

12th February, 1926

THE

# LEGISLATIVE ASSEMBLY DEBATES

(Official Report) .

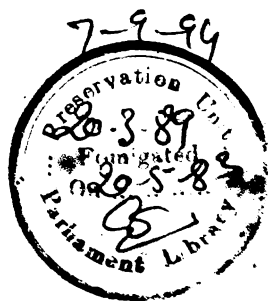
Volume VII, Part II

*(10th February to 1st March, 1926)*

FOURTH SESSION

OF THE

SECOND LEGISLATIVE ASSEMBLY, 1926



DELHI  
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1926

# Legislative Assembly.

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THE HONOURABLE MR. V. J. PATEL.

## *Deputy President :*

DIWAN BAHADUR T. RANGACHARIAR, M.L.A.

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LALA LAJPAT RAI, M.L.A., AND

MR. ABDUL HAYE, M.L.A.

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CAPTAIN SURAJ SINGH, BAHADUR, I.O.M.

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COLONEL J. D. CRAWFORD, M.L.A.

MR. JAMNADAS M. MEHTA, M.L.A.

MR. ABDUL HAYE, M.L.A.

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# LEGISLATIVE ASSEMBLY.

Friday, 12th February, 1926.

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

## QUESTIONS AND ANSWERS.

SYLLABUS OF THE B. A. DEGREE OF THE ALLAHABAD UNIVERSITY AND OF THE SENIOR DIPLOMA OF THE MAYO COLLEGE, AJMER.

752. \***Khan Bahadur W. M. Hassanally**: (a) With reference to the new rule (5) published under the Home Department Notification, No. F.-159/25, dated 27th January, 1926, in the Gazette of India, dated January 30th, will the Government please lay on the table the syllabus of the B.A. degree of the Allahabad University and of the Senior Diploma of the Mayo College, Ajmer?

(b) If the two courses are considered of equal merit why cannot such students of the Mayo College, who wish to compete for the Civil Service, go up for the University degree in the first instance?

(c) If the two courses are different and of unequal difficulty why do Government recognise the latter diploma and thus take inferior men?

**The Honourable Sir Alexander Muddiman**: (a) A copy of the syllabus of the Senior Diploma of the Mayo College, Ajmer, is laid on the table. The syllabus of the B.A. degree of the Allahabad University will be found on pages 320 to 343 of the Allahabad University Calendar of 1924.

(b) The Mayo College is not affiliated to the Allahabad University and its students are therefore ineligible to sit for that University's degrees.

(c) There is no question of taking inferior men. The examination is competitive and presumably the ablest candidates get the top places.

## GOVERNMENT OF INDIA.

### PROSPECTUS AND SYLLABUS OF THE CHIEFS' COLLEGES EXAMINATIONS.

#### (i) *The Diploma Examination.*

The examination can be taken in either of two courses :

**COURSE A** consists of English, history and geography, mathematics, vernacular, and one of the following—science, a classical language, or drawing. This course (with either science or a classical language) is suitable for those intending to proceed to a university course.

**COURSE B** consists of English, history and geography, elementary mathematics, vernacular and administration, and one of the following—science, or a classical language. This course qualifies a candidate for a full diploma, but not for admission to a university course.

## I.—COMMON COMPULSORY SUBJECTS :

**English.**—There are two prescribed text-books, one prose and one poetry, to be read critically.

The Principals submit annually by the 1st January a list of suitable books from which the *Educational Commissioner* makes the selection for the following year. A third book, the choice of which is left to each Principal, will be included by the Examiner in the oral test.

The examination will comprise :

- (1) One paper for the prescribed prose.
- (2) One paper for the prescribed poetry.
- (3) An English essay on one of two or three alternative subjects; and a series of questions on current events and matters of general interest.
- (4) An oral examination, to which great importance is attached as a means not only of correcting the judgment based upon written work, but of arriving at an estimate of the general ability of a candidate.
- (5) Translation from a vernacular into English.

**History and Geography.**—No text-books are prescribed.

1. *English History* should be taught with special reference to the development of constitutional liberty and the growth of the British Empire; it should be treated on the broadest lines up to the end of the 18th century, after which imperial and social questions should be examined in greater detail.

2. *Indian History.*—Up to (and exclusive of) the time of Clive only the salient features of Indian History should be regarded. After this period the rise and effects of British rule should be carefully studied.

3. *Geography.*—General knowledge of the world and a more detailed knowledge of the British Empire and particularly of India. The treatment of the subject should include elementary astronomical geography and the physical, commercial and political geography of the earth.

**Vernaculars.**—The examination will be on (1) the prescribed texts, (2) grammar, (3) translation into the vernacular, (4) composition, (5) petition reading.

The text-books will be annually prescribed and will be either the books prescribed for the United Provinces High School Examination or the Punjab University Matriculation and School Leaving Certificate Examination or books of equal difficulty.

*Elementary Mathematics (Arithmetic).*—Arithmetic as in the United Provinces High School Examination syllabus for the current year.

## II.—ALTERNATIVE COMPULSORY SUBJECTS :

**Mathematics** (in addition to *Arithmetic*, as already prescribed).—*Geometry* and *Algebra* as in the United Provinces High School Examination.

**Administration—**

- (i) *Law.*—Whitworth's *Law Lectures*.—The elements of Hindu and Muhammadan Law.
- (ii) *Land Revenue.*—Lectures on Land system, Revenue papers and village accounts. (No common course is possible, owing to the varying local conditions. The examination will follow the teaching).
- (iii) *Surveying.*—Theoretical and practical surveying.

## III.—OPTIONAL SUBJECTS :

**Science.**—Dr. E. G. Hill's course for Chiefs' Colleges.

*Classical language.*—Either Sanskrit, Arabic or Persian may be taken. A paper will be set on the text-book and on grammar, and a second paper on translation from the classical language into English and *vice versa*. The selection of text-books will be made in the same way as under *Vernacular*.

**Drawing.**—Mr. Buchanan's course; geometrical drawing as in the United Provinces High School Examination syllabus for the current year.

A candidate must pass in each subject taken.



The number of papers to be answered, the marks assigned, and the marks to be obtained for various divisions for pass and for distinction are as follows:

Subject.	No. of papers.	MARKS.				
		Maximum.	1st Division.	2nd Division.	3rd Division and Pass.	Distinction.
I.—COMMON COMPULSORY SUBJECTS.						
1. ENGLISH—						
English prose . . .	1	50				...
English poetry . . .	1	50				...
Essay and General Knowledge.	1	50				...
Oral examination . . .	1	50		...		
Translation, Vernacular into English.	1	25		...		
Total English . . .	5	225	...	...	75	150
2. HISTORY AND GEOGRAPHY—						
English history . . .	1	50	...	...	...	...
Indian history . . .	1	50	...	...	...	...
Geography . . .	1	50	...	...	...	...
Total History and Geography.	3	150	...	...	45	100
3. VERNACULAR—						
Text and Grammar . . .	1	25				
Translation, composition and petition reading.*	1	*25				
Total Vernacular . . .	1	50	...	...	15	34
4. ARITHMETIC . . .						
Total ARITHMETIC . . .	1	50	...	...	...	...
II.—ALTERNATIVE COMPULSORY SUBJECTS.						
Either						
MATHEMATICS—						
Geometry . . .	1	50	...	...	...	...
Algebra . . .	1	50	...	...	...	...
TOTAL MATHEMATICS . . .	2	100	...	...	30	67

\*The written paper will comprise questions on Translation and Composition only and will carry 17 marks. The test in Petition Reading will be held *locally* at each College and will carry 8 marks.

Subject.	No. of papers.	MARKS.				
		Maximum.	1st Division.	2nd Division.	3rd Division and Pass.	Distinction.
II.—ALTERNATIVE COMPULSORY SUBJECTS— <i>contd.</i>						
<i>Or</i>						
ADMINISTRATION—						
Law	1	50				...
Land Revenue and Surveying.*	1	*50				...
TOTAL ADMINISTRATION.	2	100	...	...	30	67
III.—OPTIONAL SUBJECTS.						
<i>One of the following subjects according to the course taken—</i>						
(a) SCIENCE—						
Science paper . . .	1	50	...	...	...	...
Practical test . . .	1	25	...	...	...	...
TOTAL SCIENCE	2	75	...	...	23	50
(b) CLASSICAL LANGUAGE—						
Text and Grammar .	1	50				
Translation from the Classical language into English and <i>vice versa</i> .	1	25				
TOTAL CLASSICAL LANGUAGE.	2	75	...	...	23	50
(c) DRAWING—						
Drawing according to Mr. Buchanan's course.	1	50			...	...
Geometrical Drawing	1	25	...	...	...	...
TOTAL DRAWING	2	75	...	...	23	50
GRAND TOTAL OF PAPERS AND MARKS FOR ANY SINGLE CANDIDATE.	15	650	435	325	217	...

*Note.*—A candidate who is placed in the 1st or 2nd Division is deemed to have gained distinction in any subject in which he has gained not less than two-thirds of the maximum marks.

\*The written paper will carry 35 marks, and 15 marks will be assigned to the practical test in Surveying which will be held *locally* at each College.

(ii) *The Higher Diploma Examination.*

The Higher Diploma course includes English, History and Administration. It extends over three years and leads up to an examination of equal difficulty with the B.A.

**English.**—There will be four papers and a *viva voce* examination :-

*1st Paper.*—English Prose (prescribed texts).

*2nd Paper.*—English Poetry (prescribed texts).

*3rd Paper.*—Unseen passages from modern books, magazines or newspapers on history, biography, travel, etc., with *grammatical questions*.

*4th Paper.*—An essay on a subject of general interest.

*Oral Examination.*—Conversational, based on general reading, with grammatical questions.

*Note.*—The texts prescribed for reading and examination will be selected annually by the Principal of the Mayo College who will report those prescribed for examination to the *Educational Commissioner with the Government of India*.

**History.**—There will be two papers :—

*Paper I.*—General Indian History from 1000 A.D.

*Paper II.*—Ancient India.

The following books are recommended :—

- (1) Vincent Smith's *Early History of India*.
- (2) Stanley Lane Poole's *Mediæval India*.
- (3) Lyall's *Rise of the British Dominion in India*.
- (4) Strachey's *India*.
- (5) Lee Warner's *Protected Princes of India*.
- (6) Anderson's *British Administration in India*.

**Administration.**—(Including subjects for the lower standard examination).

(As the course is taught at the Mayo College only, the subjects are those suitable for Ajmer-Merwara.)

*Administration.*

- (1) Notes on State administration.
- (2) The Manual of a famine administration (Ajmer-Merwara).
- (3) Notes on famine policy as laid down by the Government of India.

*Revenue.*

- (1) The Ajmer Revenue Regulation II of 1877.
- (2) The Irrigation Regulation and rules.
- (3) The Land Acquisition Act.
- (4) Land Improvement Loans Act of 1883 with rules.
- (5) Agriculturists' Loans Act of 1884 with rules.

*Judicial.*

- (1) The Indian Penal Code and amended Acts with the Whipping Act.
- (2) The Code of Criminal Procedure.
- (3) The Code of Civil Procedure.
- (4) The Evidence Act.
- (5) The Ajmer Courts Regulation.
- (6) The Ajmer Laws Regulation.
- (7) The Ajmer Government Wards Regulation, 1888, with rules.
- (8) The Ajmer Taluqdars Loans Act, 1911, with rules.

*Miscellaneous.*

(1) Transliteration and translation into Urdu or English of easy manuscript documents in :

(a) Kayasthi, and

(b) Mahajani characters.

(2) Translation of a simple piece of English into Hindi in these characters.

(3) Conversation in the ordinary language of the district with an ordinary villager. Similar test in Urdu, omitting the conversational portion.

A candidate must pass in each group :

(a) English and History, (b) Administration.

The number of papers to be answered, the marks assigned and the marks to be obtained are as follows :

Subject.	Number of papers.	MARKS.	
		Maximum.	Pass.
<b>1. ENGLISH—</b>			
English Prose . . . . .	1	150	...
English Poetry . . . . .	1	150	...
Unseen Passages and Grammar . . . . .	1	150	...
Essay . . . . .	1	150	...
Oral Examination . . . . .	1	110	...
<b>Total English . . . . .</b>	<b>5</b>	<b>710</b>	<b>237</b>
<b>2. HISTORY—</b>			
General Indian History from 1000 A.D. . . . .	1	355	...
Ancient India . . . . .	1	355	...
<b>Total History . . . . .</b>	<b>2</b>	<b>710</b>	<b>237</b>
<b>3. ADMINISTRATION—</b>			
(Lower Standard Examination.)			
Criminal Procedure Code . . . . .	1	150	45
Indian Penal Code with amending Acts and Whipping Act. . . . .	1	150	45
Evidence Act . . . . .	1	120	36
Civil Procedure Code . . . . .	1	150	45
Ajmer Courts Regulation and Ajmer Laws Regulation. . . . .	1	60	18
Ajmer Land Revenue Regulations and Rules . . . . .	1	200	60
Irrigation Regulation and Rules . . . . .	1	120	36
Land Acquisition Act . . . . .	1	120	36
Land Improvement Loans Act and Rules there-under, Agriculturists' Loans Act and Rules, Ajmer Government Wards Regulation and Rules, Ajmer Taluqdars Loan Regulation and Rules. . . . .	1	100	30
Translation and transliteration . . . . .	1	50	15
Translation into Hindi . . . . .	1	50	15
Conversation . . . . .	1	50	15
Administration . . . . .	1	100	30
<b>Total Administration . . . . .</b>	<b>13</b>	<b>1,420</b>	<b>710</b>
<b>GRAND TOTAL OF PAPERS AND MARKS</b>	<b>18</b>	<b>2,840</b>	<b>1,184</b>

*Note.*—A candidate who passes in the "Administration" Group but fails to secure pass marks in the "English and History" Group is allowed to appear for re-examination in the following year in the latter Group only.

REPORT OF THE COMMITTEE APPOINTED TO EXAMINE THE AFFAIRS OF THE  
ARMY CANTEEN BOARD (INDIA).

753. \***Khan Bahadur W. M. Hussanally:** (a) Will Government please lay on the table the report of the Committee appointed to examine the affairs of the Army Canteen Board?

(b) What was the personnel of that committee?

(c) What action has been taken or is proposed to be taken upon the said report?

**Mr. E. Burdon:** (a) I received the report about ten minutes ago.

(b) The personnel of the Committee was announced on the 7th September last, in reply to the Honourable Member's starred questions Nos. 685-687.

(c) Does not arise.

LOANS TO THE ARMY CANTEEN BOARD (INDIA) BY THE GOVERNMENT  
OF INDIA AND THE IMPERIAL BANK OF INDIA.

754. \***Khan Bahadur W. M. Hussanally:** (a) What amounts of money have been lent by Government from time to time to the Army Canteen Board and on what dates?

(b) If no money has been lent by Government will Government please state what amount has been lent to that body by the Imperial Bank of India from time to time?

(c) Has that money been lent from Government funds or from the Bank's own funds?

(d) Has the Bank lent the money on its own initiative and responsibility or on the security of the Government of India?

(e) If the latter, under what law has the said security been given and under what law has the Bank advanced the money?

(f) Has the Army Canteen Board by now liquidated any portion of the said debt? If so, how much?

**Mr. E. Burdon:** (a) Excepting the sum of Rs. 1 lakh mentioned in reply to part (g) of the same Honourable Member's question No. 141, answered on the 23rd February, 1925, Government have not advanced the Army Canteen Board (India) any money.

(b) The attention of the Honourable Member is invited to the reply given to part (d) of Mr. G. P. Singh's starred question No. 91 answered by me on the 21st January last which gives the total loan guaranteed. I am not in a position to give details of the sums drawn from day to day under the guarantee.

(c) From the Bank's own funds.

(d) On the security of the Government of India.

(e) With regard to the first part of this question, the attention of the Honourable Member is invited to the reply given on the 23rd July 1923 to part (c) of starred question No. 308. As regards the second part, the loans were presumably made under the Imperial Bank of India Act.

(f) Yes, Rs. 75,000 of the amount advanced by the Imperial Bank of India.

## TOTAL LIABILITIES OF THE ARMY CANTEN BOARD (INDIA).

755. **\*Khan Bahadur W. M. Hussanally:** (a) What has been the total liability of the Army Canteen Board in the market, (i) in India, and (ii) in England, for goods purchased on credit from the commencement to date?

(b) Has this amount been paid off in its entirety? If not, what amount still remains to be paid off? When do the Board propose to pay this off? What has been the cause of the delay?

**Mr. E. Burdon:** (a) and (b) For the reason stated in the concluding portion of the reply given on the 6th March 1925 to starred questions Nos. 1148-1150, Government do not propose to furnish this information. I may, however, state that with the exception of a few small contested accounts, there are now no liabilities outstanding for over 3 months.

LATEST AUDITED ACCOUNTS OF THE ARMY CANTEN BOARD (INDIA),  
ETC.

756. **\*Khan Bahadur W. M. Hussanally:** (a) Will Government please lay on the table a copy of the last audited accounts of the Army Canteen Board?

(b) Have there been any further defalcations since last reported, and if so, where and to what extent?

(c) Will Government please place on the table copies of the reports received from time to time from Commanding Officers of units as to the working of the system?

**Mr. E. Burdon:** (a) The latest accounts have not yet been adopted by the Corporation in General Meeting now filed with the Registrar of Companies under the Indian Companies Act. I am, therefore, not in a position to comply with the Honourable Member's request.

(b) The attention of the Honourable Member is invited to the reply given on the 26th January last to starred question No. 242. Since August 1925, there have been no defalcations of any magnitude. A small number have come to light, but as those are still under investigation, I am unable to furnish details.

(c) Reports on the working of the Army Canteen Board (India) system are not submitted by Officers Commanding units to Government.

APPOINTMENT OF A PERMANENT COMMITTEE TO SUPERINTEND THE  
AFFAIRS OF THE ARMY CANTEN BOARD (INDIA).

757. **\*Khan Bahadur W. M. Hussanally:** Do Government propose to appoint any permanent committee to watch the affairs of the Army Canteen Board? If so, do they propose to nominate any one from the Assembly on that committee? If not, why not?

**Mr. E. Burdon:** The answer to the first part of this question is in the negative. The remaining parts do not arise.

FEEDER RAILWAYS IN SIND.

758. **\*Khan Bahadur W. M. Hussanally:** (a) Has the attention of the Government been drawn to the several representations made to H. E. the Governor of Bombay, during his last visit to Sind by representative bodies on the non-existence of feeder lines of railway in Sind?

(b) If so, what action do Government propose to take in the matter?

(c) If their attention has not been drawn to the matter, do Government propose to call for a report from the Bombay Government in the matter and take action thereon?

**Mr. G. G. Sim:** (a) to (c) The attention of Government has not been specifically drawn to the representations referred to, but the question of feeder railways in Sind has been receiving attention and is to be considered at a representative conference which is being arranged by the local administration. A preliminary investigation of likely feeder railways aggregating a length of about 140 miles, is being put in hand at once by the North Western Railway Administration.

REVIVAL OF THE INDIGO INDUSTRY.

759. **\*Mr. K. Venkataramana Reddi:** Will Government be pleased to state what steps they have taken to revive the indigo industry?

**Mr. J. W. Bhore:** As I have already informed the Honourable Member, an indigo cess was imposed to obtain funds to carry on research work in respect of botanical chemical, and bacteriological problems connected with the manufacture of natural indigo. Important and valuable results have been obtained and these have been made available to the industry. Government are not contemplating further measures at present.

PROTECTION OF THE INDIAN SILK (HANDLOOM) INDUSTRY.

760. **\*Mr. K. Venkataramana Reddi:** Has it been brought to the notice of Government that the Indian silk (handloom) industry is suffering from an unfair foreign competition? What steps, if any, do Government propose to take to protect the same?

**The Honourable Sir Charles Innes:** I would point out to the Honourable Member that there is already a duty of 30 per cent. *ad valorem* on imported silk piecegoods and the Government do not think that there is any reason to suppose that the indigenous industry is suffering from foreign competition.

REDRESS OF THE GRIEVANCES OF THE EMPLOYEES OF THE MADRAS AND SOUTHERN MARHATTA RAILWAY.

761. **\*Mr. K. Venkataramana Reddi:** (a) Will Government be pleased to state whether it is a fact that the employees of the Madras and Southern Mahratta Railway Company have sent a representation to the Agent to redress their grievances? What steps have been taken by the Agent to remedy those grievances?

(b) Will Government be pleased to lay a copy of the representation on the table?

**Mr. G. G. Sim:** If they have sent any such representation the Government are sure that the Agent will consider it carefully but they have no information on the subject.

#### EUROPEAN SETTLEMENT IN THE HIGHLANDS OF TANGANYIKA.

762. **\*Mr. K. Venkataramana Reddi:** (a) Is it a fact that in Tanganyika the promotion of a scheme of European settlement in the territory whereby the highlands are to be alienated only for occupation by the Europeans, while the non-European races are to be confined to the lowlands, is under contemplation?

(b) Will Government be pleased to state whether the scheme, if carried out, affects Indian settlers in Tanganyika? If so, how?

(c) Has the attention of the Government been drawn to the following passage in the *Tanganyika Opinion*, dated the 6th January?

"It will be observed that a European settlement has only done more harm in Kenya than good. In Tanganyika its harmfulness will be greater for the very simple reason that it is governed according to the terms of the mandate under which the use of the term "European settlement" would be entirely intolerable. In Kenya it has proved to be undesirable economically and politically and we firmly believe that those who are in favour of it, are driving Tanganyika into a position similar to that which Kenya has assumed".

