

3rd February 1927

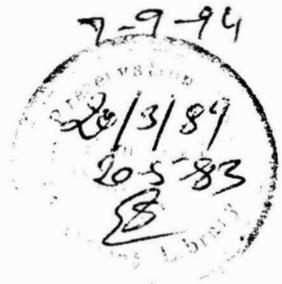
THE
LEGISLATIVE ASSEMBLY DEBATES
(Official Report)

Volume I

FIRST SESSION

OF THE

THIRD LEGISLATIVE ASSEMBLY, 1927



DELHI
GOVERNMENT OF INDIA PRESS
1927

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LEGISLATIVE ASSEMBLY.

Thursday, 3rd February, 1927.

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

MEMBER SWORN.

Rao Bahadur N. A. Gopaldaswami Ayyangar, M.L.A. (Madras: Nominated Official).

QUESTIONS AND ANSWERS.

RELEASE OF POLITICAL PRISONERS.

32. ***Mr. C. Duraiswamy Aiyangar:** (a) Will the Government be pleased to state the number of prisoners who are now undergoing imprisonment under the Bengal Ordinance and the place where they are kept?

(b) Will the Government be pleased to state whether any or all of them will either be released or brought to trial in a court of law?

(c) Has the Government any idea of releasing Srijut Subash Chandra Bose now that he has been elected to the Bengal Legislative Council? Will he be permitted to attend the sessions of the Council even if he be not released?

The Honourable Sir Alexander Muddiman: (a) and (b). I would refer the Honourable Member to the answer I gave in this House on the 31st January to Mr. M. A. Jinnah's question No. 147.

(c) Mr. Subhas Chandra Bose is detained under the Bengal Criminal Law Amendment Act. The Local Government have refused to allow him to attend the session of the Bengal Legislative Council and the mere fact of his election to the Council does not afford sufficient ground for his release. This question must be decided in accordance with the general principles I stated in answer to the question to which I have just referred.

Mr. C. Duraiswamy Aiyangar: May I know from the Honourable the Home Member whether his seat will be declared vacant if he is absent for more than three months?

The Honourable Sir Alexander Muddiman: I should like to reply to that question when the Honourable gentleman has been absent for three months.

IMPROVED PLATFORM FOR GUDUR JUNCTION STATION.

33. ***Mr. C. Duraiswamy Aiyangar:** (a) Are Government aware that Gudur Junction is crowded with passenger traffic for all the trains?

(b) Are Government aware of the inconvenience felt by the passengers in getting into the trains on account of the low platform?

(c) Have Government any idea of remodelling this station at least to the extent of raising the platform to the level of the compartments in the trains? If so, when will this be done?

Mr. A. A. L. Parsons: Government have no information but the suggestion contained in the Honourable Member's question will be conveyed to the Agent, Madras and Southern Mahratta Railway.

GOVERNMENT PROPOSALS RE TANJORE DISTRICT BOARD RAILWAY.

34. ***Mr. C. Duraiswamy Aiyangar:** (a) Will the Government be pleased to state what is the final outcome of the negotiations between Mr. Parsons and the Tanjore District Board regarding the District Board Railway?

(b) Will the Government be pleased to state whether and when this Assembly will be given an opportunity of discussing the proposals of the Government of India regarding the said negotiations?

(c) Will the Government be pleased to state the total amount invested by the Tanjore District Board over its Railways and the amount till now collected as Railway cess from the rate-payers?

Mr. A. A. L. Parsons: (a) and (b). The Government of India have made the Tanjore District Board an offer on certain terms for the transfer of the railway to the Government of India, which holds good until the 31st of last month. We have not yet heard whether the District Board propose to accept it. If they do accept it, I intend to lay the matter before the Standing Finance Committee for Railways at an early opportunity.

(c) The capital outlay up to the end of 1925-26 was just over 68 lakhs. We have no information as to the amount collected as railway cess.

ACTION TAKEN BY GOVERNMENT ON RESOLUTIONS OF LAST ASSEMBLY.

68. ***Mr. C. Duraiswamy Aiyangar:** Will the Government be pleased to lay on the table a statement showing the Resolutions passed by the last Assembly, the Resolutions accepted by the Governor General in Council, the extent of the effect given to the accepted Resolutions and the reasons for the non-acceptance of the other Resolutions.

Mr. L. Graham: The Honourable Member is referred to the reply given to Mr. Gaya Prasad Singh's starred question on the 21st January, 1926, printed on pages 31—34 of the Legislative Assembly Debates, Volume VII, Part I.

A statement showing the Resolutions adopted by the Legislative Assembly and the action taken by Government thereon during the Delhi and Simla sessions 1926 is laid on the table.

For the reasons for the non-acceptance of the other Resolutions, I must refer the Honourable Member to the official reports of the debates on those Resolutions.

Statement showing Resolutions adopted by the Legislative Assembly during the Delhi and Simla Sessions, 1926, and action taken by Government thereon.

1	2	3	4	5	6
Serial No.	Date on which moved.	By whom.	Subject of Resolution.	Department concerned.	Action taken by Government.
1	26-1-26	Maulvi Mohamad Shafee.	Release of political prisoners.	Home	Copy of the debates was forwarded to the Secretary of State.
2	28-1-26	Kumar Ganganand Sinha.	Unemployment among the middle classes.	I. & L.	The attention of Provincial Governments has been drawn to the Resolution in the Department of Industries and Labour letter No. L.-1373, dated the 26th May, 1926, which has been published.
3	9-2-26 & 16-2-26	Mr. Amar Nath Dutt.	Disallowance of the Burma Ex-pulsion of Offenders Act, 1925.	Home	Attention is invited to Burma Act IV of 1926.
4	16-2-26 18-3-26 & 19-3-26	Maulvi Sayyid Murtaza Sahib Bahadur.	Reforms in the North-West Frontier Province.	F. & P.	The question is under consideration.
5	17-2-26	Honourable Sir Charles Innes.	Supplementary protection to the tinplate industry.	Commerce	(1) A Notification No. 260-T.(57), dated 27th February, 1926, under Indian Tariff Act was issued raising the import duty on Steel tinplates and tinned sheets including tin taggers from Rs. 60 per ton to Rs. 85 per ton and (2) a Notification No. 5, dated 27th February, 1926, under Sea Customs Act was issued reducing import duty on tin block from 15 per cent. <i>ad valorem</i> to a specific duty of Rs. 250 per ton.
6	17-2-26	Honourable Sir Charles Innes.	Customs duty on lac exported from India.	Commerce	A Notification was issued on the 20th February, 1926, declaring that sections 2 to 6 of the Indian Lac Cess Act, 1921 (XIV of 1921), shall continue in force until the 31st December, 1931.
7	18-2-26 & 18-3-26	Honourable Sir B. N. Mitra.	Ratification of the draft convention of the 7th International Labour Conference re compensation for occupational diseases.	I. & L.	A copy of the Resolution has been forwarded to the Secretary-General of the League of Nations.

Statement showing Resolutions adopted by the Legislative Assembly during the Delhi and Simla Sessions, 1926, and action taken by Government thereon—contd.

1 Serial No.	2 Date on which moved.	3 By whom.	4 Subject of Resolution.	5 Depart- ment concerned.	6 Action taken by Government.
8	18-3-26	Honourable Sir Baal Blackett.	Reduction of the export of opium.	Finance (C. B. R.)	In a press communique issued by the Finance Department (Central Revenues) on the 12th June, 1926, the Government of India announced their decision to extinguish exports of opium to the Far East in 10 years. The first 10 per cent. reduction in the quantity exported will be made in 1927 and no opium will be exported from India for purposes other than medicinal and scientific after December 31st, 1935.
9	19-3-26	Sir P. S. Siva- swamy Aiyar.	Scheme for the establishment in Indian waters of a training ship for deck officers.	Commerce	In August last, the Assembly voted a sum of Rs. 2 lakhs for the establishment of a training ship in Indian waters and it is hoped to start the School in September, 1927.
10	22-3-26	Mr. J. W. Bhore	Emigration of Indian labour- ers to British Guiana.	E. H. and L.	The terms of the Resolution passed have been communicated both to the Secretary of State for India and the Government of British Guiana. The scheme approved therein has not yet come into operation as the Government of British Guiana have not yet intimated the date from which they desire that the emigration of labour for unskilled work to that Colony should commence.
11	1-9-26	Mr. N. M. Du- masia.	Removal of dis- qualifications to the admission of women as Members of the Assembly.	Home	The necessary Regula- tions were issued with the Legislative Depart- ment Notification No. F.-26-X-26-A., dated the 3rd September, 1926.

ACTION TAKEN ON RETRENCHMENT COMMITTEE'S RECOMMENDATIONS.

69. ***Mr. C. Duraiswamy Aiyangar:** Will the Government be pleased to lay on the table a statement showing the retrenchment effected till now in pursuance of the recommendations of the Retrenchment Committee (Lord Inchcape Committee) and the reasons for not giving full effect to the recommendations till now in cases in which it was not so given effect to?

The Honourable Sir Basil Blackett: Statements showing the action taken on the recommendations of the Retrenchment Committee have from time to time been placed before the House. Up-to-date information is being collected and will be laid on the table in due course.

APPOINTMENT OF COUNCIL SECRETARIES.

70. ***Mr. C. Duraiswamy Aiyangar:** Have any Council Secretaries been appointed till now under the provisions of section 48-A of the Government of India Act? If not, why not?

The Honourable Sir Alexander Muddiman: (1) No.

(2) The appointment of Council Secretaries is at the discretion of the Governor General. For the reasons why the Government of India has not advised the Governor General to exercise his discretion the Honourable Member is referred to the Honourable Sir William Vincent's speech in the Legislative Assembly dated the 28th March, 1922, on the Resolution of Mr. R. A. Spence on the subject, and to the vote of the Assembly on that occasion.

INDIAN CHRISTIANS IN ECCLESIASTICAL DEPARTMENT.

71. ***Mr. C. Duraiswamy Aiyangar:** (a) Will the Government be pleased to state how many Indian Christians occupy places of importance in the Ecclesiastical Department?

(b) Is it not possible to have the whole Department filled by Indian Christians?

(c) Have the Government any idea of relieving the Indian tax-payer from the duty of maintaining the Ecclesiastical Department?

The Honourable Sir Charles Innes: (a) and (b). There are Indian Clergymen in the Church of England in India, but those Clergymen who are borne in the cadre of the Indian Ecclesiastical Department are recruited at home by the Secretary of State in Council, and it is not proposed to alter this system of recruitment.

(c) The views of the Government on this point are contained in the circular letter of the Government of India in the Commerce Department to Local Governments, which was published in the Gazette of India on the 23rd October, 1926.

Lieutenant-Colonel H. A. J. Gidney: Will the Honourable Member kindly inform me, with reference to (b) of question No. 71, how many Anglo-Indians are employed in the Ecclesiastical Department?

The Honourable Sir Charles Innes: As far as I know there are no Anglo-Indians on the cadre of the Indian Ecclesiastical Department.

RAILWAY COMMUNICATION TO BADRI NARAYAN.

72. ***Mr. C. Duraiswamy Aiyangar:** (a) Are Government aware that the Hindu pilgrims to the holy shrine of Badri Narayan are put to hardship for want of railway communication to that shrine?

(b) Have the Government any idea of opening any such communication in the near future? If not, why not?

Mr. A. A. L. Parsons: (a) Government recognise that a certain amount of inconvenience is caused to the Hindu pilgrims for want of railway communication to Badri Narayan.

(b) A proposal for a railway from Rikhikesh to Karanprayag is under investigation.

APPOINTMENT OF INDIAN TO RAILWAY BOARD.

73. ***Mr. C. Duraiswamy Aiyangar:** Will the Government be pleased to state if any Indian has been put on the Railway Board?

The Honourable Sir Charles Innes: No, Sir.

RULE RE MOTION OF NO CONFIDENCE IN PROVINCIAL MINISTERS.

74. ***Mr. C. Duraiswamy Aiyangar:** (a) Will the Government be pleased to state why the rule relating to the motion for raising a discussion on a vote of no confidence in the Ministers in the Local Councils was changed so as to require a larger number for demanding the discussion?

(b) Will the Government be pleased to state which Government took the initiative in asking for a change of the rule?

(c) Will the Government be pleased to lay on the table the correspondence between this Government and the Secretary of State on the subject?

Mr. L. Graham: (a) The Honourable Member apparently misunderstands the position. Provision for the moving of a motion expressing want of confidence in a Minister was made for the first time in rule 12-A of the Provincial Legislative Rules. It cannot, therefore, be said that the rule was changed so as to require "a larger number for demanding the discussion". If the Honourable Member means to inquire why this rule requires a larger number of members to be in favour of leave being given than is required under the Standing Orders of the various Councils in the case of a motion for the adjournment of the Council for the purpose of discussing a definite matter of urgent public importance, he will find the answer in paragraph 80 of the Report of the Reforms Inquiry Committee, 1924.

(b) No Government took the initiative in regard to the making of rule 12-A. The rule was made as the result of the recommendation contained in the paragraph of the Report of the Reforms Inquiry Committee to which I have already referred.

(c) Government regret that they are unable to lay the correspondence on the table.

Mr. A. Rangaswami Iyengar: May I know if it was the intention of the House to make it impossible for a motion of no confidence to be made by this rule?

Mr. L. Graham: Intention of which House?

Mr. A. Rangaswami Iyengar: I want to know whether it was the intention of the framers of the rule that no such motion shall be carried once Ministers are appointed?

Mr. L. Graham: The intention of the rule is that no frivolous motion should be made.

ACTION ON TOKEN OR CENSURE CUTS IN BUDGETS IN 1924, 1925 AND 1926.

75. *Mr. O. Duraiswami Aiyangar: Will the Government be pleased to state what attention has been paid by the Government on the token or censure cuts made in the Budget demands by the Assembly during the years 1924, 1925 and 1926?

The Honourable Sir Basil Blackett: I place on the table a statement showing what action has been taken.

Statement.

In the budget for 1924-25, there was only one token cut—that of Rs. 100 under the Demand for "Forest". The points brought up in the discussion related to (a) delay in the decision about training Indian Forest Service probationers at the Forest Research Institute and College, Dehra Dun, and (b) rate of Indianisation in the Indian Forest Service. The training of Indian Forest Service probationers commenced at the Forest College, Dehra Dun, from November 1925. As regards Indianisation, out of 18 vacancies filled by direct recruitment during 1925 and 1926, 9 were filled by Indians, 2 by Burmans and 7 by Europeans, while of the 7 vacancies which are anticipated in 1927 and 1928, 6 will be filled by Indians and 1 by a European. Henceforward, recruitment of Indians and Europeans will be in the proportion of 75 : 25.

In the budget for 1925-26, there were token cuts of Rs. 100 each, under the Demands for (a) Taxes on Income (b) Salt and (c) Opium. As regards (a), the question of amending Devolution Rule 15 was discussed at the Conference of Financial Representatives in November last in the light of the recommendations of the Taxation Committee. It is now under the consideration of Government. As regards the cut under (b), the question of making India self-supporting in the matter of salt raised by Mr. Venkatapatiraju in moving the token cut has been under consideration but no final decision has yet been reached. As regards the cut under (c) reference is invited to the Press Communiqué dated the 12th June, 1926, announcing the gradual abolition of the export trade in opium in the course of ten years as well as to the Resolution of the Finance Department (Central Revenues) dated the 17th June 1926, published on pages 716-732 of Part I of the *Gazette of India*, dated June, 19, 1926, regarding the consumption of opium in India. The internal policy of the Government of India in regard to opium has not undergone any modification. The Resolution quoted simply reaffirmed the policy previously in existence. Their external policy had been under consideration independently for some time and the decision mentioned was a direct consequence on their International obligations.

2. On the Railway Budget, there have been the following token cuts :

- (i) One of Rs. 1,000 on a motion by Mr. Joshi in 1925-26 and one of Rs. 100 on a similar motion by Mr. Joshi in 1926-27 to call attention to the necessity of reducing third class railway fares; Government have actually affected reduction on many railways;
- (ii) One of Rs. 100 on a motion by Sardar V. N. Mutalik in 1925-26, one of Rs. 100 in the same year on a motion by Mr. M. K. Acharya, and one of Rs. 1,000 by Mr. Mahmud Schammad Sahib Bahadur in 1926-27, to draw attention to Indianisation either of the Railway Board or of the Railway Services. Government have accepted, and so have Companies' railways, the recommendations of the Lee Commission in this respect;
- (iii) One of Rs. 100 in 1926-27 on a motion by Mr. M. K. Acharya, to draw attention to alleged failure to redress the grievances of railway subordinate employes. The grievances alleged are not admitted and no special action has been taken.

CONSUMPTION OF INDIAN AND FOREIGN COAL ON RAILWAYS.

76. ***Mr. C. Duraiswamy Aiyangar:** Will the Government be pleased to state how much of Indian coal and how much of foreign coal are purchased by the Railway companies; and if foreign coal is purchased, the reasons for such purchase?

Mr. A. A. L. Parsons: The Honourable Member is referred to pages 116—117 and 176—177 of Volume II of the Railway Board's Report on Indian Railways for 1925-26. It will be observed therefrom that with the exception of the Jodhpur, Gondal and Cutch State Railways (which are not State-owned Railways) and the Aden Railway, no other Railway consumed foreign coal in 1925-26. The latter Railway, that is the Aden Railway, is permitted to purchase foreign coal as it is practically impossible to obtain freight from India for the small consignments of coal which it requires. Government are not aware of the reasons that led to the purchase of foreign coal by the other three railways in 1925-26.

CONSUMPTION OF OPIUM IN INDIA.

77. ***Mr. C. Duraiswamy Aiyangar:** (a) Will the Government be pleased to state what steps they have taken to reduce the internal consumption of opium as a habit distinguished from medicinal purposes?

(b) Have the Government chalked out any programme for a total stoppage of opium consumption for other than medicinal purposes?

The Honourable Sir Basil Blackett: I invite the Honourable Member's attention to Government of India Resolution No. 4, dated the 17th June, 1926, which fully explains the Government's policy in regard to the consumption of opium in India. The reduction of the consumption of opium in the several provinces is the direct concern of the Provincial Governments and Legislatures, and a transferred subject.

Mr. C. Duraiswamy Aiyangar: May I know if any further steps will be taken this year with regard to the reduction of the local consumption of opium?

The Honourable Sir Basil Blackett: The policy will continue to be operative.

INDIAN STATION MASTERS' QUARTERS.

78. ***Mr. C. Duraiswamy Aiyangar:** (a) Will the Government be pleased to state the dimensions, measurements and description of the quarters of the Indian Station Masters and Assistant Station Masters of the old Madras Railway now in the possession of the Madras and Southern Mahratta Railway Company?

(b) Will the Government be pleased to state the dimensions, measurements and description of the quarters of the Indian Station Masters and Assistant Station Masters of the Madras and Southern Mahratta Railway that have been newly constructed and are being constructed?

INDIAN STATION MASTERS' QUARTERS.

79. ***Mr. C. Duraiswamy Aiyangar:** (a) Has the attention of the Government been drawn to an article published in the *Swarajya* of the 28th May, 1926, under the heading "Station Masters' quarters"?

(b) Do Government intend to take steps to improve their condition?

Mr. A. A. L. Parsons: I propose, with your permission, to answer questions Nos. 78 and 79 together.

The Honourable Member is referred to the answers given to similar questions Nos. 101 and 102, put by the Honourable Mr. N. M. Joshi in the last Simla session of this House. I am having a copy of the statement supplied to Mr. Joshi sent to him separately.

PROVIDENT FUND SYSTEM FOR NON-GAZETTED OFFICERS.

91. ***Mr. C. Duraiswamy Aiyangar:** (a) Will the Government be pleased to state whether there was a proposal to introduce a provident fund system in the place of the present system of pensions to the non-gazetted officers of the Government and, if so, what became of the said proposal?

(b) Is it a fact that opinions were called for about the said proposal from the various Local Governments, and, if so, will the Government be pleased to circulate the said opinions among the Members of the Assembly for their information?

The Honourable Sir Basil Blackett: The general question is still under the consideration of the Government and some time must elapse before a decision can be reached on this complicated case. Local Governments have not yet been addressed and the question of their powers in this respect is also under consideration.

WIDER PUBLICATION OF BILLS AND ACTS.

92. ***Mr. C. Duraiswamy Aiyangar:** (a) Are Government aware that the gazettes of the Government of India as well as those of the Local Governments are read only by the public officers and that they are not read by the public at large and are not within the reach of the masses?

(b) Are Government aware that the publication of Bills and Acts of the Indian Legislature in such gazettes do not really serve the real purposes of publication?

(c) Are Government prepared to make arrangements in future to have the publication made in the vernacular newspapers in each province?

Mr. L. Graham: (a) Government are not in a position to state with any degree of exactitude by what persons other than public officers the Government Gazettes are read.

(b) and (c). The reply is in the negative.

Mr. C. Duraiswamy Aiyangar: May I know, Sir, whether Government is aware of the utter uselessness of the procedure of publishing Bills and Acts only in the Government Gazettes, and may I ask why they avoid publication in the newspapers for the benefit of the public at large?

Mr. L. Graham: I might be allowed, Sir, to finish my answer.

Translations of important Bills and Acts are published in the Local Government Gazettes, and it is open to any newspaper to republish such translations.

Mr. C. Duraiswamy Aiyangar: May I know whether the newspapers do it under the authority of Government or simply as private advertisers of these Bills?

Mr. L. Graham: I cannot answer that question.

LATE PUBLICATION OF INDIAN STAMP (AMENDMENT) ACT OF 1923.

98. ***Mr. C. Duraiswamy Aiyangar:** (a) Are Government aware that the Indian Specified Instruments Stamp Act of 1923 has caused a great deal of loss and hardship to the public by reason of there having been no wide publication?

(b) If not, will the Government be pleased to ascertain how many promissory notes were taken on insufficient stamps and thereby became invalid?

The Honourable Sir Basil Blackett: (a) No. The Honourable Member is presumably referring to the Indian Stamp (Amendment) Act of 1923. Any inconvenience caused by the late publication of that Act was removed by the Indian (Specified Instruments) Stamp Act of 1924.

(b) Does not arise.

Mr. C. Duraiswamy Aiyangar: May I inform the Honourable Member that in spite of this amendment, there have been . . .

Mr. President: The Honourable Member must seek information, not give information.

Mr. C. Duraiswamy Aiyangar: May I ask whether Government has collected any statistics and whether they are aware that, apart from the amendment made of the Stamp Act, there have been cases of hardship?

The Honourable Sir Basil Blackett: I am glad to have the information from the Honourable Member.

REDUCTION OF PASSENGER FARES ON RAILWAYS.

91. ***Mr. C. Duraiswamy Aiyangar:** Will the Government be pleased to state how far the passenger fares on Railways have been reduced till now?

Mr. A. A. L. Parsons: I place on the table a statement showing the reductions in passenger fares which have taken place subsequently to those recorded at page 40 of the proceedings of Meetings of the Standing Finance Committee for Railways, Volume II, No. 6.

Statement showing reduction in passenger fares over the undermentioned Railways.

Railway.	I Class.		II Class.		Inter Class.		III Class.		Date of introduction of revised fares.
	Revised.	Previous.	Revised.	Previous.	Mail.	Ordinary.	Mail.	Ordinary.	
	Pies.	Pies.	Pies.	Pies.	Pies.	Pies.	Pies.	Pies.	
<i>Bombay, Baroda and Central India.</i>									
1-150 miles	24	24	12	12	6	5	4	3½	} 1st April, 1926
151-300 miles	24	18	9	9	6	5	4	3½	
301 and beyond	18	18	9	9	6	5	4	3	
<i>Burma.</i>									
1-300 miles	24	18	12	9	4	3½	} 15th June, 1926.
301 miles and beyond	18	18	9	9	...	...	3½	3
<i>East India.</i>									
1-100 miles	24	24	12	12	} No change.		} 1st February, 1927
101-300 miles	24	18	12	9	}		...	...
301 miles and over	18	12	9	6	}		...	...
1-50 miles . . . . .	...	...	...	...	...	...	...	...
51-300 miles . . . . .	...	...	...	...	...	...	...	...
301-600 miles . . . . .	...	...	...	...	...	...	...	...
601 and over . . . . .	...	...	...	...	...	...	...	...
<i>Madras and Southern Mahratta.</i>									
1-150 miles	24	24	12	12	} No change.		} 1st October, 1926.
151-300 miles	24	18	12	9	}		...	...
301 and beyond	18	18	9	9	}		...	...
1-60 miles . . . . .	...	...	...	...	...	...	...	...
61-100 miles . . . . .	...	...	...	...	...	...	...	...
101 and beyond . . . . .	...	...	...	...	...	...	...	...
					} No change.		No change.	3½	3½
					}		3	3	

No change in III Class fares over the Lashio Branch and the Southern Shan States Railways.

INTERMEDIATE CLASS ACCOMMODATION ON ALL TRAINS ON MADRAS AND SOUTHERN MAHARATTA RAILWAY.

95. ***Mr. C. Duraiswamy Aiyangar:** Do Government propose to direct that Inter class may be provided in all the trains on all the routes of the Madras and Southern Mahratta Railway?

