

17th July 1930

**THE
LEGISLATIVE ASSEMBLY DEBATES**

(Official Report)

Volume IV

(7th July to 18th July, 1930)

SEVENTH SESSION

OF THE

THIRD LEGISLATIVE ASSEMBLY

1930

Chamber Kamgaod.



**SIMLA
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CORRIGENDA.

In the Legislative Assembly Debates, Simla Session, 1930—

(1) Vol. IV, No. 3, dated the 10th July, 1930—

(i) page 69, line 4 from the bottom, *for* "catchwards" *read* "catch-words".

(ii) page 72, line 7 from the bottom, *for* "conceiably" *read* "conceivably".

(iii) page 91, line 14 from the bottom, *for* "I do not.....Resolutions" *read* "I do not want to read to you all the recent Resolutions".

(iv) page 93, line 10, *for* "if your please" *read* "if you please".

(2) Vol. IV, No. 4, dated the 11th July, 1930, page 129, line 22, *for* "those are in favour" *read* "those who are in favour".

(3) Vol. IV, No. 6, dated the 14th July, 1930—

(i) page 291, line 13, *for* "I am aware" *read* "I am not aware".

(ii) page 306, *for* the reply to unstarred question No. 53, *substitute* the following :—

" Mr. G. M. Young : (a) Yes.

(b) A copy of my letter, dated the 24th March, 1930, to Pandit Thakur Das Bhargava is in the Library".

(iii) Page 340, line 20, *for* "importance" *read* "importance".

(4) Vol. IV, No. 7, dated the 15th July, 1930, page 464, from the first subject-heading *delete* the word "Ajmer-Merwara".

(5) Vol. IV, No. 9, dated the 17th July, 1930, page 610, line 18, *for* "Mr. S. C. Mitra" *read* "Mr. B. N. Mitra".

(6) Vol. IV, No. 10, dated the 18th July, 1930, page 661, *after* the reply to part (c) of starred question No. 296, *insert* the following reply to part (d) of the same question :—

" (d) Certain concessions were given in the 1929 examination which was for departmental candidates only."

Legislative Assembly.

President.

Sir

THE HONOURABLE MAULVI MUHAMMAD YAKUB.

Deputy President.

SIR HARI SINGH GOUR, KT., M.L.A.

Panel of Chairmen.

MR. M. A. JINNAH, M.L.A.

MR. M. R. JAYAKAR, M.L.A.

SIR HUGH COCKE, KT., M.L.A.

NAWAB SIR SAHIBZADA ABDUL QAITYUM, K.C.I.E., M.L.

Secretary.

MR. S. C. GUPTA, BAR.-AT-LAW.

Assistant of the Secretary.

RAI SAHIB D. DUTT.

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LEGISLATIVE ASSEMBLY.

Thursday, 17th July, 1930.

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

SHORT NOTICE QUESTIONS AND ANSWERS.

TREATMENT RECEIVED BY TWO CONGRESS VOLUNTEERS FROM THE POLICE IN SIMLA.

Rai Bahadur Lala Panna Lal : (1) Are Government aware :

- (a) that on the 13th July, in the afternoon, two European police officers on duty on the Simla Mall accosted two Congress Volunteers, who were dressed in Congress volunteers' clean dress, and who were informing the public about a lecture to be held in the evening by Lala Duni Chand of Ambala in the Ganj ;
- (b) that the said volunteers replied that they were doing their duty in quite a peaceful manner and that as peaceful citizens of Simla they had every right to walk on the Mall ;
- (c) that thereupon the said European police officers, one of them named Mr. Webber, pushed violently or rather threw one volunteer over the other, and that, as a result both of these volunteers were thrown off into Alley No. 6 causing serious injuries to both ;
- (d) that as a result of this one of the volunteers is in a precarious condition ;
- (e) that the above-mentioned conduct of the said police officers has agitated the public mind to a great extent and people in hundreds had gathered at the scene of occurrence ; and
- (f) that the aforesaid event has given birth to a serious political agitation in Simla ?

(2) Will Government please state under what and whose orders the said European police officers stopped the above-mentioned two volunteers from peacefully walking on the Mall ?

(3) In case the said police officers had no such orders, will Government state what legal power they had to stop these volunteers from walking on the Mall ?

(4) Will Government state what empowered the said police officers to beat the said volunteers ?