**Mr. J. W. Bhore:** (a) Government have no information but would invite the attention of the Honourable Member to the terms of Article 7 of the British Mandate for Tanganyika Colony, which secures to all nationals of States Members of the League of Nations the same rights as are enjoyed in the territory by the nationals of the Mandatory in respect of entry into and residence in the territory, the protection afforded to their person and property, the acquisition of property moveable and immoveable, and the exercise of their profession or trade, subject only to the requirements of public order and on condition of compliance with the local law. I would also remind the Honourable Member of the assurance which was given in 1920 to the late Mr. Montagu, Secretary of State for India, by Lord Milner, Secretary of State for the Colonies, that Indian Settlers in Tanganyika territory will be treated on a footing of complete equality with other settlers and that no discrimination will be made in their disfavour.

(b) Does not arise.

(c) Government do not receive the *Tanganyika Opinion* and have therefore not seen the article containing the passage referred to.

#### THE CIVIL SERVICE (COMMUTATION) PENSION RULES.

763. **\*Mr. K. Venkataramana Reddi:** (a) Will Government be pleased to state how many officers have availed themselves of the "Civil Service (Commutation) Pension Rules"?

(b) Will Government be pleased to lay on the table the amount of pension sanctioned in each case and the cadre to which the officer belongs?

(c) Will Government be pleased to state in how many cases the sanctioning authority relaxed the condition specified in clauses A and B of Rule 3 of the Civil Pensions (Commutation) Rules in the case of a pension granted under the Premature Retirement Rules?



**The Honourable Sir Basil Blackett:** (a) and (b) It is not clear whether the Honourable Member refers particularly to the "Civil Pensions (Commutation) Rules" published in Part I of the Gazette of India, dated the 23rd January 1926 or to the Commutation Rules in force prior to that date, and if to the latter, for what period the information is required. Under the old as well as the new rules, commutation can be sanctioned in India by the Government of India and Local Governments and also in England, formerly by the Secretary of State, and now by the High Commissioner for India. The Government of India, therefore, have not got the information asked for and since its collection will involve time and labour not commensurate with the purpose which it will serve, I would ask my Honourable friend not to press for it.

(c) As the new rules to which the Honourable Member refers were only published in India on the 23rd January last, the commutations, if any, sanctioned must be very few. The Government of India have no information regarding the relaxation of the conditions of commutation and for the reason stated above, they do not propose to call for it.

NUMBER OF OFFICERS WHO HAVE AVAILED THEMSELVES OF THE  
PREMATURE RETIREMENT RULES IN 1924-25 AND 1925-26.

764. **\*Mr. K. Venkataramana Reddi:** Will Government be pleased to state how many officers availed themselves of the Premature Retirement Rules in 1924-25 and 1925-26?

**The Honourable Sir Alexander Muddiman:** The information is being collected and will be supplied to the Honourable Member in due course.

DIFFICULTIES EXPERIENCED BY INDIAN STUDENTS IN GAINING  
ADMISSION INTO INSTITUTIONS IN ENGLAND.

765. **\*Mr. K. Venkataramana Reddi:** (a) Will Government be pleased to state whether their attention has been drawn to the report on the work of the Indian Students Department for 1924-25, wherein the High Commissioner for India refers to the difficulties experienced by students in getting admission into institutions in England, and adds: "The main remedy for the present difficulties in regard to Indian students in this country lies undoubtedly in the development of facilities for all types of modern education in India itself"?

(b) What steps, if any, do Government propose to take to remove the difficulties experienced by Indian students in getting admission into institutions in England and to provide in India "facilities for all types of modern education"?

**Mr. J. W. Bhore:** (a) Yes.

(b) If the Honourable Member will refer again to the letter of the Secretary to the High Commissioner from which he is quoting he will see that the High Commissioner expressly states that the difficulties which are experienced by Indian students in obtaining admission into English institutions are due simply to the inability of those institutions to accommodate all the students who apply for admission. He will further see that "efforts are being made by the Central as well as by Provincial Governments in India to expand the educational system so that it should

be unnecessary for a young Indian to seek facilities abroad for undergraduate studies" while "the High Commissioner has found educational authorities in England always willing and anxious to provide facilities for postgraduate work to all young Indians of merit and capacity".

**ALLEGED ABDUCTION OF A MARRIED BENGALI GIRL BY GUARD HODSON  
OF THE EASTERN BENGAL RAILWAY.**

**766. \*Mr. Gaya Prasad Singh:** (a) With reference to my starred question No. 89 of the 21st January 1926, regarding the alleged abduction of a married Bengali girl by Guard Hodson, on the Katihar section of the Eastern Bengal Railway, are Government aware that the complainant in the case, who was the aged father of the girl, had suddenly died when the case was called on the 7th August, 1925?

(b) Are Government aware that the trying Deputy Magistrate in discharging the accused guard under section 259 of the Criminal Procedure Code recorded the following entry: "Enter case true under sections 497 and 498, Indian Penal Code"?

(c) Are Government aware that section 497 of the Indian Penal Code deals with the offence of "adultery," and section 498 with the offence of "enticing or taking away or detaining with criminal intent a married woman"?

(d) Are Government aware that the Railway Police report and the deposition of several witnesses, many of whom are railway employees, go to prove that the abducted girl was recovered from Hodson's bungalow at Katihar, where she was kept in a room under lock and key?

(e) Is it not a fact that the girl in the course of her deposition confessed that the accused guard had sexual intercourse with her in the Katihar bungalow?

(f) Are Government aware that in the course of search, the Katihar Railway Police seized several letters written in Bengali to the girl; and is it a fact that the writers of these letters deposed in Court that they wrote the letters on behalf of, and at the request of Guard Hodson, who did not know Bengali?

(g) Are Government aware that the Katihar Bar Association passed a resolution demanding prompt action; and is it a fact that a copy of the resolution was sent to the Agent, Eastern Bengal Railway?

**Mr. G. G. Sim:** (a) to (f) Government presume that the Magistrate took all the relevant facts into consideration before discharging the accused.

(g) Government have no information.

**Mr. Gaya Prasad Singh:** Are the Government prepared to take departmental action against the guard, as the honour of an Indian lady is concerned?

**Mr. G. G. Sim:** As was explained by the Honourable Member for Railways, in whose absence I am replying to this question, the guard in question was discharged by the court and the railway authorities are not prepared under the circumstances to take any action.

**Mr. Gaya Prasad Singh:** Are the Government aware that in the order of discharge of the trying Magistrate there is specific mention that the accusation against the guard is correct?

**Mr. G. G. Sim:** If the Honourable Member knows it, I do not understand why he is asking me.

**Mr. Gaya Prasad Singh:** I want to give notice to Government that I will raise this question during the railway budget debate.

FOREIGN COUNTRIES AND BRITISH DOMINIONS WHERE INDIANS ENJOY  
THE FRANCHISE FOR THEIR PARLIAMENTS.

767. **\*Pandit Nilakantha Das:** Which are the foreign States and British Dominions where Indians enjoy the franchise for their Parliaments?

FOREIGN COUNTRIES AND BRITISH DOMINIONS WHERE INDIANS HAVE  
BEEN DISENFRANCHISED.

768. **\*Pandit Nilakantha Das:** Which are the foreign States and British Dominions where Indians (i) remain disenfranchised or (ii) have recently been disenfranchised so far as their Parliaments are concerned?

**Mr. J. W. Bhore:** Sir, with your permission, I should like to answer questions Nos. 767 and 768 together. As regards foreign countries possessing Parliaments, the right of naturalisation is a condition precedent to the right of franchise. The only foreign country where Indians have been disfranchised appears to be the United States of America where their naturalisation has been ruled by the Supreme Court to be against the constitution.

With regard to British Dominions, the position is as follows. Under the Canadian Dominion Election Act Indians domiciled in Canada enjoy the federal franchise in 8 out of the 9 provinces. In Australia, the Commonwealth franchise has been conferred on all resident British Indians. In New Zealand, Indians enjoy the franchise on the same footing as all other British subjects. In South Africa, only those Indians who were qualified for the Parliamentary vote under the laws existing in the several colonies on the establishment of the Union possess the Parliamentary franchise. In New Foundland Indians are eligible for the franchise on the same footing as all other British subjects.

**Lala Lajpat Rai:** May I ask the Honourable Member if the Indians in Vancouver enjoy the franchise.

**Mr. J. W. Bhore:** I must ask for notice of that question.

**Diwan Bahadur M. Ramachandra Rao:** The Honourable Member referred to Canada and said that Indians enjoy the federal franchise there. Have they any franchise in the provinces?

**Mr. J. W. Bhore:** I must explain that the possession of the provincial franchise carries with it the federal franchise but not *vice versa*.

INDIANS AND THE PARLIAMENTARY FRANCHISE IN THE SOUTH AFRICAN  
UNION.

769. **\*Pandit Nilakantha Das:** (a) Why and under what circumstances and conditions were Indians originally prevented from being enfranchised in the South African Union for its Parliament?

(b) What, if anything, did the Indian Government then do in the matter?

**Mr. J. W. Bhore:** (a) By the Union of South Africa Act of 1909 only those Indians were made eligible for the Parliamentary vote who possessed the qualifications of voters which existed in the several Colonies at the establishment of the Union. Under the Law of the Cape Province all Indians are eligible for the Parliamentary vote. In the other Provinces the vote is confined to Europeans, except that in Natal there is a small number of native and Indian voters who were enrolled prior to the passing of the legislation (Natal Act 8 of 1896) which had the effect of limiting the franchise in that Province to Europeans.

(b) As the Union of South Africa Act of 1909 did not involve the abrogation of existing rights of Indians in regard to the Parliamentary franchise, no action on this point on the part of the Government of India was then considered necessary.

#### EXTENSION OF THE PARLIAMENTARY FRANCHISE TO INDIANS IN THE DOMINIONS AND THE SOUTH AFRICAN UNION.

770. **\*Pandit Nilakantha Das:** (a) Have any definite attempts or negotiations been made by the Government to effect the enfranchisement of Indians for the Parliaments:

- (i) in the Dominions in general, and
- (ii) in the South African Union in particular?

(b) If so, what exactly are those attempts, or negotiations?

(c) If not, are the Government contemplating any definite attempts or negotiations with that object in view by way of permanently solving the problem arising from the treatment of Indians abroad?

**Mr. J. W. Bhore:** I invite attention to the proceedings of the Imperial Conference, 1921, and to the Report, which is available in the Library of the House, of the Right Honourable Srinivasa Sastri on his visit to Australia, New Zealand and Canada in 1922 with the object of inducing the respective Governments to give practical effect to the resolution passed by that Conference.

#### EXTENSION OF THE PARLIAMENTARY FRANCHISE TO INDIANS IN THE DOMINIONS.

771. **\*Pandit Nilakantha Das:** (a) Have any attempts been made by Government for the enfranchisement of Indians in the Dominions or Colonies where a parliamentary form of government prevails?

(b) If so, when, where, under what circumstances, and with what results?

**Mr. J. W. Bhore:** (a) The attention of the Honourable Member is invited to the reply given by me to his question No. 770.

(b) I regret I cannot undertake to furnish the Honourable Member with a statement of the negotiations which have been conducted by the Government of India with the Governments of the Dominions extending over a long period of years. The result of those negotiations are outlined in my reply to the Honourable Member's questions Nos. 767 and 768 giving a list of the Dominions in which the Parliamentary franchise has been extended to Indians.

GRIEVANCES OF THE LICENSED PORTERS AT THE HOWRAH RAILWAY STATION.

772. **\*Mr. Devaki Prasad Sinha:** (a) Is it a fact that licences are granted to the porters at the Howrah railway station through "sirdars" who recruit these porters?

(b) Will Government be pleased to state why the services of porters are secured through these sirdars?

(c) What exactly is the duty assigned to these "sirdars"? Why is it necessary to employ "sirdars" as middlemen between the railway authorities and the coolies (porters)?

(d) Are Government aware that a large percentage of the earning of these porters is systematically realised by the "sirdars" by means of illegal pressure? If so, will Government take steps to remedy this evil?

**Mr. G. G. Sim:** (a), (b) and (c) The licensed coolies at Howrah are recruited by a contractor who is under agreement with the Railway to supply labour.

(d) Government are not aware that the facts are as suggested.

CLOSING OF THE DEPARTMENTAL TELEGRAPH TRAINING CLASSES.

773. **\*Mr. Devaki Prasad Sinha:** (a) Will Government state why the Departmental Training Classes were closed, and for what reasons?

(b) What were the subjects taught in these classes and the expenditure incurred on them per year?

(c) What was the total number of recruits per year?

(d) What is the number of recruits trained every year, and what is the system of the training and the expenditure incurred on the same per year?

**The Honourable Sir Bhupendra Nath Mitra:** (a) The Departmental Telegraph Training Classes were closed for the purpose of recruiting telegraphists, as it was expected that a better class of recruit could be obtained by recruitment from approved Schools.

(b) The subjects taught in the Classes generally were—

I. Handwriting including printing in Block Capitals.

II. Signalling.

III. Typewriting from the Sounder.

IV. Technical subjects such as the principles of Electricity and Magnetism, batteries, instruments and testing.

V. Traffic Rules, such as booking, delivery and custody of messages.

It would involve much time to ascertain the expenditure incurred on these Classes during a long series of years.

(c) The number of recruits was not fixed. It varied according to the requirements of the Department.

(d) The number of recruits now trained for Departmental Telegraph Offices every year is approximately 102. The training is done through selected Schools and Colleges where instruction in telegraphy is usually given to the boys along with their ordinary general education. The

Department supplies free of charge instruments and an Instructor, the necessary forms and stationery, technical fittings and furniture. The Schools and Colleges usually give accommodation for a class and quarters for the Instructor. The expenditure incurred in training recruits for departmental telegraph offices averages approximately Rs. 41,000 per annum. The recruits for Postal Combined Offices are trained in Departmental Telegraph Training Classes which are at present 16 in number. The allowances paid to postal learners in telegraphy during the year 1924-25 amounted to Rs. 31,351.

UNIFORM SYSTEM OF TRAINING FOR POSTAL AND TELEGRAPH RECRUITS.

774. **\*Mr. Devaki Prasad Sinha:** (a) What are the reasons for not allowing postal recruits to be trained at the special Schools and Colleges, at which recruits for the Telegraphic Branch are trained?

(b) Is it a fact that recruits in Training Classes attached to certain special Schools and Colleges begin their training before passing the matriculation examination, and that the training occupies about two hours a day, while the postal recruits are all matriculates and are trained for one year?

(c) Is it a fact that the postal recruits have better qualifications and that yet they are not allowed to get the training necessary for the telegraph recruits?

(d) What are the reasons against a uniform system of training for both the classes of recruits?

(e) Is it the present practice to entrust the work of the "extra-leave" absentees to the remaining staff instead of maintaining reserved clerks? Is the remaining staff paid any extra remuneration or overtime allowance in respect of work done for the absentees?

(f) How many of the existing Postal Superintendents have served as Postmasters before being confirmed as Superintendents?

**The Honourable Sir Bhupendra Nath Mitra:** (a) Recruits for signalling work in Postal Combined and in Departmental Telegraph Offices do not require the same training as they perform different duties. The training of a telegraphist for a Departmental Telegraph Office has to be on a different basis.

(b) The recruits in Training Classes in approved Schools and Colleges begin their training after passing either the matriculation or an examination of equivalent or higher standard. It is not a fact that their training occupies about two hours a day. The ordinary course of training extends over two years. Postal recruits are usually matriculates and their appointment as postal signallers depends on their ability to pass certain prescribed tests within nine months.

(c) Some postal candidates have better educational qualifications than those entering as telegraphists in Departmental Telegraph Offices. A postal candidate gets in the Telegraph Training Class the training necessary for a postal signaller.

(d) The reasons have already been given in my reply to (a).

(e) If by "extra leave" is meant casual leave the answer to the first part of the question is in the affirmative, when reserve clerks are not available. The answer to the second part is in the negative.

(f) Out of 180 existing Postal Superintendents 95 have served in the general line in the Post Office or Railway Mail Service as Postmasters, inspectors or clerks.

GRANT OF A SPECIAL DUTY ALLOWANCE TO POSTAL SERVANTS.

775. **\*Mr. Devaki Prasad Sinha:** Has the special duty allowance of 10 per cent. of pay recommended by the Postal Committee in 1920 been paid so far to any of the postal servants? If not, why not?

**The Honourable Sir Bhupendra Nath Mitra:** I am not aware that the Postal Committee of 1920 made any recommendation for a special duty allowance of 10 per cent. of pay.

WHARFAGE CHARGES AT THE NASIK RAILWAY STATION.

776. **\*Mr. Devaki Prasad Sinha:** Is it a fact that at the Nasik railway station wharfage is charged at the rate of one anna per maund for goods not cleared within 24 hours? Are Government aware that goods receipts are sometimes not received by consignees in good time and that facilities for clearing goods may not possibly become available within the short time at the disposal of the consignees? What are the difficulties in reintroducing the old rule of granting a grace period of 72 hours and charging wharfage at the rate of two pies per maund for every day?

**Mr. G. G. Sim:** The Honourable Member is referred to the reply given on the 8th February, 1926 to Dr. Lohokare's question No. 706.

UNSUITABILITY OF QUARTERS FOR INDIANS AT RAISINA.

777. **\*Khan Bahadur W. M. Hussanally:** Are Government aware that the plan of bungalows built at Delhi is generally disliked by Indians? Did Government consult representative Indian officers before adopting the plans? If so, who were the persons consulted?

**The Honourable Sir Bhupendra Nath Mitra:** There are over 50 types of bungalows and quarters built at Raisina and if the Honourable Member will specify the type he refers to, I will have inquiries made. I may, however, mention that Government are not aware that any of the types is generally disliked by Indians.

ORTHODOX BUNGALOWS AT RAISINA.

778. **\*Khan Bahadur W. M. Hussanally:** (a) Is it a fact that the orthodox bungalows built in Queen Victoria Road and Queens Square are positively inferior to the 'A' type quarters built for Assistants and that the rent of the former is about Rs. 30 higher than that of the latter?

(b) Are Government aware that the rooms in the orthodox bungalows in Raisina are very small in size; that there is only one bathroom and one latrine, that there are no bathrooms attached to the 3 bedrooms and that the occupants, therefore, have to suffer great inconvenience?

(c) Do Government intend to build orthodox bungalows of a superior type for higher paid Indian officers who are entitled to better accommodation? If not, why not?

(d) If the answer to part (c) is in the affirmative, will Government consider the desirability of consulting the officers for whom the bungalows will be built?

**The Honourable Sir Bhupendra Nath Mitra:** (a) No, it is not a fact that the orthodox bungalows on Queen Victoria Road and Queens Square are inferior to the "A" type Assistants' quarters.

The rent of the former is considerably higher than that of the latter owing partly to the higher cost of the bungalow but mainly to the higher rate of interest payable on residences built subsequently to 19th June 1922.

(b) The answer is in the negative except as regards the single bathroom—one room labelled dressing room is being converted into a bathroom.

(c) No. Because there is no real demand.

(d) Does not arise.

#### FLUSHING ARRANGEMENTS IN THE UNORTHODOX BUNGALOWS AND QUARTERS IN DELHI.

779. **\*Khan Bahadur W. M. Hussanally:** Are Government aware that flushing arrangements in the unorthodox bungalows and quarters in Delhi built more than 5 or 6 years ago have not yet been made? When will the flushing arrangements be completed?

**The Honourable Sir Bhupendra Nath Mitra:** (a) Yes. It is not the intention to introduce flushing arrangements in any bungalows and quarters except in special cases where the proposed system of pail dépôts is not suitable.

#### FURNITURE IN THE UNORTHODOX BUNGALOWS AND QUARTERS IN DELHI.

780. **\*Khan Bahadur W. M. Hussanally:** Are Government aware that the scale of furniture in unorthodox bungalows and quarters in Delhi is fixed without due regard to the needs of the occupants, that in the case of some articles, *e.g.*, chest of drawers, the scale is disproportionately high and in other cases, *e.g.*, beds, it is disproportionately low? Why is not furniture allowed to be exchanged according to the needs of the occupants?

**The Honourable Sir Bhupendra Nath Mitra:** No. The scales have been fixed in accordance with average requirements.

Exchange of furniture is not allowed owing to the expense of shifting furniture due to carriage and damage done.

#### PERIODICAL REVISION OF THE VALUATION OF THE FURNITURE IN THE BUNGALOWS AND QUARTERS IN DELHI.

781. **\*Khan Bahadur W. M. Hussanally:** (a) Is it a fact that the valuation of the furniture in the bungalows and quarters in Delhi is not periodically revised? Are Government aware that the valuation of the furniture remains the same even after the furniture is used for 5 or 6 years and that no depreciation is taken into account?

(b) Is it a fact that old furniture is not properly repaired and polished and that durries are not properly washed to remove dirt?



**The Honourable Sir Bhupendra Nath Mitra:** (a) For the purpose of fixing rents the furniture is not revalued periodically.

(b) No.

**PAY AND QUALIFICATIONS OF MR. PRAMATHA NATH BANERJI, SUPERINTENDENT, RAILWAY MAIL SERVICE, P. DIVISION.**

**782. \*Mr. Ambika Prasad Sinha:** (a) Will the Government be pleased to state from what date Mr. Preonath Bannerjee has been holding the office of Superintendent, Railway Mail Service, in the P. Division?

(b) What are his educational qualifications?

(c) What is the minimum educational qualification required for the above post?

(d) What is the pay of the said officer?