Mr. A. A. L. Parsons: No; but we understand that the question of providing Intermediate Class accommodation on additional trains is being discussed by the Agent with his Local Advisory Committee.

MESSAGE FROM H. E. THE VICEROY.

Mr. President: I have received the following communication from His Excellency the Governor General:

(The Assembly received the Message standing.)

"In pursuance of the provisions of sub-section (2) of section 63 C of the Government of India Act, I, Edward Frederick Lindley, Baron Irwin, hereby signify that I approve the election by the Legislative Assembly of Maulvi Muhammad Yaqub as Deputy President of the said Assembly.

(Sd.) IRWIN,

Viceroy and Governor General."

STATEMENT OF BUSINESS.

The Honourable Sir Alexander Muddiman (Home Member): With your permission, Sir, I desire to make a statement in regard to Government business for next week. The days allotted for Government business are Monday, the 7th, and Wednesday, the 9th. On Monday, the 7th, it is proposed to ask for leave to introduce a Bill further to amend the Presidency-towns and the Provincial Insolvency Acts for certain purposes. Thereafter, a motion will be made to take into consideration the Bill further to amend the Indian Limitation Act, 1908 (Article 182); and, if that motion is passed, to pass the Bill. On Wednesday, the 9th, motions will be made for Supplementary Grants. I desire to explain that we had, in arranging our programme, anticipated that the Report of the Select Committee on the Steel Protection Bill would have been submitted by the 31st of January or the 1st of February, and that it would have been possible to take the Bill as reported by the Select Committee into consideration on Monday or Wednesday next week. The fact that the Select Committee has not yet presented the report and that a certain number of Bills, the consideration of which would probably have extended into next week, have been referred to Select Committees, has left us with a somewhat slender list of business for next week. On the other hand, in order to avoid congestion in the latter part of the session, it is important that the various Select Committees which have been set up should sit and report as early as possible. It is therefore proposed that the time available after the conclusion of our business on Monday and Wednesday should be devoted to meetings of Select Committees for which it would otherwise be difficult to find dates. As Honourable Members are aware, Tuesday, the 8th, and Thursday, the 10th, have been allotted for Non-official Resolutions.

RESOLUTION RE RELEASE OF THE BENGAL DETENUS.

Mr. Varahagiri Venkata Jogiah (Ganjam cum Vizagapatam: Non-Muhammadian Rural): Sir, the Resolution which I propose to place before this House is as follows:

“This Assembly recommends to the Governor General in Council:

- (a) the repeal of the Bengal Regulation III of 1818 and similar Regulations in force in other Provinces of India, and urges upon him the bare justice of an immediate release of all political detenues or of giving them at least an opportunity of exculpating themselves and proving themselves to be altogether innocent of the charges, if any, levelled against them, and
- (b) the grant of an amnesty to all political prisoners now undergoing imprisonment.”

Sir, at once I may say that I will not press sub-clause (b). Sir, before I deal with this Resolution,

Mr. President: Order, order. What does the Honourable Member mean by saying that he does not wish to press part (b)? Does he move it or does he not?

Mr. Varahagiri Venkata Jogiah: I move it, but I do not want to press it. I mean, I do not wish to say anything on sub-clause (b). I am entitled to do that, though I shall simply move the Resolution as it is.

Sir, before I move this Resolution, I think it is my duty to offer my thanks to the Giver of all good for making it possible for this my Resolution to come up as the first on the very first day set apart for Resolutions in this new House, and I pray and trust that the Almighty will be pleased to maintain the same kind spirit, enter into the heart of the Government, make them change their angle of vision, pursue the righteous way and accept this Resolution and release the political prisoners and repeal the Regulations. With these prefatory remarks, I shall pass on to the Resolution.

Sir, Regulation III of 1818 and the Criminal Law Amendment Act of 1924, concern the province of Bengal. Regulations II of 1818 and XXV of 1827 deal with the provinces of Madras and Bombay. I shall, first of all, deal with the Regulations. These Regulations were passed, at a time, when the state of things in the country was quite different from what it is to-day. These Regulations were passed at a time when the British had not established themselves securely in this country and were looking about and around them with great suspicion and apprehension. That was a time when the British were emerging out of a war with Nepal. They were aware, at the time, that Napoleon Bonaparte had been casting his eager eyes on India and had been trying to invade it; and that the echoes of the Mahratta war had not completely died out. They were conscious that foreign emissaries were going about the country creating disunion and fomenting ill-will among the people of this country, and that large tracts of the country were still in the possession of Native Princes, who viewed the spread of British power with apprehension and anxiety.

As for the administration of the country, no comprehensive Codes were promulgated, no important laws were passed. In fact, the administration of the country was in a state of fluidity. It was in this state of the country that these Regulations were passed. A hundred years have elapsed since then and much water has flowed down the bridge. The state of the country has completely changed. People came in contact with several nations, studied their ways, customs, and manners, and learnt their methods. They progressed considerably in education and civilization. Better and more civilised laws were passed, and

yet, Sir, these Regulations, rightly termed lawless laws, still continued to be on the Statute-book and remained the law of the land, though these continued to be a dead letter until recently, when our Government was pleased to unearth them. Not only did they unearth and revive these Regulations, but they also forged fresh fetters by enacting the Criminal Law Amendment Act very recently.

The existence of these laws is an anachronism, especially when we find that no such laws disgrace the Statute-book of any part of British India, nay, of any part of the civilised world. The very spirit of these Regulations is opposed to the traditions of the English constitution and is opposed to the very elementary principles of jurisprudence. To punish a man without a trial, without giving him an opportunity to defend himself and to prove his innocence is unknown to any system of law, in ancient or modern times. There was only one instance given in ancient times of such a law, and that was on the borderland of Scotland in a town called Jodeburgh. There, it is said that there was a standing law by which an accused could be hanged without a trial. Even there, the formality of a trial was not altogether dispensed with. It is said that the trial came on, funnily enough, after the sentence was executed. In this enlightened age, we have neither the reality nor the semblance of a trial. Another instance that was quoted, on the floor of this House last year, by an Honourable Member of this House, was from the Free State of Ireland, where, he stated, certain people were deported without trial. But my Honourable friend forgot that there is no analogy between the circumstances of Ireland and India. Ireland was, at the time, at war with the British; there is no such thing in India. Ireland is governed by its own people, but India is governed by a foreign power. Further, in all State trials, such as for sedition and other offences, evidence is freely manufactured in this country, while there is no such thing in Ireland. In fact, several things, which can be done with impunity by Government in this country, cannot be done in free countries like Ireland or England. In these circumstances, it is no wonder that the arbitrary action of the Government, under colour of these Regulations, the reasons for which they dare not disclose, is characterised as "illegal", "unconstitutional", "arbitrary", "impudently absurd" and "preposterous"—epithets not used by an Indian but by a distinguished Liberal Member of Parliament on a memorable occasion.

With regard to the deportations, we are not told what was the nature of the charges that were levelled against the deportees, nor where the necessity lay for removing them suddenly from their hearths and homes; and yet, we are told that we are citizens of the British Empire and that we possess all the rights of British citizenship. If this is so, may we not ask why are some of us removed from our hearths and homes without one word of explanation and why are we not given the elementary right of British citizenship, of being tried in an open Court, especially when, in other countries, men like Roger Casement and others, who were accused of the blackest of crimes—treason and conspiracy with the King's enemies—were given an open trial and a right of appeal. The deportees declare that they are innocent and they challenge the Government to prove their guilt. They assert that, if a trial is directed, they would not only be able to prove their innocence, but they could also make a scathing exposure of the case of the Government against them.

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In these circumstances, two questions arise. The first is, what is the basis for these deportations, and the second is, why is not a trial given to these deportees? As to the first, the only basis, it seems to me, for these deportations is hearsay and rumour, at best, *ex parte* and untested statements of the secret police, the interested information given by political spies, whose very occupation would be gone if their action is not maintained, and the alarming reports published by a certain section of the Anglo-Indian press, whose object has always been to prejudice Indians in the eyes of the British. As for the reasons why a trial is not given, Government generally offer two reasons. One is that a trial for sedition attracts attention and it is not desirable always to have a trial in cases of sedition; and the other reason which they give is that witnesses on behalf of the prosecution in trials such as these are terrorised and threatened with violence. Questions were asked on the floor of this House as to how many witnesses have been so threatened, but no answer was forthcoming. Moreover, with respect to some persons, against whom allegations similar to those alleged against these deportees were made and who were brought to trial, evidence was let in and convictions were obtained. And yet the Government say that witnesses are terrorised. As regards certain deportations, Lord Carmichael, a Governor of Bengal, stated that, so far as deportees were concerned, he was satisfied of their guilt but that there was no evidence to satisfy a Court of law and obtain a conviction.

What he said of certain deportations, in his time, is certainly true of other deportations and, if so, may we not ask, is it right, is it just, is it in consonance with the dictates of conscience that, in this enlightened age, these poor men should be allowed to rot in jail and be deprived of their liberty, when the Government knows that there is no evidence to obtain a conviction? His Excellency the Viceroy, in his speech the other day, when opening this Session of the House, was pleased to say that the sole object of keeping men under restraint was to prevent anarchist outrages, and that the Government were prepared to release them the moment they were satisfied that their object would not be frustrated. This is no doubt a very noble and excellent idea. May we, therefore, ask His Excellency to give these deportees an opportunity to satisfy him that the object of the Government will not be frustrated by their release. If they are given an open trial they are prepared to prove their innocence. So that, the detention of these deportees without a trial is against equity and good conscience.

To show that it is also against law, I invite the attention of this House to the Preamble of one of the Regulations, Regulation III of 1818, and also to the objects of the Criminal Law Amendment Act. The Preamble to Regulation III of 1818 reads as follows:—

“Whereas reasons of State, embracing the due maintenance of the alliances formed by the British Government with foreign Powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection, and the security of the British dominions from foreign hostility and from internal commotion, occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceeding, or when, etc., etc.”

And the object of the Criminal Law Amendment Act is said to be to suppress violent and dangerous conspiracies, that is the same thing as the internal commotion referred to in the Preamble to the Regulation which I have just read. So that the House will be pleased to see that the three

essential conditions are laid down by these repressive laws for deporting men. One is the disturbance of the amicable relations between the British and the Foreign Powers, and the absence of the security of the British dominions from foreign hostility; the second is the preservation of tranquillity in the territories of Native Princes, entitled to the protection of the British; the third is internal commotion. So far as the first condition goes, it did not exist at the time of the deportations, and does not exist now. The Government have been at peace with Foreign Powers, and there has been no fear of foreign aggression. As for the second condition which the Preamble lays down, so far as the Native Princes are concerned, there is no doubt that they are the most loyal to the British throne. By their conduct on State ceremonial occasions, by their speeches from a thousand platforms, and by their correspondence to the Anglo-Indian press, they have proved, beyond all doubt, that they owe fealty to the British throne. As for protecting the territories of these Native States, there is absolutely no need for it, as there is absolutely no danger of any mischief-making.

The only other ground that remains is internal commotion. I may as well state that there is no such internal commotion in this country. No doubt we are aware that there is a deplorable tendency in certain sections of the Anglo-Indian press and the English press and not in a few circles of Europeans to exaggerate the misdeeds of individuals into that of commotion. Disturbances such as these occur in all countries, in all ages, and under all administrations. It is unjust, even ridiculous, to say that in a country like India, inhabited by 350 millions of people, there will not be a few disturbances here and there. To magnify them into internal commotion is what one cannot understand. So that the absence of all these elements show that the action of the Government in deporting these men is also against the very Acts under which they purport to take action.

Next, coming to the individuals that were deported, by a strange irony of fate, not uncommon in political history, the Government's choice fell on the most undeserving. Who do you think was the first against whom the arbitrary action of the Government was directed under these Regulations? It was against no other than my distinguished friend and countryman, whom we have the honour and privilege to count as one of our honoured colleagues in this House, Lala Lajpat Rai. He has always been known as an earnest and sincere worker in the field of social, religious, moral and political reform. His conduct has always been irreproachable. His reputation for high character and patriotism is not confined to any one country or one place, but is world wide. It is a man like this who is said to have incited the army and tried to subvert the British Government.

Again, the choice of the Government, the next time, was not more happy in the matter of these deportations. The men selected this time were men like Babu Krishna Kumar Mitter and the late Babu Asvini Kumar Dutt, men who are loved and respected by the people. These men lived the purest of lives and their lives were permeated with the highest of religious ideals. In politics they were known as most moderate of Moderates; in their public utterances and in their private conversations with friends, they always advocated moderate views and denounced extreme views. They always fought for constitutional agitation and

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denounced anarchy and violence. It is men like these that were deported. I do not propose to take up your time by multiplying instances of good men and true that were deported, but will come to the recent Bengal deportees against whose deportation there is a very strong feeling in this country. These men, so far as purity of life and character go, are no whit inferior to their predecessors in deportation. They were held in very high esteem by the people. They were the idols of the people. They had high character, noble impulses and lived not for themselves but for others. It is said that the voice of the people is the voice of God. The whole of Bengal declares these men to be innocent and peaceful citizens. Not only Bengal, but the whole country declares, with one voice, that the Government has committed a grievous wrong against these deportees. In the face of this unanimous verdict of the whole country, the Government is most obdurate. So, as I submitted, these deportations are against law, equity and good conscience.

In conclusion, I may state that the people begged, entreated, prayed and petitioned Government numbers of times for the release of these deportees, and yet their solicitations and prayers fell on very deaf ears. In these circumstances, it is no wonder that the people have begun to believe in the futility of prayers and solicitations and consider that Government have developed a sort of contempt for public opinion and for the legitimate aspirations of the people. I trust that His Excellency the Viceroy will signify the commencement of his administration by a bold stroke of policy and release the Bengal detenus and other detenus and political prisoners and thereby make it possible, to some extent at least, for co-operation to be established between the rulers and the ruled. With these words I commend this Resolution to the unanimous acceptance of this House. (Applause.)

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): Sir, I beg leave to move the amendment, notice of which I gave this morning, and, as the notice was not given under the ordinary rules and my friends on the other side have not had the full two days' notice, I wish to be granted the special indulgence of moving it, especially in view of the fact that it is not a new amendment. It simply incorporates one of the Resolutions which is already on the paper, and the whole object is to substitute a later Resolution for the earlier one. I shall explain, Sir, why I do so. As was apparent from the manner in which the Honourable the Mover of this Resolution began his speech, there are parts of that Resolution which rather tend to side-track the real point which is before the House. The amendment which I beg to lay before the House focuses the arguments and the attention upon the one single point which it is the desire of at least this side of the House to press to-day. It is not intended to give up any of the other points that have been raised in the Resolution, but the reason why I am confining myself to the release of the detenus is that the other parts of the Resolution are already covered by previous Resolutions and Bills as well as by a Bill which has been drawn in the ballot and which will be before this House later in the Session. I therefore beg that you will be pleased to allow me leave to move that amendment.

Mr. President: If the Honourable Member will induce his friends who have given notice of other amendments on this Resolution not to move those amendments and thus lighten the labours of the House, I shall be glad to allow him to move this amendment.

Pandit Motilal Nehru: I shall be glad to do so. Now, Sir, the point narrows down to the one issue that these detenues under Regulation III of 1818, and the Bengal Criminal Law Amendment Act, should be forthwith released or brought to trial, and is not complicated by any other issues. Sir, that simple point needs no elaborate argument on either side of the House. So far as the Honourable Members on this side of the House are concerned, I do not think they need any argument to convince them of the plain justice, the soundness and the common sense of this amendment. So far as my friends on the opposite side are concerned, they are impervious to all argument in favour of these detenues. It is, therefore, mere waste of breath to occupy the time of the House at any considerable length. I shall briefly give the history of this question and add a few remarks and then resume my seat. Now, Sir, the reasons given for the detention of these men without trial are these:

- (1) That there exists a revolutionary conspiracy in Bengal;
- (2) That revolutionary crime has been committed;
- (3) That it is impossible to bring the offenders to justice because, and here I may quote official words:

“Terrorism of witnesses and juries, the failure of juries to return verdicts in accordance with the evidence, the murder of witnesses and persons who have confessed or turned King’s evidence, the fear of witnesses to disclose facts within their knowledge, all combine to render justice unobtainable under the existing Law. They have already operated in more than one recent instance.”

Those are the words of His Excellency Lord Lytton which he uttered at the time when the Bengal Ordinance was passed.

Now, Sir, this great coup, the wholesale arrest of these persons, took place in October, 1924. There was no opportunity given to this House to discuss the question until February following and it is twelve months ago, almost to a day, that the first debate took place in this House, on the 5th February, 1925. (*Honourable Members:* “Two years.”). Quite right; two years. Now, Sir, that was a full-dress debate and all the arguments for and against were exhausted. My friend the Honourable the Home Member, in his opening address, brought out a string of cases to show that this terrorism existed in Bengal. By a fortunate adjournment of the debate I had time to go into the question thoroughly and to examine the facts and the circumstances of each one of the cases that were relied on by my Honourable friend. And, Sir, when the debate was resumed, I took up all the cases one by one and I proved to demonstration that there was absolutely no foundation for any of the fears entertained by His Excellency Lord Lytton. I laid incontrovertible evidence before the House, taken from the records of those cases, and I showed that there never had been in recent times—in fact, after the proclamation of the Amnesty in 1919—a single case to which the statement made in Lord Lytton’s speech could apply. After going through all those cases I asked a few questions and I will beg the permission of the House to read them from my speech. I said:

“Where is there a case where an approver has been murdered? Where is there a case in which a witness had been threatened and which had been brought to the notice of the Court? Where is there a case in which the jury has failed to return a verdict of guilty in circumstances in which any other jury in the world would have returned that verdict.”

And then I referred to the one case that had happened in 1908, where an approver was killed by his co-accused; and I asked:

“Is it fair, is it just, to go into the facts of any case which happened before the year 1919, when the Royal Proclamation extending general amnesty to those involved

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in previous cases was made? By recalling these facts to your assistance—facts which happened before 1919—you are stultifying yourselves, you are stultifying the Royal Amnesty. If you do not take any of those cases into consideration, I challenge the Honourable the Home Member to show even a single instance of the use of threats, ill-treatment of approvers and witnesses and intimidation of jurors that has been relied on in all the Government pronouncements."

About the same time that official pronouncements were being made in this country, Lord Winterton from his place in the House of Commons cited the Alipur Conspiracy Case and the Calcutta Bomb Case, in which there was murder of witnesses. Now, Sir, the Alipur Conspiracy Case was a case which went through various phases, but the only time that we heard of any murder of a witness was in 1908, long before 1919, and the proclamation of the amnesty. As for the Calcutta Bomb Case we know that, at the first trial, the accused was acquitted by the jury and, when a re-trial was ordered, the Government withdrew from the prosecution. Upon that I asked again:

"Where is even a recent case? I shall not ask for more than one—give me one recent case in which these things which are mentioned in His Excellency Lord Lytton's speech have operated."

The answer has yet to come. I do not know what my Honourable friend has got up his sleeve to-day, but on the last occasion he expressly abstained in his reply from going into what he called the "happenings in Bengal" beyond referring to certain attempts made on the life of Mr. Tegart and the general existence of revolutionary conspiracies. My Honourable friend took me to task for referring to these attempts on the life of Mr. Tegart as "alleged attempts". He said how unfeeling it was on my part to say so. Now the fact of the matter is on that occasion—I do not know whether my friend will be more communicative to-day—he refused to give any information, any evidence of those attempts. He said that if he were to divulge names it would jeopardise the safety of the persons concerned. Well, Sir, when no evidence is produced, when no proof is given, it remained only an allegation, though it was made by such an eminent person as my Honourable friend. It was nothing but a bare assertion or allegation. My Honourable friend, Sir Charles Innes, on that occasion also attempted a reply, but in the course of his speech he simply poured vials of wrath on me. He referred to a miserable rag of a vernacular paper which nobody had heard of and the name of which he could not pronounce, and he read certain extracts from it showing that there were people in Bengal who were criminally inclined and who had revolutionary tendencies. Beyond that, Sir, there was no answer to the very definite questions which I put, and I again challenge my friend, though he has now had two years or more to get all the information that can be had.

Now, Sir, after that we come to more recent times. We had His Excellency the Governor General in this House to open it and he made his inaugural address. How do we find His Excellency treating the subject? He said:

"Constitutional reforms may vary widely but the maintenance of law and order is the inalienable duty of all those on whom falls the task of government and indeed the action of which complaint is made is solely due to the fact that the Government has had good reason to believe that those now detained had deserted the way of constitutional agitation for that of violent conspiracy and that to put a term to their dangerous activities was essential."

And His Excellency proceeded:

"Before releases can be sanctioned, Government must be satisfied either that the conspiracy has been so far suppressed that those set at liberty, even if they so desired, would be unable to revive it in dangerous form or, if the organisation for conspiracy still exists, that those released would no longer wish to employ their freedom to resume their dangerous activities. Government have always made it clear—and I repeat to-day—that their sole object in keeping any man under restraint is to prevent terrorist outrages, and that they are prepared to release them the moment they are satisfied that their release would not defeat this object."

Now, Sir, I ask: How on earth are we to satisfy anybody that their release would not defeat the object Government has in view?
12 Noon. His Excellency has put the cart before the horse. He says "We are satisfied that these men are dangerous." My friends on the other side do not tell us on what grounds they are so satisfied, and what evidence they have. How am I to satisfy my friends that the stories, the one-sided stories, they have heard which they have not communicated to me, are wrong? My friends may have some sort of a moral conviction of the guilt of these persons. I can assure my Honourable friend the Home Member that, as against his moral conviction and that of his colleagues, there is the moral conviction of the whole country that these men are innocent.

An argument has often been used that, since these men have been taken, revolutionary crime has not been much in evidence. Well, that is fine logic indeed. You take hold of a number of innocent men and, if nothing happens after that, you say: "Here we are; these are the men who are guilty." But, as a matter of fact, some bombs have been found since, and I think I am entitled with better reason to infer from that that the men who have been taken have been wrongly taken and that the real men are still at large.

Then, Sir, the next stage was the last debate on the motion for adjournment on the question of Mr. S. C. Mitra not having an opportunity to attend the House though he was a duly elected Member of this House. There again the position taken up by my friend the Honourable the Home Member was: "The House has no power and we are masters of the situation." Of course, there can be no reply to that attitude. The united voice of the constituency had declared in favour of Mr. Mitra. What was his crime and what was the crime of his constituency? In the first instance, when he was elected to the Bengal Council and his seat was subsequently vacated by an order of His Excellency Lord Lytton and a fresh election took place, the constituency had the temerity to re-elect him again. My friend said that that was a chance given to them and they failed to avail themselves of that chance. Now, I ask every Englishman, and my Honourable friend in particular, to consider for a moment whether that is at all a statement which any Englishman would approve. It is the right and the privilege, the sole right and privilege of a constituency, to elect whomsoever they please. For English people to say: "We will give you another opportunity, but we will restrict your choice in a particular way; you may elect anybody you like but not this man, not the man you want to have," is to me an amazing proposition.

Sir, now I come to the condition in which these men are. Quite apart from their lawless detention, we have these men suffering, some of them from a number of very serious diseases. Take the case of Subash Chandra Bose. After a good deal of prevarication, the jail authorities and the jail doctor have had to admit that it is a serious case,—it may be a case of tuberculosis. There are others who are suffering from more or less serious diseases. But, Sir, I do not ask for the release of any one

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of them on medical grounds. If I mention the fact, it is simply to point out the inhumanity and callousness of keeping these men in detention without any trial. These broken-down men we are asked to believe are a terror to the Empire, a peril to the Empire. We say: "either have the courage to put them on their trial; or if you do not possess that courage, then it is your bounden duty to let these men off." Sir, Bengal has given its answer. Bengal has elected with a tremendous majority Subash Chandra Bose again to the Bengal Council; it has elected Mr. S. C. Mitra to this Assembly unopposed. I would ask my friends not for a moment to think that mere lapse of time and continuation of this detention will placate Bengal or will induce it to forget. Every day that passes adds fresh fuel to the flame of discontent, not only in Bengal but in the whole country. You talk glibly of advances in the constitution, of Royal Commissions and Statutory Commissions. Let me, through you, Sir, inform the Government that, so far as we Congressmen are concerned, we have no use for any of your niggardly advances in the constitution, for any of your Royal Commissions or your Statutory Commissions, until you remove this ugly stain on your administration. We are not in a mood and we are not prepared even to entertain any proposal for co-operation unless and until these men are released or brought to trial. Sir, the Government's action is defeating its own purpose. Instead of bringing about an atmosphere suitable to co-operation they are doing the reverse and converting the whole country into a seething sea of discontent. Now is their opportunity, and I am afraid this is the last opportunity. Let them take their courage in both hands and shake off their nervousness. Let His Excellency the Viceroy listen to the appeal made by the Mover of this Resolution. Let him signalise the first year of his Government and the first Session of this Assembly by an act of broad-minded statesmanship. Let the opening of this noble pile of buildings mark a real change of heart and not go down to history as merely a land-mark of the haughty Imperialism of Britain and the enforced enslavement of India.

Mr. President: Amendment moved.

"That for the original Resolution, the following be substituted:

'This Assembly recommends to the Governor General in Council that he be pleased to immediately release or bring to trial all detenus under old Regulations and the Bengal Criminal Law (Amendment) Act of 1925.'