(5) Are Government prepared to institute a sifting inquiry into this accident and the action on the part of the said police officers ?

(6) (a) Have Government inquired about the condition of the said two volunteers ;

(b) Will Government state what compensation they are prepared to make to the said volunteers ; and

(c) Are Government aware that Mr. Nand Lal, Dictator of the Simla Congress, who came and helped to take away the injured volunteers, was also beaten by the police ?

The Honourable Mr. H. G. Haig : (1) I am informed that the two volunteers, accompanied by about 25 or 30 other persons, were making a noise and collecting a crowd on the Mall, when a Police Sergeant asked them to desist or to leave the Mall. They refused to do so and the police removed them first to the Middle and later, owing to further obstruction, to the Lower Bazaar. The volunteers resisted and it was necessary to use some force. It is denied that unnecessary force was used or that more than trivial injury was caused to them. The District Magistrate had inquiries made on the evening of the 15th instant by a Magistrate, who saw the volunteers in company with the doctor who had attended them. The pulse of both was normal and the doctor stated that neither of them was in a precarious or dangerous state. They both refused to be examined by the Assistant Surgeon and they have not gone to hospital for treatment.

(2) and (3). Under the Police Act of 1861, it is the duty of the police to keep order in the public streets.

(4) It is denied that the volunteers were beaten.

(5) and (6). The matter is one for the Local Government, to whom the questions of the Honourable Member and the replies given thereto will be communicated. I am informed that Mr. Nand Lal was not beaten.

Mr. Gaya Prasad Singh : Sir, are Government aware that this assault was seen by the gentleman who has put the question, and also by another Honourable Member of this House ? On what authority do Government state that the assault is denied ?

The Honourable Mr. H. G. Haig : My information is derived from the district authorities.

Mr. K. C. Neogy : Were the district authorities present on the spot and were they eye-witnesses ?

The Honourable Mr. H. G. Haig : I really cannot say.

Mr. Gaya Prasad Singh : May I know who was the doctor who accompanied the gentleman and who examined the volunteers ?

The Honourable Mr. H. G. Haig : I think his name was Dr. Mukand Lal.

Mr. Gaya Prasad Singh : Are Government aware that I hold in my hand in original a certificate which was given by Dr. Mukand Lal, M.B., B.S., dated the 14th July, 1930, with regard to the condition of one of the volunteers to whom reference has been made in the reply. He states as follows :

“ I examined.....

The Honourable Mr. H. G. Haig : Which volunteer ?

Mr. Gaya Prasad Singh : I am telling you :

“ I examined Mr. Sukhu Ram at 8-45 P.M. in the Congress Office, and found him lying unconscious ; his pulse was very rapid and thready which could not be counted ; all his body was cold, pupils dilated, and condition was grave. He was suffering from breathlessness too, and symptoms of heart failure were evident.”

Is he not the same gentleman ?

The Honourable Mr. H. G. Haig : The inquiry by the Magistrate was on the 15th July, by which time apparently Mr. Sukhu Ram had recovered.

Mr. President : Rai Bahadur Panna Lal.

Mr. Gaya Prasad Singh : I wanted to ask another supplementary question on such an important matter.

Mr. President : You never got up ; I never stop any supplementary questions.

Mr. Gaya Prasad Singh : Will Government kindly state whether the District Magistrate of Simla visited the two volunteers ?

The Honourable Mr. H. G. Haig : Not the District Magistrate ; he deputed another Magistrate.

Mr. Gaya Prasad Singh : What is his name ?

The Honourable Mr. H. G. Haig : That I cannot say.

Mr. Gaya Prasad Singh : Will Government kindly state as to whether any Magistrate or any other responsible officer of the Government was present at the time when these assaults took place ?

The Honourable Mr. H. G. Haig : I believe not, Sir.

Mr. D. K. Lahiri Chaudhury : Is not the statement of Honourable Members of this House, who were eye witnesses of the occurrence, sufficient ?

An Honourable Member : Who were they ?

The Honourable Mr. H. G. Haig : I am not aware that any statement has been made by Members of this House.

Mr. Gaya Prasad Singh : The Honourable Member putting this question was present on the spot and he himself witnessed the occurrence, and also another Honourable Member.

An Honourable Member : What is his name ?

Mr. Gaya Prasad Singh : Mr. Nehal Singh.

Mr. D. K. Lahiri Chaudhury : May I ask again whether Government have any reason to disbelieve the statement of Honourable Members of this House, who were eye-witnesses of the occurrence and who put these questions ?

The Honourable Mr. H. G. Haig : No statement, as far as I am aware, has been made by any Member of the House. Certain questions have been put and they have been answered.

Mr. Gaya Prasad Singh : Is it not a fact that these two Honourable Members of this House, Mr. Nehal Singh and Rai Bahadur Panna Lal, have stated that they themselves saw these volunteers being beaten and thrown down ?

The Honourable Mr. H. G. Haig : I am unaware of any such statement, Sir.

Mr. K. C. Neogy : May I request you, Sir, to ask the Honourable Member who has put these questions to state as to whether these questions are framed on the basis of anything that he saw personally ?

Rai Bahadur Lala Panna Lal : We saw these incidents ourselves personally. There were also some other Members of this House present with us, and these questions have been framed on the basis of what we witnessed ourselves. We saw all the incidents with our own eyes and then framed these questions.

Mr. Nehal Singh : I also saw it with my own eyes.

The Honourable Mr. H. G. Haig : I hope, Sir, the Honourable Member will bring his information to the knowledge of the district authorities.

Mr. K. C. Neogy : He has done so in his questions.

Mr. President : That is not a question.

ACTION AGAINST CONGRESS VOLUNTEERS WALKING ON THE MALL, SIMLA.

Rai Bahadur Lala Panna Lal : (1) Are Government aware :

- (a) that four batches of volunteers walked on the Mall on the evening of the 14th July, 1930 ;
- (b) that the police on duty on the Mall on the 14th, among whom there were one Mr. Shahzada, Sub-Inspector of Police, and one European Sergeant, abused the volunteers who walked peacefully on the Mall, using very filthy language and even knocked the heads of the volunteers together ;
- (c) that after being abused the volunteers were arrested or taken into custody by the police ;
- (d) that after being arrested or being taken into custody the police officers asked the police constables there to beat the volunteers ;

- (e) that the police constables so addressed hesitated to do so, because the volunteers were quite peaceful, sober, and within the bounds of law ;
- (f) that as a result of this hesitation on the part of these constables to beat lawful and peaceful volunteers, the constables were abused in their turn by the police officers ;
- (g) that as a result of this abuse meted out to constables there were murmurs of discontent and displeasure among these constables ;
- (h) that the police officers seeing this discontent and displeasure among the constables took them off from their duty on the Mall ; and
- (i) that at this stage the Treasury Officer arrived on the scene and said to the police that as section 144 did not apply to that place, they were not acting within the law when they prevented the volunteers from walking on the Mall, and that the said officer then caused the volunteers to be let off ?

(2) Will Government please state :

- (a) under what and whose orders were the said volunteers stopped from walking on the Mall on the 14th instant and then arrested and taken into custody ; and
- (b) under what legal procedure the volunteers were then let off ?

The Honourable Mr. H. G. Haig : (1) (a) I am informed that three parties of volunteers at different times on the evening of the 14th July attempted to make a demonstration on the Mall. The first party when asked to leave refused to do so and sat down on the ground. They were removed by the police. The second party were stopped at an entrance to the Mall and induced to return to the Middle Bazar. The third party, which was joined by members of the first party, were induced to leave by a Congress worker.

(b) The volunteers were not abused nor were their heads knocked together.

(c) They were not arrested or taken into custody.

(d), (e), (f), (g), (h). The suggestions are without foundation.

(i) The facts are as stated in (a) above. No question of the application of section 144, Criminal Procedure Code, arose.

2. (a) The volunteers were stopped from creating a demonstration on the Mall, because they collected a crowd and there was interference with traffic. The police acted in accordance with the duty imposed on them by the Police Act.

(b) Does not arise.

Mr. Gaya Prasad Singh : Are Government aware that Mr. K. V. Rangaswami Ayyangar, a Member of this House, actually saw the incident, I mean the heads of the two volunteers were knocked together ?

The Honourable Mr. H. G. Haig : No, Sir ; I am not aware of that.

Mr. Gaya Prasad Singh : Will Government kindly give the sources of information on which their reply to this question is based ?

The Honourable Mr. H. G. Haig : It has been received from the district authorities at short notice.

Mr. Gaya Prasad Singh : Will Government kindly state the sort of demonstrations which these volunteers are alleged to have been making on the Mall ?

The Honourable Mr. H. G. Haig : I understand that they were collecting a crowd there.

Mr. Gaya Prasad Singh : Do Government realise that the volunteers are not responsible for the crowd which might be walking up and down the Mall ?

The Honourable Mr. H. G. Haig : I do not suppose a crowd collects without any inducement.

Mr. Gaya Prasad Singh : May I know, Sir, what is the nature of the inducement offered ?

Mr. K. C. Neogy : The assaults committed on them.

The Honourable Mr. H. G. Haig : That I cannot say.

Mr. K. C. Neogy : Is the Honourable Member aware that he is bringing disgrace upon Government by giving such replies to serious questions ?

The Honourable Mr. H. G. Haig : No, Sir ; I am not aware. I do not know what the Honourable Member means.

Mr. K. C. Neogy : I mean what I say.

Mr. Gaya Prasad Singh : Are Government aware that, on the 14th instant, when four or five volunteers were going up the Mall in the evening, they were prevented by the police from going further than the shop of Cotton, Morris and Company on the Mall, towards Chota Simla, and this was witnessed by many Members of the Assembly ?

The Honourable Mr. H. G. Haig : I have no information about that, Sir.

Mr. Gaya Prasad Singh : Is the Honourable Member prepared to take it from me that this incident was witnessed not only by myself but by my Honourable friends, Mr. Raju, Mr. S. P. Sahi, Mr. Reddi, and others ?

Mr. President : This is not a question. This is supplying information.

Mr. Gaya Prasad Singh : I am putting it in the form of a question, Sir.

Mr. President : It does not make a question.

Mr. Gaya Prasad Singh . Are Government aware that these incidents were witnessed by some Members of this House ?

The Honourable Mr. H. G. Haig : I am perfectly prepared to take it from the Honourable Member that he witnessed certain incidents.

Mr. Abdul Haye : Do Government really believe that the information supplied to them by the district officers is correct ?

Mr. K. C. Neogy : Gospel.

The Honourable Mr. H. G. Haig : Yes, Sir.

Mr. K. C. Neogy : I merely added that they consider it to be gospel.

Mr. Gaya Prasad Singh : May I know, Sir, under what law these volunteers were prevented from proceeding on the Mall ? I myself saw the incident.

Mr. President : This is not a question.

Mr. Gaya Prasad Singh : If you are going to be so strict in this manner, Sir, I do not want to proceed further.

Mr. President : Mr. Gaya Prasad Singh.

Mr. Gaya Prasad Singh : I asked my friend to tell me under what law these volunteers were prevented from proceeding on the Mall towards Chota Simla.

The Honourable Mr. H. G. Haig : The action taken by the police, I understand, was taken under the Police Act, which enjoins on the police the duty of keeping order on public roads and preventing obstruction to traffic.

Mr. Gaya Prasad Singh : Are Government aware that these volunteers were proceeding in a perfectly orderly manner and they were making no sort of demonstration or causing obstruction to traffic ?

The Honourable Mr. H. G. Haig : No, Sir ; I have no definite information about that. I understand that the Honourable Member is referring to some incident different to the one on which I am attempting to answer questions.

Is the Honourable Member referring to the same volunteers as are referred to in this question ?

Mr. Gaya Prasad Singh : I do not know whether they are the same, but that does not alter the nature of the question. I am asking about the policy of the Government.

Mr. President : The question is about particular volunteers, and Government cannot be expected to have information about all the volunteers that were on the Mall in Simla.

Mr. Gaya Prasad Singh : My question is whether the Government of India or the local authorities concerned have issued any instructions to the police with reference to the way in which traffic should be regulated and the way in which the volunteers should be dealt with on the Mall ?

The Honourable Mr. H. G. Haig : It is not a matter for the Government of India to regulate traffic in Simla.

Mr. A. H. Ghuznavi : Is the Honourable Member aware that there was a demonstration near the Assembly building the other day when the volunteers cried out, "*Assembly mén kon bolegâ ? Ullu bolegâ.*" ("Who will speak in the Assembly ? Fools will speak.") (Laughter.)

Mr. Gaya Prasad Singh : Is not that a correct description of many of the Members of this House ?

Mr. President : Order, order. The Honourable Member must withdraw his remarks.

Mr. A. H. Ghuznavi : I withdraw my remarks. (Laughter.)

Mr. President : (To Mr. Gaya Prasad Singh) The Honourable Member must withdraw his remarks.

(Cries of "Withdraw.")

Mr. Gaya Prasad Singh : All right, Sir. If you say that this description does not apply here, I am prepared to withdraw it.

Mr. President : That will not do. The Honourable Member must offer an unqualified withdrawal.

(Cries of "Withdraw.")

Mr. Gaya Prasad Singh : I will rather walk out of the House than make an unqualified withdrawal when I feel that the description is absolutely correct.

Mr. President : The Honourable Member is perfectly within his rights to take any action that he likes.

Mr. Gaya Prasad Singh : Thank you.

(The Honourable Member then walked out of the Chamber.)

Sir Cowasji Jehangir : Is it a fact that volunteers are not allowed to walk on the Mall ?

The Honourable Mr. H. G. Haig : No, Sir, as far as I know, provided they behave themselves in an ordinary and orderly manner.

ACTION AGAINST CONGRESS VOLUNTEERS WALKING ON THE MALL, SIMLA.

Raj Bahadur Lala Panna Lal : (a) Are Government aware that at about 6 o'clock in the evening on the 15th July, 1930, some volunteers again walked on the Mall, being accompanied by some Members of the Legislative Assembly ?

(b) Are Government aware that the volunteers shouted their slogans on the 15th and that they were not prevented from so doing, nor were they stopped or arrested by the police as on the previous day ?

(c) Will Government please state (i) under what legal action the peaceful volunteers were stopped from walking on the Mall on the 13th and the 14th ; and

(ii) under what legal authority the volunteers were allowed to walk on the Mall on the 15th, and even to shout their slogans ?

The Honourable Mr. H. G. Haig : (a) Yes.

(b) No action was taken because no crowd collected and there was no obstruction to traffic.

(c) I would refer the Honourable Member to the answers given to the two previous questions, and to part (b) of this question.

Mr. President : I understand that Mr. Deputy President wants to put a short notice question and that the Honourable Member in charge has agreed to answer it. Loss of Revenue caused by the Civil Disobedience Movement.

Sir Hari Singh Gour : (1) Will Government be pleased to state the deficit in the Central revenue, particularly Customs, during the last quarter (1st April to the end of June, 1930) as compared with the corresponding receipts in the corresponding part of last year and the estimate of receipts during the quarter in question, and

(2) How much of the deficit can be fairly ascribed to the civil disobedience movement ?

The Honourable Sir George Schuster : (1) The figures of the Central Government's revenues under the various heads for the first quarter of the year will, I am afraid, not be available until a few days after the close of the Session. I am, however, in a position to give figures relating to the gross Customs revenue. These were 12 crores and 24 lakhs for the first quarter of 1929 and 12 crores and 26 lakhs for the first quarter of 1930, so that there is an apparent improvement of just about 2 lakhs. These figures, however, do not correctly reflect the true position. According to our budget anticipations, the recent changes in taxation should have resulted in an addition of about 1 crore and six lakhs to our Customs revenue in the first quarter of the current year. As against this, the receipts of the first quarter of 1929 were swollen by about 50 lakhs on account of throw forward from the previous year. Balancing these two factors, it may be said that there has been a deterioration in the gross Customs revenue to the extent of about half a crore.

(2) As the Honourable Member is aware, the course of trade does not necessarily follow any fixed arithmetical rule month by month, and it is difficult to hazard any opinion as to how much of the loss can be ascribed to the civil disobedience movement, although it seems not improbable that the entire loss can be so ascribed. I would point out that it cannot be taken that, up to the end of June, the full effects of the movement on trade had yet been felt. I would further point out that the most serious reactions of this movement are really the destruction of confidence and the paralysation of internal trade ; and that according to my general information, the effects on Indian business are likely to be considerably more disastrous than those on Government revenues.

STATEMENTS LAID ON THE TABLE.

APPEARANCE OF COUNSEL IN THE COURT OF THE REVENUE COMMISSIONER,
NORTH WEST FRONTIER PROVINCE.

Sir Frank Noyce (Secretary, Department of Education, