

LEGISLATIVE ASSEMBLY DEBATES

TUESDAY, 26th JANUARY, 1926

Vol. VII—No. 4

OFFICIAL REPORT



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as amended.

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LEGISLATIVE ASSEMBLY.

Tuesday, 26th January, 1926.

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

QUESTIONS AND ANSWERS.

PROVIDENT FUND AND GUARANTEE CONTRIBUTIONS BY THE CURRENCY OFFICE STAFF.

177. ***Khan Bahadur Sarfaraz Hussain Khan**: With reference to the Government reply to starred question No. 987 asked in the meeting of the Legislative Assembly held on 16th September, 1925, regarding Provident Fund and guarantee contributions by the Currency Office staff,

(a) Will Government please state if they have arrived at a decision?

(b) If so, will they please communicate their decision to the House?

The Honourable Sir Basil Blackett: The question is still under consideration.

CREATION OF ADVISORY COMMITTEES ON THE BENGAL NAGPUR RAILWAY.

178. ***Khan Bahadur Sarfaraz Hussain Khan**: With reference to the Government reply to starred question No. 988 (a) and (b) asked in the meeting of the Legislative Assembly held on 16th September, 1925,

(a) Will Government please state if they have received the reply expected from the Railway Administration?

(b) If they have, will they please communicate it to the House?

Mr. G. G. Sim: (a) and (b). Yes. Steps are being taken by the Bengal Nagpur Railway to create Advisory Committees at Nagpur, Adra, Calcutta and Vizagapatam.

DUTY ON LOGS IMPORTED FOR MANUFACTURING MATCH STICKS.

179. ***Khan Bahadur Sarfaraz Hussain Khan**: With reference to Government reply to supplementary question to starred question No. 991 asked in the meeting of the Legislative Assembly held on 16th September, 1925, will Government please state if they propose to put a heavier duty on logs imported for the purpose of manufacturing match sticks?

The Honourable Sir Charles Innes: I have nothing to add to the answer given to question No. 991 asked by Mr. B. Das on the 16th September last.

OFFER OF SUITABLE EMPLOYMENT TO DR. EDIBAM, AN EX-FELLOW OF THE
ROCHFELLER FOUNDATION.

180. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to the Government replies to starred question No. 923 and the supplementary question to it, asked in the meeting of the Legislative Assembly held on 15th September, 1925, will Government please state:

(i) whether they have received replies from all or any of the Local Governments who were asked whether any of them could offer Dr. Edibam a suitable appointment?

(ii) whether Dr. Edibam has got any appointment, so far?

(b) If the answer to (a) (ii) be in the negative will Government please lay on the table a copy of the representation they have received from Dr. Edibam?

Mr. J. W. Bhore: (a) (i). Replies have been received from some Local Governments, in which they regret that they cannot find suitable employment for Dr. Edibam.

(a) (ii). So far as the Government of India are aware, he is still holding a post in the Central Provinces provincial medical cadre.

(b) The Government of India do not think that any useful purpose would be served by laying on the table Dr. Edibam's representation to the Government of the Central Provinces, of which they have received a copy.

CRIMINAL CASES INSTITUTED BY NANDRAM OF HAZARA AGAINST MR.
MUFTI MUHAMMAD YAKUB KHAN, BARRISTER, AND OTHERS.

181. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 928 asked in the meeting of the Legislative Assembly held on 15th September, 1925, will Government please state if they have received a reply from the North-West Frontier authorities?

(b) If so, will they please communicate the reply to the House?

Sir Denys Bray: I would refer the Honourable Member to the statements I laid on the table on the 21st January, 1926.

RESOLUTIONS OF THE ALL-INDIA POSTAL AND RAILWAY MAIL SERVICE
UNION.

182. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to starred question No. 934, asked in the meeting of the Legislative Assembly held on 15th September, 1925, regarding the resolution of the All-India Postal and Railway Mail Service Union, will Government please state if they have arrived at a decision with regard to the resolutions that were under their consideration on the subject referred to in their reply?

The Honourable Sir Bhupendra Nath Mitra: I shall make a statement on the subject later on during this Session of the Assembly and before the Budget of the Indian Postal and Telegraph Department comes up for discussion.

CASE OF ARUN CHANDRA GUHA, A STATE PRISONER IN BENGAL.

183. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 939 asked in the meeting of the Legislative Assembly held on 15th September, 1925, regarding the case of Arun Chandra Guha, a State prisoner in Bengal, will Government please state, if the information is now available?

(b) If so, will they please communicate it to the House?

The Honourable Sir Alexander Muddiman: A reply to his question was communicated to Mr. Chanda on the 9th November last. A copy will be found in the Member's Library.

ESTABLISHMENT OF A RATES TRIBUNAL.

184. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to the Government reply to starred question No. 964 (a) and (b) asked in the meeting of the Legislative Assembly held on 15th September, 1925, will Government please state if the inquiry has been completed?

(b) If completed, will they please communicate the result to the House?

The Honourable Sir Charles Innes: (a) The reply is in the affirmative.

(b) It is proposed to withdraw with effect from 1st April, 1926, the permission granted to the Bengal Nagpur and Madras and Southern Mahratta Railways to quote rates below the minimum in certain cases.

MANAGEMENT OF THE IMPERIAL BANK OF INDIA.

185. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the Government reply to the supplementary question of Mr. Chaman Lall to the starred questions Nos. 974 to 977 asked in the meeting of the Legislative Assembly held on 15th September, 1925, will Government please state whether the Imperial Bank is a purely private concern and whether the Government of India and the people have no voice in the management of the Bank?

The Honourable Sir Basil Blackett: The Honourable Member is referred to my reply to Mr. Gaya Prasad Singh's question No. 92.

QUALIFICATIONS OF STUDENTS OF THE ELECTRICAL DEPARTMENT OF THE INDIAN INSTITUTE OF SCIENCE.

186. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the Government reply to the second supplementary question to starred question No. 818 asked in the meeting of the Legislative Assembly held on the 14th September, 1925, will Government please state if they are aware that students of the Electrical Department of the Indian Institute of Science are regarded by the Institute of Electrical Engineers in England as equal in qualifications to students who have been trained in England and who are A.M.I.E.E.?

The Honourable Sir Bhupendra Nath Mitra: Government understand that the students of the Electrical Department of the Indian Institute of Science are not regarded by the Institute of Electrical Engineers in England as equal in qualifications to students who have been trained in England and who are A.M.I.E.E.

**GRANT OF ALLOWANCES TO INDIAN DRIVERS OF THE EASTERN BENGAL
RAILWAY FOR SUNDAY WORK.**

187. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to the Government reply to starred question No. 829 asked in the meeting of the Legislative Assembly held on 14th September, 1925, regarding the grant of allowances to Indian drivers of the Eastern Bengal Railway for Sunday work, will Government please state if they have arrived at a decision?

(b) If so, will they please communicate their decision to the House?

The Honourable Sir Charles Innes: The matter is still under the consideration of the Government of India.

Khan Bahadur Sarfaraz Hussain Khan: May I know when the decision will be arrived at?

The Honourable Sir Charles Innes: I am afraid I cannot tell the Honourable Member.

CENTRAL AVENUE EASTERN BENGAL RAILWAY OFFICE.

188. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the letter published in the issue of the *Forward* of 6th December, 1925, page 11, under the heading "Central Avenue E. B. Railway Office"?

(b) If so, will they please inquire and state if the statement made therein "that the godown is not sufficient to hold all the goods that come nor are there hands enough to book them promptly" is correct?

(c) If correct, do they propose to issue necessary instructions to the railway authorities concerned to remove the grievances of the public complained of?

Mr. G. G. Sim: (a) Yes.

(b) and (c). The matter is one which can suitably be dealt with by the Agent and his Local Advisory Committee.

**EXPENDITURE ON THE MEDICAL DEPARTMENT OF THE EASTERN BENGAL
RAILWAY.**

189. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to the Government reply to starred question No. 836 asked in the meeting of the Legislative Assembly held on 14th September, 1925, will Government please state if the information called for has been received?

(b) If so, will they please furnish it to the House?

Mr. G. G. Sim: (a) Yes.

(b) The total amount spent during the 5 years ending 31st March, 1925, on the Medical Department of the Eastern Bengal Railway was:

	Rs.
(i) Establishment	13,70,787
(ii) and (iii) Medicines and apparatus	3,26,785

HOSPITALS ON THE EASTERN BENGAL RAILWAY.

190. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to the Government reply to starred question No. 837 asked in the meeting of the Legislative Assembly held on 14th September, 1925, will Government please state if their inquiry has been completed?

(b) If so, will they please lay a copy of the result of their inquiry on the table?

Mr. G. G. Sim: (a) Yes.

(b) A copy of letter addressed to Mr. Kumar Sankar Ray, dated the 10th November, 1925, giving the requisite information, is being sent to the Honourable Member.

ESTABLISHMENT OF LOCAL ADVISORY COMMITTEES ON RAILWAYS.

191. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government please lay on the table a statement showing the Railways which have got Advisory Committees and those which have not got them so far?

(b) If all the Railways have not got Advisory Committees, will Government please state why all of them have not got such Committees?

Mr. G. G. Sim: (a) Local Advisory Committees have been established on the following Railways:

Assam Bengal, Bengal and North Western, Bombay, Baroda and Central India, Burma, East Indian, Eastern Bengal, Great Indian Peninsula, Madras and Southern Mahratta, North Western, Rohilkhand and Kumaon and South Indian.

Steps are being taken by the Bengal Nagpur Railway to create Advisory Committees at Nagpur, Adra, Calcutta and Vizagapatam.

(b) Does not arise.

RECRUITMENT TO THE IMPERIAL SECRETARIAT.

192. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to the Government reply "For obvious reasons Bengal, the United Provinces, and the Punjab have a larger representation than other provinces" to starred question No. 840 (e) asked in the meeting of the Legislative Assembly held on 14th September, 1925, regarding recruitment to the Imperial Secretariat, will Government please state whether "obvious reasons" means that more men of higher qualifications are available in the provinces of Bengal, the United Provinces and the Punjab than in other provinces of India?

(b) If not, what other reason is there for the provinces referred to in their reply having a larger representation?

The Honourable Sir Alexander Muddiman: The obvious reasons are that men like serving near their own homes, and Simla and Delhi are nearer to the United Provinces and Punjab than to other provinces, and prior to 1912, owing to the winter headquarters being in Calcutta, a large number of Bengalis were recruited many of whom are still in service.

Mr. K. Ahmed: Is it not a fact that the high officers coming from those provinces belong to a certain class and that class only is recruited and the others are neglected by the Government?

The Honourable Sir Alexander Muddiman: If I had understood the Honourable Member's question, I would have replied it.

THE BAWLA MURDER CASE.

198. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the article published in the issue of the *Servant of India*, November 26th, 1925, page 505, under the heading "What Justice Demands"?

(b) If so, will they please state if the quotation made therein from the charge of Mr. Justice Crump to the jury is correct?

(c) If the quotation made is correct, will Government please state whether an inquiry is being made in the matter?

The Honourable Sir Alexander Muddiman: (a) I have seen the article.

(b) The quotation is substantially, though not verbally, correct.

(c) I must refer the Honourable Member to the answer given by me to Mr. Gaya Prasad's question No. 25, on the 21st January, 1926.

CONSTRUCTION OF THE ISHURDI-PABNA-SADHUGUNJ AND ARICHA-DACCA RAILWAY LINES IN EASTERN BENGAL.

194. ***Mr. Kumar Sankar Ray:** Will the Government be pleased to state the result of the traffic survey directed to be held by last year's Budget over the proposed Ishurdi, Pabna, Sadhugunj and the Aricha Dacca railway lines in East Bengal, and what steps they propose to take towards the construction of those lines?

The Honourable Sir Charles Innes: The traffic survey of the Ishurdi-Pabna-Sadhuganj Railway has recently been completed but the report has not yet been received. Necessary funds will be provided for its construction if the prospects of the line are found on examination of the report to be satisfactory.

As regards the Dacca-Aricha project, the results of an engineering reconnaissance recently carried out do not justify a traffic survey being undertaken. A traffic survey however will be carried out if the Local Government, to whom a reference has been made, agree to bear the cost should the line not be constructed.

TRANSFER BY THE EASTERN BENGAL RAILWAY OF THEIR TRAFFIC CENTRE FROM GOALUNDO.

195. ***Mr. Kumar Sankar Ray:** Will the Government be pleased to state what decision, if any, has been arrived at with regard to the transfer of through traffic over the Eastern Bengal Railway via Goalundo from that place to some other place?

Mr. G. G. Sim: The Honourable Member is referred to the reply given in this Assembly on the 25th January, 1926, to question No. 136 asked by Khan Bahadur Sarfaraz Hussain Khan on the same subject.

FARES TO FARIDPUR STATION ON THE EASTERN BENGAL RAILWAY.

196. ***Mr. Kumar Sankar Ray:** Will the Government be pleased to state whether the fare charged for Faridpur station on the Eastern Bengal Railway has remained the same in spite of the shifting of the site of the station?

Mr. G. G. Sim: Government have no information.

RECOMMENDATIONS OF THE INDIAN MERCANTILE MARINE COMMITTEE.

197. ***Mr. Kumar Sankar Ray:** Will the Government be pleased to state what steps they have taken or propose to take to give effect to the recommendations of the Mercantile Marine Committee?

RECOMMENDATIONS OF THE INDIAN MERCANTILE MARINE COMMITTEE.

404. ***Mr. B. Das:** (a) Will Government be pleased to state if they will give the House an opportunity to discuss the Report of the Indian Mercantile Marine Committee?

(b) Have Government reached any decisions on this report and if so, what are they?

The Honourable Sir Charles Innes: With your permission, Sir, I will reply to questions Nos. 197 and 404 together.

An expert came out from England in December last to advise about the establishment of a training ship in Indian waters. He has submitted a report which is at present under consideration.

The other principal recommendations of the Committee have been considered and Government hope shortly to be able to place their conclusions before the Legislative Assembly.

Mr. K. Ahmed: Do Government propose to expedite the establishment of nautical institutions and colleges with steamships attached for the training of Indian seamen as early as possible?

The Honourable Sir Charles Innes: I would prefer to answer that question when we lay our conclusions on the Report of the Committee before the House.

Mr. K. Ahmed: Will Government expedite this matter because there has been a general agreement on this point all over the country and the Government themselves have expressed their willingness on a previous occasion?

TOTAL INCOME DERIVED FROM POSTAL SAVINGS BANKS.

198. ***Mr. Kumar Sankar Ray:** Will the Government be pleased to state what the total income derived from Postal Savings Banks throughout India is and how it is employed, and whether they propose to give people facilities to obtain loans on favourable terms through the agency of Postal Savings Banks?

The Honourable Sir Basil Blackett: I am not clear as to what the Honourable Member means by "total income". If he means the additional net deposits in any year, it is impossible to give any definite reply—for both deposits and withdrawals fluctuate widely from year to year.

The balance at credit of depositors on the 31st March, 1925, was 25·64 lakhs and a year earlier, was 24·79 lakhs, so that the net addition including interest during the year 1924-25 was 85 lakhs. In the previous financial year, the net addition was 1·59 lakhs. The balance forms part of the general balances of the Government. It is not earmarked for any specific purpose, but is used for the purpose of assisting the financing of the capital expenditure of the Government of India and Provincial Governments.

As regards the latter part of the question, the granting of loans to the public is entirely outside the scope of the Post Office Savings Bank Scheme which is designed to encourage thrift by enabling people to keep their small savings in safety and to earn interest thereon. I see no reason why the Post Office Savings Bank should be brought into the question whether or not it is desirable for the Government to make loans to individuals out of moneys raised on the security of the Indian taxpayer.

RECOMMENDATIONS OF THE INDIAN AUXILIARY AND TERRITORIAL FORCES COMMITTEE.

199. ***Mr. Kumar Sankar Ray**: Will the Government state what steps they propose to take to give effect to the recommendations of the Shea Committee?

Mr. E. Burdon: The attention of the Honourable Member is invited to the reply which I gave on the 21st January, 1926, to Khan Bahadur Sarfaraz Hussain Khan's starred question No. 29.

ALLEGED ABDUCTION OF AN INDIAN GIRL BY GUARD HODSON OF THE EASTERN BENGAL RAILWAY.

200. ***Mr. Kumar Sankar Ray**: (a) Has the attention of the Government been drawn to an article in the *Amrita Basar Patrika* of the 25th November, 1925, about the alleged abduction of a girl named Lilabati by a guard named Hodson?

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

The Honourable Sir Charles Innes: The Honourable Member is referred to the answer given in this Assembly on 21st January, 1926, to question No. 89, asked by Mr. Gaya Prasad Singh.

†201.

‡202.

GRANT OF FULL RIGHTS OF CITIZENSHIP TO INDIANS IN AUSTRALIA.

208. ***Khan Bahadur Sarfaraz Hussain Khan**: (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Forward* of 8th December, 1925, page 8, under the heading "India and Australia"?

† Answered on the 21st January, 1926, along with question No. 4.

‡ Answered on the 21st January, 1926, along with question No. 6.

(b) If so, will they please state whether the following statement reported to have been made by Senator Reid of the Commonwealth Parliament of Australia represents correctly the state of affairs in the Commonwealth? " By an act of Parliament in the last Session of the last Parliament all Indians in Australia had been enfranchised giving them equal political rights and citizenship, the right of receiving one pound per week of old age pension at the age of 65 for men, and 60 for women. If the financial condition rendered it necessary, it was also provided that any one unable to earn his living will receive a pound per week on the certificate of a Doctor and at the time of birth any children receive 5 pounds for every birth. This, however, applies only to the Federal Commonwealth, while some States have not yet granted full franchise "

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

(b) It is true that Commonwealth electoral rights have been conferred on British Indian subjects in Australia. Inquiries have been made with regard to the rest of the statement and a reply is awaited.

CASE OF MR. ASHUTOSH CHAKRAVARTY, LATE A GUARD OF THE
EASTERN-BENGAL RAILWAY.

204. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to the Government reply to starred question No. 856, asked in the meeting of the Legislative Assembly held on 14th September, 1925, regarding the case of Mr. Ashutosh Chakravarty, a guard of the Eastern Bengal Railway, will Government please state whether the inquiries referred to in their reply have been completed?

(b) If so, will they please furnish the information to the House?

Mr. G. G. Sim: (a) Yes.

(b) The result of the inquiry was communicated to Mr. Amar Nath Dutt, and a copy is being supplied to the Honourable Member.

STRENGTH OF THE CLERICAL ESTABLISHMENT OF THE OFFICE OF THE
CHIEF CONTROLLER OF STORES.

205. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the statement laid on the table in reply to starred question No. 858, asked in the meeting of the Legislative Assembly held on 14th September, 1925, will Government please state why the appointments held by the residents of the Punjab (including Delhi) go up to the figure 60 while the figures for appointments held by the residents of other provinces are lower?

The Honourable Sir Bhupendra Nath Mitra: I can only suggest the obvious reason that an office located in the Punjab and Delhi is likely to employ in its clerical establishment a larger number of residents of those provinces than of provinces further afield.

LOOTING AND STABBING OF INDIAN PILGRIMS ON THEIR WAY BACK
FROM MEDINA.

206. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the Government reply to starred question No. 871 (b) asked in the meeting of the Legislative Assembly held on 14th September, 1925, regarding the return of Indian pilgrims from the Hedjaz, will Government please state, if the information is available, the number of Indian pilgrims who were looted and stabbed on their way back from Medina?

Sir Denys Bray: As far as the Government are aware, no Indian pilgrims were stabbed on their way from Medina on the last Haj, but several Indians are reported to have been robbed.

Mr. K. Ahmed: Is it a fact that Government have got statistics to say that all the pilgrims who went there have returned home safely?

Sir Denys Bray: I am afraid that Government statistics are not quite so exhaustive. As the Honourable Member is no doubt aware, several pilgrims remained behind in the Hedjaz from year to year.

Mr. K. Ahmed: Are they sure that none of them were stabbed or died otherwise?

SCHEME FRAMED BY THE ARCHITECTS OF THE NEW CAPITAL FOR THE
ENCOURAGEMENT OF INDIAN ARTS AND CRAFTS.

207. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to the copy laid on the table, "Resolved that the principles expressed by Sir E. Lutyens be accepted and that Sir E. Lutyens, Mr. Baker and Mr. Keeling be asked to draw up a detailed scheme in consultation, if possible, with Sir J. Marshall, for the consideration of the Committee" in reply to starred question No. 879 asked in the meeting of the Legislative Assembly held on 14th September, 1925, will Government please state if the scheme referred to has been drawn up?

(b) If so, will they please lay a copy of it on the table?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) The Honourable Member is referred to the answer given to questions Nos. 959 to 963 on the 15th September, 1925.

NON-ALLOTMENT DURING THE SEPTEMBER SESSION OF LONGWOOD ANNEXE
TO MEMBERS OF THE INDIAN LEGISLATURE.

208. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the Government reply to my supplementary question to starred question No. 897 asked in the meeting of the Legislative Assembly held on 14th September, 1925, will Government please state why Longwood Annexo was not allotted to Members of the Indian Legislature in the last Simla Session?

The Honourable Sir Bhupendra Nath Mitra: The attention of the Honourable Member is invited to the reply given to Baba Ujagar Singh Bedi's question No. 736 on the 7th September, 1925.

Mr. K. Ahmed: Is it not a fact that the Government have never afforded facilities to Members of this Assembly to live safely and quietly in the property which has been acquired particularly for them?

The Honourable Sir Bhupendra Nath Mitra: The question is so long that I have lost the hang of it. I shall be glad if the Honourable Member will give me due notice of it.

Mr. K. Ahmed: Will the Honourable Member in charge of the Department see his way to allow Members of this Assembly to remain in possession of the property which was specially acquired for them, and not allow other people to interfere with their rights?

The Honourable Sir Bhupendra Nath Mitra: The property is in possession of Government. I should like to see that question on paper in order to see what the Honourable Member is driving at.

Mr. K. Ahmed: Is it not meant for their use and not for allowing other people to interfere with it? Will the Honourable Member in charge of the property now allow the free enjoyment to the Members of the Assembly of this property which has been acquired as a result of the expenditure of a large amount of money received from the tax-payers?

The Honourable Sir Bhupendra Nath Mitra: I submit that it would be best for this House if notice were given of that question, and if the question itself were recorded in writing.

Mr. K. Ahmed: Is it not a fact that the Honourable Member is loaded with a number of questions since his arrival in this Assembly, that inconvenience has been felt by the Assembly and he is not in any way anxious to meet the wishes of the representatives of the people of this country?

Mr. K. O. Neogy: Is the Honourable Member aware that the property was acquired by Government expressly for the use of Members of this Legislature? I think that is the point which Mr. K. Ahmed is driving at.

Mr. K. Ahmed: Yes.

APPOINTMENT OF CLERKS OF THE METEOROLOGICAL DEPARTMENT IN THE OFFICE OF THE CENTRAL BOARD OF REVENUE.

209. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the Government reply to unstarred questions Nos. 151 and 152 in the meeting of the Legislative Assembly held on 14th September, 1925, will Government please lay a copy of their reply on the table for the information of the House?

The Honourable Sir Basil Blakett: I am sending the Honourable Member a copy of the reply in question. I do not regard it as of sufficient importance to justify the expense of having it printed in the official report of the proceedings of this House, and do not therefore lay it on the table.

CASUAL LEAVE OF EMPLOYEES OF THE OFFICE OF THE CONTROLLER OF MILITARY ACCOUNTS AT QUETTA.

210. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to the Government reply to unstarred question No. 164 in the meeting of the Legislative Assembly held on 14th September, 1925, will Government please state if they have received the information called for?

(b) If so, will they please furnish it to the House?

SICK LEAVE OF EMPLOYEES OF THE OFFICE OF THE CONTROLLER OF MILITARY ACCOUNTS AT QUETTA.

211. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to the Government reply to unstarred question No. 165 in the meeting of the Legislative Assembly held on 14th September, 1925, will Government please state if they have received the information called for?

(b) If so, will they please furnish it to the House?

The Honourable Sir Basil Blackett: The information was received and duly communicated to the Honourable Mr. Kelkar.

INCONVENIENCES CAUSED TO PASSENGERS AT DEOKALI AND FYZABAD CITY STATIONS.

212. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Wealth and Welfare* of the 27th November, 1925, page 6, under the heading "Deokali and Fyzabad City Stations"?

(b) If so, will Government please state if the statements made therein are correct?

(c) If correct, do they propose to issue instructions to the railway authorities concerned to remove the discomfort and inconvenience of the people complained of?

Mr. G. G. Sim: (a) Yes.

(b) and (c). Government have no information. The matter is one which should be brought to the notice of the Agent, East Indian Railway, through his local Advisory Committee.

GRIEVANCES OF EASTERN BENGAL RAILWAY PASSENGERS.

213. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the letter published in the issue of the *Forward* of 11th December, 1925, page 11, under the heading "Grievances of the E. B. Railway passengers"?

(b) If so, will they please state if the statements made therein are correct?

(c) If correct, do they propose to issue instructions to the railway authorities concerned to redress the grievances of the travelling public referred to?

Mr. G. G. Sim: (a) Yes.

(b) and (c). The matter is one which should be brought to the notice of the Agent, Eastern Bengal Railway, through his Local Advisory Committee.

ATTACHMENT OF FIRST AND SECOND CLASS CARRIAGES TO ALL TRAINS BETWEEN KALKA AND SIMLA.

214. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to unstarred question No. 169(b) regarding the attaching of first and second class carriages to all trains between Kalka and Simla, in the meeting of the Legislative Assembly held on 14th September, 1925, will Government please state if the matter has been referred to the Agent?

(b) If so, will they please state what action has been taken by him in the matter?

Mr. G. G. Sim: The Government communicated the suggestion to the Agent, but they have no information as to whether he has taken action upon it.

ENGINEERS EMPLOYED IN THE LONDON STORES DEPARTMENT.

215. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 808, regarding engineers employed in the London Stores Department, asked in the meeting of the Legislative Assembly held on 9th September, 1925, will Government please state if they have considered the matter and arrived at a decision?

(b) If they have, will they please communicate their decision to the House?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) The High Commissioner has been informed that the Government of India desire that the principle involved in the Resolution adopted by the Council of State on the 8th September, 1925, should be followed and that consistently with economy and efficiency, opportunities should be taken to Indianize the higher staff of his establishment.

CRIMINAL CASES INSTITUTED BY NAND RAM OF HAZARA AGAINST MUFTI MUHAMMAD YAKUB KHAN AND ELEVEN OTHERS.

†216. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to unstarred question No. 147 in the meeting of the Legislative Assembly held on 9th September, 1925, will Government please state if the inquiry has been completed?

(b) If so, will they please furnish the result to the House?

GRANT OF PENSIONS TO NON-OFFICIALS.

217. ***Raja Raghunandan Prasad Singh:** With reference to the reply of the Honourable the Finance Member to starred question No. 985 of Khan Bahadur Sarfaraz Hussain Khan, during the last Simla Session, will the Government be pleased to give the names of the non-officials, with the nature of the services rendered by each, to whom part of pension was sanctioned by the Government, during the last five years?

The Honourable Sir Basil Blackett: There is no case during the last 5 years, in which a pension has been granted by the Government of India to a non-official.

STRENGTH OF INDIAN DELEGATION TO THE LEAGUE OF NATIONS.

218. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the remarks "On account of the limited strength of our delegation, etc., etc." "That the numerical strength of the Indian delegation compares very unfavourably with that of many other States of much smaller size and significance" "Much of the work of the Assembly is done in the Committees and Sub-Committees." "But it is difficult to find time for such discussions unless a delegation is sufficiently strong in numbers, etc., etc."

†For answer to this question, see answer to question No. 181.

recorded in paragraph 81, page 194, under the heading "General observations" of the Report of the Delegates of India to the 6th Assembly of the League of Nations published in the Gazette of India Extraordinary, dated Delhi, December 9th, 1925, will Government please state:

- (a) whether there is any statutory obligation in the matter of the selection of delegates to any limited number?
- (b) in whom the power of selecting Indian delegates is vested?

Mr. L. Graham: (a) The number of representatives for each Member State is fixed at three, but there is no limit to the number of substitute representatives.

(b) The appointment is made by the Secretary of State acting in consultation with the Government of India.

DEATHS OF THE SUB-POSTMASTER OF BARJOLI AND THE BRANCH POSTMASTER OF MUNSHIGANJ.

219. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the editorial, "Director-General's G. O. No. 8, Calcutta, the 18th September, 1925" and the comments of the paper on the incidents connected with the deaths of the Barjoli Sub-Postmaster and the Branch Postmaster of Munshiganj, published in the issue of the *Labour* of November, 1925, pages 417 to 419?

(b) If so, will they please state if they are aware that the deaths of the Barjoli Sub-Postmaster and the Branch Postmaster of Munshiganj took place?

(c) What action, if any, has been taken against the Divisional Superintendent of Post Offices and his Head Clerk referred to in the Director-General's G. O. No. 6, Calcutta, the 8th September, 1925?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) Yes.

(c) The question of disciplinary action in the matter is now under my consideration.

ALLEGATIONS AGAINST MAJOR T. TEMPLE, R.A., OFFICIATING CHIEF ORDNANCE OFFICER, RAWALPINDI.

220. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to unstarred question No. 148, in the meeting of the Legislative Assembly held on 9th September, 1925, regarding the allegations against Major T. Temple, R.A., Officiating Chief Ordnance Officer, Rawalpindi, will the Government please state if they have completed their inquiries?

(b) If so, will they please communicate the result to the House?

Mr. E. Burdon: (a) Yes.

(b) A copy of the demi-official letter which I sent on the 16th October, 1925, to the Honourable Member who had asked the previous question is laid on the table.

D. O. No. 395-S.

Army Department.

Simla, the 16th October 1925.

DEAR LALA DUNI CHAND,

With reference to the reply given by me on the 9th September 1925 to your unstarred question No. 148, regarding certain alleged grievances of Assistant Store Holders, temporary clerks, etc., I write to say that as a result of our inquiries, the following is the further reply to your question :

- (a) Owing to the prevalence of thefts from arsenals, it was necessary to tighten up the rules for the search of personnel on leaving arsenals, etc., and the order issued in the Rawalpindi Arsenal was in consequence of this. All individuals, without exception, are liable to be searched and in this connexion I would invite your attention to India Army Order 711 of 1925, a copy of which is attached.
- (b) Government understand that a delay of only about 15 minutes, and not of an hour, occurs.
- (c) Government do not propose to take any action in the matter.

Yours sincerely,

(Sd.) E. BURDON.

To

Lala Duni Chand, M.L.A.,
Vakil, High Court, "Kripanivas",
Ambala City.

INDIA ARMY ORDER 711 OF 1925.

Liability of individuals and vehicles entering an Arsenal, Ordnance or Clothing Depot, to be searched on leaving the establishment.—All individuals (without exception) and all vehicles (irrespective of ownership) entering an Arsenal, Ordnance or Clothing Depot will be liable to be searched on leaving the establishment.

EXTENSION OF THE PROBATIONARY PERIOD OF INDIAN ASSISTANT STORE-KEEPERS IN ARSENALS.

221. *Khan Bahadur Sarfaraz Hussain Khan: (a) With reference to Government reply to unstarred question No. 150, in the meeting of the Legislative Assembly on 9th September, 1925, regarding the extension of the probationary period of Indian Assistant Store-Keepers in Arsenals, will the Government please state if they have arrived at a decision?

(b) If so, will they please communicate their decision to the House?

Mr. E. Burdon: (a) and (b). The trial period of the civilian store-holders has been extended for a period of one year commencing from the 1st November, 1925.

RATIFICATION BY THE GOVERNMENT OF INDIA OF THE CONVENTION, PROTOCOL AND FINAL ACT OF THE SECOND OPIUM CONFERENCE.

222. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to supplementary question to starred question No. 789 asked in the meeting of the Legislative Assembly held on 8th September, 1925, regarding signature on behalf of the Government of India of the Convention, Protocol and Final Act of the Second Opium Conference, will Government please state when the agreement and Convention with their Protocols and Final Acts were ratified by the Government of India?