The Honourable Sir Alexander Muddiman (Home Member): Sir, it has been my fate on several occasions to meet Resolutions of this character in this House, but at any rate to-day it is a matter of some satisfaction, indeed of great satisfaction, that, with the exception of one important province, the particular Resolution or rather the amendment of my Honourable friend has little practical importance, and, since I last spoke, in one important and at one time much agitated province, firm and wise administration has restored peace which, I hope, will continue.

Sir, my Honourable friend who has just spoken with his usual acuteness has removed a great deal of the surroundings which rendered this Resolution difficult to meet. He has brought up the points which undoubtedly this House wishes to discuss, and that is the detention of the Bengal detenus. In doing so, if I may say so, he has narrowed down the discussion and enabled me to meet what he desires I should, and indeed, when I prepared my speech, I had practically adopted his amendment without his having moved it.

Sir, this is a new Assembly. Memories are short, particularly in respect of the causes which produced unpleasant results. It is, therefore, my duty to bring to the notice of the House certain facts which I have, I regret to say, had to bring to the notice of the previous Assemblies. I therefore, Sir, must ask the indulgence of the House and review the situation at considerably greater length than I usually do in speaking, and I think the House will bear me out that, as a rule, I do not take up the time of the House unnecessarily.

Sir, I propose to examine the situation in Bengal, prior to the issue of this Ordinance, at the time of the issue of this Ordinance and at the present moment. The contention that there is no revolutionary crime in Bengal is really not borne out by facts. I have no desire to go back before the grant of the amnesty, but I must point out that after the end of the great War, we did have a general amnesty, as a result of which all political detenues and offenders, with one or two exceptions, were released. That was early in 1920. In fact, a full trial was accorded to the policy which is again urged upon Government, namely, a wholesale release of all prisoners under detention in connection with revolutionary conspiracies. It is highly instructive to see what was the effect of the amnesty on that occasion. Everybody was released in 1920, and we did hope that, with the change in political circumstances, a period of peace would follow. There was a period, there was a lull, but it was not, I regret to say, a period of peace. It was, in fact, a period when the revolutionary party were resting and recuperating and preparing for fresh efforts. They proceeded to recreate a situation that was in all essentials the same as Government were faced with in 1910-1914, and indeed up till the time that the special war time legislation was introduced. This is no matter of argument or opinion. The strongest evidence of the existence and character of the movement is to be found in its fruits which is again,—I repeat it and I am sorry to have to repeat it,—one long history of murders, dacoities and assassination of police officers. The catalogue of these crimes of violence is a long and impressive one, and I have given it before, but I think I must again give it in rather greater detail than I had hoped that it would be necessary for me to do. I will give now the chief events with their dates of occurrence, as far as possible, and I will begin with the year 1923.

About four years ago, I may say in May, 1923, these fresh outbreaks of revolutionary crime began again. On the 15th May, 1923, there was a dacoity with double murder at Kona near Howrah. On the 24th May, 1923, a raid was made on the Ultadingi Post Office in Calcutta, during which fire-arms were used. This was the work of the same gang, for the arms and ammunition, whistles, wigs, etc., were all the same. In July, 1923, there was an armed robbery in Goalpara Lane. On the 30th July, a robbery with murder took place at Garpar Road, in which fire-arms were again used. On the 3rd August, 1923, an armed raid took place on the Sankaritola Post Office, in the course of which the Post Master was shot and killed. One of the accused was arrested on the spot with a pistol from a dispensary with which he was connected, and two revolvers and a 100 rupee forged currency note were recovered. Following on arrests, statements were made to the police by no less than five persons, which proved conclusively that all five outrages were the work of one and the same gang. The arms and ammunition used were of German manufacture and were not available for purchase in this country. In December, 1923, there was an armed hold-up of a mail van at Chittagong and the

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robbery of Rs. 17,000, the property of the Assam Bengal Railway. In December, 1923, there was a fight near Chittagong between the police and an armed gang, in which fire-arms were used on both sides. Two accused were arrested and tried, but were acquitted. In the house abandoned by the gang, cartridges of the same nature were again discovered. On the 12th January, 1924, Mr. Day, an unfortunate citizen, who was apparently mistaken for Mr. Tegart, was murdered at the corner of Park Street in Calcutta. On the 14th March, 1924, there was a bomb explosion in Faridpur, when a youth who was making it sustained serious injuries. On the 15th March, 1924, the police discovered a bomb factory in Calcutta, and they recovered six fully-loaded bombs and a large quantity of explosives and bomb-making materials; and a subsidiary search resulted in the recovery of an unlicensed mauser pistol, which proved to be one of a batch of 40 stolen from Messrs. Rodda and Company in 1914; another revolver with ammunition was also recovered. On the 18th April 1924, an unfortunate European, who had no connection with the police, was shot at, apparently again mistaken for Mr. Tegart. On the 24th May, 1924, an attempt to murder the chief witness in the Chittagong robbery case was made. On the 25th May, 1924, a Sub-Inspector in Chittagong was murdered, because he made himself obnoxious to the revolutionaries by the arrest of an important member of their party. On the 30th July 1924, one Bhabesh Rai was arrested with a loaded revolver. On the 22nd August, 1924, there was a bomb outrage in Mirzapur Street, Calcutta, as a result of which one person was killed and one injured. On the 2nd October, 1924, a man called Santi Lal Chakravarti, who was in fact an informer, and one of the accused in the bomb outrages, was murdered in a very brutal fashion. I am not sure whether.

Mr. T. O. Goswami (Calcutta Suburbs: Non-Muhammadian Urban): This man was acquitted.

The Honourable Sir Alexander Muddiman: This man was murdered.

Mr. T. O. Goswami: The man was acquitted by the High Court.

The Honourable Sir Alexander Muddiman: The man who was murdered was acquitted by the High Court?

Pandit Motilal Nehru: He was not an informer. He was first acquitted by the High Court, and three days after he was murdered.

The Honourable Sir Alexander Muddiman: I said he was murdered because he was suspected of having given information to the police. I was not able to state that at the time for obvious reasons.

Now, this is a long tale but it is not all. In dealing with this matter, I have not alluded to the circulation of the notorious "Red Bengal" leaflets, which advocated a campaign of ruthless assassination against police officers, and one issue of which bore the stamp of the Goddess Kali killing a European. Throughout this whole period, there was a continuing series of plots directed against the lives of police officers, and there was one which aimed at the life of His Excellency the Governor of Bengal. I use the word 'plot' advisedly, for I say that the Government have in their possession material establishing, in all essential particulars, the reality of several of these attempts. That was the position before the Ordinance.

I have reached the end of the list and I have no hesitation in saying that this list would have been longer if certain leading brains connected with the conspiracy had not already been detained under Regulation III.

Pandit Motilal Nehru: May I ask a question if the Honourable Member will permit? In this long list of cases which the Honourable Member has given, is there a single case which is a new one and which was not mentioned by him in the first debate in 1925 and fully disposed of by me?

The Honourable Sir Alexander Muddiman: I understood your position to be that there were no such cases. It was, therefore, plainly my duty to repeat them.

Pandit Motilal Nehru: There is nothing new.

The Honourable Sir Alexander Muddiman: What I am endeavouring to prove by this is that, at the time of the Ordinance, there was a very serious position which was becoming increasingly difficult by the occurrence of a large number of outbreaks, some of which were punished but a large majority of which were unpunished. That was a time when the leader of my Honourable friend's party stated himself that the movement was more serious than the authorities realised. Well, Sir, to meet that position, what were we to do? We introduced the Bengal Ordinance. The resources of the ordinary law had proved once again powerless in dealing with a widespread revolutionary conspiracy. It is perfectly true that, in the case of the Day murder and in the case of the Calcutta Bomb factory, convictions were obtained. The necessary evidence required was obviously that of eye-witnesses in the one case, and of search witnesses in the other. They were practically cases where the men were caught red-handed and therefore conviction followed. In the efforts made to deal with the main conspiracy, as opposed to specific overt acts, no success at all was obtained, nor could evidence of any kind be obtained which would justify the Police in running cases. What happened was, where a man was caught red-handed naturally he was tried and convicted, but the main conspiracy case could not be dealt with. The conspiracy could not be brought into court. The police could not get at it. There is nothing new in this. It has happened before. It is unfortunately the case that this was not the first time when we have had to deal with revolutionary crime in Bengal. We have had experience of nearly 20 years.

Pandit Motilal Nehru: Will the Honourable Member name one case in which the prosecution failed for want of evidence—for insufficiency of evidence due to witnesses being threatened and so on?

The Honourable Sir Alexander Muddiman: Most of the cases failed for want of evidence. Where there was sufficiency of evidence, conviction followed.

Pandit Motilal Nehru: Is there a single case where there was want of evidence due to witnesses being threatened?

The Honourable Sir Alexander Muddiman: I mentioned several cases. There was the case of one man who was killed. I do not know whether it is regarded.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Has any case failed on account of threat to witnesses?

The Honourable Sir Alexander Muddiman: In my judgment, many cases have not only failed but have never been able to be brought into court.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhammadan): There was no evidence.

The Honourable Sir Alexander Muddiman: As I was saying when I was interrupted—I do not propose to give way again

Mr. T. C. Goswami: It is rather inconvenient.

The Honourable Sir Alexander Muddiman: that was not the first time when we had experience of revolutionary crime in Bengal. We have had 20 years' experience. More than once we have taken high judicial officers into our confidence. We have laid many cases before them and their conclusions have, in every case, coincided with those of the Executive Government; that is to say, that, in certain circumstances, the Police are powerless without the assistance of some special law. There comes a time when you cannot deal with revolutionary conspiracy through the ordinary machinery of the courts and when special powers, and those of an extra-judicial nature, are necessary. The position in Bengal, when we took these powers, was that practically the Police had broken down, the courts had broken down, and we could not carry on the administration. (*A Voice*: "Question".) We bought our experience exceedingly dear. We found the law unable to cope with the situation, the public alarmed and little inclined to assist, and the Police feeling the continual strain of the conflict in which they were always defeated. I must now ask the House to examine the period from the introduction of the Ordinance down to the present time. What is the most remarkable feature? It is nothing less than this that, for over a period of two years, there has not been a single outrage of the type which I have just given in my list. I must except, of course, the Alipur Jail murder where a devoted and valuable servant of the State was brutally murdered in jail. I allude to Rai Bahadur Bhupendra Nath Banerji of the Bengal Intelligence Branch. This particular crime, however, was committed inside the jail by certain convicted revolutionaries and formed a melancholy proof of the desperate character of those concerned in the movement and indicated a deplorable state of affairs in the jail itself.

Mr. T. C. Goswami: They were convicted.

The Honourable Sir Alexander Muddiman: As I was going to tell you later, they were convicted. There have also been seizures by the Police of bombs, pistols and explosives besides other ample evidence to show that this conspiracy, though it has been scotched, has not been killed. The main events are as follows. In the end of January, 1925, there was a wide-spread circulation of a revolutionary leaflet. It appeared in great numbers in Bengal, the United Provinces and the Punjab. It frankly preached revolution. In this case we were in a more fortunate position. A gentleman of the name of Sachindra Nath Sanyal was eventually put on his trial for the publication of this leaflet and he got two years' imprisonment.

Pandit Motilal Nehru: On the sole evidence of a handwriting expert.

The Honourable Sir Alexander Muddiman: Perhaps my Honourable friend will allow me to give him a little more information about the career of Sachindra Nath Sanyal. His career is worth looking into. He got a life sentence for waging war against the King at Benares in 1916. He was one of those who benefited under the general amnesty of 1920. Besides this conviction for the circulation of this pamphlet he is now under trial

on serious charges in the Kakori conspiracy case, in which, among other matters, the true purpose of the publication of this pamphlet will be a matter for decision by the Court. That is the history of his career. He appears to be a man who, having got a life sentence was then released and used his release, certainly not to tread the path of peace that we hoped he would do, but to circulate a revolutionary leaflet and then to be charged for taking part in a dacoity which is now under trial. That is Sachindra Nath Sanyal.

On the 10th November, 1925, at a house in Dakshineswar, 9 men were arrested. They had in their possession a live bomb, a loaded revolver, a pistol, a quantity of ammunition, formulæ and instructions for preparing explosives, materials and implements and, besides, a considerable quantity of inflammatory literature. I may point out to the House that among the literature found was a copy, with a few additions, of a document seized at the search of the Maniktola Garden in 1908. It looks as though he also was one of those who was released and relapsed into crime. I do not say it was so, but it is certainly possible. In this case a conviction was obtained and all the persons were awarded substantial sentences which have been upheld by the High Court.

Again, in November, 1925, at 4, Sova Bazar Street, two persons were arrested, having in their possession a revolver, some ammunition, and six bottles of Nitric Acid. These persons were also convicted and the court who tried them held that the Dakshineswar and Sova Bazar groups were members of one conspiracy with the common object of revolution by violent methods.

I would not have gone on with this long list if there had been any frank admission on the other side that there does exist in Bengal a revolutionary movement which has to be dealt with. I would not have gone into this matter but for the challenge which has again been thrown out that this movement does not exist. I must go on. Among the documents seized in the Sova Bazar house were two schemes relating to the formation of a "Blood of Martyrs' League" and "Young India Association." The immediate object of the scheme was described as the independence of the country by all possible means, including armed revolution, the requisites being a secret organisation with ramifications all over the country, money, arms, ammunition, and explosives. There were also detailed instructions regarding the training and organisation of members. These documents are nothing if not outspoken, and testify more clearly, absolutely conclusively, at any rate to my mind, and, coupled with the cases I have cited, to the existence and character of the revolutionary movement at the moment

Mr. B. Das (Orissa Division: Non-Muhammadan): It is a schoolboy's scheme.

The Honourable Sir Alexander Muddiman: It is perhaps; but it is schoolboys who commit the acts which these schemes contemplated. There is also a document entitled the "Blood of Martyrs' League" in which its author expresses himself as follows:

"I think revolution in India will come in the following way:—(a) Individual demonstrations; murder of high officials; capture of Government arms and ammunition; destroying Government institutions; jail outbreaks; destroying bridges; wrecking trains; murder of spies, informers, etc.

(b) Simultaneous demonstrations"

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I do not know what simultaneous demonstrations means :

“(c) Insurrection, including guerilla warfare.

(d) Revolution.”

(*An Honourable Member*: “Nice’’) As regards (a) it is quite evident that overt acts were carried out in the directions of this young gentleman’s scheme. Simultaneous demonstrations I do not understand. He goes on to say :

“In my opinion, we should now be fully prepared for item (b) so that it may lead to item (c)—(that means insurrection and guerilla warfare). We should never miss any opportunity of England’s war with other Powers. So we should try to keep connection with England’s enemies so that we may get help in time of need.”

I am not one of those who will exaggerate the importance of a document of this kind; I am not one who would pay any particular attention to it at all unless it be accompanied by overt acts. But, whatever the view of this House is about the detention or non-detention of the prisoners who are now under discussion, I think it will at any rate acknowledge that, when you see a scheme accompanied by overt acts, it is impossible to dismiss that as the vapourings of a schoolboy

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): *Agent provocateur*.

The Honourable Sir Alexander Muddiman: My Honourable friend has repeated a statement that I have nailed to the counter on many an occasion and I will deal with him later. On the 25th December, 1925, a man was arrested and he was subsequently convicted for having attempted gun-running. How can you conduct guerilla warfare unless you have arms? And for that purpose you must import arms, and here is a man who was convicted for importing arms and gun-running. That is the first stage of guerilla warfare (Laughter.) In May, 1926, Rai Bahadur Bhupen Chatterji was murdered in the Alipore Jail. Who were his murderers? Let the House consider that. Were they ordinary convicts? Were they unconnected with the story that I am telling? They were murderers who were supplied from among the Dakshineswar and Sova Bazar convicts. (*An Honourable Member*: “Were they the detenus?”) They were revolutionary convicts. I am now developing the fact of the existence of the revolutionary movement. I do not allege that the murderers were the detenus in the Alipore Jail; I have not stated that. But I do state that men who had been suspected in connection with these revolutionary movements and had actually been tried and convicted in the Dakshineswar and Sova Bazar cases to which I have referred were the murderers of the police officer in the Alipore Jail. They were tried and two of them were hanged and three others were transported for life. In August, 1926, nine powerful brass bombs were found in a partially-finished condition at Bisseswari School in Chittagong. The bombs were tested by experts and found to be useful bombs, but no one was sent up for trial in that case because no one was detected. On the 6th January, 1927—we come now almost to the time the Council is sitting—in Sukea Street in Calcutta, 13 bombshells were seized, lacquered and ready for filling. From the two persons who were found on the spot were recovered two loaded revolvers and these men were sent up for trial. One of these is a youth named Rabindra Mohan Kar Gupta, who in 1925 was found in Benares pasting up

a copy of the Revolutionary leaflet I have referred to before. He was convicted under section 109 of the Criminal Procedure Code, and sent to jail for a year in default of furnishing security.

That is the position of things, Sir. You have the connection in Bengal, as every reasonable-minded man will agree, between these revolutionary pamphlets and the acts by which these men tried to carry out their programme. They do not deny it. That is the history of the revolutionary crime since the special legislation became operative. There is evidence to show that the movement has not collapsed, nor have its violently criminal tendencies abated. I do not, however, want to disguise from the House that the position is not so gloomy as it was when I last addressed it. There is one feature and a very reassuring feature—and I hope the House will agree with me at any rate on that point,—and that is that in all these post-Ordinance cases it is the police who have taken the initiative and not the revolutionaries. They have recovered the power, or at any rate to some large extent the power, of dealing with crime of this character and for that we owe the Police of this country a very great debt of gratitude. And here I would like to pause for a minute. I do not know whether the House is under the impression that this sort of investigation, difficult as it is and dangerous as it is, is a thing that the police officers enjoy. Let me tell you, I see a good deal of the police officers and I know that they think about these political crimes very much the same as troops do when they are used in civil disturbances. They abhor it, but they do it because it is their duty to do it, and it is a dangerous and painful duty, and the suggestion of *agent provocateur* I repel with scorn

Mr. T. C. Goswami: It is only a scorn, it is not a denial. Does the Honourable Member deny it?

The Honourable Sir Alexander Muddiman: I deny it absolutely.

Mr. T. C. Goswami: You have just cited the case of an informer.

(Some Honourable Members tried to interrupt, sitting in their places).

Mr. President If any Honourable Member wishes to interrupt, he must rise.

The Honourable Sir Alexander Muddiman: I was asked whether I would repel and deny the charge that the police officers produced these things. I emphatically deny it and repel it with scorn.

Mr. T. C. Goswami: That is a mere statement.

(Again several Honourable Members tried to interrupt, sitting in their places.)

Mr. President: I have again to remind Honourable Members that any Honourable Member who wishes to interrupt should rise in his seat.

Pandit Motilal Nehru: May I remind my Honourable friend of what Sir Reginald Craddock said about *agents provocateur*?

The Honourable Sir Alexander Muddiman: When I was interrupted I was going to say that the House is not so foolish as to imagine that the policeman gets any benefit out of these.

Mr. Chaman Lall (West Punjab: Non-Muhammadan): Promotion.

The Honourable Sir Alexander Muddiman: He gets no promotion. He may as well be shot down, and he is frequently shot down, in the performance of his duties, by which the forces of law and order are maintained; and in this House, constituted as it is, I do hope that, when this debate continues, I will hear some observations dealing with the question of devoted police officers, like the Rai Bahadur in Calcutta, who was done to death in the Alipore Jail in the performance of his duties. I do claim that the Police, although they have not been able to prevent the continuation of this organisation,—and I myself never believed that measures of this class will eradicate, though they may check and prevent revolutionary crime—have been able to stem the tide of political murder and robbery which was running so strong when the Ordinance was passed. They have undertaken some successful prosecution and for that we owe them great credit. But we cannot say that there has been a return to normal conditions. Even as recently, as I have stated, as 3 weeks ago, arms and bombs were found in Calcutta. I would tell the House quite frankly that I never believed that these repressive measures would eradicate revolution. They may check it and may enable the police perhaps to wage a successful war on them, but they will not eradicate revolutionary activities, and I am not so foolish as to imagine that or endeavour to convince the House on that point.

I claim that the measures that we have taken have been justified by practical results. If the House compares the difference between the present conditions and those that prevailed in October 1924, surely it must be admitted that great improvement has been made. Now, Sir, I must apologise to the House for the great length at which I have gone into this matter, but it is only on a detailed examination of the situations as they have arisen that the justification of these extraordinary measures and the policy of Government is to be found. I have never denied that to confine men without trial for long periods is a hard matter to defend and therefore the case should be defended in full. I am glad that I have the opportunity afforded by this Resolution to do so. I have often said in this House that this House is perfectly right in calling upon Government to justify itself in the employment of these measures and in demanding cause to be shown as to the necessity for their continuance. That is the function of the Legislature in regard to an executive government and in regard to special laws of this kind. I make no complaint whatever that the House performs that function and I hope it will continue to perform that duty.

I have shown, I hope, that we have checked the outward manifestations of the movement to a very considerable extent, but I cannot say that the basic conditions have changed. That is the position. I have endeavoured to show to the House what the position was prior to the Ordinance, what it was at the time of the Ordinance and what it is now. As I pointed out, some progress has been made in checking and preventing outrages but we have not destroyed the revolutionary movement, and it will be foolish of me to try to suggest to the House that we have.

Now, I should like to say a word to the House on the question of the possibility of releases. I do not propose to discuss the question of general amnesty. I have discussed that on a previous occasion and it is not really covered by my Honourable friend's amendment. The conditions

of such release were set out very clearly in the statement of policy contained in His Excellency's address to this House. I will read the passage to the House:

"Before releases can be sanctioned, Government must be satisfied either that the conspiracy has been so far suppressed that those set at liberty, even if they so desired, would be unable to revive it in dangerous form, or, if the organisation for conspiracy still exists, that those released would no longer wish to employ their freedom to resume their dangerous activities. Government have always made it clear, and I repeat to-day, that their sole object in keeping any men under restraint is to prevent terrorist outrages, and that they are prepared to release them the moment they are satisfied that their release would not defeat this object."

Now, if the first condition had been fulfilled, it is clear that there would be no longer any reason for detaining any of these men, but I have tried to convince the House, and I hope I have been able to do so, that the activities of the revolutionaries are still continuing, though checked and restrained.

As to the second condition, which raises the question of individual releases, the matter must be decided on the past record of the detenu and his present attitude. Government are not demanding, as is sometimes alleged, any humiliating confessions from these detenus. They are more interested in the future than in the past. A declaration that a detenu would on release take no part in revolutionary activities would be an element to be taken into consideration by Government, but this, on the one hand, would not amount to a confession that he had taken part in such activities in the past and, on the other hand, such a declaration could not and would not be accepted by Government as a ground for release without examination of the whole circumstances of the case and the past record of the detenu. If it is said that it is impossible for any detenu to prove his intentions to Government, the answer is that absolute proof of this kind is not looked for and indeed is probably not possible. In all matters of this kind, some amount of risk cannot be omitted and, if the Government are misled into releasing persons who subsequently prove by their actions that they are not keeping to the statement they made and have resumed their deplorable activities, then, Sir, the remedy is in the hands of Government and I may say that Government would have no hesitation whatever in applying it.

I should like, before I sit down, to make one other point clear on the general position. As to the detention of persons under Regulation III, the Government of India is primarily answerable. As regards persons detained under the Bengal Criminal Law Amendment Act, the cases of individual prisoners are primarily for the consideration of the Government of Bengal. The Government of India are responsible to the extent of the general policy of that Act: they are not, and they cannot be, responsible for the cases of individual prisoners. The general policy has been laid down in His Excellency's speech. The application of that policy, in the case of Regulation III prisoners, is a matter for the Government of India, and, in the case of the Bengal Criminal Law Amendment Act prisoners, for the Government of Bengal.

