned, they cannot stand acquitted of the charge of having embarked on a policy of general repression which was not justifiable under the circumstances of the case. Let me, Sir, clear the ground by saying that if any member of the association of volunteers or the Congress or the Khilafat was guilty of acts of violence or intimidation or of committing any unlawful acts, he should have been dealt with under the general penal law, but there is no reason why the whole association, the whole movement should be strangled because of the acts of one or two or some or many. That, I submit, is a view which commends itself to an important section of the Members of this House. Now, Sir, if I stopped short here, I should be certainly guilty of a dereliction of duty in that I should have criticised the action of Government without offering any constructive proposal.

Mr. President: The Honourable Member is no doubt aware that he has already exceeded his time. He should therefore bring his remarks to a close as quickly as possible.

Dr. H. S. Gour: Fortunately, Sir, the constructive proposal I have to make is one which does not call for any lengthy explanation. We demand that people who have been arrested in Calcutta, in the United Provinces, Bengal, Patna and elsewhere should be now released and those who have heard the history of the recent repression will have no doubt left in their minds that the contingency against which provision was made is over so far as Bengal, United Provinces, Bihar and Orissa and Burma are concerned, and what reason have the Government now to keep, in duration vile, leaders like C. R. Das, like the Nehrus, like Lala Lajpat Rai and others who, I submit, have not been guilty of any substantive crime.

But, I submit, the release of those people would not be the solution of the question. It would be, I submit, merely a palliative and not a cure. Therefore I suggest that for the purpose of allaying the growing discontent in this country, and for the purpose of effecting a permanent settlement of the questions which are agitating the public mind, the Govern-

12 Noon.

[Dr. H. S. Gour,]

ment may be pleased to convene a conference of the representatives of all shades of opinion with a view to discuss and devise means for the purpose I have stated in my amendment. With these few words, Sir, I commend my amendment to the acceptance of this House.

Mr. President: The amendment moved is, that for the original* Resolution the following be substituted :

'While strongly deprecating the aggressive form of non-co-operation manifested by some non-co-operators and the resort to violence by them in some places, as also the menace of mass civil disobedience, this Assembly strongly disapproves of the recourse by Government to a general policy of repression without previously consulting this House and recommends to the Governor General in Council the immediate abandonment of the policy of repression inaugurated in the country, the reversion to the policy announced to this House on the 23rd March, 1921, the release of all persons in detention in pursuance of that policy, and the convening of a conference comprising the representatives of all shades of opinion with a view to concert a practical plan for the restoration of peace in the country and for ensuring its political progress in consonance with its national aspirations.'

Mr. Jamnadas Dwarkadas: (Bombay City: Non-Muhammadan Urban): Sir, I rise at this early stage of the debate to oppose the Resolution moved by my Honourable friend, Munshi Iswar Saran, as also the amendment moved by my Honourable friend, Dr. Gour. Sir, I need not repeat here in this House that we are passing through a crisis. This country is faced with a situation with the like of which it has never been faced before. Whatever we say here in this House to-day, as men who are responsible, as men who owe a duty to the country, is likely to affect the situation considerably. The situation might improve if we, as responsible men, exercised our sense of responsibility, rose to the occasion, went deep down into our hearts, thought and reflected on the situation for ourselves and then stood up, and taking up a decisive attitude on the question, said openly and clearly whether we considered the Government to be in the right or in the wrong. The situation is so grave that no amount of quibbling will solve the situation. I take leave to differ from my friend, Munshi Iswar Saran, when he says that the situation is much exaggerated. The gravity of the situation, he says, is exaggerated

Munshi Iswar Saran: No, I did not say that.

Mr. Jamnadas Dwarkadas: The gravity of the situation can never be too exaggerated. Let us face facts as they are. For the last few months in the country there has been in existence a movement which has been gaining ground day after day, which has been causing a good deal of mischief in almost all parts of the country, until it has come to a stage now when it behoves us either to say that we shall support that movement and face the disorder that ensues as a result of that movement, or that we shall support the Government in dealing with that movement in order that the seeds of disorder, which can never do good to this country, may, for all time to come, disappear. It has been said that the events that took place in the country do not justify Government's launching on what is called a repressive policy. Sir, I am not a lawyer, but I should like to know what is the definition of 'repression.' If Government resorts to exceptional measures in order to put down a legitimate movement which is launched for the purpose of bringing about a state of affairs which would satisfy the political aspirations of the people, then I would agree that the

* Vide page 1657 of these Debates.

Government is putting down by repressive measures a legitimate movement. But if Government puts down a movement or tries to put down a movement, which is, it must be remembered, not a constitutional movement, not a movement which aims at getting the grievances of the country constitutionally redressed, but which aims, in the words of the author of the movement, at the overthrow of the Government, which says openly that the non-co-operators have declared war against the Government, which openly declares that the adherents of the movement—I am quoting the words of the author of the movement—are rebels and have nothing to do with Government: if measures are taken to repress that movement in order that peace to the country may be secured, I submit, although I am not a lawyer, that it is not a repressive measure, it is not a repressive policy on the part of Government. (Hear, hear.) For all these months we have been hearing day after day from one leader after another that they have nothing to do with the Government, that they have broken all the ties with the existing Government, that it is a Satanic Government (too satanic to deserve any co-operation at the hands of the people of this country), that they are at war with Government, that they are rebels bound to overthrow the Government and replace it by their own Government, by their own Republic, if need be. I submit, Sir, that if on any occasion in the history of British rule in India Government have shown patience and forbearance with any political movement—I know to their cost and to the cost of the country in the past, they have put down movements of a legitimate character which were nothing compared to the movement that is now launched—I submit, Sir, that if Government have on any occasion in the history of British rule in India shown forbearance and patience towards any movement, it is on this occasion only, and in spite of the fact that this movement never concealed the fact that it was a revolutionary movement. I think the Government showed forbearance towards this movement because, as was pointed out by the Honourable the Home Member long long ago in this House, the Government relied on the support of the Moderates: the Government thought that the inauguration of the new policy of reforms would bring about a situation where responsible men in this House would enforce this opinion on the people of the country—that after all the reforms were a great measure, that everything that they wanted to achieve in the shape of political freedom can be constitutionally achieved through the Reforms.

The Government waited to see the result of our doings outside the House. The Government waited to see the result of Moderate agitation outside this House. Unfortunately, I confess, although many of us, I am bound to admit, tried our best to put our views before the people, the non-co-operators stole a march on us and we did not succeed. Let us be frank about it. We did not succeed. Still the Government waited. Events here and there, took place which clearly indicated that if repressive measures were not taken by the Government, in my own words, as I said in September in Simla, the day was not far when what happened in Malabar would probably be happening in almost every part of the country. The Government still waited. In Malabar unmentionable things have taken place. Perhaps, Sir, Honourable Members, who have neither been to Malabar nor have the vision to realise the sufferings that have been inflicted on the inhabitants in Malabar, cannot sufficiently sympathise with those sufferings. But let us leave aside Malabar. Even after the events in Malabar, Government did not resort to what is now

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called repressive policy. But surely we, who come from Bombay, are entitled to give to this House the benefit of what our experience has been in Bombay, especially in view of the fact that my Honourable friend from the United Provinces and my Honourable friend from the Central Provinces have thought it proper to refer to what happened in Bombay. I come from Bombay. But I never dreamt for a moment, Sir, that Bombay would ever be a place where scenes of the character and the unmentionable things that happened in Bombay on the 17th of November would ever take place. What happened in Bombay on the 17th of November, 1921? My Honourable friend says that in spite of the fact that so many things happened in Bombay, Government never resorted to a repressive policy. The Government never dreamt and justifiably so, nor did we ever dream, nor in his own words did Mr. Gandhi ever dream,—but the Swaraj that he saw in Bombay for two days stunk in his nostrils—to quote his own words, that such things would happen in Bombay. What happened in Bombay? Sir, I wish I could convey to the House in adequate terms the slightest notion of the terrible things that took place in Bombay. Women's honour in Bombay was not safe. I do not want to shock the House by telling them that women were treated in a most shameful and unmentionable way in the streets of Bombay. The lives of three police constables were taken under the nose of Mr. Gandhi. The wife of our Honourable and esteemed colleague, our Deputy President, was one of those who, although she was stoned and badly stoned escaped coming entirely under the wrath of the non-co-operators. I wish I could describe the agony of Mr. Gandhi's soul during those two days. Unfortunately, Sir, for this country, Mr. Gandhi has a short memory. When things happened during 1919, which shocked him, he admitted his mistake and said that he had made a Himalayan miscalculation. Things happened in Malabar. Malabar was too far away from him. He could not visualise the innumerable sufferings of the people of the place. When things happened under his own nose in Bombay, he felt the agony, which I cannot adequately convey to you. Sir, I want to ask this House whether they consider that having seen things happening in Bombay, the Government of India or the Provincial Governments would have been wise to watch with folded hands the preparations which were likely to bring about the same or even worst results in other provinces. Does any Honourable Member for a minute imagine that if he were in the place of Government, if he had seen lives lost in the manner in which they were lost in Bombay—and it is reported more than fifty innocent lives were lost—if he had seen those unmentionable things that I have related which happened in Bombay, he would have risked the same, and the losing of lives in other provinces that followed, or would he not have come out in the open and said: 'while the mischievous preparations are being made for the purpose of securing safety for the people, for the purpose of preventing a situation in which the people are bound to suffer, I shall do everything in my power, and resort to all the measures that it is in my power to resort to in order legitimately to put down this agitation, which is sure to result in these terrible happenings.' Let us not mix up personalities with the issue before us. Mention has been made of respected men who are in jail to-day. Sir, I do not exaggerate, but there is hardly anyone in the country to-day who feels more than myself. I submit, that these respected leaders who, if they had only followed the right line would have deserved their places on the Treasury Bench, are in jail to-day. The suffering of these people is a matter of grave concern. But if it is necessary for us, in

co-operating with Government, to invite a little suffering on a few of the population in order to avoid the large suffering which will engulf the whole population in this country and which will ruin the prospects of this country, I say unhesitatingly let us come out and invite a little suffering on a small band of people, however painful it may be for us to bear that suffering; but let us under any circumstances and at any cost, save the country from going into the clutches of a future, which is very uncertain and which is bound to bring about great disaster on our countrymen. Sir, we are faced with a very grave situation. The proposal has been made that a Round Table Conference should be called for by the Government. Again, Sir, I may be permitted to refer to the humble efforts that it was my privilege to make for the purpose of bringing about a Round Table Conference. I have been thoroughly disappointed. No man could have tried, I want to assure the House, to bring about peace by means of a Round Table Conference as I have tried, and I also want to mention to this House this fact that in the summoning of this Round Table Conference, the Government have shown their readiness to meet us in every possible way that can be imagined. The one man who has slammed the door for the Round Table Conference and who is responsible for the situation and its gravity is Mr. Gandhi. The Viceroy openly said in answer to the deputation that waited on him in Calcutta that he was prepared to have a Round Table Conference if Mr. Gandhi would agree to a truce; that no party was to blame the other party, that no party was to take credit for having come victorious and to blame the other party for having gone down, that all were to meet in order honestly and earnestly to settle the differences that were agitating the mind of the country. The Viceroy left the door wide open for the Conference. Mr. Gandhi has slammed the door, I think, for ever. Another effort was made in Bombay

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : On a point of order, Sir. Is the Honourable Member entitled to go beyond his time limit ?

Mr. Jamnadas Dwarkadas : Another effort was made in Bombay only a few days back to secure the Conference. Why has that effort failed ? (Cries of ' Not failed '). To my mind it has failed, and the letter that Sir Sankaran Nair has written to the *Times of India* supports the statement that I am making here. Why has it failed ? Leaving aside the question of Mr. Gandhi not attending the Round Table Conference, Mr. Gandhi does not even condescend to take part officially in the Conference that was called by his friends. Sir, all means have been exhausted. All efforts have been made for peace in vain. The clear course before the Government and before us, responsible men, is either to support the Government in putting down a movement which we all know definitely, if it continues, is fraught with the gravest disaster for this country, or weakly, for fear that we might lose popularity with our people, for fear that our countrymen might blame us, to support that movement and be a party in inviting what I consider is going to be the ruin of this country. The time has come when it is not a question of supporting a foreign Government to put down disorder in the country. You have to choose between Government of any kind on the one hand and on the other hand anarchy, chaos, disorder which will for centuries give a set-back to the progress of this country. I leave the choice in the hands of the House. So far as I am concerned, I unhesitatingly and emphatically declare that I shall be with Government in putting down disorder.

Mr. T. V. Seshagiri Ayyar (Madras : Nominated Non-Official) : Sir, I rise at once with your permission to correct certain misstatements which have been made. As regards the Round Table Conference, which the Conference met at Bombay, tried to bring about, Mr. Jamnadas Dwarkadas has told the House that it would be a failure. He has told us that he has been attempting a similar thing and that he failed. I may say in all humility that what such a great man as Mr. Jamnadas Dwarkadas has tried and failed in, lesser men like myself and persons who have been associated with me have endeavoured to bring about and may succeed ; and I am hopeful that within the course of a fortnight or so there will be an announcement that the Round Table Conference will be summoned. Sir, since the speech which the Honourable Member has referred to, there has been a consultation with the leader of the non-co-operation movement and he has written a letter which I have handed over to the Honourable the Home Member from which it will be seen that the leader of the non-co-operation movement would attend this Conference in his official capacity. I would not say that he would not recede from the position he has taken up, because he distinctly says so in the letter which he has addressed to us. I may inform the House that after this Conference we had some doubts and one of the leaders saw Mr. Gandhi ; and Mr. Gandhi has since written this letter which he wants to be shown to the Viceroy and I take it to the Viceroy's counsellors also, so that the probability of a Conference is made easy. Now, Sir, I felt bound to offer this explanation to the House because I am anxious that those that come after me and speak on this Resolution, whether it be from the Government Benches or whether it be from the non-official Benches, should not use language which is likely to put an end to the hopes and aspirations we have in this matter, namely, to bring about peace in this country and reconciliation. For that purpose, Sir, I have been endeavouring to catch your eye as early as possible, and I appeal to the Members of this House not to use language which would make it impossible for a happy solution of the existing troubles being brought about . . .

Sir P. S. Sivaswamy Aiyer (Tanjore *cum* Trichinopoly : Non Muhammadan Rural) : Will you read Mr. Gandhi's letter ?

Mr. T. V. Seshagiri Ayyar : I hope, Sir, that you will allow me to reply to all these questions, because it is a matter which goes to the very root of the whole question. In the Conference, at which certain Resolutions were passed, Mr. Gandhi agreed that he would consult his Working Committee and write to the Committee appointed by the Conference that he would suspend *hartals*, and suspend picketing, suspend mass disobedience, until the 31st January unconditionally, and if the Round Table Conference were called, he would, until the deliberations were over, not have any resort to these three measures. Sir, at the same time, in the speech which he delivered at the Conference he said that there were certain demands which were irreducible and unless those demands were acceded to he would not be in a position to attend a Conference in his representative capacity. This gave us trouble. We took up the position which Sir William Vincent is sure to take up, namely, that it would be useless to summon any Conference if one party insists upon regarding particular demands as irreducible, as an ultimatum from which he would not withdraw. For this purpose the Committee appointed by the Conference met next morning ; we had a discussion and we deputed the most respectable amongst us, Pandit Madan Mohan Malaviya, to go to Mr. Gandhi and explain the situation. The Panditji went to Mr. Gandhi and he has got in his possession a letter written by Mr. Gandhi himself, of which I gave a

typed copy to the Honourable the Home Member. I do not know whether I would be quite in order in reading this letter to you, but as it will have a bearing upon the discussion in this House I may read some portion of it. (Cries of 'The whole of it'.)

Mr. President: If the Honourable Member refers to a document which has not been published and uses it for the purposes of debate, the House is entitled to demand its publication.

Mr. T. V. Seshagiri Ayyar: I bow to your ruling, Sir, and I shall read it. This is what he says in the letter which he wrote to Pandit Madan Mohan Malaviya :

'What I mean is that until I am convinced that my demands are unreasonable, unjust or impossible of fulfilment, I would not recede from them. I would not consider the unwillingness of Government or the Parliament to grant any of these things to be a ground for reducing the demands. The value of a Round Table Conference consists in understanding each other's difficulties and making allowances for them. Hence my insistence that the Government must change their heart. If they entrench themselves behind their armed forces, a Conference is not only fruitless but mischievous; they must try to appeal to our intellect as we must try to appeal to theirs. If the Government or anybody, therefore, shows to my satisfaction that the particular demand is unreasonable or untenable, I would certainly give in as I did yesterday on the question of the mode of securing the release of political prisoners other than the two classes mentioned in Resolution 3. As soon as I realise the difficulty of acceptance of my method, I will straightaway withdraw.

Only I must add that I have so much considered the demands and understood the arguments against them that there is no reasonable prospect of my being convinced to the contrary. As against this attitude of mine, you at least (that is, referring to Panditji) would be able to put my known anxiety to avoid differences and meet more than half way wherever I can. No body who has honest and clear convictions of his own should be afraid of or despair of dealing with me. You are not, Gokhale never was though he perhaps more than you, fully understood that something in me which friends call obstinacy or obtuseness and which I call my religion. There is and must be in all of us a point beyond which one may not go. You are at liberty to use it in any way you like.'

This letter shows that in going to the Conference he would not argue that certain demands are irreducible, demands from which he would not recede. He is willing to sit with other people, to consider their opinions, and then come to a conclusion as to whether he should give way or not. Under these circumstances, Sir, I have every hope that the Government of this country will see its way to summoning a Round Table Conference of persons of all shades of opinion so that the question may be debated in full and a satisfactory solution of the present difficulties reached.

Sir, I am afraid I have taken up more time than I was entitled to, but so far I have been able to reply only to one portion of the speech of my friend, Mr. Jamnadas. If I have your permission, Sir, I should like to say a few words upon the general topic. Sir, it has been said by Mr. Jamnadas that a Round Table Conference is impossible, that an understanding with Mr. Gandhi is impossible, and that the Government are perfectly justified in the policy which it is pursuing. May I remind my Honourable friend that it is not a month even since he signed a manifesto which was presented to His Excellency the Viceroy in which he condemned along with us the policy pursued of extending the Criminal Law Amendment Act and the Seditious Meetings Act as altogether unjustified. (Hear, hear.)

Mr. Jamnadas Dwarkadas: Sir, may I rise to make a personal explanation if I may interrupt my esteemed friend? I have already

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made mention of the fact that no one has tried more for peace than I have, and I put my signature to that address because I was in favour of the Viceroy inviting a Round Table Conference if Mr. Gandhi would agree.

Mr. T. V. Seshagiri Ayyar : Sir, what I said was that he has in signing that manifesto roundly and in unmistakeable terms declared that the action taken by the Government in extending the Criminal Law Amendment Act and the Seditious Meetings Act was altogether unjustified. (Hear, hear.) It is for that purpose, Sir, that I referred to it. I will not go into that matter any further. What I ask my friends on the Government Benches is this. Do you think that every other possible recourse to law had been exhausted when you extended the Criminal Law Amendment Act to the various provinces? I ask you that question, Sir, because it has not been a preventive measure, but a provocative measure. It has not put down crime. On the other hand, it has declared a large number of honest men criminals. Consequently, I ask you whether you had exhausted all the avenues of putting an end to what you call disturbances before you thought of extending the Criminal Law Amendment Act to the various provinces? You, on the Government side, know under what circumstances that Act was passed, and for what purpose it was intended. It was intended to apply to cases where there is rebellion in the country, where the ordinary law in the country is inadequate to deal with the situation, and where it is absolutely necessary to protect lives and property by other means. Is that the position now? Are you prepared to admit that the country is in such a state of rebellion that you are unable to govern it without extending the Criminal Law Amendment Act? I submit, Sir, it would be a clear confession of weakness on the part of Government to say so. I do not think that there is such a state of things in the country that you can honestly say that but for the extension of the Criminal Law Amendment Act it would be impossible to govern the country. What, after all, has been the result of extending the Criminal Law Amendment Act? You are substituting the executive mandate for the opinion of the judiciary. If you thought that a particular association was unlawful, why did you not go before the constituted authorities and take their opinion? Why do you not disclose what you consider to be the propaganda work which is likely to ruin this country? Instead of that, why do you take upon yourself to declare by an executive mandate that 'we shall ban this association and the other, and whoever offends our proclamation shall be prosecuted'. Sir, that seems to be a confession of weakness on the part of the Government, and I hope this Assembly at any rate will not sanction any proposal which has the effect of substituting executive authority for judicial pronouncements. Sir, speaking on the volunteer movement, I make bold to say that this volunteer movement is not intended for purposes of intimidation and of preventing people from pursuing their peaceful occupations. (Loud laughter.) Well, certainly some people have got a loud voice and they can laugh very loudly, but that loud laughing would not show that they are right. I know the volunteer movement in my province. I have watched the movement in other provinces, and I know that these volunteers do a great deal of social service, they do a great deal of political and religious service, and I believe that the Honourable the Law Member will bear me out when I say that there is nothing intrinsically criminal in the volunteer movement. It is only when the members resort to oppression, intimidation and violence, that you will

be entitled to say that this movement must be put down. Until then Government will not be justified in putting it down. Sir, if the Government goes on at this rate, they should be under no delusion that they will be able to put down in the long run this movement and to say that the country has been brought to peace. That, I respectfully submit to Members on the Government benches, is impossible. You are creating more unrest than there is in the country, and the result of continuing this policy will be that in course of time there will be such sullen discontent and such a grim determination to resist the law that you will find it impossible to deal with the situation. You will have to build more jails, and you will have to deal with a people who are deeply discontented and who are not all friendly towards you. Under these circumstances, it is the duty of Government to see that this policy is no longer persisted in, and if there is an honest opening for a Conference, it should welcome it and see that the country is no longer subjected to the grave trials which it has been undergoing during the last 5 or 6 weeks. Otherwise, what would be the alternative? The Government will have to give up all their other duties and take to policing us. You have given out to the world that you are here more for the purpose of civilizing us, for the purpose of making us fit for having Dominion Self-government. If you are engaged in the duty of repression, and you find that there is a large number of people who have to be looked after in this country, the result of it will be that you will never have time to do any other work; you will be engaged from the beginning of the year to the end in the work of policing the country, and you will not be able to show to the civilized world that you are really in this country for the purpose of guiding us, for the purpose of making this country progress peacefully, and for the purpose of making this country fit for Dominion Self-government. You will have to face that situation. Do not be under any misapprehension that by extending the Criminal Law Amendment Act and by prosecuting a large number of people you are going to restore peace and order in the country. Far from it. You are going to make this country more ungovernable and difficult. It may be that by the summary powers you have, you will be able to put down to a certain extent the outward expression of the feeling, but the inward discontent will be there; the discontent will continue and increase, and in the end you will find that you are not able to do what you came to this country to do.

In these circumstances, I would appeal to the Government of India not to proceed with the policy of extending the provisions of the Criminal Law Amendment Act, or the Seditious Meetings Act, you will only do harm by so doing. You are not doing good to the country, nor are you doing good to the reputation of the British nation. Indeed, you will weaken it a great deal and instead of going forward you will have to go back a great deal.

Rai Bahadur Bishambhar Nath (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, in making some observations on the subject before the House, I would like to confine my remarks only to a few points. Did the political situation in the country justify the adoption of the repressive policy? What has been the result of this policy, and is it likely to meet the end in view? Sir, there was unrest in the country no doubt, which still continues, and the non-co-operation movement disturbed the peace of mind of the people. But can the unrest be attributed mainly to the non-co-operation movement? Is it confined only to our country? Was not the non-co-operation movement the effect rather than the cause of the unrest? The new policy.