The Honourable Sir Basil Blackett: The Government of India have signified their assent to ratify the documents drawn up by the First and Second Opium Conferences at Geneva, but, so far as they are aware, the instruments of ratification have not yet been deposited by His Majesty's Government. This will, it is expected, be done shortly.

RECRUITMENT OF THE CLERICAL ESTABLISHMENT OF THE OFFICES OF
THE AUDITOR GENERAL AND THE ACCOUNTANT GENERAL, CENTRAL
REVENUES, RAISINA.

223. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 795, asked in the meeting of the Legislative Assembly held on 8th September, 1925, regarding recruitment of the clerical establishment of the offices of the Auditor-General and the Accountant-General, Central Revenues, Raisina, will Government please state if the information has been collected?

(b) If so, will they please communicate the information to the House?

The Honourable Sir Basil Blackett: (a) The information was collected and furnished to the Honourable Lala Duni Chand on the 10th September last.

(b) The information is available in the Library.

INDEBTEDNESS OF INDIAN AGRICULTURISTS TO MONEY-LENDERS.

224. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Are the Government aware that during the consideration of the motion to refer the Punjab Money-lenders' Bill to the Select Committee (reported in the issue of the *Forward* of the 15th December, 1925, under the heading "Money-lenders' Bill.") Sir John Maynard is reported to have said, "About ten crores of rupees annually was required by the agriculturists in the Punjab from the money-lenders to carry on their business"?

(b) Will Government please state about how much was required annually by the agriculturists of British India from money-lenders to carry on their business?

Mr. J. W. Bhole: (a) Yes.

(b) The Government have no information.

Khan Bahadur Sarfaraz Hussain Khan: Do they propose to obtain the information?

Mr. J. W. Bhole: Will the Honourable Member kindly repeat the question? I did not hear him.

Khan Bahadur Sarfaraz Hussain Khan: Do Government propose to get that information?

Mr. J. W. Bhole: May I suggest to the Honourable Member that this is a question which may suitably be examined by the Royal Commission on Agriculture.

OPENING OF BRANCHES OF THE IMPERIAL BANK OF INDIA IN BIHAR AND ORISSA.

225. *Khan Bahadur Sarfaraz Hussain Khan: Will Government please state:

(a) how many branches of the Imperial Bank of India have been opened in the Province of Bihar and Orissa?

(b) the names of the places at which they have been opened?

The Honourable Sir Basil Blackett: Ten branches have been opened at the following places, in addition to the one already in existence at Patna: Bhagalpur, Cuttack, Dhanbad, Gaya, Jamshedpur, Jharia (Sub-Agency), Muzaffarpur, Purnea, Darbhanga and Chapra.

EMPLOYMENT OF WOMEN UNDERGROUND IN MINES.

226. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to the second supplementary question to starred question No. 691, asked in the meeting of the Legislative Assembly held on 7th September, 1925, will Government please state if there is any other civilised country in the world except India that allows women to work underground?

The Honourable Sir Bhupendra Nath Mitra: Yes. The Government of India understand that women are employed in mines underground in China and Japan.

Mr. C. S. Ranga Iyer: Will they abolish that custom in this country?

The Honourable Sir Bhupendra Nath Mitra: That is a question which does not arise out of this question.

Mr. K. Ahmed: Do Government propose for the benefit of the country and civilisation to treat the ladies in the same way as other countries do?

Mr. C. S. Ranga Iyer: Is it not an abominable custom?

TOTAL EXPENDITURE ON THE OPENING CEREMONY OF THE KHYBER RAILWAY, ETC.

227. *Lala Piyare Lal: (a) Will Government be pleased to state the total expenditure incurred on the opening ceremony of the Khyber Railway?

(b) Will Government be pleased to state also the underlying object of incurring such a heavy expenditure on it?

(c) Will Government be pleased to state the total cost of its construction?

The Honourable Sir Charles Innes: (a) The cost was Rs. 18,385.

(b) The opening of the Khyber Railway was an historic event which it was considered should be marked by a ceremony befitting the occasion.

(c) The latest estimate of the cost of the line is Rs. 271 lakhs.

STATE ASSISTANCE TO THE CINEMA FILM INDUSTRY IN INDIA.

228. ***Lala Piyare Lal:** (a) Will Government be pleased to state what help if any they have given to the Cinema film industry in India?

(b) If the answer is in affirmative, to which of the concerns and in what shape has help been given?

The Honourable Sir Bhupendra Nath Mitra: (a) The Government of India have given no help to the cinema film industry.

(b) Does not arise.

INCOME DERIVED FROM ADVERTISEMENTS IN TELEGRAPH FORMS.

229. ***Lala Piyare Lal:** (a) Will Government be pleased to state the amount of income derived from the advertisements on telegraph forms?

(b) Are Government aware that the advertisements on the forms are causing much inconvenience to the public?

(c) Is it a fact that advertisements are printed beyond the capacity of the forms and thereby make the matter of the telegrams unintelligible?

(d) If the answers to parts (b) and (c) are in the affirmative, are the Government prepared to stop such advertisements?

Mr. G. P. Roy: (a) Rs. 43,800 has been derived as income from advertisements from the time the system was started in August, 1923.

(b) Complaints against the publication of advertisements on telegraph forms have occasionally been received. Steps were taken to remedy the principal defects mentioned in the complaints, such as the thin quality of paper.

(c) The space allotted to advertisements is strictly laid out and there is no reason for thinking that advertisements encroach on the space for the text of messages.

(d) The matter is under consideration.

TOTAL EXPENDITURE ON THE VISIT OF HIS MAJESTY THE KING OF BELGIUM TO INDIA.

230. ***Lala Piyare Lal:** Will Government be pleased to state the total expenditure incurred by the Government of India on account of the visit of His Majesty the King of Belgium?

Sir Denys Bray: A gross expenditure of Rs. 97,000 was sanctioned. I am sorry, I cannot give actuals as the accounts have not been finally adjusted.

Syed Majid Baksh: Will Government please state, if they know, what was the intention of His Majesty the King of Belgium in making such an extensive tour in India? Was it for any political purpose?

Sir Denys Bray: I am not in the confidence of the King of the Belgians, but I feel myself that this, like the opening of the Khyber Railway, was a historic occasion, as it was the first occasion on which a European crowned head had honoured this country with a visit.

Mr. K. Ahmed: Is it not a fact that this was done in order to cheer up the King of Belgium specially in his aggrieved position, which was caused by the instructions given him by the English people to take part in the war and help them, and that this is the only Indian money that has been spent unnecessarily at the cost of the ratepayers of this country in order to show their duty in a sympathetic way here in India?

COST OF THE ELECTRIFICATION SCHEME ON THE GREAT INDIAN PENINSULA RAILWAY.

281. ***Lala Piyare Lal:** (a) Has the attention of the Government been drawn to the *Pioneer* of the 21st October stating the cost of the electrification of the Great Indian Peninsula Railway to be £5,000,000?

(b) If it is a fact, will Government be pleased to state the practical utility of this measure?

(c) Has it been tried elsewhere in any part of the Empire? If so, with what effect?

Mr. G. G. Sim: Information regarding the electrification of the main line of the Great Indian Peninsula Railway to Igatpuri and Poona will be found recorded in the Proceedings of the Standing Finance Committee for Railways for the 4th and 11th September.

COST OF DESIGNING THE NEW FIVE-RUPEE AND TEN-RUPEE GOVERNMENT CURRENCY NOTES.

282. ***Lala Piyare Lal:** Will Government be pleased to state the cost of designing the new five-rupee and ten-rupee Government Currency notes and the utility thereof?

The Honourable Sir Basil Blackett: It is not possible to give figures for the fees paid for particular designs, but the following expenditure has so far been incurred on designs, engraving and connected work:

	£
1921-22	285
1922-23	635
1923-24	847
1924-25	644

The object of altering the designs is to make the notes more convenient to handle and to increase the safeguards against forgery.

HONORARY ASSISTANT RECRUITING OFFICERS.

283. ***Lala Piyare Lal:** Will Government be pleased to state the number of Honorary Assistant Recruiting Officers appointed after the termination of the War, with the following particulars, namely, names, qualifications, family services and the dates of appointment?

Mr. E. Burdon: Appointments of Honorary Assistant Recruiting Officers were made during the war purely as a war measure and lapsed automatically on the cessation of hostilities. Since then no appointments were made until the introduction of an experimental scheme in October last for the appointment of selected Indian gentlemen as Honorary Assistant Recruiting Officers. The scheme was published in Army Instruction (India) No. 970 of 1925.

2. Two appointments only have so far been made under the scheme. One is that of Lieutenant-Colonel the Honourable Nawab Malik Sir Umar Hayat Khan on whose qualifications I need not enlarge. He has been appointed Honorary Assistant Recruiting Officer for the Shahpur District. The other is Honorary Captain and Subedar Major Kanhaiya, late 3/19th Hyderabad Regiment, a very distinguished soldier, who served during the Great War on the North-West Frontier and in Iraq, was mentioned in despatches and was awarded the I.D.S.M. He has been appointed Honorary Assistant Recruiting Officer for the Rohtak District. Sir Umar Hayat Khan was appointed on the 6th November and Captain Kanhaiya on the 9th December. Family services do not enter into consideration in making these appointments.

APPOINTMENT OF MR. KENNEDY NORTH AS DESIGNER AND DECORATIVE ARTIST FOR THE GOVERNMENT BUILDINGS AT RAISINA.

234. ***Lala Piyare Lal:** Will Government be pleased to state the terms on which the appointment of Mr. Kennedy North, designer and decorative artist for the Government buildings at Raisina has been made?

- (a) Has the attention of the Government been drawn to the report published in the *Pioneer* of the 2nd December, 1925, on page 10, column 2, of the protest meeting held at Bombay on the appointment?
- (b) What are his special qualifications so far as Indian art is concerned?
- (c) Was there no Indian available for that work?

The Honourable Sir Bhupendra Nath Mitra: I would refer the Honourable Member to the reply given by me to question No. 93 asked by Khan Bahadur Sarfaraz Hussain Khan on the 21st January. As there appears to be considerable misunderstanding on the subject of Mr. Kennedy North's visit, I am glad of this opportunity of giving more detailed information.

The employment of Mr. Kennedy North has no connection whatever with any scheme for the encouragement of arts and crafts framed by the architects or anybody else, nor has it anything to do with mural decorations or the embellishment of the central buildings. The Government have not gone back, and have no intention of going back, on any assurance given to this House on this subject. Mr. Kennedy North has been brought out by the Government of India in order to give them the benefit of his advice regarding the provision of furniture for the new Government House. He is an authority on lac and other similar paint work and is investigating the best methods of painting furniture, windows, doors, etc., with a view to obtaining the most permanent results; and the object of his visit is to obtain locally knowledge of the materials available and the labour which will carry out the work, as it is the intention to utilise so far as possible Indian materials and labour on the furnishing of the rooms. I know of no Indian with up-to-date knowledge of this special kind of work. It is a specialised subject on which much chemical research work has been done in Europe and America in recent years. The engagement of Mr. Kennedy North will not have any effect on Indian arts and crafts, as appears to be suggested in the question, unless it be that of raising the standard of work and materials used in domestic furnishings.

He has been engaged for a short visit of 2½ months in India on the following terms:

The payment of his fare to and from England and ordinary travelling allowance while in India; a fee of Rs. 150 per diem during absence from England, which is reduced by half for the period taken on the voyage; and a subsistence allowance of Rs. 15 per diem.

Mr. B. Das: Did the Honourable Member notice the news sent out by Reuter that Mr. Kennedy North took his elementary lessons in studying Indian patterns in the King Albert Hall Museum? Did the Honourable Member notice that, and if so, will he be pleased to say what previous experience Mr. Kennedy North had in Indian decoration and upholstery and furniture to be entitled to his post?

The Honourable Sir Bhupendra Nath Mitra: The Honourable Member apparently did not listen carefully while I was making a statement to the House. If he had listened to my answer carefully, he would have fully realised the reasons which led to Mr. Kennedy North's appointment. He is not an authority on Indian furniture, but he is an authority on matters connected with furniture.

Mr. B. Das: Did the Honourable Member notice the news circulated by Reuter that he started his study of Indian decoration after his appointment; that his knowledge of Indian decoration was nil?

The Honourable Sir Bhupendra Nath Mitra: I have already said that Mr. Kennedy North has nothing to do with decorations, but he is connected with furnishings. I am not responsible for what Reuter says.

Mr. K. Ahmed: Is Mr. Kennedy North familiar with the Indian way of decorating and furnishing houses? If not, why is Rs. 200 a day to be paid for the work he has to do, which will mislead every member of an Indian household in furnishing his house? Why indent for a foreign thing which is not familiar to us and will not serve any useful purpose?

The Honourable Sir Bhupendra Nath Mitra: I have already said, Sir, that Mr. Kennedy North's intention is to use Indian material and labour as far as possible. In fact I have reason to believe that his ambition is to drape Government House at Raisen in *khaddar*.

Mr. N. M. Joshi: May I ask whether the Honourable Member will permit the houses of officers of Trade Unions to be decorated in this lavish manner?

The Honourable Sir Bhupendra Nath Mitra: As I have said on previous occasions, the expenditure will be kept within the money voted by this House and any additional expenditure will be subject to the vote of the House.

Mr. K. Ahmed: How will that be possible if he is not familiar with the articles required for furnishing an Indian household?

Mr. B. Das: Is it not a fact that Mr. Kennedy North has no previous knowledge of the Indian system of design? How then can he utilise Indian methods of decoration?

The Honourable Sir Bhupendra Nath Mitra: I have nothing to add to what I have said, namely, that he is using Indian material and labour.

Mr. K. Ahmed: Is there any chance of the Honourable Member getting that item of expenditure, Rs. 100 or Rs. 200 a day, for the beautiful services of Mr. Kennedy North to this country, passed by this House, Sir?

REPRESENTATION OF DELHI IN THE COUNCIL OF STATE.

235. ***Lala Piyare Lal:** (a) Are Government aware that the residents of the capital of India have no franchise in the elections to the Council of State?

(b) Are Government aware that the number of qualified voters in the Province of Delhi is sufficiently large to create a separate constituency for the Council of State?

(c) If the area of the Delhi Province is insufficient for the creation of a constituency, will the Government be pleased to consider the question of extending it?

The Honourable Sir Alexander Muddiman: (a) Yes.

(b) This seems to me to be a matter of opinion. In my opinion the answer is in the negative.

(c) No.

Mr. O. S. Ranga Iyer: Is it a fact that the Government contemplate robbing the United Provinces of some districts with a view to expanding Delhi? Do they propose to annex Meerut?

The Honourable Sir Alexander Muddiman: I have no knowledge of any such proposal.

Mr. C. S. Ranga Iyer: I am glad to hear that, Sir.

Mr. K. Ahmed: Are the Government aware that the All-India Moslem League passed a resolution asking for a Muhammadan member to be elected under the electoral roll to be constituted before the 1927 election and send the member to this Assembly, as well as to the Provincial Council, if possible, for the purpose of representing the people of Delhi Province?

The Honourable Sir Alexander Muddiman: I will take it from the Honourable Member.

Mr. B. Das: May I ask if the Honourable Member, the questioner, is a member of the All-India Moslem League? As far as my knowledge goes, he is not a member of the Moslem League.

EXTENSION TO THE DELHI PROVINCE OF ACTS PASSED BY THE PUNJAB LEGISLATIVE COUNCIL.

236. ***Lala Piyare Lal:** (a) Are Government aware that the local Acts passed by the Punjab Legislative Council are usually extended to the Delhi Province?

(b) Is it a fact that the Province of Delhi is being governed by laws in the making of which its people have no voice?

(c) If the answer to part (b) is in the affirmative will Government be pleased to state what steps they propose to take to remove this anomaly?

The Honourable Sir Alexander Muddiman: (a) Yes.

(b) Government are not prepared to accept the implication, having regard to the fact that the necessary power is vested in the Governor General in Council by the Delhi Laws Act, 1912, an Act of the Central Legislature.

(c) Does not arise.

ISSUE OF RAILWAY CONCESSION TICKETS TO REPRESENTATIVES OF
NEWSPAPERS.

237. ***Mr. Devaki Prasad Sinha:** Have Government ever considered any proposal for issuing concession tickets for railway journeys to representatives of newspapers when travelling for the purpose of reporting public events or public functions? If not, will Government be pleased to consider the proposal?

Mr. G. G. Sim: The reply to both parts of the question is in the negative. The introduction of concessions of this kind is a matter which is within the competence of Railway Administrations.

GRANT OF CONCESSION TICKETS TO INDIAN STUDENTS BY STEAMSHIP
COMPANIES.

238. ***Mr. Devaki Prasad Sinha:** Do Government propose to negotiate with the Steamship Companies carrying traffic between Great Britain and India for granting concession rates to *bond fide* Indian students studying in Great Britain on their passage to Great Britain and back to India?

Mr. J. W. Bhore: No. The Government of India know of no precedent for the grant of concession rates by sea to students travelling abroad for purposes of study and are unaware of any special circumstances which would justify them in asking steamship companies to grant such a concession to *bond fide* Indian students for journeys to and from Great Britain.

Mr. K. C. Neogy: Is the Honourable Member aware that certain concessions are granted by the British Steam Navigation Company to students proceeding abroad under the auspices of a certain Association in Calcutta?

Mr. J. W. Bhore: I am not aware of that.

Pandit Shamlal Nehru: Will the Honourable Member take note of that now?

Mr. J. W. Bhore: If the Honourable Member will supply me with authentic information on that point I will see to it.

Pandit Shamlal Nehru: I will see to it that authentic information is supplied to the Honourable Member.

INDIAN DEPUTATION TO SOUTH AFRICA.

239. ***Mr. Devaki Prasad Sinha:** What exactly is the function assigned to the deputation recently sent by the Government of India to South Africa? What promises of sympathy or support have Government received for this deputation from the Government of South Africa?

Mr. J. W. Bhore: The attention of the Honourable Member is invited to the press communiqué, dated the 20th November, 1925, a copy of which has been placed in the Library of the House. The deputation has been sent, with the concurrence of the Union Government, who have undertaken to give the members every facility for the prosecution of their inquiries.

LABOUR REPRESENTATION IN THE LEGISLATIVE ASSEMBLY AND THE
PROVINCIAL COUNCILS.

240. ***Mr. Devaki Prasad Sinha**: How many seats have been assigned, or are proposed to be assigned, to the elected representatives of Labour in the next Legislative Assembly and in each of the new Provincial Legislative Councils?

The Honourable Sir Alexander Muddiman: The Honourable Member is referred to paragraph 64 of the Report of the Reforms Enquiry Committee. The question of the increased representation of labour in the Legislative Assembly and the Provincial Councils is under consideration of Government in connection with those recommendations.

SUBMISSION OF THE PUBLICATION *INDIA* TO THE BRITISH PARLIAMENT.

241. ***Mr. Devaki Prasad Sinha**; (a) Will Government be pleased to state what exactly is the utility of publishing an annual statement of "India" for presentation to Parliament in accordance with the requirements of section 26 of the Government of India Act?

(b) Do the Government of India accept responsibility for the views on political questions expressed in the book?

The Honourable Sir Alexander Muddiman: (a) The submission of the Report is prescribed by an Act of the British Parliament and the object of the Report is to keep Parliament informed of the moral and material progress and condition of India. Its utility obviously will differ to different readers.

(b) I invite attention to the reply I gave on the 17th September, 1924, to a question on the same subject by Mr. M. S. Aney.

Mr. Chaman Lall: What do the Government exactly mean by the term "moral progress"?

The Honourable Sir Alexander Muddiman: Moral progress. It is a very difficult term to define. I am not an authority on theology.

Mr. K. Ahmed: And if the contents of that book, so beautifully bound, are not exactly definable, will the Government of India be pleased to append to the volume another content which will be a unanimous statement approved by the people of this country and their representatives, making that a second volume?

The Honourable Sir Alexander Muddiman: Would my Honourable friend undertake to write that second volume himself? (Laughter.)

Mr. K. Ahmed: Will the Government of India be pleased to write out the same contents only and that is our opinion and nothing else? We pay the cost of it.

The Honourable Sir Alexander Muddiman: If the Honourable Member wrote the book himself it would save the cost.

Mr. K. Ahmed: I am asking why the same professor of the Home Department, Mr. Rushbrook Williams, should not write an appendage to this book containing a statement of our approval of the contents of his book?

DEFALCATIONS BY EMPLOYEES OF THE ARMY CANTEEN BOARD (INDIA).

242. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply and the statement laid on the table to starred question No. 715, asked in the meeting of the Legislative Assembly held on 7th September, 1925, regarding defalcations committed by employees of the Army Canteen Board (India) from the 1st August, 1924, to July, 1925, will Government please state if the accounts for the month of July have been audited?

(b) If so, will they please communicate the result to the House?

Mr. E. Burdon: (a) Yes.

(b) No further defalcations were committed. I may add, with reference to the reply given to the previous question referred to by the Honourable Member, that the net defalcation account for the 12 months ended 31st July, 1925, as certified by the Auditors, amounted to Rs. 4,753/1/1.

NET LOSS INCURRED BY THE ARMY CANTEEN BOARD (INDIA) SINCE ITS ESTABLISHMENT.

243. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to starred question No. 721, asked in the meeting of the Legislative Assembly held on 7th September, 1925, will Government please state if the inquiry has been completed and the report sent to the Secretary of State?

Mr. E. Burdon: The attention of the Honourable Member is invited to the reply which I have given to question No. 91 asked by Mr. Gaya Prasad Singh.

GRANT OF OUTSTATION ALLOWANCES TO SORTERS OF THE FOREIGN MAILS DIVISIONS.

244. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 748, asked in the meeting of the Legislative Assembly held on 7th September, 1925, regarding the grant of outstation allowances to sorters of the Foreign Mails Divisions, will Government please state if the information has been collected?

(b) If so, will they furnish it to the House?

The Honourable Sir Bhupendra Nath Mitra: A report on the subject has just been received from the Director-General and is under consideration.

ESTABLISHMENT OF A BRANCH OF THE DEPARTMENT OF EPIGRAPHY IN INDIA IN BOMBAY.

245. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Are the Government aware of the following Resolutions passed at the Eleventh Karnataka Literary Conference held at Belgaum in May last:

“ That this Eleventh Karnataka Literary Conference resolves that the Government of India may be approached with a prayer to establish a branch of the Department of Epigraphy in India independently in Bombay to collect and publish scientifically all the inscriptions, both stone and copper plate, bearing upon the history and the literature of Karnataka;” and

" That the Karnataka Sahitya Parishat be requested respectfully to address His Excellency the Viceroy of India on the subject and also to communicate the Resolution to the Members of the Indian Legislative Assembly " ?

(b) Will Government please state if any representation on the subject referred to has been received by His Excellency the Viceroy?

(c) If so, what action, if any, do they intend to take in the matter?

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

(b) Yes.

(c) A systematic survey of the Kanarese inscriptions in the Bombay Presidency has already been taken in hand, village by village, and arrangements have been made for the Kanarese Assistant attached to the office of the Assistant Archæological Superintendent for Epigraphy, Southern Circle, Madras, to spend two months every year in the Kanarese speaking districts of the Bombay Presidency until all such inscriptions in those districts have been examined and copied. It is, therefore, unnecessary to establish a separate epigraphical branch of the Department in Bombay.

246†.

EAST INDIAN RAILWAY COMPANY SCHOOLS.

247. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to unstarred question No. 109 in the meeting of the Legislative Assembly held on 7th September, 1925, regarding the East Indian Railway Company Schools, will Government please state if they have made the inquiries?

(b) If so, will they please communicate the result to the House?

Mr. G. G. Sim: (a) Yes.

(b) A copy of letter addressed to Haji Wajihuddin, dated the 26th October 1925, giving the requisite information, is being sent to the Honourable Member.

TOTAL NUMBER OF PASSENGERS CARRIED BY THE KHYBER RAILWAY FROM ITS OPENING UP TO THE 3RD DECEMBER, 1925.

248. ***Khan Bahadur Sarfaraz Hussain Khan:** Will Government please state:

(a) the total number of passengers, first, second and third Class (or servants), that travelled in the Khyber Railway Up and Down from the time of the opening of the Railway up to November, 1925; and

(b) the number of civilians and military persons respectively out of the total number?

Mr. G. G. Sim: (a) and (b). A statement giving the information is placed on the table.

† Answered along with question No. 4 on the 21st January, 1926.

Statement showing the number of outward and inward passengers that travelled on the Khyber Railway up to 3rd December 1925.

Stations.	NO. OF PASSENGERS.	
	Military.	Public.
(a) Outwards—		
Landi Kotal	114	8,310
Zintara	977
Shahgai	745	...
(b) Inwards—		
Landi Kotal	90	2,533
Zintara	250
Shahgai	349	...

MURDERS OF POSTAL RUNNERS.

249. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to my starred question No. 584 asked in the meeting of the Legislative Assembly held on 8rd September, 1925, will Government please state:

- (a) the province or provinces in which the murders of postal runners took place in 1924-25; and
- (b) the places where, and the circumstances under which, they took place?

Mr. G. P. Roy: (a) (1) Two in 2 Indian States attached to the Central Circle.

(2) One in the United Provinces.

(3) One in the Madras Presidency.

(b) (1) The runner working on the mail line Anadra to Madar was murdered in the Sirohi State at a place 1½ miles from Anadra and 26½ miles from the Abu Road Railway Station. The murder was stated to be the result of a domestic intrigue.

(2) A runner working on the mail line Baikunthpur to Pendra Road Railway Station on the Bengal Nagpur Railway was murdered at a place about 2 miles from the village Thagwan in the Korea State and about 63 miles from the Pendra Road Railway Station. The mail not having arrived, a search party was sent out who discovered in a jungle the clothes, axe and spear of the runner, human bones and an iron bound *lathi*. It appears that the runner was belaboured with *lathies*. Robbery appears to have been the object of the murder.

(3) The runner working on the Koscha to Harringtonganj line in the Fyzabad District was attacked by robbers and beaten to death at a distance of a furlong from the Harringtonganj bazar. Robbery appears to have been the object of the murder.

(4) The runner working on the Kasipalayam to Kurumandur line in the Coimbatore District was waylaid and stabbed at a place 5 furlongs from the village Karatupalayam and 3 furlongs from Ayampalayam. Robbery appears to have been the object of the murder.

ISSUE OF REVOLVERS TO POSTAL RUNNERS.

250. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to my starred question No. 585 (b) and (c) asked in the meeting of the Legislative Assembly held on 3rd September, 1925, regarding the issue of revolvers to postal runners, will Government please state if they have finished the examination of the question?

(b) If so, will they please communicate the result to the House?

The Honourable Sir Bhupendra Nath Mitra: The matter has been examined and statistics show that out of a total of 126 attacks made on postal runners during the period of six years from the 1st of April 1919 to date, the postal runner was unaccompanied in 104 cases, and, as might be expected, the majority of cases occurred at night and in lonely places. Government, however, do not consider it desirable to arm runners with revolvers, or with any other kind of fire-arms, but, in order to provide for their security as far as possible, the Director-General has issued instructions to heads of postal circles to the effect that (a) night running should be prohibited if there is any danger from man or beast, (b) in specially dangerous places single runners should be replaced by a pair of runners, even in day-time, and (c) where cash or insured articles of over Rs. 500 are carried, the runners should ordinarily be doubled, especially in lonely tracts.

Syed Majid Baksh: Do Government fear that these postal runners if armed with revolvers will some day turn out to be revolutionaries?

The Honourable Sir Bhupendra Nath Mitra: Government have no such apprehension, Sir.

Syed Majid Baksh: Then, why do they not arm these runners with proper weapons to protect their own lives as well as the property of the Government and the public?

The Honourable Sir Bhupendra Nath Mitra: As I said on a previous occasion, these revolvers will prove to be a greater source of risk than of advantage to the poor runner himself.

Baba Ujagar Singh Bedi: Why not arm them with some other kind of weapons, say, guns, in order to protect their lives and property?

The Honourable Sir Bhupendra Nath Mitra: The answer is the same as that I have already given.

COUNTING OF THE APPRENTICE SERVICE OF OVERSEERS IN THE PUBLIC WORKS DEPARTMENT TOWARDS PENSION.

251. ***Mr. Amar Nath Dutt:** (a) Are there rules under which the apprentice service of an overseer in the Public Works Department is allowed to count for pension? If so, will the Government be pleased to refer to them?

(b) Is it a fact that Messrs. Durham and Francis of the Public Works Department in the United Provinces have been allowed to count the period of their apprenticeship as overseers for pension?

(c) If so, are the Government prepared to extend this privilege to others similarly situated?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). No.

(c) Does not arise.

DUTY ON STATIONERY.

252. ***Lala Duni Chand:** Is it true that while printing and writing paper has been subjected to a higher duty, the tariff has not been raised in case of stationery made of that very paper?

The Honourable Sir Basil Blackett: No, Sir. Stationery which is made from writing paper is subject to the same rate of duty as the paper from which it is made.

(1) APPEAL OF MR. HAR NARAIN, A CLERK IN THE OFFICE OF THE DEPUTY POSTMASTER GENERAL, RAILWAY MAIL SERVICE, AMBALA.

(2) RULES RELATING TO SENIORITY IN GOVERNMENT SERVICE.

253. ***Lala Duni Chand:** With reference to the unstarred question No. 134, parts 2 and 3, and question No. 135, parts 2 and 3, put by Mr. S. Sadiq Hussain, on 7th September, 1925, will the Government be pleased to furnish the information now which they were unable to give then?

The Honourable Sir Bhupendra Nath Mitra: Government have no information nor did they call for any.

NON-OFFICIAL RESOLUTIONS IN THE SECOND LEGISLATIVE ASSEMBLY.

254. ***Lala Duni Chand:** 1. Will the Government be pleased to furnish the information regarding (i) the number of non-official Resolutions admitted; (ii) the number of non-official Resolutions discussed; and (iii) the number of Resolutions accepted by the Government since the second Assembly came into being?

2. Are Government prepared to alter the rule of business of the Assembly so as to make it easier to have non-official Resolutions taken up after they are admitted and allot more days to them than have hitherto been allowed?

The Honourable Sir Alexander Muddiman: 1. I lay on the table a statement showing the number of non-official Resolutions admitted and the number of non-official Resolutions moved since the inauguration of the second Legislative Assembly. As to Resolutions given effect to by the Government the Honourable Member is referred to the reply given by my Honourable friend Mr. Graham on the 21st January, 1926, to Mr. Gaya Prasad Singh's starred question No. 24.

2. The allotment of unofficial days is a matter within the competence of the Governor General and there is no present intention of altering that rule.

Statement showing the number of non-official Resolutions admitted and the number of non-official Resolutions moved since the inauguration of the second Legislative Assembly.

Session.	Number of non-official Resolutions admitted.	Number of non-official Resolutions moved.
Delhi Session 1924	408	18
May-June Session and September Session 1924	647	4
Delhi Session 1925	919	11
Simla Session 1925	591	5

N.B.—In cases where several Members gave notice of the same Resolution the notice by each Member has been counted as a separate Resolution.

Mr. K. Ahmed: Is it a fact that the Home Department finds difficulty in meeting the terms of Resolutions, and though Resolutions are allowed by the Honourable the President, the Viceroy in the exercise of the extraordinary powers given to him by Standing Order 22 (1) disallows the Resolutions to the disappointment of this House at the eleventh hour, just a day or two before the Resolution is expected to come on in this House, to the great inconvenience of the people of this country and their representatives here in the Assembly?

Mr. President: The question does not arise.

GRANT OF A PASSPORT TO MOULANA GHULAM MOHAMMAD AZIZ TO RETURN TO INDIA.

255. ***Lala Duni Chand:** (a) Is it true that the Government of India has instructed the British Consul at Kabul not to grant a passport to Maulana Ghulam Mohammad Aziz of Amritsar who had left India while the Hijrat movement was in progress and, if so, will the Government state the reasons for having done so?

(b) If the reply to the above question be in the negative, will the Government please state whether they have any objection to the return of the said gentleman to India?

Sir Denys Bray: (a) The Government of India informed His Majesty's Minister, Kabul, that in their opinion permission to return to India should for the present be withheld from Ghulam Mohammad Aziz. Their reason for doing so was that on the information before them they considered that his return to this country at present would not be in the public interest.

(b) Does not arise.

RECRUITMENT OF MEMBERS OF THE INDIAN CIVIL SERVICE IN ENGLAND AND IN INDIA IN 1925.

256. ***Lala Duni Chand:** (a) Will the Government please state the number of members of I.C.S. recruited in 1925 in England and in India, respectively?

(b) How many of the total number recruited in England and India are Indians?

(c) Is it true that the last man who has been taken in in England stands 45th in order of merit or thereabout while the last man who has been taken in in India stands 5th in order of merit?

(d) If the facts are as stated above will the Government state the reasons for the disparity in the number of recruits selected in the two countries and also for the contrast in qualifications of the candidates recruited in England and in India?

The Honourable Sir Alexander Muddiman: (a) 36 candidates were recruited in England and 7 in India.

(b) 22.

(c) The last candidate recruited in England stood 45th in the list of candidates for the Indian Civil Service.

(d) After taking into account the number of Indians entering the service by open competition in London it is necessary to adjust the number of appointments made in India so that the total recruitment may conform to the proportions recommended by the Lee Commission. The question of disparity of qualifications does not arise as the Indian and English examinations are entirely separate.

**EXCESSIVE AMOUNT OF UNCURRENT COIN REMITTED TO THE MINTS BY
THE AMBALA CITY BRANCH OF THE IMPERIAL BANK OF INDIA.**

257. ***Lala Duni Chand:** (a) Will the Government please state how much uncurrent coin (the coin which is used in making Indian ornaments) has been remitted by the Imperial Bank, Ambala City branch, since its opening, to the Bombay and Calcutta Government mints?

(b) Is it true that comparatively the uncurrent coin of the kind above referred to, was remitted by the Imperial Bank, Ambala City branch, in much larger quantities than has been sent by other branches of the Imperial Bank in the Punjab during the same period?

(c) Is it also true that the quantity of uncurrent coin of the above description remitted by a much larger branch of the Imperial Bank, Ambala Cantonment, was almost nothing as compared with the quantity remitted by the Ambala City branch?

(d) Is it also true that about 14,000 uncurrent coins of the above description have been returned by the Bombay Mint to the Imperial Bank, Ambala City branch, and, if so, what were the reasons for this?

(e) Is it true that the treasurer of the city branch has been made to make good to the bank the amount returned by the Bombay Mint?

(f) Is it a fact that the Head Office of the Imperial Bank at Delhi has held inquiry into the excessive amount of uncurrent coin remitted by the Ambala City branch, and as a result of this inquiry the services of two employees of the treasurer have been dispensed with?

(g) Will the Government place on the table the papers relating to this inquiry?

(h) Do the Government hold the treasurer of the Imperial Bank, Ambala City branch, responsible for the above acts, and, if so, what steps are the Government going to take against him?

The Honourable Sir Basil Blackett: (a) Rs. 8,10,952 up to the end of December, 1925.

(b) and (c). Yes; but the Ambala Cantonment Sub-Agency (which, by the way is not larger than the City Branch) does no Government treasury work and has no occasion to remit uncurrent coin on Government account to the Mints.

(d) Yes. The coins were returned as fraudulently defaced.

(e) to (h). The matters in question concern the domestic arrangements of the Bank.

UNAUTHORIZED LOAN BY THE IMPERIAL BANK OF INDIA TO THE
TREASURER OF THE AMBALA CITY BRANCH.

258. ***Lala Duni Chand:** (a) Is it true that all the branches of the Imperial Bank in the Punjab are prohibited from advancing loans against immoveable property?

(b) If the reply to (a) is in the affirmative, is it true that in contravention of this rule the treasurer of the Ambala City branch was advanced a big loan against the security of immoveable property?

(c) If the reply to (b) be in the affirmative, will the Government be pleased to state what action has been so far taken against the Manager who advanced the unauthorized loan and the treasurer of the bank to whom the loan was advanced?

The Honourable Sir Basil Blackett: As regards part (a) of the question, the Honourable Member is referred to clause 1 (c) of Part II of Schedule I of the Imperial Bank of India Act, 1920.

The matters raised in the rest of the question are not within the knowledge of the Governor General in Council. I am not prepared to answer questions regarding the details of the Imperial Bank's business. I may however say that I have ascertained that the particular case apparently referred to involved no infringement of any sort of the Bank's statutory powers.

INQUIRY INTO THE DEATH OF MISS BHAJI TULSI DAS SIPAHIMILANI
IN THE LADY HARDINGE HOSPITAL, DELHI.

259. ***Lala Duni Chand:** (a) Has the attention of the Government been drawn to a letter from "Citizen" to the editor and a note with a heading "Death on operation table" that have appeared in the *People* of 22nd November, 1925, a weekly paper, published at Lahore, regarding the death of Miss Bhaji Tulsi Das Sipahimilani who died on the operation table in the Lady Hardinge Hospital, Delhi?

(b) Is it true that the operating surgeon and the anaesthetist have given different versions regarding the cause of her death?

(c) Will the Government be pleased to state if they have taken or intend to take any action in the matter, and, if so, what?

Mr. J. W. Bhore: (a) Government have not seen the particular letter referred to. Their attention has however been drawn to other letters published in the newspapers on the same subject.

(b) Yes.

(c) The Dufferin Fund Committee made a careful inquiry into the case and the finding is stated in the reply to Mr. Chaman Lall's question No. 109, which I gave the other day. Government do not propose to take any further action in the matter.

APPOINTMENT OF INDIANS TO THE RAILWAY ENGINEERING SERVICE.

260. ***Lala Duni Chand:** (a) Is it true that the accepted and declared policy of the Government of India is that, as far as possible, Indians may be appointed to the higher railway posts and that the Government of India have issued instructions to the Railway Board to give effect to this policy?

(b) Is it a fact that the Railway Board and their executive officers have virtually refused to carry out the said policy of the Government of India?

(c) Is it true that Indian graduates even after they have undergone training have been declared unfit for any higher railway appointment?

(d) Is it true that ordinarily Indian young men who have qualified themselves in engineering from Roorki and other Indian Engineering Colleges are invariably refused appointments in the Railway Engineering Service?

(e) Is it true that engineers turned out by the Engineering Colleges of the United Kingdom are appointed railway engineers on high salaries while equally qualified and far less expensive Indians are not appointed?

The Honourable Sir Charles Innes: The answer to (a) is contained in the Preamble to the Government of India Act and the answer to the rest of the questions is in the negative.

Mr. K. C. Neogy: Are Government going to publish their scheme for future recruitment for the Railway Services which was discussed by the Railway Advisory Council last autumn?

The Honourable Sir Charles Innes: We shall do so as soon as possible.

RECRUITMENT FROM INDIA AND THE UNITED KINGDOM TO RAILWAY ENGINEERING SERVICE.

261. ***Lala Duni Chand:** (a) Will the Government be pleased to give the number of engineers, (i) those recruited from India, (ii) those recruited from the United Kingdom during the last two years in the Railway Engineering Service?

(b) Is it true that last year as well as this year no apprentice from the Indian Engineering Colleges has been taken either in the Imperial or the Provincial Service, and is it a fact that the Railway Board have written to the Government of India that they do not want any apprentice engineer this year either in the All-India Service or the Provincial Service?

The Honourable Sir Charles Innes: (a) A statement is placed on the table.

(b) The answer is in the negative.

Statement showing the number of Engineers (i) those recruited from India, (ii) those recruited from United Kingdom during the years 1924 and 1925 in the State Railway Engineering Service.

EUROPE RECRUITED.		INDIA RECRUITED.		REMARKS.
1924.	1925.	1924.	1925.	
3*	6†	8‡	2	* Including 2 Royal Engineers. † Including 4 Royal Engineers and 1 Indian. ‡ Including 4 Engineers of the Provincial Engineering Service.

GRIEVANCES OF WORKMEN ON THE GREAT INDIAN PENINSULA RAILWAY.

262. *Lala Duni Chand: (a) Is it true that the Managing Committee, Great Indian Peninsula Railway Workmen's Union, has made a representation through its Honorary General Secretary, Mr. S. H. Ghabwala, on the subject of several grievances of the workmen, namely: Gratuity, Reduction, Holidays, Equal pay for equal work, Sickness, Leave, Railway Passes, Recognition of the Union, Bribery and Promotion; and if so, have the Government taken any action or do the Government intend to take any action with a view to redress all or some of the aforesaid grievances?

(b) Now that the Government have taken over the management of the Great Indian Peninsula Railway, do Government propose to take any steps to improve the conditions of service on this railway line?

The Honourable Sir Charles Innes: (a) and (b). Yes. The representation has been sent to the Railway Administration for disposal. The Government of India have no doubt that it will remedy any genuine grievances if such exist.

REPLACEMENT OF RAILWAY SLEEPERS BY IRON RODS ON THE NORTH-WESTERN RAILWAY.

263. *Lala Duni Chand: (a) Is it true that on a section of the North-Western Railway between Sirhand and Ambala Cantonment and on certain other sections of the same line, the sleepers supporting the railway line are being replaced by iron rods?

(b) Is it proposed to replace the sleepers by iron rods on the whole line?

(c) What is the cost per mile of the replacement of sleepers by the iron rods?

(d) What are the reasons that have led the railway administration to replace the sleepers by iron rods?

(e) Are these iron rods manufactured in India or imported and, if so, from which country?

Mr. G. G. Sim: (a) The Honourable Member is probably referring to cast iron sleepers which are being used for renewals on certain sections of the North-Western Railway, in accordance with the practice of many years.

(b) No.

(c) About Rs. 28,000 per mile.

(d) They are economically justified and are being used to supplement the insufficient supply of wooden sleepers.

(e) They are manufactured in India.

EXPENDITURE ON THE CONSTRUCTION AND THE OPENING CEREMONY OF THE KHYBER RAILWAY.

264. *Kumar Ganganand Sinha: Will the Government be pleased to state what amount has been spent in the construction and the opening ceremony of the Khyber Railway, and what is the approximate annual estimate of its upkeep?

The Honourable Sir Charles Innes: Most of this question has been answered in the reply to Lala Piyare Lal's question No. 227. I have only to add that the approximate yearly charge for working expenses including provision for depreciation is Rs. 4.42 lakhs.

Syed Majid Baksh: Is it possible to presume, Sir, that the Khyber Railway is meant to thrust an advanced military post outside India in order to overawe kingdoms outside the boundary of India?

The Honourable Sir Charles Innes: The Honourable Member should not make any presumption of that kind.

Syed Majid Baksh: Is it not a fact that the establishment of an advanced military post outside India

Sir Denys Bray: I rise to a point of order, Sir. Is the Honourable Member's question in order? I submit, Sir, that the Honourable Member's question is out of order as apparently designed to affect the relations of His Majesty's Government with a foreign State.

Syed Majid Baksh: But it may involve India, with which we are concerned, in some difficulty at some future date, and I submit, Sir, that I am entitled to ask that question.

The Honourable Sir Alexander Muddiman: I submit, Sir, that it is the Honourable Member's question that will involve India in difficulties.

Mr. President: I am afraid I must rule the Honourable Member out of order.

PROPOSED TRANSFER OF SYLHET AND CACHAR TO BENGAL.

265. *Kumar Ganganand Sinha: Will the Government be pleased to state what progress, if any, has been made in the consideration of the question of the proposed transfer of Sylhet and Cachar to Bengal?

The Honourable Sir Alexander Muddiman: We have now received certain further replies from the Governments of Bengal and Assam and the subject has been finally discussed in the respective Legislative Councils.

I propose to circulate, in continuation of the papers already supplied to Honourable Members, further correspondence which has taken place and which will be of help when the matter comes up for consideration in this House.

AMALGAMATION OF THE ORIYA-SPEAKING TRACTS.

266. ***Kumar Ganganand Sinha**: Will the Government be pleased to state how far the question of the amalgamation of the Oriya-speaking tracts has been considered and when the decision of the Government is likely to be known?

The Honourable Sir Alexander Muddiman: I refer the Honourable Member to my reply to Khan Bahadur Sarfaraz Hussain Khan's starred question No. 86, dated the 21st January, on the same subject.

PROPOSED SURVEY OF THE SOUTHERN SALT LAKE BY THE CALCUTTA CORPORATION.

267. ***Kumar Ganganand Sinha**: Will the Government be pleased to state whether they have been requested by the Calcutta Corporation to co-operate with it in the proposed survey of the southern Salt Lake; and if so, how far the Government are co-operating?

Mr. J. W. Bhore: The Surveyor General has been addressed by the Calcutta Corporation in the matter, and has furnished an estimate of cost for their acceptance. The proposal has not yet advanced beyond this point.

NEGOTIATIONS WITH REFERENCE TO THE CLASS AREAS BILL IN SOUTH AFRICA.

268. ***Kumar Ganganand Sinha**: Will the Government be pleased to state how far the Indian case has progressed in the South African negotiation about the Class Areas Bill and lay the despatches on the table?

Mr. J. W. Bhore: By the Class Areas Bill the Honourable Member presumably means the Areas Reservation and Immigration and Registration (Further Provision) Bill. The attention of the Honourable Member is drawn to the statement on this subject made by His Excellency the Viceroy in opening the Session. Negotiations are still proceeding and Government do not think it would be at present in the public interest to lay the correspondence on the table of the House.

DEFENCE OF INDIA.

269. ***Kumar Ganganand Sinha**: Will the Government be pleased to state whether its attention has been drawn or not to an article entitled "Problem of Defence" by Gulshan Rai appearing in the Mufassil Edition of the *Hindustan Times* of Thursday, November 12th, 1925? If so:

- (i) have the improvements suggested been considered or are they being considered?
- (ii) how far have the frontiers been secured by the Railways?
- (iii) what further improvements, if any, are going to be made in it?
- (iv) if no improvement is going to be made, why?

Mr. G. G. Sim: Government have seen the article referred to, but regret that they cannot make any statement on it, as it would not be in the public interest to do so.

NATURE OF THE DECORATION TO BE UNDERTAKEN IN NEW DELHI BY
MR. KENNEDY NORTH.

270. ***Kumar Ganganand Sinha:** Will the Government be pleased to state the nature of the decoration to be done in Delhi by Mr. Kennedy North?

REMUNERATION OF MR. KENNEDY NORTH, DECORATIVE ARTIST,
NEW DELHI.

271. ***Kumar Ganganand Sinha:** Will the Government be pleased to state on what remuneration the services of Mr. Kennedy North have been secured?

APPOINTMENT OF MR. KENNEDY NORTH AS DECORATIVE ARTIST,
NEW DELHI.

272. ***Kumar Ganganand Sinha:** Will the Government be pleased to state how the appointment of Mr. Kennedy North has been made? Was the post to which he has been appointed advertised in India? If so, how many applications had reached and on what grounds were they rejected?

SCHEME OF DECORATION WORK FOR NEW DELHI SUBMITTED BY
MR. KENNEDY NORTH.

273. ***Kumar Ganganand Sinha:** (a) Has Mr. Kennedy North submitted any scheme for the decoration work? If so, has it been sanctioned by the Government? If not, is the line of action to be adopted by Mr. North open to interference by the Government or not?

(b) Will the Government lay a copy of Mr. North's scheme of decoration on the table?

(c) What control do the Government exercise over Mr. North? What liberty has been given to him to further his own plans?

The Honourable Sir Bhupendra Nath Mitra: With your permission, Sir, I propose to reply to questions Nos. 270—273 together. I have nothing to add to the reply given by me to question No. 234 asked by Lala Piyare Lal to-day.

EXCAVATIONS BY THE ARCHÆOLOGICAL DEPARTMENT.

274. ***Kumar Ganganand Sinha:** Will the Government be pleased to state the names of sites which are being excavated by the Archæological Department, the names of sites of which successful excavation has been carried out to their completion since 1905, the names of sites whose excavation has been abandoned with reasons for such abandonment, and the names of sites proposed to be excavated with plans and estimated cost of their excavation?

Mr. J. W. Bhore: (a) The following sites are being excavated :

1. Mohenjodaro, District Larkhana, Sind.
2. Harappa, District Montgomery, Punjab.
3. Nal, Masturg, etc., in Baluchistan.
4. Taxila, District Rawalpindi, Punjab.
5. Ahar, District Bulandshahr, United Provinces.
6. Sarnath, District Benares, United Provinces.
7. Nalanda, District Patna, Bihar and Orissa.
8. Sabhar, District Dacca, Bengal.
9. Paharpur, District Rajshahi, Bengal.

(b) Since the year 1905 excavations have been carried out at 88 places, besides other excavations carried out as part of conservation works. A list of these sites is placed on the table. These explorations are not complete in the sense that all monuments buried on the sites have been exposed to view. Wherever an excavation has been discontinued it is because it has been judged that for the time being more valuable results may be expected from other sites, but it does not mean that the excavation may not advantageously be resumed at some later date.

It is impossible to prepare beforehand detailed plans and estimates of excavation work. The progress and scope of such work depend on the results achieved.

APPENDIX TO ANSWER TO PART (b).

1. Takt-i-Bahi in the Frontier Province.
2. Sahribahlol in the Frontier Province.
3. Shahji-ki-Dheri, Peshawar.
4. Jamalgarhi in the Frontier Province.
5. Katas, District Jhelum, Punjab.
6. Bhim Tila near Chetru, District Kangra, Punjab.
7. Masrur, District Kangra, Punjab.
8. Kurukshetra, District Karnal, Punjab.
9. Qutb, Delhi Province.
10. Nagari, Rajputana.
11. Mandor, Jodhpur State.
12. Besnagar, Gwalior State.
13. Sanchi, Bhopal State, C. India.
14. Shanwar Wada, Poona, Bombay Presidency.
15. Mirpur Khas, Bombay Presidency.
16. Brahmanabad, Sindh, Bombay Presidency.
17. Sankisa, United Provinces.
18. Kasia, District Gorakhpur, United Provinces.
19. Sravasti, United Provinces.
20. Bhitia, Allahabad District, United Provinces.
21. Deogarh, Jhansi District, United Provinces.
22. Bilsar, District Etah, United Provinces.
23. Kosam, District Allahabad, United Provinces.
24. Mathura, District Muttra, United Provinces.
25. Pataliputra, Patna, District Patna.
26. Lauriya, District Champaran.
27. Rampurva, District Champaran.
28. Basarh, Muzaffarpur District, Bihar.
29. Rajgir, Patna District, Bihar.
30. Rampal, Dacca District, Bengal.
31. Poddamudiyam, Madras Presidency.
32. Amaravati, Madras Presidency.
33. Buddhist Monastery at Sankaram Hills, Madras Presidency.
34. San Thome, Mylapore, Madras.
35. Buddhist Monastery at Ramatirtham, Madras Presidency.
36. Pagan, Burma.
37. Hmawza, District Prome, Burma.
38. Bahrein, Persian Gulf.

Mr. Devaki Prasad Sinha: May I know, Sir, if there is any chance of the excavations at Pataliputra being resumed?

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

Mr. K. Ahmed: Are the Government aware that the Archæological Department are likely to meet with great success if they undertake excavations in the ancient district of Malda in the Rajshahi Division as numerous articles of historical interest can be found there, and it will also be a great help.

Mr. J. W. Bhore: May I suggest to the Honourable Member that he should get in touch with Sir John Marshall, and I have no doubt that he will listen to the Honourable Member's suggestions with great interest.

Mr. K. Ahmed: Will the Honourable Member in charge take effective steps to carry on excavations at the place I have mentioned in the Rajshahi Division? He is likely to meet with greater success there than in trying to discover something in the desert of Sahara where.

Mr. J. W. Bhore: If the Honourable Member will reduce his information to writing, I shall be happy to pass it on to Sir John Marshall.

EXPENDITURE ON MILITARY MANŒUVRES.

275. ***Kumar Ganganand Sinha:** What amount was spent in the last military manœuvres held in Bombay and the North-West? What was their purpose?

Mr. E. Burdon: Taking first the manœuvres at Bombay the operations consisted of a small demonstration of the methods of landing troops on a hostile coast and followed upon a staff Tour which was arranged for the purpose of enabling students at the Staff College, Quetta, to study an overseas operation. The demonstration cost about Rs. 10,000.

The cost of the Northern Command manœuvres is estimated at about Rs. 3 lakhs and will be met from the normal annual training grant. These manœuvres were held in order to afford commanders and troops the nearest test to that met in war including a test of the system of supply and maintenance. In this connexion, I would invite the Honourable Member's attention to the reply given on the 22nd January, 1925, to question No. 58.

The Honourable Member has probably seen a copy of the congratulatory message on the results of the Northern Command manœuvres, which was received from His Excellency the Viceroy and published in the press on the 17th December, 1925.

PROVISION OF MORE TICKET WINDOWS FOR THIRD CLASS PASSENGERS.

276. ***Kumar Ganganand Sinha:** Has the attention of the Government been drawn to the letter to the *Statesman* from Simplex printed at the foot of the last column in page 8, of its Mufassil issue of the 11th December, 1925, regarding the desirability of the provision of more ticket windows for third class passengers? Will the Government be pleased to state why the present state of things continues?

Mr. G. G. Sim: Government have seen the letter referred to. The matter is within the competence of the Agents of the Railways concerned and their Local Advisory Committees. In this connection the attention of the Honourable Member is invited to the reply given to question No. 887 on the 14th March, 1924.

IMPORTS OF LIQUORS FROM FOREIGN COUNTRIES IN 1925.

277. ***Kumar Ganganand Sinha:** From what countries have spirituous liquors been imported to India and to what extent in 1925? How do these figures compare with those of the two previous years?

The Honourable Sir Charles Innes: The Honourable Member is referred to the Annual and Monthly Statements of Seaborne Trade and Navigation of British India, copies of which are in the Library.

EXAMINATION INTO THE AFFAIRS OF THE ARMY CANTEN BOARD (INDIA).

278. ***Kumar Ganganand Sinha:** Will the Government be pleased to state whether or not they have finished the examination of the Army Canteen Board affairs? If they have finished it, will they lay their findings on the table?

Mr. E. Burdon: The attention of the Honourable Member is invited to the replies which I have given to questions Nos. 91 and 144 asked by Mr. Gaya Prasad Singh and Khan Bahadur Sarfaraz Hussain Khan.

The second part of the Honourable Member's question does not arise.

THE CIVIL SERVICES BILL.

279. ***Kumar Ganganand Sinha:** Will the Government be pleased to state whether they were consulted by the Secretary of State for India with regard to the Civil Services Bill?

The Honourable Sir Alexander Muddiman: The answer is in the affirmative.

INQUIRY INTO RURAL CONDITIONS IN INDIA.

280. ***Kumar Ganganand Sinha:** (a) Has the attention of the Government been drawn to the *Times* Special Service news, appearing in the middle of the third column of the 11th page of the *Mufasil* edition of the *Statesman* of the 15th December, 1925, entitled 'Rural Conditions—Government and Indian Inquiry'?

(b) How far are the contents true? When is the consideration of the form and scope of inquiry likely to be finished and published, if such a consideration is proceeding?

Mr. J. W. Bhore: (a) The reply is in the affirmative.

(b) The Honourable Member's attention is invited to the reference made to the appointment of a Royal Commission on Agriculture in His Excellency the Viceroy's speech at the opening of the Assembly.

DEVELOPMENT OF AGRICULTURE IN INDIA.

281. *Kumar Ganganand Sinha: Have the Government received the views of the Local Governments regarding the improvement of agriculture? If so, will they lay them on the table and state in what state of consideration they are?

Mr. J. W. Bhore: Yes. The correspondence between the Government of India and the Local Governments on the subject of the appointment of a Royal Commission on Agriculture will be placed in the Library of the House.

SEPARATION OF RAILWAY ACCOUNTS FROM AUDIT.

282. *Kumar Ganganand Sinha: What effects have hereto been noticed of the separation of the Railway accounts from audit?

Mr. G. G. Sim: It is too early to indicate the effects of the scheme for the separation of Railway accounts from audit on the East Indian Railway, as it was introduced only last month.

PRIVATE NOTICE QUESTIONS.

TREATMENT OF BENGALI STATE PRISONERS IN JAILS IN THE MADRAS PRESIDENCY.

1. Mr. A. Rangaswami Iyengar: Sir, may I ask a few questions of which I gave private notice to the Honourable Member? Will the Government be pleased to state:

- (a) whether Messrs. Pratul Chandra Ganguli, Manoranjan Gupta, Purna Chandra Das, Bhupati Majumdar, Rabindra Mohan Sen and Amrita Lal Sarkar, six Bengali State prisoners were brought down to the Madras Jail on the 9th December, 1925;
- (b) whether in the Madras Jail they were divided into two batches, the first named three gentlemen being sent to the Trichinopoly Central Jail and the remaining three to the Cannanore Jail on the day following; and
- (c) whether in the Trichinopoly and Cannanore Jails they have been accommodated in dingy cells meant for the worst type of criminals, whereas in the Midnapur and Alipur Central Jails (Bengal) and the Mandalay Central Jail, where these gentlemen had been incarcerated for two years previous to their transfer here, they were accommodated in spacious, well-ventilated halls?

TREATMENT OF BENGALI STATE PRISONERS IN JAILS IN THE MADRAS PRESIDENCY.

2. Mr. A. Rangaswami Iyengar: (a) Do the Government consider the space of a cell, 6 feet by 8 feet constructed for a convict to live in, with one or two blankets, to be enough for the accommodation of a State prisoner with chair, table, cot, bedding, mosquito net, clothes rack, book-shelves, commode, water-buckets, jugs, plates and dishes and lots of other articles that he requires and is allowed by the Government to keep for his comfort and convenience? Is it a fact that a State prisoner is expected to sleep, dine, and pass night soil and urine in such a cell?

(b) Is it true that they are not allowed to leave the court-yard of their cells to have even a morning and evening walk in the day time?

(c) Will the Government be pleased to state whether they have authorised the process by which these State prisoners have to undergo a humiliating daily search of their persons and properties in the said jails, while no such ugly practice is in vogue in the Bengal and Burma Jails so far as political detenues are concerned?

(d) Is it a fact that even a section of ordinary criminals, e.g., convict officers are not searched daily?

DIET OF BENGALI STATE PRISONERS IN JAILS IN THE MADRAS PRESIDENCY.

3. **Mr. A. Rangaswami Iyengar:** Is it a fact that there are fixed diet allowances for the Bengali State prisoners in the Bengal and Burma Jails varying from Re. 1-8-0 to Rs. 8 per diem for each according to local conditions? If so, will the Government state whether this extension has been stopped in Madras and a diet not to their taste and habits of life is thrust upon them?

RETRANSFER TO BENGAL OF MR. PRATUL CHANDRA GANGULI, A BENGALI STATE PRISONER IN TRICHINOPOLY.

4. **Mr. A. Rangaswami Iyengar:** (a) Is it a fact that Sir Hugh Stephenson in reply to interpellations in the Bengal Council admitted that Mr. Pratul Chandra Ganguli was suffering from nasal catarrh and phelocystitis due to bacilli coli just on the eve of his transfer to Madras and that his transfer for better treatment was under consideration?

(b) Will the Honourable Member be pleased to inform the House as to what special arrangement has been made for his treatment at Trichinopoly?

(c) Are the Government prepared to instruct the Madras Government to consider his retransfer to Calcutta; and if the diseases are found to be obstinate, pending this, to bring him up to the Madras General Hospital for better treatment?

CASE OF MR. PURNA CHANDRA DAS, A BENGALI STATE PRISONER.

5. **Mr. A. Rangaswami Iyengar:** (a) Are the Government aware of the fact that Mr. Purna Chandra Das was brought down to the Rangoon General Hospital from the Mandalay Jail (where he had been transferred from Bengal) for X-Ray examination of his stomach troubles?

(b) Is it a fact that the X-Ray expert of that hospital suspected the trouble to be duodenal ulcer; that at the instance of the Burma Government the patient was transferred back to Bengal for proper treatment; that notwithstanding the opinions of Lt.-Col. Denham White and Lt.-Col. Connor of the Calcutta Medical College that he should try a nature cure rather than a very risky operation and while he was still under medical observation, he was suddenly transferred to the Madras Jails?

The Honourable Sir Alexander Muddiman: I am obliged to the Honourable Member for putting these questions because it gives me
12 Noon. an opportunity of replying. I had of course some difficulty in getting all the information, as will be gathered from the reply, in the short time that he gave me.

1. (a) and (b). Certain prisoners have been transferred to Jails in the Madras Presidency. I am not prepared to specify the jails in which individual prisoners are confined.

(c) The suggestion made in this question is entirely incorrect. In one jail each prisoner has two cells 12 feet long, 8½ feet wide and 12 feet high, one of which is used as a bed room and the other as a store room. They have also another cell as a common dining room. In the other, State-prisoners are confined in a separate enclosure consisting of 20 well ventilated airy cells each 12 feet long, 8 feet broad and 10½ feet high. Each prisoner has the use of three cells, one as a bed room, one for storage of property and one as a sitting room.

2. (a) The first part does not arise in view of the reply I have given to the preceding question. During the day a latrine close to the prisoners' cell is used. A sanitary commode and covered urinal receptacle are provided in the bed room of each State prisoner for night use only.

(b) In one jail they are allowed walking exercise for one hour at a time daily, morning and evening, within the jail. In the other jail they are not allowed to leave the courtyard which is self-contained and spacious.

(c) The practice of searching the person and cell of a State prisoner is in accordance with rules which are generally operative.

(d) All ordinary criminals in separate confinement have their persons and cell subject to a careful daily search.

3. Yes. They are accorded the liberal scale of diet laid down for State-prisoners and they are allowed to prepare their own daily menu and supervise the cooking of dishes.

4. (a) Sir Hugh Stephenson stated in reply to a question in the Bengal Council on the 4th December last that State prisoner Pratul Chandra Ganguli had been suffering from nasal catarrh and bacillary infection of the urinary tract but did not state that his transfer for better treatment was under consideration.

(b) He was examined by the District Medical Officer on arrival at the jail and was again examined by the Inspector General of Prisons who reported that he did not consider his removal to Madras for treatment necessary. Both he and the District Medical Officer are of opinion that the prisoner is not seriously ill, that his condition does not necessitate surgical treatment and that treatment on constitutional lines should be given a fair chance before other action is taken.

(c) The reply is in the negative.

5. (a) Yes.

(b) State prisoner Purna Chandra Das was transferred to Bengal from Burma on suspicion of suffering from deodanal ulcer. He was thoroughly examined by Lt.-Col. Denham White, Col. Connor and Major Shorten, X-Ray specialist, and no serious trouble was found. His health was reported to be satisfactory before his transfer to Madras. He was not transferred against the advice of medical experts nor was he under medical treatment at the time of transfer.

Mr. T. C. Goswami: How would the Home Member like to live in one of these "well-ventilated, well-lighted cells" on "the liberal scale of diet" provided to these political prisoners, some of whom are used to quite as great comforts in life as the Home Member himself ever since their birth, and against whom Government have not the courage to bring any charge?

The Honourable Sir Alexander Muddiman: Is the Honourable Member making a speech or asking a question?

Mr. T. C. Goswami: I am asking a question.

The Honourable Sir Alexander Muddiman: What is the question?

Mr. T. C. Goswami: Would you like to be in any of these well-ventilated cells of yours?

The Honourable Sir Alexander Muddiman: The answer is that I should not like to be in a cell, nor is there anything against me that will justify my being there.

Mr. T. C. Goswami: They are persons against whom you have not the courage to bring a definite charge, though you detain them in horrible prisons as criminals.

The Honourable Sir Alexander Muddiman: Is the Honourable Member entitled to make a speech, Sir?

Mr. C. S. Ranga Iyer: Are the Government aware that one of the detenus in Bengal, who used to get special treatment in Bengal, has been brought to Lucknow in connection with the Kakori dacoity trials and has been deprived of that treatment?

The Honourable Sir Alexander Muddiman: I am not aware of that, Sir.

Mr. C. S. Ranga Iyer: Will the Honourable Member kindly inquire?

The Honourable Sir Alexander Muddiman: If you put down a question.

Mr. C. S. Ranga Iyer: Are the Government aware that the undertrials in the Kakori case, one of whom happens to be a detenu from Bengal, are brought to court in fetters?

Mr. President: The Honourable Member must not travel beyond the scope of the original questions in putting supplementary questions. He knows that the question of the Honourable Member from Madras is restricted to particular prisoners.