Now, Sir, I have already taken up far more of the time of this House than I should have felt justified in doing but that the case is one which seemed to me to call for full exposition. I do not propose at this time to carry the matter any further: there are many other Members who wish to take part in the discussion.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan Rural): Sir, I feel thankful, as the Mover of the Resolution felt, for our good luck in the ballot box, thankful that the very first Resolution for the consideration of this new Assembly to-day relates to a subject in which our countrymen are vitally interested, and I am glad, Sir, that it has been possible for us to-day to concentrate the debate on a question that is agitating the mind of almost every thinking man and woman throughout the length and breadth of the land. Sir, we have heard the official view placed before us to-day, as indeed we have had the official view placed on more than one occasion before this House; and possibly I may sum it up very simply in one short sentence,—that all these arrests and detentions have been made by the Executive, firstly, with the best of motives, namely, for the preservation of law and order, and secondly, only of those persons whom the Government consider that they have good reason to consider dangerous to the public safety. Sir, the first plea of good motives and intentions is one which I do not propose to scrutinise too closely. It is a very strange world, we all know, that we live in; and we all know the old adage that the road to Hell is paved with good intentions. Again, all benevolent despots in the world's history have claimed to have acted upon good intentions; and if they should be judged by their own standards, they might be found to have acted quite honestly, though quite wrongly and despotically all the same. Therefore, Sir, the question of motives need not be seriously discussed, and, therefore, I will try to deal very briefly with the other aspect of the plea, namely, that the action taken and the particular persons dealt with has been taken and have been dealt with, with due regard to the public safety and to the interests of law and order. Sir, I am prepared to grant in a general way the proposition that the responsibility for law and order lies on the Executive, and that the Executive must have powers to discharge their responsibilities, even extraordinary powers sometimes; and that almost every Executive in every country does possess some kind of extraordinary powers. But granting this, Sir, it is open to question, and I do seriously question, whether ample safeguards should not exist in every country, and do not exist in every well-constituted country, against the abuse of these extraordinary powers. Secondly, whether in the special conditions obtaining in India these safeguards are not even more necessary than in other countries, and thirdly, whether, judging the Executive in this country by their past record, these safeguards are not even far more necessary to-day than they have ever been in the past. The special conditions in India, Sir, are known to everyone of us. We have a foreign bureaucracy, a bureaucracy of a foreign character, which cannot be expected to be—and it is not their fault I quite admit—in close touch, in sympathetic touch, with the aspirations that move the great bulk of the people of the land; and secondly, we have an irresponsible bureaucracy, which, however, good in its own way, however efficient, however hard-working—is an irresponsible bureaucracy and does not consider itself in any way bound to abide by the wishes of the people's representatives. There is no use, Sir, in saying that the Executive, so long as they are not responsible to the people's representatives, are actuated by good intentions. I repeat, Sir, that every benevolent despot is actuated by certain good motives, but, under the particular conditions of India, the whiteman's burden is the great gospel of the great class that rules India; and the psychology of that class cannot be forgotten for a moment, the psychology of those

who form what is called the steel-frame of this unfortunate land. Whatever their other good qualifications may be, this inherent psychology in them, this idea that they are superior to the bulk of the people in this country, naturally makes them suspect every popular attempt towards enfranchisement, towards political advancement, towards political aspirations. That, Sir, has been our past history during the past two or three decades. Whenever there has been any large stir in the country, any large awakening, any great attempt made towards political advancement, the leaders of that movement have been always taken hold of by the Executive and have been for shorter or longer intervals treated as His Majesty's guests. Lala Lajpat Rai's deportation in the old days, Mrs. Besant's internment 10 years ago, (for Mrs. Besant was the leader of the national movement 10 years ago), all these live in our minds. And to those of us, therefore, who know what the lot of the political worker in this land is, how he is suspected, how the very psychology of the Executive that are responsible for law and order leads them,—perhaps unconsciously, but cruelly nonetheless, consciously or unconsciously—leads the Executive to confine political aspirants as revolutionaries, to all who know this—it must be plain that, so long as this psychology exists, so long as Government has to rely for its materials, for the materials upon which it is to judge whether one is a revolutionary or not, upon documents which are selected, gathered, furnished—I shall not say fabricated—which are collected by the executive officials of this psychology—so long must it be the fate of the political worker in India often to be suspected for more sins than he is really guilty of. And that, Sir, is the real question. The Honourable the Home Member—I am sorry he is not here now—gave us a large catalogue of crimes and outrages; but he has not answered the question whether these outrages, on the one hand, which may be perfectly true in fact so far as they go,—he has not shown what connection there is between these outrages and the men who are arrested and detained. It is quite inevitable that in a land governed autocratically as India is governed to-day, there must be, and there are, many people who feel strongly against the present system. Why wonder there should be so much revolutionary movement in a land so badly governed as India is, so cruelly and tyrannically governed as India is? The wonder should be that there has not been more crime. Sir, I repeat, the question is what is the connection between these conspiracies and the men that are now locked up in jail. Has Subash Chandra Bose been traced to be the leader of any of these gangs of conspiracy? Has Satyendra Chandra Mitra been proved to be one? Where are the materials? The Home Member denied with great force and warmth, but he could not disprove the statement that *agents provocateur* have been at work. Sir, in other countries, in better governed countries, in better organised countries, *agents provocateur* have been very, very busy; so that we should consider it as something extraordinary if there had been no *agents provocateur* here. Therefore, a mere simple denial will not do. We, on this side of the House, have reason to believe that the *agents provocateur* have gone about doing mischief, which they can do much more easily in this land of ours than in other lands. The whole question then is this, and it is a very practical question: There may be bombs found, there may be cartridges found, and it may be also that these bombs and cartridges have been used against some people. But the question is, what is the logical connection between the men that have been arrested, whose

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liberty has been denied, whose freedom has been destroyed, what logical connection is there between the patriots of Bengal and the conspiracies? How and by whom has the connection been established? I attribute it all to the psychology of the Executive. They are so suspicious, they smell revolution everywhere. We all know, as the past history of India proves, that there never has been any great political leader in India who has not had to go through this trial of being branded as a revolutionary. The Executive regard him as a political agitator and as dangerous to society, while we say that the tyrant is the real danger. Now, if the Executive can lock up the man whom it considers to be dangerous, why should not, logically speaking—not that I want it—why should not the patriot who regards the Executive as a tyrant, why should not the so-called revolutionary despatch the tyrant? That seems to be logical; that seems verily to be the case everywhere in the history of the world. The more measures of repression you adopt, the more will revolution grow. This I thought was a proposition that all great-minded statesmen admitted. Unfortunately, the Honourable the Home Member does not see it. I say the blame lies not on the Home Member or the Governor of Bengal, or the Governor General of India; I say that the materials upon which these people have based their conclusions, these materials are vitiated; and, therefore, until these materials are carefully examined, scrutinised with almost superhuman care, so as to find out how far these materials can be admitted, they are quite worthless.

There was once hope given to this House that two High Court Judges were going to examine these materials. Later it was found that High Court Judges did not like such dirty work and two Sessions Judges were put in, who were supposed to have carefully read these incriminating documents relating to these unfortunate human beings who were arrested and deported. But, even if they were High Court Judges, even if there were a non-official Committee that read it all through, how would that improve matters? The "revolutionary" must be told what the charges are against him; he must have the evidence produced against him, and he must be given fair and ample opportunity to rebut that evidence. It is no use simply reading through a lot of secret documents. If some of us even had to
 1 P.M. read only these documents but had no opportunity of getting these documents rebutted, we would come to the same conclusion perhaps as the Government or the Home Member has come to. Once the sources of information are tainted, as they must be in cases such as of these Bengal patriots, it is impossible to expect any committee to come to any other conclusion. I am quite prepared to grant that neither the Home Member nor the Governor of Bengal nor any one else takes a malicious delight in keeping anybody in jail. They are simply misled and misguided. That is the root cause of all our trouble—that there is not in our rulers any true large-minded sympathy with and confidence in the people. I declare, Sir, that unless even the "revolutionary" is taken in hand, sympathetically handled, and given the chance to come out and be a true citizen, there will be no way of getting rid of revolutionary conspiracy. We want the Government, therefore, to begin to inaugurate a new era in the history of this country, namely, of trust and confidence in the people's leaders. Subash Chunder Bose and Satyendra Chandra Mitra have the confidence of their electorates. They have been once elected and twice elected; and to shut them up in this way is a disgrace and a crime. It is in this matter that my heart

bleeds. I cannot help it, and I am certain that the Government, which is so anxious for peace and for law and order and all that is defeating these very purposes by arresting and detaining these men for whom the public at large have nothing but absolute regard and confidence and respect. Therefore, Sir, I would urge that the Government should take a broader view of the question. Revolutionary crimes there will always be, and I beg to repeat again that the surprise is not that there is revolutionary crime in Bengal, but that, under our very pernicious system of government, there is not more revolutionary crime in this country; for, after all, what is it that divides the patriot from the revolutionist. What you call revolutionary conspiracy I call national service. The more a man feels for his country, the more he feels the bondage of his country as lying on his own shoulders. When I feel like this, I become restless; and if I am emotional, Sir, I think I should get rid of the enemies of my Motherland. This is the psychology that breeds revolutionary crime or whatever else you may call it. And how will you deal with it? For every man you put in jail, thousands of young men's hearts are being stirred. And if it was in my power, I would stir up every young man in India to become that "revolutionary conspirator" and to encourage that "revolutionary conspiracy" that would fight successfully bureaucratic tyranny. Successful revolution will, of course, be called by a different name.

Let me come again to the official version. You have the power I grant; and you take hold of some bombs in one place and some men in another place, and by some sort of fabrication you connect the one with the other; and you discover revolutionary conspiracy. Now, there will always be some bombs found in India; and for that reason are these men to be always in jail? Does the Government expect at any time that bombs or cartridges or unlicensed arms will not be found in India? And are these men therefore to be detained for ever? Two years they have been detained. Are the resources of the British Government in India so inadequate as not to be able to allow these men, who have been elected to come and attend the meetings of this House without their having the opportunity to carry on revolutionary propaganda and to be the heads of the revolutionary violent conspiracies of which they are supposed to be heads? If you are so inadequate in your resources, you do not deserve to be called a Government. But that is not the truth. You have ample resources to deal with such things if sanely you want to deal with them. The truth appears to us to be this: 'here are somewhere some people who are really guilty and perhaps have been let off, and the innocent are being held and harassed and defamed, unconsciously it may be, but all the same cruelly and most sinfully as I consider it, detained for political purposes. By all means let us deal with crime. I am quite prepared to grant that for one month or two months even you may lock men up; but for two years you have locked them up and yet you cannot bring them to open trial! Time after time it is said that the Government do not yet see their way to publish the charges against them. If for over two years you cannot as a civilized Government bring these suspected men to trial, you do not deserve the name of a civilized Government. And as I said, Sir, the Executive will never be able to get out of that psychology, because their minds are their minds; and I do not believe it is easy for them to change their minds any more than it is easy for us to change our minds. Hence this repetition, Sir, this parrot-like repetition time after time, that, in the view of the Executive, the time has not yet come when these men can be brought to trial. Time and again, this repeti-

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tion has been made but it does not carry conviction. There has been ample time I repeat—2 years, for you to bring definite charges against these men; and if you cannot do it in 3 months, 6 months, not even after a year or 2 years, you do not deserve to have these extraordinary powers any longer. The repetition now of that old story will not do. There may be some one conspirator here and one there; but these are not the men. Come forth boldly, I say, and let out these men. Give the world a proof of your justice and strength, because the whole world, when it knows the facts that obtain in India, will have but a poor, a sorry regard for the British administration that keeps for 2 years and more the patriots of Bengal locked up simply because they are said to be dangerous. And dangerous to whom? Dangerous to society! that is the official phraseology, which really means nothing more and nothing less than dangerous to the bureaucracy, dangerous to the tyranny which rules India! Yes; they are dangerous to the present system of government. I would that every one here were a danger, a terrible danger, to the system that rules this land under which, for two years and more, these respectable men and patriots have been locked in jail. Sir, I hope there is not one man, I hope there will not be even one Englishman—though, as Mr. Jinnah said last year or the year before, Englishmen unfortunately forget English traditions when they come to India,—I hope there will not be one Indian, at any rate, who would feel that even after two years the time has not yet come for these men to be set at liberty. And I trust, when the division is called, not one Indian will dare vote against those who are ready to become the martyrs of Bengal but who to-day are not yet martyrs. This is all we want that they should be either released or put on their trial; and, if that cannot be done, I am ready to offer myself, and some more others I am sure are also ready to offer themselves, to take their places, if that will satisfy the requirements of that assured safety which alone will embolden the Honourable the Home Member to set these poor people at liberty. Let him take hostages from amongst us here if he cares to, and let these men be set free. I commend the amendment of my Honourable leader to the acceptance of every Indian in the House and, let me trust, of some Europeans also.

Mr. Dharendra Kanta Lahiri Chaudhury (Bengal: Landholders): Sir, many have preceded me and, with your permission, many will follow. But, Sir, there are occasions in the affairs of human life when even a dumb mouth bestirs itself to make its futile protest on a palpably inhuman crime. Sir, I weigh every word of mine when I say that this is such a fit occasion and I should express—and most emphatically,—my utter indignation at the Government's method of detaining these unconvicted persons behind the prison bars.

Sir, I am no stump orator, nor is it in my line to make oratorical utterances often but, Sir, I make no apology for selecting this subject of so grave a public interest to express my mind, even though I am a new Member in this House. For, Sir, this is peculiar to the human mind to be enveloped with those issues which affect a man's hearth and home, his near and dear relations; and the greatest sufferers are those with whom I am ethnically related—I mean the Bengal detenus. But, Sir, those notorious laws affect liberty and therefore all humanity. I am no lawyer, Sir. There are so many legal luminaries in the House who have expressed themselves on other occasions on the illegality of these lawless laws, the legal fraud the

Government have practised with impunity on us. But, Sir, I shall speak from the point of view of humanity. Indeed we have left behind, far, far away, in our march of progress, those days, when the law and discipline of a country manufactured machines in human form. It is too late in this day to coerce a nation into one form so that it might please the Executive. You cannot stifle the spirit of liberty and check the expansive mind to a circumscribed area however stringent the law you may prescribe. Rather the law should stimulate that growth and help the healthy life of co-operation and co-ordination in all the functions of society. But here, Sir, you have detained persons without giving them any opportunity to know why they are so detained. You do not frame any charge against them. You ask them to give undertakings, but they know not why they should accept such an ignominy. why they should go about with such a halter round their necks, and why you ask them to undergo the penance of being looked down upon by another human being as a political criminal without knowing if they have committed any crime. Thereby you forfeit their title to be called honest and honourable men—for at least one of them, Sir, is as honourable as the Honourable the Home Member. You have deprived their wives and children of a husband's love and a father's affection. You have snatched away the ease and comfort of old parents and have deprived them of the well-merited earnings of their own creation. Why, Sir, you break up families, desolate the homes and make strangers of brothers. You have "gambled with their lives" and made "light of them"—for what fault? For what sin? You could not prove anything. You fear to bring your documents before an open court and to undergo thereby the acid test. You feel that the lives of your informers are sacred; but why do you not feel that the lives of the detenues are no less sacred? You seem not to consider them within the category of human kind. You presume them to be guilty and you believe yourselves to be right. But, Sir, we live in an age of reason. We cannot accept any statement howmuchsoever it is spoken of by the highest human authority, without a lurking suspicion; unless it keeps an even balance in the scale of rationality. It is very hard to swallow all that is said to be an unalloyed version of the facts.

The Government have proclaimed that they are the upholders of what is lawful and just. I am also for right and justice, so I belong to no party. I have no sympathy, Sir, for brutal murders and for the murderers whom you have rightly convicted after giving them a public trial. I have no sympathy for their methods. Indeed, you earn the sympathy of all right thinking men when you give them a public trial.

But, Sir, it is no use expressing what we feel, for we all know that our feelings have been ruthlessly trampled upon. It has failed on occasions to elicit any recognition from quarters where it was expected to rightly.

Sir, there is a talk of opening a new era, a new vista with this New Delhi. It is said that "a new spirit of co-operation is emerging, purified and made wiser by the asperities of the immediate past." It has also been said that "where incorrigible suspicion prevented the expansion of the bond of goodwill, a desire for better understanding and for the cultivation of tolerance is making itself felt". But, Sir, unfortunately this cultivation of tolerance and this desire for better understanding was and is one-sided. By reciprocity, mutual understanding and co-operation gain momentum. If there is a desire for real co-operation on one side, where

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is the real expression and desire to act on such expression on the other side? It is for the Treasury Bench to advance now, and to take up the opportunity. Let them right the wrongs they have done and further stimulate this spirit of co-operation, by releasing all these political prisoners, so that the new spirit may exercise the beneficent influence that it has. With these words, Sir, I beg to support the Resolution for the release of these detenus.

Mr. Abdul Latif Sahab Farookh (North Madras: Muhammadan): Sir, it was with great regret that I heard the speech of the Honourable the Home Member. He narrated a long list of dacoities, murders and bomb factories. But leaving aside those who are legal experts here, he has not been able to convince even the layman that these gentlemen, the detenus, whose release we demand to-day, had in any way any connection with these bombs and factories. Sir, this demand of the country is unanimous. There is no school of political thought, there is no section of the country which thinks that these people should be kept in prison without trial. It is against, I say, Sir, the very elementary principle of justice. It is hardly conceivable in any Government which calls itself constitutional that a number of innocent,—I call them innocent because no case has been made out against them, no evidence has been let in against them in any court of law,—that these innocent people should be detained for an indefinite period of time in prison. It is disgraceful for any Government to keep any person without trial in prison. Sir, we know, at least some of us who are working in the field of politics know, that acts are not wanting on the part of this Government which have disgraced this country. Acts are not wanting on the part of this Government which have gone to show that we Indians are treated with contempt, and all these acts have gone a long way to prove that in their eyes we have no rights. But, Sir, the detention of these people is more ignominious than anything else. Sir, to keep a band of patriotic young men in prison without trial and to say that this action of the Government will go a great way to suppress if not to eradicate the revolution or discontent is, to say the least, not right. With your permission, Sir, I beg to point out to the Honourable the Home Member that, if the Government really wants that there should be peace and goodwill in this country, it is not by means of keeping people in prison, it is not by means of passing legislation without the consent of the people, but it is by means of carrying on a system of Government which will satisfy the country at large that they can have it. Sir, you call this system of Government a constitutional system when you imprison people without trial. You say that you are going to give us, or that you have given us to some extent, the principles of democratic rule and that you are for getting the people into your confidence when you pass laws and place them on the Statute Book in the teeth of popular opposition. His Excellency the Viceroy, when addressing the House on the 24th ultimo, said that we Indians cannot coerce Parliament, and that we have to convince Parliament of our competence to get Swaraj. My answer to that, Sir, is this that we are not coercing Parliament nor are we coercing the powers that be here. On the other hand we are being coerced. Sir, I would only say that it is the duty of the Government, it is the duty of Parliament to convince us that they are ruling over us, not against our wishes, but by constitutional means. Where is the constitution, I say, when you imprison people without trial.

and where are the principles of democracy when against our wishes you continue to pass legislation? Sir, the Honourable the Finance Member, when moving for leave to introduce the Steel Protection Bill, if I remember correctly—(Laughter)—excuse me, Sir, it was some responsible Member of Government who said, when introducing that Bill, that there was no reason why there should be any difference between the law in England and the law in India. I say that you want that there should be no difference between the law of India and the law of England when it suits your purpose. When it is to the advantage of Indians you observe every sort of difference and discrimination. Sir, can anybody imagine that a man in England would be put into prison without trial? The Royal Proclamation assured the Indians that freedom and liberty will be given to them and that no son of India will be put into prison without trial. The present action of the Government, if I may say so, is a violation of that assurance that has been given to Indians. In fact, Sir, it is we who are loyal, and it is those that are responsible for the enactment of such laws and for putting people into prison without trial who are disloyal.

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

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

Mr. Abdul Latif Saheb Farookhi: Sir, granting that the Honourable the Home Member has not in his speech exaggerated the nature of these crimes, granting that there is still a severe type of anarchism and a serious type of revolution existing in Bengal, surely these extraordinary legal powers in the hands of the executive are not going to pave the way for peace and order. A law that commands and threatens but neither appeals to reason nor to the heart is no law. There is no use in deterring a man from theft if he still continues to be a thief at heart. Sir, the best solution would be for the Government to take the people into their confidence and to have their sanction behind any measure that they would like to pass. To the official Benches I venture to appeal. They owe a duty not only to the present generation but also to posterity. When the history of India comes to be written after a decade, I hope it will not be written by people who will manipulate the facts. When that history comes to be written, Sir, it will not be written by English historians who will whitewash every attempt and every assault on human liberty and point out to the people that British rule was a rule of the constitution. People will not be deceived by the enchanting name of democracy and constitution. When that history comes to be written, this Government will stand condemned in the eyes of posterity. Sir, a few more words and I have done. When this historic House goes down to posterity, people will look on it as an emblem of British rule in India. Let them not think, that, much against the desire and wish of His Imperial Majesty, the King Emperor, injustice prevailed here and that there was lack of wisdom. I appeal to one and all here to unanimously vote for this Resolution and see that innocent people are released or brought to trial.

Mr. M. Keane (United Provinces: Nominated Official): Sir, it is with no pleasure that a newcomer to this House feels impelled to join in a discussion on this subject. It is a subject worn already threadbare in

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repeated debates; and it seems to me, sitting here, that the discussion has become rather unreal. Honourable Members opposite, as far as I can judge, have allowed this matter to become what might be called an annual sporting fixture. Last year the Government won, I believe, by a few votes: this year we have the return match. Sir, it is not to my mind dignified to make a subject like this, which does concern the lives of many people (Hear, hear) and the liberty of some people, it is not right to make this a party plaything. (*A Voice*: "A national wrong".)

I took the trouble of looking through last year's debate when I was told that it was possible that I might be called on to speak. It brought me no profit—the study of that debate—some entertainment but no profit. It mainly turned on that occasion on the problem of when is an Irishman not an Irishman. The answer I believe was—when he was East of Suez. However that may be, I trust there will be no digression of that sort this time.

I have one of two reasons for speaking. The first is that I do not want it said—as I think it was said by Mr. Goswami—that there is on this side of the House a conspiracy of silence. Conspiracy we have none here. As for silence, in this country silence appears to be the one unforgivable sin. If it is true that silence is golden, Sir Basil Blackett can sleep a' nights. It is gold that will never be hoarded in this country. Another reason why I should like to speak is that every one, I think, harbours the amiable hope that he may make a convert—that an honest case honestly presented may make a convert. Experience has shown that that is not so. Still, repeated failure never quenches the flickering hope. Moreover, Sir, there are things undoubtedly said from that side of the House that flesh and blood cannot bear to let pass unchallenged. I do not want, I certainly do not intend to say a single word that might possibly add to the bitterness of any man here or elsewhere who has eaten out his heart in a prison for political opinion however misguided. We all know well that a small thing, a word said in jest, may cause bitterness enough to warp a man's judgment of things; and, though we cannot accept the blame, we can make excuse for bitterness arising from long days of brooding in prison. So, if there is anything in what I say that should add a single drop to the bitterness felt by such men, I trust I will be excused, because, Sir, on this side of the House we detest as much as they do, we detest seeing men put into prison and kept there without trial. (*Mr. A. Rangaswami Iyengar*: "Release them.") There is nothing that would please us better than to have the opportunity of releasing such men; nothing would please us better than to see such laws and powers wiped off the Statute Book if it could be done without prejudicing the safety of innocent people, without prejudicing the right of any man to live his life and think his thoughts in peace. The Honourable the Home Member has gone through, and explained to the House, a formidable catalogue. I am not going to weary the House, by repeating the same tale because I cannot better it. I am not going to detain the House in giving the reasons why it is impossible for Government without safeguards to let these men out or to dispense with the Regulations and laws which enable the Government to handle such crimes. I do not propose to go over that ground again and again, to explain why the circumstances are such in this country that powers and laws of that kind are inevitable, for inevitable they are, unless we are going to surrender to young Bengal the right to judge the pace, and

not only the pace but the means, of attaining self-government. So long as wiser men, older men, men more experienced, guide the pace at which self-government is to be attained, it is probable that there will be these impatient outbursts which must be handled and for which the means must be there to handle them, unless we are to allow the administration of this country to degenerate into chaos. That, Sir, is a thing which everyone on that side knows perfectly well. They know it as well as we do or even better, and if they do, it may be asked why is it, why do they come here and make this very subject, this unreal subject, why do they make it year after year the ground for a full dress debate, as one of them called it, for opening their campaign, why do they inscribe it in the forefront of their colours? The reason undoubtedly is that the matter involves a sentiment. There is—and they know it—a sentiment in every land which sympathises with the political prisoner. They want to play on that sentiment. It is a useful weapon for them in their perpetual and perpetually unsuccessful campaign to make Government impossible. That is why they choose this subject.

Mr. A. Rangaswami Iyengar: You can end the trouble by releasing them.

Mr. M. Keane: I do not say that all the back Benches have these things in their minds; far from it. I have very little doubt that the Honourable Member who made his speech in opening the debate, a laborious speech

Mr. Ohaman Lal: On a point of order, Sir, is the Honourable Member in order in impeaching the *bona fides* of the front Benches?

Mr. M. Keane: I do not impeach their sincerity. They are sincere in so far as they are seeking a weapon for their continual campaign against Government. What I do say is that the weapon chosen appears to be a sham.

I am asking why is it that they have chosen to inscribe this on their battle colours for the opening of their campaign. I say it is because they realise that there is this old sentiment attaching to the political prisoner. They are appealing to a wider audience than they have inside these walls; they are appealing to a world-wide audience, and they know that there is this old and strong sentiment in favour of political prisoners. They know too—I will concede it to them—they know that the Star Chamber and the Bastille have been the weapons of despotism. They desire that the parallel should be brought home to us, but what they do not realise is this, that actions which in days of gross misgovernment, in days of cruelty and outrage and wrong, may be virtuous and inspiring examples, in days like ours, of ordered government, material and political progress, of security, of profound peace, the same actions are a detestation to every man who stands for society and for the rights of the individual. That is what they do not realise.

Consider, Sir, we have heard all through this debate perpetual appeals on the part of Honourable Members to constitutional issues. We are told continuously that it is lawless, a breach of the constitution, shameful, inhuman—this from the very party whose watchword is “wreck the constitution”. (*An Honourable Member*: “Where is the constitution?”) I say, Sir, that this is pure pretence on their part, and we want to tear the veil from that pretence. They stand forward as champions of liberty,

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and say we are the agents of frightfulness. We want to tear away that pretence, we want to show that these advocates of the rights of man are no more than advocates of a wing of their own party. I do not say that every revolutionary is a member of the party, a visible, permanent, recognised member of the party—(An Honourable Member: "Invisible.") Yes, that is just the word I want—invisible. Like the spectrum, the Swaraj party has many colours, and, as the Honourable Member remarked very rightly, some invisible ones. The reds, and blues and yellows here are visible, but science has told us that there are invisible rays and they are the dangerous ones. Doctors who deal with those rays must and do take precautions to protect themselves. In any case what I am aiming at is that we will not stand here and listen to these perpetual claims to constitutional rights raised from that side of the House. It is not a constitutional question; it is purely and simply an administrative question. The Honourable the Pandit opposite—I am referring to Pandit Motilal Nehru—quoted His Excellency the Viceroy this morning saying, whatever form of constitution you have, it is the inalienable duty of those who administer the government to maintain law and order. That is the point we want to get admitted. The existence of these conspiracies has been proved over and over again and I say the question is, and it should be kept before the minds of everybody in this House, the question is an administrative question, not a constitutional one

Mr. A. Rangaswami Iyengar: Fundamental liberty.

Mr. M. Keane: Fundamental liberty, is it? The Honourable the Pandit and I come from the United Provinces

Mr. M. A. Jinnah: What a difference. (Laughter.)

Mr. M. Keane: He knows that in the United Provinces there is not at the present moment a single detenu under any of these exceptional Acts and Regulations. (An Honourable Member: "Are you quite sure?") Not one; if the Honourable Member knows of one, I will concede it to him. I admit we did have some conspiracies in the United Provinces. We had the conspiracy of Benares. We had a gentleman who was mentioned by the Home Member, Mr. Sachindra Nath Sanyal; his name betrays where he comes from. His operations were in the United Provinces, but he came from Bengal, and so did the other principals who were connected with that conspiracy. I know of none who is under detention without trial under any of these or similar provisions in the United Provinces. Either our people are wanting in the spirit that exists among the people of Bengal, either they are not as spirited and brave as the Bengali, or our rulers are less oppressive. Well, the courage of our people has never been questioned, so that it apparently comes down to this, a very whimsical conclusion, that Lord Lytton is the oppressor of India. It is all due to him. Lord Lytton, the embodiment of liberal principles (Swarajist Laughter), is, according to these gentlemen, to take his place as an oppressor of India

Mr. T. C. Goswami: Hear, hear.

Mr. M. Keane: To that does the whole spate of their oratory come. If there is oppression in one place, why not in another? I will not detain the House any further. All I would say before I sit down is this. It is

not a fact that the friends of India are confined to those Benches. There are very true friends of India who are not sitting there, and the truest friends of India have already pointed out the best road to travel, and I am convinced it is the only road for India. (Applause.)

Mr. President: I may as well inform Honourable Members that there are a large number of Members who desire to participate in this debate and I trust speakers will keep to the time limit.

Lala Lajpat Rai (Jullundur Division: Non-Muhammadan): Sir, the fact of the matter is that this is a subject upon which the Government of India and the European community residing in India or doing business in India, on one side, and the people of this country, on the other hold diametrically opposite opinions. There is practical unanimity on this question between the two sections *inter se*. The Government of India believe that they are justified in taking steps by which a number of the best citizens of Bengal are kept in jails without trial. And the people of India think that that is an outrage on their fundamental rights and they must do everything they can to have that policy reversed. (Hear, hear.)

This subject, as was pointed out by the last speaker, has been thrashed out by the previous Assembly and not much is left to be said that is new. The Honourable the Home Member practically repeated every word of what he had said before. There is very little new information which he has given to us; and so I am not going to take up the time of the House by making a long speech. But I want to make one thing clear and that is, that this is a question upon which all-India thinks alike; there is absolutely no difference of opinion between the different political parties of the Indian community. (A Voice: "There is.") Yes, there is that section who call themselves the defenders of the liberties of this country after having taken possession of it illegally. There is a difference there. There is certainly a difference between those people who possess India and those who do not want them to possess India as they have done so far. The ruling classes of India who are not of India, do certainly think differently from the people of India and they occupy the Benches opposite from where the voice came. Frankly, it does not come well from the mouths of Members occupying those Benches to call themselves the "defenders of liberty." Defenders of liberty, indeed! For people who came into forcible possession of a country, who exploit it in their own interests and who keep the people of that country under lock and key without a trial, for them to call themselves "defenders of liberty" is a travesty of language. They call themselves the defenders of liberty and they talk, as the gentleman who has just preceded me talked, as if these steps are taken in order to prevent the country from going into chaos. Why, the very fact of the existence of Regulation III of 1818, and similar Regulations, and the fact that Government takes action under those Regulations so often and thinks it is justified in taking action under these laws, is presumptive evidence of the existence of chaos in this country, chaos in the name of law. (Hear, hear.) The existence of these laws and the action which the Government takes upon these laws is presumptive evidence. I say, of the fact that this country is not being governed on the same principles as other civilised countries are. I confess we are divided, the Government on one side and the country on the other side. There is no denying that fact, there is no getting out of that. We want our liberties and the Government is trying to keep us out of those liberties as long as it possibly can. That is the struggle. Well, that being the struggle, the

[Lala Lajpat Rai.]

question was asked why do we want to make a show of this every season. The Honourable Member said it was a "playing", I want to tell my Honourable friend and the rest of the House why we repeat this performance from session to session. I may tell you first that this "show", this "playing" or whatever you like to call it, will be repeated from year to year until justice is done and the grievance redressed. We shall not shrink from doing our duty by any amount of rhetoric or threats from the other side. It is a primary duty which we owe to our people and I will tell the Honourable Member very frankly the way I look at it. I do not expect those Benches to give way to us. Resolutions have been passed in the last session and in the previous sessions. The Government does not care a pin head for them; and if to-day's Resolution is passed, as I hope it will be passed by a large majority, the Government will throw it into the wastepaper basket again. It may reasonably be asked why then we repeat this thing every year. Because we want to expose the hollowness of the claim that this country is being governed by a civilised Government and has the consent of the people behind it. We want to show that this Government has not the consent of the people behind it in all these proceedings to which it resorts in the name of law and order. I do not admit that the Government alone are responsible for maintaining law and order in this country. If this country were normally governed, the people would be more interested than even the Government, in maintaining law and order because it would be to their interest, to the interest of their safety and the security of their property, to maintain law and order. But as it is there is a conflict of interests. The Government think we are wrong and we think the Government are wrong. The Government believe they are more interested in maintaining law and order than we are. The Home Member has given you a long list of facts. If we were allowed to do so we could produce a longer list of atrocities on the other side.

The Honourable Sir Alexander Muddiman: Will the Honourable Member produce them?

Lala Lajpat Rai: Oh, we produce them every day. There are volumes full of them (*A Swarajist Member:* "And this") and this and many other things done every day almost. (*Swarajist Members:* "What about the Moplahs?" "And Jallianwalah Bagh?") The real thing is that we look at these things from two different points of view. We have to do this in the interest of our country. In this matter we cannot give way to the other side. But we ask the Government "is this the way to ask us for co-operation? Is this the way to tell us that the Government of this country rules India in the interests of India and is the best friend of India?" That is not the way. Let us see what happens in other countries of the world. I will assume that there are revolutionary conspiracies in this country. There have been in all countries; and I will challenge anybody to point out to me any one country on the face of the globe, however civilised it may be, where there are not lots of conspiracies existing. But no country and no Government dares introduce such a law unless it be in a time of war and unless there be a danger of a disturbance of public tranquillity on a very large scale. In that case one can understand that there was some justification for the Government to introduce a law of this kind or take action of this kind. But in times of ordinary peace, may I ask if this is ever done in any civilised country? May I ask my Honourable friends if they have not

heard of a movement called the I. W. W. or of a movement called the Klu Klux Klan in the United States and of the numerous lynchings that go on there; and in spite of the variety of their population, have the United States ever tried to introduce a law of this kind and put people behind bars under the process of administrative action? Administrative action indeed! Administration of a country must be conducted according to the ordinary laws of the land in the best interests of the country. These things are bound to happen in every country. They do happen in other countries. But the difference is this: when these things happen in countries which have the boon of self-government, they are looked at from a different point of view; they have to be tolerated and they have to be dealt with under the ordinary law of the land. But when they happen or are suspected to be happening in a country which is under foreign domination, then of course they are looked at from a different point of view. Why do you not confess frankly that you do these things because you believe we have no power to stop you from doing this? But you are not willing to say that, although you show it in your actions. You have the entire resources of your empire behind you and we are practically impotent. So all these resolutions that we pass every year are to prove to the world the absolute impotency of what is called the Indian Legislature. The Indian Legislature, consisting of a majority of elected members, elected on a limited franchise, wants to say from the housetops that the government of the country is not being run on sound lines. And that is really what we are here for. We do not expect any relief; we do not expect any acceptance of our views; we do not expect any compliance with our wishes. What we want to prove year after year, month after month in this House is that the pretence of holding this country by the consent of the governed, and the pretence that the Government is in any way a civilised Government is a mere hollow sham. The question is a very simple one. There is no war; there is no disturbance of the public peace just now; there is no trouble. You admit these are times of peace; you also admit there is at present an atmosphere of peace all around; why then continue to enforce these lawless laws which even according to your statement are meant for periods of emergency? You are not sufficiently convinced that normal conditions have been restored and I am afraid you will never be sufficiently convinced because these things will continue to happen. We are in a vicious circle. When outrages happen you require this law to be enforced; and when outrages do not happen you say the Ordinance was put into force and it has produced peace. (Laughter.) Action of this kind will perhaps produce more outrages. However much you may deprive individuals of their liberty, however much you may dislike it, you cannot entirely eliminate conspiracies from existence in a big country like India. You say yourself that India is a sub-continent. Well, what is the percentage of these outrages to the total population? If you compare the statistics of crime, in the United States, in France, in Germany, even in Great Britain sometimes, you will find that the percentage here is so small that it is absolutely negligible. Therefore, assuming the accuracy of the facts given by the other side I submit there is absolutely no case on the merits either for enforcing Regulation III of 1818 or for keeping these persons in jail.

I have only one more word to say. There are many friends here who, I believe, are absolutely sincere in thinking that these persons are having all the comforts of life in jails. I wish they had been in our position. I pray they may sometimes be put in that position by somebody. Then they

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will find what all these so-called comforts of life mean to a person who has been deprived of the liberty of free movement, free communication and freedom of life. What does it matter if you provide them with all the comforts of life, though I do not admit for a moment that they are provided with all the comforts of life. But assuming for a moment that they are provided with all the comforts of life, of what value are these comforts to a man of sensitive, emotional nature who cares more for freedom than the comforts of life? You will be perfectly justified in saying that this man deserves it. Convicted of a crime, he is a prisoner, and therefore he must suffer, but it is a different matter, entirely indefensible if a man against whom no charge is framed, who has not been tried, is made to suffer, and, if he is of a sensitive nature, he is sure to develop diseases. That is, I submit, sheer tyranny practised by a foreign Government on a subjugated people. That is the real fact. You must look at the whole thing from that point of view. All these arguments and speeches of ours will not convince you of the truth nor shall we on the other side, be convinced by your arguments. For us, it is a question of fundamental rights. We believe you have no right to keep these laws on the Statute Book, and that you are doing it simply for the supposed safety of your domination, of your Imperialism. You believe that these people to whom this Resolution refers are disturbing your administration in this country and therefore you must keep them in jail. That will continue to go on until we have got full legislative power in this House to stop you from doing that. So my friends here who raise these questions do not raise them in the hope that you will accept and act upon any Resolution passed in this House, but they raise these questions in order to show how keen, how universal the feeling is in the country, and how absolutely necessary it is for you to respect that feeling and to show your consideration for that, if you really desire any kind of co-operation from the people of this country in your administration of this country. If you claim that you do not care for any such co-operation, you can carry on in the manner you do. As I said before, it is to prove and to establish our absolute powerlessness and impotence that these Resolutions are brought forward, and it is also to prove that there is a standing grievance, without the redress of which there is absolutely no chance of any political peace in this country. Therefore, I will beg Honourable Members on the opposite side to put themselves for a minute in our position. Let them imagine what would have been their frame of mind if they were in our position. It was suggested by one Honourable Member that it was a mere question of sentiment. Of course, it is a question of sentiment also, but not altogether. The whole world is governed by sentiment. But it is also a question of material benefits of bread and butter. We believe you are taking our bread and butter from our mouths, and therefore we grumble, we weep and we cry. All this is natural, absolutely natural. It is not a question of mere sentiment. Your keeping people behind bars without trial or charge and our exposing that every year, do you call that sentiment? If that is a sentiment, I beg to point out that the whole world, and particularly the British Isles are governed by that sentiment. There is no nation on the face of the globe which values its liberties more than the English people do. The question we have raised is a question of liberty, of having a fair trial. I am rather surprised to hear an Englishman talking of this as a sentiment. It is a question of our fundamental rights; it is not a question of sentiment. I will, therefore, beg of the official Benches

to put themselves even for a few minutes in our position, and then consider what would have been their feelings if they had been in our place. All their speeches, all their literature, and all their actions in history show what their sentiment would have been. No Englishman, for a moment, would tolerate this state of affairs if his people were treated like this; no self-respecting community would have tolerated this for any length of time. We have to tolerate this because we are absolutely helpless, we are absolutely impotent and therefore you justify your actions and say that they are necessary for our safety. Our safety indeed! Please do not justify your actions on the ground of their being lawful. Even if they be technically lawful, they are not necessary, and not in your interests. You are creating a volume of indignation against yourself which practically makes this vicious circle perpetual, and which removes all chances of conciliation. There will be no chance of any conciliation between yourself and the people of this country unless this grievance is redressed. I therefore beg of you, not in any spirit of hatred, not in any spirit of controversy, but in a real spirit of genuine desire on my part and on the part of my people to understand you, to respect our feelings and not to treat us in the way in which you sometimes do. One Honourable Member questioned our right to be the only friends of India. He said the friends of India are not confined to these Benches. I am disposed to retort that the friends of India *are* confined to these Benches. In any case these Benches are greater friends of India than the Benches opposite just as you are greater friends of Great Britain. You are absolutely loyal, absolutely patriotic to your country and to your people. You are British to the very marrow of your bones. You are patriotic and loyal to your country. Well, we claim a similar honour on these Benches and we are greater friends of India than anybody on those Benches can be. I may tell you that if that were not true, I would be the first person to go and drown myself in the Jumna. There is no Englishman in this country who is a greater friend of India than myself or than people sitting on these Benches. I make no bones about it. I understand the policy of the Government underlying this procedure. I therefore say, don't think we are children and could be satisfied with platitudes. We are grown-up men. You have also helped in making us understand these principles. They are principles well-known to everybody here. Therefore, do not play with us. Do not treat us like children. Say that what you are doing is necessary for the safety of your Empire. Say so. We will probably say that you are wrong but we cannot prevent you from doing as you please. That is the long and the short of it.

Mr. T. C. Goswami: Mr. President, when some one declares himself a "friend of man" I am reminded of a historical incident. There was once a Marquis of Mirabeau, less famous than the Mirabeau of the French Revolution, and he declared himself a "friend of man", and it was said of him in history that "this friend of man was the enemy of all he came into contact with". Sir, without further criticising the speech of the Honourable Mr. Keane, I think I am bound to recognise that Mr. Keane possesses a sporting temperament (Hear, hear)—a temperament which is very common among people of his race. But I wish he had combined with his sporting temperament a little more sportsmanship; for, when he declared that the question of indefinite detention without trial was a sentimental problem, an administrative problem, he was not playing the sportsman. As for Sir Alexander Muddiman, I am afraid his staff in the Secretariat did not really help him in preparing his speech

[Mr. T. C. Goswami.]

as well as they might have done. Sir Alexander Muddiman this morning spoke about his preparation of his speech, in anticipation of Pandit Motilal's speech. I have not got a Secretariat behind me to prepare my speeches, but all the same, I do not envy the position of the Honourable the Home Member, because, after all, within a few minutes of his stating that an informer who was an accused in a trial,—a person who had been accused of a revolutionary crime and tried,—was really an informer . . .

The Honourable Sir Alexander Muddiman: On a point of personal explanation, Sir. I do not know the whole of these cases as perfectly as my Honourable friend does. But my point was a perfectly good one. The man in question was an accused who gave information to the police. He was acquitted and he was murdered because he had given information to the police.

Mr. T. C. Goswami: The accused was acquitted by the unanimous verdict of the jury. That accused was an "informer". Within a few minutes of that statement, the Honourable Member categorically denied the statement about *agents provocateur*. (*Some Honourable Members:* "Why not?") French is neither my language nor that of Sir Alexander Muddiman.

The Honourable Sir Alexander Muddiman: I think we both talk it very well.

Mr. T. C. Goswami: I believe I shall not be doing an injustice to him if I say that even English is no more his mother-tongue than it is mine. (*Several Honourable Members:* "Please explain.") I think it is obvious to Sir Alexander Muddiman what I mean.

The Honourable Sir Alexander Muddiman: It is not the least obvious to me.

Mr. T. C. Goswami: Sir Alexander Muddiman this morning made what looked like an offer. I must confess that when I came to the House this morning I did expect a more statesmanlike pronouncement from that quarter of the House (pointing to Government benches). I must say that, holding the opinions of which I am not ashamed, I still believe that humanity is not entirely dead on that side of the House.

The Honourable Sir Alexander Muddiman: Thank you.

Mr. T. C. Goswami: Sir, when I read the terms of the Resolution,—the Resolution of Mr. Jogiah,—I felt that, while that was not the conventional language of Resolutions, it was at any rate the language of the human heart, for he spoke of the "barest justice of an immediate release of political prisoners".

I will not employ any invectives in the course of my speech,—for one reason, that no invective can be adequate to the enormity and iniquity of the action of Government in this matter. I am, however, compelled to come back to a subject which was incidentally raised on the 21st January last, namely, certain statements made by Lord Lytton, who happens to be the present Governor of Bengal. That is an important matter, of great public interest; and, since it has been raised, I think it a public duty to state here exactly what I heard from Lord Lytton. On the 16th of January last, Lord Lytton called a little conference in Calcutta, at which some Members of the Legislative Assembly and the Council of State were present. It was not a chit-chat tittle-tattle over the tea-table; it was not

a conversation in whispers; it was meant to have some public importance. As a matter of fact, when I received the very kind invitation of Lord Lytton to come to that Conference, I wrote back saying that the two matters of importance to Bengal (or to any other part of India) at present were, first, the question of political detenues, and secondly, the question of constitutional advance. I know that on the occasion of these conferences instructions about provincial contributions and things of that sort are given. I said, I had no interest in the remission of provincial contributions. (Hear, hear.) There is a very good reason for it. What I was interested in was the question of the release of political prisoners; and almost the whole discussion centred round that question. There were two statements from Lord Lytton, which I made Lord Lytton repeat for greater certainty and accuracy. Those two statements were, firstly, that he was prepared to release the political prisoners if they came up to him or his Government—and he frequently suggested that he himself was open to interview them—and told them that they would not in future commit any violent crimes or be concerned in the commission of violent crimes. Now, this statement was somewhat startling to most of us, but Lord Lytton looked surprised and said, "But I thought that was the position always." Whether that was the position always or not, I was not in a position to contradict him, because I had not been in the confidence of Government. But Lord Lytton's statement was categorical. It was made in the presence of several Bengal representatives on the Legislative Assembly and on the Council of State. The second statement was one which I must regard as an admission, *viz.*,—that the people who had not been proceeded against, that is to say, people who have been detained without trial, were people who had committed no crimes but were prevented from committing crimes. Now, Sir, I regard that as a very serious admission. Lord Lytton apparently did not think so, but I take it it is the ordinary civic duty, not merely on the part of officials but on the part of every citizen, to attempt to prevent crime; but that does not mean that in trying to prevent crime I should lock up people indefinitely. This distinction which Lord Lytton drew in the presence of all of us was between the trials that have already taken place since the promulgation of the Ordinance, in all of which convictions were secured and the case of these detenues who are rotting in jail without trial. Now, I thought it was admitted that these people at any rate did not commit any crimes but were merely prevented from—(a very good thing to prevent crimes, I admit.)—from committing crimes. Now, I know of no system of law which would punish any person who has merely been suspected of a design to commit crime. There is no system of law which would sanction such a procedure. There is nothing in India which can justify that procedure. Now, the Home Member ought to take account of these statements. I have now made these statements publicly,—it is true, under cover of privilege; but the cover of privilege is a thing which I have not deliberately sought in making this statement. It is for the Government of India to act up to the statements of Lord Lytton.

The Honourable Sir Alexander Muddiman: Since he has disclosed his account of the interview, might I ask my Honourable friend what he said in reply?

Mr. T. C. Goswami: That I said in the House only the other day.

The Honourable Sir Alexander Muddiman: That was the same transaction.

Mr. T. C. Goswami: Exactly, Sir. My point of view was that there was no justification on the part of Government to demand an undertaking; but it depends on the form of the undertaking. I still maintain that Government have no right to demand an undertaking. It all depends on the form of the undertaking, and what I really told Lord Lytton was that, while it was possible to take the view I was taking, it would be my duty to have his statements communicated to some of the prisoners in Mandalay.

I repeat, Sir, that a much more statesmanlike attitude was expected of the Government of India, and it is not yet too late. I take it that the Home Member will exercise his right of reply. I have seen him on a previous occasion almost willing to forego that right. But in the course of his reply, I hope he will be able to give us an offer which is more honourable both to himself and to the country.

He has spoken of the personal safety of some high officials which demanded these severe steps. Sir, that is a very bad justification of such a serious step, because, after all, there are other means of protecting these high personages. Governors of Provinces—if they are among the persons concerned; because their safety is mentioned by Sir Alexander Muddiman—have a substantial bodyguard, for the upkeep of which we have got to pay a very large sum of money. They have got a very huge staff of armed policemen. That also costs money. It is not that we Indians have been niggardly about the protection of high personages. The whole of Calcutta is full of the C. I. D.—for whom? Not for my benefit, but for the benefit of high personages! When Lord Irwin went out, outside his official tour programme, to some obscure village outside Calcutta last winter, places all round Alipore were filled with policemen, lest His Excellency might stray from the right path and be in peril. (Laughter.) There are other means of securing the safety of these great people, and I say, on principle—and I am speaking very seriously—even the lives of the highest officials are not more sacred than the liberties of the people. And, Sir, what do we say? As against the catalogue of 8 or 8½ incidents of crime which the Honourable the Home Member read out to us in the morning, we say that in Calcutta last year people were openly murdered, assassinated in the open highways of Calcutta.

The Honourable Sir Alexander Muddiman: Who by?

Mr. T. C. Goswami: Not by the revolutionaries.

The Honourable Sir Alexander Muddiman: By my police?

Mr. T. C. Goswami: Not by your police, except sometimes.

The Honourable Sir Alexander Muddiman: Thank you.

Mr. T. C. Goswami: But they were unable to protect the lives of the people; and if you calculate the number of casualties that took place in Calcutta last year in the open thoroughfares of Calcutta, you would come to the conclusion that, if a bomb exploded in every street of Calcutta every day, or twice a day, the casualties would be much less; so that you cannot say that because a bomb has been thrown somewhere, therefore hundreds

of people have got to be spirited away by an executive decree. There is another thing which I am tempted to refer to by the speech of the Honourable Mr. Keane.

Mr. President: I am tempted to ask the Honourable Member to bring his remarks to a close.

Mr. T. C. Goswami: Mr. Keane suggested that the revolutionary party were the unseen wing of the Swaraj Party. I am sure the Government had always taken it for granted. I am asking the Home Member now,—I am challenging the Home Member,—to deny this. The arrests under the Ordinance were made on the 25th of October, 1924; but the warrants were all signed on the 28th of August, 1924,—the day following the defeat of Dyarchy in the Bengal Legislative Council. I challenge the Home Member to deny that. He has himself made use of the logic of "*post hoc propter hoc*". I think I can with equal justice apply the same logic to this procedure.

Sir, before I sit down, if you will give me just one minute, I want to refer to a very serious matter; and that is the health of some of the detenus. Take the case of Mr. Subhas Chandra Bose. After a long correspondence—and very acrimonious correspondence it had to be—Government produced the report of the Civil Surgeon in charge of the detenus in Mandalay. There he says that the case should be "carefully watched by charting the temperature regularly for any sign of tubercle". Now, Sir, this is a very serious problem. You hear a man is about to be the victim of a very serious disease and then his relations offer to get him treated in their own way. They are not demanding his freedom. If it is your contention that their liberty is dangerous to the liberty of the other people, I do not see why a doctor cannot visit Mr. Subhash Chandra Bose inside the prison. Sir, there are other cases which I could mention, but the President has already warned me that I must bring my remarks to a close. There are heart-rending incidents; for instance where a man, whose wife was dying, was not even told about the progress of his wife's health;—a progress towards death. He was callously informed, later on, that his wife had died. Sir, I do not want to describe that treatment, because it is incapable of description in any decent language. Sir, there are many other cases. These cases we have tried to bring up in newspapers. It is a very sorry tale, Sir, and the conclusion that one is forced to is this,—that the Government of Bengal have been vindictive about these detentions; because it is known—and I can prove it from correspondence—that the Government of Burma have always been willing to treat these prisoners in a more humane fashion, to give them better accommodation, to give them better facilities of creature comforts. I do not say that that is the redress of all our grievances; I know it for a fact, that the Government of Bengal have always turned down all the ameliorative proposals of the Government of Burma. Sir, I again appeal to the Home Member that in the interests of the Government of India itself they should not further inflame the wrath of the country; because though, as Lala Lajpat Rai has rightly said, we are weak, the potential strength of the country has not yet been tested.