(e) Is there any standing order or circular that the officer holding the said post should not remain for more than three years continuously in one division?

(f) If so, what are the reasons, if any, for allowing the said officer to remain in the P. Division longer than that period?

**The Honourable Sir Bhupendra Nath Mitra:** (a) The name of the present Superintendent, Railway Mail Service, P. Division, is Mr. Pramatha Nath Banerji. He was posted to that Division on the 5th March 1921.

(b) He read up to the Intermediate Arts standard.

(c) No definite rules have been laid down. Only subordinates of proved ability who have passed the departmental examination and have shown their fitness in every respect are selected for promotion to a Superintendentship.

(d) Rs. 460 a month in the time-scale of Rs. 250—25—300—20—700.

(e) No.

(f) Does not arise.

**TOTAL CAPITAL OUTLAY ON IRRIGATION WORKS, ETC.**

**783. \*Mr. Kumar Sankar Ray:** Will the Government be pleased to state the total amount of money spent on irrigation works up to now in India? Are Government aware of the view that irrigation after some years makes land unfit for cultivation by making it alkaline in nature? If so, what remedy do the Government propose to adopt to prevent this?

**The Honourable Sir Bhupendra Nath Mitra:** The total capital outlay, direct and indirect, on irrigation works for which capital accounts are kept amounted to slightly over Rs. 88 crores at the end of 1924. It is true that irrigation has occasionally had the effect mentioned by the Honourable Member. All Local Governments are alive to this danger, and, in most of them experiments are in progress with a view to discover means both of prevention and reclamation. A report on the whole subject is being called for from Local Governments, and further information will be given when the replies are received.

## UNSTARRED QUESTION AND ANSWER.

### REMOVAL OF THE OFFICE OF THE SUPERINTENDENT, RAILWAY MAIL SERVICE, P. DIVISION, FROM PATNA TO BENARES.

**144. Mr. Gaya Prasad Singh:** Will the Government be pleased to state :—

- (a) from what year to what year the office of the Superintendent, Railway Mail Service, P. Division, was located at Patna?
- (b) when the said office was removed to Benares?
- (c) if any rent had to be paid for the building in which the said office was located in Patna? If so, how much?
- (d) whether any rent has to be paid for the building in which the office is located at Benares? If so, how much?
- (e) what is the area of jurisdiction of the said office; and whether Patna is not comparatively a more central place for the supervision of the P. Division than Benares?
- (f) the reasons for the removal of the said office to Benares, and whether there has been any increase of expenditure, or whether there is likely to be any such increase, since the removal of the said office to Benares?

**The Honourable Sir Bhupendra Nath Mitra:** (a) From the 1st October, 1919 to the 30th June, 1925.

(b) On the 1st July, 1925.

(c) No. The office was located in the departmental post and telegraph building.

(d) Yes. Rs. 75 monthly, of which the Superintendent, P. Division, pays Rs. 30 for his residence.

(e) The area is conterminous with the whole of the Bengal and North Western Railway and portions of the East Indian Railway between Patna-Dighaghat, Kiul-Mokameh and Benares-Moghalsarai. Benares is a more convenient station than Patna for supervision of the Division.

(f) For administrative reasons just indicated no extra expense is involved. On the contrary there has been a monthly saving of Rs. 10.

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## STATEMENT OF BUSINESS.

**The Honourable Sir Alexander Muddiman** (Home Member): With your permission, Sir, I wish to make a statement in respect of the course of official business during the next week.

On Monday, the 15th, the consideration stage of the Bill to amend the Code of Criminal Procedure, 1898, for a certain purpose will be resumed and a motion will be made that the Bill be passed. Motions will next be made for leave to introduce—

- (1) A Bill to constitute the Delhi Joint Water Board, and
- (2) A Bill further to amend the Madras Civil Courts Act, 1873.

Thereafter the House will proceed to deal with the Demands for Excess and Supplementary Grants. On the completion of that business motions

will be made to take into consideration and pass the Bill to amend the Steel Industry (Protection) Act, 1924. Thereafter, if time allows, the remainder of the business not concluded on Wednesday of this week will be taken including the motions for taking into consideration and passing a Bill further to amend the Indian Income-tax Act, 1922, for certain purposes but excluding the motion to refer the Bar Councils Bill to a Select Committee.

On Wednesday, the 17th, any business left over from Monday will be taken first. Thereafter a motion will be made to refer to Select Committee the Bar Councils Bill, and Resolutions will be moved in respect of supplementary assistance to the tin-plate industry in India and in respect of a Convention of the International Labour Conference relating to workmen's compensation for occupational diseases.

On Thursday, the 18th, the Railway Budget Statement will be presented and thereafter motions will be made for the consideration and passing of (1) A Bill further to amend the Code of Civil Procedure, 1908, (2) A Bill further to amend the Legal Practitioners Act, 1879, as reported by the Select Committees, and (3) the Delhi Joint Water Board Bill.

Honourable Members are already aware that Tuesday, the 16th and Friday, the 19th February, have been allotted for non-official Resolutions and Bills, respectively.

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#### THE BENGAL STATE PRISONERS REGULATION (REPEAL) BILL.

**Mr. Amar Nath Dutt** (Burdwan Division: Non-Muhammadian Rural): Sir, I beg to move that the Bill to repeal Bengal Regulation III of 1818, be taken into consideration.

Sir, it may be in the recollection of this House that while moving a Resolution recommending to the Governor General in Council to repeal this Regulation on the 20th March, 1924, in this House, I stated that I was moving the Resolution instead of bringing in a Bill in order to give the Government an opportunity to introduce the Bill and thus make amends for the wrongs that have been committed by them over a series of years under the cloak of this lawless law. I waited and waited but the Government did not think fit to take the opportunity to introduce a Bill for its repeal, and at last I was obliged to give notice of this Bill. Fortunately or unfortunately, a more comprehensive Bill got precedence over my humbler Bill in the last Delhi Session, and the same was duly passed at the instance of Mr. V. J. Patel, who now adorns the Speaker's Chair of this House, and I thought that the last word on the subject had been said. I hardly anticipated that it was not to be so, but that its finding a place on the Statute-book would be objected to by the Council of State which, according to the then Law Member, was a Council of Elders having a larger experience of the world and whose business, according to him, was to see that no unwise measures are hastily adopted by a body naturally fond of asserting what they consider to be the people's will. He also repudiated the insinuation that the attitude of the Government was influenced by their confidence in the voting power they have in the other House. But alas! facts

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proved to be otherwise. The House of Elder Statesmen with more knowledge of the world brought their wisdom to play to repudiate all insinuations of yielding to the people's will and thus I am obliged to pilot this Bill which was previously piloted by veteran legislators of the type of Mr. V. J. Patel—not the Honourable Mr. V. J. Patel who now sits in the Presidential Chair unruffled by the storm that is raging round him. Yet I fondly cherish the hope that, although not a very skilful navigator, I shall be able to land this legislative measure in safe harbours, and I have every hope that our friends in the Upper House will not again send it down to the deep sea. Had I not this faith in the newly constituted Council of State I would not have wasted the time of this House by introducing the Bill again. May I also add that my experience of that generous and warm-hearted Englishman who is now the Leader of this House leads me to hope that I will have his support also, although at the time of introduction of the Bill he gave me to understand otherwise. A perusal of the Preamble of Regulation III of 1818 will at once disclose the genesis of this lawless law. The Preamble runs thus :

“Whereas :

- (1) Reasons of State embracing the due maintenance of the alliances formed by the British Government with foreign Powers :
- (2) The preservation of tranquillity in the territories of the Native Princes entitled to its protection; and
- (3) The security of British dominions from foreign hostility and internal commotion, occasionally render it necessary to place under personal restraint individuals against whom
  - (1) there may not be sufficient ground to institute any judicial proceedings;
  - (2) or when such proceedings may not be adapted to the nature of the case or may for other reasons be inadvisable or improper.”

That is the Preamble. This was at a time when the East India Company was consolidating its position, and almost the whole of Upper India, including the Punjab, Sind and Oudh were under Indian rulers, and there sat on the throne of Delhi a descendant of the Great Moghul. It is also reminiscent of the days when another European Power was competing with the Britisher for supremacy in India. It was framed at a time when the British military power and British diplomacy had not finally vindicated itself in the country. It was framed when foreign adventurers and freelances, without any stake in the country, were harassing the people; and there was trouble on our northern frontiers of Nepal, and the country was subject to the depredations of the Pindaris, and the universal desire of India at that time was peace, riddance from unscrupulous adventurers and merciless marauders. Whatever justification there might have been for a Regulation like this in those troublous times, it is certainly not needed now when, after the lapse of more than a century of British rule, the country has been given peace and security—although that peace may be the peace of the grave, and that security the security of a beggar who has nothing to be robbed. Sir, the laws of a country are an index of the character of its administration, and with such archaic laws on the Statute-book you can hardly claim to have put India on the path of responsible government, of which you boast so much. I repeat, Sir,

that the retention of this Regulation on the Statute-book is an anachronism, if we are to believe all that is said about the political progress of India under British rule.

If you closely examine the Preamble, you will find that it deals with vague dangers, to which a newly-introduced alien Government is exposed in its international relations from adventurers and scheming persons, in an unsettled state of society, and was certainly never meant to be a weapon in the hands of an irresponsible bureaucracy to suppress the political aspirations of the people, as has been the case in recent years. I shall ask you to remember that this Regulation was passed when the Indian Penal Code and the Criminal Procedure Code were not in existence, and there was no properly constituted Legislature which could pass laws. I venture to submit that the Regulation was not duly passed, and hence not entitled to the weight and authority of law. It has been rightly characterised as a mere decree of the Executive and should not be used as the law of the land. With the assumption of the government of India by the Crown after the end of the Sepoy War, the criminal law of the country was codified, making ample provisions for the maintenance of law and order against any internal commotion, and for nearly half a century this rusty weapon in the armoury of the Executive was not used, except perhaps once during the Wahabi case. Then came the Partition of Bengal, that ill-starred measure of that brilliant Viceroy, Lord Curzon. The Government, in their mad attempt to coerce the people into submission with the aid of this Regulation, deported men of saintly character like the late Babu Aswini Kumar Dutt and a moderate of moderates like Babu Krishna Kumar Mitra, along with the late Babus Subodh Chandra Mallik, Monoranjan Guha and others. I do not wish to rake up memories of those dark pages of the history of bureaucratic wrath in my unhappy province, which created havoc in thousands of peaceful homes in the province of Bengal. I need hardly say that deportation without trial is not only inconsistent with modern ideas of political society, but is also a dangerous weapon in the hands of an alien bureaucracy, whose Executive is not responsible to the people of the country. Lord Morley, who has been so often quoted in this House, was against giving such a blank cheque to the Executive and wrote thus to Lord Minto:

"I won't follow you into deportation. You state your case with remarkable force. I admit. But then I comfort myself in my disquiet at differing from you by the reflection that perhaps the Spanish Viceroys in the Netherlands, the Austrian Viceroy in Venice, the Bourbon in the two Sicilies and a Government or two in the old American colonies, used reasonings not wholly dissimilar, and not much less forcible. Forgive this affronting parallel. It is only the sally of a man who is himself occasionally compared to Strafford, King John, King Charles, Nero and Tiberius."

And again speaking of the Regulation and the Bengal deportations, Lord Morley wrote:

"The question between us two upon this matter may, if we don't take care, become what the Americans would call ugly. I won't repeat the general arguments about Deportation. I have fought against those here who regarded such a resort to the Regulation of 1818 as indefensible. So, *per contra*, I am ready just as stoutly to fight those who wish to make this arbitrary detention, for indefinite periods, a regular weapon of Government. Now your present position is beginning to approach this. You have nine men locked up a year ago by *lettre de cachet* because you believed them to be criminally connected with criminal plots, and because you expected their arrest to check these plots. For a certain time it looked as if the *coup* were effective, and were justified by the result. In all this, I think, we were perfectly right. Then you came by and by upon what you regard as a great anarchist conspiracy for sedition and murder, and you warn me that you may soon apply to me for sanction

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of further arbitrary arrest and detention on a large scale. I ask whether this process implies that through the nine détenus you have found out a murder-plot contrived, not by them, but by other people. You say, 'We admit that being locked up they can have had no share in these new abominations; but their continued detention will frighten evildoers generally.' That is the Russian argument; by packing off train-loads of suspects to Siberia we will terrify the anarchists out of their wits, and all will come out right. That policy did not work out brilliantly in Russia, and did not save the lives of the Trepoffs, nor did it save Russia from a Duma, the very thing that the Trepoffs and the rest of the 'offs' deprecated and detested."

Sir, those are weighty words of a Secretary of State for India addressed to a Governor General of India, and I commend them to the present occupants of the Treasury Benches, who have allowed the Regulation to remain on the Statute-book of India, not as a dead letter, but as a living force amongst the people, when the Repressive Laws Committee after a full and careful investigation came to their rescue and reported as follows:

"We recognise the force of these arguments, in particular the difficulty of securing evidence or preventing the intimidation of witnesses. We also appreciate the fact that the use of the ordinary law may in some cases advertise the very evil which a trial is designed to punish, but we consider that in the modern conditions of India that risk must be run. It is undesirable that any Statutes should remain in force which are regarded with deep and genuine disapproval by a majority of the Members of the Legislature".

And they recommended its amendment so that it can be used only for the

"due maintenance of the alliances formed by the British Government with Foreign powers, the preservation of tranquillity in the territories of the Native Princes entitled to its protection and the security of the British dominions from foreign hostility—and only so far as the inflammable frontier is concerned—from internal commotion."

These recommendations of the Repressive Laws Committee were accepted by the Government of India, as will be seen from their Resolution of the 19th September, 1921, which runs as follows:

"The Governor General in Council has considered the Report and has decided to accept the recommendation made by the Committee. Steps will be taken as soon as may be to introduce legislation to give effect to them."

Sir, in spite of the condemnation of the Secretary of State for India, in spite of the condemnation of the Committee appointed by the Government, and in spite of the condemnation of the Government themselves, what justification is there for the Government to defer the repeal of this Regulation? You may say that there has been a recrudescence of lawlessness and disorder in the country and therefore you must have these extraordinary powers. But the Report of the Committee shows that they were perfectly conscious of such facts, and yet they recommended the repeal for reasons stated in their Report. Then, again, may I ask, who is responsible for such a recrudescence of lawlessness and disorder, if there be any? I say that the Government of India are responsible for it, as their shortsighted policy of repression and want of statesmanship to grasp the political problems of the day is at the root of all revolutionary propaganda and anarchy, if there be any, in the country. You want to suppress the national aspirations of the people of this country, and their natural desire for political freedom, and therefore, you want powers under the Regulation, so that nothing may stand in your way of continuing your autocratic rule in this country. You want to continue your rule with the help of these repressive

laws; but I must remind you that no country has ever been governed by repression for any length of time and I warn you to retrace your steps and broad base the foundations of the Empire on the love and goodwill of the people. Sir, arrests and detentions of persons on mere suspicion for political or other imaginary reason is hardly worthy of any civilised Government. The writ of *Habeas Corpus* secures the personal liberty of the people in England and the Government there would not dare encroach upon this cherished right of the English people. But here in India even this elementary right of the subjects of a civilised State is denied to persons detained under Regulation III of 1818. I ask you: Is India to be kept in this state perpetually and are its people to be denied the elementary right of personal freedom without the semblance of a judicial trial? The official plea for the continuance of this Regulation on the Statute-book of India is not dissimilar to the plea of all autocrats in all ages and climes. But I ask the Government, are the ordinary laws of the country insufficient to bring about the conviction of those who are really guilty of offences against the State? Are not the provisions of the Indian Penal Code and the preventive sections of the Criminal Procedure Code sufficient to deal with them? Those of us who have been associated with the administration of justice in this country are familiar with the too liberal interpretations of sections 108A and 144 of the Criminal Procedure Code by our magistrates and judges and why should not the executive be content with these weapons, which have been aptly described by a great jurist as an iron hand in a velvet glove? Lord Morley in his denunciation of this Regulation expressed himself thus:

"The great executive officers never like or trust lawyers. I will tell you why. For they never trust or like law."

Am I to understand that the Executive in this country do not trust law and lawyers, and that they are unable to carry on the administration of this country without this Regulation, which is an intermediary between ordinary law and martial law, which is the negation of all law. You will urge that such extraordinary powers are necessary to restrict the movements and activities of persons who cannot be dealt with under the ordinary laws. But this can be urged with any show of reason only in cases of exiles from foreign or protected States and persons tampering with the inflammable materials on our frontiers and not in any other case, far less in the case of persons who believe, in the best interests of their own country, that the present system of administration should be replaced by another in which the people themselves will be the final arbiters of their destiny. If any of them in their zeal and enthusiasm transgress the bounds of law let them be tried in an ordinary way in a court of law, instead of allowing the very Executive against whose policy and action their activities are directed to be not only the prosecutor but also the judge and the executioner. You tell us that the papers of the deportees are examined by judges, but you forget that the truth or otherwise of your accusations are not tested by cross-examination which alone can reveal the truth. You then take shelter under the plea of intimidation of witnesses, a plea not borne out by facts, and the hollowness of which was thoroughly exposed in this House by the leader of the Swaraj Party by facts and figures last year when moving his Resolution on the Bengal Ordinance, and I shall not repeat them. Sir, all that can be said on this subject has been discussed threadbare on the floor of this House and if, in spite of all the facts and arguments placed before the Government, they still oppose the passage of this Bill, it will be a confession on their part that they have failed to win

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the confidence of the people even after a century and will deepen in the minds of their critics a disbelief in their good intentions. Let me remind them that the times are changing, the whole civilised world is watching them, and they will have to render an account of their self-imposed stewardship of this great country, which is the home and centre of an ancient civilisation and culture, before the bar of humanity and history in the near future. I therefore appeal to all true Englishmen in this House to rise above all petty considerations of expediency and vindicate the honour and fair name of England by supporting the Bill which I have introduced to repeal Regulation III of 1818, and help us on our onward march of freedom.

Sir, I move that the Bill be taken into consideration.

**Mr. J. T. Donovan** (Bengal: Nominated Official): Sir, I was under the impression—and I am afraid my Honourable friend Mr. Amar Nath Dutt does not share that impression—that this Assembly as the Legislative Assembly is for the primary purpose of making laws. Judging from his activities in the last week he seems to think that its primary purpose is for un-making laws. I hope, Sir, that the mover will get rid of that impression before he introduces a motion to repeal the Ten Commandments. It seems to me that a suggestion to repeal Regulation III of 1818 is a possible precursor of a suggestion to repeal the Ten Commandments. I have no doubt, Sir, that when he is making this suggestion for the repeal of the Regulation, he imagines he is speaking with the voice of Bengal. Well, Sir, my recollection of the voice of Bengal was the voice of another great man, the great Sir Surendra Nath Banerjea. He spoke with the voice of Bengal. We have all heard that voice. Though it is now silent in the grave, its echoes are still resounding throughout this country.

**Mr. Amar Nath Dutt:** Since when have you begun to entertain that respect for Sir Surendra Nath Banerjea?

**Mr. J. T. Donovan:** I have always entertained the greatest respect for Sir Surendra Nath Banerjea since the day I first met him.

**Mr. Amar Nath Dutt:** Not during the Barisal disorder!

(Cries of "Order, order.")

**Mr. J. T. Donovan:** I associate his voice with the voice of Bengal more than I associate the voice of Mr. Amar Nath Dutt with the voice of Bengal. Sir Surendra Nath Banerjea was a Member of the Government of Bengal that felt the need of Regulation III for Bengal. Of course, I may be asked—what happened to Sir Surendra Nath Banerjea afterwards? Well, if Mr. Amar Nath Dutt or his friends wish to take credit for the fate of Sir Surendra Nath Banerjea, they are welcome to it. But the time will come when they too will begin to experience what it is to know the ingratitude of a people for whom one has worked all one's life. I have challenged his presumption to say that he has the voice of Bengal behind him. I have no doubt that I shall hear the *tu quoque*—with what authority do I speak? Who am I here in this Assembly to speak on behalf of Bengal? Sir, I hope the Assembly will bear with me when I state my case. I have got my credentials and I am here to say a few words on behalf of the Government of Bengal. I am here not only as an official Member, but I am here as something else. I have spent nearly 16 years



in Bengal. There is not a single district in Bengal that I have not travelled through and through. I have lived and worked in every district there. There is no Member in this House who can say that. I have met the people in every district in Bengal from the ryot to the Raja. I have discussed with them their problems. I have worked for them, I have lived with them. For nearly two years I have lived in a tent in the villages of Bengal, where I never saw any Europeans. If Mr. Amar Nath Dutt had lived two years in Bengal without seeing Europeans, he would be scared. (Laughter.) I hope such a fate will never befall him. I spent two years in the Legislative Council of Bengal, and I counted amongst my friends the Members of that Council from the great leader Mr. C. R. Das down to the humblest of his followers. I counted them amongst my friends and friendly acquaintances. These are my credentials which I have placed before the House. I now say that I oppose this motion. I oppose this Bill to repeal Regulation III and I do so for the sake of the people of Bengal. (Cries of "Hear, hear," from the non-official Benches.) I oppose it on the ground that Regulation III is necessary, and on the second ground that the people of Bengal do not really object to it. (Honourable Members: "Question.") I am confident enough to say, Sir, that if the Government of Bengal parted with the powers which they have now under Regulation III without replacing them by some similar powers, they would be denounced from end to end of Bengal by the people whom they would be thus exposing to tyrannies like those of the last 20 years. If there is anybody in Bengal who wishes to get rid of Regulation III, it is the Government of Bengal themselves. Of course, they have been compelled to use that Regulation on a few occasions, but it is clear that they have no desire to use it. It is out of no love for the Regulation that they use it. The politicians in Bengal do assert that they would like to be rid of Regulation III. But sometimes I fancy that if they were rid of Regulation III, a great part of their stock-in-trade would be gone. Personally, if the Honourable Member had brought in some constructive suggestions or if he had come here with the proposal to repeal this Regulation and to replace it by something equally efficient which may be more dear to the hearts of constitutional purists, I do not think he would have found a strong supporter in the whole of this House than myself.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadan): Then you must support my Bill.