Pandit Shamlal Nehru: May I inquire, Sir, why these State prisoners are searched every day?

The Honourable Sir Alexander Muddiman: I am very glad the Honourable Member put the question. They are searched because these particular State prisoners who were transferred to Madras, were communicating with friends outside.

Pandit Shamlal Nehru: Does the Honourable the Home Member acknowledge that the jail authorities are absolutely incapable?

The Honourable Sir Alexander Muddiman: The jail authorities are not incapable but it is very difficult without reasonable precautions to prevent the correspondence I have stated which the Honourable Member seems to desire to facilitate.

Mr. K. C. Neogy: Are the Government prepared to lay on the table all the reports relating to the treatment of these State prisoners in jail?

The Honourable Sir Alexander Muddiman: I should like to have notice of that.

Mr. O. S. Ranga Iyer: Sir, will the Government be pleased to state if they give to these and other political prisoners a treatment different from that which is accorded to ordinary convicts?

The Honourable Sir Alexander Muddiman: They do give them a preferential treatment.

Lala Lajpat Rai: May I ask the Government if Regulation III of 1818, under which most of these prisoners are detained, does not provide that a State prisoner shall be given an allowance and treatment according to his station in life?

The Honourable Sir Alexander Muddiman: I believe that is so.

Mr. Chaman Lal: Does the Honourable Member consider the treatment meted out to these people to be consistent with their station in life?

The Honourable Sir Alexander Muddiman: I could not answer it offhand. I am not aware what the station in life of these persons is. But I am satisfied that any complaints that are made will receive careful and sympathetic consideration.

Mr. A. Rangaswami Iyengar: May I know, Sir, whether in these particular cases the Honourable the Home Member has ascertained the status of the people who are now in jail and has also ascertained the kind of treatment that is given to them so that it is, in his opinion, satisfactory?

The Honourable Sir Alexander Muddiman: We did ascertain that and, subject to any representation that may be received, I am so satisfied.

Mr. K. C. Neogy: Are the Government aware that in the report of the Repressive Laws Committee the Committee laid down that this particular measure should not be utilised for punitive purposes?

The Honourable Sir Alexander Muddiman: It is not used for punitive purposes if you mean treatment of prisoners in jail. I do not understand the question.

Pandit Shamlal Nehru: May I ask the Honourable the Home Member if locking up State prisoners in cells is not punitive?

The Honourable Sir Alexander Muddiman: I do not know how you can keep a prisoner in jail unless you lock him up.

Pandit Shamlal Nehru: Outside the cells there is a small compound in every jail and why then should they be locked up inside the cells?

Mr. K. C. Neogy: Are the Government satisfied that the standard of treatment adopted towards these political prisoners is the same as that adopted in the case of people like Babu Aswini Kumar Dutt and others who were confined under Regulation III some years ago?

The Honourable Sir Alexander Muddiman: It is difficult for me to answer that question because I was not in the Home Department at the time when Mr. Aswini Kumar Dutt and others were confined, but if the Honourable Member means that at the present day these men are being treated in a specially harsh way, the answer is most emphatically in the negative.

Mr. A. Rangaswami Iyengar: May I know if in the case of State prisoners under Regulation III like Lala Lajpat Rai and others they were put in cells and locked up and they were not given separate bungalows and a whole compound for their use?

The Honourable Sir Alexander Muddiman: I will suggest to the Honourable Member that he should address his question to his Honourable friend next to him.

Mr. M. A. Jinnah: Will the Honourable Member inquire as to the status of these prisoners and, if he finds that they are not treated in accordance with their status, will he take steps in the matter?

The Honourable Sir Alexander Muddiman: Most certainly. I have already inquired. I immediately despatched a telegram and got all the information available, and I am always perfectly willing to hear any suggestion in regard to the treatment of these men.

Mr. Devaki Prasad Sinha: Will the Honourable Member also consider the desirability of keeping these State prisoners in separate houses and not in jails?

The Honourable Sir Alexander Muddiman: I will consider it.

Mr. A. Rangaswami Iyengar: May I know whether, having regard to the facts as ascertained by the Honourable the Home Member, he will again address the Madras Government to see that these men receive proper treatment?

The Honourable Sir Alexander Muddiman: I have not yet received any suggestion that they do not receive proper treatment. I suggest that, as the whole matter of political prisoners is coming up for discussion almost at once, these questions may be reserved for that debate.

Pandit Shamlal Nehru: Will the Honourable the Home Member speak to the Member of the Madras Government now in Delhi about it?

The Honourable Sir Alexander Muddiman: I should be delighted to.

Mr. K. C. Neogy: To what extent do the Government of India depend upon the Provincial Governments for the administration of Bengal Regulation III of 1818?

The Honourable Sir Alexander Muddiman: To the extent that jail administration is in the immediate charge of Local Governments and that the Government of India must in any event use their agency.

RESOLUTION RE RELEASE OF POLITICAL PRISONERS.

Maulvi Mohammad Shafee (Tirhut Division: Muhammadan): I beg, Sir, to move the following Resolution:

"This Assembly recommends to the Governor General in Council that he be pleased:

- (a) to order the unconditional release of all such convicted or under-trial political prisoners in Indian jails as have not been held guilty or charged with any act of violence and all political détenus whose trial in a court of law is not contemplated;
- (b) to order the release of all other political prisoners convicted or under trial, provided that a committee consisting of two members elected by the Legislative Assembly and two members nominated by the Government recommend their release; and
- (c) to allow the return to their homes of all Indian exiles in foreign countries who are supposed to have been concerned in revolutionary movements in order to secure freedom for India on such reasonable and honourable terms as the Government may think fit to impose."

Sir, this is a matter on which all of us have strong feelings of genuine sympathy. We cannot afford to ignore the unhappy people for whom this Resolution is intended. I cannot say that the opposite side does not share such feelings with us. After all, every human being feels for the sufferings of others. It is, of course, the diverse interests which are responsible for any inhumanity if we find it being exercised by one against another. But the question before us is such that can be viewed from a non-party standpoint, more especially so at the present moment, when the atmosphere in the country appears to be calmer and cooler, and when everybody is anxiously thinking what his future course of action should be. This is the right moment which should be seized by the Government for extending the hand of sympathy at least to those who have suffered enormously in the cause of their country or their religion. Their cause is sacred and be they guilty in the extreme of any political offence, they can, under no circumstance, be classed as ordinary criminals to rot in the jails or outside their native land for the rest of their lives or for the rest of the long sentences to which they are subjected. The sacredness of the cause demands special treatment of their cases. Their sufferings are not those of ordinary mortals who suffer for self-interest. They are patiently suffering for all of us sitting here in great comfort. Theirs is the noble life of martyrs.

I could not picture to you all that I feel for them for want of appropriate words and the time that it would take. I pray you all, however, to picture to yourselves the thousands that are suffering for political offences in India and outside India. With this picture before you you should not allow yourselves to be swayed by any consideration other than the sacredness of their cause, their honest endeavour to do what little they could in the furtherance of that cause, the patient sufferings of those, most of whom might be lying at this time of the day in their solitary cells, and last but not the least, the duration of time that they have been suffering. The offences which they were charged with or which they might have committed cannot be the standard by which you can judge their conduct, because the Resolution does not cover any person who has committed an offence for private ends and spite. It is the cause which they were fighting, that should be fixed upon.

I should rather clear the point first of all, as to what I mean by the phrase "political offences". For this we have to refer to the Encyclopædia of the Laws of England, Part II, page 208. It says:

"Where an offence has been committed, not from motives of private spite or interest, but in order to change the legislature or executive Government in the country, it is freely contended that the offence is political and that persons convicted of it should not be treated as ordinary prisoners, and should be pardoned or amnestied on the earliest opportunity."

It goes on to say that the offences to which this contention applies are "those described as against public order, namely, treason, treason-felony and sedition or interference with the Executive or Legislature by unlawful assemblies intended to defy or overawe either, or riotous protests against the law, and in fact, all acts directed to obtain by unlawful means a change in the law or general government of the realm." I think this definition which I have given from the Encyclopædia of the English Laws would be the common ground on which both parties in this House would rely. After doing this, I would say that we know the standard by which we can judge the individual or groups of individuals who are covered by the

[Maulvi Mohammad Shafee.]

Resolution before the House. We have classed such political prisoners under three heads in view of the different treatment that can reasonably be given to such persons. The language of the Resolution, or rather of some of its clauses, is in some places loose but the sense is absolutely clear. Those who have accepted the doctrine of non-violence stand on quite a different footing. They come under clause (a). These would include those convicted and under trial, also those who have been detained without any trial. In the case of all such persons it is presumed that no overt act of violence is proved. They are in fact the product of non-violent activities for the sake of their country. I would, therefore, ask the opposite side whether such men should be detained in custody at any time. Are they not the real preservers of peace? I cannot but be convinced from the experiences that I have gathered during the last six years personally that those who are pledged to non-violence are real soldiers of peace in this 20th century world of ours. I cannot think of any such men being detained within the bounds of walls for the good of anybody. There is absolutely no doubt in my mind that their detention does not help even the English people a bit. In my opinion it rather harms their interest. It has harmed their interest and will go on harming them if they persist in it. Those young men of Bengal, who were vieing with each other in their zeal for patriotism and against whom no charge of any violence could be brought forth and who are hence detained under the Bengal Ordinance and Regulation III of 1818, come under this head. Our brave Akali brothers who fought a non-violent battle for their religion also come under it. I have just seen that about 20 of them were released yesterday. We therefore ask for the unconditional release of all these persons. There should be no condition imposed on men like these

Under the next clause (b) come all those who are not covered by clause (a). They no doubt stand on a different footing, and we have therefore to recommend a different treatment for such persons. As the new movement of non-violent non-co-operation brought me into the arena of active politics, I do not, I must confess, know as much of them. Rather if I knew anything of them I knew their worst features. But now that I have been drawn into the active politics of my country, I can visualise what they stood for. The more I think of them, the more I become enamoured of their devotion. To be strictly correct, I should say I become ashamed of them. For what have they done? Have they done anything for their own self-interest? If they have done so, they are not entitled to our consideration. They stand condemned in their own eyes and in the eyes of the world. I am thinking of those only who have committed any act of violence for the sake of rescuing their country or their religion from the violence of the rulers. What else could they have done in those days only if they had that fire of patriotism burning within their hearts? The invention of non-violence was not then known to the world and for the matter of that to those honest men who could not shrink from doing their duty simply because reprisals were soon to follow from mightier hands. Now that the weapon of non-violence has been practised in India on so many occasions and found quite suited to the genius of the people in achieving their desired goal, I daresay the weapon of violence will be, as a general rule, left untouched whenever some sacred cause is in hand. I wish I could impress on the other side of this House that they should deem it their great fortune that such a weapon has been invented and the

best minds of India are doing their utmost to bring it into vogue amongst the multitudes of the people who inhabit this unhappy land. They should proclaim it from the top of every house that this is the weapon they gladly welcome and thus help the greatest peace-loving man on the face of this earth at the present time in his propaganda of getting it accepted to the fullest extent. But before it was actually practised in India for the first time, which I believe was in December, 1921, when the whole of India withstood the order of declaring the volunteer organisations as unlawful, I hold that people in India deserve to be pardoned for what they did before in using violent methods. The opportunity of such general amnesty was afforded to the Government many times, but I am grieved to observe that it was not availed of. Now is the time for it, when the people themselves, through their representatives in this House, ask for the release of these persons and that also not generally but after having their cases examined by a committee, both elected and nominated, in which the House may have confidence. This clause will include all those who have been tried by special tribunals, tribunals set up under martial laws of 1919 and 1921, and any others whom I may not know.

The third cause (c) relates to those great souls of India who are now exiled in foreign countries. The same can with greater force be said about these souls as has been said above about the persons covered by clause (b). I have no acquaintance with them and hence I leave it in the hands of those who are intimate with their activities. The request in regard to those persons is much more mild. They are left to the mercy of the Government, but of course this House cannot with any self-respect accept any condition which is humiliating to the country or which is humiliating to the individual concerned. The terms should in all fairness be reasonable and at the same time honourable. No fairer opportunity could come to the Government than when there is such a humble request made on behalf of this House. With these words, Sir, I commend the Resolution to the Honourable Members of this House for their acceptance.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): The Resolution which has been moved by my friend, it is well-known to this House, brings to the fore a question of paramount importance. Sir, I believe the Home Member is aware, as well as other European Members in this House, the whole Government and all the forces behind the Government, that India is determined to be free. There are two schools of thought in this country, the violent and the non-violent school; those who believe in the British connection and those who do not believe in the British connection. I do not go into the question of the British connection or separation from England, but I do go into the question of political prisoners of the two schools of thought. Even those who believe in Dominion status or Swaraj within the Empire are divided into two schools of thought, the violent and the non-violent. The violent school believe that bureaucratic violence should be met by popular violence. They believe that bureaucratic terrorism should be met by popular terrorism. They follow the example of the West of Ireland, of the United States of America, of Italy under the leadership of Garibaldi and Mazzini, of Russia under the leadership of the Russian revolutionaries, of all the free countries of the West which fought for and won freedom with weapons of force. They say that it is only their methods that can prevail because violence cannot be destroyed by non-violence.

[Mr. C. S. Ranga Iyer.]

Sir, it is the custom in Europe to treat political prisoners of the violent school with courtesy. It is the custom there to give them special consideration. It was a custom so long as one European nation believed in keeping another European nation under its heel, to give special treatment to political prisoners. But in India the political prisoners, whether of the violent or non-violent school, are treated as felons, as murderers, as dacoits. I shall read to you, Sir, what the law expects the English practice to be in reference to political offences and offenders, a quotation from the Encyclopaedia of the Laws of England, page 208 :

"Where an offence has been committed, not from motives of private spite or interest, but in order to change the legislature or executive Government in the country, it is freely contended that the offence is political, and that persons convicted of it should not be treated as ordinary prisoners and should be pardoned or amnestied on the earliest opportunity. The offences to which this contention applies are those described as against public order, namely, treason, treason-felony, and sedition, or interference with the executive or legislature by unlawful assemblies intended to defy or overawe either, or riotous protests against the law, and in fact, all acts directed to obtain by unlawful means a change in the law or general government of the realm."

The political prisoners were treated very differently in Ireland. The question was raised in the House of Commons. The big volumes containing the debates are before me here and I would recommend the Honourable the Home Member to read page 82 of Vol. 200 "Hansard's Parliamentary Debates". Mr. Moore raised the question in the House of Commons and Mr. Gladstone replied on behalf of the Government. The Honourable Mr. Moore in support of his motion in the House of Commons for the release of political prisoners said as follows :

"Rather more than 12 months ago an amnesty was granted to a certain number of political prisoners who were then in confinement. He would make no allusion to the character of that amnesty or its effect. It was a fact that it had been granted; it was a fact that it was partial; and it was a fact that the Right Honourable Gentleman the member for Buckinghamshire (Mr. Disraeli)"

The first Jewish Prime Minister of England (Laughter)

"... under whose administration very many of the political prisoners had been tried and convicted, had recently stated in that House that an amnesty, if granted at all, should have been completed. It was also a fact, as he was informed, that General Burke one of the political prisoners had recently become insane, and by the report of the Medical Officer of Mountjoy prison it appeared that previously four political prisoners, untried, had lost their senses under the influence of imprisonment. It was also stated, on authority which no one in that House would he thought question, that at least one other of the political prisoners was threatened with a similar calamity. He had therefore to ask the first Minister of the Crown whether it would tend to the credit or the honour of the administration of justice to retain in durance the shattered bodies of unfortunate men whose minds had wandered away from the control of human jurisdiction? He considered he was strictly within the limits of the rules of the House. The Right Hon'ble Gentleman at the head of the Government had received lately a proposition made on behalf of her husband from the wife of one of the political prisoners; and he was bound to say that the Right Hon'ble Gentleman had answered with a chivalrous respect and courteous forbearance which did him honour and for which he begged to thank him in her name. It would be unnecessary to say more than to ask the Right Hon'ble Gentleman at the head of the Government whether, under all the circumstances which he had stated and many more which he had refrained from stating, the time had not come in which the amnesty of last year might be made complete without endangering the public safety or the ends of public justice?"

Mr. Gladstone in replying to Mr. Moore in the matter laid down the rule of conduct for his Government, namely, that Government would be prepared to grant complete amnesty as soon as it is able to see the state of things in Ireland when Her Majesty's peaceable and well-conducted

subjects may be enabled to pursue the ordinary avocations of life with that degree of comfort and confidence which is the best test and criterion of a civilized and Christian country. And who were those political prisoners that were granted amnesty? They were murderers, they were assassins. They were declared to be murderers and assassins; they were proved to be murderers and assassins. But in this country, Sir, you are holding as political prisoners people against whom you have not got a shadow of evidence. I said last time to the Home Member in this House that there was not a shred of evidence in his possession against my esteemed friend Subhas Chandra Bose, and I challenged him to produce that evidence in public either before this House or in a court of law. He has not accepted the challenge. I said that to say that Subhas Chandra Bose was guilty of violence was to tell a lie, "a double-distilled lie". I say that lie has been conclusively established now by the silence of the Government, by the unwillingness or lack of courage on the part of Government to accept that challenge. It is all very well and good sitting in those comfortable Benches and bringing charges against the Indian people (Laughter). I see the Honourable Members over there (pointing to the Treasury Benches) are laughing. It is so very pleasant to laugh, but you cannot laugh away the crime of the Government. The Government have been criminals of the worst type, assassins of the deepest dye, men who are murdering the liberties of a liberty-loving race, and I shall substantiate this statement by referring to a recent fact of tremendous importance in my own province. In connection with the Kakori Dacoity, men were proceeded against on police suspicion, responsible men, leading congressmen were put in jail, were put in fetters, and then after a month or two they had to be released because the Government discovered there were no documents against them, and the C. I. D. could not manufacture documents. All these conspiracies in this country are manufactured by the C. I. D., by the persons who sell their souls for an existence, and also by that vile creature, a snake in the grass, the *agent provocateur*. Government is concocting conspiracies. It is proved in the United Provinces by the release, the unconditional release, of important men, prominent men, who one blessed morning were removed from their houses, separated from their wives and children, put in jail and in fetters. They had to be released. We said, in the meantime "Give them better treatment; do not at least put fetters on their bodies". We were not listened to, and this damned, thrice-damned, twenty-thousand times damned Government, damned by the people in jails, damned by the curses of the innocents whom they are putting in jail,—this Government is worse than the worst assassins known to history or civilization. And these are people whose hands are not stained with blood, as the hands of Michael Collins, and of other Irishmen were tainted with blood. Did you not send for those people? Did not His Majesty's Government send for those people in His Majesty's saloon in which those leaders of Ireland came to shake hands with His Majesty's Government? The very hands which put them in jail, the very hands which wrote in their newspapers and Government documents that they were murderers shook hands with "murderers"! But you are unwilling to release people against whom you have no proof, whom you have not proved so far to be guilty of murder, of assassination.

Sir, it is an elementary principle of English jurisprudence that a man who is not proved to be guilty is certainly innocent. But there is no law

[Mr. C. S. Ranga Iyer.]

in this country; the law is the law of which Sir Charles Innes reminded my leader the other day and in another Session, the law of His Majesty's forces; the law which Lord Birkenhead bragged of in that blustering speech of his, "the charter of the sword"; the law which is prevailing in this country, the martial law under civil garb. Have you released the Martial Law prisoners, men who were not proved to be guilty by an honest court? The Martial Law Courts were all, were they not, dishonest? They were executive officers who were sitting in judgment. Is it known to history or justice—executive men posing as Judges, with one hand administering the country and with the other hand writing judgments? There is no justice, there is no truth, there is no honesty, there is no charity, there is no integrity on the side of the Government. I make these charges because we have had experience in the United Provinces and elsewhere of men being torn away from their houses because a police informer whispered they were revolutionaries. No man's honour, no man's liberty is safe in my province or in my country. These British people come to this country and say that they are lovers of liberty. They are lovers of liberty indeed! They love our liberty so much that they jealously keep it in their hands (Laughter). We are also lovers of liberty, in the true sense of the term, and we shall see to it by fair means, the fairest of fair means to bring this dirty, miserable Government to its knees by non-violent revolution, though there will be others who can by other methods bring about a revolution. Sir, Indians are not revolutionaries, but, believe me, even the worm will turn, even a nation of trampled worms turns. Though worms, because Indians have been worms, thanks to centuries of European and other autocratic rule through which this country has passed, even Indians can turn, and believe me by these actions of yours, by putting constitutionalists into jails under the pretext that they are anarchists, you are only driving every constitutionalist into the fold of "anarchism", you are only driving every moderate into the fold of extremism. It may be that this is your wish. You think it is easier for you to meet the revolutionary forces by your revolutionary methods. But, Sir, if you want to be as good as your boast, if you want that the civilized world should take you to be gentlemen, if you want that the people of India, such of those moderates as still have faith in you, such others as have come to this House to give you a chance and taken the oath of allegiance to the King of England, if you want that all sections of our people should really think that you are as good as your Burke and your Macaulay and your Morley have represented you to be, then you have to change your method, then you have to release the political prisoners straightaway and bring to trial those who are guilty in your estimation and concerning whom you have incriminating documents in your possession. So much for the political prisoners of this country.

What about the exiles? Sir, the method adopted by this Government reminds me of the method adopted by the Austrian Government in Italy. The best of Italian patriots had to go abroad. Mazzini had to go abroad even as Hardayal is living as an exile in a foreign land. There are also numerous other friends in exile who ventured greatly because the cause was great. The Government have adopted the method of the Russian despots, those despots of history who sent the patriots of Russia to the marshes

of Siberia. Lenin was one of them, and Lenin's brother Alexander was hanged in his teens. Russian is the manner in which the English Government is treating our best people, putting its head into the sand like the ostrich, forgetting that the Czars have gone, and that spiders weave their webs where the Czars once ruled, forgetting that Italy is free, and that the Austrian despots have gone out of existence. History will repeat itself. Even Britannia which rules the waves cannot very long rule a people who are determined to be free.

In conclusion, if you are playing the game, as you say you are playing the game, if you are lovers of liberty, as you say you are lovers of liberty, if you are preparing the country for responsible government, as you say both in season and out of season that you are preparing the country for responsible government, then do not be dishonest, inconsistent and insincere; be as good as your word, release the political prisoners, create an atmosphere of good-will, because in that atmosphere alone is there any chance for further negotiation, for a better understanding. I am anxious, Sir, that there should be a better understanding, but there cannot be a better understanding so long as the Government are following a dishonest policy, utterly dishonest because they say, "We want good-will," they say, "we want co-operation, we are genuine about co-operation." If you are so genuine, if you are so keen about co-operation, then accept this Resolution which is the first condition of co-operation. If you do not accept this Resolution, you proclaim yourselves to the world as frauds of the first magnitude.

Colonel J. D. Crawford (Bengal: European): Sir, I have listened to the impassioned oratory of my friend, Mr. Ranga Iyer, with attention, but whilst he was busy smashing up the Government furniture I saw flash across his face that smile which one knows so well in the lobby, and felt that really even he was not sincerely convinced of what he was saying. I have also listened to the words of the Honourable Member moving the Resolution, because I was anxious to see, since this matter was last discussed, whether there were any fresh reasons which might enable us to look upon the position of political prisoners differently from what we did last time; and none of the speakers have produced one argument, or one shred of evidence which inclines me to change my mind. Admittedly, the Honourable Mover of the Resolution said that the atmosphere was now calmer and cooler. That, Sir, I believe is a fact; I believe it is a fact which is largely due to the measures which Government have taken and upon which I feel they are to be congratulated. (*An Honourable Member*: "Question".) I only wish that this House could congratulate itself by saying: "We too supported the Government; we saw the necessity; we admitted that there was a revolutionary party, that there was trouble, which the ordinary courts of law could not deal with, and therefore that, as in other countries, we too, repugnant though extraordinary measures must be to all decent-minded men, find ourselves forced to take extraordinary measures; and the moment that the situation is cleared up, and our extraordinary measures have had their effect, then and then only will be the time to consider our attitude towards those who came within the clutches of that measure". I feel and I noticed this during the course of conversations which I constantly had with Indians on this question that there are many who say that the position

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): On a point of order, S.r. Is the Honourable Member justified in disclosing private conversations that he had with Members?

Mr. President: The Honourable Member is not justified in referring to specific private conversation he had outside the House, but he may refer to it in a general way.

Colonel J. D. Crawford: I made no mention of conversations which I had with Members. I said in conversations which I had with Indians on this question at times I have realised that there is a feeling that possibly the Government could now bring those prisoners who are detained without trial in front of the court. They say there have been, since we last met, cases brought in front of courts in which you have attained convictions, you have produced your witnesses and they have not been intimidated. Therefore, why not now produce all these men in front of courts. That is an argument which is so reasonable that it appealed to me also to a certain extent until I examined and took the trouble to find out the facts regarding the particular cases in which witnesses had been forthcoming. I found that in those cases the witnesses were what I might say fortuitous witnesses, that is to say, they were the ordinary men in the street who had been present at some commission of crime in the open and that these men had come forward and given their evidence as ordinary citizens in front of the court. But when you have to bring evidence against men who are at the back of a conspiracy, who are themselves not prominent in crime committed in the open, when you have to rely on sources of information which are secret, then you cannot bring forward that information in court until you are certain that your conspiracy is entirely broken. (*An Honourable Member:* "What is the good of having any laws at all?") If Members will give me an opportunity may I tell them of the position in the Free State. The Free State of Ireland is my own country and they have been forced to do what? They have been forced to interh without trial 12,000 men and when they were asked to release those men

Mr. Devaki Prasad Sinha: It is a damn shame!

Colonel J. D. Crawford: It is a free country, Sir! When they were asked to release those men they said: "We cannot release these men until the conspiracy against our free government is absolutely broken". That is the actual position. Have we to-day any evidence to show that this conspiracy which we all deplore—you deplore it as much as anybody else; you have no wish for violence,—has subsided? Have we now sufficient evidence to show that it has so broken up that we can produce evidence from our private sources of information and bring these men to trial because we no longer want them? I cannot believe that that is the position. That is my opinion on the question. Supposing that we have got the good-will, which I honestly believe Mr. Ranga Iyer wants and which I think is growing, and go to Government and ask them to grant an amnesty. What is the experience of amnesty of political prisoners? What happened in your amnesty in 1912? There was a recrudescence of your revolutionary movement the moment you let out your political prisoners. What happened, again, in 1919 when once more you granted an amnesty? A recrudescence of your revolutionary activities. And what will happen

again now if you granted another amnesty? A recrudescence of the revolutionary conspiracy. Now, that revolution is not a thing of which any firm and stable Government need be particularly afraid. But who are the people who would suffer from the deeds of these revolutionaries, misguided men as they are? It is the ordinary citizen, the citizen in the street, and it is our duty in this House to stand up for the rights of the ordinary citizen and give him the protection before we consider those misguided men who adopt methods with which none of us in this House agree. Until we are sure that we have this conspiracy crushed once and for all—an amnesty will only mean that it will be again built up—we are not yet in a position to plead with Government for a general amnesty, for political prisoners. So far as my own community is concerned, I feel that our position is this. We supported the Government with regret in the adoption of this extraordinary measure; the measure is now with the Government; the responsibility is with the Government. We see nothing but that the Government in the due exercise of their responsibility must in their own good time consider whether clemency should or should not be shown.

Pandit Shamlal Nehru (Meerut Division: Non-Muhammadan Rural): Sir, I had no intention of speaking to-day, but Colonel Crawford having reminded me of General Dyer's activities in 1919 I should like to say a few words. Colonel Crawford has been talking of Ireland, his own country, and telling us that many people were interned there without trial, and that even Ireland, a free country, had to act in that way. May I ask him if those persons are still in jail in Ireland? Besides Colonel Crawford has forgotten that India is India and Ireland is Ireland. In India the Government is alien, in Ireland it is their own flesh and blood who rule them. In India the police manufacture evidence; in many cases they are made to manufacture evidence by superior officers. Does the same thing happen in Ireland or England? No. We all know, and so do the Government, that these political prisoners now in jail have gone there, many of them deliberately, and others on manufactured evidence. As I told you in Simla, Sir, I know of many cases convicted in the courts on manufactured evidence. I gave you a small list of these cases in Simla, and can give you a longer list now, but I am not going to take time of the House unnecessarily. I can only say that most of the persons now in jail have been sent there on manufactured evidence. Besides, the people who have gone there deliberately by breaking the lawless law of 1921, are still there although that law has been withdrawn. What reason have Government now to keep these persons in jail? None whatsoever. I am not asking the Government as a favour to let them out, but I stand up only to bring to the notice of my friend, Colonel Crawford, that things are done in India which dare not be done in England or Ireland. I say dare not, because the Government there is afraid of the people, while the people here are afraid of the Government's machine guns.

Syed Majid Baksh (Burdwan and Presidency Divisions: Muhammadan Rural): Sir, I feel considerable embarrassment in lending my support to a Resolution like this, which is grounded on such an impregnable bedrock of justice and higher ideals of humanity that to commend it to an assembly of civilised people like this (*Some Honourable Members*: "Question, question.") would be, according to an Indian proverb, "showing up the

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sun with a torchlight." I was requested by my Honourable friend, the Mover of the Resolution, to say something about this Resolution because I happened to be one of those who was present, who was an eye witness of one of those memorable orgies of police raids carried out in Bengal on the fateful night of October 26th, 1924. I do not like to go into much detail, but I should say, so far as I remember, one night we were sleeping in a house which was the office of the Swarajya Party in Bengal. Suddenly on that night we were awakened by a thumping sound on the stairs and found that we were faced by a white person. 1 P.M. revolver in hand like, if I may use the expression, a gaping monster ready to suck our blood. We could not understand what it was about and we were then informed that an Ordinance had been promulgated by His Excellency the Viceroy. I would like to remind you of the situation. Not even the C. I. D. officers knew before 12 o'clock that night what was going on, so secretly were the plans of the bureaucracy arranged. Not one man, except perhaps the man at the helm, who was to run the show, I mean Mr. Tegart, knew of the affair. If the revolutionaries were about their revolutionary propaganda collecting arms and ammunition, they could not have been informed, even if they had friends among the C. I. D., of the proceedings that were to happen that night, so that they could remove any arms in their possession. What was the result, Sir? Not a single cartridge, not even a speck of gunpowder was found. A revolutionary society existed in Bengal indeed. Well, Sir, if it existed, it existed in the dream-grottos of the imagination of the bureaucracy. Well, we were locked up in that house and not allowed to stir, not even allowed to cook our food till 3 o'clock that day, and the police went about searching the subscription lists of Congress organisations in the house. So much was the courtesy shown to us by the police. Two Legislative Council Members residing in that house were spirited away the night previous. If you analyse the results of the previous voting, you will find there was a majority of two Members. The Swarajists had a majority of two; Government had a minority of two, and this coincided rather mysteriously with the removal of two Members from the Swarajist group. From this you may guess which way the wind blows. I believe it was more concerned with the Swarajist activity in the Bengal Council than with the discovery of revolutionary activity in Bengal. I know, Sir, that when the British taught us the principles of freedom, when they established schools here, we were reminded of very fine persons in England who had given up their lives in the cause of freedom in England. We were made to read of Elliot Hampden, Algernon Sydney and others. We are proud to remember that we were made to learn those things because the example they have set us will lead us on to achieve freedom like them in our own country, in spite of what the pioneers of freedom in this country can do. Sir, I quite agree with some of my friends over there who honestly believe, like Mr. Cecil Rhodes, that this world was created by an Anglo-Saxon God for the benefit and enjoyment of the Anglo-Saxon race. I quite see their point, and I sincerely believe in their honesty of purpose in having that belief. However, Sir, we have to submit with all the humility possible in us that the God that created the Anglo-Saxon race created us as well. (An Honourable Member: "Question.") (Mr. M. A. Jinnah: "Question.") Well, it may be questioned, from the Anglo-Saxon point of view it may very well be questioned and it is being questioned all over the world;

in South Africa and elsewhere it is being questioned but the question is also nearing solution. This perpetual question that has been raised is also nearing solution. However, that is another matter. We claim the same right of living our own lives in our land as you claim in yours. What objection have you to that proposition I should like to know. You, Sir, fought your battles of freedom. (*A Voice*: "Question".) So do we propose to do, violently or non-violently we do not care. Our leader has taught us to fight non-violently and we will go on with it but never dream that if that effort of ours fails we will stop at that. I may not be living at that time; you may not be living at that time; but the day is nearing, you need not doubt that it is nearing very fast, and that hour is coming.