Colonel J. D. Crawford (Bengal: European): Sir, I propose to be very brief in what I have got to say because it seems to me that nearly everything which can be said on this subject has already been said and that this debate is following the good or bad old lines of previous debates and

[Colonel J. D. Crawford.]

with much impassioned and very often irrelevant eloquence in the House, and a good deal of laughter in the lobbies, we shall finally proceed to register yet another Swarajist victory. But in the meanwhile a very real and a very difficult problem remains unsolved. The constitutional liberty of the subject is undoubtedly a matter of real importance to every Assembly of popular representatives. I can assure other sections of the House that my section is as equally interested in that liberty as they are. But that constitutional liberty of the individual has in times of emergency, in all countries, to give way at times to the safety of the State and the safety of society. In England only last year, during the general strike, they had to have an Emergency Act. I don't know whether Members realise that even in England emergencies do arise which necessitate the grant to Government of extraordinary powers.

Mr. C. S. Ranga Iyer: Do you consider the situation in Bengal the same as that during the general strike?

Colonel J. D. Crawford: I consider the situation in Bengal possibly a good deal worse than that of the general strike at home. That was the position that we were faced with in 1923-24, although we had not on this side of the House the mass of evidence that we have since got. Yet we were able, from reports in the papers, to learn of political dacoities involving the lives, not only of Government officials, but of ordinary Indian citizens and showing that witnesses had been intimidated. We felt that the situation was such as to justify us in supporting the grant to the executive of repugnant powers, repugnant to us, to deal with the situation.

When I spoke on the question the last time, I stated that our position was that we had agreed to the grant of those powers to the executive and that the responsibility rested, in our opinion, on the executive as to when the detenus could be released, and that is our position to-day but for one factor, and that is the factor of time. These men have now been detained in jail without a trial for 2½ years. There is a suggestion from some parts of the House that the men could be brought to trial. I do not consider that a wise suggestion because these men have been placed under detention without trial for a reason. The evidence which could be produced, if disclosed, would also disclose the source of information, and that means that the police, who consider it their duty to keep in touch with revolutionaries, would lose touch with the organisation and this would possibly increase the danger. That is the reason why you cannot bring them to trial, because your evidence would disclose the sources of information.

But it is obvious that no one is willing to go on indefinitely keeping these men under restraint. Yet at the same time we have to remember that on the last occasion of a general amnesty we had a recrudescence of the revolutionary movement and the loss of life of many Indian citizens, perfectly innocent men.

• As it appears to us, there are two fundamental principles upon which the release of these men could be considered. The first would be that the organisation or organisations are completely broken up.

Or, in the alternative, that our police organisation was such that the men released could be kept under police surveillance in order to see that they did not again engage in dangerous activities of this nature. As regards the first alternative, it does not appear that these organisations have yet

been broken up, because we had recently in Calcutta the discovery of a certain number of bombs and revolvers. As to the question of police organisation, whether it is sufficient or not to provide that surveillance which we believe is necessary is a matter for the Executive to say. But it does seem to us that you could not release the 90 odd men who are now detained all at once. Also some of these men, as judged by the evidence in the case of the murder in the Alipur jail, are extremely dangerous; in fact they may be called homicidal lunatics, men whom it would be wrong for the Executive to let loose on society at any time.

Mr. Nirmal Chunder Chunder (Calcutta: Non-Muhammadan Urban): But they are not the detenues whom this Resolution speaks of.

Colonel J. D. Crawford: There are others, however, whose powers for danger have been considerably reduced.

Mr. T. C. Goswami: Are you speaking as a mental doctor?

Colonel J. D. Crawford: I am speaking as a member of my Party. The lobby correspondent of the *Pioneer* had a suggestion in his notes to-day that Government would possibly make an important statement, and I listened with interest to the Home Member's speech. I feel that Government are prepared to review their existing policy (*Mr. M. A. Jinnah*: "When?") and I trust that the continued reconsideration of that policy will in the end lead us out of the impasse into which we are fast drifting.

Mr. K. C. Roy (Bengal: Nominated Non-Official): Sir, there are two distinct propositions before the House, the Resolution moved by my Honourable friend, Mr. Jogiah, for the repeal of Regulation III of 1818 and two analogous Regulations of Bombay and Madras, and the amendment put forward by Pandit Motilal Nehru. For the amendment there is a substantive offer by the Leader of this House. I shall not therefore review that point. I am more concerned with Regulation III of 1818. I was a witness before a committee which was appointed by the Government of India in 1921. It was done at the instance of a motion moved by my Honourable friend, Mr. Srinivasa Sastri, in the Council of State. The Committee was presided over by a very distinguished Indian jurist, Sir Tej Bahadur Sapru, and the Government of India was ably represented on the Committee by Sir William Vincent, the first Leader of the House, a man of great administrative and judicial experience. This House was represented by no less a person than Sir Sivaswamy Aiyer.

Mr. President: Order, order, I thought there was a general agreement among all parties in the House that we should not discuss the question of the repeal of Bengal Regulation III of 1818, but confine our attention to that part of the Resolution which relates to the release of detenues. That is the basis on which this discussion is proceeding.

Mr. K. C. Roy: I was not aware of it. Moreover, I feel the Resolution of my Honourable friend is more important.

Mr. President: Technically the Honourable Member was right in making his speech on Bengal Regulation III of 1818, but I thought there was a general desire to restrict this discussion to the release of political detenues, and I think the House had better confine its attention to that and that alone.

Mr. K. C. Roy: My view is this that, if the view of the Repressive Laws Committee is accepted, there would be an automatic release of all political prisoners. Sir, that Committee had ample opportunity of examining some of the front rank men in India. There was a witness from Bombay, Mr. Bhulabhai Dessai, Mr. Kunzru came from Allahabad and many others who occupy very responsible positions in public life. The Committee came to an unanimous decision and that decision was, subject to certain restrictions, that Regulation III of 1818 should be repealed. I, Sir, with your permission, will read a short extract from that report:

"We are quite satisfied with the continued necessity for providing for the original object of the Regulation, in so far as it was expressly declared to be 'the due maintenance of the alliances of the British Government with Foreign Powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection and the security of the British Dominions from Foreign hostility,' and only in so far as the inflammable frontier is concerned from internal commotion."

Sir, this was accepted by the Government of India in September 1921. As a result of the Repressive Laws Committee, nearly all the obnoxious laws in the Indian Statute Book were wiped out, but this Regulation was allowed to remain. A question was raised by Sir Hari Singh Gour in 1924, when Sir Malcolm Hailey stated that he was not then prepared to repeal it. I accept all the statements made by the Honourable the Home Member in respect of the existence of anarchical conspiracies in Bengal. Sir, those who have followed events since 1922 up to now will realise that the statement the Honourable the Home Member put before the House is substantially and materially correct. Now, Sir, the position has changed considerably. All the provinces are quiet. There is no trouble on the frontier and no abnormal state of affairs in the upper provinces of India. The Punjab is quiet. There is only a little disturbance in Bengal. Why, Sir, not accept the offer made by Sir Alexander Muddiman and also ask for the repeal of the Regulations? In my evidence I made it clear that I was for its repeal and to-day I stand for it.

Mr. F. W. Allison (Bombay: Nominated Official): Sir, like my Honourable friend Mr. Keane, I acknowledge the sincerity of the appeals made by Honourable Members opposite. The arguments which they have addressed to the House would, I think, strike any impartial auditor as proceeding from the heart rather than from the intellect. They are influenced by their sympathy for these unfortunate persons who are detained and for their wives and families. Sir, I should like to have heard utter just one word of sympathy from the Honourable Members opposite for the wives and families of those who were murdered by the revolutionaries in Bengal.

All the Honourable Members who have spoken have referred to the respect which every man should have for the freedom of the individual. Sir, I respect the freedom of the individual as much as Honourable Members opposite, but that freedom must be subject to the paramount consideration of the safety of the public. Sir, as far as Regulation III is concerned, I understand that point is not immediately before us. It was not stressed by the Mover of the amendment and was hardly referred to by any other speaker except Lala Lajpat Rai. In fact, the discussion so far has proceeded on the basis that Government, any Government, must

be given and must exercise extraordinary powers which may limit the liberty of the subject in cases of emergency; and that proposition, Sir, I think, can hardly be challenged by anyone. The question then to my mind resolves itself to this. Is the Government justified—in using them in the present emergency to the extent of detaining these men in jail? Well, Sir, I will say at once that, if it is shown or can be established that the retention of these men in jail has as a matter of fact saved the lives of even 2 or 3 innocent citizens, I should be prepared to support it; and if it is put in that form, I think that even Honourable Members opposite will be prepared to admit that the action of the Government was fully justified. Therefore, Sir, a question of this kind resolves itself into this simple form. Is the Government satisfied that the detention of these persons is necessary in order to save innocent life and, if the Government is satisfied, is this House content to accept their assurance? Sir, I would ask Honourable Members of this House to dismiss for a moment their sympathies with the individual persons and reason on this point as they would on any other point which might arise in the conduct of their daily business. I propose to address to the House very briefly three arguments which, to my mind, are sufficient or should be sufficient for any reasoning man to establish fully the necessity of keeping these persons under restraint, with the sole object of saving innocent life which might be and would be sacrificed by a further revolutionary outburst. The first justification that I would put forward before the House for this proposition is that we have the guarantee of the Government that the papers in each case have been carefully examined. They have been submitted to the highest authorities, men to whom the destinies of the province of Bengal and of the Government of India have been committed; and these are the persons who have satisfied themselves and have informed the world that there is reasonable cause to suppose that these men who have been interned were actually engaged in anarchical conspiracy and that their release would immediately result in the loss of innocent life. Well, Sir, I think, knowing the character of these men to whom I have referred, this House and the whole of India would do well to accept that assurance. But I do not rely on that alone. I would invite the attention of the House to what we have heard this morning from the Honourable the Home Member. Many of the Members opposite who have lived in Bengal have intimate knowledge of the state of things before the Ordinance was passed and the state of things since the Ordinance has been passed. Many of us, Sir, at one time or another, have gone through a course of instruction in the science of logic. It is not, it is true, a perfect form of induction to infer that, when a certain state of things has long continued to exist in combination with phenomena which might reasonably be supposed to have caused it, and has ceased to exist the moment the latter have been removed, that the relation of cause and effect has been fully established. But, Sir, let us consider the circumstances. Before the Ordinance and the Act were brought into force there were many revolutionary outbreaks in Bengal. As soon as these men were detained those outbreaks practically ceased. That, Sir, is an inference that any ordinary man in the ordinary course of life would accept as tending to a great extent to show that it was the shutting up of these men which actually caused the cessation of revolutionary outbreaks, because it was these men who were responsible for them. Then the third reason which I have come to put before the House for the justification of my conclusion is

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one which is really drawn from what my Honourable friend, Lala Lajpat Rai, told the House, namely, the effect on the country, adverse to the Government, of the continued detention of these people. Sir, I for one am proud to believe that the present Government in India is honest and is actuated by the highest and best of motives, and it goes forward with the simple object of promoting the good and the interests of the whole of India and of all the people and all classes in the country. But, Sir, let us assume that every accusation that has been brought against the Government is true, that it is a Satanic Government, and that it entirely disregards the legitimate aspirations of the people of this country, and that they are here solely in their own interest. Assuming that to be the case, can any possible reason be assigned for the action of such a Government in these circumstances, supposing that Government knew these men to be innocent? Sir, I say it is impossible to assign any other motive for a Government, even if actuated solely by self-interest, for keeping them in detention except that it knows that they have been guilty of anarchic conspiracy and that they are a source of public danger; because otherwise every possible motive of self-interest would induce Government to take the obvious and easy way of escape from the present circumstances and let the men go. To my mind, Sir, Government have done the right thing, and I hope Honourable Members of this House who have considered this question carefully will agree that the Government are justified in the course they have adopted and, that they must, in the exercise of their responsibility, continue to keep these men in detention until they are satisfied that they can be safely released.

Mr. S. Srinivasa Iyengar (Madras City: Non-Muhammadan Urban): Sir, I intervene in this debate only to express on behalf of my Party, along with Pandit Motilal Nehru, that it is really impossible for the Government to expect any co-operation on the part of the Congress if the attitude which they have so far maintained in connection with the political detenus is to be continued, and I wish to answer in brief the arguments which were urged by the Honourable Sir Alexander Muddiman. His tale is a thrice-told tale, and I did not see very much new matter introduced to-day except matter which demolished the matter which he first advanced.

The Honourable Sir Alexander Muddiman: This is at any rate the first time that the Honourable Member has heard my tale.

Mr. S. Srinivasa Iyengar: He said that the very detention of these detenus in jail has conduced to peace and order and to a diminution in violent crime. Then immediately he proceeded to cite a number of instances, not one or two, but as long a number of cases as the cases which induced him and the Government to put these people in jail. It showed at once that the argument was one which was unconvincing to himself, and certainly it could not convince us on this side of the House. I certainly feel very much saddened by the remarks which the Honourable Member from the United Provinces, Mr. Keane, made. His speech to the effect that he is not going to convert us and that we are not going to convert him perhaps is about the truth. If it is so, then I am rather sorry for the Members on this side of the House, and I am certainly not sorry for those who are on that side of the House. It is to be hoped that on a matter like this we would just for a moment forget party differences and political differences, that we are Members of Government or Members

of Congress, or of this or that party, and realise the gravity of the situation. But if we forget fundamental humanity and take to arguing on the lines of party in the way in which the Honourable the Home Member and Mr. Keane argued, it is pretty plain that it is no use for many of us here repeatedly urging this except as Lala Lajpat Rai has pointed out, to show our utter helplessness. I consider that there is really no ground for the detention of these prisoners either in its inception or for their continued detention now. Sir Alexander Muddiman's instances, on examination, prove to be instances showing just the contrary of what he set out to prove. He set out to prove that witnesses were terrorised when giving

evidence, persons were prevented from giving information to Government, juries were prevented from convicting persons who were put up as accused persons and it was impossible to secure conviction, and therefore special repressive measures were necessary, and that is why this kind of legislation which was abhorrent to the instincts of every average Englishman had to be undertaken and this very unusual step had to be resorted to, much to their disgust and annoyance. But it is perfectly plain that the record of these cases has been closely examined during the last debate in 1925, when this matter came up in connection with the Bengal Criminal Law (Amendment) Act, when my friend Pandit Motilal Nehru examined them one after another and showed in his speech that in half the cases conviction was secured and in the other half no witnesses were really frightened from giving evidence but the acquittals were due to the fact that the jury and the judge did not believe the evidence that was put forward. It was quite easy to rely on these old cases and to magnify their importance. After all, a Government that pretends to administer this country must rest either upon legal foundations or upon moral foundations. If there are fundamental legal rights of subjects, then they must be respected. One set of such rights must be the right to an open trial, the right to be charged with the offence and the right to have evidence given in an open court of law. If this is denied, then it is obvious that the Government and the administration by that Government do not rest upon legal foundations. Then it must rest upon moral foundations. As Lala Lajpat Rai pointed out, in case of war or very near that, you may have to have recourse to special procedure. Can we say that most Indians are morally convinced that there was a case made out for the detention of these prisoners? Certainly not. We here on this side are not less anxious for peace and order than the Members on the other side. Is it to be supposed that we are not much more interested in it than the Members of Government? (Hear, hear.) If we are interested in it and if we still say that these are not proper laws to enact, these repressive measures should not have been undertaken, and these men should not have been put in jail or be now detained in jail, it is because we feel that the Government is doing it deliberately, scientifically and for political purposes, and is not adopting these repressive measures for the purpose of putting down actual violent crime which it feels convinced does exist in this country. I dispute the *bona fides* of Government in this matter. I do not believe they are convinced of it. But they do want to prevent or regulate political agitation in the country. They want the political leadership of the country and they naturally want to terrorise the people. The terrorism is on the other side, on the side of Government, not on the side of the people. I certainly think that, if under this Bengal Ordinance the Government is put in these jails, undoubtedly the terrorism would disappear in no time and peace and order would be restored. I find Lord Morley when he wrote to Lord

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Minto saying that " You admit that, being locked up, they can have no share in this abomination, but their continued detention will frighten the evil-doers generally ". After all, we must get to know the heart of Government from the statesmen who in the past have governed this country both here and in England, and we see that these measures are adopted, as Lord Morley says, because their continued detention will frighten evil-doers generally. It is to make an example that these things are done. Therefore the Government does not in the least care whether men are innocent or guilty. They somehow put persons in jail saying, " Somebody murdered somebody else and therefore let us have A, B, and C in jail and if they are not the right men it does not matter ". Some men are required and there are people who, according to Mr. Keane, are the invisible supporters of these very visible detenus whose agitation it is very inconvenient for us to face and therefore those agitators must be put down. The cat was out of the bag when Mr. Keane said that these measures are adopted with a view really to put down political agitation. I consider that we are not here to mix up political agitation with the release of prisoners. I consider the release of prisoners or their being put on trial as an issue by itself and that it stands on its own merits, and the proposition which my Honourable friend, Pandit Motilal Nehru, moved is a self-respecting proposition. We do not sue for any clemency. We ask that they should be put upon their trial or released. If the Government really wants to co-operate with the people, then it will take the measures suggested in the proposition. But if it does not want the co-operation of the people at any time, at present or in the future, but wants to govern in its own way as Lala Lajpat Rai said, by all means let them go on. I have not the slightest doubt that this accentuation of feeling which has arisen in the country between Indians and Englishmen is mainly due to the policy of repression which has been pursued. In our country it is unfortunately true that repression has occasionally succeeded in repressing our people and the bureaucracy think that they can put down political agitation by periodical repression. Because of that, they are persisting in their policy. But the time has come when repression of this description will certainly not daunt us and we will go on in spite of any amount of repression. Therefore, I warn this Government to desist from continuing the action which they have taken in the past. It was convenient to them to initiate this policy in the past when there was not that unanimous feeling which there is in the country to-day. As some of my Honourable friends who preceded me said, on this matter of repressive policy of Government there is very little difference of opinion. To-day in the country the Government cannot get together a party. There was a time when I know that Government could get together a party before launching upon repression. I know that perfectly well, and that has been done on very many occasions. But, hereafter, it will be impossible for them to get together a party except an obscurantist party here and there. Therefore, I would warn Government, if they really think that they should not obstruct the progress of popular affairs but should co-operate with men on this side of the House, they must mend their behaviour. If they really think that we are suing for peace and that by this periodical adoption of this policy of first repression and putting people in jail and continuing to detain them there for a number of years, and afterwards releasing them the politics of this country can be brought under their control, they are very much mistaken. We know perfectly well that, if we made this the only condition of our co-operation, the

Government would agree to release these prisoners forthwith; I have not the slightest doubt about it. The Honourable Sir Alexander Muddiman may give an emphatic negative, but I have not the slightest doubt about it,—if to-day the country is prepared to co-operate with them they will certainly release these prisoners. But what will they do thereafter again when we want more advance? They will launch further repression and put people in jail again so as to prevent us from getting any further advance. Therefore it is that this vicious circle must be broken at some place or another. I think our eyes have been opened and those of us who have been moderates in the past have become certainly extremists. I do not think anybody need be ashamed of the word 'extremist'. I certainly was a very mild man and I hope still to be a mild man but I certainly believe that, as my friend Mr. Acharya said, I would be doing my duty by the country properly if, instead of Mr. Subhash Chandra Bose, I were in his place in jail. I certainly consider that God's judgment will be upon this Government, if the judgment of the Indian people will not make them bend. All that human beings can do we shall do, but, if we cannot teach the Government a lesson, I leave it to Providence to teach them a lesson and pray God's own condign punishment will descend upon their head.

Pandit Hirday Nath Kunzru (Agra Division: Non-Muhammadan Rural): When I saw Mr. Keane, who I am sorry to say hails from the United Provinces, rise from his seat, I was never in doubt even for a second about the general tenor of his speech, but what he has actually said has taken me somewhat by surprise. As one of the Secretaries of the United Provinces Government and later on its Chief Secretary, he constantly defended untenable propositions but, having followed his speeches carefully, I can say I remember no occasion when he made a more unconvincing and a more unreal speech. But to do him justice, I feel that, had he been left to himself, he would have preferred to maintain silence. He was suffering from the disadvantage of having to deliver a speech to order.

In a debate like this, Sir, it is possible to let the discussion range over a wide field, but I propose for my own part to confine it to practical issues by following the lines laid down by the Mover of the amendment and the Honourable the Home Member. Two questions arise in this connection, first, whether there is a revolutionary conspiracy, and second, what is the extent of it and how it should be dealt with. Now, the existence of a revolutionary conspiracy has never been questioned. The Home Member devoted a great portion of his speech to the citation of a number of cases with the object of showing that a revolutionary conspiracy existed. In so far as its existence is admitted, the mention of the numerous cases contained in the speech of the Home Member can scarcely have any effect on the Assembly. Apart from this, as has been pointed out, nearly all the important cases cited by the Home Member were referred to by him two years ago and were met point by point by the Honourable Pandit Motilal Nehru. The Mirzapore Street bomb case was in particular referred to pointedly by Pandit Motilal Nehru. After pointing out all the facts of the case he asked Government whether it was possible that a man who had been prosecuted by Government and who was subsequently acquitted could be regarded as an informer. The Honourable the Home Member wound up the debate at the end. He had the last word on the subject. Indeed under our Legislative Rules Government officials have the last word on every subject; and, if he did not choose to reply to the pointed arguments

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used by Pandit Motilal Nehru, we should be pardoned for remaining unconvinced by the belated explanation offered by the Home Member two years after his inability to meet the arguments of Pandit Motilal Nehru.

Now, the revolutionary conspiracy, Sir, being taken for granted, the point is whether the men who have been arrested should be brought to trial or not. I am glad that it has been made clear during the course of the discussion that the Resolution does not ask for the release of prisoners: it only asks for their release in cases where Government are not prepared to bring them to trial. But, apart from this, whatever our own feelings might be, this Resolution does not even ask that the Bengal detenus should be tried in accordance with the ordinary law of the land. You have laid down a special procedure for the trial of offenders of a certain kind in the Bengal Criminal Law Amendment Act. The amendment of Pandit Motilal Nehru does not prevent you from following that procedure. Now it has been said that, if the persons who were arrested about 27 months ago are brought to trial, Government might be compelled to disclose a great deal of information which might endanger the safety of Government officials and of law-abiding citizens. Honourable Members are surely aware that provisions relating to the appointment of special tribunals are contained in the Bengal Ordinance issued on the 25th October, 1924. They are embodied in the Criminal Law Amendment Act which came into force in March, 1925. Besides, this Honourable House passed supplementary legislation in 1925 enabling those who were convicted by special tribunals to appeal to the High Court. Now, why was the procedure of trial by a special tribunal provided for? Why were provisions relating to this subject embodied both in the original Ordinance and in the Criminal Law Amendment Act, if Government thought that the men who were arrested could not be brought to trial without disclosing facts which, for reasons of State, they wished to keep secret? It was surely known to them, when the Bengal Ordinance was promulgated and when the Criminal Law Amendment Act was passed, whether they would be able to bring the offenders to trial or not? Is it fair, after providing for the trial of cases in the Bengal Criminal Law (Amendment) Act, and providing even for appeals to the High Court in order to allay public agitation, to refuse persistently to make use of those provisions?

The Honourable the Home Member argued the case for the detention of the detenus on administrative grounds. Now, I am sure Government will recognise that for the maintenance of peace and order they have to depend not merely upon laws but also upon the force of public opinion. They will recognise that it is of no less potency than laws in securing obedience for such measures as they might promulgate. They will also bear in mind the complaints that were made years ago in the old Imperial Legislative Council on account of the operation of the Defence of India Act. Its administration shows that it is possible, Sir, for administrative reasons, to create a wilderness and call it peace. But, even for administrative reasons, it should be recognised that it is possible to carry a measure too far, and, when it is borne in mind that not merely extremists but even those whom Government would regard generally as entertaining sober views and as being on the side of law and order—for example, the Indian Association of Calcutta,—doubted the necessity for the promulgation of the Bengal Ordinance, the amendment of Pandit Motilal Nehru gains

considerably in force. You have detained these men for 27 months. We know that they cannot be indefinitely detained, for the Bengal Criminal Law (Amendment) Act can last only for five years. (*An Honourable Member*: "It will be renewed.") Renewed, if it is renewed. That is a different matter, but the present Act at any rate limits its operation to 5 years. (*An Honourable Member*: "Then there is Regulation III.") Will you not, then, in view even of the grounds on which the efficiency of administrative action rests and in view of the uneasiness of the very opinion which has generally been with you in the maintenance of law and order, revise your decision and thus have on your side a force of considerable value, *viz.*, a conciliated public opinion?