(Mr. Amar Nath Dutt also made an interruption which was inaudible.)

**Mr. President:** The Honourable Member from Bengal must remember that there was not a single interruption from the Government Benches when he was speaking, and the least that is expected of him is to extend the same courtesy to them.

**Mr. J. T. Donovan:** I thank you, Sir. I am sure the Assembly will sympathise with me when I say that I feel much more like a Grand National chaser than a maiden when I face these obstacles. (Laughter.) I was saying, Sir, that, provided the Honourable Member had suggested an efficient substitute, he would have found much support from this side. But what is his substitute? (An Honourable Member: "Give us Swaraj.") I shall deal with that later on. I may mention here that I have come from a country which has just got Swaraj and the first thing they did was to introduce a Regulation III of their own. I say that a Regulation III is being used in every civilised country in this world, and that it is necessary for the

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administration of every civilised country. The antiquity of this law is thrown up against it. There is no doubt that this Regulation is ancient, but it is not an argument against a law that deals with the constitution of the State or the administration of the State. The Romans used to be very proud of their 12 Tables. I do not think the Honourable Member has much contempt for the Code of Manu on account of its antiquity. As a matter of fact, laws of this kind must be ancient because they begin with the first foundation of the State, and when this country was formed into its present state, such a law was found to be necessary. The Habeas Corpus provision, the Magna Charta, the Bill of Rights, are all ancient and archaic, but the Habeas Corpus is not a day more ancient than the arrangement for suspending it. We are told and it has been repeated *ad nauseam* that the Habeas Corpus provision is never suspended. The first twenty years of my life, I am almost willing to bet, were spent more without the Habeas Corpus Act than with it.

**Mr. A. Rangaswami Iyengar** (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Was it in Ireland?

**Mr. J. T. Donovan:** Yes.

**Mr. A. Rangaswami Iyengar:** That is right. We can understand it.

**Mr. J. T. Donovan:** When Ireland got its Swaraj, the first two years were spent without the Habeas Corpus Act, and I doubt if the complete provision is still there. The constitutional guarantees of every country are always accompanied by provisions for suspending them. In every European country you will find constitutional provisions and a punishment for suspending them. The proclamation of a state of siege (I hope the expression will not mislead any Members) does not mean that this punishment comes into force only when the town is beleaguered, but it means nothing more than the use of Regulation III in a technical sense. The suspension of the Habeas Corpus Act, the suspension of the constitutional guarantees and the proclamation of a state of siege are mere synonyms for the use in an emergency of a Regulation III. And why are they not used in European countries so frequently? Why are they infrequent? Because the occasions for their use are infrequent. Why are they infrequent in Bombay? Because the occasions for their use are infrequent. Why are they more frequent in Bengal? Because the occasions for their use have been more frequent. Why is it that it is only in Bengal that these conspiracies exist? (*An Honourable Member:* "Because of you.") Because of us! Is not the same Home Member casting his shadow over Bombay and over Bengal? Is he not terrorising over the United Provinces or over the North-West Frontier Province? Then why is it that these conspiracies exist only in Bengal? I confidently assert, Sir, that the sole bulwark of Bengal in the last 20 years has been Regulation III or something of its nature. It is by that alone that Bengal has been saved from dire disaster. (*Honourable Members:* "Question.") Of course Regulation III has been denounced in this Assembly. As a matter of fact the echoes of these walls have not yet grown still from the language employed in the speeches delivered in 1924. It has been denounced in the Council in Bengal, it has been denounced by Lord Morley. Lord Morley has been cited a hundred times to support the repeal of this Bill. Lord Morley has also been cited a hundred times equally strongly in the opposite sense. If the Honourable Member turns a few pages of the speeches delivered in this Assembly on

the 20th March 1924, he will find citations from Lord Morley equally strongly on the opposite side. But was Lord Morley a monopolist of constitutional propriety and humanity? Have the two great statesmen presiding over the Government of India and Bengal not got a reputation to keep up as well as Lord Morley? Were they not brought up in constitutional practice? I say, Sir, that every Government in this country or in any other country will require a Regulation III or something corresponding, and when our friends on the opposite side come over to this side, and when the last bureaucratic Home Member has booked his last passage from Bombay and waved his last farewell to Ballard pier (*Honourable Members*: "May that be soon"), then, Sir, this Assembly will be using a Regulation III. But not the present Regulation. They will have a home-spun variety wrapped in *Khaddar* with the same unconstitutional core.

We are told that the remedy for all this is Swaraj. Apart from my own experience in my own country, which definitely proves that it is not a remedy, I would like to ask a few questions. We are told that it is *our* tyranny, *our* oppression, *our* mal-administration, *our* bureaucracy that drives the people to do these things which make Regulation III necessary, and the moment we clear out all will be peace, and not the peace of the grave. Everything will be all right, the lion will lie down with the lamb. If it is *our* tyranny, *our* oppression that causes this, why is it that we are only causing it in Bengal, why is it that we do not cause it in Bombay, and why is it only among certain sections of people in Bengal that we cause it?

In this connection I must refer to a speech of a great leader of men, Sir Abdur Rahim. Sir Abdur Rahim is a great leader of men, and the Honourable Members opposite will agree that he is. On the 29th December Sir Abdur Rahim made a speech. I have not read that speech but I have read this sentence:

"We, Muslims, cannot regard boys or men suffering from hysteria as serious politicians, and the fact is significant that not a single Muslim has joined them."

Now, Sir, if *our* tyranny is the cause of the trouble, are we less tyrannical to the Muhammadan, or is it that the Muhammadans are not so brave? (*Honourable Members*: "Have any Muslims been arrested under Regulation III?") I have been told in this House and in the proceedings of this House it has been repeated *ad nauseam* that the reason that we have to use Regulation III is that these outrages are caused by our tyranny. We are tyrannising over Bombay. We are tyrannising over Muslims and Hindus as well and yet . . .

**Mr. Ohaman Lall** (West Punjab: Non-Muhammadan): May I ask the Honourable Member whether any Muhammadans have been arrested under Regulation III?

**Mr. J. T. Donovan**: Certainly not, because they have not joined in those conspiracies which led to the application of Regulation III. (At this stage the speaker was interrupted by several Honourable Members.)

**Mr. President**: Order, order. Honourable Members will have their turns.

**Mr. J. T. Donovan**: There is the significant fact that not a single Muhammadan has joined the conspiracies which led to the application of Regulation III. On the other hand, we are told that Regulation III causes the conspiracies. If that is true, why don't we have conspiracies among Muhammadans, among Bombay and North-Western people, or among Madras people?

[Mr. J. T. Donovan.]

Well, Sir, I have been reading a lot about this subject, because I have been away for some time and I have not been as familiar with it as I used to be, and among the literature that I have read is the speech of my friend, Mr. Bipin Chandra Pal. I think it was on the 20th March, 1924—I am not going to say anything bad about him—I think it was on the 20th March, 1924, that he spoke in this House and he said that the cause of all this trouble in Bengal was due to the postponement of the Act of 1912 undoing the partition. We did it too late. The saddest words in our language were “too late”. That was the cause of all the trouble in Bengal. Had we only undone the partition earlier there would have been no trouble. It is perfectly true that many Bengalis objected to the partition. It is also true that millions of the Muhammadans in Bengal wanted the partition. This is perfectly true and I appeal to any of my Bengal friends here and they will support me. I repeat that millions of the Muhammadans of Bengal wanted the partition. When the partition was undone too late, this led to several Hindus resorting to conspiracy. What did the Muhammadans do? What have they done since? Did the great Nawab Salimullah stand up and say that he would not stand it? Did the great Nawab Ali Chaudhry suggest conspiracy when the Muhammadans were deprived of their treasure? Has their behaviour been the behaviour of conspirators? Therefore, Sir, the partition of Bengal or the postponement of the undoing of the partition of Bengal is not the explanation of the formation of conspiracies. I shall give the explanation later on.

My friend, Mr. Bipin Chandra Pal, the other evening exhorted us to look into the psychology of the case. Well, Sir, that is what I propose to do now, and not only that but I propose to lay down a line of psychological research and investigation which may lead to the discovery of the reason of the existence of these conspiracies in Bengal. First of all I want you to consider the people in Bengal, a generous people, a lovable people, a people gifted by nature above others in talent. Think of the youth of Bengal, some of the finest youth you can meet, generous, open-hearted, free, the youth that produces men of the type of Mr. Bipin Chandra Pal himself. That youth you will meet every day in Bengal. I have met them in every district throughout the province, youth with great hearts burning with partriotic fervour. And consider the atmosphere in which

12 Noon. they live. Consider what they have to read and what they have to listen to. One gentleman will get up and say in the safe shelter of this House that he does not consider it immoral to use violent means to change a Government; another gentleman will invite them to follow him in a career of destruction and obstruction which can only be described as wanton; another will hold up for their admiration the murderer of Mr. Day. The papers of Bengal will publish from day to day autobiographies and biographies of the murderers of the last 20 years. All that creates an atmosphere, and that is the atmosphere in which young, generous Bengal is brought up; and behind are the conspirators in their water-tight compartments waiting for the result. These generous minds are taken in, they fall victims to the conspiracy, and they march to commit dacoity and assassination and to die disgraced on the gallows! That, Sir, is the line on which I would recommend Members to pursue the psychological investigation of this case, and on that line they would be more likely to find a solution.

In the Honourable Member's speech, Sir, there was something missing. When this question used to be discussed formerly, there was always a reference to the inflammable frontier, and we were generally given to understand that this Regulation was good enough for the inflammable frontier. Well, Sir, I do not quite understand why this Assembly should commit itself to the necessity of extinguishing the flames on the frontier and should let Bengal go to blazes. Bengal has an atmosphere highly charged and explosive and we are to allow a man to throw a fuse into that atmosphere; we must not use Regulation III to prevent it. The frontier, that is a different question, you can put out the flames there immediately. Sir, I am not speaking without experience of the havoc that has been wrought by these conspiracies which have disgraced Bengal for the last few years; I am not speaking without intimate experience. I stand here and I assure this House that in 1913 I myself arrested Purna Chandra Das. This is the hand that came down on his shoulder and this is the voice that told him he was under arrest. I was then Magistrate of Madaripur, and with him I arrested about 40 young boys. These boys all came from the High Schools near by; they were boys I knew well; they were generous, noble boys many of them. They came and went in my house freely; they came to me, took my books, read my books, and freely came and went in my house. About 40 of these boys I arrested with Purna Chandra Das and I had them put in jail. I visited them frequently; I spoke to each of them apart, and six of those boys, before I could stop them, confessed to me that they were guilty, the whole party was guilty of all the charges brought against them. We had them charged with dacoity. I am not sure whether they did not come under the section for attempted murder. These six confessed and I had to stop others from confessing. Then, Sir, there came to me a very great friend of mine, the father of one of the boys, a distinguished lawyer, and he asked me to let him have an interview with his son. I allowed him an interview, and I think I broke the jail regulations because I allowed him an absolutely private interview; I ordered him to be left alone. He sat with his son for half an hour and then he came back to me with tears streaming down his face and he told me that if I could guarantee that his son would not be kept in jail for more than two years, his son would confess everything. Although he was a lawyer, he made that suggestion to me. I need hardly assure the House that I could not accept that suggestion. Well, Sir, that case never went to trial, that is another story with which I shall deal later. But I propose to pursue the fate of these young generous boys from Bengal. Two or three days afterwards the Deputy Superintendent of Police, who was helping me in this case, had left my house and shook my hand and said good-bye, he was fired at in Dacca, and he was only saved by the gallantry of the orderly who was walking with him. Some months later there was an unerring aim and he was murdered. That was in 1913 or 1914. And what was the fate of the 40 boys? A few of them gave up their conspiracies and led a hunted life. Some of them were convicted in subsequent cases. Four of them were arrested landing arms at Balasore. So far as I remember, two of them were killed there and two were executed for the murder perpetrated in connection with the landing of those arms. For the rest, Sir, there came the Defence of India Act, and most of the rest were interned, including Purna Chandra Das. Then the Defence of India Act passed away; the Repressive Laws Committee reported and we were out to make a fresh start and Purna Chandra Das came out, and the next time we meet him he is masquerading as a follower of Mahatma

[Mr. J. T. Donovan.]

Gandhi; he has joined the Congress at Calcutta; he is Assistant Secretary I think. Well, Sir, on that matter I think the best I can do for the House is to read a part of a speech of Mr. C. R. Das himself. We were discussing on the 25th January, 1923, the political prisoners' release, and this is what Mr. Das said in the course of a speech:

"It is the principle of the Indian National Congress that our liberty is to be attained by non-violent activities, and it has been my endeavour for the last few years to approach these young men,"

—referring to the prisoners who had been arrested under Regulation III a few months before. Purna Chandra Das and about a dozen others—

"to approach these young men, who some time or other belonged to revolutionary societies,"

—Mr. C. R. Das himself says "who some time or other belonged to revolutionary societies," that is, they were murderers or dacoits or potential murderers or dacoits—

"to bring them over to the Congress and to prove to them that we cannot attain our liberty by the application of violence, and I say I have succeeded in rescuing many of them. It is only the other day,"

—this is the important point—

"that some of them came over to my side. They gave me their solemn pledge, their word of honour, and I would ask you to remember that these men, whatever their fault may have been, are men of honour, truthful men,—they are not in the habit of telling lies—and they pledged their honour before me that they would never take part in violent activities. But to my horror what do I find? I find that within a few days they were pounced upon by the police and lodged in jail, for what offence we could not ascertain at the time. Afterwards we were told that they were detained under Regulation III of 1818."

Now, Sir, we are invariably told that these people were innocent. Here is Mr. C. R. Das, who wants them let out, and he admits that until a few days before they were guilty revolutionaries . . .

**An Honourable Member:** Not guilty; some time or other . . .

**Mr. J. T. Donovan:** What are we to do with these revolutionaries . . .

**Mr. A. Rangaswami Iyengar:** Put them in court.

**Mr. J. T. Donovan:** I will deal with that too; I am coming to that. These were revolutionaries according to Mr. Das himself a few days before they were arrested. How were the Government of Bengal to believe in their sudden conversion, in this pretended penitence? How were the police to know that Mr. Das had asked them for their word of honour and had trusted them; and how were the police and the Government of Bengal to believe it? Their leaflets were broadcasted throughout the country, and in those leaflets what do they say? They say, let us use these non-violent organisations as cover for our designs. These leaflets are broadcasted; everybody knows of them. Well, Sir, Purna Chandra Das was arrested at the end of 1923. It is the arrest of him and about a dozen men that has given rise to all this debate here and the debates of the last three years, because Regulation III up to that time seemed to be as dead as Julius Caesar in Bengal and elsewhere, and as far as we are concerned Regulation III is dead now and will be dead for the next 5 years.

**Mr. A. Rangaswami Iyengar:** Then yet you want to keep it.

**Mr. J. T. Donovan:** Well now, Sir, I cannot share Mr. Das's surprise at the arrest of these détenus, and I do not think the Assembly, after what I have said, can reasonably share Mr. Das's surprise at their arrest. Yet these are the very men we are talking of. As a matter of fact I think a reasonable view of the case is this, that Regulation III saved the Congress in Bengal, because I do not see any reason to believe that a Congressman is exempt from the general rule that you cannot touch, pitch and expect to escape contamination. In fact, Sir, subsequent arrests suggest that there probably was contamination, and that Regulation III had not acted sufficiently quickly, that even in those three or four days there had been contamination. In any case the other cases to which I refer were not arrests under Regulation III which we are discussing now.

Now I come to the old stock invitation—"Put them on their trial". Even Lord Morley said so, I think. Well, Sir, I have told you the case of the men in 1913. We wished to put them on their trial. We tried one of them for intimidation of witnesses and he was sentenced. The next thing was that the Deputy Superintendent of Police was a corpse on the maidan. The confessing witness was in terror of his life and would not say a word. And after all if you are going to get evidence of conspiracy, you must get evidence from the police and the approver. If you cannot get such evidence where else are you going to get your evidence? If it only happened in that isolated case it would have been all right, but it has occurred with appalling frequency. There was the case brought up in Chittagong. That case was put into court. The Judge thought the case was not strong enough. The Sub-Inspector was a corpse within some weeks; the bullet of the assassin laid him low. Take another case. There was a bomb thrown in Harrison Road or some place there in Calcutta some few years ago. I forget the exact name of the case, but one accused in that case was released. He was found dead shortly after, murdered. That is what comes of trying to put them on their trial. (Laughter.)

**Pandit Shamlal Nehru** (Meerut Division: Non-Muhammadan Rural): He escaped the Judges only to get murdered by his own people!

**Mr. J. T. Donovan:** Then take the case of Sir Charles Tegart. He is an officer, a friend of mine, and like myself an Irishman; like myself also, he is passionately devoted to the people of Bengal. He is compelled in the course of his duty to investigate these cases; and yet Mr. Day is murdered in the streets of Calcutta in broad daylight in mistake for Sir Charles Tegart. What is going to happen to other witnesses I ask if the head of the police for his part as a prospective witness is dogged like this and a man resembling him shot down in the street? Surely I have said enough to show this House that the remedy of putting these men on their trial is worse than the disease. But in any case what can you put them on trial for? You can only put them on trial for these specific crimes; but how are you going to get at conspirators without first getting right into the heart of the conspiracy? True, you hang the man who murdered Mr. Day. You send the man in the Dakhineswar case to jail; but you do not really touch the conspiracy itself. The conspiracy is there in watertight compartments. You know there are conspirators, but they are so well organised that you cannot get them to give evidence against each other.

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Now what is your duty to the people of Bengal? Your duty surely is to prevent that conspiracy, and the only known way of preventing it is a Regulation III or something like Regulation III. I have refrained from going back further. I have refrained from going back to the case of Shamsul Alam and the other well-known cases in Bengal. I have given you three of the recent cases. I have shown you that the system has not changed. I have no doubt that if the Honourable the Home Member could show you some of the papers which he has it would probably show you a little more about that system. I am speaking without any secret knowledge of the Government of Bengal, or any confidential knowledge of the Government of Bengal. I have no such knowledge. I am merely speaking from my own experience. We have been asked to put our evidence to cross-examination. The evidence that must go for cross-examination is the evidence of the approver. I have said, and you agree with me I think, that that is the only kind of evidence you can get in conspiracy cases or at least a great part of the evidence must be that. We have been asked to put that evidence to cross-examination. Now how do you get that evidence? You offer a man pardon and you put him up to give evidence. He gives his evidence direct. He is then cross-examined. The whole battery of the Calcutta Bar is brought to bear on him, and for weeks perhaps he is up there a miserable wretch in the box, for weeks he is cross-examined day after day and during all that time he never knows what his fate is going to be except this, that the most he can hope for is to change his name and live in exile until he is forgotten, until those who are pursuing him have forgotten his very existence. He is up there and if he hears that a marriage which has been arranged for his sister is cancelled, or if he hears that his brother has died and that his father cannot get people to take the body away—if he hears things like that,—would that be testing the evidence? It is a test to which none of us would like to be put.

Well, Sir, I think, I have said enough to show that there is a grave necessity for Regulation III, or something like Regulation III, in Bengal and in every country. I now propose to show that the people of Bengal do not object to it. That raises a smile on my friends' faces opposite, but I notice they are gentlemen who do not belong to Bengal.

**An Honourable Member:** Do you belong to Bengal?

**Mr. J. T. Donovan:** I have spent 15 years there.

**Lala Lajpat Rai** (Jullundur Division: Non-Muhammadan): You do not belong to Bengal but you belong to Ireland: that is quite enough for us.

**Mr. J. T. Donovan:** What I suggest, Sir, is this. Any impartial person interested in this matter should go down to Bengal and do as I have done—travel throughout the 26 districts of Bengal and the towns and villages in and out on the waterways and up and down the roads; travel as I have done and listen to the grievances of the people there. They will tell you all about their troubles; they will tell you all about malaria; they will tell you all about the crops; they will tell you all about the municipal mismanagement there; they will tell you what they think Pandit Motilal Nehru is going to do next; they will tell you everything like that, but on Regulation III you will hear nothing unless you are in the neighbourhood of a bar library, and even there you may draw a complete blank. They do not know what it is, and it is no wonder they do not know it, because it is so infrequently used.



and the number of cases under it during the last 108 years (I have forgotten to total them up) is so negligible, that it is no wonder the people do not know anything about it. But even supposing this impartial person said he wanted to know what they thought about it; supposing he told them that the Regulation is one which has to be used when Government cannot meet internal commotion—it is not a question of the inflammable frontier—but when the Government cannot meet internal commotion and when they are up against the state of affairs which I witnessed in Madaripur in 1913, when the condition of things was so bad that people were afraid to keep money in their homes lest it might be looted by dacoits; when in such a state of affairs it is found that the ordinary law is inadequate, then if you will tell them that it is in such circumstances that Regulation III has to be used, I have more respect for the people of Bengal than to think that any one of them would not denounce a Government which did not use a weapon like this.