Sir, I will go back to affairs in Bengal again. Eighty places were located by the police and searched but nothing was found. Of course no gunpowder was found, but people were found who were suspected, or rather who had the smell of gunpowder about them, and they were spirited away, they were thrust into jails. It was said they would be tried, they have never been tried. Sir, I really do not see why, after repealing the infamous Rowlatt Act, the very same provisions were promulgated under the Viceregal Ordinance and enacted of course by the process of certification in Bengal again.

Mr. M. V. Abhyankar: That is the art of Government.

Syed Majid Baksh: Did you at that time sincerely intend to abolish that Act? I sincerely hope that you will be sincere at least in your professions and your practice. Do not say one thing with your mouth and harbour something else in your heart. That is not the way to have "more sympathetic understanding, more widespread trust and more universal good-will". However much you may preach, an ounce of performance is worth tons of profession. I may remind you, Sir, of certain other things that happened before. You may very well remember that after the Sepoy Mutiny was quelled, what did Lord Canning do? He did not go on persisting in putting people into jail. He solved the question with a stroke of the pen by declaring a general amnesty, and therefore he is known in history as Clemency Canning. And from that noble act of his this movement has subsided for ever. Do you want to abolish this revolutionary movement? If you do, extend the hand of good-will to these people who are lovers of freedom and therefore possessed of very generous hearts. They will appreciate your act, if you are only sincere, and this one gesture of sincerity will make them also sincere in their own actions. I do not certainly know whether it is a civilised method of trampling down the laws which you yourself enact. I do not know whether it is quite worthy of a civilised people. I should say, from the various things that you have been doing and the various innovations which you are introducing into the criminal jurisprudence, that the very fathers of the science of law will turn in their graves before this civilised method of yours. They will say that this was more civilised than they ever could have imagined; they will say "Better savages far than civilised people like these". Sir, I cannot understand why Englishmen who profess so much sympathy for liberty at home forget these professions as soon as they pass those fateful white chalk cliffs of Dover which they have to pass when they come out to India. In India they become different men. In India they assume, in the words of one of their great politicians, the tiger qualities. We have had enough of the tiger qualities. It is said that man is a combination

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of the tiger qualities and the qualities of the man. Well, that may be so; we have seen your tiger qualities; we want to see your manly qualities at present. We want to see you extend your hands with more manliness than you have hitherto done. These people fought for an idea. They expressed their idea; they had the courage to say that they desired to be free. May I know under what sections of your law a desire to be free is a crime? They simply expressed their desire for freedom and for this desire they have been punished; and you say that you have punished them in order to protect us from them. Colonel Crawford does not say that he wants to protect himself from these people; he wants to protect us from them. That is another instance of your having one thing on your lips and another in your hearts. You want to put them down because you know or suspect that they are a menace to your Empire. They are not a menace to your Empire. Treat them kindly and they will be greater bulwarks of your Empire than you have ever had in India. Have a little more sportsmanlike spirit in dealing with people who oppose you, a more sportsmanlike spirit, a more chivalrous spirit in dealing with people who wish to meet you on equal terms, who wish to sit with you on equal terms. Do not be vindictive, do not give expression to your little minds; as has been well said by one of your great men, great Empires and little minds go ill together. If you make your minds small your Empire will become smaller still. Show a little broader spirit if you wish to deal with these people, and you will find that the bugbear of terrorism, of which you are so much afraid, of which you make a plea to exercise this tyranny under the garb of protecting all the citizens, you will find that this bugbear, which has led you to such sorts of terrorism, will vanish. You will find after their release from jail that they are a quite different people from what you thought them to be. Extend your hand of fellowship, extend your hand of friendship if you wish that the revolutionary spirit which you say is stalking the land should cease to exist and become extinct.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan Rural): Sir, I was very sorry to hear the words which fell from the lips of my Honourable friend Colonel Crawford that he had heard nothing to change his mind. If that should represent the mentality of our European colleagues here, I should certainly greatly deplore it. Sir, I desire that this House should approach this question from a somewhat loftier standpoint than that which induces, or which may induce, a mechanical mind to take stock of losses and gains. Sir, if I stand here to-day to lend support to the Resolution before the House, it is not in the first instance in the interests of those who are suffering in the prison houses of India, but it is to free, if I can, if this House can, the good name of those who are responsible for keeping these men in the prison houses; it is to lessen the blemish that tarnishes those who are responsible for throwing these men into prison. It is because we do not desire that we should be parties to this great shame being any longer perpetuated that I desire to support this Resolution. These great men, good in their own way beyond doubt who have made tremendous sacrifices from their own standpoint do not care whether they are inside the prison or outside. Mother India with her 350 millions, every one of us, is in prison. Fettered is the whole of India, and it does not matter if a few less or more men have extra chains on their feet. It is said they are revolutionaries; that they wish to destroy the present Government. But we all wish to bring about this revolution. And

mark here, we are all of us revolutionaries, gentlemen sitting on the opposite side as well as on this side, are all revolutionaries; we are determined that the present system of Government must go. The Act of 1919 has declared that the present system must go. The revolutionaries desire nothing more, nothing less, although they may be a little more fearless and a little more determined to give vent to their feelings in order to bring in the new Government which they want very soon to replace the present Government. Yes, all of us want a change. This Government must go. The faith in this Government has gone. Now, what is the crime of these revolutionaries of which Colonel Crawford made so much? It is said that there is a revolutionary conspiracy in India, a revolutionary movement in Bengal. What is the size of it, what is the extent of it? And he says that until that movement dies, the time will not come for us to think whether these people ought to be let out of jail. Do you ever imagine that, so long as you have a despotic Government in India, so long as you only talk of generous gestures but do nothing substantial, so long as you are determined to be despotic, so long as you are determined to sit tight and indifferent, so long as you do not wish to move even constitutionally towards the goal which India wishes to reach,—do you expect that in this huge land of 350 millions there will not be at any time even a few who will not indulge in revolutionary ideas? Is there any land under the sun where there are not some revolutionaries even now? Are there no revolutionaries to-day in England? Are there no revolutionaries in Europe? Then, why should there not be a few revolutionaries in India? Yes, the surprise is that, in spite of the deep discontent of the people of this country, there are so few revolutionaries in this country. It is surprising to hear the argument that there are a few revolutionaries in India. There ought to be a very much larger number of revolutionaries in India; the surprise is that they are so few.

Sir, we should look at the whole situation from a very much loftier standpoint,—and I for one in this House wish to declare my unflinching faith, in spite of all your violence, in our non-violence, my unflinching faith that the cause of freedom is bound to triumph.

Sir, just two or three days ago I went to look up the buildings rising in Raisina, where we or our successors are to be located some time hence. What did we see there at the gate? What emblems of peace? Anything to show the wonderful civilization that you have spread? I found some 4 or 5 awe-inspiring guns at the entrance to the new Legislative Chamber that is being built in Raisina. Is it your idea that law makers ought to be so protected? Is that why you have all those awe-inspiring guns? They did not inspire awe in me at any rate. But that is the power on which you rely. Violence ought to beget violence. How dare you come and claim that you deserve non-violence from us? It is through our goodness, it is through our faith in non-violence, it is because we are a far more spiritual people than the people in England are or can be for a long time to come, that we do not want to meet all your petty game with petty game. But in a land of 350 millions there ought to be some few certainly who can not appreciate the higher goal. I for one want to support this Resolution in the Government's own interests and for its fair name. Colonel Crawford will not come to ruin by the machinations of the revolutionary in Bengal. Even if he does, he must honestly and cheerfully pay the price. It does not matter. I am not afraid. Nobody need be afraid. The revolutionaries cannot fire their guns at a peaceful and non-violent man. Because you

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are so violent, therefore you are afraid. We are not afraid. We are not afraid of your guns. We are not afraid of the huge guns of the British Army. Therefore, Sir, I want this question to be approached in a newer spirit, in a higher and loftier spirit. We do not want it to be forgotten that the revolutionaries are honourable men. They may be a little misguided. I do not hold here a brief for any one of them. But if you have got real proof of their guilt, why don't you bring them to trial? We know, and many on the other side also know, that very often for mere suspicion these people have been put in jail. Who can say that anyone is a real revolutionary? Who can say that the suspicion of my friend is not unfounded? I cannot prove the unprovable. I cannot prove the non-existence of non-existence. We challenge the statement that there is any revolutionary movement. You do not come out with your proofs. If you come out, the Bay of Bengal will not rush up to the Himalayas. If it ever does, are you here to stop it? How can you? These people have been rotting in jail for 18 or 20 months. You have not brought any charge against them. They are men more honourable than some of the men on the other side or anywhere else in the world; Subhash Chandra Bose and men of his kind are. It is unfortunate that Englishmen, liberal men in their own land, the moment they cross the Suez Canal become at heart as black as black can be. It is unfortunate that during the time of a Liberal Governor of Bengal and a Liberal Governor General of India, this blackest of black Acts of Bengal, the Criminal Law Amendment Act, has been brought into existence. The other day I tried to save the reputation of His Excellency the Governor General a bit. I wanted that this Act should in some way be modified. I wanted to send in a Bill to that effect. I was asked to apply for sanction and I applied. I wanted His Excellency's name to go down to posterity a little less blotted than it now is. But His Excellency would not let me. He would not give the sanction. If he had, I should have brought in an amendment to impose some time-limit on the detention of these men. They have been in jail for the last 18 months and there is no prospect of their being brought to trial. Colonel Crawford wanted me to understand that that is necessary in the interests of the country's peace. But why this eternal secrecy? Why are the Government so afraid to come out with the truth although this is an all powerful Government with huge guns and crores of rupees. During these 18 months they have not brought an open charge of conspiracy even against a single detenu of Bengal. This is a question which Government will have to answer before God and man. What is the use of your coming and saying that the situation has not changed? It will never change. You are afraid of shadows. How can we get rid of your fear? It is impossible. You have got a Department which manufactures all these shadows. They are responsible for it. That is the general talk. There are many people more competent than myself to speak to that. I know to some extent what the mentality of a policeman is and of district officers; I have some experience of it; but I shall not relate it now. What is their mentality? They are ready to believe anything that a policeman goes and tells them, ready to believe anything against an Indian. That fear must go. If it is true that you want the great questions of liberty and constitutional progress to be dealt with in a higher and nobler spirit, show yourselves that better and nobler spirit. We do not find that in the verbal tiltings of His Excellency. Those verbal tiltings may help His Excellency dialectically or may help others, but they are unworthy of statesmen, unworthy of politicians, un-

worthy of men who walk in the fear of the Lord. I am a religious man and I do not therefore mind what these worldly-wise men say. I want to approach this question from what I call the truly religious standpoint. You put the greatest man in the world in chains. He has not shown any anger towards you, he has forgiven you. If these men, many of whom are great and good men, though there may possibly be some who are less great, should be liberated to-morrow, they will forgive you, they will forgive this erring Government, this mistaken Government. Therefore, Sir, I want that this question should be approached not in a petty spirit not in the fear, "Is there crime or revolution?" There will always be some crime and revolution. As I believe, proportionate to your autocracy there is no crime in this land at all. Your autocracy deserves to be met by 1,000 times the magnitude of crime that now exists; and if it does not exist in that magnitude, it is not because of your police, but because of our goodness, not because of your armies, but because of our innate good nature. We believe in a higher law, that England has come to India to be taught, to be civilised, to be shown the higher path which she has not yet learnt. We shall forgive you for the very many crimes that you have committed, forgive you for placing these men in fetters and putting them to all these indignities. Remember that you will have to answer sooner or later, sooner than later, a higher person for all these. There is no use in my Honourable friend, the Home Member, writing a letter to the Madras Government and their formally replying that these prisoners are well taken care of, that everything is all right with them, and so on and so forth. We know the nature of these answers; these formal inquiries do not carry us very far. You will say these men are taken care of very well, till they die. You will say that they are in excellent health, are furnished with everything that their status may warrant, till they die. These are formal replies that carry absolutely no weight. I do not blame the Honourable the Home Member for it, because probably he cannot do anything more under the present system. Therefore, change the system, do not put these men in chains at all. That is the whole remedy. If you once put them there they will be tortured, ill-treated; they will not be given good treatment; and it is impossible under your present system to set matters right. Therefore, the only remedy is to trust the people, to trust these men. They are noble men, men of noble ideals. They want to see their country, their motherland, free at the earliest possible opportunity. All your fetters, all your tortures, will not daunt their hearts, will not daunt their minds; and the history of the world will tell you that it is so. What will change them? Kindness will change them. Better treatment will change them. Revolutionary conspiracies in Bengal will go, not through your Acts at all, but through better treatment, better response to the national demand which unfortunately, Government do not see their way to make. Therefore, Sir, it is unfortunate that men should approach this question from the petty standpoint of "Is there crime?" There is bound to be crime, but the men that are punished may not be the criminals. It is very often the case that one man robs and another is put into jail. That is the ordinary thing,—some one robs and some other man is put into jail. That is the British course of justice in this land, with which we are very familiar; and therefore most men, whenever they have lost anything or when any robbery takes place, give no information to the police. Before they get back the lost property they will be put to infinite trouble by the police and the complainant will be made to spend a lot before he gets back any of his lost property. That does not improve matters. I therefore wish to appeal to

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this House that it must consider this matter from a larger standpoint. Here we are at the beginning of a new era. We want to inaugurate a newer era of peace and good-will so that England and India may march onward to the goal of higher progress. We must honestly work hand in hand. Trust begets trust. Fetters never beget trust. Repression never begets trust

Mr. President: The Honourable Member must now bring his remarks to a close.

Mr. M. K. Acharya: I have finished, Sir. I only say that this matter must be looked at from a higher standpoint, not from the point of view of the policemen but from the point of view of statesmen controlling the destinies of a great nation.

Mr. T. O. Goswami (Calcutta Suburbs: Non-Muhammadan Urban): Mr. President, I should have certainly preferred to wait

Mr. President: The Honourable Member need not have risen. He was not bound to do so.

Mr. T. O. Goswami: Surely, Mr. President, you know that invisible communications do sometimes pass from the Chair. I was told that the arrangement of debate would be facilitated if I formally placed before the Assembly the amendment that stands in my name. As I was saying, I should have certainly preferred to wait to hear if the Home Member had discovered any further arguments—or, shall we say, excuses—in defence of the continued detention of people against whom Government are not prepared to proceed. I will read my amendment, which is as follows:

“ That for the original Resolution the following be substituted :

‘ That this Assembly recommends to the Governor General in Council that he be pleased :

- (a) forthwith to secure the immediate release of all political prisoners detained without trial;
- (b) to take steps to remove all difficulties in the way of the return to India of all Indian exiles in foreign countries who may be or may have been suspected of being concerned in any revolutionary or other activities regarded by Government as prejudicial to the interests of India;
- (c) to bring to trial under the ordinary law of the land such persons against whom Government think that they have sufficient evidence to go to Court.’ ”

Now, I must explain why I propose this amendment. It is not because I am not in sympathy with every word that is contained in the original Resolution, which has been so eloquently moved by my Honourable friend Maulvi Muhammad Shafee. It is because when I saw the Resolution on paper I felt that two distinct issues had been brought within the scope of one Resolution,—the political prisoners who have already been convicted, and the political prisoners who have not been convicted by any court. Now in the case of convicted prisoners their release is technically a question of amnesty, whereas in the case of persons who have been detained without trial (and, what is far more appalling, without even charges having been formulated against them), I submit that is a matter of elementary jurisprudence, a matter of elementary human rights. Not that I have not sympathy and in some cases great respect for some of the political prisoners who have been convicted by what are called competent courts. First of all, I know—and the country knows well—that the judiciary in

India cannot be relied upon. Indeed prostitution of the judiciary for "Imperial" ends has passed on even to the sacred precincts of temple of justice at Westminster. I would only remind you of Lord Justice Darling's charge to the jury in the Tilak case and the still more obviously unjudicial conduct of Mr. Justice McCardie in the Sankaran Nair case. There is another reason why I really lend my moral support to that part of the Resolution which is omitted in my amendment and which demands the release of political prisoners who have been convicted; and that reason is this,—that I do not regard it as necessarily immoral for any Indian to seek to effect a change in the present Government by violent means. I do not regard it as *immoral*. Political reasons of expediency may dictate a course of action which is not a violent course. My object in bringing this amendment before the Assembly, therefore, is simply this,—that the two issues which ought to be separate have been jumbled together in one Resolution.

Colonel Crawford, who, I understand, is the official Secretary of the European Association, may be forgiven for having amused this Assembly by solemnly affirming a proposition which is unknown alike to jurisprudence and to logic, that it is for the man who denies to adduce evidence. As a matter of fact, this House awaits the Home Member's speech, to see if the Home Member has any more evidence to place before this House. I do not care, and here I repeat something which I have said before—I do not care how high the authority is of the man who has examined the cases of these political détenus on mere reports. I do not care whether he has been a Chief Justice anywhere, or a Lord Chancellor anywhere. I do not care whether he is or has been a Judge of a High Court. For any one to say that a man detained without trial with no charge framed against him is a criminal, is a most preposterous proposition. I shall also wait patiently—but probably in vain—for the new Law Member who is conspicuous by his absence here; because the new Law Member of the Government of India, more than a year before the promulgation of the Ordinance, at a public meeting in Calcutta, where he was heckled, said, "I have got the list of suspects in my pocket". I want him, contrary to the prudent tradition of his two immediate predecessors, to defend in this popular House, if he can, the action of the Government in continuing to imprison people whom we all, the whole country, believe to be honourable men, innocent men.

We have heard again to-day, as we have heard so often before, the callousness with which Members of the Government speak of the treatment that is meted out to these State prisoners. I repeat what I said this morning. Some of the State prisoners are used to comforts as good as the Home Member ever enjoyed. Even Regulation III of 1818 lays down that, in the case of State prisoners, they shall be given all the comforts to which they have been accustomed in their ordinary life.

There is another point in my amendment which seems to require explanation; and that is why I want only the *Indian* exiles in foreign countries to be allowed to come back. When I drafted this amendment, I did have in mind the cases of non-Indian friends of India who had been exiled. But, just at that time, Mr. B. G. Horniman had managed to come back to India, through what has been described as a "Passport miracle"; and his case was the principal case amongst those of non-Indian friends of India who had been exiled. With regard to Mr. B. G. Horniman, I think I ought to refer to what passed between myself and the Under Secretary of State for India in London.

The Honourable Sir Alexander Muddiman (Home Member): Is the Honourable Member in order in referring to a non-Indian? No doubt we should like to know what he has to say about the return of the Indian exile.

Mr. T. C. Goswami: I want to explain why I am excluding the non-Indian exiles. In the case of Mr. Horniman, the Government of India here had said that it was the Secretary of State's office in London which was preventing his return. In Whitehall, they affirmed that it was the Government of India who were preventing his return. And so I was obliged to tell the Under-Secretary of State that the two contradictory statements could not both be true! I am glad that the Government have not made further difficulties in the way of Mr. Horniman's return, and I think they have discreetly allowed him to come, saving what they call their prestige. With regard to the Indian exiles, there are principally two classes: the class mentioned in this Report—the Rowlatt Committee's Report, the Sedition Committee's Report, 1918—most of whom are in Europe; and the second class,—those who have been deprived of their American citizenship by a decision of the Supreme Court of the United States of America. We have reason to suspect that behind that decision was political pressure by the British Government.

The Honourable Sir Alexander Muddiman: In which class did my Honourable friend include Rash Bihari Ghose?

Mr. T. C. Goswami: Sir Rash Bihari Ghose? I do not know the case of Rash Bihari Ghose. (*Voices:* "Bose, Bose.") Well, these Indians who have been deprived of their national status in the United States are not allowed to return to India. The case of Dr. Sudhindra Bose has been raised several times in this House. But Government are not yet in a position to say what nationality technically these people who have been deprived of their national status in the United States now belong to.

So much with regard to the terms of my amendment, except that I should like to point out that clause (c) has special reference to a provision in Regulation III which decreed that in those dark and perilous days of 1818 a man could be spirited away if Government thought that he was dangerous but had not sufficient evidence to bring them to court. I hope, in this more enlightened age, they will proceed against suspected persons according to the ordinary law of the land, and go to court with evidence, and take their chance. The Special Tribunal which has been constituted in Bengal by the Ordinance Act—which I do not consider as law, because it is really a violence against law,—is regarded with great suspicion. First of all that Tribunal has not been employed except in very few cases; and in a recent case in Calcutta that Tribunal was found to be notoriously and grossly partial.

The Honourable Sir Alexander Muddiman: Is my Honourable friend in order in reflecting on a judicial trial?

Mr. President: What has the Honourable Member got to say about the point of order?

Mr. T. C. Goswami: My submission is that, as the matter is not *sub judice*, I have a right to comment upon it.

Mr. President: I am afraid the Honourable Member is entirely wrong. No comments reflecting on the conduct of Judges are permissible whether the case is pending or disposed of.

Mr. T. O. Goswami: Then I can criticise the judgment.

Mr. President: Yes.

Mr. T. O. Goswami: I think that judgment is a most atrocious judgment.

The Honourable Sir Alexander Muddiman: The judgment is certainly under appeal in the High Court. Do you consider it right that the judgment should be criticised?

Mr. President: Criticisms of judgments are permissible in so far as they are possible without reflecting on the conduct of Judges.

Mr. T. O. Goswami: Then I say that that judgment is preposterous.

I will remind the House of an incident which recently took place. I am sorry I am taking a lot of your time. (*Honourable Members:* "Go on").

Mr. President: I am afraid the Honourable Member has already exceeded his time limit. Will he bring his remarks to a close?

Mr. T. O. Goswami: May I make one more remark, Sir. I will refer to the Willoughby Carey incident in Calcutta. Sir Willoughby Carey was a colleague of ours in the last Session. (*Honourable Members:* "He is here"). I apologise for having made a mistake and thinking that he is no longer a Member of this House. Well, the Honourable Sir Willoughby Carey approached a Member of Parliament who was recently on a visit to Calcutta and volunteered (this is a public matter) to accuse everybody—Mahatma Gandhi, the late Mr. C. R. Das and others—of revolutionary conspiracy. Then Mr. Johnston said that he had taken down what he had said, in writing and if Sir Willoughby Carey had the courage of his convictions he should allow one of the leaders of the Swaraj Party in Bengal to meet him in the presence of himself and Mr. Sime, and substantiate the charges, which were very wide. And Sir Willoughby Carey—shall I say—"funked" it.

The Honourable Sir Alexander Muddiman: May I point out, Sir, that it seems to me rather a difficult position. If a Member of this House is to bring a personal charge against another Member of this House, he ought to give him notice. Did my Honourable friend give notice?

Mr. T. O. Goswami: This is a public thing. Mr. Johnston has times without number referred to that matter in the press, the matter has been freely discussed in the press, without any sort of disclaimer from Sir Willoughby Carey; and I am surprised that the Home Member does not know about it.

The Honourable Sir Alexander Muddiman: My point has been entirely misunderstood. Sir Willoughby Carey is a Member of this House and a personal charge is made against him. He is not here to reply for himself and I know nothing of the matter. It is not a matter with which Government are concerned. It is a personal charge and I suggest to you, Sir, that when one Member of this House desires to bring a personal

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charge against another Member, it would be in accordance with the dictates of courtesy and good feeling that he should give that Member notice that he is doing so in order that he might be in his place.

Mr. T. C. Goswami: The matter has received such wide publicity

Mr. President: It is very desirable that a Member against whom insinuations are made should be present here, but it is very difficult for the Chair to give a ruling on this point, because occasions may arise when on the spur of the moment Members may have to pass criticisms on the conduct of Members of this House, and it is not always easy for the Chair to lay down general principles on that point.

Mr. T. C. Goswami: What I was driving at was this. Colonel Crawford was here when I rose to speak, but he is not here just now. (*A Voice:* "He ought to be here".) Yes, he ought to be here. Colonel Crawford said several times, "We were forced to take severe measures". Who are the "we"? It is a significant "we"; it is a conscious "we". I submit that, at any rate in Bengal to-day, as things have degenerated there, the Government and the European community form a clique, and that between the Government and the non-official Europeans there is a liaison which we all heartily deplore, because, as I have said before, there is a suspicion that the Ordinance was conceived in consultation with the non-official European community of Calcutta.

The Honourable Sir Alexander Muddiman: The Honourable Member will accept my statement that that is an entire untruth. The Ordinance was not drafted in consultation with the non-official European community, and I will ask him to withdraw that statement.

Mr. President: I think the Honourable Member ought to accept the statement of the Honourable Home Member.

Mr. T. C. Goswami: I would like always to accept any statement from the Honourable Sir Alexander Muddiman. But the circumstantial evidence was rather strong.

Mr. President: I have already reminded the Honourable Member that he has exceeded his time.

Mr. T. C. Goswami: Yes, Sir, I will obey your command and the call of Luncheon.

The Assembly then adjourned for Lunch till Ten Minutes to Three of the Clock.

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

Mr. President: It has been brought to my notice that some misapprehension exists in the minds of some Honourable Members regarding the ruling I gave on the point raised by Sir Alexander Muddiman regarding the question of how far personal charges can be permitted against Members in this House. I desire to make it quite plain that no personal charge can be made by one Member against another in this House, whether that other Member is present or is absent. The question whether

a particular statement amounts to a personal charge is a question of fact for the decision of the Chair in each particular case. But references to the conduct of Members of this Assembly as public men are permissible, and the speech of the Honourable Member from Bengal was a sort of reference to the conduct of Sir Willoughby Carey as a public man in connection with the incident to which he had referred. Sir Willoughby Carey was given a public challenge which he did not accept and the reference made by the Honourable Member from Bengal was to that particular incident. That reference did not, in my opinion, amount to a personal charge and was therefore permitted. But I desire to make it perfectly clear once again that no personal charge by one Member against any other Member of this House, whether he is present or whether he is absent, will be allowed, and references to the conduct of a Member as a public man may also amount to a personal charge. It is, of course, a very difficult question for the Chair to decide in each particular case.

The Honourable Sir Alexander Muddiman: Sir, before the debate proceeds, I should be glad of your ruling on the procedure to be adopted. The position is that a Resolution has been moved and an amendment narrowing the scope of the Resolution has been moved. I only wish to know whether, in your discretion, you decide that the debate may now proceed both on the amendment and on the Resolution, or whether it is your intention to take the amendment separately.

Mr. President: The course I propose to adopt is this: I propose to have the general discussion both on the original Resolution and on the main amendment which the Honourable Member from Bengal has moved, and then ultimately to put the question.

Lala Duni Chand (Ambala Division: Non-Muhammadan): Sir, it gives me the utmost pleasure to lend my humble support to the Resolution which has been moved by my Honourable friend Maulvi Muhammad Shafee. It is a Resolution that is nearest to my heart and should be equally near to the heart of every one in this House who feels for the political prisoners and the Indian exiles living in foreign countries. At the very outset I want to make my position clear with regard to the amendment that has been moved by my Honourable friend Mr. Goswami, as he has made his position clear with regard to the Resolution itself. To be frank, I positively dislike the amendment and I shall have to like it only if it is forced upon the House. The amendment does not come up to the minimum demand that the country wants to make on behalf of the political prisoners and the Indian exiles. It is quite true that I have got the fullest sympathy with the object of the amendment, so far as it goes, but I want much more than the amendment gives and that is embodied in the Resolution itself. The framer of the Resolution has taken every possible care to see that this Resolution makes itself acceptable to the Members representing various views in this House. He has even taken steps to persuade the Honourable Members sitting on the Treasury Benches to see if they can entertain it. It is a business proposition and I want to deal with it in a businesslike spirit, and I also want the Government to enter into the consideration of this Resolution in a businesslike spirit. I may at once make it clear that I would not like the House to have this Resolution forced upon the Government in a spirit of non-co-operation or even in a spirit of defiance or obstruction. I want to have this Resolution accepted by this House and carried out by the Government in a spirit

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that is born of conviction of the justice of the claim of these hundreds of Indians. The Resolution, so far as I can see, is very moderately and reasonably worded. It divides itself into three parts. Clause (a) deals with that class of political prisoners and détenus who have not been convicted of any act of violence or who have not been charged with any act of violence. Now, so far as this demand is concerned, I cannot possibly think how any reasonable Indian at this late hour can have any exception to what clause (a) demands. The putting of hundreds and thousands of non-violent patriots into jails can be justified only in the case of extreme emergency. This, I say, is from the Government point of view; but as soon as that emergency is gone, I cannot see any legal or moral justification on the part of any Government to keep such non-violent patriots in jail. I cannot possibly understand how even a single Member of this House can give any good reason for detaining them any longer in jail. It might be said that this Resolution also wants the unconditional release of all those people who may be convicted tomorrow, though of non-violent acts, say, of sedition and similar non-violent offences. My submission on this point is that the benefit of clause (a) is intended to be given to the numerous class of prisoners who were put in jail during the active phase of non-co-operation in India. If the Government care even in the least degree for the good-will of the people, the least thing that can be expected of the Government is to let these non-violent people free. So far as the case of the détenus of Bengal is concerned, it will be futile on my part to address any speech on this part of the Resolution. This part of the question has been repeatedly discussed in the Council Chamber, in the Assembly Chamber and in other places, and the position of the Government has been made almost untenable but the Government want to persist in the wrong course that they have adopted. There is no other way for the Government to get out of it.

After this, Sir, I come to the second clause of the Resolution which deals
 3 P.M. with the release under certain conditions of those political prisoners who have been convicted of violence. I know, Sir, some Members might think it is too much to ask without any conditions and bearing in mind the scruples of such gentlemen in the House the Resolution has been framed in such a way that it has been hedged round with such conditions that it might become acceptable to those who cannot see all the violent prisoners being released wholesale. The conditions laid down therein are quite reasonable. We want a committee to be set up and the committee should go into the case of all those political prisoners who have been held guilty of some act of violence, not with a view to sit in judgment upon the judicial courts that have pronounced judgments in the cases, but with a view to see if after a sufficient time has passed there exist any reasons to reconsider their cases, and whether, if not all, some of them can be released.

I admit that clause (b) of the Resolution might not at once be applied to some prisoners; it may not be possible for the Government to give the benefit of part (b) of the Resolution to certain classes of prisoners; but at the same time it will be a very proper thing and it will be a very just thing on the part of the Government to give the benefit of this clause to another class of persons. Supposing there is a dacoity case with the result that certain people are held guilty of murders and other serious offences. I would not ask the Government to give them the benefit of clause (b). But there is

another class of political prisoners who have been rotting in jails for a long time. I cannot possibly see why the benefit of this clause should not be given to those people. I shall prominently mention, in my own humble way, with all the earnestness I have, the case of the martial law prisoners of the Punjab of 1919, and the equally deserving case of the Lahore Conspiracy trials held in 1915. There might be other classes of cases to which this clause might fitly apply. It does not mean that immediately the Resolution is passed the Government are asked to empty all the Indian jails of all the dacoits or murderers simply because they choose to call themselves political murderers or political dacoits. So far as the case of the martial law prisoners of the Punjab is concerned, I cannot possibly see how any Government with any claim to be called a civilised government could keep these people in jails. We know that in 1919 a very large number of people,—in thousands—were put into jails after nominal trials being held, which were given the name of martial law trials. A good many of these people were released after a time, and the country did appreciate that attitude of the Government. But out of them, about 80 are still being kept in the Indian jails. I want to put in the strongest plea on behalf of those people who are still in jails. I lay emphasis on the fact that they are martial law prisoners. We know what martial law is. Martial law is nothing but the negation of all law. In the interests of the State it might have been necessary at one time to enforce martial law; but to keep the martial law prisoners condemned for their lives in jails is contrary to all canons of civilisation. (*Mr. M. V. Abhyankar*: "They do not claim to be civilised.") Sir, I will invite the attention of the House to a judgment which was delivered in the martial law case in 1919, under which as many as 20 persons were ordered to be hanged. I will read it to the House to show a specimen of the judgment and to enable the Members to form their own opinion on it. I should also like to ask whether all those people who are condemned by a judgment like the one I am going to read presently do not deserve any consolation at all? This is the judgment, Sir. I think a Judge in a small cause case involving say Rs. 50 or Rs. 100 will give a better and more convincing judgment than the one given below by which 20 persons were ordered to be hanged:

"On April 10th, 1919, about noon after the arrest of Kitchlew and Satyapal disorder broke out in Amritsar, in the course of which an attempt was made to invade the Civil Station by a mob which had to be turned back by fire from troops and Police. Shortly after this, mob attacked the National Bank situated in the city, brutally murdered Mr. Stuart, Manager, and Mr. Scott, Assistant Manager, sacked and burnt the bank and looted the godown which contained cloth and other goods to the value of several lakhs of rupees. The Chartered and Alliance Banks were subsequently sacked. A Mission Hall Church and the Religious Book Society's Depot were also attacked and burnt by the mob. There was no reason why these institutions should have been singled out by the mob or their leaders except that, as the evidence shows, they were out to destroy the visible manifestations of British connection with the country.

