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of the

THIRD LEGISLATIVE ASSEMBLY

1928



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LEGISLATIVE ASSEMBLY.

Friday, 14th September, 1928.

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

(1) ALLEGATIONS IN CERTAIN NEWSPAPERS OF PARTIALITY AND BIAS AGAINST MR. PRESIDENT.

(2) ALLEGED PROPAGANDA BY THE HOME DEPARTMENT AGAINST MR. PRESIDENT.

Pandit Motilal Nehru (Cities of the United Provinces : Non-Muhammadan Urban) : Sir, I beg permission to draw your attention and the attention of the House to a series of gross violations of the privileges of this House which have taken place during the last few days. Statements and comments have appeared in the Press which constitute very serious charges against you, Sir, as President of this House and thereby against the honour of the whole House. The first of these charges was made in the *Times of India* in its issue of the 8th of September, and that is, as far as I can see, the beginning of this campaign of vilification. It is stated at page 9 of the issue of the 8th September :

"The Home Member this afternoon made his promised statement in reply to that by the President yesterday in regard to the institution of a separate Assembly Secretariat. A good deal of publicity has been done in preparation for this discussion in order, apparently, to prejudice the Government position. Your correspondent makes no suggestion that this publicity was inspired by anybody."

—I wish the House particularly to notice these last words—

"When the subject began to fill the air sometime ago he asked in a proper official quarter whether any information could be vouchsafed about it and was given, as a courtesy to the Assembly President, a polite but decided answer in the negative."

Now, Sir, it is a very common device adopted by journalists of a particular class to make a definite suggestion and say that no suggestion is meant. I submit that this denial of any suggestion—"your correspondent makes no suggestion that this publicity was inspired by anybody"—will strike any reader as a suggestion that publicity was done in favour of your scheme by yourself. Read the whole passage and examine it in the context in which it appears.

Then, Sir, we find another statement in the same issue and on the same page. It runs thus :

"The President then, without mentioning the Government's plea of urgency or referring to what the Law Member had said, ruled that as copies of the Bill had not been made available for three days the matter should stand over."

Here, Sir, is a clear charge of partiality against the Chair and it consists of an utter falsehood, namely, that you did not refer to what the Law Member had said on the motion in question. The House will remember that the motion was a point of order taken by me that it was *ultra vires* of this House to take up the consideration of the Bill called the Public Safety Bill. Then, there is a suggestion that you purposely

[Pandit Motilal Nehru.]

did not refer to the answer by the Honourable the Home Member to your question about the urgency of the measure. Now, the House will remember that, after I had made my motion and after some speeches were made by the Honourable the Home Member and others, the Chair was pleased to ask the Law Member who was present to help the House with his advice. The Honourable the Law Member relied upon the previous publication of this Bill in the Gazette and said that Order 38 upon which I relied did not apply. Immediately after that or in the course of the debate—I cannot say as to the exact point of time—the Chair was also pleased to ask the Home Member whether there was any urgency in the matter. As far as I can remember—and here I speak subject to correction—the answer was that the Government considered it to be a matter of great urgency. No special facts constituting the urgency were brought to the notice of the House, but what was stated was that in the opinion of the Government it was a matter of the greatest urgency. I shall draw the attention of the House now to your ruling, so that the House can see whether there is any foundation for the statements made which I have just read out. Your ruling is not a long one, Sir, and with your permission I shall read it :

“ It is a very difficult question as the Law Member has already pointed out. I think all difficulties will be solved if I were to postpone a decision on this question. That will mean that the consideration stage would go to the next day and no difficulty would arise. But I do not propose to take that course. I take the responsibility of giving my own ruling, as I understand it. There is absolutely no doubt that this motion cannot be made unless copies of the Bill had been made available to the Honourable Members three days before to-day. The question is whether in this case copies of the Bill have been made available to Honourable Members three days before to-day. I am clearly of opinion that publication of the Bill in the Government Gazette cannot dispense with the obligation which is laid by the Standing Orders on the office to make copies available to Honourable Members.”

I put it to the House whether this is not disposing completely of the argument of the Honourable the Law Member. The ruling continues :

“ That expression has a special meaning attached to it by the Standing Orders, and in the absence of any direction by my predecessor as to the manner in which the Bill is to be deposited at the places in which it is to be deposited, I am afraid I must hold that copies of the Bill have not been made available to Honourable Members three days before to-day. I therefore rule that this motion cannot be made to-day, unless the Standing Orders are suspended. As no request has been made in this behalf, it is unnecessary for the Chair to consider that point.”

Now, Sir, it is very true that you did not refer to the answer of the Honourable the Home Member to your question about urgency. As will be apparent to the House that question and that answer, if they were relevant at all, were relevant to the question of suspension of the Standing Orders. You disposed of that, Sir, by saying that there was no request before you and therefore you could not go into the question. I therefore submit that it is a malicious suggestion to say that you purposely omitted any reference to the answer of the Honourable the Home Member. That is number one.

Then we find it reported in the *Indian Daily Mail* of the 10th September, published in Bombay, which publishes a Free Press telegram stating the message the Simla correspondent of the *London Daily Telegraph* sent to that paper. It says :

“ The Simla correspondent of the *Daily Telegraph* sends a lengthy report in the course of which he says :

What follows is a quotation—

“ Pandit Motilal Nehru's scheme to outwit Government (by postponing the anti-Communist Bill) succeeded, thanks to the responsive President of the Assembly.... ”

—The meaning there, the insinuation there, is quite clear—

“President Patel ”

—It goes on, (again a quotation)—

“ quite conveniently refrained from giving Mr. Crerar an opportunity to make an application for the suspension of Standing Orders.... ”

—This is a direct and definite charge—

“ The decision given by Mr. Patel is regarded as illogical, to say the least, and it is strongly suggested.... ”

—I would call your attention to these words—

“ and it is strongly suggested that it was due to pressure brought to bear on behalf of Party interests. ”

(Cries of “ Shame ” from Congress Party Benches.) There cannot be a more scandalous libel on the President than this.

Mr. President : What paper is it ?

Pandit Motilal Nehru : This is a quotation from the message sent by the Simla correspondent of the *Daily Telegraph* of London, and I am reading from the *Indian Daily Mail* of the 10th September, 1928. Then it goes on :

“ It is abundantly clear that the Department ”—

—With reference to the Assembly Secretariat—

“ cannot be separated from the Government and placed under the control of a body which from political motives misinterpret rules and regulations warping them to suit Party purposes. ”

This, I submit, Sir, is most malicious :

“ He also says ”

—This is the indirect report of the *Free Press* ; it is not in inverted commas—

“ He also says that it is considered that the misuse of powers entrusted to alleged responsible men which is manifested to-day is a warning of the grave responsibilities involved in increasing the facilities for the Assembly in the matter of management and control. ”

Now, Sir, I do not know, who this Simla correspondent of the *Daily Telegraph* is, but if he is what he describes himself to be, he should be in the Press Gallery and subordinate to your jurisdiction.

Mr. K. Ahmad (Rajshahi Division : Muhammadan Rural) : You have also got the Reporter of the “ Forward ”. Let him contradict it.

Pandit Motilal Nehru : Then we come to some very serious disclosures made in the *Pioneer* received yesterday. Here we have the correspondent of the *Pioneer* directly attributing certain conduct and certain statements to the members of the Government, to the Government as a whole and to some individual members of the Government, not named of course. It is stated here :

“ No one would mind the intensity of the combat if it were being fought cleanly, but your correspondent is reluctantly forced to call to your attention certain features and tactics which must be denounced. There can be no doubt that a definite move in the Government game is the discrediting of the authority of the Chair. ”

Ever since the Commander-in-Chief episode at Delhi earlier in the year, Mr. Patel has been on the Government black list. ”

(Laughter.)

[Pandit Motilal Nehru.]

It is no matter for laughter ; it is a very serious matter.

" Long suspect, he is now openly accused in the Government lobbies by officials of being partial. ' It is a put up job ', was the comment of one official Member on Pandit Motilal Nehru's point of order on the Public Safety Bill. ' Patel is dead against us '."

The words " It is a put up job ", a remark attributed to one official Member on my point of order and the words " Patel is dead against us " are in inverted commas.

Then it goes on :

" Nor does the antagonism to the Chair end there. The Simla correspondent of a Government spoon-fed newspaper definitely accused the President of the Assembly...."

Mr. President : What newspaper ?

Pandit Motilal Nehru :

" The Simla correspondent of a Government spoon-fed newspaper definitely accused the President of the Assembly the other day of doing publicity work...."

—This is the *Times of India*—

" for his scheme of attaching the Legislative staff to the Chair and wilfully misrepresented the decision of Mr. Patel on the question of the proper publication of the Anti-Bolshevist Bill."

This remark, I can say, is perfectly correct. There certainly was a misrepresentation of your decision. The comment goes on :

" More serious and more derogatory to the dignity of the Chair are the telegrams which are being sent to a London newspaper by a Press correspondent in close touch with the Government....."

This is important—Simla correspondent of the *Daily Telegraph* is " in close touch with the Government ".

" In these, Mr. Patel is being definitely accused of partiality and bias. Now, if there were any foundation for suspicion as to Mr. Patel's conduct in the Chair, the proper place to raise the matter would be on the floor of the House. This the Government dare not do, because they have no case. Their present underhand action is caused by their chagrin at not being able to have things all their own way and is an attempt to cover up the Parliamentary inefficiency of their Front Bench. It is difficult to believe....."

—Now comes the very important passage—

" It is difficult to believe that the responsible Government spokesmen are actively concerned in this nauseating propaganda....."

(Cries of " Shame.")

—Now come the important words :

" but your correspondent has definite evidence which goes far to incriminate the Home Department."

That is all that I need read, Sir. Here are definite charges, made by the special correspondent, as he calls himself, of the *Pioneer*, both against the Government as a whole and some official Members who are not named here. It is suggested, Sir, that you put me up to raise that point of order, that it was a put up matter between you and me and that it was pre-arranged that my point of order would be allowed. That is the suggestion made. Now, I want to explain to the House my part in the raising of this point of order. It struck me late on Saturday night. I consulted nobody, and I felt that it was a point which needed looking into for which I had no books at all. The next day was a Sunday and the Library would not be available to me. Well, it struck me that I might with propriety ask the President to help me in this matter and I phoned to Mr. Patel if he could kindly oblige me by getting me some books that I

wanted on a Sunday : he replied he could. The next day I sent through my typist a list of the books I wanted, and a couple of hours later I found those books in my room. A chaprasi of Mr. Patel brought them. I do not know where they came from, but of course, they were Government books, and came from some Government Library. Then I studied the point. I made my notes. But I was undecided up to the very last moment whether I should take the point or not. On Monday morning, when I attended at question time, I went over to my Honourable friend Lala Lajpat Rai. I consulted him whether it was a point that I could properly take. The aspect which I put before him was this, that my point was based on the inherent rights of Englishmen and the liberties of Englishmen and whether it would look proper for me, an Indian, to champion the cause of Englishmen in this House. Lala Lajpat Rai gave me the advice that it was a point which should be taken and that it did not matter whether it was the championing of the liberties of Englishmen or of any other class of people. It was then and not until then that I made up my mind to take that point. I believe my Honourable friend, Mr. Birla, was also present at this conversation between me and Lala Lajpat Rai. So that you will see that it is a most pernicious thing to say that this was a pre-arranged thing, when the Mover, namely, myself, was not certain up to the very last moment if he should take the point of order or not. Then I can say, and I say this most emphatically before this House, that I never had and do not have up to this moment the faintest inkling as to what your ruling is going to be upon that point of order. This charge then against you and me, and I will say, against the whole House, is a most scandalous libel and the grossest violation of the privileges of this House and must be dealt with severely. Now, Sir, I do not know what you will do, but I submit that if an enquiry is necessary you will be pleased to hold that enquiry about these allegations against Government as pointed out by the *Pioneer*. As regards the telegram to the *Daily Telegraph* which was cabled out here and also the remark of the *Times of India*, I submit that you have ample jurisdiction to deal with them on the spot, but, of course, I will take your ruling whatever it is. I do not wish to take up any more time of the House. My business was simply to draw the attention of the House to these gross abuses of privilege and I leave the matter entirely in the hands of the House and of the Chair.

Mr. President : Before the subject matter raised by the Honourable the Leader of the Opposition is further discussed, I should like to clear the atmosphere by making a few observations. There are, as I understand, four points involved in the statement made by the Honourable the Leader of the Opposition and the report of the Special Correspondent of the *Pioneer*. My attention was first drawn yesterday by the Leader of the Opposition to that report. I asked him to give me a copy of the *Pioneer* which he did in the afternoon and I carefully read it.

As I have said, four points arise. One is the conduct of the Correspondent of the *Times of India* ; the second is the conduct of the Simla Correspondent of the *London Daily Telegraph* ; the third is that Government and particularly the Home Department are engaged in what this paper describes as a " nauseating propaganda " to discredit the Chair ; and the fourth is that some individual officers of Government at any rate

[Mr. President.]

I are busily engaged in such propaganda. These are the four points involved. I should like further to explain what I know with reference to the request made by the Honourable the Leader of the Opposition for books in connection with the point of order which he had raised the other day. On Saturday night, when I was about to retire, I was 'phoned up by the Leader of the Opposition and asked whether I could help him to get some books which he wanted next day, namely, Sunday. I at once replied : " Would you kindly send me a list of the books to-morrow and I would try ". Next morning I got the list from him and put it on my table without even looking into it. I then 'phoned up Mr. Dhurandhar, the new Secretary of the Assembly, and asked him whether he would be good enough to find out the Librarian and send him on to me. He said he would do it. After an hour the Librarian appeared and I asked my chaprassi to hand over the list which was lying on my table to the Librarian and told the Librarian to get the books which were required. I was then about to go out for a walk. I left word with my chaprassi that if the books came they should be immediately sent over to Pandit Motilal Nehru in Room No. 158, Cecil Hotel. When I came back, my chaprassi gave me the news that the books had been brought and were duly handed over to the Honourable Pandit. It was brought to my notice next evening that one official Member was openly saying that he could not possibly believe, that he did not believe, and that he refused to believe, that I was taken by surprise by the point of order raised by Pandit Motilal Nehru, and the reason he gave was that I had sent for books from the Library and I could not possibly be unaware of the point of order that was raised by Pandit Motilal Nehru. After this was brought to my notice, I asked the new Secretary of the Assembly as soon as I met him next morning as usual in my office : " What is the meaning of all this ? I 'phoned you up. I asked you to send me the Librarian, and how is it that Government were put in possession of that information ". He immediately told me that he was in a certain room in a particular office yesterday, i.e., Monday, and there the Librarian was sent for by one Honourable Member and asked whether I had sent for certain books from the Library on Sunday. He further said that he himself was asked whether I had sent for certain books. I wondered whether I was really the President of the Assembly or was I a suspect and criminal that my movements were being watched in this way ? (*Some Honourable Members on the Congress Benches* : " Shame ".) Order, order. I do not wish to mention the name of the Honourable Member nor do I wish to go further into this matter. (*An Honourable Member* : " The House demands it ".) I now ask the House to confine their discussion to the four points which have been raised by the report of the *Pioneer* and by Pandit Motilal Nehru. There is one matter which I should like to know before we proceed further. I would ask the Secretary to tell the House who the Simla correspondent of the *London Daily Telegraph* is, whether he enjoys the privilege of a seat in the Press Gallery and when was the ticket issued, and by whom.

Secretary of the Assembly : I find from the correspondence that has been received in the office (*Honourable Members* : " Louder please. We cannot hear you ".) that the Simla correspondent of the *Daily Telegraph* and the *Morning Post* is one Mr. Rice.