Sir, of course there are meetings which pass resolutions and they have often condemned Regulation III and these resolutions have been recorded in the papers every day. The attention of the Home Member has been invited to them; questions have been asked about them; and my friend from Malda has sometimes felt inclined to put a supplementary question. But I should like to say a few words about these meetings. I come from a country where we really do have good meetings; and when I returned in December after a long voyage, I felt lonely for a meeting. So I pulled out a paper and I found that there were two meetings quite close to the home of my friend Mr. Goswami, who is not here. One was a mass meeting and the other was a monster meeting. I went first to the mass meeting and at that mass meeting there were not more than 200 people present at the outside, of whom 100 were either idlers or curious passers-by. I was rather disappointed; but when I saw the paper the next day and the resolution, it was a magnificent mass meeting. Then I saw the notice of the monster meeting and I said I would go and see it. . . . .

**Mr. President:** The Honourable Member must know that this is a very important subject and that many Members are anxious to take part in the debate. It cannot be his intention to monopolise the whole debate. He must have regard to the claims of other Members of this House.

**Mr. J. T. Donovan:** Sir, I apologise; and I shall leave this subject of meetings except to say that I am sceptical about resolutions passed at these meetings and I would not advise much attention to be paid to them.

I come to the question whether this matter has ever been put to the constituencies. Has it ever been put before the constituencies of Bengal? And what have they said about it? That would be a very important thing, if you found the people of Bengal have dealt with it in the elections. Now, Sir Surendra Nath Banerjea was a member of the Government when it was brought in. He was not elected. Nawab Nawab Ali Chaudhuri was elected by two constituencies after he had been in the Government when this was brought in. Sir P. C. Mitter is still elected. That is not the case I am going on. Sir Abdur Rahim was the Member for Law and Justice in the Government of Bengal when this Regulation III was introduced the last time; I am not sure of his portfolio, but I think that it was Law and Justice; in any case he was a Member of the Executive Council. On the 29th December last he laid down his office; he then went to Aligarh and he made a speech (*Mr. K. Ahmed*: "Hear, hear.") which combined an

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account of his stewardship and an election address. He then came down to Bengal and there were several constituencies in Bengal which were vacant, for which he might have stood. He decided to stand for the Council. He did not go to the back woods and choose a place like Munshiganj; he came down to Howrah and Hooghly, where he was right up against the big guns of the Swaraj battery; where the leader of the Swaraj Party might have elected to attack the candidate, if he liked, without any disturbance whatever of his functions as Lord Mayor. (Mr. A. Rangaswami Iyengar: "We do not walk into your parlour.") There, Sir, he deployed his forces at point blank range; and in the whole 26 millions of Bengal, from whom an opponent could have been chosen, no one could be found to oppose him; and he was the arch-tyrant who was in the Government when Regulation III was brought back! Out of 26 million people or 52 per cent. of the population not one could be found to oppose him. The Swaraj Party were determined that he should be opposed wherever he stood and that he should not get in. They had said they would rout him, but when he decided to stand where he did, they looked on without running any one against him. Did they fancy they saw seventeen ghostly horsemen with him? I say, Sir, that if Regulation III were questioned by the people of Bengal, they would have had Sir Abdur Rahim out.

I have taken a lot of the time of the House, because I feel that the question of Bengal is a very important one. I apologise for having taken up so much time and I thank you, Sir, and the House, for the indulgence which I have received.

**Mr. K. C. Neogy** (Dacca Division: Non-Muhammadan Rural): Sir, when I heard the speech of the Honourable Member who has just sat down I thought that Regulation III had missed its proper object, for here certainly was a revolutionary Irishman who had no love for British rule in India. And I think that the Honourable the Home Member could not have felt very comfortable in his seat, while the Honourable Member was proceeding with his speech.

**The Honourable Sir Alexander Muddiman** (Home Member): I felt exceedingly comfortable.

**Mr. K. C. Neogy**: Perhaps my Honourable friend enjoyed with the rest of the House those bits of interesting autobiographical sketches which the Honourable Member gave to this House, or perhaps the profanity with which he compared Regulation III to the Holy Bible. Sir, I do not envy my Honourable friend his friendship with the Rajahs and Maharajahs. He found fault with the Honourable Mr. Amar Nath Dutt that it was not his good fortune to have moved in the circle in which he was enabled to move . . . . .

**Mr. J. T. Donovan**: Sir, I said "ryot", not "Raja"; I never mentioned "Maharajahs".

**Mr. K. C. Neogy**: Yes; that is your special privilege; it is the special privilege of the official here to exploit the Rajas and Maharajahs and to exploit the ryots indiscriminately; and when my Honourable friend, Mr. Amar Nath Dutt, did not lay claim to any such privilege, I can surely sympathise with him. (Mr. K. Ahmed: "What about vakils exploiting the

ryots? ") I will come to Mr. Donovan's Holy Bible. I mean Regulation III. I am very glad the Honourable the Law Member is here, because what I am going to say is likely to interest him, and I do not think that he will approve of the use which the Government have made of this Regulation as I will presently show. Sir, I will take one of Mr. Donovan's points. Mr. Donovan made a very great point of the fact that here was Sir Abdur Rahim, who was primarily responsible for "bringing back"—that is the exact language that he used—Regulation III to Bengal, and he was let off without any contest at the last election. Sir, it has all along been my suspicion that, in spite of the very definite manner in which Regulation III states that the determination to take action under this Regulation shall in every case proceed from the Governor General in Council, it has all along been my suspicion that the Government of India have abdicated their functions in regard to this Regulation in favour of the Local Government. And if Mr. Donovan's statement means anything, it means this, that it is the Government of Bengal who have it in their power to make use of this Regulation or not. (*An Honourable Member*: "It is within the power of one individual.") Well, my Honourable friend reminds me that it is within the power of one single person, be he an Indian or an European, to put this Regulation into force against anybody and everybody. Sir, I do not think the Honourable the Home Member will thank the Honourable Mr. Donovan for this statement.

Sir, there have been statements made in this House from time to time in reply to questions, and I acknowledge that I have taken a rather large share in asking questions on this subject, and what do we find? Inquiries were made by us on this side of the House regarding matters which ought to be within the special knowledge of the Government of India, and what was the reply? The reply was that Government have no information.

**The Honourable Sir Alexander Muddiman**: The Honourable Member set down two questions the other day regarding Regulation III, and I gave him a very full, detailed and considered reply.

**Mr. K. C. Neogy**: This only shows that the Honourable Member while he was enjoying a position of a dignified repose in another place did not care to follow what was going on in the lower House. Sir, I am not referring to any question which he answered, I am referring to questions which his predecessor . . . . .

**The Honourable Sir Alexander Muddiman**: I am sorry to interrupt the Honourable Member. I was not, as a matter of fact, as he thinks, away in the Council of State on the day when he put the questions to which Mr. Tonkinson replied. On that day I was with His Excellency the Viceroy in connection with matters of the highest importance, and I much regret that I was not here to answer the questions. My Honourable friend Mr. Tonkinson answered them to the best of his ability, but I should like to explain to the House that Mr. Tonkinson is not the officer who deals with these cases.

**Mr. K. C. Neogy**: I am rather surprised at the impatience of the Honourable the Home Member, but I thought he would at least do me the courtesy of hearing me before attempting to defend himself. What I stated was that there were some questions asked in this House to which his predecessor replied and in which he stated that in regard to certain matters which ought to be within the cognisance of the Government of India, he

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had no information. I am extremely sorry if I have conveyed the impression that the Honourable the Home Member is neglecting his duties in this House. I had no intention of referring . . . .

**The Honourable Sir Alexander Muddiman:** I beg the Honourable Member's pardon. I misunderstood his remarks.

**Mr. K. C. Neogy:** If the Honourable Member wants me to refer to that particular question, I have got it here.

**The Honourable Sir Alexander Muddiman:** I beg the Honourable Member's pardon. I was under a misapprehension.

**Mr. K. C. Neogy:** I think I had better refer to that question before I proceed further.

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): Is the House to wait for such a long time till Mr. Neogy consults his all the books in the almirah?

**Mr. K. C. Neogy:** Sir, I have not that command of language, nor that nimbleness of wit which my Honourable friend possesses.

**Mr. K. Ahmed:** I am afraid his tiffin will be cold.

**Mr. K. C. Neogy:** Here is the question, Sir. I will first of all read out the clause to which my question related. Clause 1 of section 4 says:

"When any State prisoner is in the custody of a Zilla . . . Magistrate, the Judges . . . are to visit such State prisoner on the occasion of the periodical sessions, and they are to issue any orders concerning the treatment of the State prisoner which may appear to them advisable, provided they be not inconsistent with the orders of the Governor General in Council issued on that head."

The question was:

"For what periods, if any, were the said persons in the custody of a Zilla or City Magistrate? Did any Judge, in any such case, visit the State prisoner and issue orders concerning his treatment, as contemplated in clause 1 of Section 4 of the said Regulation?"

The answer was: "Government have no information".

**The Honourable Sir Alexander Muddiman:** Will the Honourable Member kindly give the date when that reply was given?

**Mr. K. C. Neogy:** Yes, Sir. This reply was given on the 1st of February, 1924.

Later on, I repeated the question, and the Honourable Member stated:

"The information has now been obtained and no such person was in the custody of a Zilla or City Magistrate".

The point of this question was that throughout we find that the executive authorities issue the warrants; the executive authorities are also appointed visitors to the jails, and this is the only section in this Regulation which mentions an officer of Government who is not an executive officer and who is charged with the duty of visiting these prisoners to find out whether they are treated properly and whether they are well looked after. That was the point in my question. And the Government of India had no information on it, and it was only when I repeated that question some time later that the Government replied to the effect that they had made inquiries, but no

such man was kept in the custody of any such Zilla or City Magistrate. That shows that the Government of India do not take so much care as was contemplated by this Regulation itself in regard to the treatment of these prisoners, and they have left things to the Local Government.

Then, Sir, another curious fact was that when His Excellency the Viceroy in opening this Chamber on the 31st of January, 1924, made a reference to the use of this Regulation in Bengal, he made a rather surprisingly inaccurate statement. This is what His Excellency said:

“Before any action is taken, I and my Government submit these cases to a scrupulously careful examination . . . After the arrests in Bengal were made, as you are aware, all the documents and evidence relating to each individual have been placed before *two Judges of the High Court* for the purpose of thoroughly sifting the material on which action was taken . . .”

Now, a few days later, in reply to a question put in this House, it was stated that these cases were scrutinised by two District Judges and not High Court Judges. Surely, Sir, such mistakes are rather uncommon in the speeches of Viceroys, and I am sure that the Honourable the Home Member—I do not mean the gentleman who is now occupying that position,—perhaps his predecessor in office misled His Excellency into making that inaccurate statement. That certainly shows that things are not quite what they ought to be in regard to the administration of this Regulation, and perhaps the Local Government has its own way.

Then, Sir, in reply to further questions in regard to the treatment of these prisoners, it was stated that Government have received no complaint as to whether they were placed in the same position as ordinary criminals, whether they were put on ordinary jail diet and so on. Sir, after the statement was published in the newspapers, I was surprised to get a letter from no other than a State prisoner, who was a Bengalee Muhammadan by boot, writing to contradict the statement that the Government made in this House. That letter was endorsed by the District Superintendent of Police and passed by the jail authorities . . .

**The Honourable Sir Alexander Muddiman:** I am sorry to interrupt the Honourable Member. Would he kindly give me the name of the man? Is it Muzaffar Ahmad?

**Mr. K. C. Neogy:** Yes, it was Muzaffar Ahmad who wrote to me. He was then confined in Dacca. I got a letter in which he complained that it is bad enough that they are being clapped in jail under the provisions of this Regulation, but it pained him to find that the Government made such inaccurate statements and mislead popular representatives in this House. And then he said:

“I myself was put on jail diet for some time and it was only after repeated representations that the matter was set right.”

I do not know whether the Honourable the Home Member will doubt the accuracy of my statement. If he does, he can make inquiries from the Dacca jail. This much I recollect that at the top the letter bore the signature of the District Superintendent of Police and at the bottom it bore the signature of the jail authorities showing that they had passed this letter.

Then, Sir, in reply to another question Government stated that seven internees had complained of their treatment, but inquiries showed that there was no ground for complaint. “Who made the inquiries?”, I asked later, and they said that the inquiries were made through the agency of the Local Government. I suppose their grievances related to the treatment

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which they were getting at the instance of the Local Government and the Government of India left the inquiry to that very Local Government. So, it is the Local Government all along the line, and the Government of India does not come in anywhere.

Sir, Mr. Donovan has given us very interesting personal reminiscences of his in regard to his administration as a magistrate in Bengal. Sir, much greater men in the past have testified to the fact that people dealt with under this Regulation were implicated in revolutionary and anarchical conspiracies. Statements to this effect were made even in Parliament with reference to our esteemed countrymen Babus Aswini Kumar Dutt and Krishna Kumar Mittra and also perhaps Lala Lajpat Rai; (*An Honourable Member*: "Why perhaps? Certainly.") But what do we find? We find the Government of Bengal making a statement the other day that so far as Aswini Kumar Dutt and Krishna Kumar Mittra were concerned, they were not implicated in any anarchical conspiracy at all but they were making a tour of political agitation throughout Bengal and that was the reason why they were dealt with under this Regulation. I do not know whether we are to treat Mr. Donovan's personal testimonies on any better footing than the misleading statement that were made on those previous occasions by the Government representatives here and by the Secretary of State in the Houses of Parliament.

Sir, I will once more refer to Mr. Donovan's Bible. I refer to the Preamble and I am very glad that the Honourable the Law Member is here because I should very much like to have his judgment on the interpretation which I am putting on this clause:

"Whereas reasons of State," and so forth, "occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceeding, or when such proceeding may not be adapted to the nature of the case, or may for other reasons be unadvisable or improper."

These are the three circumstances in which this Regulation is to be made use of. It is only when they cannot place a man on trial either because there is no evidence or because it is inadvisable to do so, that this Regulation can be applied. But what do we find? The Honourable the Home Member, if he will brush up his memory, will recollect having replied to a few questions of mine in June, 1924.

**The Honourable Sir Alexander Muddiman:** What date?

**Mr. K. C. Neogy:** 2nd June, 1924. I drew attention to the fact that immediately on the completion of the trial of a few young men who had undergone a protracted trial in the Court of Sessions at Alipore, immediately after they were released under the orders of the presiding Judge, they were arrested within the court premises under Regulation III, and what was the justification put forward by my Honourable friend? He said that the warrants under Regulation III were issued before the commencement of the trial in the Court of Session but their execution was stayed. Here was a case in which the Government had deliberately decided to place some people on their trial; when the trial failed, they were arrested immediately on the authority of these warrants from the Government of India. The Government of India said that they had issued the warrants before the trial took place. Why? Because they had no confidence in their own courts and they were not prepared to confine themselves within

the circumstances laid down in this Preamble to the Regulation, so that even this lawless law was proving too much of an embarrassment for my Honourable friend and he was in a way trying to legislate in order to amend this Regulation, but he forgot that although this Regulation was passed at a time when the popular legislature was not in existence . . . .

**Sir Hari Singh Gour:** No Legislature was then in existence.

**Mr. K. C. Neogy:** . . . . He perhaps thought that just because the Regulation was passed at a time when there was no Legislature in existence, the executive authorities could interpret the Regulation in any way they liked and extend the scope of the Regulation so as to bring under it any people, who were deliberately placed on their trial and were acquitted by the judgment of the presiding Judge. A similar case happened in another part of Bengal. Sir, the Honourable the Home Member recently got this House to pass a law regarding contempt of Courts. If there is anybody in this House who has done more to bring courts into contempt than any one else, it is that gentleman sitting in that corner (pointing to the Honourable the Home Member). The Honourable the Home Member by taking this action against these people who stood their trial for months and months together and who were afterwards discharged or acquitted by the orders of the presiding Judge, by taking action against them under this Regulation although the Regulation did not give any authority to the Government to do so, was digging the grave of the very institution which more than anything else could be described as the bulwark of the British Government in India.

Sir, the Honourable the Official Member from Bengal (Mr. Donovan) referred to the passionate devotion which he felt towards Bengal and the Bengalees. I am much obliged for the compliments that he paid to my people. Sir, I am reminded by my Honourable friend behind me (Mr. Amar Nath Dutt) of the popular saying that one who loves the child more than its mother is nothing but a witch.

**Mr. J. T. Donovan:** Is "witch" the proper translation of the Bengalee proverb?

**An Honourable Member:** "Wizard".

**Mr. K. C. Neogy:** That does not convey the meaning of the word as used in Bengalee.

Sir, I do not think this House will take my Honourable friend Mr. Donovan very seriously . . . . .

**Mr. J. T. Donovan:** Why not?

**Mr. K. C. Neogy:** . . . . when he challenged the authority of the elected Members from Bengal to speak in the name of Bengal. I do not therefore attach any great importance to that part of his speech. Sir, he has spoken in very high terms about the youth of Bengal. Has he ever wondered why it is that the youth of Bengal are taking to these paths? As I read the situation, it is because of the presence of officials of his mentality that these young men are being driven to a course of lawlessness. I claim to know at least as much as my Honourable friend does about the youth of Bengal. I am very thankful to him for the compliment he has paid, but one thing I can tell him and that is that so long as officials, who exhibit the traits which he has exhibited to-day, try to divide the Hindus and the Muhammadans in this House by making deliberately inaccurate statements . . . . .

**Mr. J. T. Donovan:** I have been accused of making deliberately inaccurate statements. I should like to say that I made no such statements.

**Mr. K. C. Neogy:** I thought the Honourable Member represented the Government of Bengal; and when he deliberately stuck to his statement, even after being challenged by me and other Members on this side, that there was not a single Muhammadan dealt with under this Regulation, what am I to say? Does he or does he not represent the Government of Bengal? Is he or is he not expected to know the facts?

**The Honourable Sir Alexander Muddiman:** May I intervene in this debate for one moment? What the Honourable Member said, as far as I can make out, was entirely accurate. What he said was that there was no Muhammadan arrested in Bengal in connection with these conspiracies. I have had it verified, and as far as I know there was one Muhammadan who was arrested in connection with the Cawnpore conspiracy case but none in connection with the Bengal terrorist conspiracies.

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

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

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**Mr. K. C. Neogy:** Sir, if we have spoken with some warmth on this side of the House it is because we feel very strongly in this matter, and it shows want of understanding on the part of those of our friends who take us to task for making plain statements as we have been making on this occasion. His Excellency the Viceroy on the 31st January, 1924, stated:

“ I fully appreciate and sympathise with the views of those who wish to protect the liberty of the subject with strict exactitude.”

His Excellency was referring to the administration of Regulation III, and it is in view of that assurance that we have discussed this question with some amount of candour and not without some amount of warmth. The Honourable Member from Bengal questioned our credentials. He said that we do not represent our constituencies in asking for the repeal of this measure. I would remind him of the election cry that was raised throughout Bengal, particularly by the Swaraj Party, when they went to the polls, and which included a pledge to see all political prisoners released, and that of course meant incidentally the repeal of all repressive laws.

**Mr. A. Rangaswami Iyengar:** No, that was positively stated.

**Mr. K. C. Neogy:** I am reminded that the repeal of repressive laws was one of the express items set down in the Swaraj Party's programme for the elections. I do not therefore think that any great significance is to be attached to the fact that at one bye-election a particular gentleman has by a mere fluke got in without contest . . . .

**Mr. K. Ahmed:** Just like you. What is the amount of expenses that you incurred in both elections?

**Mr. President:** Order, order.



**Mr. K. C. Neogy:** That only shows the amount of support I had in the constituency.

**Mr. K. Ahmed:** Not a bit, you came in last time giving a "chit" and previously by a fluke or the trick of three cards.

**Mr. K. C. Neogy:** Sir, if Mr. Donovan wants further reply to his question I am sure he is going to get it at the next general election.

**Mr. K. Ahmed:** Every year you say that and every year I come here. But why do you interfere with Muhammadan elections?

**Mr. K. C. Neogy:** Sir, these autobiographical references by the Honourable Member from Malda are always very amusing. I do not therefore take any serious notice of them.

**Mr. K. Ahmed:** My friend is more amusing, because he raises the plea during each election. He comes through a Swarajist ticket and is at the same time an Independent.

**Mr. K. C. Neogy:** Sir, the Honourable Member from Bengal maintained that every civilized country must have a Regulation III in order to be able to carry on the administration. I only invite him to read the speech that His Excellency the Viceroy made on the 31st January, 1924, in which he made an apologetic reference to the fact that it was necessary to make use of this archaic measure. Sir, I do not think that I should take up any more time of the House. The Honourable Member has invited my Honourable friend Mr. Bipin Chandra Pal to go into the psychology of the youth of Bengal with particular reference to their association with criminal conspiracies. I am sure my Honourable friend Mr. Pal will give an adequate answer to Mr. Donovan. With these words, Sir, I have great pleasure in supporting this motion.