It is unnecessary to labour the point that the salient offence committed in connection with the attack on the National Bank, the facts of which form the main basis of the present charges, was one falling under section 121 I. P. C. and we have only to consider which of the 21 accused now before us were concerned in that attack. Certain of the accused could also be convicted under section 302 I. P. C. but we see no necessity to discriminate, more especially as in circumstances like those before us there is only one possible penalty for the offence or offences committed.

We are not entirely satisfied that Ghulam Hasan Parna, 15, was in the actual attack on the Bank, but he is proved to have been found in possession of property looted therefrom. We convict him and sentence him to 7 years' rigorous imprisonment under section 412 I. P. C. As regards the remaining 20 accused, we are clear that they

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each took an active part in the attack on the Bank. In convicting all of them of an offence under section 121 I. P. C., we would only note that Batan Chand or Rattoo I, and Bugga, 2, were the ring leaders and initiated the outbreak with most significant promptitude, as soon as the news of the deportation of Kitchlew and Satyapal, whose lieutenants they are called, became known. We therefore sentence each of the remaining 20 accused as set out in the Schedule, to death and to the forfeiture of such property as was owned by him at the time of the commission of the offence and as is liable to forfeiture."

This is the judgment, Sir, by which 20 persons were ordered to be hanged

The Honourable Sir Alexander Muddiman: No, there are two more lines.

Lala Duni Chand: Yes, Sir, there are two more lines. Excuse me, I thank you for the correction.

Now, this is all the judgment that was given in a case in which 20 persons were ordered to be hanged. I am far from saying that all these people were innocent, at the same time I am also far from saying that all these people were guilty. The question is, since they were tried under extraordinary conditions, since resort had to be made to extraordinary powers, since the atmosphere of the country was extraordinary in those days, whether those people who have been condemned under such extraordinary circumstances are not entitled to have their cases revised and reconsidered after a lapse of time. Seven years have passed by, and I ask this House, and through this House I ask the Government to reconsider their case. Is there anything unusual or extraordinary about this demand? I cannot see anything for a moment. I want also to bring to the notice of this House a class of prisoners who should also get the full benefit of this clause (b). Three batches of political prisoners were tried for various offences in 1915 by a Special Tribunal consisting of three Commissioners, and no right of appeal was given to them from the judgment of the Commissioners. A very large number of people were ordered to be hanged and transported and some were given long terms of imprisonment. My position with regard to this class of prisoners is also more or less the same as in regard to the martial law prisoners.

The Honourable Sir Alexander Muddiman: I would like to ask the Honourable Member just for my own information if he refers to what are generally called the Ghadr prisoners.

Lala Duni Chand: They are Ghadr prisoners. I have supplied you with full information.

The Honourable Sir Alexander Muddiman: I am much obliged to you.

Lala Duni Chand: I cannot possibly give the exact figures of the prisoners tried in these three trials. The number was, roughly speaking, not less than 200 or 225. These people were mostly out of those people who returned from foreign countries in order, according to the Government, to foment and spread rebellion in the Punjab. I am not concerned at all at this time to go into this question. Granting that there was justification for the Government to order the trial of these persons, the question is whether, inasmuch as 11 or 12 years have elapsed since these people were convicted, they are not entitled now to have their cases revised and reconsidered. Ordinary prisoners have been released in hundreds in order to prevent the overcrowding of Indian jails. Are these people not entitled even to that benefit? These prisoners include among them

Mr. President: Order, order. I hope the Honourable Member will realise that the Chair has also got to consider the claims of other Members who are anxious to take part in this debate. He has already exceeded his time limit.

Lala Duni Chand: I did not know that, Sir. I shall be much pleased to finish shortly. I simply want to say that out of these many young men, some as young as 15 or 16 and some as young as 20 or 22, were ordered to be hanged. The only plea that I want to put forward on behalf of these unfortunate people is that the time has come when they have atoned for their sins, if they have committed any sins, and they are entitled to be released forthwith. There can be no possible justification for the Government to detain them any longer. Every one of them has undergone at least 10 or 11 years' imprisonment.

As the Honourable the President has asked me to shorten my speech I want to deal with clause (c) of the Resolution.

Mr. President: I am afraid I cannot allow the Honourable Member to go to another clause now.

Lala Duni Chand: I will finish in two minutes, Sir.

Mr. President: Order, order. I cannot allow the Honourable Member to continue. If he wants to finish, he must bring his remarks to a close immediately.

Lala Duni Chand: On behalf of the Indian exiles resident in foreign countries I want to say one word and I will not say more than that. I have placed myself in correspondence with the most prominent Indian exile, namely, Mr. Hardayal, and I wanted to know their wishes in the matter. I have got the letter received from Mr. Hardayal in my possession and he has assured me that the Indian exiles living in foreign countries are greatly changed and that they are now prepared to serve the country in a peaceful manner. They have now realised their mistakes, that it was futile on their part to carry on any revolutionary movement. That is the attitude which I have ascertained from the most prominent Indian exile, Mr. Hardayal. I therefore say that so far as these Indian exiles are concerned they are entitled to the barest act of justice, namely, that they should be allowed to return to their country subject to reasonable and honourable terms. I may perhaps explain what I mean by "reasonable and honourable terms."

Mr. President: Order, order. The Honourable Member is perhaps aware that it is the wish of the Chair that he should resume his seat.

Lala Duni Chand: I resume my seat.

Dr. L. K. Hyder (Agra Division: Muhammadan Rural): Sir, I have no particular qualifications to make a speech on this Resolution, but I believe, Sir, that expression has been given to opinions which are held by a section in this country.

Sir, I have been moving in an atmosphere of unreality all these three hours. What is it that the Resolution asks for? What is it that the amendments seek? I do feel that we must tackle these problems with a full appreciation of what is called Realpolitik. There is a body of opinion which has a different way. The goal which it seeks to attain is not the goal which I as an Indian would like to attain. The method by which they seek to attain it is the method of the bomb and the pistol. That method, all reasonable, moderate, liberal Indians should discard. What is it that they

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desire to do? Their desire is to jump out of the existing framework of society and law and order. That method all reasonable Indians cannot approve of. The Resolution as it is and the amendment as it is at present worded—both of them I cannot accept. It is out of a full appreciation of the fact that expression has to be given to what we feel that I, who possess no particular qualifications for speaking in this matter, have stood up to give my opinion on this and it is to this effect, that I cannot walk with people whose way of thinking is different, I cannot pay allegiance to them. As a man cannot have two hearts in one breast, similarly the man whose aim is to jump out of the existing framework of society, the man whose method is that of the bomb and the pistol, the man who says "I shall have recourse to violence"—I say you cannot pay allegiance to both of these principles, violence and non-violence. The Resolution asks for the release of such people who pay allegiance to different principles, to the principle of violence. (*A Voice*: "How do you know?") What is it that the second part of the amendment demands? It says:

"to take steps to remove all difficulties in the way of the return to India of all Indian exiles in foreign countries."

I know very little about the Indian exiles. But this I know. Whatever party is in power—I shall not name any party; let it be the Moranian party here in power, but the moment that a bomb is directed against the head of that party I ask Members of this House whether as honest, reasonable men they are prepared to advocate that the man who threw the bomb at the head of the party in power should be allowed to return to this country. (*A Voice*: "That is not the Resolution.") The Resolution is:

"to take steps to remove all difficulties in the way of the return to India of all Indian exiles in foreign countries who may be or who may have been suspected of being concerned in any revolutionary or other activities regarded by Government as prejudicial to the interests of India."

What is it that clause (b) asks for? (*A Voice*: "Put them on trial.") Certainly that is the way. Most certainly I say, let people who have resort to this method be brought to trial, and I say, "since you saw that way, you saw that goal and you chose that method, therefore abide by the results of that method." As a Member of this Assembly I cannot in all conscience advocate the immediate release of all manner of people, but I do feel that here in this Resolution are jumbled up the cases of a number of people. There may be people who may have broken law and order in a moment of popular outburst. I say in their case, "If the emergency is over, release them," because a man is apt to forget himself in a moment of popular outburst. But here are people who have a definite way of thinking, who swear by principles which no reasonable Indian can at all approve, and the amendment asks for the immediate release of all such people. We have had enough of this paltering with truth and untruth. Either it is this or it is that. Either it is going to be violence or it is going to be non-violence. If it is violence, then no Indian, whether Swarajist or Independent or Liberal or Moderate, can at all approve of it. If it is going to be non-violence, then I say, "certainly let the Government bring the evidence against them and place the men on trial, so that justice may be done". Here I do feel that it is a breaking away from the principles which ought to be held sacred. No man should be detained without trial. I understand that the case of the Government Benches is that if you bring these people detained under Regulation III of 1918 to trial, there is a fear of the lives of the officers and the lives of private citizens. (*An Honourable Member*: "That is a lie.") As regards that matter, I will reply "In a moment of

emergency you can have these people detained". (*An Honourable Member*: "How would you like to be detained?") If I were guilty of certain actions, I should like to be brought before a Judge. I have the fullest right to ask what is the case against me. I am prepared to abide by the results. (*An Honourable Member*: "If the Government do not do it, what is your reply?") Under Regulation III of 1818 I say that the case of the Government is a weak one. The Government say that if they bring these men to trial, the lives of the officers will be in danger and that the lives of the witnesses will be in danger. That is a novel thing to which I cannot subscribe. It is part of the life of a sailor to take all the dangers of the sea. If an administrator feels that his life and the lives of the people may be endangered, I say you have got to take the good weather with the bad, just as it is part of the life of a soldier to take all the risks whatever they may be. Here the case of the Government rests on a weak foundation. They are afraid there will be more murders. Let there be more murders but the right of the individual to be placed before a Judge has got to be vindicated and in my view the administrators and the policemen would be failing in their duty if they did not brave these dangers. But this Resolution, as I said, is a jumble. It asks for the return to India of people who are not of our way of thinking and of the way of thinking of some of us who are here. I do not think there is a single Member of this House who would at once pay allegiance both to the principles of violence and non-violence.

Mr. Kumar Sankar Ray (Chittagong and Rajshahi Divisions: Non-Muhammadian Rural): Sir, the Government and His Excellency the Viceroy have been asking for our co-operation and they say that they will not be niggardly bargainers with India. But is there any consistency between their professions and conduct, for on the one hand, they want our co-operation but, on the other, they repress with an iron hand all the aspirations of the people for freedom? Since the coming of Mahatma Gandhi into the field of active politics the country has adopted non-violence as its creed, and whatever spirit of violence there might have been in the country has been dying out. Yet the Government have from time to time been putting men into prison without trial and without giving them any opportunity of defending themselves, on the ground that they are conducting an anarchical movement of violence in the country. The plea they urge for not bringing these men to trial is that witnesses are being suborned and threatened and thus prevented from giving evidence. There have been cases from time to time that have been brought to trial before open courts and no one has failed through dearth of witnesses or witnesses not appearing to give evidence through fear of molestation. Nor do the Government, although repeatedly asked to give statistics, ever supply the country with any showing how many witnesses in how many cases have been prevented from giving evidence through threat of violence. The fact that some cases have successfully been brought to trial and others not, in the absence of any satisfactory reasons furnished by Government, naturally leads the people to suppose that there is no evidence worth producing before courts in cases which have not been brought to trial, and the real reasons for those arrests are far other than what Government advance. The mode and time in which these arrests have been made and the persons arrested clearly indicate the real reasons, so far as Bengal at least is concerned, to be to stifle the legitimate aspirations of the people. For these arrests have been made just when the Swaraj Party took up the capture of local self-governing institutions and the seats in the local Council, and they were of persons who had been taking the leading and most active part

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in these movements. The Government have failed to arrest the rising tide of Swarajism by these methods. If now the Government really want the co-operation of the people and do not put it merely as an excuse for not making any concessions, they should deal honestly in the matter and release people whom they have arrested without any justification or bring them to trial in open court and thus allow them an opportunity of defending themselves. This is the only way to rally the people to their side. Both the Government and the people are loudly pleading for co-operation and yet there is no co-operation in the land. The reason seems obvious. The people within the country are smarting under the unjust treatment meted out to them by the mighty Government, while they profess themselves to be helpless in the matter of succouring those living outside in foreign countries. The Honourable Colonel Crawford speaks of the uselessness of an amnesty, but what is the real reason of the alleged failure? Is it because the people do not respond? Surely the Congress wanted to work the Reforms at Amritsar? Or is it because the Government did not act in the right spirit? They released the prisoners and ushered in the Reforms while the war lasted, but as soon as it was over they gave full scope to General Dyer to inflict the Jalianwala Bagh horrors and followed it up with the Punjab arrests, and the steel-frame speech of Mr. Lloyd George; and surely the people are not to blame if they retired from the position taken up at Amritsar.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadian): Sir, I shall not take up much of the time of the House and I shall not argue this question from the lofty ideals which some of my friends have adopted. I shall speak a word or two from the point of view of prudential considerations. There is a purpose in every action that is done. The action ceases with purpose. This is prudence.

Take, for instance, the Bengal Ordinance and Regulation III *détenus*. They were arrested when the Government here thought that the whole of Bengal was honeycombed with bomb factories, or Judges and witnesses were being threatened with murder. It has been more than a year, more than 14 months, that these Ordinance prisoners are in jail. Now it may be asked whether the purpose that was intended to be served by this emergency measure has been served? There may be two answers, "Yes" or "No." If it has been served, then there is no necessity for keeping them in jail any further. If the purpose has not been served, then the measure is futile.

An Honourable Member: Is it necessary?

Pandit Nilakantha Das: Why should they be kept in prison any longer? Should you keep them in prison for all time to come till the end of their lives? (*An Honourable Member*: "That is what Colonel Crawford wants.") Then there are other prisoners. There are, for instance, martial law and special tribunal prisoners who have been in jail, some of them, for over 10 years. Those measures were also emergency measures. The martial law trials were not ordinary trials in ordinary courts, nor are the special tribunals courts. During the non-co-operation days I had a bit of experience of jail life as well as of such trials. During those days I have seen myself. I have experienced, how evidence is got up by the police and the C. I. D. It is a matter of experience to me. I was put into jail for the offence of organising and assisting in the organisation of some assemblies declared

unlawful by the Bihar Government. But such assemblies never existed nor have they ever existed in my part of the province till now. I know that perfectly well, and no man can deceive me with evidence. But there was evidence got up, and I was sent to jail for that offence, and I was sent to jail not by a special tribunal Judge nor by a martial law Judge but by a Judge who is, so to say, one of my relatives. For his service under the State—for his salt—he sent me to jail (Laughter.) And, as to the treatment in jail, I am surprised to find my friend Maulvi Mohammad Shafee did not tell you about it for he was in the same jail with me. He could tell you how for the simple offence that he wanted to offer prayers with some of his friends, he was put in a solitary dark cell, unused for a long time, and he could tell you how worms fed upon his body and blanket night and day for several days. This is the vindictive treatment accorded to non-violent prisoners sent to jail for non-violent offences. (*An Honourable Member*: "Was he not a dangerous person?") He is still here. But these tales of woe, I am quite sure, as many of my friends know and have often said, will never move those adamant Benches over there. It may move a heart, but I am told that these Benches have no heart.

I am sure all over the country in the case of political prisoners either under trial or convicted the treatment has in most cases been vindictive. But I do not speak of that treatment. A patriot does not mind it. He is ready to get that treatment at the hands of this Government. The greatest torture that an educated mind experiences is the sense of confinement and not the worms on body and blanket and the food mixed up with bad things. It is the sense of confinement which tortures an educated man. But if you look to the purpose of putting people in prison whether they may be violent or non-violent, what do you find? Take the case of all those persons who have gone to jail for violent action in the Punjab 10 years ago. They were young men, they were misguided (let me say), they were imprudent, they were short-sighted; but all this never retracted from their spirit of patriotism. They were young men and I hope they have grown old and much too old for their age under the benign treatment of the jail administration. They have grown old and when they come back now after 10 years you will find them different men. If they have any traditions left in them of patriotism after the jail experience they will direct their activities probably in a different channel. If they have nothing left of that soul, they will live as ordinary men and will create no trouble, not even the trouble which some of us here create, namely, verbal warfare. To kill them both morally and physically should be the duty of no Government.

I shall not detain the House any longer. These are the simple, prudential considerations for which the Government have no case. They cannot detain these prisoners and détenus one day longer. Let them come back, and if they become undesirable Government are armed with weapons to deal with them. Some of them may be put in jail again, if prudence so dictates, as a temporary measure. But why should you indiscriminately detain them as convicts or détenus for all their life for some offence which they were once suspected of having committed (perhaps on the report of the C. I. D.). Government, therefore, should at once accept this Resolution and release them. The hands of Government are still too strong for any violent actions, or revolutions undesirable to them which will perhaps never disappear so long as this Government is foreign in character and depends on pride of power and physical force.

The Honourable Sir Alexander Muddiman: Sir, before I address the House on the Resolution and the amendments which have been moved, let me thank my Honourable friend, Lala Duni Chand, for his great courtesy in sending me his valuable pamphlet which has been of the greatest use to me in focussing my ideas on the somewhat nebulous Resolution which is before the House. I think there are other Members also in the House who ought to thank Lala Duni Chand for his kindness, for a good deal of their speech is made up of quotations from his pamphlet. (Laughter.) As I have said, I felt considerable difficulty when I read this Resolution as it originally stood. I have been in and about this House for a considerable number of Sessions and various Resolutions have been moved which, roughly speaking, were intended to cover the same ground as is covered by the Resolution now brought before the House by my Honourable friend, Maulvi Mohammad Shafee. There have been Resolutions in other Councils too. I was presented with this small bundle (holds up an enormous file) of those moved from time to time, therefore I am hardly in a position to plead that I do not know the general lines of what is set down. Had not the Resolution been explained by the pamphlet, however, it might have been difficult for me entirely to follow it.

I must congratulate my Honourable friend, Maulvi Mohammad Shafee, on the way he has moved his Resolution. I have heard the horrible torture to which he is alleged to have been subjected, and I feel that he has shown the greatest restraint in his speech. He is doubtless one of those who think:

“ Stone walls do not a prison make,
Nor iron bars a cage;
Minds innocent and quiet take
That for a hermitage.”

An Honourable Member: We should like you to be in such a habitation.

The Honourable Sir Alexander Muddiman: I am one of those who would never make a good hermit. I prefer more comfortable places of entertainment. (Laughter).

Now, Sir, I will endeavour to address myself first of all to the somewhat general terms of the Resolution. My Honourable friend, Lala Duni Chand, quotes from the Encyclopædia of the Laws of England to indicate what is the meaning of a political offence. I have read his extract with great interest and I have also referred to the context and I found that the author went on to say that in law there is no distinction between political and other offences, except possibly in English law, in regard to seditious offences. Any other offences the law makes the offence, it does not heed the motive. It is perfectly true that in international law there are exceptions made for so-called political offences, but this is not so in Municipal law. The learned author of the book quoted went on to point out that in regard to the distinctions he had suggested, they were not legal but Parliamentary distinctions. What he means by Parliamentary I have some difficulty in determining. However, I am prepared for the purposes of this debate to accept the definition to which my friend refers. He, following his author, says the offences to which this definition applies are those directed against public order, treason, treason-felony, sedition, or interference with the Executive or Legislature by an unlawful assembly intended to defy or overawe or to make riotous protests against the law.

Lala Duni Chand: That is what your lawyer says.

The Honourable Sir Alexander Muddiman: I am accepting your own definition. We will see what are the offences which are considered to be political offences.

Now the Indian Penal Code, as I think I am right in saying, does not regard motives but says this is an offence and that is an offence. Our criminal law has been very much admired, though it is not so universally popular in this House as it might be. The Indian Penal Code divides offences into various Chapters, and the main Chapter to which the definition of my Honourable friend refers is the Chapter of offences against the State. It begins by telling us what is waging war against the King, it goes on to define conspiracy to wage war, conspiracy in the collection of arms with the intention of waging war, and variously develops these offences till it arrives at the most criminal offence of all, namely, that of assaulting a Member of the Council of the Governor General. (Laughter.) Then it goes on to deal with the law of sedition. In other words these are all offences against the State. It is a peculiar and notable fact that in debates in India offences against the State are regarded and treated as slighter and less dangerous than offences against individuals. There are many lawyers in this House. If we were not debating a subject of great political excitement, I have no doubt that I would have considerable support on the point, that an offence against the State is the most dangerous of all offences. If I kill you because I do not like the shape of your face, or because I do not like the way you talk to me, or because you have injured me, that is a comparatively slight offence, but if I kill you because you are a servant of the Government and the killing is with the intention of subverting that Government, then that offence becomes most serious to the Government. I cannot expect that from those who wish to overthrow the Government there should be much sympathy with that view, but I put it forward that, whatever Government there may be, they cannot afford to look on offences against the State as lighter than other offences. If the State is disorganised or overthrown, it will be when the State fails to recognise that offences against itself are more and not less serious than offences committed for personal reasons. That is a point I wish to bring forward most strongly.

Then I will turn to the terms of the Resolution. It asks that all persons who have been convicted of any of the offences which I have specified, in which acts of violence have not been committed, should be forthwith released. Now, I have found very great difficulty in getting statistics dealing with this point. On the last occasion, when we had notice of a similar Resolution, the Honourable Member facilitated my task by scheduling more or less the sections that he had in mind. That is fairly simple; we can call for those figures. But to obtain accurate figures in regard to crimes in which there is not an element of violence would require a perusal of the record of each case. It is not possible to get accurate figures on the point without that. That is one of my difficulties, and when I said the Resolution was nebulous, I had that point in view.

I would say one word on the amendment. It was moved by an Honourable gentleman, Mr. Goswami. Is he in the House? (An Honourable Member: "No.") Well, I do not desire to do what he did this morning, and I will therefore reserve my remarks till he returns. I will merely say that when I first saw his amendment, it seemed to me

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to hold promise of something rather different than transpired from his speech. It seemed to me that he put forward a point of definite restriction of the wideness of the Resolution, for the only point in his speech with which I did agree, was that the Resolution as it stands is rather muddled. I do agree with that and I think that is the only thing in his speech with which I do agree. I had thought he was moving on rather different lines and that he was putting forward a different and more easily comprehensible case, but he tells us this is not so. I always tell the House my views frankly and it seems to me that this is a Resolution that some Members of this House were almost bound to bring forward. They opposed me in the very salutary measure I brought forward (ironical laughter); they opposed me tooth and nail and they will oppose me tooth and nail in order to get the release of the men who are detained under it. That is human nature and I make no complaint on that point. However I did hope the Honourable Member recognised that to go back and to attempt to release all these people is neither politic nor reasonable. I should have welcomed the amendment to that extent because it would have simplified my task and brought us to the real issue that most of you are concerned about. However, the Mover has decided, as appears from his speech, to support the whole thing—to go the whole hog—and ask that the Ghadr supporters should be released as also the martial law prisoners, and to demand that any of these prisoners of whatever kind, who are still in jail, however long back the date may go, should be released at once if they fall within clause (a). On that I have very little to say. There can hardly be any of the martial law prisoners I think now in jail who fall under that clause. It is difficult, without examining the records, to say, but I believe there can be none in detention who would be covered by clause (a), and I think I am also correct in saying there can be none of the Ghadr conspiracy under clause (a). They were all men sentenced for the most serious offences and would probably fall under clause (b). But do not let the House make any mistake about it; it is not possible for me on notice of this kind to examine all cases. I do not know for certain, but I am assured by those who are in a position to know these matters better than I am that that is the case.

Well, then, what the Resolution is really asking for is a general amnesty. Now what are the grounds for granting a general amnesty? The Honourable Member whose speech reproduced the remarks in this very useful pamphlet of Lala Duni Chand quoted Mr. Gladstone on the subject of the release of some Irish offenders. The point was also examined by my predecessor who with his usual clarity of thought and logical mind endeavoured to evolve tests, automatic tests, to decide when Government should indulge in the luxury—I call it a luxury advisedly—of a general amnesty. My Honourable predecessor evolved two tests. I am not prepared myself to say that I entirely agree that these are the only two tests. One of the tests was that the state of affairs in the country should be such that some political object would be served by the release, and the other, if I recollect rightly, was that when a political movement had spent its force it was possible, if there was no danger to the public safety, to release prisoners generally. Now the real debate, and I do not want to take up the time of the House unnecessarily, the real thing the House is interested in in this Resolution concerns two provinces. One is the Punjab, the other is Bengal. I do not think, looking at the paper before

me, that the question arises in any other place. (*An Honourable Member*: "Malabar.") Unless it is intended to cover the case of the Moplah prisoners. If the forcible conversion of Hindus is a political aim, I am afraid I omitted that. As I have said, it is a matter for comment that a Resolution of this kind should have been moved by a Member of a province where there is not a single man either convicted as a political prisoner or detained for any political offence. There is one prisoner in Bihar, a Punjab prisoner, convicted in connection with the Ghadr conspiracy. It is fortunate that we should have the advantage of a speech in support of this motion from a Member who comes from a province, which is at any rate entirely unconcerned in this particular Resolution. I have no doubt it is an accident of the ballot, but I cannot pass it by entirely without comment. (*An Honourable Member*: "He is an Indian after all.") I agree Beharis are Indians.

Now, Sir, as I say, clause (a) of the original Resolution asks for the release of all political détenus whose trial in a court of law has not been held. I am now told that includes Moplah prisoners. I will give the House some very pertinent figures on this matter. I do not suppose it is intended to go beyond the Bengal terrorists and the Madras Moplah prisoners. In Madras there are confined under the Madras Regulation some 204 Moplaks in jail, beside some 36 persons otherwise restrained. These are all, practically all, I am informed, Moplaks concerned in forcible conversion. Now for myself I do not regard that as a political aim. I desire strongly to say that I should myself disavow any political party who put that forward as a political aim. (Laughter.) I do not know whether the House will go so far as that with me. They are a little reluctant to go any way with me. As regards these prisoners I propose to be very brief. Should the House ask me to go on with it, I shall; but the case was thoroughly discussed in the Madras Council and all I propose to say is that the Member in charge, expressing the considered view of his Government, said the time was not ripe when these Moplaks could be released and live in peace and quietness with their fellow-subjects. That particular situation, therefore, does not satisfy either Mr. Gladstone's or Sir Malcolm Hailey's or, as provisionally adopted by me, my first test. I dismiss them. The second class covered by clause (a) are the Bengal terrorists. These people, 17 of them, are confined under Regulation III of 1818; 51 are in jail under the Bengal Act; 67 are otherwise regulated; that is they have to live in their villages or are subject to other various restrictions. I have never pretended (and the House will bear me out in this) that I have ever liked this legislation. I do not like it now. But, on the other hand, do not think that I, as Home Member, or the Government of India have the least intention of sheltering ourselves behind the Local Government or anybody else in this matter. The policy that has been pursued has been pursued at the instance of the Government of Bengal in continual association with the Government of India, and we are in close touch with them. There is no question of sheltering myself or the Government of India behind anything of the kind. I do not want to plead that the Act is an Act of the Local Government. It is perfectly true it is; but it is an Act that was made here: it was merely re-enacted there; and therefore we are absolutely as guilty, if you think so, as the Local Government, and I stand here, not in a sheet of repentance at all, to make it plain, my Government share the views of the Local Government. I do not recall what word exactly my Honourable

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friend opposite used about Governments in India. I do not know whether it is really used in Parliamentary language: I do not remember whether he said our Government was Satanical or damned: at any rate it was pretty strong language. I can perfectly well understand that this House which refused to pass the Bill naturally disbelieves in the policy of the Bill and must therefore necessarily press us either to release the prisoners or bring them up for trial. That I can understand. I do not need to go over again the same ground. I explained my position when dealing with the law in the various debates in this House in one form or another, and those reasons remain as good now as they were then, or as bad as they were then. (Mr. M. K. Acharya: "Quite as bad.") Well, that may be your opinion, it is not my opinion; but I have one reason which is far beyond what I had then. One of the charges brought against the law was that it would be ineffective. Sir, that is not so. The legislation has been very effective; there has not been one outrage, and I stand here to affirm that instead of wasting men's lives I have saved lives, and the lives amongst them of some of those misguided men who are now under detention. (Applause.)

Pandit Shamlal Nehru: How many outrages were committed before the Act?

The Honourable Sir Alexander Muddiman: You do not want me to go into that. If you read my speeches before dealing with it you could get the information. I have no time to go into them now.

The policy of the Government is this: we earnestly wish to release these men as soon as possible. We desire to limit those who are in jail and to make their confinement easier; and I need hardly repudiate any suggestion that we treat these prisoners with any special harshness: at any rate after the information I have given that suggestion ought not to be made. I have done everything I can. Whenever anybody has come to me and made any complaints about this or that individual, I have had it investigated, and I have personally satisfied myself, as far as anybody can satisfy himself, that these men are treated humanely, decently and in every proper way.

That covers clause (a) of the Resolution. Clause (b) proposes that persons who have been sentenced for the same class of offences, most serious offences, accompanied by violence, should have their cases reviewed by a committee partly elected by this Assembly and partly nominated by the Government. Now, a committee of that kind can only do one of two things; it can in the first place look at the papers and say these men have been improperly convicted.

Now, as far as I gathered from the speech of my Honourable friend, he disavowed any such intention. He recognised that that was impossible. As I understand him what he wants the Committee for is

4 P.M. to decide whether they can be released with safety. Now, Sir, I submit that the first suggestion would be an encroachment on the judiciary and the second would be an encroachment on the executive. The authority who can decide whether a person, at any rate a convicted person, can be safely released is the executive who are responsible for law and order. If anybody is willing to give facts about individual cases, we will look into them. Government have not acted harshly in the past, and I think I can appeal to certain Members of this House who are sitting

here, certainly one of them who came to me with the case of a particular person. I had it looked into quite recently and the man was released. If there are any other cases brought to my notice, I will certainly look into them. But that we should indiscriminately release or even investigate the case of all those who are in jail, some of whom have been convicted for the most serious offences in the Indian Penal Code, is certainly a thing you cannot ask any Government to accede to. I looked into one of these cases curiously enough, because it was impossible for me to know about events many of which transpired long before I had any connection with the department of which I am now in charge. I asked for a case mentioned in the pamphlet. It was the case of a man who should not be released. It would be very wrong to release. What was the offence in that case? That man was sentenced to death originally. These cases were most carefully scrutinised and the House knows it in some cases, by His Excellency himself, and this man at some period in his career had had his offence commuted to transportation. I went into the case, and I must confess—I was certainly rather surprised at the commutation. I should myself always take, if I possibly could, a favourable view, in a case where life is involved. But in this case the immediate result of this man's action was that twelve other men were executed; he had involved 12 other men in death. Now, I do not think that is a class of case that really can be again reviewed or considered. I recognise strong feelings as regards a class of these prisoners, but in asking for review of these cases of violence, the House will not do itself any good in the estimation of the world at large, and I think it should really consider that point of view.