Maulvi Abdul Matin Chaudhury (Assam: Muhammadan): Sir, in rising to speak upon this amendment, at this fag end of the day, I have no desire to take up the time of the House in repeating all those arguments which have been advanced from hundreds of platforms throughout the country, against the injustice or iniquity of detention under Regulation III or the Ordinance. I shall, Sir, merely confine myself to the consideration of the question in the light of the latest official pronouncements on the subject. The Viceroy, Sir, in his speech, has laid down two conditions for the release of these prisoners, firstly, a change in the condition of the country brought about by the total suppression of the revolutionary movement, and secondly, a change in the mentality and the outlook of the detenus. As regards the first condition, Sir, the change in the condition of the country brought about by the total suppression of the revolutionary movement, what I do not understand is this. If the police fails in its primary duty of rooting out the revolutionary movement from Bengal, why should Mr. Subash Chunder Bose or his friends be penalised for the inefficiency of the police?

As a matter of fact, Sir, by the continued detention of persons whom millions love and respect and believe to be innocent, it is the Government who is creating the atmosphere in which revolutionary crimes thrive and prosper. By its policy of detention, the Government is exasperating the public and adding fuel to the revolutionary fire. I shall be repeating merely a truism, Sir, when I say, that, in spite of the firm hand of the Government, to which the Honourable Home Member has referred, Bengal will have no peace, no rest, so long as Subash Chunder Bose remains in prison. Human nature being what it is, the Government, if they persist in this policy, will have to wait till doomsday for the revolutionary movement to be weeded out of Bengal. When the policy of the Government and the inefficiency of the police conspire to keep alive the revolutionary ferment, why should the people who are safely locked up in the jails be made to suffer for it?

As regards the second condition, Sir, I do not know by what psychological process the Government intend to discover a change in the mentality of the detenus, unless they are prepared to release them and give them a chance of proving by their conduct what they have all along maintained, that they had no share, and no desire to share, in this revolutionary movement. Many of the detenus who were arrested and subsequently released, many of them men of brains, of which the Honourable the Home Member is so much afraid, are not known to have abused their liberty. At any rate, Sir Charles Tegart and his police officers of Elysium Row can very well be trusted to look after these well-known characters. Lord Lytton, whom Mr. Keane has referred to as the embodiment of all liberal

[Maulvi Abdul Matin Chaudhury.]

sentiment, too, seems to have a very uneasy conscience over the matter. He is prepared to release them on their giving an undertaking; but, Sir, cannot we expect the Government to rise above petty considerations of prestige and by a bold gesture of courage and statesmanship release these prisoners without trying to extract from them an undertaking against which their sense of honour might rebel?

These gentlemen, Sir, have suffered much on merest suspicion. Even the criminals, convicted for long terms of imprisonment for most heinous crimes, have this solace and consolation that some day, on some definite day, whether near or distant, they will come out of the prison-gate. This enables them to bear with fortitude the privations of jail life. But even this consolation is denied the State prisoners. Theirs is a lot unrelieved by any such prospect. Theirs is the path that has no turning. Day in and day out, they are to drag on their monotonous and miserable existence, gradually pining away and sinking slowly to the grave. Not unnaturally many fell diseases find in them an easy victim. Even Subash Chander Bose, who was the very picture of health at the time of his arrest, and who was reported to be living in a sort of earthly paradise, with the diversions of cricket and ping-pong, had to be removed to Mandalay for medical examination. This to my mind is probably the most refined form of the Inquisition ever invented by a civilised government. I have often wondered, Sir, whether the guillotine was not more humane, more merciful than this continuous torture.

Supposing, Sir, in a momentary lapse into statesmanship, it not into justice, the Government decides to release these prisoners and give them a chance of mending their supposed erratic ways. What can be the possible effect of that? The Honourable the Home Member has drawn a very doleful picture of the future. If you will allow me, Sir, to indulge in a little bit of prophecy, I can assure the House that the mighty British Indian Empire will not collapse on the morrow of Subhas Bose's release. Things, Sir, will go on just as merrily as before; the Congress office will not be shifted from Bow Bazar to Writers Buildings, nor is Mr Subash Chandra Bose likely to take up his residence at Belvedere (Applause). Clive Street will still be infested with Burra Sahibs and Boxwallas. Arrogant and intemperate speeches will still be made at St. Andrew's dinner and we are not likely to meet the anarchist with a revolver under his arm-pit at every street corner. The only difference will be that Calcutta will be a better, a cleaner, and a healthier city to live in when its energetic and selfless Chief Executive Officer is restored to the Corporation.

Before I sit down, Sir, I should like to make an appeal to the conscience of the bureaucracy, provided, of course, Sir, such a thing as conscience can exist in a "steel frame" (Hear, hear). The position of the Government, Sir, was never stronger than it is to-day. We must admit this, to our great shame. We have it on the testimony of the Secretary of State that the political situation has greatly improved in India. The Government can, therefore, very well afford to take an indulgent view of the situation. The country, with a united voice, has demanded the release of these prisoners. If the Government fails to pay heed to them, it will only strengthen the popular conviction that neither the earnest appeal of Pandit Motilal Nehru nor of the other leaders on the floor of this House, can move the flint-hearted bureaucracy; and it will be said, Sir, and, I

say, said rightly, that the Government is more afraid of the methods that this handful of young men are supposed to stand for than of the united constitutional protest of the entire nation. That, Sir, is not a salutary lesson to teach to the impulsive and emotional youths of Bengal. I would therefore appeal to the Government: Do not drive Bengal to despair and to yet more desperate means. (Applause).

Mr. H. Tonkinson (Burma: Nominated Official): Sir, before referring to some of the remarks which have been made in the course of this debate, I wish to state with all the emphasis at my command that it was only compelling circumstances which forced the Government of Bengal and the Government of India to take the steps which are complained of in the Resolution before the House and in the amendment which has been moved by my Honourable friend the Pandit. It was only in very exceptional conditions that Government would have taken the action which they did. In this connection, Sir, I should like to quote a passage from the speech of His Excellency the Viceroy in this House on the 24th of January 1927. I do not propose to quote the passage which has already been quoted, but another one. His Excellency said with reference to the British people:

“ Their own inherited qualities left them no alternative but to open to India the path in which they had themselves been pioneers and along which they have been, and are, leading the peoples wherever the British flag is flown.”

That quotation was made in reference to another point, but I submit that the question which we are now considering is one, one of the perhaps very few others, in which the British people have also been pioneers. It is, Sir, to the principles of British jurisprudence introduced into British India by British people that appeals have been made in this case. And I say, Sir, that the inherent qualities of the British people would have caused them to proceed against the misguided persons who have been detained under Regulation III, or whose movements have been restricted under the Bengal Criminal Law (Amendment) Act, by open trial if compelling circumstances had not rendered that impossible. Therefore, Sir, although in the course of my remarks I wish to defend the action that has been taken by Government in regard to these people, I trust that it will be realised that I defend the action of Government at the present time with reference only to the special circumstances of Bengal. The previous histories of His Excellency the Governor of Bengal, of His Excellency the late Viceroy, of the Secretary of State under the late Labour Government, during whose term of office the Ordinance was drafted and brought into force, and of the present Secretary of State, should, I think, show that only in very exceptional conditions would they have used these powers.

I now turn, Sir, to what I have described as the compelling circumstances of Bengal. I have no time to draw a complete picture of the distressful history of revolutionary crime in Bengal. I have not the time to go through the long series of political robberies and dacoities. They constituted a very surprising phenomenon in themselves—dacoities and robberies committed by youths of respectable origin with the object not of obtaining pecuniary gain but of obtaining money for the support of the revolutionary movement. Those dacoities and robberies, Sir, involved the looting and the murder of innocent persons in far-away villages throughout the length and breadth of Bengal. Another aspect of that revolutionary crime was the campaign for the perversion of the minds of youths and young lads in the schools and colleges of Bengal. That campaign, Sir, was definitely

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enjoined upon the members of these revolutionary societies by their rules; and the societies evidently expected to obtain recruits, and did obtain recruits, amongst these impressionable students, quite inadequately equipped to appreciate what they undertook when they took the vows which were forced upon the members of these societies. In passing, I may say, in regard to this point, that I think it difficult to imagine a more despicable course than that taken by some members of these societies who became teachers in the schools of Bengal with the deliberate object of perverting the minds of the boys committed to their charge. As to the extent to which there was a campaign for the perversion of the minds of these young boys I would remark that in the period from 1907 to 1917, out of 186 persons convicted or killed during the commission of revolutionary crime, 124 were between the ages of 16 and 25—124 out of 186.

I have also, Sir, no time to refer at length to the terrorist campaign; the campaign, Sir, directed against the lives of the magistrates and judicial officers engaged in the trial of these cases, against the lives of the police officers, mainly Indian, engaged in their investigation, and against the lives of the persons who had given information to the police. I was surprised, Sir, to hear to-day from the Honourable the Pandit that he had heard of only one case in 1908 in which an informer was killed. Sir, you have only to read publications which are in the library of this House to find case after case. I put down several here within a few minutes of his remarks, but I do not propose to refer to them now. What was the result of that campaign is illustrated, I think, conclusively by the observations in judgments, etc., from which I should like to cite one. * This is a quotation from a commitment order :

“ The fear shown by the majority of the witnesses was one of the notable features of the case. It was obvious that many of them only spoke with reluctance while a considerable number showed such extreme nervousness at the sight of the accused when shown them for identification that they made not the faintest effort to identify any of them and exhibited only a great anxiety to escape at the earliest possible moment.”

Mr. Nirmal Chunder Chunder: When was this judgment delivered?

Mr. H. Tonkinson: I am coming to that point now. I have referred up to the present to the history of revolutionary crime in Bengal during the period 1906-16. I will indicate very clearly—at least I hope so—the relevance of that history to the present time, later. The history of the crime in Bengal in those years was inquired into by a very distinguished Committee. The President of that Committee was one of the Judges of the High Court of Justice from England; the members of that Committee consisted of the Chief Justice of the Bombay High Court, a distinguished Indian Judge from the Madras High Court, one Executive officer—an officer not from Bengal, but from the United Provinces—and also one distinguished Indian politician and lawyer, Sir Provash Chandra Mitter. (*An Honourable Member:* “It is a matter past history now.”) That, Sir, was a distinguished Committee and its membership was at least such as to show that they were well qualified to examine into the position in the years 1906-16. I submit that their findings as to the facts—I do not wish to take the House any further—their findings as to the facts of the situation in Bengal at that time merit the very careful attention of Honourable Members. After Honourable Members have referred to the Report of that Committee I would

ask them to consider the series of cases which have been put before them by the Honourable the Home Member on the present occasion and on previous occasions. If they do so they will see how the features of the earlier conspiracy have been repeated; they will see how the political dacoities have been repeated, how those political dacoities were accompanied by the use of fire-arms—a very unusual feature in Bengal, for in the six years before 1906 there were practically no such cases occurring—how bombs had again begun to be used, how youths were again perverted, and how terrorism was again brought into use. Then, I submit that any Honourable Member will, if he applies his mind to the comparison, agree that there was a definite recrudescence of the same revolutionary conspiracy that had practically established in Bengal a reign of terror in the years before the use of the Defence of India Act and the rules thereunder had stopped it.

Sir, during the course of the debate we have heard very different views adduced as to the guilt or otherwise of the people against whom this action has been taken. One Honourable Member, Mr. Acharya, did agree that if these cases were examined by a Committee, he had no doubt that that Committee would come to the same conclusion as was come to by Government . . .

Mr. M. K. Acharya: What I said was that so long as only tainted materials were placed before the Committee, any Committee would come only to the same conclusion. The materials were not reliable . . .

Mr. H. Tonkinson: That is exactly the point I was going to refer to. His remarks were with reference to the materials upon which Government has taken action. Of course, it is impossible for me now to refer in detail to the materials upon which action had been taken in 1924-1925, but I can say at once that the materials were of the same character as those described in the report of the distinguished Committee to which I have already referred.

Mr. A. Rangaswamy Iyengar: We did not agree with it.

Mr. H. Tonkinson: I assert it as a fact. If, Sir, Honourable Members will consider the nature of that evidence, if they will consider how information obtained in one place led to information as to what was happening in other places, which was tested and found to be correct, how that information led to information as to what was taking place in another place and so on, in an endless chain, they will, I think, realise that these statements are not statements such as those of accomplices which we have been accustomed to reject in ordinary criminal trials.

Mr. M. A. Jinnah: Why not try them?

Mr. H. Tonkinson: I will come to that point later. There have been, Sir, two opposing suggestions, either implicit or explicit, in the course of this debate. On the one hand, it is suggested that these cases should be referred to a Committee. This implies, of course, the possible necessity for some special law. On the other hand, there is the suggestion that we should bring the cases to open trial, which denies any possibility of such a necessity. As to the first suggestion, I have only to remark that I claim that it is clear to any one who examines the evidence put before him that we have the same revolutionary conspiracy as has been enquired into already

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by a very distinguished Committee. That Committee has established definitely the nature of the revolutionary crime that was in existence. As to the cases against individuals, they were fully inquired into by judicial officers. Then I come to the second suggestion, that they should be brought to open trial. In regard to this point, I should like to allude to the point made by Mr. Kunzru when he asked why we have introduced provisions in the Bengal Criminal Law (Amendment) Act in regard to trial and suggested that there had been none. That is what I understood was the implication of his remarks. There have been at least three such trials to my knowledge. As to the second suggestion, that we should bring these people to open trial, I submit

Mr. D. V. Belvi: On a point of order, Sir. How is all this relevant?

Mr. H. Tonkinson: I submit, Sir, that no Government worthy of the name would imperil the lives of its police officers and witnesses, as would be the case if these people were brought to trial. Government, Sir, have been compelled to use these weapons, and I submit they must continue to use them until they are sure that the period of danger of terrorist crime has ceased.

My Honourable friend, **Lala Lajpat Rai**, suggested that no Government would use such a law except in a state of war. I say, Sir, on the other hand, that no Government would refrain from using such weapons. Fortunately, Sir, there has been no necessity for such action in England; in fact such weapons are not immediately at the disposal of the Executive Government in England. Speaking for myself, Sir, I have, however, sufficient confidence in the general good sense of the British people to entertain no doubt that, if similar conditions occurred in any part of England as occurred in Bengal, if the lives of the police officials in England were imperilled in the same manner as in Bengal, if the lives of all who came forward were imperilled in the same manner, then, Sir, in my opinion, though Parliament would hesitate as the Government of India did hesitate, it would not be very long before a similar law to that of the Bengal Criminal Law Amendment Act was on the Statute Book of England.

In conclusion, Sir, I wish to ask Honourable Members opposite to show some consideration for the people whose interest it really is that this action should be taken. I refer to the fathers and mothers of Bengal. I ask, Sir, is it not reasonable for them to object, as I am confident they do, (*A Voice*: "No.") to the manner in which the minds of their young sons, boys of impressionable age, have been perverted by the revolutionary societies in Bengal. I am confident, notwithstanding all that is said by Members opposite, that the fathers and mothers of Bengal would be the first to regret it, if Government should stay their hand and refrain from using all their powers in the suppression of revolutionary crime until all reasonable fear of a recrudescence of terroristic outrages has ceased.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I know there is a feeling that anything said on a Resolution like the one which is before the House will not persuade the Government to accept it, and yet I feel that I should not cast my vote silently on such a Resolution. I was grieved, Sir, to hear one Honourable Member suggest that this was an annual entertainment. I was grieved that he used the word "sham" in connection with the Resolution before

the House. Let me assure the Honourable Member, Sir, and every one else, that it is a matter of the most earnest concern to us, that we consider it our duty that, coming here to represent the people of this country, we should bring to the notice of the Government the universal desire in the country that this detention of a hundred and odd men without trial shall cease. We consider that great injustice has been perpetrated by the detention of these men, for such a long time, without trial, and we consider it our duty to these men as fellow-men that we should raise our voice against it again and again until we convert the Government to our views and see these men restored to their liberty. Can there be anything of greater concern to any liberal-minded man in this country than to find that a hundred and more of his fellow-men, men of education, of position, have been detained under what has been described as a lawless law and that, while 27 months have elapsed since they were arrested and the Government have not had the fairness—I would not say the courage—to bring them to trial, they still desire to continue to keep them in detention for an indefinite period? Is there an Englishman, either here or outside, who would make a speech like the one we heard from the last speaker, who suggested that in England, if conditions arose like those that obtained in Bengal, the good sense of Englishmen would enable any Government to take such action there as has been taken by the Government of India here? They would not dare to think of it in England. They would not allow any man who had such a notion to approach the Houses of Parliament. I can well understand that there might be circumstances in which exceptional laws might be necessary. When such circumstances have arisen, have we not supported the action of Government? When the war broke out, did we not support the Defence of India Act? If circumstances will yet arise when it should be necessary to adopt exceptional laws, I am certain that the good sense of my countrymen will stand by the Government in supporting that action. But what are the circumstances which we have to consider here? In Bengal you had diarchy introduced. There was a tussle going on between the Swaraj Party and the Government of Bengal. The Swaraj Party did, by its action, defeat the Bengal Government, it irritated that Government, and, shortly after it, the Government of Bengal took action, in the extraordinary way in which they did to lock up a number of those who were opposed to it. Is it not a fact—who will deny it?—that the bulk of those who were arrested belonged to the Swaraj Party? Were they not prominent in the Congress organisation?

And what is it that we ask now after two years and three months of their detention? We do not ask that they should be released if Government have any case against them. We only ask that they should be released if the Government do not intend to bring them to trial. Government come forward with the plea, "We cannot bring these men to trial because there are certain difficulties." The difficulties which were pointed out were those that existed in the decade that has gone by. We ask Government to say what it is that stands now in the way of their putting these men on their trial. If, after having had these men under detention for 27 months, the Government are not able to tell the public what there is against them, if during the 27 months that have elapsed they have not been able to find anything which they can urge against these men in a court of justice, in an open trial, I say Government ought to release them without further delay. If they have a case against the detenues let them put forward that case, and if there is evidence to show that these men did connect themselves with any anarchical conspiracies.

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or that they did encourage crime or lawless activities—let the court pronounce its judgment, and the people of India, law-abiding as they are, will accept that judgment, and I assure Government that the Members of this House who are to-day asking them to release these men or to put them on trial, will stand up to support the Government when they have obtained such a verdict. But let there be fairness between man and man. These men who are kept under detention are our fellow-men, and we owe it to them that we should raise our voice on behalf of those that cannot speak, for nothing more than fairness to them, for an open trial or release. If the Government still think that they have a case against these men let them put forward that case. We cannot listen any longer to the plea that the Government find insuperable difficulties in bringing these men to trial. What are those difficulties? If you have got a case against them put it before a court of law. If you have not, confess that you have none, as you have virtually confessed by your silence that you have none. I am not here to pronounce a judgment that there is no case against any of these men. I say, let us know what the case is. If there is a case proved against any one of the detenus or all of them, we shall bow to the judgment of a court of law. But we cannot bear the situation that, while these men were proceeded against under a special preventive measure, and while this Assembly and the people of Bengal have times without number pleaded for an open trial of them, the Government should still, taking protection under a special Act passed by an exceptional procedure, keep these men in jail for an indefinite period. I am really grieved to

5 P.M. think, Sir, that these fellow-men have not had fair play. I do not like to say a word against His Excellency the Governor of Bengal, but, having carefully considered the whole situation, having earnestly pleaded in private and in public for an open trial or release of these men, I cannot help saying that there is one human weakness which is standing in the way of their release and that is that high official's *aid*. It is that *aid* that bars the way to justice. I cannot discover a single reason which would justify the detention of these men after they have undergone 27 months of detention. What was the condition in Bengal when these men were arrested? What has it been since then? Could not the ordinary law take care of them? Have not those who actually committed violent crimes been put on their trial and convicted? These detenus were merely suspected of having been connected with violent crime. Why should they not be tried and evidence produced against them? What have the officers of Government been doing all these 27 months? If you cannot produce any evidence against them even now you should certainly not detain them any longer. That is what I expect of every Englishman who loves justice and fair play, whether he is an official or a non-official. When you find that in those cases which you brought into court, witnesses were not frightened, jurors were not terrorised, when you find that people came forward to give evidence, when in every single case that Government put forward it obtained a conviction, it passes my understanding why Government should come forward and say that the detenus cannot be dealt with according to the ordinary law. There is a provision in the Code of Criminal Procedure for preventing crime. That provision, I submit, is sufficient. If there is any serious suspicion against a man, the law provides for its being examined, and proved or disproved. Under the ordinary law if a man is arrested and put on trial and if the police are not ready with the case, they cannot detain him indefinitely.

They must produce him before the court. They must ask the court to extend time in order that they might have their case ready, but they cannot go on asking for an extension again and again without showing good reason therefor. The court would refuse it. But here you find that the Government of Bengal, not having any case to put before a court, is keeping these men under detention for this oppressively long period. This is clearly wrong. Justice demands that Government must either produce its evidence or, failing that, it must let the men go out.

There is one argument that has been urged again and again from the official Benches which I must notice. Several Honourable Members have said 'we cannot endanger the lives of our officers'. Does any one of us want to endanger their lives? They are our fellowmen, labourers in the same cause, servants of the public, of the King and of the country. Is there a single man on this side of the House who would wish that any officer of Government should be injured? No. We are as much anxious that they should be protected in the discharge of their duties as Honourable Members on the other side. We too recognise their good work. We honour them for it. When they expose themselves to danger in the discharge of their duties, we rejoice to hear it, be they Indians or Europeans. We honour fearless devotion to duty wherever we find it. But let us consider what is the extent of the danger which you have to provide for and what is the right way of meeting it. Every one of us is exposed to a certain amount of danger in the discharge of his duties. Have not many men laid down their lives in the discharge of their duties? Is it the first time that we hear that officers of Government are exposed to danger? If a man were to be frightened by the thought that, in discharging his duty, he might incur the ill-will of some of his fellow-men and that he might in consequence be shot or stabbed, that man would cease to deserve our respect. We have to go through life facing all the risks we are exposed to in the discharge of our duty. Whatever duty is cast upon us, we have to do it. We honour our English fellow-men because they possess a keen sense of duty; we honour our Indian fellow-men who have shown the same sense of duty. We are sincerely glad to think that in Bengal itself, as Government officers have several times acknowledged, and acknowledged with grateful satisfaction; many Indians have laid down their lives in the discharge of their duties. Well, that risk we cannot entirely eliminate, that risk we cannot entirely avoid. I do not say that we should seek it. I do not say that we should surround our officers with such risk. But I do say, that taking every reasonable step to guard them against any undue risk, let us go through our task, let us discharge our duties, fortified by the feeling that if death comes to us, in the discharge of our duty, it will be welcome (Hear, hear).

There was a Viceroy who presided over the deliberations of the Government of India in Delhi in 1912. That good Viceroy was nearly killed by a bomb by the act of an assassin, and what did he do? I had the privilege of being a Member of the Imperial Legislative Council at the time. We were all struck with awe and sorrow to hear that Lord Hardinge had been struck by a bomb as he was entering Delhi in state in a great procession. An address was to be presented to him by us, Members of the Council. Having been so struck, he was taken down to his room; and while we were all afraid that he might not survive, the first thing Lord Hardinge said to Sir Guy Fleetwood Wilson, the senior Member of Council at the time, was: "No change of policy, Wilson". and Sir Guy Fleetwood readily responded: "No change, Your Excellency". That is an example

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which has been handed down to us by a noble Englishman, and there have been many other noble Englishmen who have exposed themselves to danger, have suffered death in the discharge of their duties. Let not Englishmen say to-day that they are more timid than their predecessors were. I do not charge them with that timidity, I do not charge them with cowardice; I know there are many brave men and true among them; but I say, do not do yourselves the injustice of putting forward this craven fear of an officer being killed to justify your action in indefinitely keeping in detention a hundred and more follow-men against whom you have not got a case to put before a court or the public. I would rather that an officer here or there were exposed to a danger to life which may never actually come, than that so many of my fellow-men should be condemned to that oppressive cheerless life which has been described by one of these detenus in a paper which has been circulated to us and some idea of which has been conveyed to us by our esteemed friend, Lala Lajpat Rai, who himself was a victim of Regulation III in 1906-07. Now, that is all that I plead to-day. I do not deny that there may be a conspiracy. When my Honourable friend, the Home Member, says, that there is a conspiracy in Bengal, I accept the statement from him.

The Honourable Sir Alexander Muddiman: You accept the statement?