[Rai Bahadur Bishambhar Nath.]

that has unfortunately been inaugurated seeks to remedy the evil by the application of the Criminal Law Amendment Act and the Seditious Meetings Act. But may I ask, in all earnestness, was the situation similar to what existed at the time in Bengal when these extraordinary measures had to be devised, and after all did these repressive measures cure Bengal of the malady or was it the bold statesmanship of Lord Hardinge in annulling the partition of Bengal and the Minto-Morley reforms that has restored peace to afflicted Bengal? Sir, howsoever objectionable the non-co-operation movement may be in itself, we have to recognize the fact that its methods are entirely different from those adopted by the revolutionaries of Bengal in 1908, who hatched their plots in the dark and resorted to pistols, bombs and daggers for the execution of their nefarious designs. The ways of the non-co-operators, insidious no doubt, are non-violent. I admit some of the votaries of the movement, contrary to the commands of their leaders, have adopted methods far from peaceful. But these eruptions have been local and spasmodic. They have been openly condemned by their leaders and the restraint exercised has not been altogether ineffective. In the majority of the provinces the hubbub has not been attended with violence. I would illustrate my point by referring to the United Provinces, to which I belong, and where unfortunately repression is being ruthlessly carried on. Before the extension of the Criminal Law Amendment Act, the agitators used to submit meekly to the application of section 144, howsoever unreasonable and unjustified, as its application to a particular case was supposed to be. There was not even serious political trouble, not to speak of 'impending sanguinary revolution.' There were disturbances in some districts of Oudh no doubt, but they were due to causes purely economic and agrarian. I respectfully join issue therefore with His Excellency Sir Harcourt Butler when he says that:

'The situation was acute and critical, the disorderly element had come in, ruffians were hired or collected together. Had not the Government taken prompt action against the ringleaders, the Provinces would have no doubt passed through a period of bloodshed and misery which would have been remembered for many years to come.'

On the contrary, I hold that the situation, not at all critical, has been made so and is being steadily aggravated by an irritated and panic-stricken Government, recklessly pursuing the policy of repression. A regular crusade against political bodies solemnly pledged to non-violence, indiscriminate arrests and convictions of some of the most respectable citizens for offences merely technical, heavy and capricious sentences on youths guilty of no other than juvenile freaks capable of being remedied more effectively by their guardians and teachers rather than by magistrates and jailors, are methods which, to say the least, are not likely to foster affection for the Government. I admit, Sir, people should not have defied the Criminal Law Amendment Act and the Seditious Meetings Act. But, at the same time, I submit, Sir, that the law under promise of repeal and meant to be applied to a situation quite different should not have been resorted to and the elementary rights of citizens of freedom of speech and association should not have been lightly invaded. And what has been the result of this policy of relentless repression? Disaffection is going deeper, volunteers formerly only few in number have now increased by hundreds and thousands. Quiet submission to law has assumed the form of open defiance. The heart of the people perfectly sound is getting more and more affected. Sir, I submit in all humility that the new policy has failed miserably and the sooner it is

abandoned the better for the people and the Government. Condemning the non-co-operation movement in the Darbar speech of the 17th December last, His Excellency Sir Harcourt Butler was pleased to observe :

'That the attempt to boycott Colleges and Schools failed signally. I did not affect in the Province one per cent of the students and scholars. The attempt to boycott the law courts was wholly unsuccessful. The appeal to surrender titles given by and offices held under the Government fell on deaf ears. The efforts to seduce soldiers and policemen were mostly in vain.'

May I then respectfully inquire where was the necessity for the change of policy? Nobody holds a brief for those who use violence. Punish them by all means. People who transgress the law of the land deliberately must be prepared to take the consequences. But has not the ordinary law of the land made ample provision to bring into its clutches those who invade the liberty of others? Why then have recourse to laws meant for totally different conditions. If the existing law does not suffice, necessary amendments can be made. To pursue a policy of wholesale repression by utilizing the Criminal Law Amendment and the Seditious Meetings Acts will, I am afraid, make matters worse. The policy has defeated its own end and as such should be abandoned. The question is put to us as to what the Government should do in order to counteract the pernicious effects of the non-co-operation movement. All that I can say in reply is, that if they cannot think out the right remedy, let them for God's sake give up the use of the wrong drugs which are simply aggravating the disease. If the non-co-operation movement does not subside on account of its inherent weakness, let a correct diagnosis be made, its root causes discovered and effectively remedied. With these few words, I beg to support the amendment.

Lala Girdharilal Agarwala (Agra Division: Non-Muhammadan Rural): Sir, I do not wish to recite the deplorable events of recent times which have already been laid bare before Honourable Members. But there cannot be two opinions about the stern fact that the political situation in India just now is very critical and demands most thoughtful and careful treatment.

'At a juncture like the present'

to use the words of His Highness the Maharaja of Bikaner :

'it behoves everyone to be careful to say nothing which might aggravate the situation.'

It cannot be denied that the India of to-day is not what it was 5 years ago. The recent repressive policy of the Government, of extending and applying the Criminal Law Amendment Act, the Defence of India Act and the Seditious Meetings Act to several parts of India, and also the misuse of the existing laws resulting in wholesale arrests and imprisonments, can never lead to good government. Such a policy is self-destructive and has supplied nourishment to the non-co-operation movement in order that it might grow strong. Otherwise, it would have died out or continued only as a social or a commercial organization preaching temperance and the use of Swadeshi goods against which the Government, as such, cannot complain.

They must remember that well-known saying '*ja ko Prabhu darun dukh denyi taki mati pahle har lenyi*' (whoever is destined to suffer extreme misery is deprived of his brains).

In the course of an altercation over Gandhi caps, only last month, I read in a newspaper that an Indian was shot by a European at Dehra Dun. Such is the height of feeling.

[Lala Girdharilal Agarwala.]

What good has happened by arresting and putting into jail so many Indians, some of whom are highly respected in the country even by those who do not agree with them in their political creed? One result which everybody can see is that jail life has lost all terror and humiliation. At the time of going to jail people are cheered and garlanded. Khilafat and Congress volunteer organisations which have been declared illegal are swelling from day to day. If you arrest 10, you find 20 taking their place. Sometimes a larger number of persons enter the prison vans than are actually wanted, as if they were going to a sacred place. How many persons can you imprison? Why should not better counsel prevail? The reign of terror cannot last long! Screw not the chord too tight lest it break! The best policy is to adopt conciliatory methods. Surely there is no bankruptcy of statesmanship! Why not then put your heads together and come to some common understanding and 'bring peace and prosperity'—to use the words of His Imperial Majesty the King-Emperor—'based upon mutual understanding and good will'!

I am one of the most loyal supporters of the British connection in the country. Please remember: Do not treat those who are at present opposed to you in such a way that their future co-operation with you will become impossible. Please remember what a Wazir said to a King who had first ill-treated him and then tried to reconcile him by presenting him with pearls: *Dilra shakistai na ki gohar shakistai* (You have broken the heart and not the pearls).

I therefore strongly advise the Government immediately to abandon the policy of repression, and to release all the victims of such a policy and confer with the representatives of all shades of opinion with a view to devise a practical plan for the restoration of peace in the country and for ensuring its political progress in consonance with its national aspirations.

Rai Bahadur Pandit J. L. Bhargava (Ambala Division: Non-Muhammadan): Sir, the policy of 'let alone', *i.e.*, non-interference pursued by the Government in relation to the non-co-operation movement till some months past was really what it ought to have been, and if it erred at all, it erred on the right side. It is also an open secret that in reference to several items of the non-co-operation programme, the movement had not succeeded to an appreciable extent. In November last, the item which was to be taken up was the campaign of civil disobedience, but the difficulty of finding many unmoral laws and orders which could be effectively re-isted stood in the way of the non-co-operators. Unfortunately, the most deplorable events which took place in Bombay in that month on the very day His Royal Highness the Prince of Wales landed there altered the situation altogether. The Government introduced a radical change in its policy and launched upon widespread and wholesale repression. Notifications were issued by various Local Governments one after the other under the Indian Criminal Law Amendment Act, 1908, as amended by the Devolution Act of 1920, declaring the volunteer organisations unlawful and notifications and proclamations were issued under the Prevention of Seditious Meetings Act of 1911. Thus the serious difficulty which stood in the way of the non-co-operators to start the campaign of civil disobedience was removed and an opportunity was afforded to them to fulfil their cherished desire. The Government took action under these Acts, apparently with the

laudable object of maintaining peace and order and protecting peaceful and law-abiding citizens and it is too true that the solicitude of the Government for the maintenance of law and order is none too great and all steps taken for these ends should receive the full support of the people in general. But the real question at issue is whether the measures adopted by the Government under these acts were justified by the circumstances or not and whether they have succeeded in achieving the object in view. Granted that there were cases of intimidation by volunteers in some places and of interference with the liberty of the buyers and sellers of liquor and other articles, in others one cannot resist the conclusion that the remedy adopted for the prevention of the recurrence of such cases was worse than the disease itself. Could not such individual cases be inquired into, properly dealt with, and deterrent sentences, if necessary, passed on them, under the ordinary law of the land? The enforcement of such obnoxious and harsh measures as the prevention of Seditious Meetings Act and the Indian Criminal Law Amendment Act, which unduly interfere with the fundamental and elementary rights of free speech and association of the people at large, certainly demanded a much stronger case than the one evidenced by stray cases of intimidation by volunteers on an inconsiderable scale, and these too in very few places. It is not strange, therefore, that the people regard the extension of these measures (adopted ostensibly in the name of peace and order) as calculated to stifle and crush all their political activities and legitimate national aspirations. These apprehensions are further strengthened by the recent orders regarding the press and newspapers like the '*Independent*' of Allahabad and the '*Partap*', the '*Kesari*' and the '*Bande Matram*', of Lahore, especially at a time when the Bill to repeal the Press Act is on the anvil of legislation and is likely to be passed this very month. As a matter of fact, there are many persons who have dispassionately and most carefully considered the situation in all its aspects who agree with Pandit Madan Mohan Malaviya in thinking that to declare Congress Volunteer Organisations unlawful was a great blunder committed by the Government.

That these notifications have failed to achieve the object aimed at admits of no manner of doubt. Not to speak of the rank and file, many non-cooperation leaders, men of unimpeachable character, great wealth and eminence, held in the highest esteem by their countrymen for their sacrifice and patriotism, some of whom, whose names I need not mention as they are well known to you all, could have very well adorned the front benches of the Legislature of any country are incarcerated in jails and from that place attract sympathy for themselves and the cause they have at heart. The volunteers parade the streets in towns, big and small, in open defiance of law with nobody to vindicate it by their arrest. Of course it is lamentable that in some places those who ought to uphold and maintain order stoop to methods which are the very travesty of law and in the name of law and order commit excesses which embitter public opinion and acerbate mutual relations. Enrolment of volunteers has not ceased, but is going on vigorously. The prevention of Seditious Meetings Act is also being flagrantly violated. The participation of ladies in the agitation against these measures has lent to the movement an impetus of unabated zeal and vigour. Even in a small town like Hissar in the Punjab, the place of my residence, only day before yesterday a procession of ladies, Hindus and Muhammadans, passed through the streets to the utter bewilderment of the authorities. In fact a situation of great delicacy and difficulty has arisen, in which leniency in the application of these

[Rai Bahadur Pandit J. L. Bhargava.]

measures looks like weakness and is regarded by the people as such, and stringency in enforcing them spells unalloyed tyranny. These measures, like other repressive measures, in all climes and ages, are sure to defeat their own ends, and the sooner they are withdrawn the better it is for all concerned. Lawlessness, stalking through the King's highways, does not present a spectacle either for the Government or the people to exult at. But can the Government claim that it is not in a fair measure responsible for precipitating and hastening the situation to take the present critical turn? I am afraid it cannot. This repressive policy and these notifications have landed the country in such a predicament that only courageous and wise statesmanship can solve the difficulty. It can hardly be gainsaid that the situation is extremely grave and the future is fraught with gloomy forebodings. The conflict between the Government and the people is one on which neither can be congratulated.

To my mind the abandonment of the policy of repression is the only solution of the difficulty. Let steps be taken to have the notifications under the prevention of Seditious Meetings Act and the Indian Criminal Law Amendment Act at once withdrawn and all persons arrested or convicted for violating these and other repressive laws be forthwith released and a Round Table Conference with persons representing all shades of political opinion be convened with a view to substitute harmony and peace for discord and disorder which are reigning in the country and are sure to reign if the present policy is pursued, and a radical change for the better will, as a matter of course, follow.

In conclusion, I again urge with all the emphasis that I can command, that it is but necessary that repression should give place to conciliation in order to relieve the tension and ease the present situation and that the Government while not neglecting its primary duty of maintaining order and peace and punishing lawlessness under the ordinary law of the land should radically change its policy and have resort to measures which may conduce to secure the good will of the people. With these words, I heartily support the amendment moved by Dr. Gour.

Maulvi Abul Kasem (Dacca Division : Muhammadan Rural) : Sir, I fully realise the uncomfortable position in which I am at the present moment. I feel myself on the horns of a dilemma. On the one hand, I feel that I will be shirking my responsibility and neglecting my duty if I simply give my silent vote on this important Resolution. On the other hand, I equally feel that, if I speak out my mind and give expression to my own opinion and my judgment, I shall be making myself disagreeable to a large section of my countrymen and my views will be unpalatable to them all. But I have to face the situation as it is. Sir, the Resolution lays down that this Assembly asks the Government to abandon, and abandon immediately, the repressive policy. As has been pointed out by Mr. Jamnadas Dwarkadas, we want a definition of repressive policy. To understand this, for a layman like myself, I have to analyse the situation, as the very learned Mover has done it. I understand the country is faced with a problem. Here is Mr. Gandhi, with a programme of non-co-operation and non-violent non-co-operation if you like, with a programme defined, illustrated, clearly stated and we have had a year's experience of the methods by which that programme is being executed and carried into practice. If people believe, and there are a very large number who do, that

that is the proper method and the proper programme for the solution of our difficulties, for the attainment of Self-government, and that the carrying out of this programme and by the methods dictated to by the Dictator is likely to advance the cause of the country, to bring in peace, contentment and happiness to its people, I believe it is the duty of every mother's son in India who so believes to join that propaganda, to work it out and bring it to a success. If, on the other hand, people believe, as I do believe, that this programme of Mr. Gandhi, as set out by him in clear terms, is a set-back in the progress of the country, retards it and brings the country to wreck and ruin, I equally believe that it is the duty of every man in the country worth his salt to fight it out to the best of his ability. That is the situation. I do not claim wisdom for myself. I have neither the right nor the privilege, either temporal or spiritual, to claim that right, but I believe myself to be true to my opinion and at the same time I do not and cannot say that the other side is wrong. Those who believe in the other side owe it to themselves and their countrymen that they should join it. It is no use sitting on the fence. In politics there is nothing like a stand-still. You must either go forwards or backwards. Now, as regards the terms of this Resolution, it has been said that the Government have inaugurated a policy of repression, and, as instances, mention has been made of the arrest and imprisonment of a large number of volunteers and of some of our most respected and venerable leaders. I admit that it is a painful thing to see so many of our countrymen losing their liberty, but I want to know whether it is the Government which imprisoned them or whether it was the Government which only satisfied their ambition or their vanity to be in jail. Reading an article in Mr. Gandhi's '*Young India*' I found it stating the other day speaking of a distinguished countryman of mine, that the opportunity of going to jail having come so very soon, he has availed himself of it. And, if people are anxious to be the guests of the country or the guests of His Majesty, I see no reason why their wish should not be gratified. It has been said that in Bengal, thousands of people have been imprisoned. I may tell this House for its information that the Government of Bengal got a large number of people convicted at different police courts in the City of Calcutta, but the majority of them are let out by the backdoor as they are taken in by the front one and the same set of people are coming in every day. Readers of newspapers must have found, even in non-co-operation papers like the '*Servant*', mention day after day, of the number they sent out and the number that were arrested. It will be found that the people who went hankering after jail were three times as much as those who got it. Sir, what is the reason for this craze for being jail-birds. The craze is because the dictum has gone forth that a man cannot be a patriot, a saviour of his country and a lover of the nation, unless he once visits His Majesty's jail, and nobody has a right to speak on behalf of the country unless he has one conviction to prove against him. If that is the mentality, what is the Government to do? I certainly agree with my friends that it was useless to use section 17 (b) of a special law for this purpose. I do not approve of it and I think it should be abolished as early as possible but my motives are different. I do not approve of it because it is not effective. It has not served the purpose it was intended to serve. On the other hand, the Government have strengthened the hands of the non-co-operators by taking action under those sections. The people of this country who share my view think that it is the duty of Government, as the

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protector of peace, law and order, to see that this is not done, that effective measures are adopted to bring about a cessation of the activities of this movement. Sir, reading the Resolution, I find that they begin by condemning certain actions of an aggressive nature on the part of the non-co-operators. Am I to understand from the learned Mover of this Resolution that apart from the aggressiveness of certain non-co-operators and the violence used by some of these people, this House is prepared to approve the programme of the non-co-operators that has been laid down by Mr. Gandhi? If it is, I think you can adopt this amendment. Otherwise, we have to say that this House not only disapproves of the aggressiveness and the violent actions of the non-co-operators but also the programme itself. The second question is that while it only condemns those portions of the programme of the non-co-operators, it asks the Government to withdraw and suspend its activities in the matter. It does not call upon the non-co-operators to suspend their activities and it cannot do so. Sir, I was told a little story by a countryman of mine that whenever your son quarrels with your neighbour's boy, the best course you can adopt is to jump into the arena, shout out 'Boys, don't fight' and in the meantime catch hold of the arms of the neighbour's boy and allow your boy ample opportunity to strike your neighbour's boy.

So, while you say that you condemn this aggressiveness and that violence on the part of the non-co-operators, you ask the Government to tie its hands while the non-co-operators use all the machinery of war which they have in their armoury. Again, the last portion of this Resolution reads: 'that means should be taken for meeting the legitimate aspirations of the people'. I really believe that the time has come when we ought to put our heads together for the removal of our grievances and for a further advance in the political aspirations of the country; but we must limit our aspirations according to the circumstances and according to our capabilities. Here again, with the permission of this House, if I am not too much of a bore, I will repeat another story. An old woman in one of the suburbs of London once went into a butcher's shop and stood before the stall. The butcher asked, 'Madam, what do you want?' She replied, 'If you ask me what I want, then I have to say that I want a house in Park Lane, a Rolls Royce Motor-car and £20,000 a year to live upon. But if you wish to know what I expect to get, it is only two pounds of mutton on credit till Saturday.' So I consider in regard to our aspirations the question is not what we want but what we are likely to be able to enjoy, and, what is more, what we are likely to get. A suggestion has been made by no less a person than Mr. Seshagiri Ayyar, who has just come from Bombay as a messenger of peace, and is a countryman of mine who has been in the front rank of the public life of the country for over a quarter of a century, that a Round Table Conference is being arranged and that Mr. Gandhi has condescended to come down to it and is climbing down. But I want to know from Mr. Seshagiri Ayyar whether it is not necessary for a Round Table Conference that there should be a common basis of understanding. Here is Mr. Gandhi who has given out as his deliberate aim and goal in life, and the essence of the non-co-operation programme, the overthrow of the present Government and the paralysing of it by all the means at his disposal. If he does not give up that aim and goal, what is the good of having a Round Table Conference, or, for the matter of that, a Rectangular Table Conference? I would just remind Mr. Seshagiri Ayyar of a Resolution of which he has given notice and which comes up for

discussion, I believe, the first thing to-morrow morning, in which he asks that a Committee of this House be formed for the purpose of advising Government to consider the present situation and to devise means for meeting it. I think that is a Resolution which Mr. Seshagiri Ayyar came to after due and deliberate consideration of the entire situation, and I think that that Resolution meets the present situation quite well. But, to add to it and say that the Government should call a Round Table Conference to discuss matters *ad infinitum* without a common basis and without a definite proposal before it, is, I think, futile.

Then, again, Sir, we, in this House, have got absolutely no influence with non-co-operators and when there are two conflicting parties, if you cannot influence the one, you have no business to interfere with the other: that is to say, if we take it that the Government and the non-co-operators are two different parties.

One word more, Sir, about intimidation, threats and lawlessness. It has been remarked by Munshi Iswar Saran, and he has quoted chapter and verse for it reading from the creed of the non-co-operation movement, that non-violence is the essence of the movement, and before God and man they swear that they will be non-violent. I know that and I have read that as well as Munshi Iswar Saran; but what has been the practice? I have not been in touch with Mr. Gandhi for about 15 months and I cannot speak about him, but as regards his followers—I do not mean the insignificant followers, but some of the most distinguished of his followers—I would ask, have they in their actions followed this principle? I may just tell Munshi Iswar Saran and Dr. Gour that no less a person than Maulana Abul Kalam Azad of Calcutta came to my house, where a meeting was being held of a large number of Muhammadans, among whom were some of our distinguished co-religionists—he came to that house of mine and wanted to take part in the deliberations, and therein he stood up and said: ‘Those of you who will dare go to the Legislative Council against the mandates of the Congress will suffer for it’. That was the threat he held out to us, and, what is more, before the elections were held, one of the Members who had been present at that meeting and who had offered himself for a seat on the Bengal Legislative Council, had his house broken into by two volunteers with a revolver, and the man was so terrified that he immediately wired the withdrawal of his candidature for the Bengal Legislative Council. That is what has happened. Then, again, Sir, in the town of Burdwan, where I live, a junior pleader who happened to be the editor of a small vernacular journal had the audacity to write an article in his paper against this non-co-operation movement, and the result was that, while his wife was lying dangerously ill in bed, on her death bed in fact, a man was sent to fetch a doctor. The doctor was obtained but, when he was on the way, volunteers held him up and said that the pleader was against non-co-operation and that he could not proceed to his house: the gharriwallah was threatened with bodily hurt if he carried the doctor there. Word was also sent round that no gharriwallah in the city of Burdwan was to carry a doctor to the unfortunate pleader’s house. The result was that no doctor was available, and the poor girl—she was but a girl—died the next morning for want of medical aid. And these are the volunteers who met with the approval of Mr. Gandhi. Did Mr. Gandhi or his lieutenants in Bengal condemn this action, or did not the volunteers receive a pat on the back! These actions are the soul of the non-co-operation movement, and when these actions

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are committed, the leaders go and pat the volunteers on the back, encourage them and sometimes congratulate them on their success. That has been the bane of the whole movement.

I am distinctly of opinion that there are two courses open to an Indian at the present day, either to go and join Mr. Gandhi's movement—I do not say that they will be wrong in doing so; if they honestly believe that his propaganda is right and that it is the proper road to the salvation of the country, they will be quite as justified in joining Mr. Gandhi irrespective of the consequences, as I am in joining the ranks of those who believe in the opposite opinion, namely, that it is contrary to the interests of the country to do so. Every man ought to fight out this question with himself to the best of his ability and his conscience.

With these few words I beg to oppose the Resolution as it stands and the amendment *in toto*.

The Assembly then adjourned till Twenty Minutes past Two of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes past Two of the Clock. Mr. President was in the chair.

The Honourable Sir William Vincent: Sir, I am glad of an opportunity of speaking at an early period in the session on the measures adopted by Government to meet the recent activities of the non-co-operation movement. Honourable Members of the Assembly will, I think, give me credit for having been prepared to meet them, and take consultation with them at the earliest opportunity. We have been blamed to-day by one Honourable Member in that the Government of India took action without previously consulting the Legislative Assembly. I will deal with that matter later on. At the moment, may I say that, when we did offer an opportunity to this Assembly to discuss the matter, at the earliest opportunity possible, it was not the official Members of this Assembly that refused the offer but the Non-officials. I am glad, however, to discuss the question early particularly because I seek to remove what I believe to be great misapprehensions on the part of many Members of this Assembly and many members of the public in regard to the attitude and policy of Government. Our previous policy in regard to this non-co-operation movement I have frequently explained in this Assembly. We have acted always with one object, *viz.*, the idea of avoiding interference with the activities of this movement so long as the public peace was not touched and the maintenance of law and order was not endangered. We believed the movement was, as it is, intrinsically unsound. We hoped that this view would appeal to the majority of the people in this country and that the moderate party would use their influence to disabuse the people of the harmful and foolish proposals put forward by Mr Gandhi and his followers. May I refer for one moment to our Resolution of October or November 1920, when we appealed particularly to the moderate party to assist us in this matter. All this time, however, we always insisted on the prosecution of persons guilty of direct or indirect incitements to violence. And there was one other activity we always sought to combat, namely, the dissemination of edition among our soldiers and police. In January last, again, I explained to

this Assembly in detail the policy of Government. There was, however, always this proviso in our statements of policy that we were well aware we might be forced into more vigorous application of our measures against sedition, and that a time might come when it would be a criminal betrayal of our duty not to do so. I say, Sir, from that time we have always avoided systematically and steadily any excessive severity *vis a vis* this movement. Later, there were a number of seditious speeches, including incitements to violence, particularly by Mr. Muhammad Ali and his brother, and Government were prepared to take action against them. What ensued is well known to the Members of this Assembly. There were meetings between Mr. Gandhi and His Excellency, and later Muhammad Ali and his brother offered to the public certain undertakings on which the Government withdrew the prosecutions against them. In a letter of June, 1921, addressed to Local Governments after this undertaking we indeed expressed some hope that it might be possible to reduce the number of prosecutions. We were anxious not to force the pace and although we always maintained our determination to keep order, we sought to avoid over-drastring action against the less dangerous or less violent adherents of the movement. At the same time we indicated to Local Governments that they were not to prosecute persons, the prosecution of whom might have great effect outside the province, without consulting the Government of India. In that letter, further, we invited Local Governments to give certain other convicted persons the same *locus poenitentiae* which had been given to Muhammad Ali and his brother. We have throughout avoided very carefully any suggestion, any action, which might create the impression that we desired to interfere with a legitimate political movement. I defy any Member of this Assembly to say otherwise. We have indeed frequently been reproached with weakness on this account. I maintain that it was not weakness but patience. At the same time, we made every effort to meet the legitimate wishes of educated opinion in this country. I have no time to-day to recapitulate all we have done but I should like to mention such matters as the compensation to persons injured in the Punjab disorders, the further review of the Punjab sentences, the Committee on the Press Act, the results of which will be before this Assembly very shortly; again, the Committee on repressive measures and the Committee to inquire into racial distinctions in criminal proceedings. In fact, there was no question that came before us in which we did not honestly seek to meet moderate Members of the Assembly in order to consolidate the moderate party into a great working power in the country for good. What has been the response of Mr. Gandhi and his followers? I maintain that it has been one steady stream of sedition, one steady attempt to subvert Government, one method of promoting this object being adopted after another. Sometimes it has been the boycott of piece-goods in order to injure British trade, although Mr. Gandhi had himself, I believe, at one time said that 'boycott' was a word that was entirely inconsistent with his principle of '*Ahimsa*'. Later this movement took the form of attempts on the loyalty of our troops attempts on the police and there were constant incitements to disorder. These have resulted in serious outbreaks of violence in many parts of the country, the most important of which was the Moplah outbreak. Sir, there has recently been some attempt to minimise the cruelties committed by the Moplahs in Malabar. I refer in particular to the remarks of Mr. Abdul Bari and Mr. Hasrat Mohani on this subject. Mr. Abdul Bari spoke of the pure spirit of the Moplahs and denied the veracity

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of these accounts of their atrocities. Mr. Hasrat Mohani justifies them in the following words:

'At such a critical juncture when they are engaged in war against the English, their Hindu neighbours not only do not help them or observe neutrality but aid and assist the English in every possible way. They can indeed contend that, while they are fighting a defensive war for the sake of their religion and have left their houses, property and belongings, and taken refuge in the hills and jungles, it is unfair to characterise as plunder their commandeering of money, provisions and other necessities for their troops from the English and their supporters.'

Many of us, however, have, I believe, some knowledge of the atrocities committed by these men, atrocities which I am certain in my mind that every Mussalman in this House deplores as deeply as I do, and they will appreciate what a misrepresentation of the facts this is. The barbarities of the Moplahs have been indefensible. I will cite one instance from '*New India*' in support of what I say. Writing of a respectable Nair, an article in this paper states:

'When on the 26th he threatened other steps, the rebels forced their way into his house, dragged him out, along with his wife and two children, carried them to the mosque and bathed all four and compelled them to recite verses from the Koran and dress as Moplahs. At mid-night they were led home and imprisoned. Next day the deponent's head was shaved and ten days later a certain notorious criminal (now in custody) forcibly circumcised the deponent. Three weeks later he and his family and other converts (some being Christians) escaped to Shoranur.'

Sir, I am one of those who have been to Malabar. I have seen myself refugees, a thousand in one refuge, hungry, homeless, lacking clothes, and I can assure Members of this Assembly that it was a pitiable sight to see. I only mention the facts because this attempt has been made and because this rising, these acts of cruelty and murder are one of the direct results of the Khilafat movement. I do not put it (I never have put it) that Mr. Gandhi is responsible for this directly, but I do say that his supporters—his Muhammadan supporters—were the cause of this terrible loss of life. Indeed you have only got to read Mr. Hasrat Mohani's speech to see what the character of the rising was. Now, if the Moplah outbreak had been an isolated instance of disorder, as I said in the last Session, the Government might not have been forced to take action against this non-co-operation movement. It might well have been argued that the circumstances were exceptional. But have Members of this Assembly read the report which is attached to the Repressive Measures Committee? Have they read the appendix setting out a list of 34 outbreaks of disorder of a serious character within a year? Sir, we have been told that after the declaration of policy by this Government in March last, the non-co-operation movement was dying down. I think that I am correct in making this statement, and I hope I am not misrepresenting anybody. Is there any foundation for it? Does not every Member of this Assembly know that that is absolutely inaccurate? Does not every Member here know that the movement of disloyalty to the Crown, intended to paralyse Government, intended to subvert the administration, has been growing day by day throughout the year? Can any man here say that actually the movement was losing strength? Do not these disorders tell a different story—these outbreaks which culminated in the riots in Bombay on the 17th November? Before I come to that, however, I want to deal with another point. May I inform this Assembly that, during the present year, it has been necessary to call out the military to suppress serious disorder

no less than 47 times? May I tell them that, during the last three months, military assistance has had to be invoked—I have here the figures from His Excellency the Commander-in-Chief—no less than 19 times? Does that look as if the forces of disorder were losing strength before the Government took this action?

And now, Sir, I want to turn to the rioting in Bombay in which the lawless tendencies of those who follow Mr. Gandhi—not of Mr. Gandhi himself—culminated. Bombay is a city in which Mr. Gandhi is supposed to exercise the greatest influence. He himself was present there on the 17th November. The occasion was one, one would have thought, when at least every loyal citizen of the Crown, whatever his political views, would have avoided any disorder or riot. It was the occasion of the landing of His Royal Highness the Prince of Wales, the heir to the Throne of England. That was the occasion chosen by the non-co-operators in Bombay for an outbreak of violence which, I believe, has not been paralleled in that city for many many years, and what was the object of those who embarked upon this campaign of violence? I say the object was vengeance, vengeance on those who dared to differ from them politically, vengeance on those who dared to go forth to welcome His Royal Highness the Prince of Wales in spite of Mr. Gandhi's direction—that was the sole crime of the unfortunate people so maltreated. That, Sir, is the result of non-violent non-operation. Was Mr. Gandhi able to exercise any influence to stop the demand? Why, it was pathetic to read his words next day. He was full of sorrow, but he had not thought of the consequences of his act before. After all he had had warning on previous occasions. Well, Sir, I do not know that I need go through the events of those terrible days. You have heard from my Honourable friend, Mr. Dwarkadas, how women were assaulted in the public streets; you have read in the papers how harmless Europeans and Indians, including many Parsis, were murdered or assaulted, how one unfortunate engine-driver, going home from his work, a harmless individual, was suddenly attacked and murdered by a cruel mob. All this was the result of this non-violent movement. The reports say that it began in intimidation and that, when that was not checked, those who had been guilty of intimidation thought they could proceed with impunity to violence. The damage done to property also—the property of private individuals—was very great. I read, in one report, of 137 shops being looted and that is an under-statement of all the damage.

Now, let us see what was happening in other places on that day? In Delhi there was a *hartal* enforced by systematic threats and intimidation. And I assert here, and I dare any one to contradict me, that intimidation was practised by men posing as volunteers; men dressed as volunteers who paraded the streets and interfered with the liberty of law-abiding citizens in a manner that is intolerable in any civilised community. Is it surprising that we received many complaints actually of absolute want of any Government control at the time? In Calcutta, again, there was a *hartal*, promoted by general intimidation and violence on the part of volunteers. It is idle for any one to deny it. Mr. Abul Kasem and other Members were in Calcutta and they know the facts. The Government of Bengal, writing on the 20th November, reported that an incessant stream of seditious speeches was being poured forth, that money was being freely spent in the employment of paid agents; and here I may tell the Assembly that many of these volunteers,—I do not say all of them because that

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would be wrong,—but many of these volunteers are merely paid men, paid a rupee a day; and, in fact, when the supply of money dries up,—and there have been places where this has happened,—the supply of volunteers has run short. We were also told by the Bengal Government that on the 17th there was general suspension of activities of all kinds, and the riff-raff of the city, under the guise of volunteers, was abroad, terrorising and abusing law-abiding folk, and there were numerous instances of molestations of Europeans and Indians. The authority of Government was openly flouted; and law-abiding citizens were depressed because of Government's failure to protect them. I have got instances here of the different kinds of speeches made in Bengal. I do not think I need cite them except to mention that one of them says:

'That the Bengalees had discovered the death-arrow of the English. Remember Kanai and Khudiram Bose and others of Bengal.'

I do not suppose the Members of this Assembly know who they were; they were prominent murderers; some, if not all of them, were hanged. Well, Sir, the whole effect of the activities was that, on the 17th of November in Calcutta there was an absolute effacement of the authority of Government, and general intimidation throughout the whole of the city. I am told now that we exaggerated all this: 'There was a *hartal*, it is true, but there was nothing more than a voluntary one.' Well, the *Amrita Bazar Patrika* itself stated on the morning of the 18th a most significant fact—I cite it because it is testimony coming from an adversary—it said on the 18th 'Writ large on the *hartal* of Calcutta is revolution.' Now I ask the Assembly to ponder those words.

I may say that throughout all this period the most desperate efforts were made to create racial animosity. Those who were in Calcutta in December last—I was there—know how true this is and it was a very dangerous factor in the situation. There was also at that time every reason to believe that if the activities of these so-called volunteers were not curtailed, we should have a repetition in Calcutta of what we had in Bombay. Now the total deaths in Bombay were 53 people killed, and I think something like 400 injured went to the hospital. The problem before the Government, therefore, was: are you going to sit quietly, or, as my Honourable friend said, 'with folded hands' and watch with apathy and inertia this slaughter of innocent people, or are you going to take action while there is yet time? The Assembly remember also that previously, on the 14th of November, there had been already a dangerous riot in Calcutta at Belgatchia, in which over 5,000 people had been engaged. Now, I maintain that, in such circumstances, the Bengal Government were fully justified in taking the action that they did. We have abundant testimony that, whatever be the professions of those who inaugurate these volunteer movements, their practice and precept are poles apart. You may say that they enter into a solemn vow of non-violence, but in practice they are repeatedly, constantly and persistently, guilty of intimidation and violence. Let me turn to another province. I have got a report here from the Bihar Government. We called for these reports to see on what grounds they had proceeded against these associations. The replies show that Local Governments were satisfied that the members of the proscribed associations went in systematically for this class of offence. To return to Bihar, on the 10th of December, I received a report from the Local Government

which says that these volunteers had been guilty of intimidation, violence and other forms of criminal action on no less than 122 occasions reported in the last year. One of the incidents is worthy of special mention, indeed many of them are. The one to which I refer was the case of a poor Muhammadan who had the misfortune to be a law-abiding subject of the Crown. He died in Ranchi and his funeral had to be performed. But the non-co-operators said : ' No, he shall not be buried by Muhammadans.' Well, some over-daring spirit said : ' Oh, his was not so great an offence that we should allow this oppression ; men who differ from others in their political views are entitled to a little toleration.' So they took the body to the graveyard with police protection and buried it. What was the next action of the extremists ? The non-co-operation volunteers dug up the corpse and dishonoured it. (' Shame '.) Well, that is the conduct of these non-violent non-co-operation volunteers. Again, on the 17th, in Calcutta, there were unfortunately two Muhammadans who died in Ballygunge of natural causes and those who wished to bury them could not procure the necessary assistance ; they were unable to procure bearers or *khatias* or anything else and the bodies remained unburied for the whole of that day. There was many a sick man and woman in Calcutta on the 17th who could not procure medical attendance. No conveyances for medical practitioners, and when doctors walked to the patients and attended on them, they would not get medicine, because the dispensaries were not allowed under the strict orders of the non-co-operators to sell medicine even to save life on that day. Now, is that intimidation or is it not ? I have been told that Government interferes with the liberty of the subject in proscribing these associations. I am amazed at the audacity of those who make such an accusation, whether it comes from the Members of this Assembly or from those who are of different political opinions, and I include Mr. Gandhi. Who in reality has interfered with the liberty of the subject to the same extent as members of his party ? Who is it that will not allow those who wish to welcome the Prince to do so ? Who prevents reasonable respect being shown to the dead ? Who boycotts and intimidates those who venture to serve the Crown or wish to sell or buy foreign piece-goods ? Who will not allow any Member of the Assembly to address a public meeting without interruption ? (' Hear, hear '.) Who, then, is it that is really guilty of interference with the liberty of the subject ? What extremist can make, with justice, this accusation against the Government ? What has the Government done in this matter ?

I want to deal now with another point because it has been mentioned by Munshi Iswar Saran. He said :

' In the United Provinces all was quiet ; there was really no trouble, no danger there ; everything was calm and bright, and there was no apprehension of any disorder.'

Well, here is what His Excellency the Governor says. After all, he has some knowledge of the province, politically a very wise man, a great administrator with great knowledge and experience of the province. What did he say ? He said that :

' Everything at that time looked like working to a climax. In many districts the situation was menacing. In one the Deputy Commissioner could not appear without being hooted ; in another the audience were urged by a political fanatic to murder the Deputy Commissioner.'

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Now, Sir, we know what happened on a similar exhortation last year, when the unfortunate Deputy Commissioner of Kheri lost his life. We know what has happened this year in an outlying district in Oudh; a Superintendent of Police, for no reason, I believe, was recently attacked while going home on his bicycle; he was approached by two men saying 'hazur, hazur' and, when he stopped, one took out a pistol from underneath his *chudder* and fired at him, wounding him severely. Sir, I think we may say, in such circumstances, that we know what the dangers of these exhortations are. His Excellency the Governor of the United Provinces then went on to say that it was quite clear to him that they were on the verge of a widespread trouble and at the end of his speech he says: 'I do not hesitate to tell you that if the Government trifle with the present situation you will probably soon find your life, property and your honour in danger'. That was the situation in the United Provinces when His Excellency the Governor of the Province, with the consent of his Council and, I believe, with the unanimous consent of his Ministers—I speak from recollection, I hope I am doing them no injustice—perhaps some one from the United Provinces will tell me if I am wrong—(*Rai Bahadur S. P. Bajpai*: 'You are not wrong')—introduced this Criminal Law Amendment Act in his province. Sir, in such circumstances, is it not fair to maintain that we have really been forced into vigorous and drastic action? The policy of Government has not changed; it is the action of Mr. Gandhi and his followers which has compelled Government to a more vigorous application of a policy always designed to maintain law and order. But there has been no campaign of indiscriminate repression as has been alleged. Great play has, of course, been made about the application of the Seditious Meetings Act, but what are the facts? It has been extended, in all, to ten districts only. There are many provinces in which associations are not proscribed at all and action under the Criminal Law Amendment Act has only been taken where it was urgently required. In this city of Delhi there are 20 associations of volunteers, but only three have been proscribed, and it is only where the Local Government have every reason to believe that the members of those associations are systematically practising intimidation and violence, using non-violence as a cloak for criminal action, that action has been taken under the law of 1908. Sir, I maintain that the Government has behaved with unexampled patience in regard to this movement, and indeed it was with great regret that they came to the decision that it was necessary to enforce more vigorously the law against those people. If there is any body which has stood out for toleration it is the Government of India. We have persisted in the policy of toleration from the very beginning of the Reforms Scheme. And yet to-day we are reproached because it is said that our action is inconsistent with our previous declarations. Sir, we have always recognised that we might be forced to take more drastic measures, and I repeat now that, if the moderate party had been able to give us the help that we looked for, it might never have been necessary to resort to these measures. No one has done more than the Government to help and consolidate that party, and if they had acted more vigorously, it might have made it possible for us to have avoided the measures we have now been forced to take. We should not have resorted to them if we could have possibly helped it. We have shown the greatest restraint and patience. We have often heard it called weakness; patience does not necessarily mean weakness. And now, when we are faced with great difficulties and defend the liberty of

the law-abiding, we are reproached with the accusation that we are interfering with the liberty of others. Sir, anyone who has any idea of the political traditions of His Excellency, his radical political training, his love for liberty ; anyone who has any knowledge of His Excellency's career, must know that it was with the deepest regret that he took this line of policy and that he only did so when it was absolutely necessary. Indeed, I say that every Member of his Government felt the same and was in the same position ; but, Sir, there are paramount functions, there are certain fundamental duties, which no Government can neglect, and first amongst them is the maintenance of law and order, the preservation of the public tranquillity and the protection of law-abiding citizens from violence and intimidation. His Excellency the Viceroy, in his speeches, has referred many times to the anxiety to do justice, but I have never seen any speech of his in which he has sought to evade accepting the paramount principle and responsibility of maintaining the peace and tranquillity of this land. And now, Sir, I wish to turn to our instructions of the 24th November, in so far as the Criminal Law Amendment Act goes. They were to the effect that where associations practised intimidation, violence and obstruction, it was necessary to suppress those activities and that the Act of 1908 should be used for that purpose. I believe, up to a certain point at any rate, it has been successful. What followed ? A number of young men—many of them in Calcutta, hired from the mills—joined these associations as volunteers for a money reward. Many are doing it in Delhi now and a rupee a day is the price. They join the volunteers in defiance of all orders and then complain bitterly and pose as patriots, if they are arrested. In Delhi, when the movement first started and arrests took place, the authorities were anxious not to impose too severe penalties on accused and the consequence was, they were sentenced to simple imprisonment. Many of them were quite pleased ; they were able to get free meals and had nothing to do, so later it was found necessary to sentence others to rigorous imprisonment. At once there was a general feeling that this was very unfair, though it was really a very natural consequence. Throughout, however, the Government have been very anxious to avoid any appearance of undue severity ; to avoid any appearance of unreasonable harshness we have made various suggestions to the Local Governments, with which I will deal later. Apart from this, however, His Excellency was never unmindful of the dangers of a purely repressive policy and, as every Honourable Member knows, he received a deputation on the 21st December in Calcutta and listened to their views on the action of Government and the possibility of a conference between different sections of the community and Government. And I should like to read to Honourable Members one or two words from His Excellency's reply to that deputation because, to my mind, his words breathe a lofty tone of statesmanship and indicate a deep desire to find a solution of the problem of all the difficulties with which the Government are faced. He spoke words over which every Member of this Assembly would do well to ponder. Referring to a suggestion that Government should cease making use of measures now enforced and release prisoners convicted under the law, he said : •

‘ I cannot believe that this was the intention of the deputation, when originally suggested, for it would mean that throughout the country intimidation and unlawful oppression and other unlawful acts should be allowed to continue, whilst Government action to maintain order and protect the law-abiding citizen would be largely paralysed. I need scarcely tell you that no responsible Government could even contemplate the acceptance of such a state

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of public affairs. I wish, with all my heart, that it had been possible to deal with these problems in a large and generous spirit, worthy of such an occasion in the history of India. Had there been indications to this effect before me to-day in the representations which you have made in your address on the part of the leaders of non-co-operation, had the offer been made to discontinue open breaches of the law for the purpose of providing a calmer atmosphere for the discussion of remedies suggested, my Government would never have been backward in response. We would have been prepared to consider the new situation in the same large and generous spirit and I would have conferred with Local Governments for this purpose.

Sir, now what was Mr. Gandhi's reply to this? This is what Mr. Gandhi said :

'I am sorry that I suspect Lord Reading of complicity in the plot to unman India.'

I would ask Honourable Members of this Assembly if they would take that view. He proceeded to say :

'I am forced to conclude that Lord Reading is trying to emasculate India by forcibly making free speech and popular organization impossible.'

In another article he said :

'I was totally unprepared for what I most respectfully call his mischievous misrepresentation of the attitude of the Congress and the Khilafat organisations in connection with the visit of His Royal Highness the Prince of Wales.'

And now I ask the House to remember what happened at the meeting of the Indian National Congress at Ahmedabad ; Pandit Madan Mohan Malaviya put forward certain proposals for a Conference which was contemptuously rejected by the members of that Congress. But there was a much worse feature of that meeting held at Ahmedabad and that was the deliberate threat of civil disobedience, and I want Members of this Assembly to realise that we are, at this moment, faced with that. Then, again, at another meeting in Ahmedabad there was that speech of Hasrat Mohani, which, I hope, Members of this Assembly have not forgotten, in which he referred to an Indian Republic, not to be established by non-violent means but to be established by violence at the discretion of the speaker and his followers. That is the situation with which the Government is faced and I want to ask whether, with the law as it is, with such a dangerous situation facing them, the Government could have met it otherwise than they did. I am told we should have prosecuted those guilty of intimidation. Have we not been trying to do this for many months? Have we not tried persistently to carry on the administration of the country by the use of the ordinary law? How are you going to deal with intimidation under that law? A person comes along, his name and his identity are unknown; what does he do? A threatening look, or it may be just a word uttered quietly, a gesture, a note recorded in a pocket book: but the threat is there: and the person threatened knows too well what he will suffer afterwards. Who is going to chance a prosecution on evidence of that kind? What earthly chance is there of a conviction when associations combine and their members habitually practise violence and intimidation of that character? I put it to every practical lawyer in this Assembly that it would be idle to go to court in such a case. But this kind of intimidation has been perpetually

practised by members of these volunteer associations in recent months. Sir, it is well known—all political writers, all constitutional writers and all Governments have recognized it—that, in such circumstances, exceptional measures are necessary. You have only to read Sidgwick, a great liberal writer on politics, and there you will find ample justification for the use of exceptional measures in such an emergency. I can quite understand Honourable Members feeling great sympathy with particular individuals who have been convicted. We ourselves deeply regret that some of these men have deliberately chosen to go to jail. But I ask Members of this Assembly not to let their sympathy for individuals carry them away or override their sense of justice. I want them to realise that we have got to maintain law and order in this country, and whether the Government here be democratic, whether it be bureaucratic or whether it be autocratic, it is all the same. If you now seek to deprive the Executive Government of its power of maintaining law and order, you are depriving them of a power which you yourself will be desperately in need of later on. It is not a question of one form of Government or another. The maintenance of law is an essential of all civilised Governments. I am told that the Criminal Law Amendment Act has been used improperly and that it was designed for a different purpose. Sir, I sat recently on a Committee for the examination of so-called repressive laws. Dr. Gour, the Mover of this amendment to-day, was another member of that Committee. He signed the report of that Committee. Members who have looked at the report will have seen that, in considering the Seditious Meetings Act and the Criminal Law Amendment Act, we specially referred to the fact that we were doubtful about the immediate repeal of these Acts, one reason being the condition of the country, and another reason being that they had lately been used in certain provinces. I am told that it was always understood that these Acts were only to be used against anarchical conspiracies. I maintain the present associations are merely another manifestation of violence prompted by disloyalty and sedition. Last year, in Delhi, the Act was enforced in respect of certain associations and Honourable Members were well aware of it. I did not then hear of any complaint of a misapplication of the Act. What was the reason? Why did Dr. Gour and other members of the Repressive Laws Committee allow this measure to remain on the Statute Book if it was never intended that it should be used in an emergency of the present kind? I maintain, Sir, that it was because we realized then that this might be necessary, though Dr. Gour and I—you will give us both credit for that, I am sure—hoped that it would never be necessary. Honourable Members have told the Government that they sympathise very much with them, that they are all for law and order, that they will suffer if the public peace is disturbed, and so forth. May I say, Sir, that this pathetic, futile sympathy is of very little use to us unless the Honourable Member can indicate the manner in which these disorders and intimidation can be suppressed without recourse to this special legislation. I have listened to all the speeches to-day carefully and I have heard no practical measures suggested which would replace either the Criminal Law Amendment Act or the Seditious Meetings Act. Perhaps other Honourable Members may be able to supply the defect.

Then, Sir, Dr. Gour asked: 'Why did you apply these Acts without consulting the Legislature?' There seems to me to be a very short answer to that. The Legislature was not sitting at the time but, as I said, I gave Honourable Members an opportunity of discussing the question at the first

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meeting and no one wanted it. Sir, if a house is on fire, no one except, perhaps, my friend Mr. Seshagiri Ayyar, who has a pathetic faith in Committees, would think of calling the Assembly or a Committee to consider and approve the measures necessary to put it out. In such a situation Government had to act at once. We were faced in November with a situation of extreme gravity and did what we thought right. This Assembly is now also faced with a situation of equal gravity and has now to face its responsibilities. Sir, I want, in conclusion, to deal with one point more only, and that is, the effect of a vote accepting this Resolution or accepting the amendment. I want Members of this Assembly to ponder well what their responsibility is, to consider well whether if they accept this Resolution to-day, they will not be deliberately encouraging the impression that they approve the non-co-operation movement and sympathise secretly with the activities of these volunteers and that they will not support the Government in the maintenance of law and order. What will be the effect of such a vote on the officers of Government, and on loyal citizens? Will it not dishearten them and make it impossible for them to do their duty? Are you going in this Assembly here deliberately to encourage the forces of disorder, to promote anarchy and chaos throughout the land? I have been told that I exaggerate the gravity of the situation. It would be difficult to do so. This country is, in truth, faced with a very grave crisis; we have civil disobedience looming before us. We have threats of organized violence from an influential section of the Mussalman population. We have had outbreaks of violence of a dangerous character showing what may happen in a more extended degree in future. We have had the most terrible bloodshed and loss of life. We are face to face with a situation in which there may be, I fear, greater loss of life and greater bloodshed. It is for the Assembly to say whether they are now going to encourage the forces which make for ruin and disorder. It is for them to say whether, consistently with their oath of allegiance to the Crown, most solemnly sworn here, they can conscientiously and deliberately encourage those who intend to overthrow this Government by any means that is possible. Lastly, it is for them to ponder their responsibility not only to the Assembly, not only to the Government and to the country, but also to themselves. It is for them to say whether they will take such a course as will facilitate a real and very grave danger to their own properties, to their own lives and to their own honour.

Rao Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): Sir, my task in speaking on this Resolution has become very difficult after the very passionate and eloquent appeal which we have listened to from the Honourable the Home Member. I am sorry to note that a responsible Member of Government has chosen on this occasion to appeal to passions and prejudices rather than to the intellect of this House. I quite realise with him, and no one does it more than myself, the grave anxieties of the situation. Sir, I am afraid he has taken the wrong issues and placed them before the House. We are met here to-day not merely to consider the action taken by the Government during the last two months.

If the amendment proposed by the democratic party is carefully considered, we have met here to-day to find a solution, a permanent solution I hope, for the very grave situation with which this country is faced. I quite realise with the Honourable the Home Member that we are faced with a situation which

may lead to bloodshed, to anarchy, to revolution. That is really the situation. But, Sir, how are we to deal with that situation? That is the point for which we are met. We are not concerned so much with blaming this man or this party or this Government. Let us put our heads together and consider how best we can sail, how best we can reach the shore once more of peace and order in this land. All of us are interested in that. Sir, I invite this House to form a mental picture of how we departed when we left Delhi at the end of March, 1921. We came here in a state of despair and diffidence as to whether we would be able to do anything to restore the confidence of the people in the government of this country. A very large and influential section of the population stood out of the reforms. We agreed with them that the reforms were inadequate and unsatisfactory, but at the same time we came to this House fully hoping that by working the reforms so as to remove the causes of unrest we would be able to achieve better results, appeal to the commonsense and appeal to the intellect of the people and thereby seduce them from the mischievous activities of the non-co-operator. Sir, at the end of March last, as I told this House during the last week of that month and as I told the representatives of the Press immediately after we departed in hope, better hope and better expectation that we had realised something, that we had really made an onward march in catching the people. Although we did not satisfy the extreme section by our work in this House, by the very measures referred to by the Honourable the Home Member, by means of the various Committees appointed to examine the repressive laws and the Resolutions passed in various ways to ameliorate the situation, by making suggestions to make reforms in this direction and that, we rightly thought that we had really achieved something and that we had really made an onward march in regaining the confidence of the people in this Government. Sir, I join issue with the Honourable the Home Member in the statement that he has made that the non-co-operation movement gained strength after the March Session. Sir, I know that in my own province we tried to combat the non-co-operation movement not in any aggressive form by forming *Aman Sabhas* with the help of the officials but by issuing pamphlets and leaflets pointing out the work of the Assembly, pointing out the work of the various Legislative Councils and by appealing to the intellect of the masses of the people. The non-co-operators stood self-confessed of their failure to have achieved any result. Look at their proceedings in November and December, or rather before November last. When they met in Bezwada, they had to confess that they had failed in the four items of the programme which they had put forward before them. Lawyers had not ceased their practice. The Councils had not been boycotted, schools had not been deserted in the way they expected. They confessed to a failure and they seriously considered what they should do next, how to practise civil disobedience, what law to make up to practise civil disobedience. They were certainly in a confused state of mind. They did not embark upon any real practical step. They were languishing for want of food in that direction. By the policy adopted by Government on the 17th November, the Government have supplied that food on which the non-co-operators are now living. There is no use of confusing the issue, of drawing a ghastly picture, a gruesome picture of what has happened since November last, when the Government deliberately departed from the policy which they had pursued. We said: 'We would co-operate with you in enforcing the ordinary law of the land.' We said: 'Apply section 144.' We said: 'Apply section 107'. The

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Government did so mercilessly. We did not protest. Muhammad Ali was arrested by using section 107 in a very questionable way, when he was on his way to Madras, in the train. Section 107, which is intended to be applied to vagrants, was applied to a passenger in the train. We did not protest. Section 144 has been used, misused, abused. We did not protest. Section 144 has been used so often and so recklessly that a sub-magistrate had the audacity to use it in his own favour against his neighbour who was pestering him. This was in Musiri. Now all that we put up with because we thought it was necessary to put down the violence of the non-co-operators. No doubt mistakes were made. Who will not make mistakes? Do not the soldiers commit mistakes? Are you to condemn the whole army, the British army, to whom we owe our peace in this land, simply because a Private Mulligan molested a Hindu widow? Are you to condemn the whole police force simply because a few policemen here and there misbehave? Sir, we have to be careful not to get panicky simply because certain events happened in a certain place. What is really the root cause of the situation in the land to-day? This non-co-operation is but a symptom of the very grave disease which exists in the country. Are you going to deal with the symptom without dealing with the disease? That is what the Government are trying to do. Are you really meeting the wants of the people? Are you really going to suppress the volunteer organisations in the various parts of the country and are you thereby going to restore the contentment and happiness of the millions of people in this land? I quite agree that it is the primary duty of Government to restore peace and order. But, Sir, restoring peace and order is but a trifle as compared with the happiness and contentment of the millions of the people in this land.

Do you consider that the non-co-operator is such a clever man that he plays upon fancy grievances? Are the grievances real or fancied? Do you think that the non-co-operator would succeed if there were no grievances? What is this *hartal* and this boycott of His Royal Highness the Prince of Wales? The Royal House was revered and respected and they would have gone on their knees before His Royal Highness. Even the Editor of the '*Amrita Bazar Patrika*' fell before—he prostrated himself in the way that Hindus worship great men when His Royal Highness who is now His Majesty the King Emperor came to India. What is it then which has raised this barrier? The country feels, the country has lost its confidence in the Government; that is the real truth of it. And there is the disease for which we have to try and find a remedy. Are not national issues being discussed to-day? Where are the people of the country in this Assembly to-day? In the balconies are our men and ladies taking an interest in this debate and waiting to see the way in which the country is to be treated. If they had confidence in this Assembly and in the Government would they not be there? Therefore, I say the whole truth is that you have to recognize the disease. You are not statesmen if you do not recognize the disease. Repression is not the remedy. Did it do in Bengal after the partition agitation? The Government used all the weapons in their armoury and used them freely. Were they able to restore contentment? One solitary act, Sir, when His Majesty came out to India restored peace and happiness to Bengal. It is statesmanship which is now wanting. We have a great statesman in our midst, His Royal Highness. Unfortunately, Sir, His Royal Highness

has been brought here at this time when he should not have been brought into this country. But now having come we are bound to give him a rousing and enthusiastic welcome. But, at the same time, we have to take into consideration the views of the other people. It is quite true that His Royal Highness is above politics. But are you above politics? Is the Executive Government above politics? As the '*Manchester Guardian*' has put it, is it not an attempt on their part to show to the people of England through this Royal visit, that really there is nothing wrong with the Indian Government. That is the view which some people take. Now, therefore, when you find some people taking that view, are you adopting the right treatment, are you not really aggravating the evil, by doing all these things, such as arresting men like Pandit Mati Lal Nehru, like Mr. C. R. Das, and for doing what? Are they heads of organizations which are pledged to violence? Can you justly say that? On the other hand, do they not exercise their influence for the public good? Could you have successfully prosecuted Muhammad Ali and Shaukat Ali but for the beneficial influence of Mr. Gandhi without creating trouble in the land? Do you think the Muhammadans would have kept quiet when their leader was being prosecuted and convicted? Would they not have got loose but for the influence of Mr. Gandhi? Is he not sincere in his profession of non-violence? Does he not regret violence as much as we do? He does so, and but for his influence I do not think the Government would have been able to successfully prosecute Muhammad Ali and Shaukat Ali. His influence is great in the country. If you do not recognize it, you will be making a sad mistake. And who will be sufferers if the present policy is persisted in? My countrymen and countrywomen will have to suffer more than Europeans. Therefore I am bound to speak out. There is no use in hiding one's thoughts, and we must speak out in these matters what we feel. Sir, take the opinion of every Indian in the land: take the opinion of the leaders: take the opinion of the servants of India: take the opinion of the most moderate of the moderate organizations: has any one supported the action of Government in this country? I challenge the Honourable the Home Member to point to a single Indian newspaper which supported the action of Government. I suppose, Sir, that we must give them credit for knowing the country. Do not give credit for knowing the country only to some people. We know our own country also, and I say this is not the right method to adopt. You have made a sad mistake. I quite agree that one cannot help getting angry with the way in which the Bombay people behaved on the day on which His Royal Highness landed. It is a crying shame to the country which has gone to my heart: it has gone to the hearts of many people that the people of Bombay should have behaved like that

(A Voice: Some of them.)

Rao Bahadur T. Rangachariar: I can quite believe that the Government got angry; but if you govern in anger, you are sure to land yourself and the country in trouble. That is really the cause of the reversion to this policy of yours. Government having invited and having got His Royal Highness here, and the Bombay people having behaved as they did, the Government lost their heads. The Government were not so led away by the Moplah outbreak. The Honourable the Home Member told us then deliberately that we must not take the Moplah outbreak as symptomatic of the general condition of the whole country

The Honourable Sir William Vincent: The Honourable Member accused me then of dilly dallying and shilly shallying with the Khilafat Movement.

Rao Bahadur T. Rangachariar: Now I am glad the Honourable the Home Member referred to that. I said you had been dilly dallying and shilly shallying with the Khilafat Movement. You have been creating hopes. Your Prime Minister in 1918 said this and said that, and your Government went back upon those promises. That is what I referred to as dilly dallying and shilly shallying with the Khilafat question. That is precisely what has led to all the present troubles. You raised hopes and you have not been able to satisfy those hopes and expectations. Now, Sir, the Honourable Member has gone off the track. Instead of dealing with this matter now under discussion, he has tried to draw me off the track. I am not concerned with blaming the Government, I am most anxiously concerned with the situation of the country. Is there no way out of it? Exclude Mr. Gandhi; ignore him: deal only with the evil. Have not the Irish people recently deposed De Valera? Was not De Valera considered the idol of the Irish people? Was he not considered an indispensable man for arriving at a settlement? And has not British statesmanship succeeded in weaning away the Irish people from De Valera? Could we not similarly wean away the Indian people from Mr. Gandhi? Sir, the Government has failed to tackle the problem. They know the situation in the country is absolutely inexcusable. There is no use shutting our eyes to the state of the country. The people do not believe in the Government. They want the Government to show by their action and by their demeanour that they have the good of the country at heart; and then I say that no number of Mr. Gandhis could exercise an influence on the people. Do you mean to say that the Indian people are likely to be so misled unless there is something wrong, unless they have lost faith altogether in the Government? They have come to that stage that they are ready to say that they are ready, even if anarchy is the only alternative, to go through with it instead of relying upon the existing Government. Are you going to allow that state of affairs to continue? I say that it will be intolerable if such a state of affairs continues. I think that too much importance is attached to Mr. Gandhi. Do you mean to say that if Pandit Malaviya and other leaders were called together—Government ignoring Mr. Gandhi—and provided that the Government were honestly striving to find means to deal with the situation in the country, that Mr. Gandhi could exercise any insidious influence against that Conference? I therefore have strong hopes in a Conference. I, therefore, have strong faith in a Conference, and I hope, Sir, that His Excellency Lord Reading will take it seriously and not be led away by these symptoms which do now and then appear in a vast country like this. Let us not be misled from the correct path of our duty by painting a too lurid picture of the situation. It will become a lurid picture if you allow things to go on in this way. Therefore let us take counsel, let us not hesitate. I do think, Sir, that this policy is not going to pay. You are not going to restore peace and order. You must abandon that policy. Take reasonable people into your confidence. Do not confine your attention only to moderates. There are moderates and moderates. There are some people who are not moderates. I am one of them. I do not want to be called a moderate. I cannot be a moderate in my love of my country. I want my country to progress as fast as possible without bloodshed and without any trouble in the country. My

friend, Mr. Abul Kasim, told us, we have either to support this Government or walk out I say 'No'. I will remain with the Government and try to improve it and improve it, and obstruct it when it goes wrong. That is the policy I am going to pursue. I want this Government to continue as a good Government intent upon securing permanent good in this land. Therefore I support the amendment.

The Honourable Dr. T. B. Sapru (Law Member): Sir, it is only under a painful sense of duty that I have felt called upon to intervene in the debate at this particular moment. My Honourable friend, Mr. Rangachariar, has, in the speech, which he has just delivered, given a warning, which, I shall frankly say, I am going to take. He warned us against the danger of impassioned speaking on an occasion like this. He asked us to appeal more to the intellect of the House than to its emotion. I cordially agree with him for more reasons than one. In the first place, I think I am constitutionally incapable of making an impassioned appeal to the emotion of the House. In the next place, even if I were capable of that impassioned eloquence, which has characterised some of the speeches to-day, I would deliberately refrain from indulging in impassioned eloquence on an occasion like this. I would much rather be judged by the test which has been laid this afternoon by my friend on the other side of the House. But, before I come to the main questions which I propose to deal with, there are just a few points which I would like to answer. He has said, and very rightly said, that a Government which governs in anger lands the country in danger. I quite agree with him, but let me assure the House that whatever fault you may find with the Government, of which I happen to be a Member, you cannot possibly find that fault. It has been my privilege to have been associated with His Excellency Lord Reading very intimately during the last six weeks and if I tell you how cool, how calm and how collected he has been in dealing with the problems as they have arisen from day to day, I am sure none of you will endorse that charge which has been made by my friend, Mr Rangachariar. I speak deliberately, with a certain amount of self-restraint, as I happen to be a member of his Government, but one thing I may be allowed to say and that is what I have told some of my Indian friends in confidence that, throughout these 6 or 7 weeks that I have had the honour of meeting His Excellency, whoever else may have used an angry phrase or an uncharitable word about any individual who happens to be in jail, that man is not Lord Reading. Therefore, whatever else you may say, I beg of you and implore you not to bring the charge of anger against the Government of Lord Reading.

I shall now come to some of the other issues which have been raised this afternoon. What, after all, is it that divides the Government from the critics in this House? Is it because the Government are anxious to maintain law and order that their critics are at variance with them? I venture to think it would be unjust to the critics of the Government to say that they do not want the maintenance of law and order. I must in fairness to my Honourable friends, Munshi Iswar Saran and Dr. Gour, to whose speeches I listened with great attention, say that they made it abundantly clear that they were as anxious for the maintenance of law and order as any member of the Government on this side of the House. I might go a step further and say that even Mr. Rangachariar, breaking his own precept about impassioned eloquence, burst out at one stage in his speech and said that he too was as anxious as any member on the

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side of the Government for the maintenance of law and order. Therefore it seems to me that, so far as the question of law and order is concerned, I do not think that there is any the least difference between the Government and the critics of the Government. Well, then, wherein does the difference arise? The difference arises in regard to the application of that principle; and the methods adopted by the Government for the restoration or maintenance of law and order. If there has been some warmth exhibited to-day during the debate (I hope I am not doing any injustice to any speaker), it has been to no small extent due to the feeling that has been created in the country,—and a perfectly natural feeling it is,—over the arrest of men, who, but for their political opinions, might have occupied any position in this House. Speaking personally, I am free to confess that there are among those men who have gone to jail several whom I have held in the highest possible esteem in private life and whose friendship I have enjoyed. But, as one previous speaker said, in an issue of this character, which affects the whole country, which affects, if I may say so, the very fabric of society, I think it is only fair that we should not allow our reason to be overpowered by our emotion. Well, therefore, I will beg of you, and earnestly beg of you, in discussing the general issue to set apart personal issues which have been raised to-day.

Now, my Honourable friend, Sir William Vincent, has given you a historical retrospect of the events which have happened in the country during the last twelve months or more. Malegaon, Malabar, Bombay and Calcutta are so many milestones in the progress of those events which have brought about disorder and anarchy in the country and which we cannot possibly overlook. (Cries of 'And Madras'). It has been said: 'Well, the accounts which have appeared in the newspapers are exaggerated.' I have not the smallest room for doubt that when political passions are excited, when the country is divided into two camps, there is exaggeration on both sides. It does not hurt me to make a confession of that character. But let us not forget what Mr. Gandhi himself has said with regard to some of these events. After the Bombay incident, did he not say that it was possible to forget Malegaon, it was even possible to overlook Malabar, but you could not possibly overlook Bombay? Just about that time, speaking about picketting, what is it that he said? I shall rather quote his words than give the substance. In one of his articles in '*Young India*' he said:

'Picketting should be regarded with the gravest suspicion; there is no doubt that it has not everywhere been of a strictly non-violent nature. There has been verbal violence or a show of violence. It is better, therefore, to suspend picketting at least for the time being or till we have attained much greater self-control and gained greater experience; we may confine our attention just now to working among the drinking class.'

Therefore, in discussing this question, I will beg of you to take a comprehensive view of the whole situation and not to argue out the case as if you were arguing a case before a magistrate or a sub-judge, but take the entire totality of circumstances, and the entire body of events which have happened during the last 12 months and then ask whether, in view of the events which happened on November last, the Government were or were not justified in taking the action which they did. It is possible that you may hold that another course might have been adopted. But what that

course could have been or should have been has not been pointed out by any Member of this Assembly to-day. It was no doubt suggested by my Honourable friend, Dr. Gour, and also, I believe by Mr. Seshagiri Ayyar, that it was open to the Government to prosecute individuals who were found guilty of intimidation. Now, Dr. Gour is such an eminent lawyer—he has edited the penal laws of the country—and Mr. Seshagiri Ayyar has been such an eminent judge, that I do not think I shall be appealing to them in vain when I say that criminal intimidation is not a cognisable offence under the penal law of the country ; and, so far as I know, if you exclude the Criminal Law Amendment Act, there is no other power under the law that I know of under which the Government can deal with intimidation practised by a mass of men ; that is the only power. You may dispute the facts ; I am not raising any question of fact because those facts have been dealt with at length by my Honourable colleague, Sir William Vincent ; but once you accept the position that there was any tyranny, oppression or intimidation exercised to any appreciable extent and once you realise that it is the duty of the Government to put down that tyranny or oppression or intimidation, then, I ask you, under what law can you advise the Government to proceed ?

Mr. S. C. Shahani (Sind Jagirdars and Zamindars ; Landholders) : Amend the law.

The Honourable Dr. T. B. Sapru : I am coming to that ; probably when I make a statement on that point, my Honourable colleague will be happy, but he must not anticipate that part of my speech. Therefore, taking the law as it stands, the only action which the Government could have taken, if there was intimidation, if there was tyranny, and if there was oppression, against an association as such, was action under this Act. It has been said that the Government could have prosecuted these men for conspiracy. Let me remind the Assembly that this question was carefully considered by the Committee over which I had the honour to preside in Simla ; the question as to whether prosecution for conspiracy to wage war against the King or to commit any other offence under the penal law would be a good substitute for action under the Criminal Law Amendment Act was considered, and it was found, with the concurrence of Dr. Gour, that it would not be a good substitute. Besides, let me point out to you that, if it is a question of choice between prosecution under the Criminal Law Amendment Act and a prosecution under the law relating to conspiracy, I venture to think that if Dr. Gour were confidentially asked by a client of his, he would certainly advise him to take his trial under the Criminal Law Amendment Act, because you do not know how much more severe the sentence may be in a case of conspiracy. My Honourable Colleague, Sir William Vincent, dealt with the cases of intimidation and tyranny in various parts, and I do not wish to cover that ground. I was only interested in pointing out to you that the action which the Government took was the only action which they could take provided there was tyranny and oppression exercised. The Government are, however, aware that the application of this Act has undoubtedly created a considerable amount of feeling in this country and it may be, as has been pointed out by several speakers to-day, that in individual cases probably courts have gone wrong ; but those are cases which can be set right. However, in order to meet the popular wish that we should further examine the position, I am authorised to make a statement on behalf of

[Dr. T. B. Sapru.]

Government in regard to this matter and it is this; that we are carefully considering if it is possible to find an alternative form of legislation which, if successful, might avoid some of the criticism which has been levelled against this Act. Let me assure the House that some of the Members of the Government will be meeting to consider this question, and to examine whether it is possible to have something better and more effective and less objectionable than the Criminal Law Amendment Act. I feel also that the House will be gratified to hear what action was taken by the Government in December last in order to meet some of the criticisms with regard to the present situation. I will read out to you, from a document which I have before me, some of the instructions that have been issued. First of all, we have instructed Local Governments that, where possible, trials should be conducted in open court, though it is realised that in many cases this is not possible. Secondly, we have suggested that the utmost care should be taken to see that evidence is recorded in full and that all legal formalities are strictly complied with in all trials; further that, when there is any doubt as to the legality or justice of a conviction, the Local Governments should review the sentences passed in consultation with their legal advisers. Thirdly, we have drawn their attention to the sentences awarded for similar offences in different provinces and suggested that sentences should be carefully examined to ensure that where punishment is awarded, the sentence should not be unduly severe. We have also asked the Local Governments to consider the circumstances under which rigorous imprisonment should be inflicted upon these offenders and suggested to them that they should make it clear, particularly in the case of minor offenders, that the Government are anxious to vindicate the authority of the law rather than to see the offenders punished with undue severity. Finally, we have said that it may be necessary, for various reasons, to limit the number of prosecutions. Then, I must point out to the Assembly, that the Local Governments have gone as far as possible to make matters easy by prescribing special treatment for these political prisoners, and indeed many have been released on furnishing a reasonable undertaking, while some have been released even without a guarantee. Further, the Government is prepared to have inquiries made by the Local Governments into any specific cases of undue severity, improper prosecutions or excesses, but I hope that this Assembly will not press the Government to abandon the general policy of maintaining law and order. At the same time, I may say, as I have already said, that Government is examining the law relating to these associations. Now this is all that I wanted to say with regard to some of the points which were raised in the debate and to which I have no doubt Sir William Vincent would have referred if he had more time at his disposal. If you examine the question dispassionately, what is really at the bottom of the criticism which has been levelled outside this House during the past six weeks? It has been said that the present policy of the Government really amounts to an attack on the right of free speech and free association. That seems to me to be the sum and substance of the criticism. In fact, if my memory does not mislead me, I think that is the line which Mr. Gandhi has taken in some of his paragraphs in a recent number of 'Young India.' Now, with regard to the right of free speech, so far as I know, except in three or four districts in India where the Seditious Meetings Act has been applied, there is no restraint placed on freedom of speech. And may I respectfully remind this House that it is impossible to ignore or overlook the

fact that the Congress and the League were not held under any restrictions, that the utmost freedom of speech prevailed there ; so much so that it was possible for the President of the Moslem League to talk of a Republic and also of the possibility of violence. Now, this does not look like restraint on freedom of speech. As regards the attack on the right of association what I would venture to point out to the House is, that even to-day there is nothing in the law to prevent you from forming an association provided that association is meant for a lawful purpose. It is only those associations which, according to the evidence before the Government, were considered to be guilty of unlawful activity that were declared unlawful. Some of the Local Governments, for instance the Central Provinces Government, have not touched these volunteer organizations. Therefore, when you say that what the Government have done is that they have robbed the people of the liberty of association and the liberty of free speech, I say you put your case too high. This is not what has happened and this is not what the Government have done. Therefore, I ask the House to carefully consider the issue. What is it after all that the non-co-operators want ? Is it that they want Dominion Self-government in the country, or is it that they want to have nothing to do with the British Government or to throw off the yoke of British rule ? Or, in other words, is it that they want a definite position under the British Crown or is it that they want absolute independence ? If it is the latter, I am sure, that so far as this Assembly is concerned, it will have nothing to do with them. If it is the former, if what they really want is Dominion Self-government, I believe that you will scarcely find an Indian in this House or outside this House who will not be prepared honestly to say that he is as much devoted to the idea of Dominion Self-government as any one in the camp of Mr. Gandhi. (Hear, hear.) But I would respectfully venture to point out to you that in politics, it is not the idea which matters so much as the method by which you carry out that idea. (Hear, hear.) Is this the way to achieve Self-government, to attain Home Rule or to acquire Swaraj ? It is for you to decide. So far as my limited reading of history goes, so far as my limited experience in politics is concerned, I venture to think that howsoever you may attain Swaraj, you will not and you cannot attain Swaraj through non-co-operation. (Hear, hear), and if really you want Swaraj, will you achieve it through peaceful means by maintaining peace and order in the country, or by creating confusion and anarchy in the country ? I leave the question to be answered by the Assembly by its votes.

Mr. Darcy Lindsay (Bengal : European) : Sir, the Honourable Mover of the Resolution asks the Assembly to recommend to Government to abandon their repressive policy. I wonder if it has occurred to the Honourable Member that the boot may well be on the other leg, and that the real repression, or may I say, oppression, comes from the non-co-operation party who, with the assistance of volunteers and other agencies are intimidating a peaceful people to do their bidding in the observance of *hartals* and the boycott of European goods. We have heard from many speakers that it is the duty of the Government to maintain law and order and thus protect the people against oppression. Is this not what they have been endeavouring to do by every means in their power by the arrest of volunteers and others who are interfering with the rights of the people ? I do not know whether my Honourable friend, Dr. Gour, was present in Calcutta on the 17th November and later on in December, but if he was, then all I can say is he saw the situation through.

[Mr. Darcy Lindsay.]

very smoked glasses. He has spoken with some warmth in connection with the writings of certain papers and also the Bengal Chamber of Commerce. They at least had sympathy with the liberty of people, if he has not, and if their writings in any way influenced the Government of Bengal, I say all honour to them. Sir, I was present in Calcutta on the 17th of November. I witnessed the deplorable state of affairs that existed that day. The people had no liberty at all. If they ventured out, stones were thrown at them, drivers were dragged from carriages or motor cars and people went in very fear of their lives. You have heard the Honourable the Home Member give in detail the reports from Bengal and I need not add to this.

In December matters were not nearly so bad because the so-called repressive measures were beginning to take effect. But, in spite of
4 P.M. that, there was a great deal of intimidation on the part of volunteers. They made house to house visitations, spreading false statements wherever they went; they even went to the length of telling the people that they had better not venture out of their houses on the morning of the 24th, because the Government had ordered that soldiers, who were to be posted in the streets of the Northern portion of the town, were to shoot them down at sight. This information, Sir, came to me from two friends of mine, innocent traders in Bow Bazaar, whose houses had been visited, and they asked me how was it that the Government should adopt such measures with the people. Religion was even brought to bear, particularly amongst the Muhammadan community. My own servant, who has been in my service for 18 years, asked me why it was a sin to his God to work for me on the 24th. That is the preaching which he received in his mosque, and it is not an isolated case. It affected many traders and particularly the servant class. The servants of the Great Eastern Hotel in Calcutta gave notice that they had been ordered not to work on the 24th and that they could not work—they have, I understand, since been replaced. There was evidence on all sides, Sir, that, left alone, the people would have gone out joyfully to welcome their Prince. We had ample evidence of this on the 27th—the day of the public entertainment on the Maidan when vast masses came out and gave their Prince a right royal welcome, as they would have done on the 24th had they been left alone with freedom to do so. But for the action of Government in proclaiming the volunteers, we were fast drifting to an impossible position at the will of the non-co-operation dictators. In the speeches to-day reference has been made more to the Presidency towns and not so much to the up-country places. With your permission, Sir, I will read a letter written by Mr. George Bridge, who is an Honourable Member of this House but unfortunately absent to-day. He is a tea-planter in Assam and writes as follows :

‘Sir, the following is a copy of a telegram I sent to the Chief Secretary of the Government of Assam at the request of the loyal European and Indian communities of Mangaldai :

‘The loyal inhabitants of Mangaldai European and Indian alike request protection from Ganchi volunteers who are breaking up and looting *hats* boycotting, intimidating Government servants, tea garden employees, enlisting volunteers daily. Names of new volunteers notified to authorities but not a single volunteer arrested. No action taken, though proclaimed illegal by your Government.’

The telegram speaks of itself. Since the Assam Government's proclamation against ‘volunteers’ these have been enlisted wholesale. There are now two ‘volunteers’ or two

enlisted in nearly every village. The Congress Committee have ordered the breaking up of all the *hats* in the district and a lot have been broken up and some looted. Also no supplies of any sort are to be sold to garden coolies, and Government officials, clerks, etc., to be likewise boycotted and intimidated. There is a large Mussalman population in the district who are Gandhi volunteers and want little encouragement to turn to rioting and looting. They threaten shopkeepers on my land that they will burn down their shops, etc., if they dare to sell stores to the garden coolies. Further they try to persuade coolies to leave the gardens and not work for the *sahab*. I hear they promise rent free for three years if they become volunteers and the *busti* people are uniting not to pay rents.

The situation is becoming worse and worse and Government, by allowing a free hand to the Gandhi volunteers, will be themselves to blame if the situation becomes impossible and uncontrollable. The loyal Indians cannot understand this deplorable apathy on the part of Government, and many are forced to become non-co-operators for want of Government support and protection. For over a year now the Gandhi volunteers have had a free hand to overawe and overrun the district without the slightest check. Some of the leaders have, it is true, at last been imprisoned, but the volunteers are in greater numbers and more seditious than ever, and unless stronger steps are taken, it will end in rioting and revolution.

MANGALDAI TEA ESTATE ;

The 6th January, 1922.

Yours, etc.,

GEO. BRIDGE,

Managing Proprietor.

Sir, the measures recently adopted have met with considerable success and have gone a long way in helping to restore confidence. Yet we are now asked to recommend to the Government to abandon the wise protection they have given to the people and leave them to their fate. What will be the effect amongst the trading community? It will be so-called peaceful interference with their legitimate vocations, be it trader or employee, and its attendant loss to their pockets. What harm, I ask you, have the peaceful citizens ever done to forfeit the protection of Government and why such tender solicitude for the misguided volunteers, many of whom, when arrested, were given the option of release by signing against the movement or going to jail and posing as martyrs to their cause? Where is the hardship, I ask? Surely, Sir, if the Resolution were adopted and acted upon, it would be taken as a great sign of weakness and fear on the part of Government, and much capital would be made out of it by the non-co-operation party to further the now threatened civil disobedience movement. We have not heard very much about civil disobedience to-day, but if it is started and goes ahead, we may see the country throughout plunged into an infinitely worse disaster than the troubles in Malabar. Then the Members of this House will say: 'Why this apathy on the part of Government; why have they let things slide, why did they not take action in time to prevent this trouble?' If we pass this Resolution to-day and there is bloodshed later on, as the result of civil disobedience, then I say that responsibility for that bloodshed will be on the heads of the Members of this House in their failure to support Government.

There is one other point, Sir, that has not been dealt with and that is the arrival of His Royal Highness the Prince of Wales in Delhi next month. Only as recently as Monday last, this House voted on a Resolution adopting an Address of Welcome to His Royal Highness. To-day we are asked to pass a Resolution condemning the action of Government in protecting the people from coercion, in declaring and maintaining *hartals*. If this measure is passed and is acted upon by Government,

[Mr. Darcy Lindsay.]

what will be the position when His Royal Highness arrives? Delhi may be in a state of *hartal* probably worse than any other place he has yet visited, and, I venture to say, it would be a peculiar position for the Members of this House to be in to go and pretend to welcome the Prince when only to-day we have adopted measures to make that welcome futile.

In conclusion, Sir, may I ask the Honourable Dr. Gour if his democratic party are at liberty to vote according to their conscience or does he propose to exercise the repression, his rules no doubt provide for? With these few words, Sir, I oppose the Resolution.

Khan Bahadur Sarfaraz Hussain Khan (Tirhut Division: Muhammadan): Sir, the amendments that stand in my name are:

The word 'immediate' between the words 'the' and 'abandonment' be deleted; and

The words 'immediately after the suspension of the activities respecting picketing and civil disobedience' be added after the word 'country'.

Sir, it is my heart's desire that Government should withdraw as soon as possible the notification extending and applying the Criminal Law Amendment Act and thus to allay public excitement and consternation. It is a fact that the arrest and imprisonment of political leaders and their followers have embittered the feelings of even loyal people, and to a certain extent alienated popular sympathy, nay even increased agitation. When a man is arrested, most naturally his whole family gets affected and agitation instead of being confined to men is extended to women, and as a matter of course the larger the number of arrests, the more the agitation. The continuance of this state of things will result in what, I am unable to prophesy. But what is Government, whose primary duty is to maintain peace and order, to do when its authority is openly defied and the laws of the land disobeyed? Surely it realises its position and it must have been with great reluctance that it had to extend and apply the Criminal Law Amendment Act. The question therefore arises as to whether the ordinary Criminal Law is sufficient to meet the situation. It is common knowledge that intimidation and obstruction have been solely responsible for the breach of public peace. Intimidation is a non-cognisable offence and cannot be taken cognisance of by the court without a complaint. But how can a complaint be lodged when the complainant himself is intimidated from making a complaint? And the situation becomes difficult and complex, when Government has to deal with organised intimidation. Take the case of the Congress and the Khilafat volunteers on the one side and the Police on the other,—each attempting to have the shops closed and remain open respectively and control traffic at times of *hartal*. Is Government in such a case to allow the two separate bodies of workers, *viz.*, the volunteers and the police, separately officered, and with different objects in view, to patrol and parade side by side, and promote friction, collision, and breaches of the peace which are inevitable in the peculiar circumstances of the case, or should it interfere and maintain order? What would you advise Government to do to meet the situation? What would you have done yourselves, I ask in all seriousness, if you had to face similar difficulties and were placed in similar circumstances? I daresay you would have acted in about the same manner in which you find Government acting now. You have simply to put yourselves for a while in the same position in which Government is now, and you will, I am sure, realise the exact position.

Gentlemen, I am no doubt aware of police high-handedness in certain cases, and their attempts at times of *hartal* to have the shops remain open and hackney carriages plying. But the same and very much more can be said of the volunteers in their attempts to have shops closed, and hackney carriages stop from plying.

The Bombay riots, to quote an instance, not to speak of others, are clearly convincing of the nature of the influence and formidable obstruction I have spoken of. All I need say in connection with this matter is that excesses are committed in times of excitement as a matter of course, and in the circumstances, my request to this Honourable House is to devise means and to recommend to Government the desirability of taking such steps as may tend to prevent the mischief from continuing, nay growing in intensity. It is very easy to say, for the purposes of academic discussion, that Government should immediately withdraw the notifications, but I ask you again in all seriousness as to 'what would be the effect if picketing and civil disobedience continue?' Does this Assembly realise the position?

Honourable Members of the Assembly, at a critical time like the present, would it be fair and dignified for a responsible body like this Honourable Assembly, consisting as it does of representative men of culture and enlightenment, to ask Government to immediately withdraw the notification extending and applying the only applicable law of the land, calculated to meet the present situation before the activities respecting picketing and civil disobedience are suspended, or at least there is an assurance of that? Can any one deny that the political situation as it exists at present is acute and critical and fraught with dangerous possibilities and, if not handled most carefully and delicately, is bound to result in great misery as well as in actual bloodshed?

I need not, gentlemen, anticipate your decision, and I am sure you will decide rightly. But this much I may be permitted to say, that you should wholeheartedly support Government in its attempt to maintain peace and order in the land, and see that those whose avowed object is to paralyse Government do not succeed in their tactics to paralyse it.

A word about disobeying the laws of the land, and I have finished. On what does public peace rest? Verily and obviously on respect and obedience to laws. Have civil disobedience to law, and the whole fabric of peace and social order collapses and falls to the ground! What then? Disorder, anarchy, and ruination.

My view, therefore, is that the Government should not be asked to abandon its policy so long as the activities of a section of the people respecting picketing and civil disobedience are not suspended and my clear duty is to place my views before the Honourable House, and I hope, I shall not be misunderstood.

Dr. H. S. Gour: I move for the postponement of this debate in view of the lateness of the hour and the fact that we have other engagements equally important, such as the Committee on Racial Distinctions.

The Honourable Dr. T. B. Sapru: The Committee is not sitting to-day and so far as the Government are concerned we should like the debate to go on unless of course the House overrules us.

Mr. President: There is nothing that has arisen in the course of the debate to justify this motion for adjournment. Moreover, the Assembly takes precedence of all Committees.

Lieut.-Col. H. A. J. Gidney : Sir, I intervene in this debate as the representative of a community who have suffered from the activities of non-co-operators and who have offered their entire services to the Government for use in any shape or form to combat the malicious activities of non-co-operators. I intervene, moreover, with personal feeling as members of my family in Bombay have been maltreated by the adherents of non-co-operation.

It was not long ago that I was asked to give my opinion on the policy of Government towards Gandhi, the Ali Brothers and non-co-operation generally and my reply took this form—that it reminded me of the milk sold in the Simla bazaar. When asked for an amplification of my view I said : 'weak with water'. If I were asked to-day whether the Government policy towards non-co-operation was repressive, I would give another answer and say that it was water with milk in it. It is weaker than it was then. I certainly would not classify it as repressive and I stand as the accredited leader of my community to state that we vehemently oppose the Resolution that has been put before this House calling upon the Government to withdraw what has been stigmatised as a repressive policy. Sir, if one may be inclined to be plain spoken in such a matter, I think Government stands in the unhappy position to-day of being accused for having really no policy or a very weak policy to have allowed the non-co-operators to proceed to this limit. For what do we find to-day? We find these leaders roaming the country, spreading the infection of rebellion against the Government and we find our own countrymen and countrywomen afraid to leave their houses except armed with revolvers. That is the condition in which non-co-operators have dropped India which was once law-abiding and peaceful. Can the Mover of this Resolution, after the Honourable the Home Member has put forward such a truthful account of what happened in the Moplah country, stand up here and say that the movement was a non-violent one? Are we to pass a blessing here on the attitude of the non-co-operators? Sir, I for one have got instructions to oppose this tooth and nail.

I am therefore sorry I find it impossible to lend my support to this Resolution, because as it stands it is bald. It is difficult to see on what grounds it is suggested and how it can be justified or even defended. I do not believe it is the intention of my Honourable colleague to give those, to whom the measures characterised as 'repressive' are applied, *carte blanche* to take the law into their own hands and to stalk the country with anarchy and rapine. The adoption of this Resolution would be tantamount to giving a blank cheque to uncontrollable mobs who have already overdrawn the credit of the country for sobriety, toleration and equity or regard for other's rights. Succinctly stated my anxiety is with Government and my sympathies with the misguided and misled. The term 'repression' is rather elastic. Government and the people at large have certain ideas of propriety in regard to individual acts, which find expression in laws. On the working of these elementary principles which protect the liberty of the individual in relation to the majority, depends the peace, tranquillity, and safety of a country. By common consent an infraction of these laws takes us beyond liberty and lands us into the domain of *license*. It is then, and then only, that the law is expected to, and does, step in. Has the Mover of this Resolution satisfied himself that the sense of proportion has failed in the correct appraisal of the offences or in fitting the penalties to the offenders to

justify the stigmatisation as 'repressive,' of the protective and preventative measures adopted by Government? I say that his bald Resolution, shorn of all qualification, implies that, in every case, in which the law was set in motion, it has gone beyond its scope. His Excellency the Viceroy, I understand, was prepared to welcome a Round Table Conference if those who approached him were the accredited representatives of the people and were in a position of authority to guarantee a cessation of hostilities. There has not been any response, except what we heard to-day, through Mr. Seshagiri Ayyar, from the enemies' camp. Are we, therefore, to assume that the other side is not prepared to desist from its reprehensible speeches, and lawless acts; that what has been said and done is perfectly legitimate, or, that the so-called leaders, who pride themselves in the power of exciting the passions of the masses cannot control or subdue the aftermath or sequelae?

India is characterised as litigious. Its sense of justice is centred in judicial tribunals where both sides are at liberty to present and argue their facts. If I remember aright, the turmoil over the Punjab affair two years ago, was, that the proclamation of martial law deprived the citizen of his civic rights. To that Caesar, to whom the public then appealed the recent cases intended to be covered by this Resolution did go. It is up to the Honourable Mover to justify his unqualified Resolution before he can reasonably hope for support. As I said before, my sympathies are with those who, having been led astray are now suffering, for none can deny that we are faced with a profoundly serious subject, affecting as it does India's national life and through it, the countries beyond. The organised efforts by men of considerable standing to rush the country, as never before since its creation, leaving no time for securing a sober frame of mind for the adequate discussion of differences as grave as they are radically opposed, are calculated to rob us of the new and long-sought for life emerging from the Reforms.

Hitherto, circumstances have tended to obscure the issue and obstruct the realisation of our profoundest hopes.

Propaganda, not always happy in inception or practical in operation, countered by methods futile or purposeless, has littered the pathway of orderly progress to the attainment of a self-contained peaceful country ready to work out its own salvation under the fostering ægis of the Reforms. That India should have been drawn into the political, economic and moral maelstrom caused by the war was natural. That it should have created domestic tension was inevitable. That its pent-up hopes of liberation from spoon-fed helplessness to set its own house in order and manage its own affairs should one day come to the light was to be expected. The dawning of that great 'Day', the dream of the enthusiast and the *ultima thule* of Indian Political Leaders, fostered by the large body of sympathisers at 'Home', which was bound to come in the fulness of time, burst, with dramatic suddenness, ere the dark clouds of war had lifted.

The deferred hopes of self-governance promised in the Victorian *Magna Charta*, and ratified by successive promises from the Throne, have led the country to attempt to feverishly cover, in the smallest space of time, ground that would ordinarily have been trod, leisurely, and orderly, during the six decades which have intervened.

I believe no one in this Honourable House will contradict me if I say that the *impasse*, due to the divergent courses taken by the Leaders on the one

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hand and Government on the other, has been reached. We are constrained to ask to-day whither is the movement leading; when will the climax be reached and in what form? It is suicidal to blink at facts. Recriminations on both sides, I mean Government and the people, are no solution. The catch phrases 'extremist' and 'non-co-operator' are justifiable in application to either side, viz., Government or the people. *Bureaucracy in excelsis* is the 'Extremist' to the people; while a tenacious adherence to autocratic traditions, unresponsive to the finer feelings and expanding hopes evoked by the teachings of the Government itself, and hastened by the tread of world-altered conditions, isolates *Government* as the 'Non-co-operator'. To say that there have been mistakes on both sides neither improves the present position; reconciles the past, nor assures the future. The axiom that two negatives make an affirmative, may be grammatically defensible, but is impossible of translation into practical politics. Nor have some of the remedial measures been the best in conception or quite happy in application. It has been remarked that a deplorable incident like the Punjab tragedy is the psychological culmination of series of the contempt, insult and contumely to which individual Indians have been subjected, since the Victorian Magna Charta of 1857,—the conferment of equality which purposed to efface for ever the suggestion of any difference between the conqueror and the conquered. The Britisher applied the axe to the partitions of the caste system in India so far as it stood in the way of the selection of avocational pursuits and individual equality, Castes, which, born in the primordial past and flowing through the immemorial tracts of time, refused to mix; a social economy which saw the glories and systems of other ancient kingdoms effaced from the scroll of time. My purpose in referring to this system is two-fold—*Firstly*, it built up traditions in the 300 millions in this country—around which clustered sentiments that have outlived history and the fanaticism of iconoclasts. *Secondly*, India cynically remarks that the Britisher, while deploring the water-tight compartments of caste as obstructive to national cohesion and progress, has himself imbibed and tenaciously clung to that system of compartmental exclusiveness. In the Indian Civil Service, India sees the Brahman, in all his clannishness and aloofness. The Army Officer is the living embodiment of the *Kshatria*. The Merchant Prince, against whom the torrent of Indian vituperation is directed as the drainer of the country, is the *Vaish*. The uncovenanted service in all its miscellaneity, from the Gazetted pimple on the face of bureaucratic society to the *et hoc genus omne*, constitute the *Sudra*. It is a mistake to believe that human nature in India can, or should, readjust itself to *dicta* which do not appeal to its traditional or British-fostered sense of self respect; or that they stop educated India especially the large array of the 'England-returned', from appreciating and desiring to import into this country the democratic spirit which prevails in and is the glory of the Western world. In the contemplation of the easy transition of the British democrat to the autocratic heights of the Ruler in India by running the gauntlet of a competitive examination confined to England, India sees herself outclassed. Anything untoward from such a socially readjusted agency to an Indian or an Anglo-Indian of equal or better lineage or culture is obviously resented and widens the breach. I believe it was Junius who said: 'insults make a man fall in his own esteem, that in order to recover his self-respect he has recourse to revenge'. The conflict-

ing differences between Indian aspirations and Government concessions which were being inscribed on the slate of time since 1857 were surely washed away by the blood of the two nations freely shed in breaking down the manacle to a world-wide Peace ?

That peace, thank God, has been effected. But what is the aftermath judged in the cleansing spirit of chastenment ? Let no idea of superiority obscure the sense of Justice. Let no shadow of the sense of national inequality obtrude in the examination of the rights of the ruled. Let the process of adjustment be hallowed by the sense of Right, starting on the platform of Equality. Let not the recipient feel that his rights as a citizen of his own country, are tainted with a concessionary spirit. Let us examine our conscience and reject honestly and manfully, every individual act or statutory enactment which stands in the way of *rapprochement*. Let us see whether and, if so, what part such incidents have played in awakening and keeping alive the gospel of Hatred which is to-day being preached and exploited to such an extent as to make the Punjab and Khilafat incidents fall into insignificance. This racial hatred, this hostility, this mistrust must be eradicated ere any benefit can be expected from a Round Table Conference or other attempt at co-operation between Government and the people. In Lord Reading we have a Viceroy schooled in the principles of Justice, a judge of men, with a full grasp of mankind in its weakness and strength ; a statesman tried in the exacting crucible of life, in all its variety. Our Law Courts adjudicate on personal rights, irrespective of caste, creed or colour. Is any apology needed for pleading that the same spirit of justice should permeate our political, nay our every-day life ?

Protect those who need protection, but be sure your protective measures are not the occasion of sin to the innocent. Moreover, our acts and the manner of their enforcement should be calculated to appeal to our nobler and not to our sordid instincts. It is the duty of every public worker, and the best intellects, whether Government or of the people to concentrate, dispassionately on the present situation, to sink all differences and with the sense of *oneness* speak plainly and courageously. It would be possible from such considered altruistic opinions to evolve some practical thesis for friendly discussion. There is the fear that 'Evolution' and 'Revolution' are looked upon as convertible terms.

Immune from invasions ; secured from internecine strife ; nestling in amenities ; far removed from death-struggles, and in the enjoyment of unbroken peace, one is apt to scan the histories of Revolutions as incidents flitting through a novel read in the supineness of unthreatened leisure. And, while urging on Government to shorten or lighten its retributive hand, we must be equally insistent on a truce being called by the other side.

The golden opportunity of a Round Table Conference suggested to the Viceroy did not materialise, as Lord Reading could not but refuse to parley so long as the other side lay entrenched. It rests with the Leaders of the people to now give that assurance to permit of the level heads not drawn into the vote of this fatuous struggle, to arrange for the necessary *rapprochement*. It is not right to refer to personalities in the discussion of principles, but I am sure the Honourable House will agree, that history proves and experience confirms that it is easier to awaken and call into operation, than to subdue, human passions. It therefore behoves us to lead the masses with reason and

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restraint. I am, however, one of those who believes that it is not too late to give the assurance that pending the Conference of a heart-to-heart talk, nothing untoward or prejudicial to the objects of the convention will occur. The bright hopes of such a Conference must not be blighted by weighting the memory with by-gones. The dead past has buried itself. The chapter of tragedies on both sides may be closed and sealed. Let that be the record of Fate. With the New Year let us open the book of Life and carve out our *Destiny* as soon and as fully as we can.

As the representative of the Anglo-Indian Community in this Council, I protest against this conspiracy to foist upon the country by whirlwind agitation at such a moment—a Resolution which not only offers violence to one's intellect and conscience, but, if accepted by this Honourable House, would be an open invitation to lawlessness, anarchy, rapine and bloodshed which have already demonstrated the so-called peaceful (?) non-violent propaganda to bless the further success of which we are asked to subscribe to the beatitude under discussion. Surely it is not the intention of the agitators to help to repeat the tragedies of 1857 ?

At the same time, I must admit that the fate of India appeals to us, Anglo-Indians, in quite a different sense to what it would to the British bird-of-passage or the stay-at-home Englishman. Here we have more than an abiding interest. Our forbears came to this country precisely like the Aryans and our Muhammadan brethren. Whatever the motives or circumstances of our entry into India, we, like them, settled in this country and are Indians. It is, therefore, in this naturalised capacity, that I ask my Honourable friend and colleague, Munshi Iswar Saran, to amend his Resolution. I am not asking Government to do anything if the non-co-operators refuse to accept Government as the Government of this country. I am simply stating here that if the letter that Mr. Seshagiri Ayyar to-day received from Mr. Gandhi is written in a true and proper spirit, it opens a pathway a *via media* to a settlement. But it does not mean that the Government will budge one inch so long as the country is seething with sedition and unrest. I do not wish to convey in my amendment that idea. But I do consider that if a *via media* is open to us, it is best that we should take it.

I earnestly appeal to both sides to forgive and forget, to call a truce, to put forward their best intellect shorn of any ideas of victor and vanquished but controlled and regulated by hearts beating in unison, and then, verily, shall we visualise rightly and trace the path, however narrow it may be, leading to the realization of constitutional 'Swaraj' for our country, India—the hope of unrequited years.

Rai Bahadur S. P. Bajpai (Lucknow Division : Non-Muhammadan Rural): Sir, I concede at the very outset that it is one of the paramount duties of a civilized Government to maintain law and order. I am anxious that the law should be respected and peace and order maintained, not only because I have got a sufficiently large stake in the country, but because I feel that the progress of my motherland largely depends on the maintenance of peace and order. But, Sir, I may be permitted to submit that the law must derive its support from the good-will of the people and should be properly administered. The whole question at issue before us to-day is as to whether the

extension of the Criminal Law Amendment Act and the Seditious Meetings Act to various provinces in India, accompanied with an announcement that the Congress, Khilafat and National volunteer corps were unlawful assemblies, was a wise and statesman like move on the part of Government and has restored peace and harmony in the country. Sir, the policy of resorting to the emergency laws was inaugurated after the unfortunate incidents which took place in Bombay on the 17th of November last, the date on which His Royal Highness the Prince of Wales landed there.

Sir, I do not find words to adequately condemn the acts of utter hooliganism perpetrated by the so-called followers of Mr. Gandhi. Ladies were dishonoured, tram cars looted, houses burnt and respectable citizens maltreated, but I may be permitted to remind my Honourable colleagues here that these acts were very strongly condemned by the leader of the non-co-operation movement and peace and harmony was restored within a very brief space of time. The Government of India probably thought that the situation was menacing and extraordinary, measures alone could save it. They probably gave a blank cheque to the provincial Governments and authorized them to maintain peace and order in the country *at any cost*. The provincial Governments, except the Government of Bombay and the Central Provinces, in their turn at once resorted to the wide application of the drastic measures and the tragic drama began to be staged. The Provincial Congress Committees with redoubled zeal and energy largely derived from the wide application of repressive laws, began to collect their forces and reorganise the various volunteer corps. The provincial Governments, armed with powerful weapons of offence and defence and relying upon the whole-hearted support of the Government of India, presided over by a sympathetic and large-hearted Viceroy of Lord Reading's calibre and eminence oftentimes over-reached themselves and exhibited a temper resulting from utter nervousness. The arrest and conviction under section 107 of saintly Babu Bhagwan Das, a man of unblemished character, high social position and status and great literary attainments, in spite of the fact that he was not a member of any of the volunteer corps two days after the arrival and departure of His Royal Highness the Prince of Wales at Benares on the charge of exhorting his fellow citizens to observe *hartal* on the date of His Royal Highness's visit to Benares and the arrest of 55 members of the United Provinces Provincial Congress Committee while transacting the business of the Congress Committee in the Congress Committee's office at Allahabad are some of the concrete instances of the severity and harshness with which the United Provinces Government has been pursuing the policy of indiscriminate repression. In the Punjab, the arrest and conviction of Lala Lajpat Rai and his friends under the Seditious Meetings Act while transacting the business of the Provincial Congress Committee is another instance of what I may be pardoned for calling misuse of a repressive law. Now, Sir, we have to dispassionately consider the consequence of the policy pursued by the Government during the last six weeks. I may be permitted to say that the Government, by embarking on the present policy of wholesale repression, have created an unprecedented sensation and caused deep resentment among all patriotic Indians irrespective of their political creed. The policy has not only exasperated feelings, but has given a fresh impetus to the non-co-operation movement. Sir, you are very well aware that the main features of the non-co-operation programme, *vis.*, relinquishment of titles, boycott of educational institutions, Courts and Councils, signally failed, despite the most earnest efforts of the non-co-operation leaders, but the present policy has come

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to their rescue. It has begun to bear fruit in the shape of the relinquishment of titles, boycott of educational institutions, Courts and Councils. The policy, as has been recognised by politicians of all shades of opinion in the country, has failed to cure the malady it sought to cure. The volunteer organizations are thriving and thriving wonderfully. To condemn an organization, because there are some black sheep in it, is a very drastic measure indeed. Are the Government going to condemn the entire police force, because the Assistant Superintendent of Police at Allahabad kicked and slapped a certain member of the United Provinces Provincial Congress Committee and Principal Heramba Chandra Maitra was assaulted at Calcutta. I believe the policy has certainly succeeded in the wrong direction inasmuch as it has made the position of moderates most delicate indeed. In short, the present policy has not only failed to cope with the situation but has aggravated it. Personally, I think the Government ought to have waited till mass civil disobedience was resorted to. If it had led to violence, the Government could have embarked upon a policy of stern maintenance of law and order and the Legislative Assembly would not have hesitated to support them. But, Sir, my reading of the situation is that but for the repressive policy, the mass civil disobedience resolution would not have been passed by the Ahmedabad Congress. The Local Government obviously acted on the initiative from the Government of India and if the policy is reversed, the Government of India, I submit, should recall such instructions as may have been issued to the Local Governments in this behalf. With regard to the release of the political prisoners, especially those convicted under the emergency laws, I beg to submit that a calm atmosphere to discuss the ways and means to restore peace and harmony in the land will not be created unless those who have been after all incarcerated because of their political convictions are released. Lastly, Sir, the reversal of the present policy alone will not save the country from the calamities which appear to be stored for unless British statesmanship rises to the occasion. The causes which have brought about the present state of the tension of feelings in the country will have to be sympathetically dealt with. It is no use denying the fact that feelings are still running very high in the country with regard to the martial law administration in the Punjab.

(At this stage the Deputy President took the Chair.)

The tactlessness displayed by the Government in bestowing a jagir upon Lala Sri Ram Sud has given a rude shock to sensible Indians throughout the country. Over and above all this, the legitimate national aspirations of the people are to be satisfied. The only way to solve these delicate questions is to convene a Conference. Sir, I think the Viceroy should not hesitate to invite Mr. Gandhi to a Conference of this nature, and I still hope that Mahatma Gandhi will agree to suspend his activities and sit at the Conference and discuss ways and means to bring about the possibility of an honourable settlement.

Sir P. S. Sivaswami Aiyer :—Sir, I am one of those who find themselves in a somewhat difficult position to-day with regard to the acceptance of the Resolution or the amendment, which has been placed before the House. I find it is not possible for me to accept the Resolution which has been moved by my friend, Munshi Iswar Saran. It implies that the policy which has been adopted by the Government is one of *wholesale* repression and urges that

that policy should be *immediately* abandoned. One answer to it of course is that the policy which has been adopted by the Government cannot be characterised as one of wholesale repression. In the next place whether the policy Government have followed in taking such steps as they thought fit to enforce law and order should be immediately abandoned or not is a matter which depends upon the necessities of the situation. I find myself equally unable to accept the amendment which has been moved by my friend, Dr. Gour. The amendment refers to the omission of Government to previously consult the Assembly. I do not think it is a correct constitutional position to take that the executive should, before carrying out its duty in the matter of the administration of the country, come to the Legislature and ask for its advice. The proper position constitutionally is for the executive to act upon its own responsibility and face the consequence in the Assembly. It is an impossible position for any executive to come to the Legislature for advice from time to time with regard to the manner in which it shall discharge its duty. If the executive were not competent to carry on the task of administration without coming to the Legislative Assembly for advice, the executive would be incompetent for the position with which it is entrusted.

I may be told that the position which I have enunciated may be all right in a country which enjoys responsible government where it is open to the Legislature to turn out the executive, but that it does not hold good in a country like this where the executive is irremovable and independent of the support of the Legislature. Making full allowance for that differential circumstance, I still think it would not be proper for the executive to abdicate its function of acting in an emergency and coming to the Legislature for previous consultation.

My next objection to this amendment is that it asks for the release of all prisoners in detention in pursuance of this policy. I dare say that many of the persons who have been prosecuted or convicted might have been wrongly convicted; but I certainly am not prepared to say that all the persons who have been prosecuted and convicted have been wrongly prosecuted and wrongly convicted. Upon this point I would like to refer you to the expression of opinion which has appeared in the papers as having fallen from Sir Sankaran Nair. He distinctly states in his letter to the Press after the Bombay Conference that he cannot believe that all these convictions are wrong or that it is right to ask for the release of all prisoners. Even if it is right to ask for the release of all prisoners, is it not right to limit your demand to the release of those prisoners who were guilty only of a technical offence and who were not actually concerned in any form of intimidation? I am not willing to go to the length of asking for the release of prisoners who were actually guilty of intimidation and who have been properly prosecuted and convicted.

Then, again, Sir, the amendment asks for the convening of a Conference comprising representatives of all shades of opinion with a view to concert a practical plan. Much as I should like to subscribe to the idea of convening a Conference for the purpose of finding a peaceful solution, I am afraid that it is not possible to do so at this juncture without the whole-hearted co-operation of Mr. Gandhi. So long as he is the dictator of the non-co-operators, and so long as he continues to be, if I may respectfully say so, intoxicated with the incense of adulation paid by his worshippers, and so long as he is anxious to maintain his reputation as a prophet by trying to hasten the advent of Swaraj at lightning speed, so long

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as he maintains the attitude, the unyielding and uncompromising attitude which he does. I am afraid it will not be possible to come to any satisfactory results. Of course it is possible to arrange for a Conference without Mr. Gandhi; but do you think it will have any influence on the large mass of non-co-operators who follow Mr. Gandhi and who swear by him as an *Avatar*? I am afraid a Conference without Mr. Gandhi will have hardly any influence upon the mass of non-co-operators. But, at the same time, I am not opposed at all to the idea of a Conference among others, if it is thought that the conclusions of that Conference may help towards a peaceful solution.

Sir, in the course of this debate, two issues have been raised, and they are, in the first place, what our attitude should be towards this movement of non-co-operation, and, secondly, what our attitude is with regard to the steps which have been taken by Government to combat this non-co-operation movement. As regards the first issue, as to our attitude towards the non-co-operation movement, I have no doubt whatever that there is no difference of opinion in this Assembly. I believe we are all agreed that it is a movement which is fraught with the greatest danger to the country and more especially so when we are threatened with a campaign of civil disobedience, and that there can be only one answer to this movement which has been initiated by Mr. Gandhi. I do not think that there is any difference of opinion among us as regards the necessity for fighting this non-co-operation movement and for combating its mischievous effects by all means in the power of the Government. Of course the means within the power of the Government are not confined merely to the employment of methods of punishing those who may be guilty of excesses of the law; the means within the power of the Government certainly include means of conciliation as well. I do not propose to restrict myself in the consideration of these means which may be open to government for the purpose of fighting this movement. But as regards the question which was put to us by the Honourable the Home Member whether we are prepared to enlist ourselves on the side of law and order or on the side of the non-co-operators, I do not think we have any difference of opinion among us. Our undoubted and indubitable answer must be that we are bound to support the cause of law and order. The next issue which is really one which directly arises upon this proposition is whether the steps which have been taken by Government for the enforcement of law and order are such as to commend themselves to our judgment. Now, in connection with this matter, let me acknowledge with gratitude the patience and forbearance which the Government have exercised towards this movement of Mr. Gandhi. I do not believe that any other Government would have exercised the same patience and forbearance towards Mr. Gandhi. I do not believe that we shall ever enjoy the same liberty of speech that we enjoy under the present Government, not even under the Gandhi régime, of which we have had an ample foretaste already. If coming events cast their shadows before, the amount of tyranny that is exercised upon individuals by the non-co-operators fills us with apprehensions as to what is in store for us under the Gandhi régime. Making allowances for all the patience and forbearance which the Government has exercised in the past, the immediate question before the House now is whether the steps taken by them since the 17th November last have been such as to receive our unqualified approval. My difficulty with regard to this Resolution and the amendment is that if we reject the Resolution of Munshi Iswar Saran and if we reject the amendment of Dr. Gour, we shall be held to have given our unqualified approval to

each and every step which has been taken by the Government and to all the acts which have been done for the purpose of maintaining law and order.

Now I have no wish to question the motives of Government or the soundness in general perhaps of the policy which it has been felt necessary to pursue, but I doubt very much whether even the members of Government themselves feel that the method of enforcement of the Criminal Law Amendment Act and the actual administration of the law have been carried on in such a way that there have not been cases of hardship, that there have not been cases of excesses, and that there have not been cases of blunder. While I am prepared to agree that in several cases their action might have been justified, it is quite conceivable, and from what I hear on all sides, it seems to be felt at any rate, that in several cases there has been hardship, there have been excesses and there have been blunders. Now I do not think that we shall be right in censuring the Central Government for this. It is because I do not want to censure the Central Government or their action that I find myself unable to support Munshi Iswar Saran's proposition. The question before us is what was the policy which the Government should have followed? Was it the policy of prosecution of individual offenders or punishing members of associations which were formed or which were reasonably held to have been formed for unlawful objects? It has been pointed out by the Honourable the Law Member that the ordinary law is insufficient to cope with the situation and that the intimidation which has been practised in many places could not be reached except by recourse to the Criminal Law Amendment Act. The use of the Criminal Law Amendment Act was contemplated in emergencies, and I do not think we can complain that the Act should not have been applied at all under any circumstances and in any situation like the one with which the country is now faced. But granting that the Government are entitled to use the Criminal Law Amendment Act, the question still arises whether in particular cases the Act was properly applied or not. That is undoubtedly a matter for the various Local Governments. It is not possible for the Central Government to arrogate to itself the functions of the various Local Governments, but it is open to the Central Government to exercise a check and it is the duty of the Central Government to see how the Local Governments carry out their duties in the application of this Act.

(At this stage Mr. President resumed the Chair.)

I have no doubt that in every instance in which the Criminal Law Amendment Act has been applied, the Central Government gave its sanction upon information and materials supplied to them by the Local Governments.

The Honourable Sir William Vincent: The sanction of the Government of India to the application of the Criminal Law Amendment Act is not necessary for Local Governments.

Sir P. S. Sivaswamy Aiyer: If it is not necessary, I dare say the Local Governments acted according to their own judgment. I do not wish to charge them with any improper motive in invoking the aid of the Act. But it may happen that in particular cases the Local Governments might have been misinformed. I will give you one or two instances. Take the Presidency of Madras. The Criminal Law Amendment Act was extended to the Presidency of Madras, and it was said by His Excellency Lord Willingdon that it was extended to the Presidency not because he felt any necessity

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for it, but purely as a precautionary measure. That, I think, with all respect to his statesmanship was a distinct mistake. It merely acts as a red rag and it provokes a number of people to form associations almost for the fun of the thing, for the purpose of courting cheap martyrdom and for the purpose of going to the police and saying: 'Oh, I am a volunteer, come and arrest me'. It may be said that in Malabar the Moplah outbreaks had occurred and that was the reason for the extension of the Act. But, as a matter of fact, the outbreak had occurred in September last, and nobody ever thought of extending the Criminal Law Amendment Act on that ground. Leaving aside, therefore, the disturbed area in Malabar, it was admitted by the Government that it was purely a precautionary measure. It seems to me, with all deference to the judgment of the local authorities, that the extension of the Act might well have been postponed till the necessity was actually felt. Take another instance, *viz.*, the action of the Governor of Burma, Sir Reginald Craddock. If I remember aright, he stated that the Criminal Law Amendment Act was extended to Burma for the purpose of securing a welcome to His Royal Highness the Prince of Wales. I speak subject to correction; I may perhaps be wrong, but that is my recollection. If His Excellency had said that the object of the extension was to prevent people who wanted to give a welcome from being molested, I should not object, but if I remember aright, His Excellency the Governor stated that the object was to secure a welcome to His Royal Highness the Prince of Wales. I do not wish to be hair-splitting: I do not know whether there was or was not any justification for the extension of the Act to Burma.

Similarly, with regard to the arrests, one cannot help feeling that there have been far too many arrests. Now this is certainly a matter within the cognisance of the Local Governments. But the administration of Law and Justice is a reserved subject, and it is open to the Central Government to pull up the Local Governments if necessary. Now can it be said that the hundreds and thousands of people who have been prosecuted and punished have all been guilty of anything more than the mere technical offence of being members of volunteer associations? I do not say that they may not be legally liable to prosecution. Once you proscribe an association it becomes unlawful, and if a person chooses to join an unlawful association, he is undoubtedly liable to prosecution and to conviction. But when I admit that they were all technically liable to prosecution and conviction, was it a wise course to have made innumerable arrests? Now look at the result of these innumerable arrests. It undoubtedly has alienated public opinion to a very very large extent. Now it may be that public opinion is misguided and that it has been wrongly alienated. It is quite possible to say that. Even if that be so, as a matter of fact very large numbers of the public are estranged in sympathy from the Government by the fact of these innumerable arrests, and that they are disposed to look upon the enforcement of the law with disfavour is a circumstance which I cannot but deplore as a well-wisher of the Government. Sir, I am anxious that there should be no divorce between the public opinion and the Government. I am anxious that every act of the Government should have the support of the public behind it, and, if we find that hundreds and thousands of persons are incarcerated for a technical offence, because, no doubt, they themselves have courted this cheap form of martyrdom, if you find that their relations and their

friends sympathise with them, and that large sections of the public sympathise with them, then there must be something wrong with the administration of the law which enables such a large number of young men to be incarcerated. That is a circumstance which the Government has to take into account. For these reasons, Sir, I feel myself unable to support either the original proposition or the amendment, and, with your permission, I beg to put forward an amendment of my own. I don't know how far my amendment will be acceptable to the House, but I trust that it will meet the views of several of the Members. My amendment runs in these terms :

' This House while realising the perils of the present critical situation and the difficulties of the Government in dealing with it, and the necessity for the protection of peaceful and law-abiding citizens against any interference with their liberties, feels that the application of the Criminal Law Amendment Act, Part II, has been too extensive, and that in working the Act the Local Governments have acted with more zeal than discretion and tact and that sufficient care has not been taken to avoid harshness, and the House urges the Government to ease the present situation :

- (i) by the issue of necessary instructions to Local Governments ;
- (ii) by withdrawing the proscription of associations, the members of which have not actually exercised or attempted to exercise intimidation ;
- (iii) by withdrawing the notifications extending the Act from areas where it might have been extended merely as a precautionary measure and without any experience of necessity therefor ;
- (iv) by withdrawing all notifications under the Criminal Law Amendment Act and the Seditious Meetings Act at as early a date as practicable ;
- (v) by such amendment of the ordinary law in regard to intimidation and conspiracy as may be necessary for the protection of peaceful citizens ; and
- (vi) by ordering the release of political prisoners convicted under the Criminal Law Amendment Act and not found engaged in intimidation.

Now those are the terms of my amendment which I leave in the hands of the House, so that in case it is acceptable to the Honourable Members, it may be adopted. I do not think it is necessary for me to detain the House any longer.

Mr. President : I take it the Honourable Member intends his amendment to be substituted for the amendment standing in the name of Dr. Gour and not to be taken as an amendment to it.

The Honourable Sir William Vincent : Sir, I rise to a point of order. I am always willing to consider any amendment put forward during a debate, particularly when it is put forward in a friendly spirit as is the case with this amendment. At the same time it must be remembered that the question before us to-day is a vital one as regards the policy of Government. It has been considered and the whole matter settled, so far as the Government of India is concerned, by the whole of the Government. Further, Sir Sivaswamy Aiyer's amendment in itself involves an indirect censure on Local Governments. It has been put in without notice and I have no opportunity of ascertaining the views of the Council as a whole on it. Therefore, if I am within my rights, Sir, purely on those grounds and without considering the merits of the proposal I should like to press my objection to its being put in at this stage.

Mr. President : The amendment has been objected to on the ground of insufficient notice and it now falls on the Chair to decide as to whether it shall stand. I think the reasons just given by the Honourable the Home

[Mr. President.]

Member are sufficient to justify me in upholding his objection. Before we proceed, however, I think we had better dispose of the amendments* moved by Khan Bahadur Sarfaraz Hussain Khan, namely, to omit the word 'immediate' between the words 'the' and 'abandonment,' and, after the word 'country' to insert the words 'immediately after the suspension of the activities respecting picketting and civil disobedience'. The effect of the amendment, as the House will observe, being to make the abandonment of the policy of repression conditional upon the abandonment or postponement of picketting and civil disobedience by Mr. Gandhi and his movement. The question is that that amendment be made.

The motion was negatived.

Sir Montagu de Pomeray Webb (Bombay : European) : Sir, I rise to oppose the original Resolution and the amendment now before this House. I do so because I hold that nothing in the action of Government recently, could, even by the wildest stretch of imagination, be called repression. Nor do I consider there has been any restriction of speech or of the right of association that any reasonable man with any knowledge of the practical work of a Government or with any knowledge of what is going on in other Governments could possibly object to. I may say, Sir, that I have had the good fortune to travel in all the five continents of the world. I have been in the United States and in Canada. I have been through Japan and the coast ports of China ; I have been in South Africa and in Australia. I have travelled in many tropical lands other than India and I can say, Sir, that I can assure the Members of this House that the peoples of this country are far, far in advance of the peoples in any tropical country I have visited. Now I can go further and say, from my own practical experience and from my own personal observations, that there nowhere exists greater freedom of thought, greater freedom of speech and greater freedom of action than we all enjoy in this great land of ours. I therefore read with amazement and heard with amazement this talk of repression. What is all this talk about repression ? Let us look facts in the face. At this moment we see a great experiment in democratic Government in course of being carried out, an experiment to which there is hardly a previous parallel. So far, in the last fifty years, I think, India has progressed as far as England, in Home freedom, progressed in the previous five centuries, and if we take the Government of India Act of 1919, the progress has been most satisfactory ; surprising to many, and surprising and astonishing to those who thought this country was not ready for such a development. There are many critics and enemies of this country's progress, and there are a good many people, who say, and who have said and who continue to say that India is not fit for anything like that measure of Self-government which we have received. Well, Sir, I for one do not join in that belief. I have spent most of my life in this country and I have every confidence that India will be able to show as good a record as any other democratic country in due course. At the same time I recognise that we cannot expect to jump to our destination all at once ; progress must be by steps. That being so, I think so far we have every ground for satisfaction and that we ought to be extremely pleased with the progress we have already made.

Of course, I recognise that here in India, as in other countries, there are *ultra-patriotic* enthusiasts, whose patriotism entirely outruns their practical

* Vide page 1704 of these Debates.

knowledge, who desire to abandon the broad straight path to Swaraj which is now clearly open before us, and to take a sudden jump across the ditches of anarchy and chaos to an unknown destination. I must say that I feel considerable sympathy with such patriots. Indeed, I find it very hard to be severe with them at all. At the same time, where such enthusiasm leads to disorder—frequent disorder and anarchy—then I think we must put our feelings of sympathy on one side and we must deal with the situation in the only way that the law permits.

Now, the Honourable the Mover of this Resolution has told us that he is anxious that there should be no disorder. He condemns *hartals*; he condemns the Bombay riots, and I presume all other disorders that have taken place, and he says it is up to Government to maintain peace and order. Well, then, Sir, I ask, what is his complaint? There is no law under which the present disorder can be met except the very law under which Government are acting. What then is the source of his trouble? Surely, it is not repression for Government to use the only law which is in their hands to use. I cannot understand his complaint at all.

Then, again, Mr. Seshagiri Ayyar has told us that all the volunteers are extremely good men actuated by the highest motives. (*Mr. Seshagiri Ayyar* : I did not say 'all'.) That is the note I have taken. I am sorry if I have misunderstood the Honourable Member. What I think he meant to say was that the intention of the volunteer organisation is wholly good. That, I am quite ready to admit. On the other hand, I think the Honourable Member must admit that some of the activities of some volunteers have been extremely noxious to the State. We have heard of Bombay and Calcutta and other places, and I can speak personally with knowledge of Karachi, where the volunteers have on many occasions been a source of great dissatisfaction and annoyance and injury to the people. Respectable merchants have themselves come to me and complained that they have been intimidated and forced to close their offices and shops and do things which otherwise they would not do for fear of being assaulted or ill-treated by the volunteers. Dr. Gour, has, I think, told us, that the Criminal Law Amendment Act duly provides for dealing with intimidation such as this. He says : 'Why not use it? Why this talk of repression?' I believe Mr. Gandhi to have the very highest and the best of motives, but when he starts a policy of civil disobedience, I think he hardly realises where he is going to. I certainly read the other day, with considerable interest, his own confession that at the Congress of Ahmedabad the other day several of his own followers behaved disgracefully, that they said that, as they were out for civil disobedience, they would not obey him, and that they sat wherever they pleased and they said what they liked, and behaved in a way that Mr. Gandhi found it necessary to reprove. If Mr. Gandhi finds it impossible to keep his own followers in his immediate neighbourhood in order, how can he expect to keep anybody else in order? We know perfectly well—Members of this House know perfectly well—that he cannot, no matter what his intentions may be, keep the masses in order. I have, a few weeks ago, been to a small town in Bihar where I was cut off from the mails and railway communications for over a week. The whole place was having an orgy of Swaraj—local Swaraj—and I heard Mr. Gandhi's name from morning to night. I do not think that the misguided people knew what they were doing, but still, that is what happened. Mr. Gandhi's followers got out of hand.

[Sir Montagu de Pomeray Webb.]

Now, Sir, I am as anxious as everybody else to see this country move forward. I want to see India a power among the nations, a power whose administration is respected, a power whose resources will be able to command consideration in other lands and with other Governments. But I am most anxious, Sir, that our progress should not be marred by the passing of a Resolution such as that which has been placed before us to-day. The enemies of India say that this country is not fit for Self-government and that we are progressing too fast. I fear that we shall be putting ammunition in their hands if by passing a Resolution like this, we censure Government, and tell Government that they must not maintain law and order. Therefore, I appeal to this House to support Government by rejecting this Resolution and the amendments. Government have told us quite frankly that if there are any special cases of individual excesses, which is quite possible with a great organisation like that of Government, then they will gladly look into such excesses. Surely every one of us must feel sorry that distinguished men like those who have been named should have allowed their patriotism to outrun their better judgment with the result that they are now in jail. Nobody can be more sorry for that than I am myself. At the same time, sympathy for individual public men must not allow us surely to censure Government in carrying out their first and foremost elementary duty of maintaining order. I therefore appeal most confidently to this House to uphold the reputation--I might go as far as to say the great reputation which this Assembly is earning by rejecting the Resolution and the amendments now before us.

Mr. N. M. Samarth (Bombay : Nominated Non-Official) : Sir, at this late hour, I do not think it necessary for me to make any long speech. Much of the ground has been covered already by some of the previous speakers. I wish the House to realise the position in which the country is at present. I want you to realise two things. What do you think as a responsible citizen the Government ought to do, and what do you think as a responsible citizen you should ask your own countrymen to do? The Resolution and the amendments say in effect that the Government has pursued a policy which must be condemned and which it must immediately abandon. What is that policy? That policy has been the application of two special laws which I along with Dr. Gour and others who were members of the Repressive Laws Committee recommended should be kept for the present and should not be immediately repealed until normal conditions were restored, and many of us, we stated in our report, hoped that these normal conditions would be soon restored so as to enable us to recommend to this House the immediate repeal of even those laws. I ask Dr. Gour if the normal conditions have been restored or if they have not assumed an abnormal form since. Any one who is conversant with what is going on in the non-co-operation camp, as reported from time to time in their organ '*Young India*,' is aware that Mr. Gandhi has been going on from step to step towards the goal which he has placed before himself, namely, the bringing about of a deadlock in the administration of the State by civil disobedience, non-payment of taxes, and so on. Even at the Conference of which Mr. Seshagiri Ayyar spoke and where he was present, Mr. Gandhi made it quite clear that he would attend in his representative capacity only if his conditions precedent were fulfilled, and one

of them was in regard to the release of all the prisoners including even the *Fatwa* prisoners and the Ali brothers. Another was that meanwhile, although he would put a stop to those activities till the 31st January, he should be allowed to carry on his activities in connection with the preparation for civil disobedience.

Is that a factor to be reckoned with or is it not? I have got the reports here and they have not been contradicted and the letter which Mr. Seshagiri Ayyar read does not give a contradiction to that statement. Mr. Gandhi wants, in the meanwhile, to carry on his activities leading up to civil disobedience and this amendment itself curiously enough refers to the menace of civil disobedience and yet it asks Government to abandon immediately what it calls its repressive policy. I do not clearly understand the objection that some of the speakers have taken to the word 'repression'. Even such a thinker and writer as Sidgwick has used the word 'repression' and justified the repression in connection with the prohibition of public meetings and the proscribing of associations where the activities of those associations are likely to lead to a breach of the peace. In a well-known passage he has justified it and I put it to you : what are these associations and these public meetings? I can understand the elementary right of free speech, free association and free public meeting on the part of those persons who want to have their grievances redressed either through the Legislature or by laying an address at the foot of the Throne or, where there is no Throne, before the head of the Administration or the Republic. However wrong, however radical and mischievous their proposals may be, so long as those proposals are constitutionally put forward and placed through the Legislature or before the Throne, that association or that public meeting is permissible. But what are these men and their methods? They say that they do not recognise Government. They do not recognise judicial courts established by Government. They say that they do not recognise man-made laws before God-made laws. They go further and say that they are out to break the laws not because any particular laws are repugnant to their conscience and they want to get them repealed or amended, but solely with a view to bring about a deadlock in the administration and chaos and anarchy in the State. Can any one point out to me any thinker or writer on constitutional law or practice who postulates in favour of such a body the right of association and the right of holding public meetings? They are outlaws, they have proclaimed themselves to be outlaws and in favour of outlaws there cannot be any such right. Therefore, to my mind, Government has acted with great forbearance and patience, so much so, that Sir Sankaran Nair in the letter to the '*Times of India*' says that Government should have taken steps in the days of Lord Chelmsford and they were weak at that time and the same policy was pursued by this Government. In other words, Government has been too forbearing and too patient and has not nipped in the bud the agitation, which it should have done two years ago. Now the question is started by Mr. Seshagiri Ayyar that the ordinary law should have been applied. As we all know, the ordinary law was being applied. The ordinary law is of two kinds, preventive measures and punitive measures. The Criminal Procedure Code has only two preventive measures, section 108 taking security and section 144. Both these, however, do not apply to associations. They only apply to individuals and the public.

Mr. N. M. Samarth : They were being applied and Dr. Gour himself was one of those who said that Government was abusing the power under 144 by proscribing public meetings. Therefore, the only preventive action possible was under sections 108 and 144 of the Code of Criminal Procedure. Now, Mr. Seshagiri Ayyar must know that section 144, Criminal Procedure Code, gives power to any District Magistrate to act on his own responsibility. The Seditious Meetings Act is a much milder measure. It has more safeguards. No Local Government can apply it until it has obtained the sanction of the Government of India.

Dr. H. S. Gour : Not now.

Mr. N. M. Samarth : And the Criminal Law Amendment Act is an Act which is framed with a view to put a stop to associations not necessarily indulging in criminal activity of a violent character; but provided the Government is satisfied that the association is interfering with the administration of the law and maintenance of order, it is open to the Governor General to proscribe it. Dr. Gour read only section 15 of that Act and omitted to read section 16. Section 16 says :

'If the Governor General in Council is of opinion that any association interferes or has for its object interference with the administration of the law or with the maintenance of law and order or that it constitutes a danger to the public peace, the Governor General in Council may by notification in the official Gazette declare such association to be unlawful'.

Have you or have you not heard that there have been these associations in Calcutta and that these volunteers were going about in uniform, drilling in streets openly, intimidating people and threatening shop-keepers not to open their shops? Do they or do they not come under the definition of the Criminal Law Amendment Act? Some one, I think Mr. Seshagiri Ayyar, said : 'Deal with them as unlawful assemblies', *i.e.*, after the mischief had been done, but even under the Penal Code, as Mr. Seshagiri Ayyar must know, evidence has to be brought before the Court to prove that they are unlawful assemblies. Evidence could only be given by persons who have been intimidated and the man who has been intimidated surely is not going to come before the Court and incur greater harassment and greater risk to his life and property by giving evidence of that character. As a practical lawyer and *ex-judge*, surely he knows that in such cases the man intimidated is not going to come before the Court. Therefore, the Government had no option but to resort to the two measures which I and others in the Repressive Laws Committee recommended Government to have in its armoury to cope with the situation which we say in our report was at the time critical and may become more critical. If things assume the normal aspect, then, no doubt they will be repealed. Now that being the case, I cannot support the Resolution, nor can I support the amendment which in itself is so contradictory in its terms. It refers to the menace of civil disobedience and at the same time it asks Government to abandon the policy of, what it calls, repression inaugurated in the country. And what is the alternative suggested in the amendment? Dr. Gour calls it the constructive part of the amendment, but I consider it to be destructive of all considerations of law and order—the release of all prisoners indiscriminately in pursuance of that policy. Sir Sivaswamy Aiyer has already pointed out that that is quite impossible. It may be that some persons have been convicted or sentenced wrongly and Local Governments will take steps in such cases to reduce their sentences or to release them, if necessary.

But there comes at the end of the amendment, the panacea, the convening of a Conference. It is said that it does not matter if Mr. Gandhi does not come. Very good, if a Conference is held, whom are we going to pacify? Are you and I going to be pacified? Do you stand in need of pacification?

Dr. H. S. Gour: Very much.

Mr. N. M. Samarth: Very much: then you had better join the non-co-operation party and be done with it. As between those who run with the hare and hunt with the hounds and the leading lights of the non-co operation party, I have no hesitation in saying 'my hat off to the latter'. Well, Sir, whom are we going to pacify if Mr. Gandhi and his party are not going to come? I can understand a sort of Round Table Conference if Mr. Gandhi is amenable to influence by Mr. Seshagiri Ayyar or others and gives up his present demand, namely, that whatever the Conference may decide or may not decide, he must in the meanwhile be allowed full latitude to form his associations and make all preparations for civil disobedience. So long as that demand stands, it is an impossible position. Another aspect is this: supposing he is induced to come. He will take advantage of this Round Table Conference and say: 'well, I asked Government to release the Ali brothers, the Malabar martial law prisoners and other prisoners, and I asked Government to give us immediate dominion status; they have not acceded to it and they would not allow me to form my associations with a view to introducing civil disobedience. The Government is not reasonable; it has not acceded to my demand and I must therefore immediately start civil disobedience.' That will be to my mind the outcome of a Round Table Conference with Mr. Gandhi. Without Mr. Gandhi, a Round Table Conference is futile. However much I am anxious, and my anxiety is not less than Mr. Seshagiri Ayyar's to bring about peace and harmony in the land, I will not be a party to any proposal which I think is not going to lead to any tangible results. Let not Mr. Seshagiri Ayyar think that he alone is anxious to advance the progress of the country as rapidly as possible. He will remember that before the Joint Parliamentary Committee I gave evidence in such terms that even the extremists were rather staggered at the way in which I put my case. My anxiety for my country is not less than his, but at the same time it is impossible for me to ask this House to pass any Resolution or amendment, whether coming from the democratic or the autocratic party, such as the one before us. It is impossible for me to recommend it to the House.

Mr. Abdur Rahim (North-West Frontier Province: Nominated Non-Official): Sir, I am quite at a loss as what to utter and say concerning the present critical situation when I see and find that the political clouds are thickening and the thunder advancing and the storm now seems to be vertical and threatens to burst on the political ground as if with the next clap it will not only shake but shatter the whole political area into pieces. Now or never will be settled the fate of India, which decision must for ever settle the point at issue. Considering the present situation, one cannot help coming to this definite conclusion and finding that it has come practically to a fight to a finish between the Government and its subjects. The final result must either be the glory of the former or the fall of the latter and must consequently turn India into the tomb of the Government's ever-increasing glory and the grave of her children's fond hopes and expectations, or *vice versa*. This being the sad and painful

[Mr. Abdur Rahim.]

situation, I am prompted to offer a few observations for the consideration of this Honourable House, knowing full well that if I criticise the favourites of the people I will be looked upon as the tool of the Government, and if I censure the Government I will be considered an instrument of faction. Realising also that it may look like arrogance on my part to speak and like ingratitude on my part to keep silent, I nevertheless believe that when the affairs of one's country are in a distracted condition everyone is required to step out of their ordinary course of life in order to try and compose the minds of the people and endeavour to conciliate their affections. At such a moment it is the duty of every individual to hazard something, rather than to sit idle and indulge in idle lamentations over the calamities of one's country. I would first venture to appeal to those non-co-operators, my countrymen, whose loud cry for immediate 'Swaraj' is resounding throughout the land and receives a response from many a people from the four corners of India : whose ambition and over-zeal have out-travelled their sagacity and wisdom to school themselves to patience and see if the policy of sudden impulse will enable them either to give peace to India or even to their own conscience. Let them just think for a moment and see if they are not risking their present congratulations, which are bound to be turned into serious complaints and grievances before long. Let them be fair and judge if their own feelings have not bribed and taken them in and cast them into a fool's paradise. Let them be dead-certain and sure that at leisure they will find out that tears which will be extorted and shed later on will be tears not only of folly but of deception and delusion too. To their great grief and sad surprise they will find that their sum of happiness on this cast is nothing else but building castles in the air. Perhaps they forget that those who live in an exaggerated hope meet with utter disappointment and despair; let them, when hope pictures a flattering scene of future bliss before them, deny its pencil those colours which are too bright to be lasting. Let this exaggerated, uncertain and deceiving hope neither steal on them or steal from them. Let them give up this idea that as every thing can be gained in time, why should it not be by a sudden impulse. Let them not have to confess in the end 'that they have backed the wrong horse'. The situation can only be solved by those who have equal love and esteem for all the sons of Adam and have the real interests of their country at heart. Those are the people who can be the joining link between the Government and the non-co-operators. It is they alone who can bridge the gulf between the two; it is they who can annihilate the space and time between the two, and make them meet at the altar of humanity, equity, justice and love, actuated by mutual understanding, respect and good-will. It is they who can save India from ruin, turn her from despair to hope, from destruction to safety, from hatred to love, from disorder to order, from poverty to prosperity from sorrow to joy. It is they who can save India from drifting into chaos, and the abyss yawning before her. Government should follow a policy of construction and compromise, not a policy of destruction and discord. The Government should not be cast down with sorrow, and should not be enraged with fury; it should not be angry and upset; nay it should show that it has a head to contrive a heart to bestow a hand to execute. It must strengthen its hold on India by confidence in its justice, kindness, word of honour and wisdom. The Government knowing and 'seeing that India is not the same to-day as it was yesterday and will not be the same to-morrow as it is to-day,' must show an exceptionally sympathetic attitude towards the

legitimate aspirations of the Indians, which is bound to win for them the consent of the governed based on the respect which they will have for the progressive justice of the rulers in responding to their legitimate demands and aspirations. The Government must bear in mind that it requires a peculiar instinct of statesmanship to govern India through a native army and native press. The Government should not think for a single moment that the Indians are sheep and sheep too without a single shepherd. The Government must be prepared to face and brave all these unpleasant and repulsive troubles, worries and anxieties in a good and cheerful spirit.

They are but the natural results of the eastern civilization coming in contact with the western civilization. The East cannot come in contact with the West without disturbing its serenity, without bringing new ideas into play, without infusing new ingredients, without in a word causing unrest.

It must also remember that when it gave education to the Indians on western lines, it caused the unrest, because it wished to colour Indian ideals with western aspirations. The present unrest should not take the Government with a sad surprise, the more so when it welcomed it in Persia and commended it enthusiastically in Turkey in the beginning, patronised it in China and Japan and has acknowledged it only lately in Egypt and Ireland. The watchword of the Government in future should be co-operation in the following words: 'we are pledged to advance and mean to advance'. At the end, I will request the Government to be good and kind enough to follow those best British traditions that 'they do not continue to govern the people because they do it well but that they are merely taking over the Government till the people can govern themselves'. The British should feel proud and say to India: 'rise up and try to walk, we will hold your hand first till you are grown stronger; when you have grown stronger, you shall walk free besides us as our daughter whom we have brought up.'

Sir, I now come to the Resolution before this Honourable House. I am sorry to say that I do not agree with the Honourable Mover of the Resolution and that too on many a good ground, firstly that the Government never followed yet that old well tried policy 'that it is with men as with asses, whoever would keep them fast, must find a very good hold at their ears'. Secondly, that the Government has not allowed itself to be hurried into the so-called policy of repression. The Government took a very long time after long consideration and deliberation too. If there have been some sad accidents and instances, they are due to those individuals concerned. Nobody will blame the Government if it saw men smoking political pipes near powder magazines and said: 'away with the men and away with the powder'. In the interest of India, to say nothing of your own national honour, in the name of duty and of common sense, the first and commanding task is to keep order and to quell violence among all races and creeds sternly to insist on the impartial application of rules of justice, in short to guard the law, which is mother of prosperity and peace.

Mr. S. C. Shahani: Sir, I am afraid that a golden opportunity is being thrown away by the Government and the Assembly. On one other occasion, too, a similar mistake was made. When the massacres in the Punjab in 1919 under the cover of martial law were discussed in the Assembly, contrary to the expectations of most of us, my Honourable friend, Mr. Jamnadas Dwarkadas, was persuaded to drop the last clause of his Resolution on the subject which is in a measure responsible

[Mr. S. C. Shahani.]

for the present discontent of the people in the country. I would request all parties concerned not to be governed by any false idea of prestige. The people are infuriated. It may be that there is some insanity about the conduct of the people; but that is no reason why those who are in authority should refuse to consider the situation sympathetically. I have not the slightest idea of representing to the House that the non-co-operators are behaving rightly. As a matter of fact, I have had a very sad experience of it. Surreptitiously, clandestinely, they do take action to subvert the normal and regular work of institutions. Intimidation too is being used by the non-co-operators. That does not lead me to think that on that account the non-co-operation movement deserves to be put down ruthlessly. It has its good side. It represents some very good and beneficent progress. It represents quickened sense of self-respect. It represents deeper study of human history that the Indians have gone in for. It represents Indian political psychology, and means aspiration, and a very legitimate aspiration, on the part of the Indian people for self-rule for doing things as far as possible themselves on their own responsibility. The people have been very eager, so far as I can see, in these their aspirations. No one in this debate has come forward to refer to the causes of the present discontent amongst the people in the country. No one has referred to the Government refusal to punish those officers who even according to them misbehaved during the massacres in the Punjab in 1919; and no one can deny that pledges have been given, perhaps wrongly, for the modification of the Treaty of Savres. If pledges have been given, every effort should be made to redeem those pledges. Coming to the last cause, *viz.*, Swaraj, it is true that we ought to develop slowly and stage by stage. That would be undoubtedly a sure development. But several well-known circumstances are responsible for the creation of this desire on the part of the people, *viz.*, that they should at once make a further definite advance on the road to responsible government; and it surely behoves Government to sympathetically consider this mentality of the people who have been entrusted to their charge. Proposals are made for a Round Table Conference, and yet some very responsible people have come forward to say: 'Do not go in for this Conference' I say, you would be committing a very sad mistake—excuse my plain speaking—if you do reject the proposal that has been made to you to-day. My Honourable friend, Mr. Seshagiri Ayyar, for whom my high respect just at this moment is ever so much higher for this that he has done his best to arrange the preliminaries of a Conference, has read out a letter from Mahatma Gandhi. You may no doubt laugh at it, but, according to me, this your laughter is short sighted. I am seeking to put my own views before you, and to tell you that his endeavours to bring about a settlement should be respected. If it is true that Mr. Gandhi has been on occasions unreasonable in the expression of his opinions, if at times he has formulated irrevocable demands, now at any rate, so far as I see from the letter that has been read out, he is in a reasonable mood. I am only describing the impression that has been left on my own mind. Different minds may read things differently. Events will show which readings are correct. I want to state clearly that according to me and several others, I suppose, in the Assembly this is a very fit opportunity for agreeing to a Conference with the leader of the non-co-operation movement. I myself do not believe in conferring with other leaders of the non-co-operation movement. I feel that Mr. Gandhi is really the one factor to be reckoned with at this time.

for he will be most followed by the people; and if that is so, it is very desirable to give in a little and to consent to a Conference with him. If this Conference should really lead to some substantial result, everyone, I suppose, will thank Providence for having been enabled to make up his mind to consent to this Conference. It has been said that in the Resolution as also in the amendment some censure is involved on the conduct of Government. I myself quite realise that the hands of the Government have been and are being to a certain extent forced. While I do realise that, what I mean to make out is that the Government is simply refusing to consider the causes of the discontent. It says that it is impossible to go back upon the past, that it cannot punish those that have been guilty in the Punjab massacres, that the Treaty of Sevres is an international question and therefore beyond it, and that Swaraj is a matter for consideration by the Parliament and people of England. This is a very wrong attitude to take, so far as I see. Politic satisfaction of people's claims will strengthen authority and power. Change this attitude, and I have no doubt that the people will respond. No one can pretend to make out that the people of India are bad, that they are malicious or that their emotions are perverted. They are in a measure being misled undoubtedly, but precisely on account of this attitude on the part of Government. If they have committed excesses, I would request you most earnestly to take into consideration the causes of this insanity, and to deal with the situation sympathetically. If you do not deal with the situation sympathetically, it will be very difficult for you by mere repression, however strong you may be, to hold the situation well in hand. It will then be bad for Government, and it will be bad for the people. If a certain amount of censure is involved in the Resolution and amendment, let the Government endure it in the interests of the people and in the cause of humanity. If you are not prepared to modify the policy of repression immediately, at any rate suspend it. If Mr. Gandhi is going to suspend his operations till the 31st January, there is absolutely no reason why the Government should not suspend its repressive policy till the 31st January, and try to come to some understanding. If agreement with Mr. Gandhi becomes impossible, then all of us will be with the Government. May divine protection strengthen the wisdom and good will needed for the task!

Mr. President: Munshi Iswar Saran.

Mr. N. M. Joshi (Nominated: Labour Interests): On a point of order,
6 P.M. Sir. Is it the reply and is the debate closed?

Mr. President: I called on the Honourable Member to reply.

Mr. N. M. Joshi: There are other Members who wish to speak.

Mr. T. V. Seshagiri Ayyar: May I ask for a ruling on a particular point, before the Mover replies, and that is about the Resolution standing in my name which comes on to-morrow? Whatever may be the result of this debate, would you rule that Resolution out or would you allow it to be discussed to-morrow?

Dr. H. S. Gour: In that connection, may I suggest that my amendment may be put in parts? If it is put in parts it will obviate the necessity and meet the objection that my learned friend, Mr. Seshagiri Ayyar, apprehends.

The Honourable Sir William Vincent : The Honourable Member chose to move all these points in one amendment, and I think we are entitled to have the amendment put to the Assembly exactly as he moved it ; but I have no objection, so far as the Government is concerned, to a debate on this Resolution of Mr. T. V. Seshagiri Ayyar to-morrow, if such a debate is within the rules.

Mr. Muhammad Yamin Khan (Meerut Division : Muhammadan Rural) : On a point of order, the debate is not closed yet on this subject ?

Mr. President : I called on the Honourable Member from Allahabad to reply.

Mr. Muhammad Yamin Khan : Does it mean that the debate is closed ?

Mr. President : Certainly. As regards the point raised by Mr. Seshagiri Ayyar, the last lines of the amendment standing in the name of Dr. Gour read as follows :

‘And the convening of a Conference comprising representatives of all shades of opinion with a view to concert a practical plan for the restoration of peace in the country and for ensuring its political progress in consonance with its national aspirations.’

The Resolution set down in to-morrow’s list asks for the appointment of a Committee of the Members of the Indian Legislature with power to co-opt, that is to say, turn it into a Round Table Conference, to inquire into the causes of unrest prevailing in the country and the measures taken by Government to deal with the situation and to make recommendations. Verbally these are two different propositions. Substantially they are the same proposition; and therefore I think they fall under the combined operation of Standing Orders 31 and 70 which preclude the Assembly from discussing and deciding questions already decided during a Session. If Honourable Members wished to have two separate debates they should have drawn their Resolutions and amendments accordingly. The Honourable Member himself invited the Assembly to discuss it by putting down an amendment to the Resolution standing in the name of Munshi Iswar Saran, and therefore I assume that he wished the debate to be taken to-day. The House is my witness that most of the speeches have referred in explicit terms to the question of a Round Table Conference; and under the rules, therefore, he cannot have an opportunity to raise a debate later to-morrow on the motion standing in his name.

Mr. T. V. Seshagiri Ayyar : Of course, Sir, when you have given a ruling, it is not open to any Member to contest it; but may I draw your attention to this fact, that I wanted a Committee composed of Members of the Legislature and the word ‘co-opt’ merely means, as we know, that when the Committee sits it could take the assistance of one or two members from outside. I respectfully submit that that is not the same as a Round Table Conference. It was not in that light certainly that I put in my Resolution. I find, Sir, moreover, that in this amendment that I have put in the word ‘co-opt’ has been altogether omitted; and if my Resolution is already covered by the amendment of Dr. Gour, I am in this unfortunate position that I cannot move my amendment and I cannot move my proposition.

Mr. Harchandrai Vishindas (Sind : Non-Muhammadan Rural) : Also I should like to inquire what will be the position of those people who are entirely in favour of Mr. Seshagiri Ayyar’s Resolution but are not in favour of the amendment of Dr. Gour.

The Honourable Sir William Vincent: Sir, may I suggest one possible solution? I do not know whether it is possible under the rules, but I should have no objection at all if Dr. Gour is allowed to withdraw that portion of his amendment which deals with a Conference and leave it to be discussed to-morrow on Mr. Seshagiri Ayyar's Resolution, I do not know whether this will be in accordance with the rules; but we should have no objection.

Mr. W. M. Hussanally (Sind: Muhammadan Rural): As it is a late hour, Sir, now and several gentlemen wish to speak, if you like, the subject may be taken up to-morrow. There might be some sort of compromise arrived at by these amendments being withdrawn. I think that will answer the purpose.

Mr. President: What the Honourable Member has proposed is very reasonable, and I should prefer to proceed by the spirit of the rules rather than by the letter. But it will be setting a bad precedent if I allow the Assembly, after having discussed—and I think the House is my witness that they have discussed it pretty fully to-day, the issue of a Round Table Conference as linked with the so-called repressive policy of Government, to repeat that discussion to-morrow and possibly to arrive at a contrary decision. These rules are framed in such a way as to provide for a considered opportunity of debate on public policy, and when that considered opportunity arises and has been exhausted, then the opportunity cannot arise again in the same Session.

Rao Bahadur T. Rangachariar: I move, Sir, formally that the debate be adjourned till to-morrow on this Resolution.

Mr. Muhammad Yamin Khan: May I point out that the amendment which is standing in the name of Dr. Gour is not standing in the name of Dr. Gour alone, but that it stands in the name of Dr. Gour and others, and Dr. Gour has got no authority to withdraw it.

Mr. President: No Member has authority to withdraw an amendment except by leave of the House. An amendment once moved cannot be taken out of the cognisance of the House except by the will of the House expressed in a division. A motion has been moved that the debate be now adjourned till to-morrow.

The Honourable Sir William Vincent: Sir, I understand that the proposal is that this debate should be adjourned until to-morrow. That action is, in my humble opinion,—of that you are a better judge than I am—a violation of the rules, because you cannot put down on a non-official date business which has not obtained a place in the ballot and neither this Resolution nor this amendment has been balloted for. But there are other objections. The whole question has been debated now at very great length; there is nothing more to be said. (Cries of 'No'.) If there are other Members who wish to speak—and I dare say there are—they must remember that if every Member in this Assembly wishes to speak on every Resolution, we shall not earn the reputation of being a very practical body. At any rate, Sir, if the feeling is that the debate should continue, let it continue to-day and let us finish it once for all; let us not have any adjournment and fresh proposals and complications; let us consider to-day and settle the plain issue which is before the House, and let us finish the debate if we have to sit till midnight.

Mr. J. Chaudhuri (Chittagong and Rajshahi Division: Non-Muhammadan Rural): May I make a suggestion, Sir? Sir William Vincent has referred to certain facts in Bengal and to certain facts which transpired in the Repressive Laws Committee. I feel that those statements of facts are somewhat different from the facts within my personal knowledge, and therefore I feel that I am entitled to state the facts within my recollection and as at this late hour I do not like to tire the patience of the House, may I suggest that the debate be adjourned?

Mr. President: That is not a point of order. The Honourable Member is airing a grievance which every Parliamentarian has to suffer many times in his career, *viz.*, that of finding that the subject is exhausted before he rises to his feet.

Lieut.-Col. H. A. J. Gidney: As the Honourable the Home Member said, let us thrash out the matter to a finish to-night. I therefore propose that we adjourn for half an hour for tea or some refreshments and re-assemble.

Mr. President: The motion moved by the Honourable Member from Madras on my left is perfectly in order. But I should like to point out that the provision to move an adjournment of the debate is one which ought only to be used when a substantial difficulty has arisen.

Now no difficulty has arisen as far as I can see except the one created by the course which Members themselves have chosen to take. In my view the debate on the subject is exhausted. I do not mean that each individual Member's right of speech is exhausted, but the subject is substantially exhausted. I suggested to the Honourable Member from Allahabad about three-quarters of an hour ago that he should take into consideration the desirability of rising to his feet as soon as he caught my eye in order that he might exercise his right of reply. As I said to the Honourable Member from Bengal, I must remind other Members who may feel aggrieved that it is impossible for the Chair to give each individual Member the full exercise of his right of speech in this Chamber on every debate.

Rao Bahadur T. Rangachariar: In that view, Sir, I beg leave to withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

Munshi Iswar Saran: Sir, at this late stage I do not think I should inflict a long speech on the House, but there are one or two observations which I should like, with the permission of the House, to make. Some time ago I happened to read in the papers that a certain enterprising District Magistrate in the United Provinces issued a circular to his subordinate Magistrates that at this critical moment there could be only two parties, namely, those that were with the Government and those that were against the Government. He further said that those who expressed lip sympathy with Government but did not give it their full support were traitors. I imagine he was referring to moderates. I felt at the time that it was some bureaucrat saturated with bureaucratic notions, but, Sir, I have been surprised that the same principle has been enunciated in this House to-day. Sir, let me say at once that the position will be intolerable for us if it is expected that those who are here should support Government through thick and thin regardless of the fact whether that support is justified by the action and policy of the Government or not. I

must say at once that as far as that kind of support is concerned, it cannot now come from the educated people, but it can come from classes whom I should be sorry to characterise. Sir, the whole debate has unnecessarily taken place, because according to the learned constitutional lawyer from Bombay these non-co-operators are outlaws and they are not entitled to either freedom of speech or freedom of association. That being so, he would have conferred a great boon upon this Assembly if he had enunciated this constitutional principle at the outset of this debate and had relieved us of the trouble of discussing this matter threadbare for the whole day. Sir, the Honourable Sir William Vincent has told us that pathetic sympathy is futile. Yes, the Honourable the Home Member would have been satisfied if we had all shouted instead of 'Gandhi Maharaj ki jai', 'Government ki jai'. Now, let me say clearly that when we do not feel any sympathy we will not hesitate to say so, and when we say that we are interested in the maintenance of law and order, we mean it, and the moment we change the present view we will not hesitate to say so either to the Honourable Sir William Vincent or to this House or to the whole world.

Sir, a great deal has been said about reports having come from the various provincial Governments. We have some experience of these reports in our own province. Speaking, I think, at the Lucknow Durbar, His Excellency the Governor of the United Provinces expressed his satisfaction with the result of the policy which he had inaugurated in the United Provinces. He said the inauguration of this policy had given general relief to the people, and what was the result? At once there was a manifesto issued by 25 prominent men of Allahabad controverting the statement made by His Excellency and that manifesto was followed by other manifestos in various other places. I shall ask the Honourable the Home Member not to consider that every information that comes through official sources is and must in every case be accurate. These are not facts which have been tested by cross-examination. Most of them are matters of opinion and impression, and I submit it is not impossible even for an I. C. S. Governor of a province to make mistakes about his own impressions and opinions. Sir, let the Honourable the Home Member give us non-officials the credit of knowing our own respective provinces as do the rulers of those provinces. I submit, Sir, that a non-official has more sources of knowing the actual, the inner state of affairs than the Governor of a province between whom and the people exists a great and impassable gulf. Sir, now we understand the position of Government. The position is this, that the Government is out to fight non-co-operation and these are the weapons which the Government has adopted. Sir, I must frankly confess that I was not under that impression so far, but if that be so, then let me say most clearly that the weapons which Government has chosen are feeble and weak. You cannot crush, you cannot destroy non-co-operation by the Criminal Law Amendment Act, by the Seditious Meetings Act, by the Defence of India Act and by the Press Act. If you wish to embark on a warfare like this, I ask you to choose stronger and more violent weapons, because these feeble weapons create irritation, they create indignation and resentment; they do not achieve the aim that you have in view. But as far as this Honourable House is concerned, I shall beg the Members to consider whether this policy which has been inaugurated has succeeded or not. We have been asked: what alternative remedy have you got to suggest? I say, consult us. Let there be a meeting—I am not thinking of a Conference; let there be a meeting

[Munshi Iswar Saran.]

between the officials and the non-officials ; let there be a heart-to-heart talk. Let us see if we can devise some means of easing the situation. But the mere fact that I am not able, on the spur of the moment, to suggest an alternative remedy does not argue that the remedy that you have employed is the correct remedy. I say the narrow issue which this House at this moment has got to decide is, is this policy in the interests of the country ? Has it succeeded ? And, knowing the conditions of the country as we do, do we feel that it will succeed ? If you feel that it will not, then it is your clear duty to say that this policy should be abandoned.

Sir, there is only one word more I wish to add and I will then sit down. The Honourable Member from Karachi has said: ' Don't vote in favour of this Resolution or in favour of the amendment ' moved by my Honourable friend, Dr. Gour, because people outside will say ' these people are not fit for Self-Government.' My answer is this. I do not care a straw what people outside think. My own feeling is that I should act in conformity with the dictates of my conscience, and as soon as I have done that, the opinion of the outside world is a matter of no consequence to me, and I hope the House will consider the question also from this point of view. I entreat you to think of the thousands upon thousands of men who are waiting eagerly to learn the result of this debate. The eye of the whole country is upon you. You know the irritation, the indignation that has been caused in the country, and I say : ' Please realise your responsibility, think correctly and vote rightly!'

The Honourable Sir William Vincent : Sir, there are very few points on which I wish to reply, but I am particularly anxious to answer the points raised by my Honourable friend, Sir Sivaswamy Aiyer, as his speech was marked, I think, by a very patent desire to achieve peace. His amendment was one many points in which will, I believe, commend themselves to all sides of this House and it was really a matter of regret to me that I was unable, in circumstances—which he as an ex-official will appreciate, to agree to its being moved. I should be very glad to have been able to do so ; after reading his amendment again, however I think I shall be able to show that many of the points he has raised are already being met by Government. One criticism which has been raised against us—I think my Honourable friend, Dr. Sapru, met it—has been that trials are held *in camera*. Well, we have asked that, as far as possible, trials should be held in public, although I must remind Honourable Members that this is not always possible and that in some cases public trials held not only under the Criminal Law Amendment Act but also under the Penal Code,—as Members who come from the Province of Sind will doubtless know, have caused most undesirable excitement, and indeed very nearly promoted disorder. Again, we have been told that these trials are not always carefully conducted ; instructions have been issued on that point also. Individual cases of injustice have been mentioned. Now the Government of India does not accept responsibility for individual cases ; they can only lay down a general policy. But Local Governments have been asked, wherever there is reason to doubt the legality or justice of any conviction, to review those sentences carefully in consultation with their legal advisers. I believe in at least one case in the Punjab this work has already been taken up ; Honourable Members who come from that Province will know whether that

is correct. Similarly we have put to Local Governments the question of special treatment being accorded in certain cases to political prisoners—I dislike the term and should say, prisoners convicted under these two Acts—I believe also the Assembly is aware that in almost all Provinces, special instructions have been so issued. Now that is not an indication—and no one can say it is an indication—that Government wishes to treat these prisoners with undue severity. (A voice: ‘Go further’.)

No doubt the Honourable Member would go further and release all criminals. Finally we have said—and this is more important still—that we are as anxious as any one in this House not to prosecute an unduly large number of foolish individuals. Consequently we have suggested to Local Governments that they should, as far as possible, exercise the power of arrest only in the case of volunteers guilty of obstruction, violence and intimidation and leaders of such organizations. Honourable Members will realise that we have taken all these steps in order to avoid excessive or over-drastring treatment, and I think the House will give us credit for our anxiety to prevent this. On the other hand, we are anxious to maintain law and order and we cannot and will not have the authority of the law defied. (Applause.) This is a duty of every administration. Honourable Members know that every civilised Government has to maintain law and order; it is in this respect that I want this Assembly now to support us. On the other hand, we have no desire to avoid our clear responsibility—our paramount duty—of seeing that justice is done, and, that is a point on which His Excellency the Viceroy has been most insistent; I think I have used his very words. We are prepared to ask Local Governments to inquire into any specific cases of undue severity or improper prosecutions or excesses brought to notice. It has been said: ‘Why don’t you maintain law and order in some other way, by some other method?’ I repeat my answer to this charge. No one has suggested any other method of meeting the difficulty, but as my Honourable friend, Dr. Sapru, told you—I was prevented from doing so because I had exceeded my time limit in my last speech—Government are now examining the law relating to those unlawful associations in order to discover whether some other equally effective method of preventing associations practising systematic intimidation is possible, which may at the same time avoid the criticisms which rightly or wrongly have been levelled against them. Does that indicate an unreasonable attitude on the part of Government?

Now, I want to turn for a few moments to another point: this question of a Conference. Now, I should have been only too willing, if it were in accordance with the rules, to have had a debate on this point to-morrow, but I understand it is not possible and if I may say so I entirely appreciate the reasons of the Honourable the President for this decision. But what is the position in regard to a Conference? Honourable Members have, I am sure, all seen what Sir Sankaran Nair has said on the subject. He was a Member of the Executive Council and I have some experience of his political views. Indeed, I think Sir Sankaran Nair and I have differed more than any other two Members of the Executive Council in this century. He is certainly not the kind of man who would give up the idea of a Conference, such as was suggested, lightly. What did he say? He showed clearly that any Conference at this juncture and under the proposed conditions was out of the question and useless. And, in truth, if Honourable Members consider the facts, there are certain essentials for any idea of a Conference—the first of which is to create a proper

[Sir William Vincent.]

atmosphere. Well I have read the proposals of the Bombay Committee and Mr. Gandhi's letter cited by Mr. Seshagiri Ayyar and I do not see anything about a truce in the letter, though I see a great deal in it of what the Government is to do. (*A voice* : 'Read it again.') I have read it twice and I defy any person to show me where any cessation of activities by non-co-operators is mentioned. The proposals put forward in that letter in any case are impossible. There is, however, no question of closing the door and I have no authority to suggest that even, but it would be idle at this moment to discuss the question of a Conference on the conditions proposed by the Committee, a Conference further to which, as far as I can see, Mr. Gandhi would not be a party, and to the conclusions of which, even if he were a party, he certainly could not bind the Congress Members. I want to be quite clear on this point. I have no authority to suggest that the Government would agree to a Conference, and I have no authority to close the door to the possibility of such a thing in happier circumstances. All I am authorised to say is that it is futile to discuss it at present. Now, I apologise for having detained this Assembly so long, and I will conclude by expressing the hope that they will not by their decision to-day send out a message to the country which will be taken by the forces of disorder, whatever the Honourable Mover may say, as a direct encouragement and cause of triumph which will discourage all our officers, which will dishearten all lawful citizens, and which will make the administration of this country impossible.

Mr. President : The original question was that :

'This Assembly recommends to the Governor General in Council the immediate abandonment of the policy of repression inaugurated in the country'

since which an amendment has been moved to substitute the following :

'While strongly deprecating the aggressive form of non-co-operation manifested by some non-co-operators and the resort to violence by them in some places as also the menace of mass civil disobedience, this Assembly strongly disapproves of the recourse by Government to a general policy of repression without previously consulting this House and recommends to the Governor General in Council the immediate abandonment of the policy of repression inaugurated in the country, the reversion to the policy announced to this House on the 23rd March, 1921, the release of all persons in detention in pursuance of that policy and the convening of a Conference comprising the representatives of all shades of opinion with a view to concert a practical plan for the restoration of peace in the country and for ensuring its political progress in consonance with its national aspirations.'

The question is that that amendment be made.

The Assembly then divided as follows :

AYES—36.

Abdul Majid, Shaikh.	Joshi, Mr. N. M.
Agarwala, Lala G. L.	Lakshmi Narayan Lal, Mr.
Agnihotri, Mr. K. B. L.	Man Singh, Bhai.
Ahmed, Mr. K.	Misra, Mr. P. L.
Ahmed Baksh Khan, Mr.	Mudaliar, Mr. S. L.
Ayyar, Mr. T. V. Seshagiri.	Nabi Hadi, Mr. S. M.
Bagde, Mr. K. G.	Nag, Mr. G. C.
Bajpai, Mr. S. P.	Nand Lal, Dr.
Barua, Mr. D. C.	Neogy, Mr. K. C.
Bhargava, Pandit J. L.	Rangachariar, Mr. T.
Bishambhar Nath, Mr.	Reddi, Mr. M. K.
Chaudhuri, Mr. J.	Shahani, Mr. S. C.
Das, Pandit R. K.	Singh, Babu B. P.
Faiyaz Khan, Mr. M.	Sinha, Babu L. P.
Ginwala, Mr. P. P.	Sohan Lal, Bakshi.
Gour, Dr. H. S.	Subrahmanayam, Mr. C. S.
Iswar Saran, Munshi.	Vishindas, Mr. H.
Jatkar, Mr. B. H. R.	Yamin Khan, Mr. M.

NOES—52.

Abdul Rahim Khan, Mr.
 Abul Kasem, Maulvi.
 Aiyer, Sir P. S. Sivaswamy.
 Akram Hussain, Prince A. M. M.
 Bradley-Birt, Mr. F. B.
 Bray, Mr. Denys.
 Bryant, Mr. J. F.
 Chatterjee, Mr. A. C.
 Clarke, Mr. G. R.
 Cotelingam, Mr. J. P.
 Crookshank, Sir Sydney.
 Dentith, Mr. A. W.
 Faridoonji, Mr. R.
 Fell, Sir Godfrey.
 Gajjan Singh, Sardar Bahadur.
 Gidney, Lieutenant-Colonel H. A. J.
 Habibullah, Mr. Muhammad.
 Hailey, the Honourable Sir Malcolm.
 Hajeebhoy, Mr. Mahomed.
 Hullah, Mr. J.
 Hussanally, Mr. W. M.
 Ikramullah Khan, Raja M. M.
 Innes, the Honourable Mr. C. A.
 Jannadas Dwarkadas, Mr.
 Jejeebhoy, Sir Jamsetjee.
 Kabraji, Mr. J. K. N.

Keith, Mr. W. J.
 Lindsay, Mr. Darcy.
 Maung Maung Sin.
 McCarthy, Mr. F.
 Mitter, Mr. K. N.
 Muhammad Hussain, Mr. T.
 Muhammad Ismail, Mr. S.
 Mukherjee, Mr. J. N.
 Percival, Mr. P. E.
 Rao, Mr. C. Krishnaswami.
 Renouf, Mr. W. C.
 Samarth, Mr. N. M.
 Sapru, the Honourable Dr. T. B.
 Sarfaraz Hussain Khan, Mr.
 Sharp, Mr. H.
 Sim, Mr. G. G.
 Singh, Raja K. P.
 Singh, Rana U. B.
 Sircar, Mr. N. C.
 Spence, Mr. R. A.
 Ujagar Singh, Baba Bedi.
 Vincent, the Honourable Sir William.
 Waghorn, Colonel W. D.
 Way, Mr. T. A. H.
 Webb, Sir M. dePomeray.
 Zahiruddin Ahmed, Mr.

The motion was negatived.

Mr. President : The question is :

‘That this Assembly recommends to the Governor General in Council the immediate abandonment of the policy of repression inaugurated in the country.’

The Assembly then divided as follows :

AYES—33.

Abdul Majid, Shaikh.
 Agarwala, Lala G. L.
 Agnihotri, Mr. K. B. L.
 Ahmed, Mr. K.
 Ahmed Baksh Khan, Mr.
 Ayyar, Mr. T. V. Seshagiri.
 Bagde, Mr. K. G.
 Bajpai, Mr. S. P.
 Barua, Mr. D. C.
 Bhargava, Pandit J. L.
 Bishambhar Nath, Mr.
 Chaudhuri, Mr. J.
 Das, Pandit R. K.
 Ginwala, Mr. P. P.
 Gour, Dr. H. S.
 Iswar Saran, Munshi.
 Jatkar, Mr. B. H. R.

Lakshmi Narayan Lal, Mr.
 Man Singh, Bhai.
 Misra, Mr. P. L.
 Mudaliar, Mr. S.
 Nag, Mr. G. C.
 Nand Lal, Dr.
 Neogy, Mr. K. C.
 Rangachariar, Mr. T.
 Reddi, Mr. M. K.
 Shahani, Mr. S. C.
 Singh, Babu B. P.
 Sinha, Babu L. P.
 Sohan Lal, Bakshi.
 Subrahmanayam, Mr. C. S.
 Vishindas, Mr. H.
 Yamin Khan, Mr. M.

NOES—53.

Abdul Rahim Khan, Mr.
 Abul Kasem, Maulvi.
 Aiyer, Sir P. S. Sivaswamy.
 Akram Hussain, Prince A. M. M.
 Bradley-Birt, Mr. F. B.
 Bray, Mr. Denys.
 Bryant, Mr. J. F.
 Chatterjee, Mr. A. C.
 Clarke, Mr. G. R.
 Cotelingam, Mr. J. P.
 Crookshank, Sir Sydney.
 Dentith, Mr. A. W.
 Faridoonji, Mr. R.
 Fell, Sir Godfrey.
 Gajjan Singh, Sardar Bahadur.
 Gidney, Lieutenant-Colonel H. A. J.
 Habibullah, Mr. Muhammad.
 Hailey, the Honourable Sir Malcolm.
 Hajeebhoy, Mr. Mahomed.
 Hullah, Mr. J.
 Hussanally, Mr. W. M.
 Ikramullah Khan, Raja M. M.
 Innes, the Honourable Mr. C. A.
 Jamnadas Dwarkadas, Mr.
 Jejeebhoy, Sir Jamsetjee.
 Kabraji, Mr. J. K. N.
 Keith, Mr. W. J.

Lindsay, Mr. Darcy.
 Maung Maung Sin.
 McCarthy, Mr. F.
 Mitter, Mr. K. N.
 Muhammad Hussain, Mr. T.
 Muhammad Ismail, Mr. S.
 Mukherjee, Mr. J. N.
 Nabi Hadi, Mr. S. M.
 Percival, Mr. P. E.
 Rao, Mr. C. Krishnaswami.
 Renouf, Mr. W. C.
 Samarth, Mr. N. M.
 Sapru, the Honourable Dr. T. B.
 Sarfaraz Hussain Khan, Mr.
 Sharp, Mr. H.
 Sim, Mr. G. G.
 Singh, Raja K. P.
 Singh, Rana U. B.
 Sircar, Mr. N. C.
 Spence, Mr. R. A.
 Ujagar Singh, Bāba Bedi.
 Vincent, the Honourable Sir William.
 Waghorn, Colonel W. D.
 Way, Mr. T. A. H.
 Webb, Sir M. dePomeray.
 Zahiruddin Ahmed, Mr.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 19th January, 1922.