Now, the third thing we are asked to do is to allow the return of the Indian exiles. When I took up my present post I was greatly interested to hear that there were any Indian exiles. I said "Let us hear something about them and let me see the papers". I went into the matter at considerable length. The Government of India had considered their policy and they had arrived at this policy. They decided, as I think rightly, and I think that this House will think rightly, that it is our business to consume our own smoke—that we are not entitled to require other nations to bear with those undesirables whom they do not wish to bear with; on the other hand, they have no right to inflict their undesirables on an unwilling India. That, I think, was a good and reasonable decision. And I said, "Why don't these men come back"? I was told: "What they want is a safe conduct; what they want is to be told that when they come back they will not be prosecuted". In other words, there are a number of fugitives from justice who if they come back to India are in danger of the law,—one or two of them might undoubtedly be tried for their lives. I want to be perfectly straight about that. There are two ways of doing it. You can lure back a man and give him facilities to return or you can tell him quite frankly, "I will give you no safe conduct", and I ask the House if the second is not the right and proper course

Pandit Shamlal Nehru: What about the others?

The Honourable Sir Alexander Muddiman: There is nothing to prevent them from coming back except their own guilty conscience.

Mr. A. Rangaswami Iyengar: There are so many laws which can put them in jail without trial.

The Honourable Sir Alexander Muddiman: I am glad that my Honourable friend mentioned it. It is a very useful point. We have heard that certain Members do not believe in police, courts, judges, or indeed anything but in my Honourable friends themselves. What am I to do? You say if I prosecute a man, I shall bring false evidence against him. If I convict a man, my judge is corrupt, or at any rate he is prejudiced. What am I to do?

Mr. M. V. Abhyankar: Turn down the whole system.

The Honourable Sir Alexander Muddiman: Every time there is this sort of debate I hear attacks upon the police. I have often said in this House, and I say it again, that the police have behaved with the greatest courage and discretion. (Loud Cheers.) They have had a most difficult task. After all, in a big service like that, it is impossible to contend that nobody has committed faults. It is impossible for me to put forward that view and I do not put it forward. But I do put this forward that they have on the whole behaved with courage and discretion—mind you, the police are mainly Indian—both in war and in peace time. You abuse the C. I. D.—men who have their lives in their hands. My Honourable friend behind me (Dr. Hyder) has expressed his indifference to murders. If it is a question of my friend's murder or my murder I should be comparatively easy; but it is a question of the murder of men who are paid a very low wage for performing their difficult and hazardous duties which on the whole they perform very well.

The Honourable gentleman who comes from Bengal does not trust the police, the Court, the Chief Justice, the witnesses, nothing. I suppose in his judgment the only judgment is his own. But he is the "incorruptible" Robespierre of the Indian revolution.

Mr. T. C. Goswami: Judgment of the country.

The Honourable Sir Alexander Muddiman: Sir, is that the judgment of your own countrymen? I think you are doing India a very bad turn when you express these opinions about your own countrymen. I, an alien, have a far better opinion of them than you have.

Mr. B. Das: He wants a trial.

The Honourable Sir Alexander Muddiman: Now, Sir, as regards (c), I have pointed out that we put no obstacle in the way of these men. I am not prepared to say that I will give these men facilities to return because if I give them facilities, and bring the men back and then arrest them and try them for murder, that would be, to my mind, repugnant. I will give them no guarantee.

Pandit Shamlal Nehru: Can you give the name of the two persons whom you said you want to hang?

The Honourable Sir Alexander Muddiman: I can, but I am not going to. I think I have dealt with most of the points that have been raised. It was said in the course of the debate that these gentlemen are entitled to the same home comforts as the Home Member himself. Little do they know how small are the comforts of the Home Member. They are much happier where they are.

Mr. T. C. Goswami: Then exchange places.

The Honourable Sir Alexander Muddiman: No, for I have not qualified!! There was another suggestion made by one of the Members who spoke, which gave me full and great power, power which I really wish I enjoyed. It was suggested that I can conspire with the American Government and the American Parliament to make them pass a law of naturalization which is going to affect people who live in India. Well, Sir, we find it extremely difficult to affect other Governments who are much more closely connected with the British Empire. The absurdity of such a statement is its own refutation.

I think I have dealt with all the points now.

Syed Majid Baksh: What about my charge of reducing the majority? The Government reduced the majority in the Bengal Council by two.

The Honourable Sir Alexander Muddiman: That is an extremely foolish charge, if I may say so. As my Honourable friend pointed out rightly, the majority was two. I should not arrest two men if I really wanted to get a majority, I should arrest 20 and make it safe. (*Syed Majid Baksh:* "The casting vote of the Chair.") No. When you are conspiring to do this kind of thing you do not run things so near as to rest on the casting vote of the Chair. (Laughter.)

I just desire to sum up the position. Individual cases. Yes, we will consider anything put forward. We desire to limit our actions, to limit the restraints to the very minimum of what is essential to preserve our own position. We do not desire to do anything more than that. We cannot, to please a political movement or to secure temporary support, compromise the interests of the ordinary citizen which are the interests of law and order. I have endeavoured to meet this Resolution. If only I was a better speaker I could have done it with more eloquence, but I have tried to meet this Resolution in a friendly spirit. I recognise it is a Resolution which may well be moved and I can do no more than appeal to the House to say that on the whole I have given a satisfactory answer. (Loud Applause.)

Lala Lajpat Rai (Jullundur Division: Non-Muhammadan): Sir, I rise to give my support to this Resolution as I believe there is no other Member in this House who is more qualified by personal experience to speak on the subject than I am. Practically, all the three clauses have applied to me at some stage or other of my life. In 1907 I was deported under Regulation III of 1818. In 1921 I was convicted of a crime which the Government of India afterwards declared was not a crime. In 1921 I was again convicted of a crime which the Government Advocate said had not been proved. When I wanted to return from America I was treated as an exile by the refusal of a passport. Practically all these three clauses have in one way or another applied to me at different stages of my life. Let me take them *seriatim*. First, I will take my deportation under Regulation III of 1818. I was deported under suspicion which was absolutely without foundation. My Honourable friend, the Home Member, only a short time ago, asked Mr. Goswami to take his statement that there was no conspiracy between the European society of Calcutta and the Government in drafting or passing the Ordinance. I want him to take my statement that the suspicion in 1907 of my having tampered with the Army was absolutely groundless. There was absolutely no basis for it. I can understand that Government, believing in the reports of secret agents, thought

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that there was danger in my being allowed to remain free. I can quite understand that. But after all, Governments and Courts are not infallible and the vagaries which are often committed in the name of Government can better be remedied by an occasional revision of such cases which may take place from time to time. Any decisions which the Government might arrive at as to guilt, even though those decisions might be confirmed by the finding of High Court Judges who have not taken the defence of the men whom they are charging, can be groundless and wrong. About the treatment of political prisoners under Regulation III of 1818, I do not want to say much, but I want to say this that it is not the actual lack of comforts or lack of conveniences that matter so much as the insolence and practically the impudence of those jailors who are put in charge of these men. I was a personal witness to such insolence and impudence in my case. Men who have been honourable in their lives, who have enjoyed some social status in life, who believe that they have done certain things in the performance of their duty to their country—they may have been wrong—are entitled at least to that much respect which their sincerity demands and the purity of their motives is entitled to. Therefore when you put them in charge of persons who not only refuse to them the ordinary comforts of life according to their status in life but treat them with insolence and impudence, you are practically creating the atmosphere for a revolutionary movement. I have only that much to say so far as my personal case is concerned.

Now, we have heard a lot about revolutionary movements. To me most of this talk seems to be absolutely beside the point. Revolutions and revolutionary movements are only natural. There are many people to whom the word "revolution" is like a red rag to the bull. I want to make it clear that there can be no progress in the world without revolutions and revolutionary movements. There are of course differences between the two, but, on the whole, this talk about the distinction between revolution and evolution is to my mind a silly talk. There is no evolution without revolution and no revolution without evolution. The two things are interdependent. The question is one of pace. It is only on this basis that sometimes a distinction can be made between the stages of evolution and the stages of revolution. Any other distinction is absolutely unreal. Now, Sir, I want to point out that revolutionary movements have always existed in this world in the past. They exist in the world to-day and they will continue to exist in the world hereafter. One of my friends pointed out, and I wish to repeat that statement, that there is no country on the face of the earth at the present moment, however civilised, however well governed it may be, which is free from revolutionary movements. Even Great Britain is not, and therefore the existence of the revolutionary movement does not necessarily imply that the people of that country, where the revolutionary movement exists, are so perverse and so absurd that they ought to be penalised,—the whole of them or a large section of them—for the existence of a revolutionary movement in that country. Of course, as I say, the nature of a revolutionary movement depends upon the means which that movement adopts to gain its objects and to achieve its aims. Here again there is nothing in the nature of the people of India which makes them distinguishable from the people of other countries. I have had the privilege of living in Great Britain and other Western countries and I do not see any reason why the people of

this country should be considered to be more excitable and more inflammable than the people of other countries. In fact the complaint was that there were very few such people in this country. I do say that the people of India are by nature, by tradition, by their culture and by their history, so docile and so manageable and so easily subject to law that they ought to be given the credit for it instead of being discredited on that account. The existence of a revolutionary movement among them shows that there is something radically wrong in the system of Government which forces the people to have recourse to revolutionary methods in order to redress their grievances or to assert their rights. Now, Sir, on that point again we have for the last five years tried to create an atmosphere of non-violence in this country. There again I am perfectly certain that our non-violence may proceed from conviction or may not proceed from conviction, but it was certainly our definite opinion that, under the present circumstances of this country, any revolutionary movement depending upon force was not desirable but on the contrary definitely harmful. We have repeated this statement from hundreds of platforms. Yet, in spite of Government's trying to crush movement of violence, it has gone on in this country in some form or another for the last 25 years and it has not been exterminated. I say that no amount of rigour in the application of the law and no amount of rigour in the treatment of the prisoners will exterminate that revolutionary movement unless the causes which are at the bottom of that movement are removed and remedied. That must be understood distinctly. It may be that there is a temporary lull. My friend the Honourable the Home Member in dealing with the Bengal case pointed out that the Bengal Ordinance has been so effective that since its passing there has been no outrage. If so, for that reason alone the prisoners should under the Ordinance be immediately released. If that Ordinance has done its work and has been so effective that there has been no further outrage, then that is the most cogent reason for taking immediate action to release all those détenus who are detained under that Ordinance. But I may tell my Honourable friend that that should not give him any idea that revolutionary movements in this country will cease to exist or will be exterminated unless the real causes at the bottom of these revolutionary movements are removed. The main cause is that the people of this country are being denied their political rights from day to day, from month to month and from year to year. I must seek your permission to say that the battle for freedom is of course always going on in the world in some form or other. There will be no progress unless people are prepared to suffer. I can quite understand Government taking an opposite view. My friend just now read out the definition of political offences. I could also read the definition of political offences from other Encyclopædias which would show distinctly that in a political offence intent is of the greatest possible importance, at least in judging the nature of the offence, the punishment to be given to the political offender and the treatment to be accorded to him. These three things are essentials involved in any political case; not only the technical offence but also the punishment he has to receive and the treatment he has to receive after conviction. I could cite many other authorities if I were minded to do so affirming the contrary of what my friend has cited, that is that intent is of very great importance in a political crime. The fact is this that there is a clear distinction between countries which follow the British system and those which follow the Russian or the Austrian system. What we are asking the present Government to do is that, as they are Britishers they

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should follow the British system and the British tradition of freedom and not the Austrian or old Czarist system. I want to point out the difference. The wording of the law and the technicalities may be similar, but the application of the law in England and in India is very different. I do not think anybody can contend that England is free from revolutionary movements. At the present moment there is a revolutionary movement going on in England, but do the Government treat those engaged in the revolutionary movement exactly in the same way as they do the people here? Certainly not. There is a great deal of difference, because public opinion in that country will not stand what we in this country are standing. They are a free people. Even those people who do not agree with the revolutionaries and their views stand up in defence of liberty, of freedom of expression whenever any demand is made to suppress that freedom of expression. At the present moment the Labour Party which has no sympathy with Communists or with persons carrying on communistic propaganda (when an attempt was made to arrest the Communist leaders), tried its best to protest against such action by Government, and they assert that the public opinion of the country is with them, and I believe that to be true, because if there is one thing prominent in the British character it is the love of freedom of opinion and expression. Of course when it comes to freedom of action, that might be regulated by the laws and, therefore, Government might have to take some proceedings when it comes to action. But so far as freedom of expression, of sentiment, of opinion is concerned, that is a principle which every Englishman drinks with his mother's milk; and therefore the British people are naturally opposed to the suppression of such freedom in their own country. But when they go abroad perhaps they find that Empires cannot be maintained on British traditions, and therefore for the maintenance of those Empires they have recourse to methods which are not British in character. What we are asking them is this, that if they are really appreciative of our connection with the British Empire, if they are really earnest in their demands for co-operation from us in the system of Government that prevails now, the test of that lies in carrying out the principles of British justice in the treatment of political offenders in this country. I think, therefore, it is in the fitness of things that every time the Government or the representatives of the Government ask us to make a generous response to a generous call for co-operation, a Resolution of this character ought to be brought forward in this Assembly to point out to the Government the difficulties which prevent us from extending the hand of co-operation. The facts relied on in this Resolution are of the nature of a skeleton in the cupboard and they require exhibition whenever there is a talk of unreserved co-operation. So long as our people are treated practically like dogs because they have had no trial, so long as important men, men of education and culture like Subhas Chandra Bose, are being treated in that way, Government cannot expect the Nationalist Party in this country to co-operate with them unreservedly. We are earnest, we are indulging in no camouflage when we say that we do not desire in this a revolutionary movement based on force. We do want an atmosphere in which it may be possible for us to co-operate with the Government to a greater extent than we have done in the past: but for the creation of that atmosphere it is absolutely necessary that the treatment of political prisoners or the treatment of political offences must differ from what it has been in the past. It

must change materially and vitally. Unless it changes, I submit—of course I ascribe no motives—that all this talk of co-operation is mere diplomacy, and not a matter of real earnestness. We want a proof of the sincerity of the intentions of the Government by their acceding to our request in regard to these political prisoners and with regard to these exiles. I can understand that the Government may not be able to accept the Resolution in its entirety. They may not be able to release all the political prisoners, but surely here is an opportunity which is offered to Government to show a real change of heart by acting as much in consultation with the representatives of public opinion as it is possible for them to do. I submit, Sir, that these people who have been detained without trial, who have been imprisoned without a charge, should be either immediately released or put upon their trial. This practice of issuing *lettres de cachet* is so un-British, that in this 20th century for any Government to justify this procedure, amounts to a confession that in spite of British rule for 150 or 200 years we have made no progress at all towards real freedom or towards a better understanding of human nature. I want to make it clear, Sir, that we are not pleading for mercy. We want no clemency, and we do not want any amnesty. We are by this Resolution pointing out to Government that here is an opportunity for them to show their sincerity. We are making our wishes known to the Government, and we are at the same time saying that here is a way for Government to give the easiest proof of their intention, of the sincerity of their call for co-operation from us. I want to make it definitely understood that we shall be insulting and dishonouring those people who are suffering for the sake of their conscience and are, as they think, doing their duty in jails or in those comfortable quarters which the Home Member would have us believe the prison cells are. We shall be insulting them if we ask for any mercy or clemency or amnesty on their behalf. We do not want any of these things. We are simply putting forward this Resolution in order to make our wishes and the wishes of this House known to the Government in the hope that the Government will consider them as the wishes of the representatives of the people. You have granted a certain constitution to this country of which you are proud. Under that constitution you have appointed certain constituencies. Those constituencies have elected us, and we, as the representatives of these constituencies which you admit are the best material at the present moment to reflect the sentiment of the country, express our opinion, and we ask you to act up to it. That is practically the reason, that is the mentality with which we have presented this Resolution and under which we are supporting this Resolution.

Now, Sir, I come to the second part of the Resolution which deals with persons convicted by judicial courts. Here again we do not want to sit in revision over judicial courts at all. That is not our wish. But, as I have pointed out already, in my own case the District Magistrate, the law officers of the Government and the Government themselves were of opinion that the meeting of the Provincial Congress Committee of the Punjab was a seditious meeting. They declared it such and asked us to disperse. We refused and we were prosecuted. The result was that the whole of that conviction had to be set aside because the law officers of the Government of India declared that the interpretation of the law made by the Punjab Government was entirely wrong. But this Government which want to follow British traditions had had absolutely no word of regret to say to those persons of respectable position who had suffered

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in prison for an offence which did not exist, and which they had not committed. They have not anywhere expressed their regret for that error of judgment. It was an error of judgment which involved people in disgrace, in discomfort and in expense and loss to a very great extent; yet the Government had not a single word of regret for it. We are in this country unfortunately getting very much accustomed to such errors of judgment. We want the Government to understand that we are no longer children. Perhaps we were not children at any stage but we heretofore had no voice to speak out. We have got that voice now and so long as we have got that voice we shall speak out and nobody can stop us from speaking out. We are now asserting that, if this Government continue to commit violence in that way by these errors of judgment, then of course they can only expect the younger people of this country to resort to revolutionary measures. The Government cannot come back to us and say that these people are adopting revolutionary measures and therefore they have to be shut up in jails for their life. When will the Government be convinced that the atmosphere has changed? I should like to say one word more on the question of amnesty. I decline to believe that amnesties are granted out of mercy. Amnesties are always granted for political considerations. When the Government believe that it is in their interest to create a better atmosphere, and to win over people, they grant an amnesty. When they see that the people are so dead that they cannot bring any pressure to bear on the Government and cannot make it unpleasant for them, they do not grant any amnesty. So, amnesties are not granted out of mercy or out of considerations of clemency, but they are really granted on political considerations. No Government can really afford to exercise mercy. Governments are not for the purpose of exercising mercy. They act in their own interests and on considerations of political expediency. So, Sir, in the case of judicial convictions also we ask for no revision of these convictions. We ask for no revision of the sentence as well. We simply say that there have been cases in times of excitement and strife like the martial law administration of the Punjab or the non-co-operation or the Akali movements when certain judgments were passed in a hurry. Certain sentences might have been considered advisable in that atmosphere and at that time, and we say the time has come when Government out of considerations of political expediency might reconsider those sentences and release those prisoners. That is all what is meant by the second part of the Resolution. We cast no aspersions either on the judiciary or the executive. We want to leave it only to an independent committee which may have two representatives of Government and two representatives of this Assembly to consider the appropriateness of keeping those people in jail any longer.

Now I come to the third point. My friend the Honourable the Home Member said that under the law as it stands there are no exiles. True the law does not recognise any exiles in this country except those transported for life, but there are methods and methods of making people exiles. For example, if you refuse a passport to a man who is in Switzerland or who is in Turkey or who is in America or who is in Germany, you practically convert him into an exile without passing the sentence of transportation on him. I think there will be some sense in allowing these people to come here and afterwards putting them on their trial. But when you make it absolutely impossible for them to come by

refusing them passports and then get up and say there are no political exiles so far as the law of India is concerned, then I think you are not putting the situation fairly.

Now in my case I would point out that I was not expelled by this Government, but when my passport was refused and I could not come back to India, I had to go into exile. I met two young men in Constantinople, two Muhammadan boys, not more than 20 or 21 years of age, who went out of this country in the time of the Hijrat movement.

The Honourable Sir Alexander Muddiman: Boys of 50 did you say?

Lala Lajpat Rai: Boys of 20 or 21. I call them boys because they were so young. I met them in Constantinople and they complained to me that they were in very great distress in that country because they could not find any employment and had no means of livelihood. I advised them to apply for passports. They applied to the Consul General there but the passports were not granted. I asked one of them to give me his application and I submitted it to the Labour Secretary of State. From that time, about a year ago, nothing has been heard by that man or by me about his case.

Mr. President: Order, order. I hope the Honourable Member will now bring his remarks to a close.

The Honourable Sir Alexander Muddiman: May I ask the Honourable Member one question? If he will bring that case to my notice I will have it inquired into.

Lala Lajpat Rai: Thank you. I was just giving that as an illustration. I will not take long. There are other cases also but I will not now refer to them. There are Indians in Japan, in Germany, in America and in other countries who are in very great distress. Of course, there may be some whom the Government do not want here, others perhaps less offensive, others not offensive at all. If they ask for passports it is only fair that passports should be given to them, even on the understanding that Government do not give them any guarantee that they will not be prosecuted. I submit, Sir, that sometimes young men are carried away by a sense of duty, or by an exaggerated sense of the righteousness of their cause, and they do things of which they afterwards repent. They ought to be given a chance of restarting life and making their existence as passable as they can. Their relatives here are wanting them and are suffering from their absence, and they themselves are suffering. Some are prepared to take the risk of trial. Why not give them the chance of coming here and having their fate decided by the courts? Perhaps Government may decide not to prosecute them as they did not in the case in Bengal, of a Bengali who returned recently from Germany. At any rate these exiles should be treated much more leniently in the matter of passports than they are now. I have much more to say, Sir, but as my time is up I will not detain the House any longer.

Sir Willoughby Carey (Bengal: European): Sir, may I be allowed to make a few remarks regarding the incident which occurred during my unavoidable absence this morning. I had not the privilege of hearing what my Honourable friend said, but from what I have been told it would appear that he has been giving what I may perhaps call rather too much attention to half statements which have been given currency to in the press, at least in some sections of the press. Except for the fact that it has been sought to

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make these half statements the basis for a propaganda I should not have thought it necessary now, as I have not up to the present, to make any remarks about them, because anybody who has known for the past five years my political work would not accuse me of either the attitude or the actions sought to be attributed to me by these remarks. I do not think that those Members of this House who know me either would seek to do so.

Well, Sir, I have only to say that our cold weather visitors have undoubtedly suffered under a misunderstanding of what has passed, owing possibly to a lack of knowledge of the situation and conditions in Calcutta. In fact the whole incident is the outcome of misunderstanding on their part and possibly of misrepresentation on the part of others. As regards the special instance which has been made much of with regard to the meeting which I did not attend, I stated quite freely in advance that only under certain conditions would I attend, or should I attend, and those conditions could not be fulfilled, and that was my only reason for not going. I beg to thank you for this opportunity.

Mr. T. C. Goswami: May I explain?

Mr. President: Sir Willoughby Carey has given an explanation with reference to the statement made by the Honourable Member in his speech. The incident must close now.

***Mr. Abdul Haye** (East Punjab: Muhammadan): Sir, I believe every intelligent man in this Assembly knows why I am intervening in this debate (Laughter), and if they do not know, I may remind them of the Persian couplet. (The Honourable Member quoted the couplet.) (*An Honourable Member:* "Translate it".) I will not translate it, but I will state what it means. A woodcutter was cutting a green tree, and in that act of torture he said he heard the wailings of that tree and, in spite of the fact that he had never worked in the laboratory of Sir J. C. Bose, he said the tree said: "It is not the blade made of steel that cuts me, it is the wooden handle that is responsible for all this." (Hear, hear.) Sir, after the speech made by Dr. L. K. Hyder of the Aligarh University, I deem it my duty to declare from my seat in the Assembly that the views that he has expressed are not the views of the community to which I have the honour to belong. (Applause.) I am a Mussalman and under Islam sycophancy has no place. Islam stands for liberty and freedom; Islam stands for equal rights for all; Islam allows every individual and every community to rise and grow to its full stature. There is no place in Islam for untouchability or the caste system, and there is no place for beggary and vagrancy. Sir, we in India are a down-trodden community; we are backward in education and financially we are worse off. But in spite of all this, there is one institution of which we are all proud and that institution is the Aligarh College of the Muslim University. After what has fallen from the lips of Dr. L. K. Hyder, on behalf of my community I want him to declare whom he represents. Is there a community he can claim to represent?

Dr. L. K. Hyder: Certainly.

*Speech not corrected by the Honourable Member.

Mr. Abdul Hays: Will the Aligarh College be proud of him to-morrow when they read his speech in the papers? I throw out a challenge to him. I am prepared to resign my seat in the Assembly. Let him also resign his seat and let us choose one constituency, and let us ask the Government to suspend the rules and allow us to do so, and see who will be returned.

From my seat in the Assembly I want to convey a message to the teachers and the taught of the Aligarh College that they must rise equal to the occasion. I declare that, if the views expressed by the Doctor are the views of that institution, if from the platform of the Strachey Hall I hear a voice . . .

Mr. President: Will the Honourable Member come to the merits of the question?

Mr. Abdul Hays: The merits of the question, Sir, consist in the question whether the views that have been expressed by Dr. Hyder are the views of the Aligarh University.

Dr. L. K. Hyder: On a point of order. Mr. President, I represent, I am the elected member representing the rural constituency of the Agra Division and these are the views which are held in that constituency. I believe these are the views (*Cries from the Swaraj Benches of "No, no."*) at least of people who desire the good of their country.

Mr. Abdul Hays: Coming, Sir, now to the merits of the question, everywhere in the world patriotism and loyalty go hand in hand except in this unfortunate country. Here one and the same man cannot afford to be a loyalist as well as a patriot. The very moment you become a loyalist you cease to be a patriot, and the very moment you take up the role of a patriot you cease to be loyal. I want to say that although these people who are rotting in jails are, according to you, seditionists, in my vocabulary they are called patriotic men. So we are justified in protesting, it is perfectly natural for us to enter a very strong protest, against the treatment that is being meted out to them. I hope the Government will rise equal to the occasion and prove their sincerity by releasing them, and it is only then that they can show that they are out for co-operation in this country.

Mr. M. V. Abhyankar (Nagpur Division: Non-Muhammadan): Sir, it is with the utmost regret that I stand to support this Resolution; ("*A Voice: "Regret."*") yes, Sir, regret, because it seems we have not yet passed the stage when our only remedy for our grievances is to pass such Resolutions which will be thrown into the waste-paper baskets by the Government. It is time that instead of passing such Resolutions we should be able to embark on a programme of resistance and say to the Government "This or that, choose what you would like!" The Honourable the Home Member, Sir, referred to peace and order. The Honourable the Home Member said that all these people were sent to jail to maintain peace, to maintain order, to protect the lives of citizens. What kind of peace was it that he wanted to maintain?

Mr. T. C. Goswami: The peace of the grave!

Mr. M. V. Abhyankar: The peace that has ended all peace in this country. Is it that peace? Is it the peace of the graveyard that he wants

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in this country; and if he wants that peace I must tell him the time is coming when it shall not be so. He wants to maintain order. What is that order? Order which is the embodiment of all disorder? Order means your orders, that we should subject ourselves to your tyranny, that we should obey your commands, that we should throw away our freedom at your feet, that we should allow you to be masters in this land and ourselves slaves here in our own homes. That is the order you want to maintain: and it is to maintain that order that you are sending our people to jail. Well, let me tell the Honourable the Home Member that it is time that that kind of order shall not be maintained in this country. Howsoever he and his mighty Government may try to maintain it. I am not appealing to his sense of justice because I know he has none; I am not appealing to his sense of fair play because I am positive he has not an atom of it. I am not appealing to his Britishness, if I may say so, because I know it is not un-British, the way they are behaving towards us. Do you not know that they have been behaving like this with us for the last one hundred and fifty years, and that it is too late in the day for you to say that it is un-British? It is not un-British; it is fully British. Might is right. That is the principle with which the world was born and that is the principle with which the world will end. Justice. Fairplay. This is all idle talk; these are all shibboleths; these are all frauds, the use of these words, I mean. Then, Sir, it has been said in oppositoin to this Resolution by the Honourable the Home Member that people who used violence, it is they that this Resolution in the second part of it sought to release. But who began violence in this country? The people or the Government? You began violence in this country, and it does not lie in your mouth to-day to say that you will not have violence. Why did you not have representative Government in this country? You are carrying on the Government of this country from minute to minute by pure violence, is it not? By your military and your police; or are you carrying it on, by the good grace of the people and by the wishes of the people? I want your answer. You are a member of an irresponsible executive that is executing us every day

Colonel Sir Henry Stanyon: May I rise to a point of order? Ought not the Honourable Member to address these moderate remarks to the Chair and not directly to the Member?

Mr. President: The Honourable Member's point has some force, and I hope the Honourable Member from Nagpur will bear it in mind.

Mr. M. V. Abhyankar: I will, Sir, and I am glad the Honourable and gallant Member has come to the rescue of the Home Member.

The Honourable Sir Alexander Muddiman: Not at all: I thoroughly enjoy it. (Laughter.)

Mr. M. V. Abhyankar: There; he has given the gallant Member the slip; it is not good to protect one who does not want protection. Who has begun that violence? You began the violence. Give up your violence. It is the Government of this country which ought to give up violence. It is they who have begun it and it is time they should stop it.

The Honourable the Home Member said that even in free countries an offence against the State was considered a very great crime but that people in this country considered it a very light thing; and I would say very rightly

so. Nobody has the right in a free country to commit an offence against the State because there by getting a majority of the people on his side one gets what he wants and may do what he likes. It is not so here. We may have the whole nation on our side and yet we cannot get what we want. Well, that is the difference; and that is why an offence against the State ought to be considered in this country and is in fact considered a lighter thing than it would be in a free country.

The Honourable the Home Member said that the law did not recognise distinction between political crime and non-political crime. Does he not know that a great English lawyer has said that the law was an ass?

The Honourable Sir Alexander Muddiman: I am glad to have the Honourable Member's confirmation.

Mr. M. V. Abhyankar: And it is the greatest ass, let me tell him. And what is law after all? Law is a creature of justice (Hear, hear); law has to serve justice; it has to subserve justice. It is justice that ought to predominate. Laws can be made and unmade, but justice remains the same, you must remember that.

Then, Sir, the Honourable the Home Member in one breath said that the law did not recognise distinction between political and non-political crime and in another breath he himself recognised that distinction when he asked whether the Moplas were guided by political motives. He was blowing hot and cold in the same breath. If the law does not recognise it, you recognise it at least, and this is what the Resolution wants.

Then, Sir, I should like to tell the Honourable the Home Member that I do not want him to indulge in the luxury as he called it, of an amnesty. What grounds were there, he asked, for the exercise of amnesty. Well, let me tell the Honourable the Home Member, through you, Sir, that whatever our grounds for the exercise of amnesty they are far more real and stronger than his grounds for this bad Government, for this barbarous Government. Our grounds for asking for an amnesty are your barbarous Government, your military Government, your uncivilised Government. Those are the grounds for granting an amnesty. No new grounds need be given.

Then, Sir, the Honourable the Home Member said that by letting out the political prisoners he did not want any more lives of men to be wasted, thereby meaning the lives of the police and the C. I. D. Yes, you do not want to waste their lives. I know their lives are very precious to you, because you can have those people at your command to pitch them against us and you use them to waste our lives. But on our side let me tell you that we do not want you to waste our lives also. So many noble souls are rotting in the jails. It is all very well for us to be here and to talk. They did not talk, they acted, they have suffered and they are suffering. Let me tell those in this House, I mean those who call themselves Liberals or Moderates, sycophants or others, let me tell them that they owe their position to-day to the man who is in jail. If they are given higher posts, if they are given jobs, it is due to the agitation of that man. Government have thrown certain crumbs to them so that they may act as a palliative and divert the nation from the main agitation. If an Indian is appointed a High Court Judge or if he is appointed an Executive Councillor, it is because of the man who threw the bomb in the streets of Calcutta. (Laughter.) I do think so, it is no good the Government Members laughing. It is because that man threw the bomb that Government wanted to use palliatives. I want the Government to use curatives and remove the cause if they want to stamp out

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the disease. We do not want violence, let me tell the Government quite frankly. Let me assure the Government at least on behalf of myself that I am the most peace-loving man. (Laughter.) They will find me as docile as a lamb (Laughter), unless they commit treason against the laws of God when the Almighty, to Whom nothing is impossible, will make a lion out of a sheep. They must not forget that. I want them to take this Resolution as a warning. A warning for what? It is a warning to them to mend their ways. If they will mend them in time there will be true friendship between us very soon. I hope so. In the end I will say only one thing, and through you, Sir, I will tell the Honourable the Home Member one thing. Remember, there is the beast, there is the man and there is the God in every human being. If you act beastly with us, the beast in us will jump out; if you act manly with us, the man in us will come out and meet you, and if you act godly with us, the God within us will respond and merge in the God in you because there cannot be more than one God. (Applause.)

Mr. M. A. Jinnah: Sir, after the eloquent speech of the Honourable Member who spoke last I want to get back to the humdrum of the debate and confine myself more to the terms of the Resolution and the amendment which are before the House. Sir, so far as clause (a) of the Resolution is concerned, the Honourable the Home Member speaking on behalf of the Government said that it can only be dealt with on the ground of a general amnesty.

The other ground which, of course, he naturally did not like to mention but which is present at any rate in my mind is—and I hope he will agree with me—mercy. I am not going to stand on the floor of this House and preach to the Honourable the Home Member to do his duty on the plea of mercy. It is the prerogative of the Government, as he very rightly described it, and with that prerogative is imposed a duty and an obligation upon the Government, which is equally sacred, that if they find a case or cases where clemency or mercy should be exercised, it should come spontaneously from them. I am not going to encroach upon the function of the Government which is expressly provided for in the Criminal Procedure Code. Dealing with the ground of a general amnesty, I do not know when the Honourable Member will decide that the time has come for a general amnesty. He gave us no indication whatsoever. But reading the signs and having listened to some of his answers to questions during the last few days, and also the recent eloquent speech of the Governor General to which he referred, it seems to me that the time for a general amnesty will only come when Pandit Motilal Nehru will go to the Viceregal Lodge. (Laughter.) If the Honourable the Home Member is going to wait for that, he is welcome to wait. I cannot induce him nor can I take him to Viceregal Lodge, although I am willing to go and have been there and Sir, you have been there recently more often than I. (Laughter.) If that is the only term, then I say I cannot comply with it. I cannot possibly stand in this House and comply with the one and only clear and precise condition which has been laid down so often, so repeatedly, so determinedly and so affirmatively. I cannot comply with it, beyond saying that the country has given sufficient proofs to expect the next move from the Government.

Then, with regard to part (b) it asks that the cases of other political prisoners who are convicted should be revised by a committee. Well.

Sir, it seems to me from a practical point of view it is perfectly futile. What will this committee do? Is this committee going to allow further evidence to be called, fresh evidence to be called? Here you have cases that have been tried by competent tribunals and they have been convicted. The materials are there. They can neither be reduced nor increased, and what is the good of having this futile committee which will revise these cases? Therefore, it seems to me and I say to the House, that it is perfectly futile to pass this part of the Resolution. I am therefore inclined to give my whole-hearted support to the amendment of my Honourable friend from Bengal, Mr. Goswami, and his amendment is the amendment upon which I wish to take my stand.

Dealing with that amendment, let us consider it carefully and I ask the Honourable the Home Member to tell me at least in his final reply whether our case does not require most careful consideration and whether that amendment is not a reasonable one. Sir, the first portion of that amendment is this, forthwith to secure the immediate release of all political prisoners detained without trial. My Honourable friend, Colonel Crawford said that nothing new was said, no further argument was advanced to-day. But, Sir, the Government arrested these men I believe as long ago as November, 1924, and we are to-day in January, 1926, and I want to know from Government how long they are still going to keep them in prison without bringing them to trial. An indication was given by Colonel Crawford—I do not know whether the Honourable the Home Member endorses those reasons but I do not gather that from the speech of the Honourable the Home Member. The indication was this, that "If we bring evidence now, there are conspiracies which will come to know and they are not yet broken and until we break those organisations completely we are not going to bring these people to trial and therefore they must rot in jail". Sir, I think there is some limitation to this plea. This is the ground which was given to us more than a year ago. This is the reason which was urged throughout last year and this is the same reason given to us here in this House now why they cannot do it. I ask the Honourable the Home Member, is this fair and just to these men who have been locked up without trial for more than a year? Therefore, I hope that this House will, I cannot say un-animously because Honourable Members are looking at me doubting me on the other side,—but I hope this House will carry that part of the amendment by an overwhelming majority and I appeal to my European friends that it is time for them now to come forward and say that these men should no longer rot in jail without trial.

The next part of the amendment is this: to take steps to remove all difficulties in the way of the return to India of all Indian exiles in foreign countries who may have been suspected of being concerned in any revolutionary or other activities regarded by Government as prejudicial to the interests of India. I listened to the speech of the Honourable the Home Member on this point with very great attention and very great interest. He made it clear that Government will put no obstacles in the way of these exiles if they wish to return to India. At the same time he very frankly said that that will not give them any immunity from taking the consequences of the law in this country, if they had broken any law. I can quite understand if the Honourable Member said this—that there are certain men who are exiles, whom, if they come here, we are going to prosecute or against whom we shall take such steps as the law permits us to take and there are certain other men who will not be proceeded against

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if they came to India. Now, what is the good of saying this—that we will put no difficulties in the way of these men if they come back? You know perfectly well that almost every one of them without exception could be brought under some law or other and convicted of some offence or other. I want to test the *bona fides* of the proposal which you are making.

The Honourable Sir Alexander Muddiman: Is the Honourable Member entitled to challenge the *bona fides* of my proposal?

Mr. M. A. Jinnah: I do not mean that the Honourable Member is not honest in what he says. What does it amount to when you say that the Government are not going to put any obstacles in the way of these exiles? I venture to say that almost every one of them could be prosecuted under some section or other and convicted. Perhaps I used a wrong expression when I used the phrase "*bona fides*". I did not mean to attribute anything. I want to give the House my own personal knowledge of some of these exiles. I happened to be in Berlin and I met several of them deliberately and I had long discussions with them. You know as well as we do that every one of them was helping Germany in the war. It is a fact. Now what is the position? Each one of them came to see me individually. It was not a preconceived idea at all. In the course of conversation I asked every one of them what they thought now, and I got an answer from every one of them that they had made the greatest blunder of their lives. No, Sir, I was not in authority. I was satisfied that they were stating to me their real convictions. They said, "We have learned that by associating ourselves with any foreign Government or any foreign power we are not likely to get freedom for India". They are living there now and they would like to come back to India. And let me tell you that speaking on behalf of these 10 or 12 men I say they are willing to give you an undertaking and make a solemn declaration that they will never associate themselves with any foreign Government or any foreign people in future in order to work for the good of India as they have now been convinced that those methods will not help the cause of the freedom of India. They are willing to give you a declaration, and an undertaking, and I was satisfied personally that they honestly believe that they have made a great mistake. It is not, Sir, that they are starving. They are not starving. Many of them are getting on fairly well in their various vocations. They do not therefore want to come here because they cannot get on or earn their livelihood there. They naturally want to come back to their own country and they are willing further to give you an undertaking that they will not engage themselves in any political propaganda in India which is unconstitutional or violent or non-peaceful. Now, I ask the Honourable the Home Member, does he want any more conditions? If not, then what is the good of saying "I will put no difficulties in your way", when they know perfectly well that as soon as they land here you will prosecute them, and you say so.

The Honourable Sir Alexander Muddiman: I am sorry to interrupt the Honourable Member, but to shorten the debate, I must point out that several men have returned and I have not prosecuted them.

Mr. M. A. Jinnah: I welcome the news. That is exactly what I have been urging upon the Honourable the Home Member. And if I might respectfully put the suggestions before the Honourable the Home Member,

he should entertain the applications of these men as he thinks proper and let such of them return. I have got my eye also on Japan as much as the Honourable Member has. I appreciate that, but let the applications be welcomed by you and when you find that you have got a man with whom you are satisfied give him a chance and start and give him the safety in this country which is after all his mother country, to which he longs to come back.

Now, the next point I have to deal with is to bring to trial under the ordinary law of the land such persons against whom Government think that they have sufficient evidence to go to court. Sir, this amendment coming from my friend Mr. Goswami gives me special pleasure—I mean this part of it. I congratulate him and I want to make it quite clear that the implication of this part of the amendment is this, that we do not wish that any crime or any offence should go unpunished, even a political offence, which the Honourable Member sitting there on behalf of the Government calls graver than any other offence, while the Honourable Member on this side would consider that other offences are graver than political offences. I am not going to dispute one or the other, nor do I wish to decide the point here. I would for the present rest content with saying that an offence is an offence in the eye of the law. And certainly even my friend, Lala Lajpat Rai, made it clear that he, speaking on behalf of the very large section that he represents here, says "We condemn violence; we have condemned violence; and in spite of that, crimes have been committed", and there may be certain revolutionary organizations in the country, and they require to be dealt with. Has anyone on this side of the House or on my side ever suggested that these revolutionary movements should not be put down? Has anyone suggested that those people who have committed offences against the State should not be tried and convicted? At least I have not. I never have and I repeat here again no offence against the State can be condoned; it must be vigorously prosecuted, and the men must be prosecuted; but for God's sake send them up for trial, and do not let them rot in jail without trial, as you have done in the case of some 140 men, the figures given by the Honourable the Home Member, for more than a year and a quarter now; and we ask you therefore to bring them to trial and get them convicted; if you can, and the sooner you adopt this policy the more readily you will get support and response not only from the Members of this House but from the country at large.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural):

In view of the authoritative pronouncement of the Honourable the Home Member that Members who come from a province where there is no political prisoner should not have taken the trouble of moving a Resolution for the release of political prisoners, I do not know whether I should congratulate my Honourable friend Maulvi Mohammad Shafee for getting an opportunity, through the good offices of the ballot box, to move a Resolution for the release of political prisoners, for I am painfully aware of the fate that awaits Resolutions of this type. After all, ours is a recommendation and if any recommendation was necessary in an important matter like this, to awaken the executive to its sense of duty, to the people of this country, it has been thundered forth from not only the press and the platform, but has been proclaimed to the mighty rulers of this vast continent from every Indian hearth and home which has been rendered desolate, by their silent tears.

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The Resolution divides the political prisoners into three categories, namely:

- (1) Those that are detained without trial;
- (2) Those that have been convicted after trial; and
- (3) Those that are in foreign lands, but are not allowed to return home.

Sir, as regards the first class I would like to quote a dictum of the great English jurist, Blackstone, to convince my English friends in this House, if it is at all necessary to convince any Englishman on this point. It runs thus:

"To bereave a life by violence and confiscate his estates without accusation and trial would be so gross and atrocious an act of despotism as must at once convey an alarm throughout the Kingdom. But the confinement of persons, by secretly hurrying them to jail, where their sufferings are unknown, is a *less public, less striking thing*, and therefore, a more dangerous engine of an arbitrary government."

Coming to more recent times, allow me to quote once more the words of Lord Morley written to Lord Minto. He wrote:

"I won't follow you in deportations. You state your case with remarkable force, I admit. But then I comfort myself in my disquiet of differing from you, by the reflection that perhaps the Spanish Viceroy in the Netherlands, the Austrian Viceroy in Vienna, the Bourbons in the Sicilies and Governors in the old American colonies, used reasonings not wholly dissimilar and not much less forceful."

Notwithstanding such authoritative pronouncements of great Englishmen the bureaucracy in India persists in keeping men in confinement under the well known plea of law and order which has been the cry of every irresponsible authority from time immemorial and if they persist still in keeping the flowers of our race like Subhas Chandra Bose and Anil Baran Ray in confinement, in spite of our Resolution to set them free, it proves that irresponsible government is synonymous with a government incapable of appreciating the opinion of the people governed by them; and yet we have been asked to co-operate with a Government which makes the least gesture towards popular will. I need hardly repeat all the arguments against detention without trial which have been adduced so often in this House and outside. It is against all principles of free and democratic states to keep persons imprisoned, without placing them before a court of law and testing the evidence in the light of cross-examination. In England during the war even the German spies had the benefit of a trial, though before a court martial. But here in the case of these unfortunate persons, you have only the tainted evidence of a corrupt and unscrupulous police, examined by officers who are not only subordinate but subservient to the very executive who delight in making an impression upon the people whom they rule and are thus instrumental in paving the way for revolution.

Sir, I charge the Government of this country with creating revolution in this unhappy land by driving the people in their despair of all legal and constitutional methods to one of revolution, by their unstatesmanlike actions in perpetrating such misdeeds amongst a non-violent people and I charge the Government with high crimes and misdemeanours for which they will be tried before the bar of humanity. Secure in your Regulations, Ordinances and maxim guns—emblems of brute force—you may flout the moral forces, which rule the destinies of men and nations. About 2 years ago, when I moved a Resolution in this very House for the repeal of Regulation III of 1918, I said all that need be said against deportations without trial and if there has been any real change of heart in the Government let

them prove it by actual deeds and not words. We can stretch our arms to join yours in fellowship, only when you wipe off the blood of our martyrs from your hands. Till then; pray do not insult us by asking us to grasp those bloodstained hands of yours. If you really wish to create an atmosphere on mutual good-will and trust, you should also release those, that have been convicted of political offences, for after all they are patriotic citizens, who are dissatisfied with the existing state of things and want to bring about a new and a better state of things in a political society. They are not like ordinary criminals, a menace to good government and society, but can be made pillars of strength for upholding law and order by statesmanlike measures of granting an amnesty as soon as there is a change in the political situation of a country, and I beg to assert that the present is one of such times. Patriots whom you in your mad frenzy had deported, exiled and imprisoned have now come to this House to advise and guide you in the path of rectitude and honour forgetting the personal wrongs inflicted upon them by the Government. There sits in front of you the Mazzini of Indian freedom, with the gentleness of a Christ and a Buddha and before his sacred presence let all thought of vindictiveness and race arrogance give way to a higher and nobler conception of Government.

As regards the exiles living in foreign countries, the removal of the ban against their return to their motherland is but an act of bare justice. Even the Russian Government has recalled the revolutionaries from Siberia from time to time, and I hope the British Indian Government will not lag behind Russia in a matter like this.

Sir, coming as I do from Bengal, which has justly been styled a martyr province, I once more appeal to you in the name of humanity and justice, to release the men, whom you have got under your clutches, through sheer brute force, and I once more remind you that one day you will have to render the accounts of your self-imposed trusteeship before a higher tribunal where hypocrisy and insincerity will not help you.

You may disregard this appeal, you have the power to do so, but remember that your persistence in a policy of repression will lay up such a harvest of discontent which it will not be easy to allay.

Nursed in your literature and history it will not be surprising if our schools and colleges one day ring with the echoes of the prophetic words of the British Warrior Queen as sung by your poet with necessary alterations as :

“England shall perish, write that word
In the blood she has spilt,
Perish hopeless and abhorred,
Deep in ruin as in guilt.”

It behoves both you and us to prevent the coming of such a day, for I believe our destinies have been linked together by an All-Wise Providence and we are destined to walk side by side in this unhappy land for many a long and weary year to come.

Therefore, I appeal once more to you, with all the emphasis I can command, to release the political prisoners and create an atmosphere of mutual goodwill and trust. It is a piteous appeal that goes from Mother India, to liberate her sons who are kept in bondage for the only crime of loving their motherland. And I warn you that unless you accede to this very

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reasonable and moderate demand of our countrymen, the prophecy of our great poet Rabindra Nath will be fulfilled when he says that:

" Their flag will be laid in the dust."

and let me add, with eternal ignominy and shame.

Sir Darcy Lindsay (Bengal: European): Sir, I do not propose at this late hour to weary the House by joining in a general discussion on either the Resolution or the amendment, but I wish to make a reference to what fell from my Honourable friend Mr. Goswami this morning in connection with the matter in Bengal. I understood his implication to be that the Bengal Government took into their confidence the European community of Bengal before the promulgation of the Ordinance. I believe the accusation was that there is a liaison between Government and the European community, and that they form a clique. The Honourable the Home Member has clearly stated that such is not a fact and this I most emphatically confirm. It is easy enough for my young friend, Mr. Goswami, to make wild statements of this nature, but from our point of view they are most harmful, and that is why I wish to draw particular attention to the subject. But even for the sake of argument that it were true that the English community of Bengal were consulted by the Government, they would unflinchingly have done their duty in supporting Government in any action that they thought imperative to take in the cause of law and order, which as much concerns the Europeans as it does the Indian community. In my humble opinion we all of us in this House desire to see law and order maintained and I am proud to think that we will always give our full support to Government in this. We do not like to see men detained in prison without trial and I am at one with my Honourable friend, Mr. Jinnah, in his appeal to the Government that if it is possible to bring those men to trial, they will do so. I regret, and I believe my group will be unable to support him in his request that we should vote with his side of the House in favour of the amendment, but I do again wish to express the view that we are all in favour of clemency if it is possible to exercise the same. I would like to say to the House that in our Home Member we have a man of tender heart, and if he can do anything to carry out any part of the amendment, I am sure he will gladly do so.

An Honourable Member: I move that the question may now be put.

The Honourable Sir Alexander Muddiman: Sir, the House is evidently tired of the debate and the hour is late. I will therefore not trouble the House with any long observations, but there are one or two matters which I must notice. I heard my Honourable friend Mr. Jinnah's speech with the greatest interest, as I always do. He appeals to me not only by his matter, but by his manner. He states his case clearly, impartially, and is generally therefore all the more difficult to meet because as this House is well aware, cases lose nothing by being stated moderately and impartially. He made an appeal to me to consider the amendment, which, though it emanates from another Party, and is possibly moved with another motive, he apparently is going to support. I trust he will not do so at any rate in its entirety. The first proposition that I have to deal with is that it was alleged that as I have said these repressive measures taken in Bengal had been effective, the time had come for their discontinuance. Sir, I admit and I still maintain that these measures have been effective in a remarkable degree, but it could

not have been expected that they would be entirely successful in a year. Those who follow the papers and have some regard for the evidence of courts cannot be unaware that within the last fortnight or three weeks a court has come to a finding on two very important cases, of which as they are going on appeal I will say nothing beyond the fact that they do prove that that court at any rate was convinced of the existence of the usual bomb factory, the usual arm business that we have heard so much of. Therefore it is not correct to say that the measure has been entirely effective. But I do maintain that, had we not taken these measures, we should not have been able on those two occasions to have brought these unfortunate men to trial. We have restored that element of confidence which is essential in all law-abiding countries, that the law again can protect men from lawless attacks. We have restored that. I myself have been in Bengal, in Calcutta for a good portion of this cold weather and I have had opportunities of feeling the very different atmosphere that has arisen there. I hope that atmosphere will continue to improve. When it does, no one will be more willing than I am to deal with this question in the way which would meet with the full approval of my Honourable friend. But it must not be thought that even now we maintain an iron attitude. We do not. It is our object and our considered policy, which was settled and agreed on with the Government of Bengal, that, wherever it is possible to mitigate or remove all restriction, it should be done, and the proof of our real intentions is the fact that a large number of these men are not in jail. We hope to be able to have an amnesty not in the sense that all will ever be released at one time, but we do hope, as things improve, that the restrictions may be either entirely removed, or that they may grow less and less as time goes on. That is the first point I have to make on that.

On the second point I have been perfectly frank with the House and so has my Honourable friend been with me; but I do not quite appreciate the point. However, I understand him to say "You will not grant these people passports or you prevent them from getting passports."

Mr. M. A. Jinnah: Sir, I never said that the Government prevent them from getting passports.

The Honourable Sir Alexander Muddiman: The point was that we do not want to put obstructions in the way of their return. What we are asked for has not merely been assistance in the way of passports; it has really been for a certificate of indemnity. My Honourable friend with his usual fairness recognises that there are men and he named one—I could name another—whom, if he came to India, I have no hesitation in saying I would put on his trial for his life at once. There are other men he referred to who in greater or less degree have linked themselves with the enemy during the War and who, as he now tells us from his personal experience, are sorry they backed a losing horse. They may be sorry. I am ready to give the utmost importance to his opinion that they are really reformed characters. The House cannot lay down nor can I lay down any general rule as to the way individual cases can be treated. Neither can I in this House stand up and say "So and so can come to India without fear of being prosecuted." But I do say that any case which is brought to my notice will receive careful attention. The past record of the man will be looked up, how far he is really dangerous will be considered and how far we have reason to believe that he has been the victim of circumstances. That I think is a very fair reply to my

[Sir Alexander Muddiman.]

Honourable friend and I hope he will take it. The only other point is that he does support the position that offences against the State must be treated in the same way as other offences. He recognises as a lawyer must do and as I do that an offence is an offence. That of course is not the position that has been taken in other quarters of the House, and therefore on this head at any rate he has every reason to vote with me.

It has been maintained in other quarters that State offences are something trivial and indeed one gentleman, who is not here, was good enough to address some of his remarks very directly to me, went so far as to say that I was calling out the beast and not the God in man by my attitude towards these offences. Sir, I desire always to appeal to the God and not to the beast; and I now desire very much to raise a *deus ex machina* who will persuade the House to vote against this amendment.

Mr. President: The question was:

“ That the following Resolution should be adopted, namely :

‘ This Assembly recommends to the Governor General in Council that he be pleased :

- (a) to order the unconditional release of all such convicted or under-trial political prisoners in Indian jails as have not been held guilty or charged with any act of violence and all political détenus whose trial in a court of law is not contemplated;
- (b) to order the release of all other political prisoners convicted or under trial, provided that a committee consisting of two members elected by the Legislative Assembly and two members nominated by the Government recommend their release; and
- (c) to allow the return to their homes of all Indian exiles in foreign countries who are supposed to have been concerned in revolutionary movements in order to secure freedom for India on such reasonable and honourable terms as the Government may think fit to impose.’ ”

Since which an amendment has been moved :

“ That for the original Resolution the following be substituted :

‘ That this Assembly recommends to the Governor General in Council that he be pleased :

- (a) forthwith to secure the immediate release of all political prisoners detained without trial;
- (b) to take steps to remove all difficulties in the way of the return to India of all Indian exiles in foreign countries who may be or may have been suspected of being concerned in any revolutionary or other activities regarded by Government as prejudicial to the interests of India;
- (c) to bring to trial under the ordinary law of the land such persons against whom Government think that they have sufficient evidence to go to Court.’ ”

Mr. E. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, before you proceed to put the question I want to make a representation for your consideration. The usual practice of this House is that when an amendment has been moved to the original Resolution, the amendment is put to the vote first and if it is lost, for the original question to be put thereafter. But under Standing Order 67 (2).

Mr. President: Will the Honourable Member come to the point and say what he wants?

Mr. E. K. Shanmukham Chetty: Under Standing Order 67(2) it shall be in the discretion of the President to put first to the vote either the original motion or any of the amendments which may have been brought forward. Therefore, Sir, the question whether the original motion or the

amendment is to be put to the vote first is within your discretion, and this is a case in which we would submit for your consideration that the original proposition must first be put to the vote and then the amendment. Sir, my reason is shortly this: when there are two or more amendments which are to be put to the vote, it is the usual practice to put the more comprehensive amendment to the vote first; and my submission is that the original proposition being more comprehensive than the amendment, you must give an opportunity for those of us who want to record their vote in favour of the original proposition to do so.

Mr. M. A. Jinnah: I would ask you, Sir, to exercise your discretion the other way, because if the proposition is carried the amendment could never be put; whereas if the amendment were carried, the proposition could be put as amended and it may be lost or carried.

The Honourable Sir Alexander Muddiman: I would merely suggest, Sir, that the amendment might be put and then, if that was carried, it could be put as the amended Resolution and that will give the House an opportunity to vote on the amendment, if carried, as a substituted Resolution.

Mr. President: What the Honourable Member from Madras wants is that the House should be given an opportunity to express its view on the main Resolution; and if there is a considerable section of the House which desires the decision of the House on the original Resolution to be recorded, the Chair will not stand in its way.

Mr. President: The original question was:

“ That the following Resolution be adopted, namely:

‘ This Assembly recommends to the Governor General in Council that he be pleased:

- (a) to order the unconditional release of all such convicted or under-trial political prisoners in Indian jails as have not been held guilty or charged with any act of violence and all political détenus whose trial in a court of law is not contemplated;
- (b) to order the release of all other political prisoners convicted or under trial, provided that a committee consisting of two members elected by the Legislative Assembly and two members nominated by the Government recommend their release; and
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- (c) to bring to trial under the ordinary law of the land such persons against whom Government think that they have sufficient evidence to go to Court.’ ”

The question I have to put is that the original Resolution be adopted.

The Assembly divided :

AYES—40.

Abdul Karim, Khwaja.
 Abhyankar, Mr. M. V.
 Acharya, Mr. M. K.
 Badi-uz-Zaman, Maulvi.
 Chaman Lal, Mr.
 Chanda, Mr. Kamini Kumar.
 Chetty, Mr. R. K. Shanmukham.
 Das, Pandit Nilakantha.
 Datta, Dr. S. K.
 Duni Chand, Lala.
 Dutt, Mr. Amar Nath.
 Goswami, Mr. T. C.
 Gulab Singh, Sardar.
 Hla. U.
 Iyengar, Mr. A. Rangaswami.
 Joshi, Mr. N. M.
 Kidwai, Shaikh Mushir Hosain.
 Lajpat Rai, Lala.
 Lohokare, Dr. K. G.
 Majid Baksh, Syed.
 Malaviya, Pandit Krishna Kant.

Malaviya, Pandit Madan Mohan.
 Murtuza Sahib Bahadur, Maulvi
 Sayad.
 Narain Dass, Mr.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Neogy, Mr. K. C.
 Piyare Lal, Lala.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kumar Sankar.
 Samiullah Khan, Mr. M.
 Sarfaraz Hussain Khan, Khan
 Bahadur.
 Shafee, Maulvi Mohammad.
 Singh, Mr. Gaya Prasad.
 Sinha, Mr. Ambika Prasad.
 Sinha, Mr. Devaki Prasad.
 Talatuley, Mr. S. D.
 Tok Kvi, U.
 Yusuf Imam, Mr. M.

NOES—46.

Abdul Qaiyum, Nawab Sir Sahibzada.
 Abul Kasem, Maulvi.
 Ajab Khan, Captain.
 Akram Hussain, Prince A. M. M.
 Bajpai, Mr. R. S.
 Bhone, Mr. J. W.
 Blackett, The Honourable Sir Bas'l.
 Bray, Sir Denys.
 Burdon, Mr. E.
 Calvert, Mr. H.
 Carey, Sir Willoughby.
 Clow, Mr. A. G.
 Cooke, Mr. H. G.
 Crawford, Colonel J. D.
 Donovan, Mr. J. T.
 Gordon, Mr. R. G.
 Graham, Mr. L.
 Hezlett, Mr. J.
 Hira Singh Brar, Sardar Bahadur
 Captain.
 Hudson, Mr. W. F.
 Hyder, Dr. L. K.
 Innes, The Honourable Sir Charles.
 Jatar, Mr. K. S.
 Lindsay, Sir Darcy.

Lloyd, Mr. A. H.
 Macphail, Rev. Dr. E. M.
 Maguire, Mr. L. T.
 Makan, Khan Sahib M. E.
 Mitra, The Honourable Sir Bhupendra
 Nath.
 Muddimar. The Honourable Sir
 Alexander.
 Muhammad Ismail, Khan Bahadur
 Saiyid.
 Naidu, Rao Bahadur M. C.
 Neave, Mr. E. R.
 Owens, Lieut.-Col. F. C.
 Rahman, Khan Bahadur A.
 Raj Narain, Rai Bahadur.
 Reddi, Mr. K. Venkataramana.
 Roy, Mr. G. P.
 Sim, Mr. G. G.
 Singh, Rai Bahadur S. N.
 Stanyon, Colonel Sir Henry.
 Sykes, Mr. E. F.
 Tonkinson, Mr. H.
 Vernon, Mr. H. A. B.
 Vijayaraghavacharyar, Sir T.
 Willson, Mr. W. S. J.

The motion was negatived.

Mr. President: The question is :

“ That the following amendment be adopted :

“ That this Assembly recommends to the Governor General in Council that he be pleased :

- (a) forthwith to secure the immediate release of all political prisoners detained without trial;
- (b) to take steps to remove all difficulties in the way of the return to India of all Indian exiles in foreign countries who may be or may have been suspected of being concerned in any revolutionary or other activities regarded by Government as prejudicial to the interests of India;
- (c) to bring to trial under the ordinary law of the land such persons against whom Government think that they have sufficient evidence to go to Court.”

The Assemtly divided :

AYES—53.

Abdul Haye, Mr.
 Abul Karim, Khwaja.
 Abuyankar, Mr. M. V.
 Acharya, Mr. M. K.
 Aiyangar, Mr. K. Rama.
 Almuzsamau Chowdhry, Khan
 Bahadur.
 Badi-uz-Zaman, Maulvi.
 Chaman Lall, Mr.
 Chanda, Mr. Kamini Kumar.
 Chetty, Mr. R. K. Shanmukham.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Datta, Dr. S. K.
 Duni Chand, Lala.
 Dutt, Mr. Amar Nath.
 Ghazanfar Ali Khan, Raja.
 Ghose, Mr. S. C.
 Ghulam Abbas, Sayyad.
 Goswami, Mr. T. C.
 Gulab Singh, Sardar.
 Hla, U.
 Iyengar, Mr. A. Rangaswami.
 Jinnah, Mr. M. A.
 Joshi, Mr. N. M.
 Kasturbhai Lalbhai, Mr.
 Kidwai, Shaikh Mushir Hoqain.
 Lajpat Rai, Lala.

Lohokare, Dr. K. G.
 Majid Baksh, Syed.
 Malaviya, Pandit Krishna Kant.
 Malaviya, Pandit Madan Mohan.
 Murtuza Sahib Bahadur, Maulvi
 Sayad.
 Mutalik, Sardar V. N.
 Narain Dass, Mr.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Neogy, Mr. K. C.
 Piyare Lal, Lala.
 Ramachandra Rao, Diwan Bahadur M.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kumar Sankar.
 Samiullah Khan, Mr. M.
 Sarfaraz Hussain Khan, Khan
 Bahadur.
 Shafee, Maulvi Mohammad.
 Singh, Mr. Gaya Prasad.
 Sinha, Mr. Ambika Prasad.
 Sinha, Mr. Devaki Prasad.
 Talatuley, Mr. S. D.
 Tok Kyi, U.
 Venkatapatiraju, Mr. B.
 Yakub, Maulvi, Muhammad.
 Yusuf Imam, Mr. M.

NOES—45.

Abdul Qaiyum, Nawab Sir Sahibzada.
 Abul Kasem, Maulvi.
 Ajab Khan, Captain.
 Aaram Hussain, Prince A. M. M.
 Bajpai, Mr. R. S.
 Bhore, Mr. J. W.
 Blackett, The Honourable Sir Basil.
 Bray, Sir Denys.
 Burdon, Mr. E.
 Calvert, Mr. H.
 Carey, Sir Willoughby.
 Clow, Mr. A. G.
 Cocke, Mr. H. G.
 Crawford, Colonel J. D.
 Donovan, Mr. J. T.
 Gordon, Mr. R. G.
 Graham, Mr. L.
 Hazlett, Mr. J.
 Hira Singh Brar, Sardar Bahadur
 Captain.
 Hudson, Mr. W. F.
 Innes, The Honourable Sir Charles.
 Jatar, Mr. K. S.
 Lindsay, Sir Darcy.
 Lloyd, Mr. A. H.

Macphail, Rev. Dr. E. M.
 Maguire, Mr. L. T.
 Makap, Khan Sahib M. E.
 Mitra, The Honourable Sir Bhupendra
 Nath.
 Muddiman, The Honourable Sir
 Alexander.
 Muhammad Ismail, Khan Bahadur
 Saiyid.
 Naidu, Rao Bahadur M. C.
 Neave, Mr. E. R.
 Owens, Lieut.-Col. F. C.
 Rahman, Khan Bahadur A.
 Raj Narain, Rai Bahadur.
 Reddi, Mr. K. Venkataramana.
 Roy, Mr. G. P.
 Sim, Mr. G. G.
 Singh, Rai Bahadur S. N.
 Stanyon, Colonel Sir Henry.
 Sykes, Mr. E. F.
 Tonkinson, Mr. H.
 Vernon, Mr. H. A. B.
 Vijayaraghavacharyar, Sir T.
 Willson, Mr. W. S. J.

The motion was adopted.

Mr. A. Rangaswami Iyengar: May I, with your permission, suggest that the next Resolution on the agenda paper may be moved and taken on to the next day?

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Mr. President: It is now past six. If the House is prepared to sit till the Resolution is discussed and disposed of, the Chair has absolutely no objection.

Mr. Gaya Prasad Singh: I suggest that the Resolution may be only formally moved and the discussion carried over to the next day.

Mr. President: That cannot be permitted at the cost of Resolutions ballotted for the next day. If the House is willing to sit at this late hour and dispose of the Resolution, the Chair is willing to take it up.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 27th January, 1926.