**Lala Lajpat Rai:** Sir, I have great pleasure in congratulating the Honourable Member who represents the Government of Bengal in this House, on the magnificent speech he has made. It was an exquisite speech, exquisite in diction, exquisite in delivery and also in that particular quality of speech for which Irishmen are famous all the world over, the abundance of wit. But I am afraid it was devoid of another element which makes a speech great, that is, sense and logic. I have heard Irishmen in different parts of the world: their forensic eloquence, their eloquence on the stage and also in Parliament is their distinguishing feature. But the trouble with them is that when they get into the employment of the British they prostitute their talents? Not that there is anything wrong with their hearts, but their environments are so changed that that change affects their mentality almost completely. We have had in this country ample experience, very bitter though, of another great Irish administrator, who though, a master of words, master of rhetoric, master of the art of making untruth appear as truth, possessed the same mentality as that of the Honourable Member opposite. I need not name him. Probably everybody in this House understands whom I mean. He almost succeeded in making a revolution in a part of the country which is not known for revolutionary tendencies at all. Yet he succeeded in bringing into operation laws which could only be justified by the existence of a great revolutionary movement. I can well understand the difficulties of the Bengal Government if they are surrounded by officers of the mentality of my Honourable friend who made that speech here. My Honourable friend began, Sir, with saying that we in this House seem to be more concerned with the unmaking of laws and

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with the repeal of the Ten Commandments than with the making of laws and acting up to the Commandments. We, Sir, not only in this House but in this country have no concern with the Ten Commandments as such. The majority of our people, the vast bulk of us, have no particular attachment to them.

**An Honourable Member:** Surely!

**Another Honourable Member:** Shame!

**Lala Lajpat Rai:** It is not a matter for shame, it is to our credit, because we have had the essence of these Commandments long before they were enacted, we had no particular need of them. My Honourable friends, on the other side, did need them and so they got them. We had all these Commandments in our country not only in our laws but we practised them in our lives long before my Honourable friends received them. So we never stood in need of any Commandments at all, and we do not stand in need of them even now, nor are we much concerned with the unmaking of laws, because, circumstanced as we are, we can neither make them nor unmake them. We can only voice the feelings of our country and of our countrymen, and that we shall faithfully do in spite of all the difficulties that may be put in our way. So that part of the Honourable Member's speech, Sir, I think, may be passed over.

Then my learned friend referred to that great voice of Bengal at whose feet many of us sat to learn our political work and get our political knowledge, the late Sir Surendra Nath Banerjea. I grant, Sir, that Sir Surendra Nath Banerjea was the voice of Bengal in 1905, in 1907 and in 1909 when the 9 Bengalees were deported. He represented the true feelings of Bengal when he denounced the deportations of 1907, and when he equally denounced in the strongest possible language the deportations of 1909. I would be the last person to say a word which might cast a reflection upon the honour of that great man. But a change of environment brings about a change of views, and sometimes a deplorable one too. What Sir Surendra Nath Banerjea denounced, as a representative of the people, as the voice of Bengal, he unfortunately lived to help in administering as servant of the Government. It was the latter fact that brought about the change if any. I mean no reflections when I say, that the fact that he was no longer the voice of Bengal after he had joined the Government—was proved by his defeat at the elections. The voice of Bengal at that time was not Sir Surendra Nath Banerjea but another great Bengalee whom also my friend has quoted, and who denounced Regulation III of 1818 and the Ordinance in unmeasured terms. I have yet to learn, Sir, that excepting those in the service of Government, there are any Bengalees, prominent or otherwise, who have ever supported Regulation III of 1818 or the Ordinance.

Then, Sir, another feature of the Honourable Member's speech was that he seemed to think that Bengal was all India, Regulation III of 1818 applies to the whole of northern India, if not to the whole of India. I think it applies to the whole of India, but in any case it does apply to the whole of northern India. There are other parts of this country besides Bengal which have to say something about Regulation III of 1818. All his arguments based on his knowledge of Bengal are therefore not sufficient to justify the continuance of this Regulation on the Statute-book. As for Bengal, the special circumstances of that province have compelled the

Government to frame an Ordinance for it. We are at the present moment not concerned with that Ordinance. We are concerned only with Regulation III of 1818. It seemed to me rather queer, that my Honourable friend's love for Bengal should have resulted in his having forgotten the history and the civilisation of his own country, nay also the history and the civilisation of Europe and America. He says that the necessities of Government, of administration, are such as to make it compulsory for every Government, be it civilised or uncivilised, to have a law of that kind. I am afraid my Honourable friend was guilty of overstating in making that statement. In my judgment the easiest test of the civilisation of a Government or of the fact that that Government has moral and judicial hold upon the minds of its subjects, is that it never needs a Regulation of this kind, and I challenge my friend to quote one single civilised country where a law of this kind was ever enacted coupled with a denial of the right of Habeas Corpus to the subjects. I have known countries where laws of this kind were enacted, but only for short durations, and the people were never deprived of the right of Habeas Corpus nor was the right of the judicial courts to determine the nature of the circumstances in which those laws could be applied taken away. I know, Sir, that sometimes Acts of that kind are passed in civilised countries in times of turmoil, but can the Honourable gentleman point out a single country where for a period of 150 years a law of this nature has been on the Statute-book without any attempt to repeal or to modify it? I assert there is no such civilised country on the face of the earth. Either we are over-civilised in this country according to this test, or it seems to me that the Honourable gentleman's reading of contemporary history and past history has not been correct. Is he not aware that murderous attempts have from time to time been made upon the Presidents of the United States? Has he never heard of a movement called the Syndicatist movement which has ramifications all over Europe and America? Is it not a fact that there is no country in Europe or America which is free from revolutionary movements? Has any country or any Government ever tried to enact Regulations of this kind to put down such movements? I submit there is not a single instance which can be quoted where anything of that kind has ever been attempted. I have, Sir, in my own humble way made a study of the subject and I have not come across a single instance where any thing parallel to what is being done in this country was ever attempted or done. Here in India we have, besides, Regulation III of 1818, an extraordinary Ordinance (the Bengal Ordinance) and a continuance of the denial of the right of Habeas Corpus to the subject even in times of peace. One can understand the use of such measures in times of war, in times of extraordinary excitement, but here in this country in times of peace, are we to have a law of the nature of a perpetual enactment, always in force? It is never reconsidered, nor suspended, but always remains there as the sword of Damocles hanging over the heads of the people, who have to carry on a fight for their rights.

Another remark was made by the Honourable Member opposite that the circumstances in Bengal are such that they cannot but apply this law. My friend, however, forgets that a particular set of circumstances is brought into existence by another set of circumstances. He says they are often told that it is their tyranny, their oppression, that is at the bottom of the revolutionary movement. Well, Sir, I do not know. It may not be tyranny according to their standards—to them it may not look like repression, but to us it does certainly seem that it is the use of such repressive law in

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times of peace that is mainly responsible for the existence of the revolutionary movement. There are some other causes also at the bottom of this revolutionary movement; the revolutionary movement is based on certain facts of life. Have the Government made any attempt to change those facts of life? Is not my friend aware that his own country had to pass through tribulations of this kind before it succeeded in establishing its right to have its own Government. He says that soon after the establishment of that Government, that Government passed a law on the same lines as the Bengal Regulation of 1818. But he omitted to mention that even that Government had to get the sanction for that law from their Parliament every year. It expires at the end of every year. It is not perpetual and cannot go on from year to year. It is brought before the Parliament every year in order to be freshly sanctioned. But in my judgment no country, no Government, is entitled to call itself civilised which has recourse to such laws in ordinary times. It is only possible where a Government suffers either from a lack of confidence in its power or from lack of confidence in its moral and judicial hold upon the minds of the people. I have yet to know that in the history of the world a civilized Government and a mighty Government has had in times of peace to have recourse to such a law for the purpose of protecting its prestige or preserving the peace and tranquillity of the country. I submit this is a confession of weakness which is unworthy of this Government. When we ask for the repeal of this law, we are making an attempt to vindicate the honour and good name of England and not to disturb the equanimity of Englishmen in this country. It is—I hope my friend will pardon me for using this expression—it is a matter of standing shame to Great Britain that such a law should be on the Statute-book of India without the Government having ever desired its repeal or suspension. Once more the Honourable Member repeated the plea based on the difficulties of getting evidence for the conviction of those charged with revolutionary crime. But all this was fully considered by the Repressive Laws Committee, and they came to the deliberate conclusion that, except for the Frontier Province, this law should be repealed. They were of opinion that it was not needed in any other part of the country. So, Sir, I think it is too late in the day now to come here and say that this law is necessary for the existence of this Government. Are we to understand that after 170 years of British rule the British Government in this country is still so powerless that it cannot rely on its judicial courts or on its moral prestige to maintain peace and tranquillity, and that the peace and tranquillity of the country was being constantly endangered by these few individuals whom the Government gets hold of from time to time under Regulation III of 1818? Sir, there is no necessity for this Regulation except that the Government is affected by a kind of intoxication which one gets from unlimited power. The frequent exercise of unlimited power, uncontrolled and unchecked power, brings out a mentality which compels the possessors thereof to have laws of this kind for the sake of convenience. They want these weapons to be used whenever they cannot confidently go to the courts. My friend Mr. Neogy and I think, Mr. Amar Nath Dutt also referred to the revelations recently made with regard to the deportations of 1909. They were the deportations of Babus Aswini Kumar Dutt and Krishna Kumar Mitra. The Government only recently gave out the true reason of the deportation of these gentlemen. And what was that confession? It was a confession of abject weakness on the part of the

Bengal Government. It was admitted that Babus Aswini Kumar Dutt and Krishna Kumar Mitra were not guilty of any revolutionary crime, they were not even suspected of any revolutionary crime, but that the Government of Bengal thought that the safety and tranquillity of the province demanded that they should be put out of the way. And why? Because they were leading the Swadeshi movement, they had not committed any crime, but because the British Government wanted to put down the Swadeshi movement and that could not be achieved except by their being deported, and put out of the way for some time. Therefore the Government of Bengal had recourse to Regulation III of 1818 in order to achieve that object. May I ask if that was the honourable course for any Government to adopt? I submit that it was not. My Honourable friend said the other day, that the abuse of a law was no reason for the repeal of that law. My reply is this that if there is a law which lends itself to be abused so often, and so flagrantly, then it is a bad law and not a good law and it should not be on the Statute-book. Only such laws ought to remain on the Statute-book which are not liable to be so misused as Regulation III of 1818 has been. It was said that the revolutionaries could not be put on their trial before the ordinary courts of justice because the witnesses ran the risk of being murdered; but you know, Sir, that this is a lame excuse. In spite of that risk trials for conspiracy are going on in Bengal. Besides people are being interned under the Bengal Ordinance also. There are only a few people who are put out of the way under Regulation III of 1818. Does any one mean to say that only in these cases there was or is the risk of producing evidence and that in the other cases it was or is absolutely safe to do so? I submit, that such a contention cannot hold water. People are dealt with under Regulation III of 1818 not that there is any risk to the life of the witnesses or anybody, but because there is no evidence against them which any court would accept. Here is this Government established by law, as is often said, which takes people unawares, and without giving them any inkling of the charge against them removes them from the country. Some others it puts on trial, and when the trial fails, when by its own procedure it finds that it cannot convict those people, it applies Regulation III of 1818 and imprisons them. Is that worthy of a civilised Government, is that worthy of a great Government which claims to base its right to govern on the affections of the people, on the love of the people, and on the attachment of the people? I would beg Honourable Members to put themselves in our position and imagine what would be their feelings in similar conditions, and then judge of the situation, and sit in judgment on us. Are those young men who are carried away by their emotions, which cause them to do things which I say are certainly not desirable . . .

**The Honourable Sir Alexander Muddiman:** Which are or which may not be?

**Lala Lajpat Rai:** I say that they are not desirable. But don't sit in judgment on them in the way you do. You should remember that it is an atmosphere of hopelessness, almost of despair, that has affected their minds. Most of them have become revolutionaries because having tried every possible means of getting a decent livelihood they failed to get it. Then they lost their balance and took to methods which are certainly not desirable. I do not condone their offences, I do not want them to go that way; I beg of them not to do it—yet if they do not follow my advice I can not pass a harsh judgment on them.

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My friend made another point. He quoted from the speech of Sir Abdur Rahim about Mussalmans. Now, Sir Abdur Rahim might have for his own purposes made a statement which suited his case, but he did not mean to cast any reflection on the patriotism of his co-religionists. Am I to believe that the galling humiliation of foreign rule, of being dealt with under Regulation III is not felt by Mussalmans? Sir, such a statement is a libel on Muhammadan patriotism and I hope my Muhammadan friends in this House will repudiate it. I do not think Sir Abdur Rahim meant anything of that kind. But when a statement of that kind is quoted by my friend on the other side, for the sake of his argument (he will pardon me for saying so), I can only call it a dirty trick. There is no other name for it. It is a deliberate attempt to create dissensions between Muhammadans and Hindus on a question on which they are absolutely of one mind. I believe there is no difference between Hindus and Muhammadans on this point. It may be that there are Hindus and Muhammadans who will vote against us, who always vote against us, but the reasons for that conduct are different—not that they like Regulation III of 1818 and more than we do—but here again I would like to point out that my friend need not be so cock sure of his facts. Mr. Neogy gave the name of one Muhammadan gentleman who was actually arrested in Bengal. I know of another case in the Punjab. He was an M.A., and his name was Gulam Hussain. He was arrested under Regulation III of 1818 and confined in the Lahore Central Jail at the same time I was there. During the few months he was there he was being constantly visited and spoken to by high placed C. I. D. officials. He was then released. Now, Regulation III of 1818 does not justify the detention of any person for the purpose of any inquiry or investigation. The only justification for the application of that Regulation and for an arrest under it arises when the tranquillity of the country is in danger, or when there is commotion. You cannot arrest a man under the Regulation for the purpose of making an inquiry or for the purpose of making an investigation, so that after a time when he has rotted in jail for several months, you find that there is no case against him, you just discharge him. I think the facts about Muhammadans referred to by my friend are not quite as he made them out to be, and certainly he cannot be so sure of Muhammadan mentality remaining the same hereafter. It may be that the Muhammadans are in a position to control themselves better. If they are I congratulate them. Or it may be that there are other circumstances which have not brought them into that unfortunate frame of mind in which the Hindu young men have found themselves, but it may be that the times are coming when they may be driven irresistibly to the same course. I hope not: I wish not.

I may remind the House of what was said in the Report of the Rowlatt Committee. It was said there that at the bottom of the revolutionary movement in Bengal was the unemployment of the educated classes. The Muhammadans in that province are not educated in such large numbers as to find themselves in the clutches of unemployment by reason of that education and so they do not go in the revolutionary movement. The Hindus have been educated in large numbers and have remained unemployed. That is one of the reasons why you find more Hindus in the revolutionary movement than Muhammadans. This kind of argument, I submit, does not go very far, this way or that way.

I can certainly accept the contention that there are occasions when the Government does need extraordinary powers, but I cannot bring myself to believe that the conditions in this country are such as to make it necessary for the Government to have that power *always, all the 12 months of the year* or from year to year, without at any time dispensing with the law which gives them that power. That is a statement I cannot accept. But if the Government must have that power, let it change the laws so as to enable us to question those proceedings in law courts. That will be something reasonable, something sensible. But so long as you keep these laws and also keep your criminal law in such a condition as to make it impossible for us to question the correctness of these proceedings in any court of law, I submit you impose a double injury on the people of this country which they have not in any way deserved. My friend has paid great compliments to Bengal. I can repay those compliments by saying that Irishmen are very gifted, very talented, very able, and yet I have never known them to be very devoted to the British Government or to law and order (Laughter), (*An Honourable Member*: "Except in India"), yes, except in India where they are the paid servants of the British. That exception holds good because all Irishmen in the service of the British Government, with a few noble exceptions, have believed that the interests of law and order in this country required that the people of the country should be denied all such rights as they and their countrymen have been fighting for in their own country.

Now, Sir, I sympathise with my friend. I am sorry for having been forced to make these remarks, but he has put me into that unpleasant position by the extraordinary speech he has made. I liked it very much, but there was no sense in it. I wish he had used his eloquence, his rhetorical powers in a better cause. I do not want to detain this House very long because other Honourable Members have to speak, but I just want to say one or two words more. Some reference was made to the speech of Mr. C. R. Das. I am going to leave it to my friends from Bengal to take up that part of the speech, but as far as I remember, Mr. Das no doubt admitted that there was a revolutionary movement in Bengal and that he had tried to change the mentality of those people who he thought were concerned with this revolutionary movement, but he never admitted that any of these men who were arrested under Regulation III of 1818, were concerned with this revolutionary movement.

**Mr. J. T. Donovan:** Will the Honourable Member consult the volume of the Bengal Legislative Council proceedings which I quoted this morning?

**Lala Lajpat Rai:** I have not consulted them, Sir. I would like Honourable Members to consult them, to read them, but I can never believe that Mr. C. R. Das could ever have made a statement of that kind. He admitted, and rightly admitted and for that I give him credit, that there was a revolutionary movement in Bengal and that some people who were dealt with under the Ordinance were involved in it, but he never admitted there was any suitable case for the arrest of people under Regulation III of 1818, and that is the point we are concerned with here. We are not concerned with the Ordinance or the revolutionary movement: we are concerned with the justification for keeping Regulation III on the Statute-book. That is the issue before us.

**Mr. J. T. Donovan:** May I inform my Honourable friend that in January, 1924, when Mr. Das made that statement, there was no question of the Ordinance. The Regulation had been used for two months.

**Lala Lajpat Rai:** I have put the issue very clearly before my Honourable friend. Can he quote any words of Mr. C. R. Das—I will sit down to enable him to do so—in which Mr. Das admitted that these people who were arrested under Regulation III were concerned with the revolutionary movement?

**Mr. J. T. Donovan:** I quoted them this morning.

**Lala Lajpat Rai:** Will you quote them again? I will leave it at that and let the House judge for itself. So far as I know they do not mean that.

**Mr. J. T. Donovan:** You have not read them.

**Lala Lajpat Rai:** It was also said that the repeal of this Regulation III would take away the stock-in-trade of the professional politicians. Well, Sir, there are no professional politicians in this country. They may grow in time, but they are not there yet, and certainly not in the sense the term "professional politician" is known either in Ireland or in the United States. I intend no reflection on Ireland or the United States, but I know too much and I cannot erase from my mind the knowledge I possess of these countries where Irishmen are to be found in abundance. But so far as my knowledge goes—I am speaking subject to correction—there are no professional politicians in India. I say, they may grow. We are growing in "civilisation" and perhaps that is a part of civilisation. All those things are bound to come; they are the necessary concomitants of the civilisation which we are taking or borrowing with pride and perhaps with doubtful wisdom from the West. But if by the repeal of Regulation III of 1818 my Honourable friend can deprive the professional politician of his stock-in-trade, why does he not do it? He will be doing a service to the State if, by his help, this kind of argument is taken away from their mouths by the repeal of Regulation III. They will employ their time more profitably and perhaps to the usefulness of both the State and the nation.

In the end, Sir,—I have an appeal to make to the Government, if there is any chance of my appeal having the least possible effect, which I am afraid there is not, that if they at any time find the peace of the country threatened or endangered, they have the machinery of the legislature to make such a law. Why should they try to keep this Regulation permanently on the Statute-book, and why should they use it for purposes other than those which were contemplated by the Regulation itself?

Sir, I have so far spoken mainly about the Bengal deportees. I need not refer again to my own case as there are other cases as well. But may I draw your attention to another aspect of the case. Perhaps you do not do much injury to these people whom you arrest. You deprive them no doubt of their pleasure; you prevent them from fulfilling their duties in life, and thus inflict injury on them. But at the same time you raise them in reputation; you make heroes of them and thus cause a greater injury to your own interests and to the reputation of your Government, and also add to the volume of unrest that prevails. That perhaps will not appeal to you, but cannot you see that by having resort to proceedings



of this kind you are constantly engaged in a vicious circle of unrest and repression? Do away with these Regulations; do away with these repressive laws; and then try and see, if you need them again. You have at all times the power given to you in the Statute, in the law, to make these emergency laws. Nothing deprives you of that. You have not shown that if you had not arrested these men, of whom you have been speaking, the whole country would have been simply flooded with blood and would have been lost to you. If at any time hereafter you find it necessary in the interests of peace to enact a law of this kind temporarily, you have the machinery ready to hand to do it. But for God's sake remove this Regulation from the Statute-book, at least for some time. Let the people feel confident that you have some sense of justice left in you, that they can still confide in your sense of justice and fairplay, that you do mean to govern this country, as long as you have to govern it (before the last Home Member, as my friend has said, books his baggage from Bombay), with at least some show of traditional British justice. Sir, I support the motion.

**Mr. Bipin Chandra Pal** (Calcutta: Non-Muhammadan Urban): I am exceedingly sorry, Sir, that I missed the splendid, as I heard from everybody, speech of my Honourable friend from Ireland and Bengal. (Laughter.) Now, if my Honourable friend had lived in Ireland—I do not know—I think he lives on the other side of the Border . . .

**Mr. J. T. Donovan**: I have spent all my life except about two years in Ireland and Bengal—sixteen in Bengal.

**Mr. Bipin Chandra Pal**: Not an Ulster man?

**Mr. J. T. Donovan**: Not an Ulster man. My home is in Connemara.

**Mr. Bipin Chandra Pal**: Now, if he had lived all his life in Ireland . . .

**Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): He would not have made this speech.

**Mr. Bipin Chandra Pal**: He would have made a better speech and a different speech to that which he has made. I sympathise with Ireland and I know the good part; I know, Sir, that in his heart of hearts he sympathises with us. I wish I had met him over the other side of the Suez Canal, because when my friends cross the Suez Canal they are transformed. They are transformed. Here they have to play a part; there they are the natural human beings, freedom-loving Britishers, English-hating Irishmen. (Laughter.) Now, I am sorry, Sir, I have missed that splendid speech of my friend, Mr. Donovan, because I believe, Sir, God made only two peoples who can deliver good speeches, the Irishman and the Bengalee. (Laughter.) (*An Honourable Member*: "Madrasi.") But, Sir, I am thankful to him for having allowed me as a special dispensation to have a look at his speech; and I first find that my friend refers to the Ten Commandments. Is this an Irish bull or is this meant seriously? He says that people will be asking for the repeal of the Ten Commandments. I want to know how many people honour the Ten Commandments—more in their breaking them than by obeying them? Let us not talk of the Ten Commandments in this House of law. Let us not talk of the Ten Commandments in civilisation. They were meant for a primitive people—the Jews. (Laughter.) Now we do not want to break the Ten Commandments unless you tempt us to

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break them. We do not want to repeal the Ten Commandments, but we do want to repeal the Commandments that in spirit, though not in words, violate the substance of the Ten Commandments. Now, Sir, what is this Regulation III? "Thou shalt not murder".

**Mr. K. Ahmed:** Thou shalt not kill.

**Mr. Bipin Chandra Pal:** Very well, murder frightens my friend. Kill is the word. I thank you for the correction. Thou shalt not kill. That was meant only for the body. Was it not meant for the soul also? Is it within or outside the province of the Ten Commandments to kill the soul of people? My friend has referred to the generous youth of Bengal. And I ask, who has killed,—I do not care for their body, they do not care for their body either,—who has killed the soul of the youth of Bengal? (Hear, hear.) That is the question, Sir, which ought to be seriously examined and answered both by the Government and by the people. I admit that you have killed the soul of the youth of Bengal. Now, Sir, what are all these evidences that have been brought before us by the Honourable the Home Member and by my friend Mr. Donovan, what are all these stories of crimes, assassinations, political murders and political dacoities, what are these but evidences of the killing of the soul of the youth of Bengal? Can you deny that? (*An Honourable Member*: "Yes.") You have not killed their soul? (*An Honourable Member*: "No"), not even when they commit crime, not even when they are driven, I say, to these anarchical activities? I ask, Sir, who has killed their soul? My friend will say "You have killed them by your speeches". But, Sir, I want my friend Mr. Donovan to be a little older than he is.

**Mr. Jamnadas M. Mehta** (Bombay Northern Division: Non-Muhammadan Rural): He will soon become older.

**Mr. Bipin Chandra Pal:** He has been in Bengal only for 16 years, and I do not deny that he speaks of the things that he knows. He does not know what Bengal was 30 years before he came to India. He does not know what Bengal was when I was a boy, when I was a young man in the colleges. We looked upon the British administration as the very perfection of human Government. We honoured British laws because they were built upon justice. We believed that the British had brought to us a freedom which we had never before enjoyed, and it was because of this that the generation to which I belong were loyal to the British and to the British Government, they were grateful for the education which you brought to them, they were grateful for the illumination which you brought to them. There were 45 years ago . . .

**Mr. W. S. J. Willson** (Associated Chambers of Commerce: Nominated Non-Official): Regulation III was on the Statute-book then.

**Mr. Bipin Chandra Pal:** Yes, on the Statute-book, but not in practice. That is the whole thing. We never knew that there was such a Regulation; we never fancied that there could be such a Regulation in the Statutes of the British Government which had stood up for freedom. There was, I know now, and that was a secret sin of your Government. It was secreted in the worm-eaten archives of your Legislature. It was not brought out. We first came to know of it when my friend over there

was suddenly arrested and taken away from his home and sent to Mandalay. We then opened our eyes and asked, "What is this? Is this British Government? Is this British India? Is it the reign of the British or is it the reign of somebody else, some Oriental with a capital 'O'?" That was what happened. I know—my friend does not know—that a generation of new young men has grown up, not since he came to India, but since these lawless laws were brought out of the dusty archives of the armoury of Government and put in operation. My friend talks of psychology. Well, well, I think I ought to know the psychology of this revolutionary patriotism in Bengal. I have been responsible for it. (Hear, hear.) Yes, and I accept the full responsibility for it. In 1911, the year I think when my friend crossed the Lake of Leithy and came here, as soon as I landed after more than two years of exile in England, as soon I landed at Bombay, I was taken up under the kind care of the Bombay Government—and the Deputy Commissioner of Police was the very first to welcome me to my native shores. When he took me up and when we were sailing from on board the steamer to the shore on a Government launch, incidentally our conversation turned upon a book that I had written and published in England. It was the National Movement in India—the Indian Nationalism or something like that.

**Lala Lajpat Rai:** The Spirit of Indian Nationalism.

**Mr. Bipin Chandra Pal:** No, only Indian Nationalism. There is only one place where you can find it in London. I think you can still find it there. It is the bomb shop in Charing Cross Road. My Honourable friend, the Home Member, being a lawful man, is not aware of the bomb shop in Charing Cross Road.

**The Honourable Sir Alexander Muddiman:** Pawn shop? (Laughter.)

**Mr. Bipin Chandra Pal:** Bomb shop. (Laughter.) And it is called the bomb shop because it sells all kinds of inflammatory literature, 3 P.M. translations of Russian books, French books and other books. That is the special branch of the book trade in which the bomb shop specialised. This Deputy Commissioner of Police, in Bombay—I asked him if he had read that book and he said "Yes, but you are very clever. You write in such a way that we cannot catch you". I accepted that compliment but, Sir, he paid a much greater compliment which I did not deserve. I speak in all humility when I say that that compliment I never deserved and I never claim. The compliment is this. He said "You are like Count Tolstoy. You are a man of peace but your writings as Count Tolstoy's writings did create all the trouble in India". Now, Sir, that was only a half truth. My writing may be like a match but it would not ignite unless it strikes against a favourable ground. Tolstoy preached the gospel of human equality and human freedom. He was the apostle of the doctrine of God in man and even as God is free, so man must be free. He must be free to do that which he pleases, to quote Spencer, provided he does not in doing so infringe the equal freedom of others. That was the doctrine of Tolstoy. Tolstoy breathed new life into a dead people, a people which had lost its intuition of freedom, which had lost consciousness of the God within itself. Tolstoy appealed to that people, quickened them to a sense of their own dignity as men, as sons of God and that

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did not create the Russian revolution. This new doctrine of Tolstoy, this new inspiration was sought to be suppressed by the organised brute force of the Czarist Government. And it was the conflict of the soul force of the doctrine of Tolstoy and the brute force of the organised authority of the Czar that led to that burst up in Russia. That was the case also in Bengal. It was not our teaching. We taught a divine message, the message of the divinity of man. We called our young men to a consciousness of their birthright as children of God, to live and to work as free men. That was what we did. We did something more. My friend Mr. Donovan will kindly look into the psychology of it. We preached a new religion of patriotism. We made a deity of our Motherland and who made it a crime to cry "*Bande Mataram*" in Bengal? I should like to know who made it a crime? Our young men cried "*Bande Mataram*, Hail to the Motherland." But our masters saw that this might be the beginning of their end. They got frightened. They were in the position of the man who was one day found in the street of Calcutta in my early days, 50 years and more back. He was looking for something in the gutter. A friend passing by asked "What are you looking for there?" He said: "Oh, a rat." He was asked "Why are you after a rat?" He said: "A rat passed between my legs." He was asked "How did it hurt you?" He said: "You don't know. If I allow the rat to pass between my legs to-day, the cat will pass between my legs to-morrow and the dog will do it and then horses and carriages." (Laughter.)

**Mr. President:** The Honourable Member is getting miles and miles away from the point in issue. Will he come to the Bengal Regulation III of 1818?

**Mr. Bipin Chandra Pal:** Now, Sir, I have to trace the psychology. It is not my fault that psychology was introduced here. We were treating of criminology only. Now, Sir, that was the psychology of the Government. They felt like that man who had drunk a little too well and not too wisely, who found himself in the gutter and who was afraid of creating precedents. (Laughter.) So the Government of Bengal was afraid of allowing these young people to cry out "*Bande Mataram*" for by crying out "*Bande Mataram*" they might catch the infection of the revolt in the century before the last and they penalised "*Bande Mataram*." People who cried "*Bande Mataram*", young people,—old people did not cry "*Bande Mataram*" in the streets—the young people who cried "*Bande Mataram*" were hauled up; they were punished; they were whipped, young boys. Then you made it penal for them to go to schools and colleges without their shoes on as a mark of mourning for the partition of Bengal. You inflicted fines on these people. That was the second act—psychology number 2. And then you went on; you took up young men and sometimes old men also for the most trivial offences and punished them under section 124-A, and other sections. Now that was the psychology, Sir. We warned the Government. We said, "Do not oppress an open constitutional movement legitimately working for the freedom of the people; do not drive an open constitutional movement underground by your repression." We had no bombs then; our young men never dreamt of revolutionary patriotism in those days. But it was this senseless, this brainless, this blind attempt to suppress a legitimate desire for national

freedom in the most susceptible minds that led to this revolutionary movement in Bengal. Mr. Donovan came to this country in 1911. All this was ancient history already. Now, Sir, what did Barindra Kumar Ghosh, who may in some sense be said to have been the founder and father of the revolutionary patriotic movement in Bengal, say in his statement to the court at Alipur which tried him and punished him with death for waging war against the King? What did he say? He said, "I do not believe that we shall ever win our independence by secret assassinations and secret revolutionary activity. Our movement was only an answer—a counter-terrorism to the terrorism of the Government." Now, that is on record; that is psychology number 3. If the Government had taken this new outburst in the youth of Bengal, brought up in religions, brought up in the best traditions of English education and British history—if these young men had not been repressed in this way, we would never have heard anything of the bomb propaganda in Bengal. It is you who created the conditions that developed this revolutionary movement in Bengal: and now, having created the disease, you bring out a weapon which is not psychologically capable of curing it. There again, Sir, I ask my friend, Mr. Donovan, and my Honourable friend, the Home Member—yes, I forgot, my friend, Mr. Donovan is also Honourable—I ask them where in history, where in human nature, have you found it possible to suppress a movement for freedom by repression? Never, nowhere. You have tried it in Ireland, and, at last, you had to give in to the Irish, after what? After how many almost centuries of trouble, after how much shedding of blood, and how much more bad blood was created between these neighbouring peoples who ought to have lived always on the friendliest of terms? Will that appeal to Mr. Donovan? Now that is the situation here, that is exactly the situation in Bengal. My friend Mr. Donovan has referred to Sir Surendra Nath Banerjea. Will he allow me to correct him? I belong to the school which was created by Surendra Nath Banerjea. I owe everything I have of good repute in me, in my political life . . . . .

**An Honourable Member:** Of bad repute.

**Mr. Bipin Chandra Pal:** Yes, of bad repute to you, Sir.

**An Honourable Member:** "Everything good in Bengal".

**Mr. Bipin Chandra Pal:** I owe everything good in me, Sir, to Sir Surendra Nath Banerjea, and I cannot allow this statement of my Honourable friend, Mr. Donovan, to pass unchallenged when he suggested that Sir Surendra Nath Banerjea was a Member of the Government of Bengal that voted the need of Regulation III for Bengal. Now there, Sir, Mr. Donovan is speaking from his own imagination; he cannot speak from knowledge, and I speak from knowledge. Sir Surendra Nath admitted that when this Regulation III was brought out and put into force in Bengal when he was a Minister of the Government of Bengal, he was not consulted. (Hear, hear.)

**Mr. K. Ahmed:** How do you know?

**Mr. Bipin Chandra Pal:** I know it from Sir Surendra Nath—you may go to him and ask. (Laughter.) Now, Sir, that is a fact that Sir Surendra Nath had always stood up against this Regulation. He fought it tooth and nail in 1907 and 1908 when it was first brought out . . . . .

**Lala Lajpat Rai:** He made that statement in public.

**An Honourable Member:** We read it in the papers too.

**Mr. Bipin Chandra Pal:** I know he made that statement in public that he was not consulted when Regulation III was brought out and put in force in Bengal when he was a Minister. Now, Sir, I ought not to take up any more of your time . . .

**Honourable Members:** Go on.

**Mr. Bipin Chandra Pal:** Now, Mr. Donovan speaks of going about among the people. He has talked to people, he says. (*An Honourable Member:* "In what language?") In Bengali; he knows as much Bengali as you or I. Does Mr. Donovan know this, that our people are too cautious, too diplomatic, to lay their mind open to any official, or even to any European? They do not know, as I do, that you are an Irishman. They class you with the English, the British, their rulers, and they are not likely to make a confession of their political faith to you. I know that they are not much seriously concerned with the politics of the higher classes. I admit that much, but this much I know also, not from 16 years of going about in Bengal, where you do not see the least vestige of civilisation in the form of a white man, but I know from my experience of 60 years—I think I can take it—because I remember things that happened to me when I was at least 8 or 9, and I am 69, Sir. I am not afraid of confessing my age. Now, Sir, I know that there is discontent, nameless discontent, unreasoned discontent, natural discontent, among the people. You do not know the reason why. There was no discontent in the days of my youth. People had faith in your administration. People had faith in your good intentions. People believed that you were almost as gods who came to them to bring them relief and to lead them to a better state of things. But all those things have passed away. All those things have passed away. Do you know that when you intern young men of Bengal under the "*Lovely Dora*" in your keeping, the Defence of India Act, when you hold up, when you take up, not tens, but hundreds and thousands of Bengalee young men under the powers of the Defence of India Act, do you know, Sir, that people who never had any sympathy with these revolutionaries were forced to feel sympathy with them? It is only natural if you take my son up under these lawless laws, then I also commence to feel the iron of your rule and when I feel the iron of your rule, being only human, and neither an official nor a supporter of officials, nor a god, but only human, it is only natural that my feelings should be turned, my bowels should be turned against you. This is what happened in Bengal. Think of the fathers and relations of those thousands of young men who had been taken from their homes, placed in different places, under circumstances which hurt them physically and morally. You could not expect that under those conditions, Bengal would remain contented. That was the beginning of discontent in Bengal; people have got impatient. Do you know what is the secret of the success of my friends over there (the Swarajists)? What is the secret? The secret is (*An Honourable Member:* "Government") not the Government, Sir, but the widespread discontent in the country. It is popular discontent; that is the strength behind the Swarajist Benches. It is that discontent that has brought them here in such large numbers. It is that discontent which makes them a terror to you. (*Loud Applause.*) Now, there is discontent and you cannot know discontent in India simply by scratching the service. We are not like Englishmen. If you do not get water in your tap, you go and break the windows of the Company which is responsible for the supply of water. (*Laughter.*)

**The Rev. Dr. E. M. Macphail** (Madras: European): No.

**Mr. Bipin Chandra Pal**: Don't you do that? My Reverend friend here says "No". I do not know if he was in England in 1898. Were you in England, in London, in 1898?

**The Rev. Dr. E. Macphail**: Yes.

**Mr. Bipin Chandra Pal**: Then he must have forgotten that in the autumn of 1898 there was a scarcity, not in the West-End but in the East-End of London, of water. If you will refer to the columns of the *Times* you will find my statement corroborated that for three or four days there was a great scarcity of water.

**The Rev. Dr. E. M. Macphail**: When I said "No", I merely meant to imply it was not habitual. (Laughter.)

**Mr. Bipin Chandra Pal**: I admit the breaking of windows is not habitual because the provocation to break windows is not constant. (Renewed Laughter.) Now, that is what they did there. They did not take things lying down, but we are a long-suffering people. (*An Honourable Member*: "Give it up.") My friend asked me to give it up and the result is Regulation III of 1818. The moment we want to give up our habit of patient long-suffering and we want things to kick about, you bring down all these laws and seek to justify them. No, Sir, there is discontent.

One word more, Sir, about the Muhammadans. It is a very delicate subject. I wish my friend Mr. Donovan had not referred to it. I will only remind him, because he was not then born in India, of one statement, a historic statement, made at one time by Sir Bamphylde Fuller, the Lieutenant-Governor of East Bengal. What did he say? He compared the Hindus and Muhammadans to his two wives. (*An Honourable Member*: "Had he two wives? Was he not prosecuted?") He compared them with two wives. One was a favourite wife, that was the Muhammadan; and the other was not a favourite wife, that was the Hindu. That was his statement. And then, Sir, there are other things also. Is it not a fact that Nawab Salimullah was with us and against Lord Curzon in the matter of this partition agitation when the idea of this scheme was first broached? Is it not a fact, Sir, that it was after Lord Curzon paid a friendly visit to Dacca that the Nawab Sahib saw wisdom in this measure of the partition of Bengal? Is it not a fact that during the progress of that agitation things were done—I do not say by the Government,—that looked suspiciously like Russian poltroons in Bengal?

**Mr. K. Ahmed**: Things have now altogether changed.

**Mr. Bipin Chandra Pal**: Things have changed. I am thankful to my friend, Mr. Kabeer-ud-Din Ahmed, because he has helped to make things change and I shall be glad if he will contribute to that change still further.

**Mr. K. Ahmed**: It is just the other way round.

**Mr. Bipin Chandra Pal**: Now, Sir, that is the situation and that is really a very ticklish question. We do not like to divide ourselves over this or any other question. Bengal belongs to the Muhammadans and Hindus, India belongs to the Muhammadans and Hindus, and we ought to work and live together for our common motherland.

**Lala Lajpat Rai:** Will you permit me, Sir, to make an explanation to the effect that I was not quite right in saying what I did about the speech of Mr. C. R. Das. I have just read that paragraph. Mr. C. R. Das did say that certain people, who had been revolutionaries before but had left that movement by his persuasion, had been arrested under Regulation III of 1818 after they had given up that movement.

**Maulvi Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I did not want to make a speech on this question, not because I am not anxious to see that the Regulations are repealed, and that they are removed from the Statute-book, but because this question has been threshed out on the floor of this Assembly to-day as well as in 1924, and also in the local Councils, and I think that it is difficult for me now to produce any new or fresh arguments in support of the proposition which has been laid before you this morning by my friend the Honourable Mover of the Bill. But the splendid and eloquent speech by the official Member from Bengal this morning seems to have created an impression or left an impression that the Mussalmans are not opposed to the Regulation of 1818. And I think I will not be doing justice to my community if I allow this statement to pass unchallenged. And, Sir, here I stand as a Mussalman and I am conscious that I have got the backing of at least 75 per cent. of educated Mussalmans in India, not only in Bengal but in the Punjab, the United Provinces and all the other provinces, when I say that we the Mussalmans are as much opposed to these Regulations, and not only to these Regulations but to all other lawless laws which deprive people of their liberty, and which condemn them unheard and without giving them an opportunity of establishing their innocence, as any other people living on this continent.

Sir, I do not of course agree with the Honourable Lala Lajpat Rai when he says there are no revolutionary societies among the Mussalmans, or that they do not take part in these revolutionary societies because education is not so widespread among the Mussalmans as among other communities. I say that Mussalmans in India are much more educated than any other community in India, as education is not confined to English education only.

(At this stage Lala Lajpat Rai rose to make an explanation.)

**Mr. President:** Order, order. There will be no end to the debate, if the Chair allows Members to make personal explanations too often on small matters.

**Maulvi Muhammad Yakub:** The reason why the Mussalmans do not join these revolutionary societies or movements is that they are not cowards, that their religion, traditions and training do not teach them to be cowards. If they make an enemy of anybody they will challenge him and give him warning, but they will not resort to cowardly actions, they will not throw a bomb on you from behind. This is the reason why Mussalmans do not take part in revolutionary societies. In the same way the education, the training and the religion of the Mussalmans do not teach them that a man should be condemned unheard or be deprived of his liberty without being given an opportunity to defend himself. It is for this reason that the Mussalmans are as much opposed to these lawless laws being on the Statute-book. With these remarks, Sir, I have great pleasure in supporting this Bill before the House.



**\*Mr. Yacoob C. Arif** (Calcutta and Suburbs: Muhammadan Urban): Sir, I rise to support the motion moved by my friend Mr. Amar Nath Dutt. It has been alleged that the election of Sir Abdur Rahim indicated that the people gave their sanction to Regulation III. Sir, that is not the truth. If the whole truth were told about Sir Abdur Rahim's election it would be seen that he was elected on the understanding that he represented the popular view. The Honourable speaker over there has done a service to Sir Abdur Rahim, but, Sir, that incident is absolutely irrelevant. It would be a shame to any man, Hindu or Muhammadan, who tried to justify this lawless law. As a Bengali, as a Muhammadan, as an Indian, I say that the Bengal Regulation, as it is, is a disgrace to any civilized Government. The main question is, should the liberty of the subject be at the mercy of the Executive or not. Those who justify Bengal Regulation III are living in the middle ages. Sir, I have been specially instructed by my constituency to raise my voice against this dangerous, this uncivilized, this barbarous Regulation. No Indian can do otherwise.

**Khan Bahadar Sarfaraz Hussain Khan** (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Now that the names of Muhammadans have been mentioned here, I may at the very outset say that, coming from Bihar, I do not quite know the feelings of the masses of Muhammadans of Bengal, but as one coming from the Muhammadan electors of Bihar I may say that I do condemn this condemnable law from the bottom of my heart. The Honourable Member over there said that the Muhammadans of Bengal supported that law, but allow me, Sir, to read an extract from a paper which shows that almost all the representative Muhammadans of Bengal opposed it. It is as follows:

"It was in the fitness of things that almost the very first work done in the new Bengal Legislative Council should have been an impressive manifestation of popular feeling over the Bengal Government's policy in detaining persons without trial under that obsolete and archaic weapon, the Regulation III of 1818. It is well that the Bengal Government suffered a crushing defeat and Mr. J. N. Sen Gupta's Resolution urging the release of such persons or their trial before a court of law was carried by such an overwhelming majority of 76 to 45, the majority including the bulk of non-official Members, Hindus and Mahomedans, Moderates and Nationalists."