Pandit Madan Mohan Malaviya: I accept it from you. I do not deny it; but I say that the way to meet that conspiracy is, not by locking up men who are merely suspected of having been concerned in it,—the way to deal with them is as you deal with men who are actually guilty of violent crime. You have dealt with such men in the open way, you have brought them to trial. Do the same with these suspects. Let every one who is seriously suspected of having been concerned in violent crime be brought before a court of law, and let him suffer the pains, and penalties, of his acts; but I submit with all respect, that the Government of India should no longer allow the detention of these men in jail. It is unfortunate that His Excellency, Lord Lytton, has taken a very strong view in this matter. I am sorry to think he has. I think he is wrong. He may possess all the qualities which the Honourable Mr. Keane says he has. I myself hold him in high esteem for many qualities of head and heart but I am sorry to say that it is my conviction that Lord Lytton is absolutely in the wrong in the matter of the detention of these men, and the sooner the Government of India will help him to put an end to that wrong, the better will it be for every one concerned. I know that the days of Lord Lytton's Governorship of Bengal are limited. He shall have to leave the shores of India and to lay down the reins of the office of the Governor of Bengal before many months have passed. But, as I sincerely wish him well, I wish that he should have the satisfaction of seeing this wrong ended before he lays down the reins of his office. I, therefore, appeal to the Honourable the Home Member and to every Member of the Government of India to give this matter their utmost consideration, to treat this debate not as a matter of party tactics, not as a sham or as an entertainment, but as a very serious matter. Believe me, every word that I have spoken is, if I could so describe it, tinged with the blood of my heart, because I feel deeply for these fellow-men who are locked up in jails in different parts of the country. If they are guilty, let their guilt be established and let them bear punishment; if they are not guilty, do not let the mere fear that some officer of Government may somewhere be struck down

and killed stand in the way of these men being restored to liberty. If you will, you will be clearly guilty of a wrong which does not raise the reputation of either the Government of India or the Government of Bengal. I hope, Sir, that the matter will receive the most earnest consideration of the Government of India. Nothing more is desired on this side of the House than that the Government should decide either to bring them to trial or to release them. I realise that, after having kept them for 27 months in detention, Government will see many reasons for not bringing them to trial now. Therefore, with a full sense of the responsibility of urging what I am urging, I most respectfully, most earnestly, submit to the Government of India that they should release these men. If there be any among them about whom the Police Commissioner or the Governor or the Government have strong reasons to suspect that, if they are released, they might resort to a course of violence, let their cases be treated as the cases of others whom the Government suspects are treated. The Criminal Intelligence Department and the entire machinery of the Government is powerful enough, vigilant enough, to be able to look after such men, and if they find that any one of those released shows the smallest propensity to resort to crimes, there can be no difficulty in the way of your apprehending them again; I wish the Government to remember that the detention in question was merely a preventive measure. You cannot use this preventive measure, without doing a wrong, without great offence to justice, to keep these men under detention for an indefinite time. If they were put before a criminal court under the preventive provisions of the law on the ground of being suspected of having been concerned in some criminal conspiracy without having been guilty of actually committing any crime, what would have been the period for which they would have been bound over or imprisoned—a year, two years, two and a half years, three years? Is there a single Member of this House who will tell me that the period of imprisonment would have been more than two years? I am sure nobody will say so. And two years' imprisonment they have already undergone. It is, therefore, high time that you released them, as a bare act of justice. I hope the Honourable the Home Member will give this matter his most careful consideration. He and the Government of India will earn the gratitude. His Excellency the Viceroy will earn the gratitude of the entire Indian community if they will do the justice of releasing these men who have undergone 27 months of internment without trial.

Several Honourable Members: I move, Sir, that the question be now put.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): Sir, I rise to support the amendment moved by our leader Pandit Motilal Nehru. In doing so, I want to say something regarding the action of the so-called Government of this country and their so-called laws. Just now the Honourable the Home Member has related that, as there were certain murders and other troubles in Calcutta, Mr. Subash Chandra Bose and others, according to him, were rightly suspected of being responsible for them, arrested and put in jails. Similarly, there has been a murder in Delhi only recently; why should not, according to that method of reasoning, the Home Member and other Government Members be transported? Sir, just now it has been related that there is a conspiracy in this country. Who is responsible for this revolutionary movement? It is the Government and Government alone and nobody else. They should be warned that

[Mr. Ram Narayan Singh.]

they will be taught a lesson if they do not mend their ways. It is no longer a secret, as the whole world knows, that whatever mischief is done in this country it is the Government that is responsible for it. They have forcibly and illegally removed some of our best co-workers of Bengal and are still detaining them in their custody. When we look to the past and try to find a parallel of these misdeeds in the history of our country, we find that Nadirshah and other foreign invaders did the same thing. They also forcibly took away some of our countrymen and kept them in their custody. Even to-day the frontier raiders every now and then do the same thing. Any man or community of men having a grain of the sense of justice will certainly agree with me in my comparison and will emphatically support the statement that this act of the bureaucracy is exactly the same as those of Nadirshah and other invaders of the past and of the frontier raiders of to-day. Do the bureaucracy propose to remain in this country with the same name and fame and to meet with the same fate? The soulless, the senseless, the shameless and the heartless supporters of these horrible acts of tyranny and lawlessness committed almost every minute by the British bureaucracy in this country will certainly differ from me. They will point out that the detenus of Bengal, on account of their own mischievous propaganda, have been arrested according to law and are detained in this country. How can this act be compared with those of the said Nadirshah and other invaders of the frontier? The very assertion of the mischievous propaganda, the very fact of taking shelter under the law, and the very fact of those Bengal patriots being detained in this country go to show even to the blind portion of the world that these bureaucrats are greater Nadirshahs and more dangerous and intolerable than the frontier raiders. No honest man can talk of any mischievous propaganda of these Bengal heroes. Why have not these so-called mischiefs been allowed to see the light of day yet? You cannot talk of law even. Who made the laws? Every politician and lawyer of the world knows that the law is nothing beyond the will of the people, only expressed in terms of law. Have the Indians ever willed that these Bengal patriots should be shut up in jails? We, the elected Members of the Supreme Legislative Assembly of the country, each of whom has come with the votes of thousands and also with the voices of millions of the people of this country, and through whom alone can the will of the Indian people be rightly and legally expressed, have already given a clear verdict long ago and are going to give the same verdict to-day that the detenus of Bengal be immediately released without a moment's delay. This is the will of the Indian people, this is the decision of the Indian Legislature, and this is the law. Obey it, please. You cannot say that this is not the Supreme Legislative Assembly of the country, and that we are not the legislators duly elected by the people. Obey the law and then only are you the Government of the country and have the right to remain as such; if not, you are either a band of tyrants or of robbers, or of dacoits or a combination of all. If not to-day, very soon in future we shall have a Government of our own and you the bureaucrats will be arrested, convicted and sentenced either to imprisonment in this country or to transportation to England, even without trial.

In conclusion, I give a most sincere piece of advice to the British bureaucrats here and the British Parliament and the British people beyond the seas, and it is this. Please be wiser and try to take lessons from the

history of the world. Take lessons from the history of your own connection with America, Ireland and China. The Indians have for long been feeling exactly in the same way in which your forefathers felt at the tyranny of the Romans in times of yore. Do not depend upon our helplessness. No creature in the world is helpless. The Creator of all is the Protector of all. We Indians are looking to Him and Him alone for help. We confidently believe and fervently hope that we shall get the divine help and be free one day. If you help or at least remain neutral, even from to-day, towards our attempt for salvation, our connection with you will be permanent and to your benefit. If you behave as you have behaved so long, so inhumanely and selfishly, our connection with you will be broken and destroyed. It is only foolish to think that the great non-co-operative movement is dead. It has already done enough in the past and is gathering force for the future. The future good and happiness of all lies in the entire and ungrudging obedience of all the public servants of the country to the verdict of the majority of the elected Members of the Indian Legislatures. Wishing for the peace, happiness and prosperity of my country and the world, I resume my seat.

An Honourable Member: I move, Sir, that the question be now put.

Mr. President: The question is that the question be now put.

The motion was adopted.

Mr. President: The Honourable Sir Alexander Muddiman.

The Honourable Sir Alexander Muddiman: Mr. Jogiah, I think, has the right to reply.

(Mr. Jogiah not rising to speak, Mr. President called on the Honourable Sir Alexander Muddiman.)

The Honourable Sir Alexander Muddiman: Sir, I will not detain the House very long, at least I trust not, at this late stage in the proceedings. This debate has lasted the whole of the long day and it has evoked a great deal of interest in all quarters of the House. It is only natural that it should do so. It is a matter in which I will for the moment endeavour to do what one of the speakers asked me to do, that is, to put myself in the position of those speaking on the other side, and I desire to make it quite clear that I realise that they feel strongly in this matter. That is perfectly clear from the debate, it is perfectly clear from previous debates and it is also well known to me apart from that. It is a matter and must necessarily be a matter which, as I have told the House, the Legislature will naturally continually press on the executive, namely, the discontinuing of extraordinary measures unless they can justify their continuance. I make no complaint of the manner in which this House frequently returns to that point. I should think less of them if they did not do so but, as in all matters of this kind, it must be approached not in the spirit of antagonism nor in the spirit of unhelpfulness but in the desire to place a case before Government which Government can possibly deal with and which does not conflict with any of our primary duties. It has been said by one Honourable gentleman that this was a matter that should not be made a question of party. In regard to the administration of law and order there is no party. The interests of the Government and the interests of the citizens ought to be one; and I can assure this House that, as Home

[Sir Alexander Muddiman.]

Member, I have never discharged any of my duties with the slightest regard to party or community. You may, you doubtless do, think often that Government are wrong-headed. You often think—you often say, whether you really think it or not, for I doubt it—that we act from motives we do not disclose; but I beg the House to believe that, as far as I am concerned, and as far as the Government of India is concerned, there is no question of party or acting with any communal or political object in our action in this matter. Our sole business is to deal with a plain issue of law and order. I know the House dislikes the very mention of law and order when it comes from my lips though it comes very freely from the lips of those who sit opposite. Law and order does not mean that Government is protecting itself. It means that Government is protecting the bulk of its citizens. Now I have heard a good deal in this debate about the growing cowardice of British officials and Indian officials. Sir, that is not so. Nor do I think that is the true opinion of this House. I have filled a position of some importance in this country for many years. I have had to discharge duties of some importance, duties which have brought me into contact with the forces of disorder. I have never in my life had a guard of any sort. I do not pretend to be a man of any courage, for I know I am not. It may be that, having for a long time lived in Bengal, I am tainted with the supposed vices of that province (Laughter). I ask the House to believe that there is nothing in these measures of ours that is being done to protect any supposed increasing timidity on the part of high officials or of our officers. It is hard, I think it is very hard, that I should be told that that is the reason of our action. Sir, it is not the fear that police officers of both nationalities or officers of the Government may be shot. It is the stern fact that this is not a question of apprehension. They have been shot and shot frequently. That, Sir, disposes of the argument that these precautionary measures are the children of unreasonable apprehension.

Then, Sir, there is the further point that these outrages (unfortunately perhaps in the minds of some) do not afflict merely a handful of Government officials, they afflict a number of perfectly innocent men who have nothing whatever to do with Government. The men who were dacoited were not officials of Government, the men whose money is taken are not officials of Government, the men who are injured are often not officials of Government. The unfortunate Mr. Day who was shot in Park Street was not a servant of Government. As far as I know, he had no connection whatsoever with Government. It is true many Government servants have suffered and died bravely in the discharge of their duties, but they are not the sum-total of the victims of these outrages. It was said you have all kinds of arrangements to protect the great of the land. Sir, the hand of the assassin may render all precautions useless.

Mr. A. Rangaswami Iyengar: Even with the Ordinance?

The Honourable Sir Alexander Muddiman: Yes, Sir, even with the Ordinance I cannot guarantee myself or the Honourable Members opposite from the hand of the assassin. You have seen that it falls on many who are innocent.

Mr. T. Prakasam: Continued detention will make it worse.

The Honourable Sir Alexander Muddiman: It may be so.

Mr. T. Prakasam: It is so.

The Honourable Sir Alexander Muddiman: If by that my Honourable friend means that the spirit of these men is so filled with animosity that their release will increase revolutionary crime, then, Sir, he is using rather a poor argument in support of his own case.

Mr. T. Prakasam: That is not the point.

The Honourable Sir Alexander Muddiman: Now, Sir, my Honourable friend opposite said the cause of law and order was as dear to him as it was to me. Sir, does he agree with the view of one of his back-benchers who said "If it was in my power I would stir up every young man in India to become a revolutionary conspirator and encourage revolutionary crime in India"? Is that the message of his party to me or not? (*An Honourable Member:* "Surely not.") (*Another Honourable Member:* "He was right in saying so.") That, Sir, I should like to have heard repudiated because it would have made my task easier.

Now, I desire to deal with one issue that was raised, raised in a very moderate way by a gentleman who does not always speak so moderately—but on this occasion he referred to the sufferings of some of these misguided men as a result of their confinement. I say at once, on behalf of Government, that, if he can justify any real case for release, or if any body else can justify any case for release or if we ourselves can find that any case for release has been made out on medical grounds, that release will be made.

Pandit Motilal Nehru: I did not put my amendment on that ground.

The Honourable Sir Alexander Muddiman: No, Sir; but I desire to make it plain that we have a certain sense of humanity; we do not desire to detain men whose health has been so seriously impaired that their powers of harm have gone.

Mr. A. Rangaswami Iyengar: Emasculate them before you release them.

The Honourable Sir Alexander Muddiman: We have not as yet adopted that system (Laughter.) Sir, my Honourable friend said, the tale that I have told the House is a thrice-told tale. Well, it is a thrice-told tale. You will remember the remark in "Alice" when "if you say it three times it is right." Therefore, nonetheless is it right because it is thrice-told. My Honourable friend, Lala Lajpat Rai, in a very interesting speech said that no arguments he could adduce would move me and that no arguments of mine would move him. For me to deal with his speech is therefore useless because even if I could find arguments to convince him, it would be useless for me to attempt to do so; and I am sorry that this should be the case for I should have endeavoured to address some remarks to him.

Some other Member said that preventive measures were unknown to the Indian law. Well, Sir, it seemed to me, when I was a magistrate for some time, that there were certain sections, such as sections 107, 108, 109 and 110 which were of a preventive character and which may result in the incarceration of those who do not comply with their provisions. (*An Honourable Member:* "Use them.") I was merely referring to the argument that there were no preventive measures in our law. Now, Sir, an argument was used that Government does not do these things *bona fide*.

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that we do it because it pleases us to do so capriciously. There is some peculiar feeling that I sleep or my Honourable colleagues sleep more comfortably because they know that other people are sleeping uncomfortably. That is not so. I assure the House that that is not the case. Put it on the lowest ground. These men are a source of great political annoyance to me; they are a very good stick to beat Government with; their case is brought before me frequently and they give me and my officers a great deal of trouble; and so, putting it on the lowest grounds, we do not keep them in because we enjoy doing it. I want to make that point perfectly clear. We have not put these men in jail either for political reasons or for the sake of gratifying some perverse sense of delight in oppression which is perfectly foreign to me or to Government and would be a very unsatisfactory form of amusement.

Sir, I noticed with satisfaction that my Honourable friend the Pundit expressed his intention of supporting the Government in any measures required for law and order other than the one before the House. If he will pardon me, I have heard him say this before on other occasions. (*A Voice*: "Any reasonable measures.") Where the difference will probably come, when next there is a question of law and order, will be the question of reasonability, and, amiable as this House is in many ways, it has not always shown its readiness to support reasonable measures or at any rate measures which this side of the House thinks reasonable. (*A Voice*: "Which side?") The House generally is unwilling, as all Legislatures are apt to be, to support strong measures.

Now, Sir, a portion of my speech did not attract as much attention as I thought it might have done. It is possibly because I spoke at considerable length foreign to my natural tendencies and did not perhaps make it as clear to the House as I thought I did. I said, and I will repeat it and I would ask the House to listen carefully. I had read out His Excellency's statement when he first addressed this House dealing with this question of release of the Bengal detenus. I may emphasise it. There were two conditions which were mentioned in that statement. The first condition I hold, and I think the House generally will hold, is not fulfilled. As regards the second condition I made the following remarks. I said "As to the second condition, which raises the question of individual releases, the matter must be decided on the past record of the detenu and his present attitude. Government are not demanding, as is sometimes alleged, any humiliating confessions from these detenus. They are more interested in the future than in the past. A declaration that a detenu would, on release, take no part in revolutionary activities would be an element to be taken into consideration by Government, but this, on the one hand, would not amount to a confession that he had taken part in such activities in the past and, on the other hand, such a declaration could not, and would not, be accepted by Government as a ground for release without examination of the whole circumstances of the case and the past record of the detenu." That, Sir, if I may say so, was rather an important portion in my speech which I should have thought the House would have taken more notice of. The only speaker who did refer to it was my Honourable friend, Mr. Goswami. He referred to it as being something different from an offer or a statement which he understood, no doubt in his own judgment correctly, to have been made by His Excellency Lord Lytton at a meeting or conference he held

some time before the session began. Well, Sir, when we were discussing the motion for adjournment the other day, this point was raised by a speaker who sits behind me and it was also raised by my Honourable friend, and I confess I was somewhat surprised at the statements that were made. I accordingly communicated with the Government of Bengal and ascertained what had happened. The statement made by His Excellency Lord Lytton, I am assured, did not differ in terms from the statement I made to the House to-day. That there was undoubtedly some difference of opinion as to what was actually said seems clear, but I think it right to all parties concerned to say that the Government of India and the Government of Bengal are at one on this point, and, although there may have been *bond fide* misconception, there is no difference in fact

Mr. T. C. Goswami: Will the Honourable the Home Member permit me to say just one word? I suppose human memory cannot always be relied upon, but I think I took the precaution of getting His Excellency Lord Lytton to repeat these statements. I said "I take it from Your Excellency, etc." I thought I had made it quite clear. I understood him very clearly and very categorically. That is all I can say.

The Honourable Sir Alexander Muddiman: I do not mean to challenge the accuracy of the Honourable Member's impression of what happened. That is not my point. It is quite evident that there was some genuine misapprehension of what His Excellency Lord Lytton said, and I think it was right to clear it up at the earliest opportunity. When the matter was mentioned in this House, I was not in a position to deal with it.

Mr. M. A. Jinnah: Do I understand the Honourable Member to say that such a declaration would not involve an admission of guilt?

The Honourable Sir Alexander Muddiman: I read out the words very clearly and I will read them out again, because on this point there must be no ground for doubt whatever. What I said was:

"A declaration that a detenu would on release take no part in revolutionary activities would be an element to be taken into consideration, but this, on the one hand, would not amount to a confession that he had taken part in such activities in the past and, on the other hand, such a declaration could not and would not be accepted by Government as a ground for release without examination of the whole circumstances of the case and the past record of the detenu".

Now, those words are carefully thought-out words, and I have read them out to the House on three occasions, and I hope the House will give them due attention.

Now, Sir, let me develop the point I was about to make. It is said that these men are not revolutionaries and that they do not desire to commit violent acts. If that is the case, what I put before the House would seem to me to give them an opportunity at any rate of informing the Government if that is really their view. What view would the House take where a man says, "Yes, I am a revolutionary; you lock me up; I do not care in the least; I desire to overthrow your Government by every means in my power. If you let me out I will use a revolver, if I can get it, to overthrow you. I will use a bomb, if I can get it, to overthrow you." Does the House wish me to release a man who says that? (*An Honourable Member:* "Put him on his trial.")

[Sir Alexander Muddiman.]

Does the House really desire me to release a man who says openly that, if he is released, he will do that? (*Honourable Members*: "No, no".)

Pandit Motilal Nehru: Put him on his trial and the evidence afforded by the admission of the man himself would secure a conviction right enough.

The Honourable Sir Alexander Muddiman: No man will be so foolish as to make that statement in circumstances where I can use it in evidence against him. That is the point I desire to bring before the House and on that I think Government is entitled to ask what the view of the House in a case of that kind is, namely, where a man says frankly, "I am a revolutionary; I desire to overthrow your Government; I desire to use any means in my power to do that. If I can get a revolver I will shoot the first police officer I come across."

Pandit Madan Mohan Malaviya: You have got sections 108, 109 and 110 of the Criminal Procedure Code.

The Honourable Sir Alexander Muddiman: I have put before the House a question of some importance. I will ask the House to think over that question very seriously. I have defended . . .

Mr. M. A. Jinnah: Is there any detenu, Sir, who has made that statement?

Mr. President: Does the Honourable Member wish to give way?

The Honourable Sir Alexander Muddiman: No, Sir. When I was interrupted I was saying I have done my best to meet this Resolution. It has been spoken to with ability in many parts of the House but no speech has been of greater ability than that of Mr. Tonkinson, whose intimate connection with the Home Department, I desire to acknowledge to-day, has been of the greatest value and to whom I tender my congratulations. Sir, I shall not detain further the House from proceeding to its judgment by vote.

Mr. President: The original question was:

"That this Assembly recommends to the Governor General in Council:

- (a) the repeal of the Bengal Regulation III of 1818 and similar Regulations in force in other Provinces of India and urges upon him the bare justice of an immediate release of all political detenus or of giving them at least an opportunity of exculpating themselves and proving themselves to be altogether innocent of the charges, if any, levelled against them, and
- (b) the grant of an amnesty to all political prisoners now undergoing imprisonment."

Since which the following amendment, proposing an alternative Resolution, has been moved:

"That for the original Resolution the following be substituted:

'This Assembly recommends to the Governor General in Council that he be pleased to immediately release or bring to trial all detenus under old Regulations and the Bengal Criminal Law (Amendment) Act of 1925.'"

The question I have to put is that that amendment be made.

The Assembly divided :

AYES—63.

Abdul Latif Saheb Farookhi, Mr.
Abdul Matin Chaudhury, Maulvi.
Abdullah Haji Kasim, Khan Bahadur
Haji.
Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswamy.
Aney, Mr. M. S.
Ayyangar, Mr. K. V. Rangaswami.
Ayyangar, Mr. M. S. Sessa.
Badi-uz-Zaman, Maulvi.
Belvi, Mr. D. V.
Chaman Lall, Mr.
Chetty, Mr. R. K. Shanmukham.
Chunder, Mr. Nirmal Chunder.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Ghazanfar Ali Khan, Raja.
Goswami, Mr. T. C.
Gulab Singh, Sardar.
Haji, Mr. Sarabhai Nemchand.
Ismail Khan, Mr.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jayakar, Mr. M. R.
Jinnah, Mr. M. A.
Jogiah, Mr. Varahagiri Venkata.
Joshi, Mr. N. M.
Kidwai, Mr. Rafi Ahmad.
Kunzru, Pandit Hirday Nath.
Lahiri Chaudhury, Mr. Dharendra
Kanta.

Lajpat Rai, Lala.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Misra, Mr. Dwarka Prasad.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Murtuza Saheb Bahadur, Maulvi
Sayyid.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Pandya, Mr. Vidya Sagar.
Phookun, Srijut Tarun Ram.
Prakasam, Mr. T.
Purshotamdas Thakurdas, Sir.
Rahimtulla, Mr. Fazal Ibrahim.
Rang Behari Lal, Lala.
Ranga Iyer, Mr. C. S.
Rao, Mr. G. Sarvotham.
Roy, Mr. Bhabendra Chandra.
Roy, Rai Bahadur Tarit Bhusan.
Sarda, Rai Sahib M. Harbilas.
Shafee, Maulvi Muhammad.
Shervani, Mr. T. A. K.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Ambika Prasad.
Sinha, Mr. Siddheswar.
Thakar Das Bhargava, Pandit.
Vishindas, Mr. Harchandrai.
Yusuf Imam, Mr.

NOES—50.

Abdul Aziz, Khan Bahadur Mian.
Abdul Qaiyum, Nawab Sir Sahibzada.
Akram Hussain Bahadur, Prince
A. M. M.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmad, Khan Bahadur
Nawabzada Sayid.
Ayyangar, Rao Bahadur N. A.
Gopaldaswami.
Ayyangar, Mr. V. K. A. Aravamudha.
Bhore, The Honourable Mr. J. W.
Bhuto, Mr. W. W. Illahibakhsh.
Blackett, The Honourable Sir Basil.
Clow, Mr. A. G.
Coatman, Mr. J.
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Donovan, Mr. J. T.
Dunnett, Mr. J. M.
E'jaz Rasul Khan, Raja Muhammad.
Evans, Mr. F. B.
Gavin-Jones, Mr. T.
Ghulam Kadir Khan Dakhan, Mr.
W. M. P.
Gidnev, Lieut.-Colonel H. A. J.
Graham, Mr. L.
Greenfield, Mr. H. C.
Haigh, Mr. P. B.

Hezlett, Mr. J.
Howell, Mr. E. B.
Hyder, Dr. L. K.
Innes, The Honourable Sir Charles.
Jowahir Singh, Sardar Bahadur
Sardar.
Kabul Singh Bahadur, Risaldar-Major
and Honorary Captain.
Keane, Mr. M.
Lamb, Mr. W. S.
Macphail, The Rev. Dr. E. M.
Mitra, The Honourable Sir Bhupendra
Nath.
Moore, Mr. W. A.
Muddiman, The Honourable Sir
Alexander.
Nasir-ud-din Ahmad, Khan Bahadur
Natique, Maulvi A. H.
Parsons, Mr. A. A. L.
Rajah, Rao Bahadur M. C.
Rov, Sir Ganen.
Ruthnaswamy, Mr. M.
Sassoon, Sir Victor.
Singh, Rai Bahadur S. N.
Sekes, Mr. E. F.
Tirloki Nath, Lala.
Tonkinson, Mr. H.
Willson, Sir Walter.
Young, Mr. G. M.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the
7th February, 1927.