The Honourable Mr. J. Crerar (Home Member) : Mr. President, in spite of the somewhat elaborate speech which was made by the Honourable Pandit, I confess that I have some difficulty in appreciating what the precise proposition is which he has laid before the House. I understand, however, broadly that he wishes to raise in a general way the question of a series of comments, which he largely quoted, dealing with the rulings and the actions of the Chair. He quoted those statements at some length and I presume that he expects me to make some reply as regards them. Now, so far as matters relating to the Press are concerned, two points appear to arise. The Honourable Member made a reference to admission to the Press Gallery. As regards the particular point of admission to or exclusion from the Press Gallery and the grounds on which action in that connection ought to be taken, that is a matter entirely within your discretion and I have no observations to make with regard to it. As regards the general question of comment and criticism in the Press, that may very well be a matter for the consideration of the House, but it is not one for which I, either personally or on behalf of the Government, can assume a responsibility to reply, to criticise, to approve, to disapprove, to associate myself or dissociate myself. In spite of what has been frequently urged in this House, the Press of this country is a free press and any comment contained in that Press, so long as it is within the limits of the law, is not a matter with which Government or any individual member of Government can concern himself. Apart from that, the Honourable Member referred to conversations which I understand are reported to have taken place in the Lobby or somewhere in the precincts of this House. Now, on that point, my answer is short and straight. I am prepared to accept responsibility to this House for anything I may say upon the floor of this House. Any other member of Government or any other Government official is prepared to answer for anything which he says on the floor of this House. But neither I nor any other official Member can be prepared to answer for conversations reported to have taken place or gossip alleged to have transpired in the Lobbies or in the precincts of this House.

Mr. President : Is it the view of the Honourable Member that official Members are entitled to impute partiality to the Chair in the Lobbies ?

The Honourable Mr. J. Crerar : On the question whether they are entitled to do so, I am strongly of opinion that they are not. My contention is that if conversations of that character take place in the Lobby, that is not a matter for which I can reasonably, properly or even decently be expected to accept responsibility.

Now, Sir, I pass on to the particular point referred to by the Honourable Pandit, that is to say, the allegation contained in a newspaper that Government was concerned in this alleged propaganda. A communication has already issued to the Press on that point and I repeat here on the floor of the House that the suggestion—it is more than a suggestion, it was an assertion—that Government or any official Members here present had any participation in the alleged propaganda is false *ab initio* and *in toto*. As regards the wider matter of controversy, since I understand that my opinion is required I shall merely say this. It is impossible, Mr. President, for any one in a high public position—a position

[Mr. J. Crerar.]

so high, so responsible and so important as your own—to secure that in the exercise of his powers no complaint should ever be made against his decision or that no one should ever be aggrieved. That is, no doubt, particularly true of the President of a Legislature to whom it necessarily falls to deal frequently with matters of very acute controversy. The Government of India cannot profess to be unaware that such complaints have found expression. But for their own part they have never allowed anything of that nature to influence their respect for the Chair and their desire to join in upholding its dignity and authority. I myself, Mr. President, am extremely sensible of the necessity, in the interests both of this House and of the public, of relations of mutual confidence and collaboration between the Chair and the Leader of the House and it is my desire and intention to do all that in me lies to maintain and confirm them.

Mr. President : May I know one thing from the Honourable the Leader of the House ? Is the Leader of the House, on behalf of the Government, prepared to take action against official Members or Members who, if the report is true, are carrying on this propaganda described now.

The Honourable Mr. J. Crerar : I am prepared to consider that matter when definite and reliable material is placed before me.

Mr. K. C. Roy (Bengal : Nominated Non-Official) : I think the Honourable Pandit Motilal Nehru has done a public service by bringing certain Press matters to the notice of the House this morning. When the debate took place on the adjournment motion moved by my friend Mr. Gaya Prasad Singh, I thought we had seen the last of press controversy and press attacks on the President, but that was not to be. In a subsequent issue, dated the 8th, the *Times of India* almost repeated its previous performance. It has been reproduced *in extenso* by Pandit Motilal Nehru and I need not repeat it. All I can say is that insinuations and aspersions of that character are unworthy of any respectable journalist.

Now, Sir, I come to another point ; that is the cable which is reported to have been sent to England by the correspondent of the *Daily Telegraph*, a paper owned by Lord Burnham.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : He has sold it, has he not ?

Mr. K. C. Roy (Bengal : Nominated Non-Official) : Sir Hari Singh, your information unfortunately is in most cases wrong. I read the following from the Orient Press Service. The Simla correspondent of the *Daily Telegraph*.....

Honourable Members : We cannot hear you.

Mr. K. C. Roy : The Simla correspondent of the *Daily Telegraph* cabled the following message regarding the Honourable Mr. Patel's ruling on the introduction of the Public Safety Bill :

“ It is difficult to find a more conclusive evidence of India's unsuitness for self-rule than in the example given in the Assembly to-day.”

Then it continues—I do not mind the correspondent's opinion so far as our fitness for self-rule is concerned, but this, Sir, is the most cardinal point :

“ The decision given by the Honourable Mr. Patel is regarded as illogical to say the least, and it is strongly suggested that it was taken by the President on behalf of party interests.”

I consider, Sir,—and I repeat the view of the press men in the Press Gallery—that this is a malicious libel on the President. For some time past the conduct of a few press men has been a matter of no little concern to me. I have been very anxious about their conduct and I have been making anxious inquiries. My inquiry was first addressed to the most senior member of the Press Gallery who has served the Central Legislature for forty years, and this is what he wrote to me :

“ In reply to your query I am extremely sorry that Mr. Rice who has recently joined the Press Gallery should have sent a telegram to a home paper reflecting on the fairness of a ruling by the President, Mr. Patel.

After attending legislative meetings for nearly 40 years I can only say that I regret the bad taste of a brother journalist, and I put his action down to his youthful inexperience of Assembly etiquette. Mr. Patel has always been most courteous and considerate to those in the Press Gallery, and the incident, to say the least of it, is most regrettable. I think this letter fairly reflects the general opinion of the Press Gallery.”

I consulted several Indians who are also senior in the profession, and they have endorsed the view taken by Mr. Buck who for 40 years has served this Legislature. In the circumstances, Sir, if you take any notice of the delinquents, they will fully deserve it and you will have nothing but the heartiest support from the Press in India, both European and Indian. I have often heard allegations made regarding Indian press men, and the present Under Secretary of State, Lord Winterton, speaking in the House of Commons described Indian press men as gutter snipes of the Press. I should like to tell Lord Winterton where to look for them !

Mr. President : Does the Honourable Member remember the names of the members of the Press Committee appointed by the President ?

Mr. K. C. Roy : I do not remember, Sir, but I know that the Press Committee is a very able Committee presided over by the Honourable Mr. Haig.

Mr. President : Is the Honourable Member himself a member of that Committee ?

Mr. K. C. Roy : I am, Sir.

Mr. President : Was the Honourable Member a party to giving a ticket to Mr. Rice ?

Mr. K. C. Roy : Certainly not, Sir. I was not asked, and if I had been asked, I would not have given it to a stray journalist like Mr. Rice, a free-lance journalist like Mr. Rice.

Mr. President : Was not the Press Committee asked, Mr. Dhurandhar ?

Mr. L. Graham (Secretary, Legislative Department) : Sir, admission to the Press Gallery, as you are aware, is settled in accordance with the regulations which were framed by your predecessor, Sir Frederick Whyte ;

[Mr. L. Graham.]

and after the regulations were first framed by him, the suggestion was made that as Sir Frederick Whyte was not aware of the qualifications of the various journals which apply for admission, an Advisory Committee should be set up to assist the President. We were not obliged to accept their opinion of course, and, Sir, that Committee has functioned now for some four years. The position is that all the correspondents of papers who have at any time had a seat obtain their seats in the ordinary way. Mr. Roy, I think, has a regular seat, as also the representatives of the Associated Press and the representatives of various papers—the *Pioneer*, the *Times of India*, etc. Thus all correspondents who have once been admitted on the recommendation of the Committee, as also with the direct approval of the President, if they apply again, are not put through the initial processes, are not required to come up for tickets. That, Sir, as far as I remember, was the practice established by Sir Frederick Whyte. Now, Sir, with regard to the gentleman who is now described as the correspondent of the *Morning Post* and the *Daily Telegraph*, he has previously occupied a seat in the Press Gallery in accordance with the ordinary provision, Sir, as the representative of the *Pioneer*. I think he first came up here in that capacity in 1925, Sir: and subsequently when his application was received on this occasion, although he did not apply as the representative of the *Pioneer* but as the representative of two English daily newspapers, it was not considered necessary.

Mr. President : By whom ?

Mr. L. Graham : By me, Sir, acting as your deputy, to refer the question either to the Committee or to you, Sir. The practice, Sir, was started in the time of Sir Frederick Whyte of accepting the recommendations of the Committee. You, Sir, have seldom been troubled, as Sir Frederick Whyte also was seldom troubled. I have a distinct recollection in one or two cases taking your orders ; I cannot say which exactly ; but I trust, Sir, that your memory will confirm mine.

Mr. President : This was not one.

Mr. L. Graham : As I think the occasion did not arise. In accordance with the practice that the President is not to be troubled with these matters, which has been in force for a long time between the President and the Secretary in the Legislative Department. Any new application is regularly sent, as I think Mr. Roy will agree, to the Committee : and no doubt, Sir, he will let me say that we have very much valued—and I think you, Sir, will agree with me in this—the recommendations of that Committee, because they have made our path clear, as the position often is difficult, and it is an unpleasant task to refuse an application to the representative of a paper on the ground—as is frequently stated—that the paper is not of sufficient importance to receive a place in the Press Gallery. I think, Sir, I have now made my position clear. As regards this particular correspondent, he has previously obtained a seat in the Press Gallery in a regular manner, and it has not been our practice to require fresh applications on the occasion of the following session.

Mr. President : I have made this inquiry, because there is a definite allegation in the report of the *Pioneer* that the Press correspondent referred to is in close touch with the Government. Now I would like to know from

the Leader of the House if this correspondent is in any way connected with Government or enjoys any subsidy from them.

The Honourable Mr. J. Ozerar : I have not the slightest reason, Sir, to suppose that he is in any closer touch with the Government, than the correspondents of other newspapers of wide circulation.

Mr. Arthur Moore (Bengal : European) : Sir, Mr. Roy mentioned Lord Burnham. That I think is a very important matter because he is a Member of the Simon Commission and it ought to be made clear to this House that before Lord Burnham came out to India he sold out the whole of his interest in the *Daily Telegraph* ; so that he cannot be in any way connected with this very serious criticism upon yourself, Sir. And I am sure that we are right in assuming that it would cause him the very greatest dissatisfaction.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : I would like to associate myself on behalf of myself and the Party I have the honour to represent, with the remarks made by the Leader of the Opposition. I endorse the statement of facts made by him as regards the consultation he had with me on the point of order, and I beg to submit that it is high time that this campaign of vilification should be seriously taken notice of. It has been going on for some time and we have reason to believe that it has not been going on without some support on the part of the officials. I am glad to have the assurance of the Leader of the House that the Government as such, and he, as a Government Member, has no sympathy and has nothing to do with this campaign of vilification. But I was very seriously disappointed at his not making any remarks about the process of spying on the movements of the President to which the President referred with regard to his getting certain books from the Library. I submit that the conduct of that official who conducted that espionage was simply disgraceful, and this House will be perfectly justified in asking the Government to find out who that official is and to punish him for that disgraceful conduct. It cannot be tolerated for a moment that the President of the Legislative Assembly should be followed and shadowed like that by a subordinate official of the Government, and it would have been consistent with the dignity of the Government and also consistent with the dignity of this House if the Honourable the Home Member had said something about the conduct of that official. Of course everybody has a right to express his opinion on the merits of a question ; so has a newspaper, and so has every Member in private talk. But when he begins to impute motives ; when he says that the question is a " put up " one ; when he insults the President of this House, and through the President this House—then I think it becomes the duty of this House to interfere. The Leader of the Opposition has done a great service to this House in bringing this matter to its notice. We think it is high time that serious notice of these things should be taken, not only by you in the exercise of the powers conferred upon you for upholding the privileges of this House, but also by the Government for the sake of their own good name. This thing has been going on for some time. Malicious attacks have been made upon the Chair by one paper in India at least and by the *Daily Telegraph* and also I think some other paper in England. The last time when a motion for adjournment was proposed to censure the conduct of the *Times* of

[Lala Lajpat Rai.]

India the President ruled that that motion was not in order. But the fact remains that the *Times of India* has been engaged in the campaign of vilification for some time ; and we know of course—though it may not be perfectly official—that that paper and some other papers in India are in the confidence, if not of the Government, of high officials of the Government. And therefore I think it is the duty of the Government to dissociate themselves entirely from this campaign of vilification, and not only dissociate themselves simply by words and assurances but by taking action against those officials who have been associating with these papers and supplying information or encouraging them. This has taken place several times in the House of Commons and the question of privilege has been raised there and notice taken of such things. This is evident from Erskine Mayo's Parliamentary Procedure, page 89 :

“ Reflections on the character of the Speaker and accusations of partiality in the discharge of his duty have been treated severely by the House. On the 11th February, 1774, the Speaker informed the House of a letter in the *Public Advertiser* newspaper addressed to him reflecting on his character and on his conduct as Speaker. The House ordered the printer to attend, and resolved that the letter was ‘a false, malicious and scandalous libel highly reflecting on the character of the Speaker of this House to the dishonour of this House and in violation of the privileges thereof’. The printer was declared to be guilty of a breach of privilege and committed to the custody of the Sergeant-at-arms.”

Exactly what this House should do in this matter or exactly what the Government should do I am not in a position to state at present. But I can only endorse the remarks made by the Leader of the Opposition that the matter is so serious that it should not be allowed to go unnoticed, and it is high time, as I have said, that some serious notice of these things be taken. The Government can find out the name of that official who was spying on the movements of the President, because the President knows it, and also make an inquiry as to that official who made that remark in the Lobby to which reference was made. Therefore, I submit the mention of this matter by the Leader of the Opposition is perfectly opportune, and I must repeat that I was very much disappointed at the tone of the speech made by the Honourable the Member. It was more a technical speech, rather than the speech of a representative of Government who had good will and wanted to extend that good will towards the President. He ought to have warmly and strongly condemned the conduct of that official who was spying on the movements of the President and also of the official who made those remarks in the Lobby. Possibly all that he can do is to censure them, but he has not done it, or rather he has done it in a very half-hearted way. The very tone of his reply shows that there is something behind it, that there is something in the mind of the Government officials which of course they are not at full liberty to disclose, which is at the bottom of all this agitation and vilification against the President. I want to say on behalf of this side of the House that we have the fullest confidence in our President and in his impartiality, and I think he is an honour to the country and to this Legislature in the manner he has discharged his duties ever since he has been entrusted with them. If the Government have any doubt in the matter I challenge them to bring a vote of censure on the Chair. That is the proper procedure. It is cowardly for officials to go behind his back and go on making charges and imputations of this kind and not to put them before the House. This House is the proper

tribunal before which any charge of partiality against the Chair ought to be brought and we shall be at full liberty either to negative or to pass that vote of censure. In any case this kind of thing ought to be stopped. Either the Government should have the courage to put forward that motion and take the verdict of the House, or they should stop all officials from vilifying the Chair. ~~This has been going on so much and behind~~ the purdah, so to speak, that it is high time the whole thing was put before the House. I also take the opportunity to inform the Honourable the Home Member and the Government that they are not improving their position in the country by these practices. They want us to co-operate, but is this the way to ask us to co-operate? They are just making their position worse by this kind of policy of pin-pricks, by attacking the honesty of the President of this House and this Assembly itself. In attacking his impartiality and his lack of common sense in deciding points of order, what is meant to show is our incompetence for the purposes of the grant of further powers to us.

I deny that charge with all the emphasis and all the indignation
12 NOON. that I can command and I trust that all Members on this side are with me in this repudiation and in challenging the Government that if they have got no confidence in the Chair they ought to bring a motion of censure. I therefore associate myself fully with the remarks made by Pandit Moulal Nehru.

Mr. L. Graham : I understand, Sir, that I am charged and I am extremely sorry that the charge has been made. I am further extremely sorry that you did not give me a chance of giving a personal explanation before launching the charge in this House. Now, Sir, as to the facts.....

Mr. President : I did not mention the Honourable Member at all. I thought of speaking to the Honourable Member concerned in my room and therefore I kept him nameless.

Mr. L. Graham : It is obvious that it refers to me ; it is perfectly plain to the whole House and I think I am entitled to ask your leave to give a personal explanation. The position, as far as I am concerned, is very simple. I was informed, as you say, by the Secretary of the Legislative Assembly on Monday morning that you, Sir, had asked him to send to you the Librarian.