In the face of this I do not see how our friend can have the courage to say that the Muhammadans of Bengal do support the Regulation. I do not quite understand that. That is one point. The Honourable Member also has named Sir Surendra Nath Banerjea. He may have been the voice of Bengal in antediluvian days, but why does not the Honourable Member refer to Mr. C. R. Das; what did Mr. C. R. Das say? So all the representative Muhammadans, including the representative Muhammadans of Bengal, condemn this law and, Sir, I condemn it also as a human being, in the very name of humanity, in the very name of fairplay, and in the very name of human liberty.

I therefore wholeheartedly oppose this Regulation and on behalf of my Muhammadan electorate of Bihar I may say that we all condemn this Regulation.

**The Honourable Sir Alexander Muddiman:** Sir, being neither an Irishman nor a Bengali I rise with great diffidence since my Honourable friend has laid it down that one has to be either an Irishman or a Bengali to be able to make a good speech.

**Mr. M. A. Jinnah:** There are exceptions.

**The Honourable Sir Alexander Muddiman:** However, as Mr. Jinnah says, there are exceptions and perhaps my residence in Bengal may have done something to remove that disability. Sir, I have spoken on this subject to this House on many occasions. I fear that in future it may be possible I may even have to speak again. But the House will not expect of me a long dissertation on the present occasion. Mr. Donovan, with the enthusiasm of youth and with a felicity of language which I envy, has put forward a case that it is very difficult to answer. He put it forward with great eloquence and the House heard him, as it always hear speakers of his class, with great attention. Much that was contained in that speech must have been unpalatable to the House but I congratulate the House on the way it listened. It showed good feeling; it showed that talent is appreciated even though the views that are put forward are obviously not palatable to those who are listening to them. I congratulate the House very much on that. I should like to congratulate the House on a further matter. We have had a speech from a Member who has actually been a victim of Regulation III and I must say a better tempered speech I have never listened to. That is a thing which brings us nearer. When you get that feeling one can discuss this kind of matter in the right kind of way, without bitterness, without anger, without unnecessary irritation. I must confess that there must be something in the atmosphere of Bengal of a special character, for I noticed here in another brilliant speaker from Bengal a note of anger which was absent from the other speeches. Mr. Neogy, who usually addresses this House with accuracy and calmness, was a little warm this morning. His afternoon speech however was more in his usual manner and I can only suppose that the merits of lunch were duly appreciated.

Now, Sir, I have argued this case at very great length on other occasions. We have had the same arguments brought forward to-day and I can supply you with very little more than I have given on previous occasions. However, the report of the Repressive Laws Committee is always trotted out and I must trot it out on my side. I think some speaker has read, or at any rate some speaker in the future will undoubtedly read it; I will refrain therefore for my part,—I will only say what I said on the last occasion:

“If Members will look at that report they will see a most significant footnote. The ink on that Report was not dry before the Repressive Laws Committee had to add this rather remarkable footnote:

‘After this report had been drafted we received information of the grave and widespread disorder in Malabar which in our opinion has more than justified the apprehensions leading to this conclusion.’”

Mr. Donovan, like all young men, rather overstated his case. I myself certainly can find no ground of comparison between Regulation III of 1818, and the Ten Commandments. I have always endeavoured, in so far as a poor sinner can, to follow the Ten Commandments; but I place them on a very different plane from any man-made law. We, at any rate some of us, believe that they were divine in their inspiration and I am very glad to hear that in my Honourable friend's (Lala Lajpat Rai) religion, things of that character are not necessary, because they are embedded in his religion; and in so far as that is true, there is a tie between all religions and every race. On the other hand, Mr. Donovan made a very powerful appeal, based on personal knowledge of the people of Bengal; he quoted many cases which I think in many instances I have already brought to the notice of

this House in previous speeches; I do not propose to go into them again. He pointed out that in times of special stress special measures have to be taken. No wise man denies that—it is not even done on the other side. What the Honourable gentlemen on the other Benches say is “ You are keeping this unnecessarily on the Statute-book *in terrorem*; you ought to take it off; because if you do and there is any trouble, we will give you satisfactory legislation.”

**Lala Lajpat Rai:** If necessary.

**The Honourable Sir Alexander Muddiman:** And who is to be the judge of that necessity, the Executive Government or this House?

**Mr. M. A. Jinnah:** Are we responsible?

**The Honourable Sir Alexander Muddiman:** The Executive Government or this House?

**Mr. M. A. Jinnah:** Are we responsible?

**The Honourable Sir Alexander Muddiman:** The Honourable gentleman has answered me quite rightly. Both. Then there must be that support from this House which any Government can expect. Now, I have no wish to irritate the House in any way; but has this House always been ready to support us in any shape or way in measures necessary for the administration of the country? (*Cries of “ Yes.”*) No, no; I am not to be put down like that. Does not this House in its more reflective mood feel sometimes doubtful about the view of matters it has taken, that it is not prepared to help in maintaining law and order? Now, my Honourable friend who is now looking at me (Pandit Sham Lal Nehru) said the other day—it was in the debate on the Resolution on beggars—he said “ Municipalities are too weak to put the law into force.” I do not deny there is a feeling at any rate amongst us that Indians are a little unwilling to take the responsibility necessary to deal with crime, not because they have any sympathy with crime—I do not intend that in the least; but it is a national characteristic . . .

**Mr. A. Rangaswami Iyengar:** Due to a process of emasculation.

**The Honourable Sir Alexander Muddiman:** It may be due to a process of emasculation as my Honourable friend says; but if so, it is a curious form of development. And here I would pause before I go on to any further argument on the merits of the case we are particularly discussing. I say I have no desire whatever to bring into this House any racial or communal plea. If, as is fortunately the case, one community may have hardly any of its members confined under the Regulation, I for one will not use that as an argument, nor do I put it forward, nor desire it to form any part of this discussion. I have to speak with a full sense of responsibility of my position; and I for one will not adopt that as a line.

Now, my Honourable friend, Mr. Bipin Chandra Pal, who always treats us to reminiscences of early life in Bengal, said that in his early days Englishmen were regarded as something like gods knowing good and evil, as he said. (*An Honourable Member:* “ Irishmen.”) Regarded as Irishmen? At any rate he suggested the feeling was very different. Now, I suggest to him there is one reason for that. My ancient and venerable

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friend goes back a long time; he has told us so himself; and in his early days there were memories still lingering of the bad old times, the days of disorder; that is why the feeling was different. In those days people were alive—they must certainly have been alive who at any rate had heard of the days when the horse-hoofs of raiders were heard even up to the Mahratta Ditch. That is why in Bengal there was in those days more regard, more feeling, because the memory of what had been done in the bad old days was still fresh. I do not want to carry that argument beyond its legitimate bearing, but undoubtedly that is so. My Honourable friend went on to tell us that economic troubles have a good deal to do with much of the unrest we have in this country. I entirely agree with him in this statement, but the re-adjustment of economic troubles to modern conditions is a long process, it is a matter which must take time.

Now, he also laid down a very valuable rule, I think he quoted Tolstoy in support of it, though it was not really necessary to quote him in support of it, because it is a rule which, I think, every one in this House will agree to. He said “freedom”. Certainly, but subject to the limitations that you do not infringe on the freedom of others. That is the basis of all human society. It is the justification for our action. It is because we do not desire that a small body of persons should infringe on the freedom of others that we keep this Act on the Statute-book. We must have the power to take this action. That I like this legislation any more than you do is not true—I do not like it myself, and I think, apart from my natural dislike to it, it is a matter which gives me the greatest amount of trouble in dealing with cases of this nature. And for that I make no complaint at all to the House—I make no complaint. I think it is only right that any executive Government which takes special measures for special circumstances should be continually criticised in the exercise of those powers, and I think the House will be wrong if they hold the contrary view.

Then, my Honourable friend made an allusion to lovely D O R A. I have a large house party, but there is no D O R A in it. (Laughter.)

**Mr. Bipin Chandra Pal:** You had at one time. (Laughter.)

**The Honourable Sir Alexander Muddiman:** Now, Mr. Neogy complained rather bitterly that he was given some information of an inaccurate character in reply to a question, by my predecessor. I think, Sir, the point has been really somewhat misunderstood. Section 4 of the Regulation is divided into two parts. It refers, in the first place, to prisoners in the custody of the Zila or City Magistrate, and in the second place, it refers to State prisoners in the custody of public officers not being District Magistrates. There are now no persons in the custody of Zila Magistrates and therefore the first part of the section is inoperative. These prisoners, as a rule, are now in the custody of the Superintendent of the Jail, to whom the warrant is addressed, and it was quite obvious that Government could not have that information.

Then, Sir, it was said that a distinguished public man, whose name I will not further disclose, had changed his views when he took up office. Why? Of course, it might be said that office had a corrupting influence. Well, I am not so sure of that myself. It all depends on the man. I want to suggest another possibility. Is it not possible that when he took office

with the fuller knowledge he obtained he changed his mind? I put it to the House, it is for their consideration. (*An Honourable Member*: "He has not changed his mind.")

Now, it is admitted by most people, I think, who have really discussed this matter seriously that some powers of this nature are really necessary for the executive Government. The objection to the use of these powers is based mainly on the plea that they are used in cases of internal commotion and that they may be used for political purposes. I do not believe myself that the House, except for electioneering purposes, would otherwise seriously object to the Regulation. Of course it is perfectly true that powers of this kind are open to abuse and it is perfectly true that they must be used with extreme discretion. There I entirely agree. I for myself, if I had a majority in this Assembly, might possibly be inclined to bring forward legislation on different lines to replace these powers by a more complete and modern procedure, but unfortunately, I am not in a position of having a majority in this House and if I brought forward legislation I might very well find myself landed with a very different Bill to what I intended. Therefore, Sir, you can understand why I feel some difficulty in taking that step.

**Diwan Bahadur T. Rangachariar**: You have always a majority for a reasonable measure.

(Here another Honourable Member made an interruption which was inaudible at the Reporters' table.)

**The Honourable Sir Alexander Muddiman**: My Honourable friend makes a suggestion that he could hardly expect me to accept. "In vain is the net spread in the face of any bird."

There is one other point that I wish to make. Mr. Neogy rather took the line—of course he comes from Bengal, and we who have been in Bengal know Bengal to be a very important place, as it is indeed a most important place—he was rather inclined to take the view that in this matter the Government of India are in the pocket of the Government of Bengal. My Honourable friend Mr. Donovan, in his speech, referred a good deal to the Bengal Government. Mr. Neogy's point was really that the Government of India had not got a mind of their own, and that if they get an order from the Government of Bengal, they intern these people under Regulation III. I can assure you that the Honourable Member is under a complete misapprehension. The Government of India look into these cases with the greatest care. They do not lightly undertake action of this kind. They are not entirely devoid of political wisdom. They are aware that these cases must create a very great amount of trouble, putting it at the lowest ground. I can assure my Honourable friend that no Local Government will ever be allowed without the most convincing case to persuade me at any rate to have anything to do with this Regulation.

With these words, Sir, I must oppose the repeal of this Regulation as I opposed it before.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, the Honourable the Home Member pointed out in his speech that "a small body of persons who infringed on the liberty of others" were responsible for the introduction of Regulation III of 1818. He was only paraphrasing the speech which Lord Lytton delivered soon

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after the introduction of Regulation III of 1818. His Excellency, Sir, had used identical terms about a small body of persons intimidating the public. Sir, this is an argument which cannot stand a moment's examination. They have been saying that the public are intimidated by a small body of persons and that this small body of persons should be put in jail, without trial. That, I suppose, is the 11th Commandment! The Honourable the Irish Member from Bengal talked of the Ten Commandments. The 11th Commandment, which is Regulation III of 1818, says: "Thou shalt put patriots in jail and deny them trial." (Laughter.) Or perhaps when he was dreading the repeal of the Ten Commandments, he was really thinking of the 9th Commandment: "Six days thou shalt labour and do all the work." (Laughter.) For six days these Regulation prisoners, men who have not been given a trial, labour, thanks to the 9th Commandment! Sir, he also said, though the Honourable the Home Member hesitated to put forward that plea, that he knew Bengal better than any of the Members of this House—presumably any other Member than Mr. Pal. I see my Honourable friend nodding his head in approval. But, Sir, he is aware that the Indian Association of Calcutta consists of the grey-haired moderates in the country. Perhaps my friend the Honourable the Law Member was a member of that Association before he became a Law Member. Many of his comrades in Bengal are members of the Indian Association of Calcutta and the Indian Association of Calcutta protested against the application of this Regulation III and it followed up the protest with a memorandum and that memorandum completely shatters the argument of both the Home Member and the Irish Member from Bengal—the argument that jurors would be intimidated and therefore there will be a miscarriage of justice. I do not apologise to this House for placing before this House the statement of the Indian Association of Calcutta, which is the whole case of the Indian public against the application of Regulation III to the Bengal patriots:

"The Resolution speaks of intimidation by revolutionaries (that is the Government Resolution) with a view to prevent the conviction of criminals. If a careful study is made of the trials of alleged revolutionaries it will be found that in a great majority of the cases the witnesses spoke the truth and juries gave their verdicts without being influenced by fear and that there were convictions and sentences under the ordinary criminal law. No doubt in a few cases the prosecutions failed; but having regard to the judgments it is difficult to believe that those were not really weak cases. The following are some of the recent political cases that have been tried under the ordinary criminal law:

The Sankaritolla murder case, the Day murder case, the Alipur conspiracy case, the Maniktolla bomb case, the Chittagong murder case and the Mirzapur bomb case.

In the Sankaritolla murder case and in the Day murder case the juries composed of a majority of Indians brought in verdicts of guilty. It is clear that intimidation, if any, did not influence the witnesses or the jurors."

Were the witnesses shot? Did the jurors live?

"In the Chittagong murder case, an application was made to the High Court on behalf of the State for transfer of the case from the Chittagong court to some other court, on the ground that there was a likelihood of the jurors being intimidated. The High Court, after careful consideration of the materials placed before it on behalf of the prosecution, rejected the application. The case is now *sub judice* like the Maniktolla bomb case and the Mirzapur bomb case and no conclusion can be drawn either by Government or by the public with regard to them. In the Alipur conspiracy case the jury returned a verdict of 'not guilty'. There was a mass of evidence placed before the jury and a part of the evidence was directed to showing that the Kona dacoity, to which the Bengal Government refers, was the act of the terrorists."

Then, Sir, they give the facts of the case and they conclude with an observation which even the Members on the other side cannot refute:

"The public have to and can judge of these and similar cases not on the basis of repetitions about mere secret information or one-sided inquiries, but on the basis of tested evidence. It is difficult to believe from the record of cases in which convictions were as a matter of fact obtained, as also of those few cases in which there were acquittals, that a case can be made out establishing general miscarriage of justice in revolutionary cases under the existing law."

I hope the official Members of the other side will not stand up in this House again and glibly talk of intimidation of witnesses and jurors. There have been open trials; witnesses have not been intimidated; jurors were not shot. The other point, Sir, was the reference to Babu

**4 P.M.** Surendra Nath Banerjea. Babu Surendra Nath Banerjea (as he was in 1908) just escaped being a victim of Regulation III of 1818. I neither agree with Babu Bipin Chandra Pal nor wholly with Lala Lajpat Rai, one who spoke of an event in Sir Surendra Nath's official career from his personal knowledge and the other who said that Sir Surendra Nath Banerjea had ceased to be the voice of India during the last years of his life. Lalaji is certainly right if he meant that the old Surendra Nath Banerjea was not the same as the Minister of Bengal. However, after emerging from the limitations of office, he wrote a book, which I believe the Honourable Member on the other side—I refer to the Irish Member from Bengal—has not read or having read has perhaps forgotten. If he turns to that book, "A Nation in Making," he will find that Surendra Nath Banerjea in the year 1925 was not only the voice of Bengal but the trumpet voice of India, in his denunciation of the Regulation III of 1818 in terms which I would commend to the other side of the House. After quoting Lord Morley he condemns the application, or rather the misapplication, of Regulation III to his old comrades. It is unnecessary to read the quotation at length. It was one pleasant morning in December, 1908, that Regulation III of 1818 was applied to Surendra Nath Banerjea's colleagues; and it was another morning in October, 1924, that Regulation III of 1818 was applied to the co-workers of the *real* Surendra Nath of 1924, namely, Deshbandhu Chittaranjan Das. What Sir Surendra Nath Banerjea was during the Partition Days, Deshabandhu Chittaranjan Das was during the Swarajist upheaval in Bengal in 1924. And the purpose of the application in 1908, according to Sir Surendra Nath, of Regulation III of 1818 to his followers was to suppress Swadeshimism; and as I shall presently prove the Regulation III of 1818—I see the Home Member is not present, but when he returns I shall offer the proof—was directed in 1924 against the Swaraj movement in Bengal. (*An Honourable Member*: "The Home Member has returned.") Sir Surendra Nath says:

"The general impression at the time was that the authorities wanted to put down Swadeshimism, and they sought to strike terror among Swadeshi workers by this extraordinary procedure adopted against some of their most prominent leaders. But repression did not kill Swadeshimism."

And Regulation III of 1818 directed against Swarajism will not kill Swarajism. (Hear, hear.) Sir, my reason for saying that it was directed against the Swaraj Party in Bengal is founded on the unguarded revelations in a speech of Lord Lytton. In one of His Excellency's speeches after the application of Regulation III,—it was delivered in November, 1924, in reply to Deshabandhu Chittaranjan Das's statement that they would not accept his remedy—Lord Lytton said that:

"If he had become my Minister . . ."

[Mr. C. S. Ranga Iyer.]

—in other words, if Deshabandhu Chittaranjan Das had agreed to work the unworkable Dyarchy—

“ . . . when I gave him the opportunity and if in this capacity he was able to say I will take responsibility for the lives of your police officers without the use of these powers, then I should be prepared to listen to him.”

Deshabandhu Chittaranjan Das, the Leader of the Opposition, was not such a responsible person as Deshabandhu Chittaranjan Das the Minister. In other words, if Deshabandhu Chittaranjan Das had walked into the bureaucratic parlour, then they would have listened to him, they would not have played with the Regulation III of 1818. And His Excellency added :

“ As he refuses to take the responsibility he cannot now make it a grievance that his advice was not accepted.”

Because Deshabandhu Chittaranjan Das would not accept office, therefore Deshabandhu's right hand man, Subhas Chandra Bose and other prominent workers in the Swaraj Party should be put in jail without trial! And another admission of His Excellency is also worth quoting, that was about the Ordinance. It is wholly applicable to Regulation III of 1818. It was a further disclosure of the political motive. His Excellency said :

“ The third and last indispensable condition is the passage of the Bill which we shall introduce into the Legislative Council to take the place of the Ordinance. When that Bill has become law and we have an effective means of preventing the revival of violent methods, we can then begin the process of reviewing the cases of those whom we have arrested with a view to restoring to them their liberty. Those who wish for the early release of the State prisoners should therefore help us to satisfy these three conditions at the earliest possible moment.”

One of those conditions was Deshabandhu's and his party's willingness to endorse the Ordinance which was to be passed through the Legislature! The Legislature would not touch it with a pair of tongs: it threw it out and, Sir, they had to use their extraordinary powers—the same extraordinary powers which brought the Ordinance into existence had to be invoked, to make it a permanent feature of the Statute-book! Sir, the political motives are patent: because we refuse to co-operate with them—we refuse to co-operate because they are not accepting our terms of co-operation—therefore they are putting our workers into jail; and it is hardly necessary to say that it is illegal, utterly unlawful to keep a man in prison without trial. His Excellency the Governor of Bengal asked the High Court Judges if they would go through the case, if they would sit in judgment in camera over every individual case, and they refused to have anything to do with it. They refused to have anything to do with it because they did not want to lend countenance to legalised despotism.

“ Reasonable men to whom I have made this reply”, His Excellency the Governor said, “ have accepted it but they have then asked ‘ why not admit your evidence to two High Court judges instead of two District Judges who are servants of Government and therefore not so impartial?’. The answer to that question is that we cannot use the High Court except in its judicial capacity. The service of examining in secret our evidence and advising us as to its reliability is an executive service which cannot be performed by the judges of the High Court. It is not our unwillingness to consult them but their unwillingness to serve in this capacity which precludes us from resorting to judges of the High Court.”

It can only be performed by the gentlemen who sit on those (pointing to the Treasury Benches) Benches! Sir, I do not want to detain this House at greater length, but I certainly want to tell the Government that if they go on persisting in this attitude, they will only remind the House of the



Church-goers who say that they go to Church, fully conscious of the fact that there is a life beyond in which they truly believe, but they are anxious to postpone that evil day (Laughter). In the same way, the Government repeatedly say from that side of the House, "We believe in friendly co-operation, in genuine good-will": but instead of providing plain evidence of good-will, by every act of theirs they are postponing what they honestly believe to be the evil day!

**Maulvi Abul Kasem** (Bengal: Nominated Non-Official): I am sorry to inform you, Sir, that we have received news that one of our colleagues, Maulvi Muhammad Kazim Ali, is in a very critical condition, and many of us will have to leave immediately. I therefore request the favour of your adjourning the House immediately and allowing the discussion to be continued some other day.

**Mr. President:** Have the Government anything to say on that?

**The Honourable Sir Alexander Muddiman:** I shall be very willing, Sir, to abide by the sense of the House.

**Mr. President:** The House now stands adjourned till Monday morning at 11 o'clock.

The Assembly then adjourned till Eleven of the Clock on Monday, the 15th February, 1926.

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