Mr. President : Without enquiry ?

Mr. L. Graham : Without enquiry, Sir.

Mr. President : It is news to me.

Mr. L. Graham : I hope the Chair will accept what I say. The Secretary, for whom I also offer an explanation, was under the impression that certain of these books were sent from the departmental Library ; he said that the President sent for certain books on constitutional law—he did not know what books. He thought it possible that some of them had been taken from the departmental Library. Sir, as Deputy Secretary of the Legislative Department, he felt it right and proper to speak to me. Your predecessor, Sir, was frequently in the habit of taking books from the Legislative Department Library, and, as a matter of courtesy, shall I say, he invariably used to ask the Secretary of the Legislative Department personally whether he could spare those books. I

[Mr. L. Graham.]

make no suggestion, Sir, that I should have been asked on this occasion, but I think the Deputy Secretary in the Legislative Department felt justified in informing me that he had sent for the Librarian for the purpose of sending the books. My object, Sir, thereafter in sending for the Librarian was to know whether the books had been taken from my departmental Library, for which I am responsible, or from the Assembly Library, for which I am not responsible. The books, I was told, were books on constitutional law, and that, Sir, did happen to be a matter of great interest to me personally, because, we, on this side, have to try to anticipate the points of order which are likely to be raised. I had an impression that the point of order was likely to be raised that morning and consequently I was, I admit, curious to know, Sir, what books had been taken out, because I was to try and conjecture what point of order was likely to be taken. I trust, Sir, that you do not think that conduct was in any way reprehensible. That, Sir, is my answer in respect of the alleged spying on the President. (Applause.)

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, allow me to associate myself, and associate myself wholeheartedly, with the protest which has been entered against the mischievous and scandalous attacks which have been made by certain mischievous papers against the integrity and independence of the Chair. No doubt, Sir, these aspersions and allegations are not only made as an attempt to lower the prestige of the Chair only but the prestige of the whole House, and certainly, Sir, it is high time that the strongest measures that are in your power may be taken against the mischievous persons who have taken up the propaganda of discrediting the prestige and honour of this House. At the same time, Sir, I consider that the aspersions and allegations which have been made by the correspondent of the *Pioneer* against the Government members, are as serious and as scandalous as those which have been made against the President of this House, and no doubt, Sir, they are as much lowering the prestige and the honour of this House to make wanton attacks on the honesty of the Government members as on the impartiality of the President, and I hope, Sir, that if the allegations and aspersions, scandalous and mischievous as they are, on the Government Members, are found to be false, the same measures will be taken against the correspondent of the *Pioneer* as are necessary to be taken against the correspondents of the other papers to whom these aspersions are ascribed. (Applause.) I have no doubt, Sir, that we have full confidence in your integrity and we hope that this malicious propaganda which is being made by these mischievous papers will not in any way, either in India or in England, lower the prestige of this House ; on the other hand it will show that this is a set-up propaganda in order to show to the world, especially at this time when the constitution of this country is in the melting pot, that we are not fit to rule our own affairs. This is, I believe, the chief aim and object of this propaganda, which is being carried on by these mischievous correspondents of English papers. But I think that by making this propaganda they cannot succeed in their attempt. For the last four years, since you have been President in this House, you have conducted the proceedings of the House with as much dignity, with as much honour and with as much independence as any of the greatest Presidents of the House of Commons. (Applause.) With

these words, Sir, I associate myself with the protest that has been lodged, and I hope, Sir, that you will take the strongest measures in your power and will see that these mischievous correspondents will not be found in the Gallery of the House any longer.

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban) : Sir, I am sorry to say that while the speech of the Honourable the Leader of the House was emphatic it was also unsatisfactory. It showed an attitude of aloofness and painful detachment on this very important matter. He told us that Government neither confirmed nor repudiated, neither associated with nor dissociated from, neither approved nor disapproved the attacks against the Chair. Is this the attitude of Government when scandalous and malicious telegrams have been published in the Press reflecting on the impartiality of the Chair ? And if that is so, is it right and proper ? I say, Sir, it was the clear duty of the Government emphatically to repudiate and wholly to dissociate themselves from this malicious and mean propaganda, and I am sorry that they have not done so. Sir, the main object for which I have ventured to take the time of the House is this, that so far as the question relating to the issue of books by the Leader of the opposition is concerned, I have some personal knowledge of the unworthy suspicions and regrettable insinuations that have been made on Monday last, after the Leader of the Opposition had raised the point about the *ultra vires* character of this legislation under the Government of India Act and after the House had risen for the day, I happened to meet two European Members, one a Member of the Government and one a non-official elected Member, and I was told by them that the President's statement that this point of order had taken him by surprise was, to say the least, wholly inaccurate, that they refused to believe that the President was taken by surprise. As a matter of fact, they said, he had sent for the books to consult the various authorities and in their opinion it was therefore entirely untrue to say that he was taken by surprise. (*An Honourable Member* : " Names, please.") No, Sir, I do not want to add to the bitterness of the situation. I expressed my surprise to the non-official Member that he should say so of the President for whom, I understood, he had the highest respect. I told the official Member that he was biased against the Chair if he could read in such an innocent fact of the issue of books from the Library a knowledge on the part of the Chair that the point of order was going to be raised.

Mr. H. G. Cooke (Bombay : European) : Sir, I shall not take up the time of the House for more than a few minutes. I wish to advert to the speech of the Honourable Pandit, who told us that he decided at the very last moment to take up the point of order. I do not doubt that for a single moment, but he went on to say that if the Government had considered the motion they wished to make as being urgent, they should have asked the Chair to suspend the Standing Order. You will remember, Sir, that the point of urgency was touched upon by Lala Lajpat Rai, and that I followed him and proceeded to discuss the point of urgency when you ruled that that point was not before the House. Members were, therefore, given no opportunity of discussing the point of urgency before the decision of the Chair was given. I did not fail to say that the Standing Order should have been suspended to enable the technical point to be got over.

Lala Lajpat Rai : It was a Government Bill, and it was for the Government Member to raise that question of urgency and to ask the President to suspend the Standing Order, not for you or for me.

Mr. H. G. Cocke : I am perfectly well aware that the Government Member could have raised this point, but at the same time any Member had the right also to raise the point of urgency. The Chair, however, ruled that it was not before the House ; therefore any question of suspending the Standing Order on the ground of urgency could not be raised by this House.

Mr. President : The Honourable Member knows that the report in the *Times of India* does not mention the Honourable Member's name. It refers to the Leader of the House by name.

Mr. H. G. Cocke : Lord Ralfour once said that he never read newspapers, and I seldom do. I merely skim them and do not profess to be in touch with all the comments which have been read out to-day, but I do not think it fair to say that Government had a proper opportunity of raising the point of urgency before your decision was given.

As to your relations with the Press, Sir, I agree with the Honourable the Home Member that it is not a matter upon which he would have any right to criticise, unless those comments overstepped the bounds of fair comment. When they do, this House has every right to raise the matter. I am not prepared to take up that issue whether any particular comments made on your recent ruling have overstepped the bounds of fair comment or not. We have a free press in this country, and personally I am all against restricting comment. There must be some limit obviously to the criticisms of the Chair, and there is no doubt that on occasions the rulings of any Chairman of any Legislature are apt to be criticised. I have not the least doubt that the Speaker of the House of Commons has been criticised in the Lobby many times, and we all know that certain Assembly rulings have on occasions been criticised in the Lobby by Members of all sides of the House. I do not think that such Lobby gossip can enter into discussions in this House. We can hardly be expected, when perhaps a somewhat doubtful decision is given by you, Sir, to go into the Lobby with our lips sealed, and abstain from comment thereon. I think it quite wrong to bring any Lobby gossip up in the course of this discussion.

As regards the explanation about the books, it is obvious that an impression had been created that the books had gone to you, Sir, and obviously someone was wrong in that impression. Somebody jumped to the wrong conclusion ; they could not reconcile the despatch of the books to you with the statement that you had made. Who was responsible for that comment I do not know. It is unfortunate that this happened. I wish to say that no Party in this House has upheld the dignity of the Chair more consistently than the Party on whose behalf I speak, and they will always endeavour to do so.

Mr. President : I would like to ask the Leader of the European Group whether, in the opinion of his Party, Members of this Assembly are allowed, or should be allowed, without notice by this House, to make any imputation of partiality against the Chair, and whether, because there is a free press in this country, the Press should be allowed to indulge in accusations of partiality against the Chair.

Mr. H. G. Cocke : I do not think that the Press should engage in anything but ordinary fair comment. But it is sometimes very difficult to draw the line. As regards the Members, they have every right in private conversation to say anything they like. (Cheers.) Of course it is obviously wrong to bring the dignity of the Chair into contempt, and to criticise publicly his rulings as being partial.

Mr. President : I have not been able to follow the Honourable Member. Is it the view of the Honourable Member and his Party that because there is a free press in this country, the Press should be allowed to indulge in accusations of partiality against the President of this Assembly ? And is it also the view of the European Group that Members of this House, official or non-official, are allowed to indulge in such criticisms in the Lobby against the Chair ?

Mr. H. G. Cocke : As regards the Press, I do not agree that the Press ought to impute partiality to the Chair. But there may be comment which is allowable without definitely imputing partiality to the Chair.

So far as Lobby gossip goes, I am afraid it is not possible to control the lips of Honourable Members.

Mr. President : Is it open to the Honourable Member to go into the Lobby and say that the President was influenced by Party interests in giving a particular ruling ?

Mr. H. G. Cocke : I did not say that. I said comment.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, my colleagues of the Independent Party desire that I should convey to you their resentment at the malicious criticism which has been under reference in the House.

The Honourable the Home Member suggested that everybody who works in public should have broad backs for criticism of this nature. We in this House are accustomed to carry broad backs, but we are jealous as far as the President of this Assembly is concerned. It is only proper, Sir, that those who enjoy your hospitality in the Press Gallery should realise their responsibility and not indulge in anything that verges on malice or ill will. In the ordinary course, a casual remark would not have been taken notice of by either my Honourable friend, the Pandit, or Lala Lajpat Rai.

But, Sir, there has been a continuous effort at this campaign of vilification of the Chair, an effort to provoke this House, at least this part of the House, to assert that they will not allow and will not stand any further vilification of the President of this House. (Hear, hear.) The debate this morning, if it proves anything at all, proves one thing and that is, that this House, now that an opportunity is available, strongly disapproves of the continued attacks on the President. If I may go further, I will say, although there is no motion before the House, that we should like you to take such steps regarding the members of the Press Gallery, as you think necessary to vindicate the honour of, and discipline within, this House. Sir, my Honourable friend Mr. Cocke referred to the freedom of the Press in this country. We, Indians, want a free Press more than any other section in this country, but we want that free Press to behave with decency and in a manner which will not lower the dignity of the Legislative Assembly and its embodiment, the President, wantonly and in a manner which is almost disgusting. If one had a right to stand up for a free Press,

[Sir Purshotamdas Thakurdas.]

one had also a duty to see that the impartiality of the President is not questioned in such a partial and prejudiced manner and spirit.

There should be no difference of opinion as regards the impartiality of the Chair. As the President of the Legislative Assembly, he is elected by the whole House, the Indian as well as the European group. We should all stand by the Chair, and protect it from such vilification as is under discussion now. The correct and manly method would be, for any disgruntled section of the House, to bring in a vote of no-confidence in the President and the majority of the House know exactly how that motion would be received.

One word more and I have finished. Mr. Cocke referred to the Honourable Member Mr. Graham's explanation regarding the books. I have heard his explanation and all that I will say is that it strikes me that if he wanted any further information on that score, instead of finding it out from the Librarian, or the Secretary, his proper course was to see you, Sir, in your room and find out from you what his curiosity demanded. To that extent, I feel that the separation of the Legislative Assembly Secretariat from the general Secretariat is more than justified and that demand has now been proved to be not premature.

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province : Nominated Non-Official) : Sir, I do not know how to enter into this debate. All that I can say is that the dignity of the Chair and the honour and respect of the President must be maintained. (Hear, hear.) I do not believe that there is a single Member in this House who thinks otherwise. As far as I have learnt from the speeches of all the Members who have spoken on the subject from this side or that side of the House, I think they are all unanimous on the point that the *President commands their confidence* and respect and that the dignity of the Chair is the one wish they have in their mind to maintain. I also associate myself with the desire of the whole House to uphold the dignity of the Chair and the honour and respect of the President.

Mr. Muhammad Yamin Khan (United Provinces : Nominated Non-Official) : Sir, this controversy, to my mind, has arisen only out of misunderstanding which had been caused through some misunderstanding which had crept into the minds of the people who were not really aware of the true facts as has been revealed by the Honourable Mr. Graham. The indictment of the Government Member coming from Lala Lajpat Rai was, I suppose, based on some misunderstanding. If he had waited to listen to the explanation given by the Member of the Government, whose name you did not mention and who could not therefore get up earlier, if only my Honourable friend Lala Lajpat Rai had listened to the explanation, he would not have said what he uttered in his speech. For this House to take any action against or to speak in such loud terms against any Member of the House who happens to be only a member of the Government is not dignified, unless the House and all the Members of the House are in possession of facts which can be available to them. I suppose after hearing the explanation of Mr. Graham everybody in the House is of opinion that the drastic action which Lala Lajpat Rai wanted the Government to take against the Government official is absolutely unnecessary and that his suggestion is only based on a misunderstanding.

The second point to which I want to refer on behalf of the Members with whom I am closely associated is that we have got confidence in you, as the President of the House. If anybody is aggrieved and if anybody has any objection against your continuing as President, the best course for him is to bring a motion of no-confidence in you. The fact that nobody has brought in any motion of no-confidence shows that we have full confidence in you and we will continue to repose confidence in you until and unless we take a different action in this respect.

Then, Sir, about the comments in the Press I do not want to say much about that. But I think it will be setting a very bad example if the House were to indulge in petty criticisms about the comments which might be made in different parts of the country or in different parts of the world. We can only confine ourselves to the actions and criticisms which come from the Press in India, if they are maliciously and deliberately meant to mislead the public. I heard carefully the argument of the Honourable Pandit, the Leader of the Opposition, and I wanted to see in his statement at least one condemnation of one paper, which I am sorry, Sir, I failed to find. I did not find any condemnation in his statement about that paper.

Mr. President : Is the Honourable Member justifying the report that appeared in the London *Daily Telegraph* and was cabled to this country that the President was acting in the interests of certain parties ?

Mr. Muhammad Yamin Khan : If the Chair will allow me, I will finish in my own way. In yesterday's issue of the *Pioneer* I find side by side with the comment on which the present discussion is based another comment in which the *Pioneer* says that the Government officials inspired certain Muslims to issue their statement and that 28 Members have signed this statement repudiating the Nehru Report. That comment has not been condemned by the Honourable the Leader of the Opposition. It is absolutely malicious and untrue that any Muslim Member has been inspired by the Government.....

Mr. President : That is not the question before the House. The question is whether the Press is entitled to indulge in accusations of partiality against the Chair.

Mr. Muhammad Yamin Khan : The comments referred not only to the Chair but also to all the Members of the House. There is reference to gossip that goes on in the Lobby and I find that the report itself appeared in the *Pioneer* that the Government officials inspired the Muslim Members in the Lobby to issue their statement against the Nehru Report.

Mr. President : Order, order. I cannot allow this occasion to be utilised for other purposes. Does the Honourable Member wish to continue ?

Mr. Muhammad Yamin Khan : I was only saying, Sir, that if the dignity of the Chair is in possession of the House, then the dignity of the Members of this House is in the possession of the Chair.

Mr. President : Order, order. If the Honourable Member wishes to raise that question, he can do it to-morrow. This is not the occasion for it.

Colonel J. D. Crawford (Bengal : European) : Sir, it appears to me that if we desired to maintain the dignity of the Chair and this House the

[Colonel J. D. Crawford.]

straighter we talk the better. So far as the Press is concerned, you, Sir, have the right to discipline those members who abuse the privileges of the Press Gallery and I presume you will take such action as you consider necessary to maintain the privilege of the House.

Mr. President : But I want your advice ; I want the advice of the House.

Colonel J. D. Crawford : I consider, Sir, that as regards the Press we cannot possibly in this House take up every matter that is the subject of criticism. In so far as this House is concerned, if we have any criticisms to make it is on the floor of the House that those criticisms should be made and I am not concerned with every petty correspondent who chooses to air his opinions in various newspapers.

Mr. President : That does not settle the question. I want to know definitely your view, whether you justify or defend the attacks made on the President.

Colonel J. D. Crawford : As regards your two rulings which have come up in front of this House on points of order raised by the Leader of the Opposition, I have accepted your ruling every time, Sir, and I believe those rulings were correct.

I want next to take the question of the repetition of gossip in the Lobbies on the floor of the House. Members opposite have attacked Government Members and non-official Europeans for having made comments on the rulings made by the Chair. I myself have heard similar comments made by Members of the Opposition Party. I want to be perfectly clear on this point. Everybody makes comments and will continue to make comments on the rulings of the Chair. So far as those rulings are not challenged on the floor of the House, those rulings are accepted.

My third point concerns the last point of order raised by the Honourable Pandit. The Honourable Pandit endeavours for his own purposes and quite legitimately to play a dilatory game with regard to this particular Bill and it is to me perfectly right that the other side should endeavour to find out all that the Honourable Pandit is doing. That is perfectly legitimate in the game of politics. But I do think the Honourable Pandit should have had the courtesy to tell the Government and the Chair of the point of order that he proposed to raise. If that had been done, much of the mischief would not have arisen.

Now there is one other point to which I wish to refer. I am glad to see that Honourable Members opposite are concerned over the question of the dignity of the Chair and the conduct of the Press Gallery, and I would be glad to see them equally concerned when a member of the Government is attacked ; but when this happened last year I did not hear any expression of opinion from the Benches opposite. By all means let us maintain the dignity of this House and the Chair at all times and be equally considerate on all occasions regarding it.

Pandit Motilal Nehru : My Honourable and gallant friend Colonel Crawford has accused me of want of courtesy. If he had only known what the courtesy of debate and argument is, he would have accused the other side of ignorance when they complained of want of notice. I, Sir, belong to a profession in which I have to be always prepared for all

kinds of objections sprung upon me, and to meet them, if I know my brief at all. Those who father a Bill in this House are expected to know whether it is *intra vires* or *ultra vires* of the House. They must be ready to meet all sorts of legal and technical objections which do not involve an investigation of the facts. That is the courtesy of debate and that is the law and the practice everywhere.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, the Honourable the Leader of my Party has answered one of the points which the Honourable and gallant Member of the European non-official group (Colonel Crawford) raised in this House. Sir, he referred to the practice of his profession ; and if, I may add one more point, I may allude to the practice of my Party ; we are here not to make things easy for the Government. We belong to a Party which is not here to help a foreign Government, and therefore, Sir, I do not think it would be proper judging from our own principles, and professions and the ethics of our Party—I do not believe it would be playing the game, to give previous notice to the Government. Both legally and morally the Leader of my Party was acting not only according to the ethics of the great profession to which he has the honour to belong, but also according to the etiquette of the Party whose cause he has the privilege to espouse on this side of the House.

Another observation which fell from the Honourable and gallant gentleman on the other side was that the House should devote as much sympathy, give as much attention, when an Honourable gentleman on the Government Benches is attacked from the Press Gallery.

Colonel J. D. Crawford : My point was the action of a member of the Press Gallery was deserving of just as much criticism in the previous case as in the present.

Lala Lajpat Rai : We did criticise it.

Mr. K. C. Roy : The gallant Colonel is possibly not aware that the man was taken by two Members of this House to Sir Basil Blackett and there was a case pending against him in the courts ; so the matter could not properly have been discussed in this House.

Mr. C. S. Ranga Iyer : I believe a certain amount of confusion is betrayed by these observations. It ought to be understood definitely that the position of Government as well as the position of the Opposition is the same ; but the position of the Chair is very different. The Chair is above politics. The Chair is above Parties. And when the Chair is attacked from a party point of view—I believe the *Times of India* belongs to a party which is adequately represented in this House—when the Chair is assailed from a partisan standpoint and when the Chair is maliciously misrepresented, I believe, Sir, it is the duty of the Government to take proper action. We know, Sir, that certain Bills are presented to this House and I believe the Foreign Secretary has also one Bill to amend certain laws in regard to the Press. And the Government have a similar duty to perform, in view of certain observations which have been made against the Chair who cannot protect himself and whom the House cannot protect if the Government, which is unfortunately not responsible to this House, does not take adequate steps. Because it is a free Press it does not follow it is a Press which has a charter as wide as the wind to blow on whom it likes. The *Times of India* is a party paper ; I almost said a Government paper, a semi-Government paper. Since the *Pioneer* has

[Mr. C. S. Ranga Iyer.]

ceased to be a Government paper and has entered the ranks of honest independent journalism, say as the *Daily Mail* in England ; since the *Pioneer* has given up its pro-Government policy, the only newspaper in the country which is a Government paper is the *Times of India*. Sir, I do not want you to excuse that paper as belonging to the free Press. Freedom does not mean licence to attack the Chair. Such a thing would not have been tolerated in the House of Commons which has the right of summoning the offender before it.

I am aware that the attack on the Chair is, however, part of the present situation. Sir, an anti-Indian campaign has been started in England. The *Daily Telegraph* belongs to the group which is a centre of antagonism to Indian aspirations. It is a powerful Tory paper. Notwithstanding the fact that one of the proprietors of the *Daily Telegraph* is on the Royal Commission, the *Daily Telegraph* has been following its old policy of discrediting Indian aspirations. It is, I suspect, part of an Anglo-Indian programme, it is part of a conspiracy to discredit the Chair so that in future it may be said that no non-official President should be in the Chair, so that there may be a going back to the pre-Montagu period of an official President. Sir, it is all part of a sinister propaganda.

I do not know how the Chair can protect itself by expelling a member from the Press Gallery, even though he is entitled to expel that member. What is needed is a more comprehensive step than that. The matter is one in which the Government, if it is impartial, will have to take very strong action. It is a matter in which the Publicity Officer should have issued a timely contradiction.

I have not been reading the paper in question lately, but I thought that it was the duty of a certain gentleman who happens to belong to this House and to the Government, I mean the Publicity Officer, in a matter of that kind, to have issued a timely contradiction, because if he had done so this question would not have been raised on the floor of this House. The Government, so far as the Chair is concerned, I am afraid, have not been performing their duty properly. I hope, that in future at least the Government will give an undertaking that when the Chair is unscrupulously attacked, as it has been attacked in this particular case, by the comments in the *Times of India*, the Publicity Officer will issue a timely contradiction. I am afraid I must arraign the Government Publicity Officer of not having done his duty by the Chair on this particular occasion. I must also arraign the Government of a very grave omission to perform their duty to the Chair, to the Speaker of India's Parliament. And I am afraid, Sir, that this discussion is a direct outcome of the Government's omission to perform what was obviously their duty in this matter.

One word more, Sir, and I have done. This House is known, at least in semi-official circles, as "the Monkey House", (Laughter), and the treatment that has been given to the Chair is as that of a President of a Monkey House. Sir, I have seen another Monkey House, a House of White Monkeys in Westminster. (Laughter.) Sir, that House is more ferocious than this House.....

Mr. President : The Honourable Member is not entitled to speak in such derogatory terms either of this House or of the House of Commons.

Mr. C. S. Ranga Iyer : I do not for a moment endorse the particular description which I just mentioned, and I do not for a moment suggest that Honourable Members either would endorse that description, but I say that in semi-official circles such language is used. Sir, if I have offended the dignity of this or another House by quoting that expression, I withdraw that expression. But what I want to point out is this, that there is in Westminster a House of more ferocious animals, two-legged animals, and even in that country where there is also a more ferocious Press, I am not aware, though I am a fairly accurate student of English journalism, of the Speaker of the House of Commons having been attacked in the Press in the manner in which the Chair of this House has been attacked in regard to the particular matter under discussion, and I expect, Sir, the Government to give such protection to the Chair as the House of Commons would have given if the occasion had arisen. The occasion does not arise there, because it is a British House of Commons and the newspapers are British newspapers. In this particular case, it is a non-Indian newspaper which has attacked the Chair. It is a racial question, pure and simple, and I want that when such a racial propaganda is started.....

Colonel J. D. Crawford : Never, never.

(Cries of "Withdraw, withdraw" from the European Group.)

Mr. C. S. Ranga Iyer : I say that when there is a simultaneous publication in India and in England trying to discredit the first non-official Chairman, it is part of a deliberate, mischievous, racial campaign. (Cries of "No, no" and "never" from the European Group.)

You may say "Never" and "No, no", but I am entitled to draw this conclusion, I am absolutely within my rights to draw this conclusion, when there is a simultaneous publication in India and in England in the Press, when there is a suspicious coincidence of this kind, I am perfectly entitled to conclude that it is part of a plot to discredit the first non-official President, that it is part of a conspiracy to go back to those days of autocracy when the Chair was occupied by an alien. (Cheers.) You may exclaim "Never, never", but I am entitled to draw my own conclusion, and it is that conclusion that compels me to make this comment. And, Sir, as the Foreign Secretary is ready with a Bill when he sees that the Indian Press has got to be further strangled, it is not too much for the Home Member also to prepare a Bill to give adequate protection to the Chair.

Mr. President : I should like to know if there is any Member in this House who desires to defend the reports of the correspondents of the *Times of India* and the *London Daily Telegraph*.

(There was no answer.)

I take it that the general desire on the part of the House is to condemn these two correspondents.

I do not propose to give my decision on the spot on the questions raised. After I got this copy of the *Pioneer* from the Home Department yesterday, I went through it and found that the *Pioneer* had made very serious allegations against the Government. I also found in the report the following statement :

"Your correspondent has definite evidence which goes far to incriminate the Home Department."

[Mr. President.]

Well, I am sure the House would like me to make inquiry into the matter. (*Several Honourable Members* : "Certainly".) Yesterday, after I got this copy, I wrote to the Editor of the *Pioneer* immediately, as follows :

" Dear Mr. Wilson,

My attention has been drawn to the report published in to-day's *Pioneer* from a special correspondent, Simla, September 11th. I shall be grateful if you will kindly let me know on what materials the following statements in that report are based :

1. 'Long suspect, he is now openly accused in the Government Lobbies by officials of being partial. 'It's a put up job', was the comment of one official member on Pandit Motilal Nehru's point of order on the Public Safety Bill. 'Patel is dead against us.'
2. 'That the press correspondent of a London newspaper is in close touch with the Government'.
3. 'Your correspondent has definite evidence which goes far to incriminate the Home Department.'

Will you also let me have the name of the official referred to in statement No. 1 above."

Now, this is the reply that I received from the Editor of the *Pioneer* :

" Dear Mr. Patel,

I am in receipt of your letter of September 13th with reference to the message published in the *Pioneer* from a Special Political Correspondent, and dated Simla, September 11th. I very much regret that in accordance with long established journalistic practice it is impossible for me to answer your questions, or to supply you with the information you desire. I am sure you will realise that journalism, and especially political journalism, would become impossible if the sources of information were to be divulged, even in a case of such seriousness as the present one. I can assure you, however, that despite the ridiculous published denial of the Government of India on the subject, there exists a full and ample basis for the statements made in the issue of the *Pioneer* you mention, and that the message was carefully written with a proper sense of responsibility. The actuating motives were to protest against a reprehensible use of parliamentary journalism, to draw attention to the prejudiced attitude of Members of the House who are also Government officials, and to conserve the dignity which you, Sir, should enjoy, as President of the Assembly.

I am sure that if proper and searching enquiries are instituted, it will be found an easy matter to substantiate the *Pioneer's* statements. I regret that I am unable to depart from responsible journalistic custom."

I appreciate the difficulty of the Editor of the *Pioneer*, but I think he would supply me with full information confidentially on points on which he says he has got definite evidence, and I propose to ask him to do so. What use I should make of the information I cannot say at present. I think under the circumstances I should not give my decision to-day. Will you therefore allow me to defer the decision to some day next week on all these points ?

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.

THE PUBLIC SAFETY (REMOVAL FROM INDIA) BILL—*contd.*

Mr. President : The House will now resume further consideration of the following motion and amendments moved on the 10th September 1928 :

Motion moved by the Honourable Mr. Crerar :

That the Bill to provide for the removal from British India in certain cases of persons not being Indian British subjects or subjects of States in India, be taken into consideration :

Amendment moved by Mr. Amar Nath Dutt :

That the Bill be circulated for the purpose of eliciting opinions thereon.

Further amendment moved by Sir Hari Singh Gour :

That the Bill be referred to a Select Committee consisting of Mr. Fazal Ibrahim Rahimtoola, Sir Victor Sassoon, Nawab Sir Zulfiqar Ali Khan, Mr. S. Srinivasa Iyengar, the Honourable the Home Member and the Mover with instructions to report within three days, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.

Dr. A. Suhrawardy (Burdwan and Presidency Divisions : Muhammadan Rural) : Sir, I am grateful to you for giving me an opportunity of speaking to-day, as I am anxious not to record a silent vote on a question like the one before the House. I also feel that I should not allow to pass unnoticed some of the remarks of the previous speaker on the Benches opposite. I regret, Sir, that I was not in the House when Mr. Joshi and Sir Purshotamdas Thakurdas spoke and I am sorry to have missed their speeches. But I was in the House when Mr. McWatters spoke and I agree with him when he said that visitors from abroad, foreign propagandists, acquire an exaggerated importance in the eyes of unsophisticated Labour in India and that they are more potent for mischief than any Indian agitator, however clever. Sir, it is the same thing all the world over, that Tom, Dick and Harry coming to India receive more attention than they are ever likely to receive in their own country, just as Indian visitors abroad are lionised, feasted and fed and treated to champagne dinners by the unsophisticated people of England or Russia who look upon them as budding Lenins and Trotskys of the future Soviet of India. My Honourable friend Sriman Srinivasa Iyengar, I think, will not hesitate to bear testimony to the truth of the saying that prophets are more honoured in other countries than their own. He has just returned from his tour round the world in eighty days or rather his Grand Tour in Europe, full of enthusiasm for foreign ideas, hypnotised by the Red regime in Russia, just as young Easterns on their first visit to Western lands are hypnotised by the white culture and civilisation of the West. Sir, speeches, however barren of arguments, exercise powerful influence on emotional minds, and I confess that despite its froth and foam, the torrential eloquence of Lala Lajpat Rair nearly swept me off my feet. I am therefore grateful to my Honourable friend, Mr. Iyengar, for bringing me back to my bearings. He afforded the House an object lesson of the dangers of impact with foreign ideals and foreign culture, and how the subtle and insidious propaganda of Communists can produce baneful effects even on a mature and balanced mind like that of the *ex-Advocate General* of Madras.

He talked of freedom of thought and of freedom of expression. I hope his ardour has cooled a bit by the debate this morning as regards the freedom of expression which degenerates into license. He also attempted to make fun at the expense of the Honourable the Home Member

[Dr. A. Suhrawardy.]

for introducing in the Bill the words "destruction of property". Well, I think he is still labouring under the influence of his late visit to Russia and he fails to make any distinction between destruction of property for sanitation or any lawful purpose and wanton destruction of property as advocated by the Communists. Sir, my Honourable friend declined to tell the House how long he was in Russia. He was in a fix. But we all know that the whole period of his peregrination in Europe did not occupy more time than the globe-trotting of Miss Mayo in India. Yet he waxed eloquent on the advantages of Communism in action in Russia and the achievements of the Soviet Government there. He told us about the concession granted to Mussalmans by the Soviet Government of having the use of their mosques. What a grand testimony to the tolerance of that land of freedom!! He never told us the names of his Russian chaperons or Moslem guides. For aught we know, the Kazprinskys, and Bulbul Amirs whom he met at Moscow might have been Communist propagandists in disguise or un-Muslim, unrepresentative Muslims of the type on whose support he relies for that document of "friendly gesture" which he flaunts in the face of the world and of Lord Birkenhead as proof of Hindu-Moslem unity and Indian nationhood. He shuts his eyes to the fact that 28 Members of the Central Legislature have emphatically repudiated that precious document spontaneously, and not at the instigation or inspiration of Government, the baseless insinuations of the *Pioneer* notwithstanding. He also referred to the Home Member as a past master in the art of window dressing. I wonder if my friend was aware of the fact that his Russian friends are grand masters in the art of stage management. He has told the House that he is none the worse for his visit to Russia and that he is as much a Hindu as he was before his visit there. I doubt if he is the best judge of that situation. Patients often do not discern the symptoms which are visible to doctors. We have not heard of the voice of orthodox Brahmanism yet. We do not know what penalties he will have to pay or what *prayaschitta* he will have to perform for having crossed the "black seas" before he is rehabilitated as a good Hindu, unless my friend Lala Lajpat Rai comes to his rescue and performs the *shuddhi*, Lala Lajpat Rai who railed at Sir Hari Singh Gour for his heterodoxy.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : I have never performed any *shuddhi* in all my life.

Dr. A. Suhrawardy : Sir, there is not much to choose, in the eyes of the Sanatanists, between Lala Lajpat Rai and Sir Hari Singh Gour. It was a question of the kettle calling the pot black. Well, I sympathised with Lala Lajpat Rai when he told us that he found it difficult to choose between Imperialism and Communism. Safely entrenched as he is in the stronghold and citadel of communalism, it is difficult for him to do so even as it is at times difficult for him to choose between Capital and Labour. Lala Lajpat Rai theatrically jingled and shook in the face of Sir Hari Singh Gour the money bag. He has spent many years of his life in the land of the Almighty Dollar. He preached an eloquent sermon on the powers of money. He need not have done that. We all acknowledge the power of money. We all bow to Mammon and we all see Mr. Birla sitting behind him. (Laughter.) I agree with Lalaji at least so far as his opinion of Sir Hari Singh is concerned. Like Lalaji I also suspect Sir Hari Singh Gour of being a disguised Communist or a dangerous social revolutionary, for his Bills on marriage and divorce are nothing short of revolutionary

onslaughts on the family life of Hindus, Muslims and Parsis alike. I thought that Sir Hari Singh Gour would welcome the advent of Soviet ideas and Bolshevik propaganda in India. I am surprised to find that he is supporting the Bill. (Laughter.) But consistency is a virtue unknown in politics. It springs strange surprises and makes strange allies.

Now, I come to my redoubtable friend, Mr. Ranga Iyer, my Honourable friend, Mr. Ranga Iyer, for whose oratorical powers and rhetorical flights I have genuine admiration. His speech the other day, sensible, sober and sedate, on the Resolution asking for increase in Judges' salaries and his frenzied oration the other day wherein he declaimed against the proposed legislation as by lunatics for lunatics have left me wondering whether there is such a thing as a lucid interval for orators and politicians. He said that the Honourable the Home Member's speech was devoid of common sense and that the speech of his Leader was "compact of common sense". Well, common sense is not a common commodity. It is rare and elusive and eludes the grasp of even clever men like my Honourable friend. Had it not deserted him when declaimed the other day he would not have treated the House to the "uncommon sense" he did, affecting superior knowledge and arrogating wisdom and knowledge to himself. He spoke of the speech of his Leader as being full of common sense. I am not quite sure whether it was full of sense, common or otherwise, but I am certain that it was full of maudlin tears. His heart was breaking over the attack on the cherished rights and liberties of the Britishers. Sir, I was reminded of the old Bengali proverb that he who loves a child more than its mother is a witch. But by no stretch of imagination or violence to language can the venerable Pandit be described as a witch. He is a great wizard. He is a past master and an adept in the jugglery of words and phrases. Sir, I rubbed my eyes and sat in my seat when with bell, book and candle he stood over there and deftly dangled before the House the well-known maxim regarding the reciprocity of allegiance and protection and conveniently affected to forget the other and more appropriate maxim—*salus populi suprema lex*—the safety of the people is the highest law. I wondered when that great wizard, that great master of language rose in his seat to weave his web of witchery of words and talked of the cherished rights of Britishers whether he was not referring to Russians whose hospitality he had lately enjoyed, whose salt he had recently tasted even as when he told us not long ago that the country stood by the Independence Resolution at Madras, he meant Dominion Status. Or perhaps it is the other way about. When he tells us of Dominion Status he means Independence. Now, my Honourable friend Mr. Ranga Iyer, Father India, referred to the House of Commons as the "Barren Woman" but I.....

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : I quoted Mahatma Gandhi who called it a barren woman, but I referred to it as the "Whore of Parliaments".

Dr. A. Suhrawardy : I do not know whether "Whore of Parliaments" is a Parliamentary expression or not. It is for the Chair to decide the point. But I congratulate my friend on his good taste. My Honourable friend, however, quoted with approval the description of Mahatma Gandhi of the British Parliament as a barren woman.

Mr. C. S. Ranga Iyer : Yes.

Dr. A. Suhrawardy : Even my friend, Mr. Ranga Iyer, will not deny that but for that barren woman the prolific Mahatma Gandhi would never have conceived that abortive child of his called the "Ind Swaraj".

Mr. C. S. Ranga Iyer : Nonsense.

Dr. A. Suhrawardy : Even my friend will admit that, but for that barren woman, this Assembly would not have come into being and become a spot "where girt with friend or foe a man can talk what he will"—sense or nonsense if he will. Sir, it has been said by a gentleman from the Benches opposite in a speech, whether full or devoid of sense I leave it for Mr. Ranga Iyer to decide, that India need not be afraid of revolutionary movements. "There has been no revolution here for 3,000 years." I entirely agree with that. It is quite true. The benevolent despots of 3,000 years ago would never come before an Assembly—representative or unrepresentative—and beg for power to deport undesirable aliens. They knew how to deal with them, and to give them the short shrift and extirpate Communism in thought and theory, root and branch, as they did with Buddhism in India and Mazdakism in Persia. They would never resort to the method adopted by the Honourable the Home Member. They knew of a swifter, shorter and cheaper method. They would have caught hold of them and cast them in grass sacks into the lakes of Kashmir or into the Indian Ocean to drown like puppies and pariah dogs. No wonder there had been no revolution in India.

Pandit Motilal Nehru (Cities of the United Provinces : Non-Muhammadan Urban) : Sir, I must congratulate the learned speaker who has preceded me on his maiden effort in sarcasm. I waited patiently from beginning to end to find a word said about this Bill, but I was disappointed. It was, as has been suggested by a friend behind me, a barren speech. But it was not barren in words. It was very prolific in satire and I congratulate my friend, on his maiden effort as I understand it. I hope he will improve in course of time. But I must now talk as a man of affairs and on the Bill which is before the House. I must say at the very outset that I rise to oppose the Bill—whether it is common sense or not in the opinion of my friend Dr. Suhrawardy, and I also oppose the motion for reference to the Select Committee.

Now, Sir, that this is legislation of a repressive character does not admit of any doubt. Three things have to be made out before any attempt at passing such legislation can succeed. The first is the urgency of the measure. The second is the justification for discarding the ordinary processes of law and trying to have extraordinary powers. Thirdly, even if extraordinary powers are necessary and required, it has to be made out that the weapons already in the armoury of Government of the same class are not sufficient for the purpose. We know, Sir, that on our Statute-book there are repressive measures of various kinds, and, as I shall show later in the course of my speech, and as has in fact already been shown, if the only intention of the Government is to deal with Communism, to deal with these undesirable Britishers or aliens who may be found in this country, there is ample provision for it in the law either by a trial according to law or by resort to these lawless laws which have been allowed to remain on the Statute-book. The very learned speech of the Honourable the Home Member, which I listened to with the greatest attention, I submit has failed to make out any of these three points. It was, Sir, an elaborate piece of literary performance ; it may well have been taken as a prize essay on Communism

or on the duties of Governments, but we did not hear any justification for this measure which he wishes this House to pass. He says, "I know more than I say, but I cannot divulge it". Well, Sir, I do not think that any Member of this House is gifted with the power of reading the thoughts of the Honourable the Home Member. What he has in his mind, we are not gifted enough to deal with before he takes us into his confidence; but, so far, he has not taken us into his confidence as to what it is actually that has happened and is happening which has made this measure necessary. Of course he has described in glowing colours the dangers of Communism, the dangers of a Red revolution, and a great deal has been said on the floor of this House about the terrors of Communism. I could see my friend, Sir Hari Singh Gour, visibly affected while the Home Member was drawing a very graphic picture of those horrors. Well, I shall deal with them later, but for the present I want to confine myself to the business part and leave the sentimental part alone. We have got to examine the business part of the Bill from these three standpoints: is there any urgency for it, is there any necessity even if urgency is made out, to depart from the ordinary procedure of the law of the land, and to resort to extraordinary means, and even assuming, without admitting that it is a case where the ordinary procedure of the law will not be enough, are there not extraordinary provisions of the law already in force of which the Government can avail themselves? My Honourable friend, Mr. Srinivasa Iyengar, showed by a comparison of the Regulations and Acts which are already in force, that no new law is needed. Now there is no doubt that things have happened in India which bear a very suspicious resemblance to the doings of Communists in other parts of the world. There is no doubt also that there are some people, but they are a very negligible proportion here who might be said to belong to the Communist Party, but no attempt has been made either on the floor of this House or in any court of law to connect the atrocities referred to with the Communists in India or elsewhere. In fact the labour unrest and cases of sabotage and other things which have happened may equally well have arisen from natural and economic causes. But because they are there and because this Red terror is also somewhere hovering about, it is argued that the one must be connected with the other. I submit that is a very false argument and will not be acceptable to this House. Why I think, Sir, it would be equally reasonable to say that all these labour troubles in the south of India and the wreck and ruin which has followed in their wake is due to my friend Mr. Srinivasa Iyengar and myself who have recently been to Russia. It is true and the fact is admitted. We have been there, my friend more recently than I. And we come back and say things: what is more reasonable than to believe that it is we who are the cause of the trouble. Is there any greater evidence against any Communist than that? The fact is that this great Government is in a state of panic and its mind is unhinged just by two persons. I do not know them at all personally. They may be very insignificant people; they may be very important people; but the names of Bradlaw and Spratt are as red rag to a bull to the Government. But why can not you deal with these two miserable creatures with all the armoury you possess? I really cannot understand that.

Then, Sir, great reliance is placed upon a letter which is alleged to have been written—at least it is typed—at any rate the author is said to be M. N. Roy. Now I was very anxious to see the original of this letter and I thank the Honourable the Home Member for the courtesy of showing it to me. I have also been provided by the courtesy of the Honourable the

[Pandit Motilal Nehru.]

Home Member with a printed copy of that letter. I have taken the trouble to compare the printed copy with the typed copy, as corrected, which is in the possession of the Home Department. Now, Sir, I find that the corrections are mostly typist's errors ; a word here and a word there, either added or substituted for a word already there. The rest is all in type. The letter is not signed by anybody ; the name does not appear even in type. The forwarding letter is wholly in type ending with the words " Best Wishes, J." The sender calls himself " J ". That is also in type. Then we come to the cover. The address is in manuscript and that address is supposed to have been examined, together with the corrections in the body of the letter, by experts in handwriting and they have pronounced the handwriting to be that of M. N. Roy. Now, all that they could possibly have done, and all

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that they probably did do, was that they compared the handwriting with other handwritings which were laid before them ; and all that they could say, and all that they probably did say, was that these writings were by one and the same person, whether it is M. N. Roy, or M. N. Banerjee or Bradley, we cannot say. Now, as every beginner in the practice of law knows, there are two things essential for a reliable comparison of handwriting, either it must be compared with an admitted handwriting or it must be compared with a handwriting which is proved to be the writing of the man. Now, I am sure M. N. Roy is not in communication with the Government and he has not admitted that those writings that they possess are his. How then were those writings which they possess proved to be his ? By what evidence ? I asked a question and I was told " internal evidence." I am not aware of any kind of internal evidence which would identify the writer of a document with the text of it, simply because it expresses certain views. Now, we all know what Communists' views are and I do not think great ingenuity is required to put them down on paper for anyone, and if those views are proved to be those of M. N. Roy, who has published many books, then the natural conclusion is that this letter is M. N. Roy's. Sir, I refuse to look at that evidence, in spite of the enquiry that I have made.....

Mr. President : The Honourable Member has already looked at it.

Pandit Motilal Nehru : as a piece of evidence. I have seen it, Sir, and I have satisfied myself that that letter is not worth considering as a piece of evidence. Now, a great part of the speech of the Honourable the Home Member was occupied by the reading of extracts, long extracts, from that letter. I do not wish to go into those extracts ; they are not opinions which I can support nor is it for me to say that they are wrong or right, because they are not my opinions and I am not on my trial. But whether that letter has caused anything to happen in India which could necessitate a measure like this is the question, and if it has really caused it, whose doing is it ? I have here more substantial evidence of a higher class than is adduced to identify this letter with M. N. Roy. The letter was in the hands of the officers of the Government. The Press could not get hold of it except through the Government ; and if that letter is responsible for any unrest anywhere, I submit that the initial responsibility lies with the Government. But we all know what it is and speakers who have preceded me have said what that means. We know the psychological moment at which that letter was published, the moment when the reforms and the constitution of India are in the melting pot, the moment when this Bill was decided upon. Publication shortly before that would form a useful first step to the legislation

which is now before the House ; otherwise why should it have been kept back so long ? I find there is a mistake as to time. The letter is dated the 30th December and the forwarding letter is dated the 5th February and the postal stamp is dated.....

The Honourable Mr. J. Oserar (Home Member) : 12th of May, I think.

Pandit Motilal Nehru : It is the 16th May. If it is a letter which should have been published for some other reason, it could have been published long before ; but what earthly reason could there be for the publication of a letter of this character by the Government ? Was it to instruct the people of India in the principles of Communism, or was it a step leading to something else ? I cannot understand it. I submit, therefore, that the fact of publication of this letter at the particular time it was published, lends this legislation a very suspicious appearance.

Apart from that letter, the rest of the speech of the Honourable the Home Member was, as I have said, only a description of the terrors of Communism. It might be enough to terrify old women and children, but I am sorry to say that it had no effect on hard-headed men of affairs like us. But I heard nothing more astounding in my life than the assertion made by that great lawyer and my great friend, Sir Hari Singh Gour. He said it may be that the letter is not proved, it may be that M. N. Roy never sent that letter, and it may be that we cannot trace the authorship to anybody, but the mere fact that that letter exists in India is enough reason for taking some step to provide against Communism. That argument answers itself, and I do not think I need take the time of the House to deal with it.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Has M. N. Roy denied the signature and his writing ?

Pandit Motilal Nehru : There is no signature. Perhaps that was left to you. (Laughter.) I thought the Honourable Member was following me. That letter, unfortunately, was not signed.

Then there was another argument adduced by the Honourable the Home Member, and the case tried by the Allahabad High Court was referred to. That case cannot be referred to as a precedent for anything. Did you or did you not succeed in securing a conviction in that case ? What was the difficulty experienced in the course of that trial as to the conviction of those men ? Were there any witnesses shot ? Is it pretended that exactly the same state of things prevails as was supposed to prevail at the time when the Bengal Ordinance was passed ? We have heard no facts about that ; in fact we know of no cases except this Allahabad trial which ended successfully in convictions. But there may be others. If so, by all means try them. But if there are no reasons for passing this measure to be found in the speech of the Honourable the Home Member, it will live in the classical phrase "Communism in action." Communism in action is certainly more dangerous than Communism in theory, but has he illustrated that by any examples ? Of course if he falls back upon his confidential knowledge and his inability to divulge it in this House, I have no arguments to advance.

Now, Sir, I will not take the time of the House to go into legislation which is already disfiguring our Statute-book, and which fully provides for a case like this. I am thankful to my Honourable friend the Law Member for pointing out in the course of his argument on the point of order that Europeans were not excluded from the operation of Regulation III of 1818. Well, if they are not excluded, does not that Regulation provide for the

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cases for which this new law is being enacted ? Is it not even more comprehensive than the present Bill ? Here you have specified certain offences and if the Governor General declares that a man answers to the description given in clause 2, then he may be treated in the way which the subsequent provisions of the Bill provide. But under Regulation III of 1818 nothing need be done. You have simply to take hold of the man and do as you please with him. Then if it covers the case of Britishers—and of course there is no doubt that it covers all the poor Indians—then the aliens also come in under it. But we have a separate Act dealing with foreigners and that is Act III of 1864. In fact some clauses of the present Bill seem to bear very strong family likeness to the sections of Act III of 1864, and exactly the same powers are now being asked for. My Honourable friend Mr. Srinivasa Iyengar has also called the attention of the House to the Criminal Law Amendment Act which can be used in cases of unlawful assemblies. But why have recourse to this extraordinary measure ? What clause 2, sub-clauses (a), (b) and (c) provide for are distinct and definite offences against the law of the land. All these have been jumbled up into this clause, but taking them one by one, we find they have been amply provided for in the Indian Penal Code and other criminal enactments. Where is the trouble in trying the man for those offences and how can anybody have any confidence in a mere declaration by a Governor General ?—I mean no offence to His Excellency. But it is not humanly possible for any man, whether he is a Governor General or even an official higher than that, to declare a person guilty of those offences some of which are very difficult to prove. We do not know upon what basis he will declare a person to come under this Bill. The persons will not be tried in courts.

My honourable friend Sir Victor Sassoon opined that the reason why this Bill is opposed is, firstly, ignorance of the laws of other countries on the same point and, secondly, the firm conviction of the people of India that Communism will never have a hold in this country. Now, Sir, so far as the first charge is concerned, I am afraid there is not only no ignorance on this side of the House of the laws of other countries on the subject, but that they are only too well understood and known. Leaving aside the points about which other speakers have spoken, I wish to call the attention of the House to the law as it stands in England and as it stood in England. Now, as I said in my remarks in the course of my speech on the point of order, you must make a clear distinction between pre-war days, the war days and the post-war days. In times of war everything is suspended and any law can be passed ; but you will see in England, where the danger from Communism has been, and I assert is now, much greater than it is or it can ever be in India, how these people have been treated in England. Well, Sir, I will just examine a few Acts here. The pre-war legislation is the Aliens Act of 1905. In order to save the trouble of looking up many books I have had the necessary provisions summarised. Now there, how do you deal with undesirable aliens ? The Secretary of State may, if he thinks fit, make an order—in this Act referred to as an expulsion order—requiring an alien to leave the United Kingdom within a time fixed and thereafter to remain out of the United Kingdom—that summarises the whole of this Bill—(a) if it is certified to him by any court (including a court of summary jurisdiction) that the alien has been convicted by that court of any felony or misdemeanour and so on and so forth. Then after that we

come to the War measure which is 4 and 5 George V, Chapter 26 That was in 1914. Now I ask the House carefully to consider the course of legislation in England even in times of danger, imminent danger and actual war. There His Majesty by Order in Council may prohibit certain things, prohibit aliens from landing, embarking or remaining in the country and so on. Then section 2 provides punishment for contravention. It is punishable on conviction under the Summary Jurisdiction Act, etc., etc. Exactly as in this Bill also, disobedience of the orders may be punishable after trial by a magistrate of the first class. Now, as I have submitted, that was perfectly justifiable in times of war. As soon as the war was over we have the next Act which is the 1919 Act. It is called 9 and 10 George V, Chapter 92. It is a continuance and extension of emergency powers. Section 1 (1) says :

"The powers which under sub-section (1) of section one of the Aliens Restriction Act, 1914 (which Act, as amended by this Act, is hereinafter in this Act referred to as the principal Act), are exercisable with respect to aliens at any time when a state of war exists between His Majesty and any foreign power, or when it appears that an occasion of imminent national danger or great emergency has arisen, shall, for a period of one year after the passing of this Act, be exercisable, not only in those circumstances, but at any time ; and accordingly that sub-section shall, for such period as aforesaid, have effect as though the words 'at any time when a state of war exists between His Majesty and any foreign power, or when it appears that an occasion of imminent national danger of great emergency has arisen' were omitted."

(2) Any order made under the principal Act during the currency of this section shall be laid before each House of Parliament forthwith, and, if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat after any such order is laid before it praying that the order may be annulled, His Majesty in Council may annul the order, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder :

Provided that this provision shall not apply in the case of an order the operation of which is limited to a time when a state of war exists between His Majesty and any foreign power, or when it appears that an occasion of imminent national danger or great emergency has arisen."

Then section 3 says :

"(1) If any alien attempts or does any act calculated or likely to cause sedition or disaffection amongst any of His Majesty's Forces or the Forces of His Majesty's allies, or amongst the civilian population, he shall be liable on conviction on indictment to penal servitude for a term not exceeding ten years, or on summary conviction to imprisonment for a term not exceeding three months

(2) If any alien promotes or attempts to promote industrial unrest in any industry in which he has not been bona fide engaged for at least two years immediately preceding in the United Kingdom, he shall be liable on summary conviction to imprisonment for a term not exceeding three months."

So that for the grave offence of inciting to rebellion in the army, the law, immediately after the war was over, lays it upon the executive to prosecute the man on indictment, and if he is found guilty, then he may be imprisoned, or when it comes to attempting to promote industrial unrest, then he shall be liable on summary conviction to imprisonment.

Now, it was said by my Honourable friend Mr. Moore that, here we have not provided for any imprisonment ; let us send the man Home at our expense. If you examine the provisions of the Bill, you will find that, if the man does not care to obey the order, you do provide for his imprisonment, and, what is more, you deprive him of something which, I submit, whatever may be said about my point of order, no Englishman can be deprived of, and that is his right to *habeas corpus*. You say that section 491 of the Code of Criminal Procedure shall not apply

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to a person who has been committed to custody under clause 6 of the Bill. There is one right which travels with every Englishman all over the world, and it is the right of *habeas corpus*, wherever English courts exist. Of course, where there are no British courts, they will not take notice of that right. So it is much more than a mere infliction of a sentence of imprisonment. Now, that was only for one year, but these Acts were extended from time to time, and we find the last Continuance of Acts in Schedule, 17 and 18 George V, 1927, which repeals the whole Act of 1919, save section 1. So that you will see that in England, quite apart from the fact whether there is peace or war, there is much better treatment accorded even to aliens than you propose to accord to your own kith and kin, the Britishers, under the Bill. Sir, I submit that the proposed law is more likely to threaten society and civilization than the Communist activities have ever done.

Then there is a good deal said of the very generous exclusion of Indians from the operation of this Bill. But is that of any value? Have you not got enough powers to deal with them?

Mr. D. V. Belvi (Bombay Southern Division : Non-Muhammadan Kural) : Enough and to spare.

Pandit Motilal Nehru : Yes, enough and to spare. Then, Sir, there is one point which has not been referred to by the speakers who have preceded me, and it is this. You have excluded British Indians, you have excluded States Indians; but what about Indians in Chandernagore, in Pondicherry and in Goa? They are not British subjects, and yet they have family ties, they have business ties with British India, and those ties cannot disappear by an imaginary line of separation from British territory. So far as my personal experience of their relations and family ties goes, it is simply impossible to say which of the members of that family will be considered French subjects and which will be considered British subjects. It has been said, Sir, "Let us take this Bill to Select Committee and see what we can make of it there." But can we make anything of it, except by an amendment which would go to the length of making this Bill nugatory? The amendment I am referring to is an amendment providing for trial according to law and for that you do not want a special Act. Therefore I am opposed to a reference to Select Committee.

Now, Sir, a great deal has been said about the Soviet and the doings of the Soviet and the terrors it has spread throughout the world; and my Honourable friend, Sir Hari Singh Gour, has in his concern for religion and society relied on two little books: one is called "The Assault of Heaven" by one A. Valentino. I do not know who this gentleman is. I borrowed the book from the Library and I read parts of it; I do not find who this gentleman is and what is his authority to speak on the subjects at all; but from what is written in that book, it seems that he is a religious enthusiast and he is always citing the Bible—not actually in parallel columns—as against the opinions expressed by a Soviet advisory council. So far as that goes I do not think it matters at all. There is no restriction now on anybody. One can safely be an atheist, a polytheist, a Muhammadan, Jew or Hindu, and everybody is at liberty to have his own opinions; there is not a word implying compulsion in the whole of that book. People go to a sort of board consti-

tuted to advise people on various things—agriculture, industry and so on—and they ask the board, “Under such and such conditions, what should be done?” If they do not go to the board, or if they do not take that advice, there is nothing to prevent them from following their own inclinations. I may mention here an instance which came to my own personal knowledge, when I was in Moscow. Just at the entrance of the Kremlin which was the palace of the Czars, there is a chapel dedicated to the Virgin Mary. I saw crowds of people going into this chapel. I saw also posted on the opposite wall in big letters in three languages the writing “Religion is poison for the people.” You were at liberty, in spite of that warning, to go into the chapel and there were hundreds of people who went into the chapel and worshipped and came out without molestation. The other book that was cited by my friend is by Arthur Shadwell. This gentleman seems to have written this book in his library after reading such literature as was available to him; he seems to have had no first-hand information. The one thing that is apparent from that book is that he is a great believer in the Zinovieff letter which is now almost unanimously admitted to be mythical—indeed it has been proved to be a forgery. I will say one word there about the authenticity of this anti-Russian and anti-Soviet propaganda. A writer in the *New York Nation* describes how news is manufactured. The House is aware that a great part of the news from Russia comes through Riga and it is always the Riga correspondent of this or that paper that is supposed to send the news. Now this is what this writer in the *New York Nation* says as to how he became Riga correspondent of various newspapers:

“The first time I served as a Riga correspondent was in London. An editor made a correspondent of me by giving me an editorial leader clipped from one of the morning papers. He instructed me to recast part of it in the form of a dispatch and date it from Riga. The editorial was one reviewing in some detail the pernicious activities of the Third International. I must have rewritten it rather well, for later I was entrusted with other tasks of the same delicate nature. I became the paper’s regular Riga correspondent—from our own correspondent, as they like to say in Fleet Street.

A year later I was in Paris and attached to a newspaper there. And in Paris I found myself again a Riga correspondent. The work was twofold now. There were French journals and English journals to rewrite. All of them, including the one in London which formerly employed me, seemed to boast of Riga correspondents. In all their dispatches there were revelations—Bolshevist atrocities, Cheka executions, Soviet economic difficulties, dissatisfaction of the people with the Government. As in London, this material was turned over to me; and out of the mass another composite Riga correspondent was born.”

This is how propaganda is done against Russia and Sovietism. Now, Sir, I have here something which is more reliable, and which I hope the House will agree is far more reliable than all the Riga correspondents rolled into one. I have not got the actual document here. I have it at my house. I did not bring it here. But I find extracts, which will serve my purpose published in the *Daily Express* of Madras, dated the 24th January, 1928. I owe it to the courtesy of the Honourable Mr. Coatman that I am able to read these extracts. These are extracts from the report of the British labour delegation to Russia. It is signed by 92 British—thoroughly British, full-fledged British—representatives of workers’ organisations in England and Scotland, after personal investigation. They went and toured through Russia and they made this report as a result of their tour. I am giving you their description of what they found there as

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against the woeful tales of destruction and ruin that have been told in this House :

" The Bolsheviks are now replacing capitalism with another system of society—socialism. The damage done to the buildings, towns and bridges by the Imperialists and counter-revolutionaries was immense. Now these places are being erected anew. So far as the towns in Soviet Russia are abnormal, it is in the exceptional beauty and grandeur of a large proportion of the buildings, and in the wide streets and squares which are to be found in every district. These are inhabited from pre-revolutionary days, and the important point to us is that the revolution has preserved them, repaired them and in some instances which have come to our notice has actually improved their architectural and historical value by the restoration of features mutilated or obscured during recent Tsarist periods."

My Honourable friend, Sir Victor Sassoon, has mentioned the " declassed intelligentsia ", because we do not come under the category of workers and peasants and therefore the intelligentsia of this country, if there were Communist rule, would be declassed. Let us see if art, science, literature, etc., have disappeared from Soviet Russia after the Revolution. What these 92 gentlemen found was this :

" The paintings by French, German and other artists from the fifteenth century onwards are arranged in a series of rooms so that the visitor can see the historical development and make comparisons. The existence of this gallery, and the obvious care that has been bestowed on it, was all the more interesting to us in view of the lies we had read in the capitalist press about the destruction of every thing of artistic value which the Bolsheviks were alleged to have carried out."

I may be permitted to interpose here an interesting experience of mine after I returned from Russia to London. A gentleman who is very much in the public eye actually put me the question, " Does the Kremlin still exist ? ", Kremlin being the vast pile of buildings where the Czars lived, some of them of exceptional beauty. I told him as was the fact that not only did the Kremlin exist but that it had been considerably improved upon and it looked as if it was completed yesterday. And he was surprised. That gentleman is one of those who are going to decide our fate. Pertaining to the people of Russia, the report says :

" The first and most universal impression of the people is their extraordinary friendliness and interest in the foreign visitors. Everywhere we went we experienced not only kindness but enthusiastic welcome."

As to industries :

" The progress of industry on the new lines with the object of improving the conditions of the classes—the workers and the peasants—is being carried on by the Soviet Government. The working class enjoys the full privilege of their toil and have the fullest confidence in the governing body, the Soviets."

I see Captain Hira Singh is not here. This ought to interest him because he was afraid that the tillers of the land would be nowhere.

" The majority of the village Soviets (Councils) consists of peasants, while in the towns, the workers are in the majority. Every official from the Prime Minister downwards gives his report of work done in the ordinary workers' meeting. These reports are discussed, criticised, and suggestions are given by the workers. They have also the power of recall if any official has not given full satisfaction in his work."

Then, there is a comparative table showing the advance made after the Revolution—advance made in the economic condition. I need not go into these details. As for education we have it here :

" The students of the Russian high schools have far superior knowledge than the graduates of Cambridge and Oxford. Their methods, their classes and discipline is much better."

and so on. Then we come to this :

"In India, after a hundred and fifty years' rule of British 'civilisation' only six per cent. of the population are educated, while ten years of Bolshevik rule has practically abolished illiteracy."

(Hear, hear from the Congress Party Benches).

That is the fiend that is going to swallow us and our institutions and everything else.

"Only those who are too old still remain illiterate. It is due to their old age rather than any hindrance by the State."

As to prisons :

"The whole idea of prison life is explained, said the Governor, by a perusal of the slogan painted across of the wall of the prison."

It reads :

"In Soviet Russia there are no prisons but training centres where those who have not had opportunities can learn to become useful citizens."

I will not trouble you with the rest of this. Anyhow it is not such a barbarous and unnatural State as is made out to be—where every man devours every other man and is a cannibal. I have seen many of these things with my own eyes. Now, Sir, even Communism must be fought with clean weapons. My friend Sir Victor Sassoon was pleased to say that only those who desire Red rule in India would oppose this Bill. He knows that so far as this side of the House is concerned, so far as the great majority of Indians are concerned, what is desired is Brown rule and not Red rule.

Now, Sir, I shall not take up the time of the House any longer. I shall simply content myself by saying that this is a most vicious piece of legislation and is calculated to bring about results just the opposite of what is contemplated. Before concluding, I must not conceal from the House that there is a very strong suspicion in the minds of educated Indians and that is this. There has been a movement on foot for years past for organising a sort of cultural co-ordination between India and various other countries of the world, especially in the North of Europe. If you pass a law like this, and people come on peaceful missions but do not please the Government and the C. I. D., they will be packed off to their homes. If one man from any country is treated like this, the movement will die out in no time. Who will ever come here? In the countries I visited there was some anxiety to avail themselves of an opportunity to come to India at the time of the Indian National Congress. Whatever may be said about the Indian National Congress, there is no doubt that the Indian National Congress is known to be the largest national institution of India throughout the whole world and naturally people in other countries have a desire to witness the proceedings of this institution which is indigenous in its origin and which does not owe its existence to any help from the British. I was thinking to myself that if at the next Congress I invited some of my friends whom I met during my last visit and if this Bill passed into law, what would happen. Government will say : "Oh, we are not going to get hold of people who come for peaceful purposes. This Bill is intended only for Communists." How am I to know what you will do? The evidence that satisfies you is not likely to satisfy me, as was shown in the case of M. N. Roy's letter. Then again there is a great desire among Indians to promote mutual intercourse, cultural and social, between themselves and other Asiatic countries. All these things will receive a rude check if a measure of this kind is passed into law. Sir, I submit that if this measure is passed into law, it will be the biggest blot upon the Statute-book.

The Honourable Sir Bhupendra Nath Mitra (Finance Member) : Sir, (Applause). I have listened with a great deal of attention and interest to the orations of my Honourable friends opposite including the Honourable the Leader of the Opposition but I regret to have to observe that I have not discovered yet any cogent reasons for rejecting or for doubting....

An Honourable Member : You can never do so.

Sir Bhupendra Nath Mitra :.... the principle underlying the Bill before the House. It is of course possible that my inability to discover any cogent reasons may be due to a deficiency of intellect on my part.....

Honourable Members : No, no.

Sir Bhupendra Nath Mitra : But that is the position as it stands, and, Sir, we are at present concerned with the principle of the Bill. The Honourable the Leader of the Opposition made certain remarks which are relevant to the principle of the Bill, and I propose to deal with them later on. He also mentioned what I may call certain technical details of law which I submit may more appropriately be dealt with when the clauses of the Bill are under consideration or, alternatively, when the Bill is being examined in Select Committee.

Sir, the speeches of the Honourable Members who have already spoken have contained much illuminating information about the doctrines of Communism. I confess, Sir, that I have never met face to face one of these active Communists.

An Honourable Member : Nobody has.

The Honourable Sir Bhupendra Nath Mitra : But this may be due partly to the fact that probably the creatures of that ilk do not walk about the streets with a label on them. I have not even had the honour, or dishonour, of meeting these two or three Englishmen who have been referred to in the course of this debate. My only knowledge of Communist doctrines is derived from current literature, and from recent happenings in China and Japan to which reference has been made not only by my Honourable friend Sir Victor Sassoon but by so well-informed a person as the Honourable Sir Denys Bray. (Hear, hear.) Judging from the facts before me, I have no doubt in my mind that the essence of these doctrines is the subversion of the authority of law or organized government as it now exists in most countries of the world. The object of these doctrines is the violent destruction of the existing organization of the community in all its various aspects.

Pandit Motilal Nehru : For what purpose ?

The Honourable Sir Bhupendra Nath Mitra : The primary object is destruction. I have no desire to dilate on the picture which has already been depicted to this House by the Honourable the Home Member, Sir Hari Singh Gour, Sir Victor Sassoon and Sir Denys Bray.

Pandit Motilal Nehru : Do you deny the facts that I have stated from the report of the British Labour Party ?

The Honourable Sir Bhupendra Nath Mitra : I am coming to that, Sir, presently, if my Honourable friend will be a little patient. We know that the Nationalist Government of China and the Government of Japan

are trying their best to eradicate the evil in their countries. My Honourable friend, Mr. Srinivasa Iyengar, who in the course of his recent peregrination managed to have a peep into the country which is reputed to be the factory of this evil, has in a way admitted the correctness of this picture. He admitted that the process of violent.....

(Mr. Srinivasa Iyengar rose to interrupt the speaker but the Honourable Sir Bhupendra Nath Mitra refused to give way.)

Mr. President : Order, order. No Honourable Member is entitled, except for raising a point of order, to interrupt a speaker unless the speaker is himself willing to give way. Sir Bhupendra Nath Mitra.

The Honourable Sir Bhupendra Nath Mitra : He admitted that the process of violent destruction of the authority of existing law and of organized government previously existing, with all its concomitant effects on the community as a whole, has taken place at an earlier stage of the Communist movement in that country, and he stated that now that that process had been completed, a process of reconstruction of the various national institutions had commenced which had apparently found favour in his eyes. The statement which fell from my Honourable friend the Leader of the Opposition was more or less to the same effect. I have no personal knowledge on the subject, but I am quite prepared to accept what fell from both these Honourable gentlemen about the present position in Russia. But we all know how that position was reached.

Pandit Motilal Nehru : Revolution of course.

The Honourable Sir Bhupendra Nath Mitra : That is the correct word. Sir, I am wholly in favour of the reconstruction of many of our existing institutions, but I feel very strongly that such reconstruction should take place by a process of orderly and gradual evolution ; and as a citizen of this unhappy country I have the strongest abhorrence to any violent destruction of any of our existing institutions, even though the object may be to replace them by institutions of a better type. I am glad to find that my Honourable friend Mr. Amar Nath Dutt voiced the same opinion when he said : " No Indian wished revolution or subversion of the present society ". He said however that he understood the doctrine of the Communists could not be anything else except that every person must be adequately fed. Now, Sir, if the doctrine was to help the agricultural and industrial workers of this country to improve their standard of living through orderly methods and without recourse to violence, I should have the fullest sympathy with that doctrine. But let me tell my Honourable friend Mr. Amar Nath Dutt in all seriousness that that is not the whole of the doctrine. The experience of other countries shows that it is the essence of the Communist doctrine that if in the town of Burdwan, from which my Honourable friend comes, there are a thousand people who cannot for some reason or other get a full day's meal, or cannot clothe themselves adequately, they should march in a body to the house of my Honourable friend, lay violent hands on his person and property, perhaps kill him in the process, and commandeer his property to satisfy their requirements. That, Sir,.....

Pandit Motilal Nehru : That is a libel on Communism even.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhamadan Rural) : Why should they not go to the house of the

[Maulvi Muhammad Yakub.]

Maharaja of Burdwan rather than to that of my Honourable friend Mr. Amar Nath Dutt ?

Mr. President : Order, order. I think, the Honourable Member is entitled to greater consideration, and Honourable Members should not interrupt him so often.

The Honourable Sir Bhupendra Nath Mitra : Sir, I mentioned my friend Mr. Amar Nath Dutt, because it was he who said the words which I have quoted ; but the same thing may happen to me, to my friend Maulvi Muhammad Yakub, and in a larger measure to my friend the Honourable the Leader of the Opposition or to the Maharaja of Burdwan. That, Sir, brings in the element of revolution, or subversion of the present society, on which my friend Mr. Amar Nath Dutt looks with as much abhorrence as I do.

My friend Mr. Ranga Iyer, whose after-dinner speech I found it difficult to follow, apparently wanted to establish that all Communists do not hold violent doctrines and that there are among them some, with whom he has been associated, who do not preach revolution or the subversion of existing institutions, with all its concomitant effects. Now, Sir, if there are Communists of this category—and I believe by friend Mr. Srinivasa Iyengar was also referring to men of that category—they have nothing to fear from the Bill before the House. But, Sir, if it is an accepted principle that in the interests of the individual members of the community the State must take action against dangerous lunatics suffering from a limited type of mental deficiency, I for one can see no objection to the principle underlying State action, in the interests of the community as a whole, against dangerous lunatics suffering from a wider type of mental deficiency. Such action, Sir, has been taken in most of the civilised countries of the world (*Pandit Motilal Nehru* : "Where ?"). My friend Sir Victor Sassoon referred to the case of America, Australia and South Africa. In England too, the principle of the action is admitted ; the procedure followed may be different ; I am now talking of the principle only. I am not discussing, Sir, at the present moment the procedure, because this is not the appropriate moment for discussing the procedure. (*Pandit Motilal Nehru* : "It is not a question of procedure.") My friend the Honourable the Leader of the Opposition, while admitting the evils of what he called "Communism in action" argued that if a Bill like this were passed, it would stand in the way of eminent men from other countries in Europe and in Asia from coming to India to teach us. (*Pandit Motilal Nehru* : "Or to be taught by us.") or to be taught by us. I accept the correction. Now, Sir, the Bill before the House will certainly not have that effect exactly as similar laws in America, Australia and South Africa have never had such effect.

I have found it difficult to understand the attitude of my esteemed friend Mr. Joshi in this matter. (*Mr. N. M. Joshi* : "Why ?") I had always understood that he and self-less workers like himself in the realm of uplift of labour, like Mr. Andrews, were apprehensive of the exploitation of labour, and labour unions, in India by Communists. (*Mr. N. M. Joshi* : "Where did I say that, Sir ?") If I may be quite precise, that statement was made to me some six months ago. (*Mr. N. M. Joshi* : "By

whom ?") It is quite possible that my Honourable friend's views may have changed in six months' time. I believe also that I am correct in

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stating that it was similar apprehensions which led Mahatma Gandhi, that arch-preacher of non-violence in India, to stand in the way of the Ahmedabad labour unions, which he controls to a large extent, from actively joining the Indian Trade Union Congress.

It has been argued, Sir, that the industrial unrest which has come into prominence in a very marked degree in India in the last six or seven months, has nothing to do with Communist activities but is the natural result of economic causes. Now, Sir, we admit that the unrest and the strikes originated from economic causes. That was fully admitted by my Honourable colleague, the Home Member, in the course of his speech. But, Sir, these strikes did not originate from the pangs of hunger. It is the prolongation of them which has added to the pangs of hunger of certain people. My Honourable friend, Mr. Joshi, was perfectly correct when he said that they originated in trade disputes, a perfectly correct statement, but how have these strikes been prolonged for all this length of time, and how is it that they have led to these acts of sabotage and loss of life on railways, with which we have now become painfully familiar ?

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : The Honourable Member is perhaps referring to an incident which is yet *sub judice*.

The Honourable Sir Bhupendra Nath Mitra : I am not. If I had mentioned Lillooah, the Honourable Member would have been perfectly in order.

Mr. K. C. Neogy : Will the Honourable Member say what specific cases he has in mind ?

The Honourable Sir Bhupendra Nath Mitra : I am referring to general cases of sabotage.

Mr. K. C. Neogy : And to loss of life on railways ?

The Honourable Sir Bhupendra Nath Mitra : That is a fact.

Mr. K. C. Neogy : These are recent incidents and are yet *sub judice*. That is exactly my point.

The Honourable Sir Bhupendra Nath Mitra : I am not referring to any particular cases. Any body reading the facts can come to the obvious conclusion.

I shall refer to another instance. I read in the papers this morning that Mr. Subhas Chandra Bose, a name which is respected by me perhaps as much as it is respected by my friends on the opposite side (Ironical cheers from the Opposition Benches), had managed to bring about a reconciliation at Jamshedpur, but that Mr. Homi is trying his best to make that effort of his nugatory. There again is the writing on the wall, and I can draw my own inference from it. If my friend Mr. Joshi is unwilling to accept that inference, he is welcome to form his own conclusion. My difficulty with my friend Mr. Joshi is that for some reason or other he has become very pessimistic.

Mr. N. M. Joshi (Nominated : Labour Interests) : You are the cause !

The Honourable Sir Bhupendra Nath Mitra : The other day in this House he said that for the last 10 years employers in this country and the Government have done nothing for the uplift of labour. I should like to ask Mr. Joshi how does the position in this respect stand in the case of the textile mill industry in India. Has not the rise of wages there been more than the rise in the cost of living, starting as the *datum* line with the year 1914, and does not that prove that the rise in wages allowed during this period has enabled the workman to improve his standard of living ?

Mr. President : The Honourable Member by asking Mr. Joshi a question has invited interruption and should therefore give way.

Mr. N. M. Joshi : What I wanted to say was that I did not admit the statement made by the Honourable Member that the standard of life of the Bombay textile workers has gone up.

The Honourable Sir Bhupendra Nath Mitra : It is of course open to Mr. Joshi to adhere to his dictum. I refer to published statistics and Mr. Joshi has not produced anything to contradict those statistics. So far as the Government is concerned, the Honourable Mr. McWatters mentioned the other day the various items of action which Government have taken in the matter of the uplift of the conditions of labour. I wish to remind Mr. Joshi of one particular incident in which I was personally concerned and he was also personally concerned. This House also was largely concerned in that matter. As a result of the representations made to me by this House, and by Mr. Joshi personally and by associations of workers, in the last three or four years, I have taken steps to largely improve the lot of the workers in the postal service. That, Sir, is an instance of the good faith of Government in the matter. (Hear, hear). No, Sir, the trouble with my Honourable friend Mr. Joshi is perhaps the same as with my Honourable colleague the Home Member. He is reluctant to place all his cards on the table because of possible evil consequences that might result from such action hereafter. (Hear, hear.)

One of the arguments which have been used in connection with this Bill is that the measure is unnecessary, and my Honourable friend the Leader of the Opposition also referred to it. As I understand the argument, it comes to this. If it could be shown that a goodly number of foreign Communists have been spreading subversive doctrines in the country by organising the masses for revolt or by doing any of the things mentioned in the Bill, that would have made out a *prima facie* case for this measure. I ask my Honourable friend opposite in all seriousness, are these the words of wisdom ? If my Honourable friend the Leader of the Opposition was told that there was an electric wire in his house which was in a faulty state and which was likely to set the house on fire, would he actually wait until the house was on fire before taking preventive action ? We know, Sir, from experience in other countries, including Asiatic countries like China and Japan, how Communism has spread its cancerous growth in the various countries of the world. That being so, I submit that it is incumbent on this House, on this august Assembly of the citizens of India, to take such preventive action as is considered necessary and wise to stop the extension of this evil in India. Whether at the present moment there are two foreign Communists, or one such Communist or any such Communist, spreading propaganda in the country is immaterial for the purpose. Nor do I attach any great weight to the specific letter of Mr. M. N. Roy. I am not, Sir, a legal Pandit.....

An Honourable Member : You are a financial Pandit !

The Honourable Sir Bhupendra Nath Mitra : and I cannot unravel the intricacies of that particular letter from the point of view of the law of evidence ! But looking at the subject from the point of view of commonsense.....

An Honourable Member : Which is so rare !

The Honourable Sir Bhupendra Nath Mitra : I submit that there can be doubt that it makes it incumbent on all of us to adopt the course of prudence. My Honourable friend the Leader of the Opposition also said that this legislation was superfluous because we have got Regulation III of 1818 and we can take action against all these people under that Regulation. Now, Sir, if that is so, that certainly establishes an admission of the principle of this Bill.

An Honourable Member : How does it ?

The Honourable Sir Bhupendra Nath Mitra : But there are difficulties, as I understand it, in the way of applying Regulation III of 1818.

An Honourable Member : What are they ?

The Honourable Sir Bhupendra Nath Mitra : Those difficulties appeal peculiarly to my financial mind. Now if we apply Regulation III of 1818, we have to intern these people in the jails of India, and in the present state of unemployment in various countries of Europe, I am not sure that that course of action would not attract more of these people to find their way to India so that they can be maintained free of cost in our jails. Now, Sir, in the interests of the tax-payers of this country, I should prefer that foreigners who commit any of the acts mentioned in this Bill should be straightaway put on board a boat and a third class ticket bought for them, as was mentioned by my Honourable colleague Sir Denys Bray the other day, and these people sent back to their homes to be prophets in their own country.

Pandit Thakur Dass Bhargava (Ambala Division : Non-Muhamadan) : May I know what the third class fare to England is ?

The Honourable Sir Bhupendra Nath Mitra : I have no present recollection of the figure. I think it is ten pounds.

Kumar Ganganand Sinha (Bhagalpur, Purnea and the Sonthal Parganas : Non-Muhamadan) : Is that the single fare or for the return journey ?

The Honourable Sir Bhupendra Nath Mitra : Then my friend Mr. Ranga Iyer referred with a certain amount of approbation the other day to what the *Pioneer* had said on this particular subject. Well, Sir, I am a regular reader of the *Pioneer*. (Hear, hear from the Congress Party Benches.) It is possible, however, that on account of the official and personal worries during the past five weeks, I missed that particular article or failed to appreciate it. I found however in yesterday's *Pioneer* another article on the subject. This is what that paper writes :

"Everybody knows the particular cases which have actuated the Government, everybody knows the legal difficulties they are in, and everybody, except the wildest extremist, is ready to meet them and to help in solving the problem."

This is in the *Pioneer* of the 13th September, and if the *Pioneer* in an earlier issue had expressed a different view on the subject, I have not the

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slightest doubt that the able exposition of the case by my colleague the Honourable the Home Member the other day has persuaded the *Pioneer* to alter its views. The article proceeds to say :

“ There can be little doubt that the sympathy of most people will be with Sir Hari Singh Gour.”

We know that our Honourable and learned friend, while advocating the acceptance of the principle of the Bill, wants it to be referred to a Select Committee where legal technicalities can be examined by legal luminaries like himself or like my Honourable friend the late Advocate General of Madras.....

Pandit Hirday Nath Kunzru (Agra Division : Non-Muhammadan Rural) : What is the heading of this article ?

The Honourable Sir Bhupendra Nath Mitra : Whatever the heading of the article may be, it matters little. Appearances are often illusory ; but I have given you the substance of the article.

Now, Sir, before resuming my seat, I beseech my friends opposite to look at the matter more dispassionately and not to attempt to block the measure which undoubtedly has its uses for India, under present day conditions not only in India but all over the world.

(Several Honourable Members moved that the question be put.)

Mr. M. R. Jayakar (Bombay City : Non-Muhammadan Urban) : Sir, I am one of those who are indebted to your wise and cautious ruling that this Bill should not be rushed through this House. But for that ruling, Sir, men like me who came to this House rather late would never have had the chance of listening to the excellent debate which has taken place on this measure, nor of taking part in it. I confess, Sir, I do not envy the position of the Honourable the Home Member, that the very first measure which he brings before this House as the Leader of the House is this objectionable Bill, and my sympathy goes out to him in his present misfortune.

I came to this House, Sir, with a very free and open mind, and I wrote to my Leader from Bombay that I would listen to the debate and then make up my mind. I, of course, came with a certain amount of distrust of the executive born of my past experience of the executive, but also with the view that if after listening to the speech of the Honourable the Home Member, the necessity for this drastic measure was made out, I would not block the Bill so far as my humble vote was concerned. I have listened to the Home Member's speech very carefully and if he will pardon my saying so, while I did so I had the same kind of feeling as when I am in the presence of my family priest. He tells me of a lot of things in Heaven, that there is a virtuous God, that there are cross-currents of vice and virtue, merit, and demerit. I have to listen to all these things on trust, I cannot question him as to the means of his knowledge. He always lands me on *terra incognita*, the borderland between faith and reason. I had the same feeling when I had listened to the speech of the Home Member, and I confess I am not concerned that the necessity for this measure is made out. I am surprised, Sir, that a lot of false issues have been raised before this House. It is said that the

Indian religions are in danger. Such a plea proceeding from a Government which has allowed Christian missionaries for well nigh 150 years to convert Hindu and Muhammadan children by the hundred in famine times is absurd. We are told that the Indian social system is in danger. For a Government which has allowed by Statute Indian Christian converts to keep and maintain their rights in the Hindu joint family notwithstanding their conversion, and which still allows a convert husband to disown his wife but not the wife to disown the husband, for that Government to come and say that the Indian religions are in danger, that Indian society is in jeopardy, is very specious logic and I, a hard headed lawyer, cannot attach any importance to such professions. I want to know the real necessity behind this measure—not the false issues which are put before this House—but the real reason behind it. I shall be absolutely frank with the opposite Benches. It is no use drawing red herrings across our path. I shall be frank by telling them that my main reason for opposing the Bill is that I distrust the executive. I have no confidence in this executive government as it is constituted. When my little boy asks me for a Mannlicher rifle I am entitled to inquire how he has used the air gun which I gave him some years ago. I am entitled to examine the conduct of the executive and ask them "How have you used on past occasions similar powers which you claimed in a panic?" I cannot forget the Rowlatt Act in considering this matter. What sensation the Government created in this country! My Honourable friend, Pandit Madan Mohan Malaviya, will tell us of the long struggle which he maintained at that time. The Right Honourable Srinivasa Sastri is fortunately still alive to tell us what unnecessary ferment the Government of India created in this country. And yet the odious Act, after it was passed, remained absolutely a dead letter. We were told then that India was in danger. This time it is the Communist—that time it was secret insurrections, and underground conspiracies. The Rowlatt Act was passed. How has it been used? It remained a dead letter. I ask the Government now to consider whether it was worth their while to embitter public sentiment to the verge of madness, and secure powers which have since remained unused. The Act remained a dead letter.

Sir Hari Singh Gour : It was repealed.

Mr. M. B. Jayakar : I am speaking of the time while it was a live law in the country. Take all the other Acts which the Government have passed in a panic. When too late, Government say, "Oh, we have made mistakes". My Honourable friend to my right Lala Lajpat Rai was deported under a similar measure and after he had undergone terrible sufferings and privations for several years the Government came out and admitted in a halting manner: "We think we made a mistake". Having all that experience, I, a very hard-headed man, want to examine what case has been made out this time. I will accept for the sake of argument all that the Government Benches have said about the Agents of the Soviet Government, although my Honourable friend Mr. Srinivasa Iyengar gives me an entirely different picture. My redoubtable and gallant friend, Colonel Crawford, asked him, "How many days did you stay in Russia?" Sir, when I heard that question I was reminded of a certain teacher of mine who at the time of the promotion to a higher class used to ask us, "How many years have you been in this class?", not "How much have you studied?", not "How much have you observed?", nor "How much have you learnt!"

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but "How many years have you spent in this class?" If it was a long period, he used to give promotion to the higher class. Colonel Crawford forgets that what an observant man like my Honourable friend Mr. Srinivasa Iyengar could gather in ten days, with all the opportunities of observation and inquiry which must have been open to him as a leading man of India, would be equal to ten years spent by a cold and unobservant official sent there by the British Government. It is not the time that counts, it is the measure of observation exercised. Mr. Iyengar tells me exactly the contrary story. I likewise read the other day in a paper called the *Bombay Chronicle* a description given by Mr. Chattopadhyaya of the methods of the Soviet Government, which does not tally with any of the odious pictures which have been painted of the Soviet Government on the other side. I am told, Sir, that England herself is very respectfully cautious in dealing with the Soviet Government and—I am speaking subject to correction—that there are many esteemed Members of the British Parliament who have secured valuable concessions in the territories of the Soviet Government. If the Soviet Government are such hideous creatures as painted to us, surely there is something unaccountable in the respectful treatment they receive in Europe. But, Sir, for the sake of argument I will assume that the Soviet Government and their agencies are all that they are represented to be by the other side. But, Sir, I refuse to believe, that so long as India is contented, India is peaceful, India has enough food to fill its belly, three or four European Agents of that Government would be able to convert this peaceful and contented land into a conflagration of revolution. I shake my head in doubt and say there must be something wrong somewhere. Sir, the measure before us is most extraordinary; extraordinary in more senses than one, extraordinary, *e.g.*, in the powers which it claims on behalf of the executive. My Honourable friend, Sir Hari Singh Gour, claiming to speak partially on behalf of the Government, talks of referring the Bill to a Select Committee.

Sir Hari Singh Gour : I never intended to speak on behalf of anybody except myself.

Mr. M. R. Jayakar : My Honourable friend Sir Hari Singh Gour, speaking in favour of a view which is very much identified with that of the Government, tells us, "Let us refer the Bill to the Select Committee." He says, "We will take it to the Select Committee. We will give the High Court powers of appeal. We will have a regular trial." I would ask the Honourable the Home Member whether he approves of a reference to a Select Committee for such purposes. If I can understand the principle of this Bill, Sir, it lies in the summary and swift manner in which these culprits are to be dealt with. If there is going to be a protracted trial, trial, *e.g.*, by some kind of jury system, with an appeal to the High Court, which must involve some delay, why, then there is no reason for this Bill at all, because the ordinary law of the land is quite competent for that purpose. I have examined this Bill. The very essence of the Bill is in the swiftness and secrecy with which the removal of the undesirable alien takes place. I am therefore surprised that Sir Hari Singh Gour should think of referring this Bill to a Select Committee for the purpose of actually killing the soul of this Bill. I am therefore against the reference to the Select Committee. The only question before us is

whether the necessity for such a drastic Bill has been made out, whether any urgency has been shown. Two or three instances have been shown, I quite agree. Two or three Englishmen's names have been mentioned. But if we examine the Bill we will find that the ordinary law of the land is quite competent to deal with these solitary cases. I do not wish unnecessarily to detain the House at this late hour. Take clause 2 (a) :

“ directly or indirectly advocates the overthrow by force, etc.”

That is already provided for by the Indian Penal Code. Likewise clause 2 (c) is provided for by the Indian Penal Code. The only thing that one might say is not perhaps provided for by the present Penal Code is 2 (b), and it constitutes, if I may say so, a new offence—

“ Whoever seeks to foment or utilise industrial or agrarian disputes or other disputes of a like nature with the direct object of subverting the authority of law or organised government in British India, etc.”

shall be punished. With great respect to the draftsman of this Bill, I say, Sir, that there is a most dangerous width of language in the clause, dangerous especially at the time of strikes, for instance.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : It falls within section 124-A.

Mr. M. B. Jayakar : I have not examined this question carefully. Possibly my Honourable friend from Karachi is right. Possibly it does come within the existing law. (*An Honourable Member* : “ It does.”) But supposing it does so fall, for the sake of argument, it does not affect my main argument. The question is, is any case of urgency made out ? The Bill has been in many places carelessly and hastily drafted. Clause 1 (4) says :

“ In particular and without prejudice to the generality of the foregoing power, the Governor General in Council or the Local Government or any such officer as aforesaid may require the master of any ship ”

to take up as a passenger the victim of this measure. I should like to ask the Government of India “ Under what power ? ” I should like to ask the Honourable the Home Member “ Under what existing law can you compel the master of a ship to take a Spanish gentleman, *e.g.*, who comes out to this country, and whom Government want to deport ? ” I am only pointing out one instance out of several which I can multiply—but do not wish to do at this late hour—that this Bill has been most indifferently and carelessly drafted. cannot be denied. I am therefore asking for more caution, more time, and that no panicky or hasty legislation should be rushed through this House at the point of the bayonet. Government have enough power in their hands to go on with in the meanwhile. We are told that they are very unwilling to exercise the power under the present law. We are told that the Regulation of 1827 is very crude, that it is like an instrument which makes noise when Government cut with it, and that Government want to avoid this noise. Therefore the Government want an instrument so fashioned that it is very sharp and at the same time will not make any noise when it cuts. I am only paraphrasing their argument. The Regulation of 1827 creates too much sensation they say. It causes too much stir in the country, too much newspaper comment. It is therefore in their opinion a crude weapon. Therefore we are asked to give them a fine instrument so that when it cuts it will not make any noise at all. When Government come

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and ask me to give them such a weapon as an addition to their armoury, I am entitled to ask, how have they used the old weapon, the Regulation of 1827 ? They deported men like my Honourable friend to my right, who so far as our belief goes are honourable men. I sympathise with the Honourable the Home Member that he is not able to place all his cards on the table, as admitted by the Honourable Sir Bhupendra Nain Mitra. I sympathise with the Home Member, but that is his misfortune and not our fault. We refuse to believe, Sir, that the avenues by which Government gather information in such secret matters are means of true knowledge. Let me frankly tell the Government, "Whatever your police may tell you, we refuse to believe that men whom we know well are revolutionaries. Your information comes through police channels which we have no power to examine. If a Swaraj Government were sitting on the front Benches, if Pandit Motilal Nehru were the Leader of the House backed by a Cabinet, if he asked for such drastic powers, what would he do ? He would at once take the Opposition into confidence, he would ask the Opposition—just as Mr. Ramsay Macdonald was asked by Mr. Baldwin to meet him in moments of grave emergency—he would ask the Leaders of the Opposition to come and meet him. He would trust them—he would put before them all the evidence on which he proposed to act." Have the Government done that in this case ? No. There is before us merely the *ipse dixit* of the Honourable the Home Member. When he tells us that he has secret information on which he proposes to act, I am reminded of the secret information on which Acts like the Rowlatt Act were passed. I refuse to believe his secret information because his avenues of knowledge are faulty. I refuse to believe that my Honourable friend Mr. Satyendra Chandra Mitra is or was a revolutionary. I refuse to believe that Mr. Subhas Chandra Bose is a revolutionary whatever the police may tell the Home Member. I say that the present Government suffers from two defects. The first is that they have not in their possession the means of knowing the truth, and secondly, what limited means they have of knowing the truth are vitiated and defective. These means become more faulty because they are not subject to cross-examination or open inquiry. Therefore my distrust of the executive is very great. If a Swaraj Government whom I could trust were asking for such a power I should be the first man to give them that power. I agree that we do not want any Soviet agencies here for stirring up trouble in this country. I wish to make my position very clear. It is enough that we have got to carry on this struggle against the executive and we do not want any complication to be created by outsiders against the institution of property or law. But even with these views I oppose this Bill because my past experience has taught me to distrust the executive, and speaking for myself, unless a very clear case founded on very good evidence is made out, a hard-headed lawyer like me will not add one single weapon to the present armoury of the executive. Their behaviour in the past has been so inglorious and harmful. This is the ground on which I oppose this Bill. I know that Government are anxious that this Bill should not be blocked. If so, they should consent to have the Bill circulated for public opinion. I am one of those who will yield at the last minute if I am convinced that there is a large non-official feeling in the country which demands this Bill. But I am not prepared to accept the *ipse dixit* of five or six men who make up

the Government. I do not wish to be disrespectful to my Honourable friends. But under their present conditions of rule, they simply accept what is told them by their underlings, the police patel or the District Magistrate. Such subordinate officials are very often guilty of political and other bias. That is a plain and blunt analysis of my opposition to this Bill. Therefore speaking for myself I will allow this measure to go through if Government agree not to hasten it but to let it go out for public opinion. In a measure of this kind Government should, in my view, proceed with great caution and with public opinion on their side. This Bill would be absolutely useless if the public did not want to work it in collaboration with the Government. Instead of going to the Select Committee and allowing a High Court appeal and all such machinery, Government can wait for some time and in the meantime ascertain public opinion. In the meanwhile I would also suggest to the Government Benches to take the Opposition into confidence. Let them put all their cards on the table. There are in the Opposition honourable men whom Government can trust. They will be the rulers of the country in 20 or 25 years' time. Government can certainly trust them with police reports, if not with military secrets, such as Sir Denys Bray keeps in his own heart. To say that at this stage, when India is on the eve of getting her rights, that Government cannot trust the opposition with police reports is to conceal things, as Sir Denys Bray said, under a barrage of words and smoke screens. I think, Sir, the smoke screens of the Government are far more confusing and obscurantist than the smoke screens ever created by my Honourable friend Mr. Lajpat Rai. But whatever we do, for Heaven's sake let us not proceed on false issues like religion being in danger. The only issue is whether the urgency of this drastic measure is made out. I say, Sir, that it has not been made out and must ask for a much larger measure of evidence on the existence of which alone a measure like this can be justified.

Mr. President : I have received a request from some Honourable Members asking me not to sit to-morrow on the ground that it would be impossible for them to sit for more than five days in a week. I should like to know what the Leader of the House has to say.

The Honourable Mr. J. Orerar : I think that whatever views may be taken about the merits of this measure it will be agreed that it has already engaged our attention for a long period and it is very desirable that some decision should be arrived at. I would therefore suggest for your consideration that we ought to proceed with the further consideration of this Bill to-morrow.

Maulvi Muhammad Yakub : Sir, with due reference to the views expressed by the Honourable the Home Member, I submit that Members of this House find it very difficult to work for six days in a week. In fact for six days we have not only to work in the House but we have also got certain Select Committees to attend : and during this week some of us have sat up to six o'clock after sitting in the House, on Select Committees, and that is a great strain upon the nerves of Honourable Members. Moreover, they receive a huge pile of papers in the evening and it is very difficult, Sir, to find time to prepare the speeches and the other work which comes up for disposal in the Assembly. Therefore, I respectfully submit that the Assembly should not, if you agree, sit to-morrow.

Mr. President : Ordinarily I should have granted the request of Honourable Members, but the debate on this motion has already taken three days and it is not proper to allow it to be further delayed by any postponement. So far as I am concerned, I think that I can continue to sit for six days in the week in the Chair for five hours every day ; and I hope Honourable Members, in the peculiar circumstances of this particular Bill, will allow me to sit to-morrow. I have decided for myself that I should sit to-morrow and finish this debate, and for that purpose to accept the closure at the end of the day and take the division. In the circumstances, I trust Honourable Members will not object to my sitting to-morrow.

The House stands adjourned till Eleven to-morrow morning.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 15th September, 1928.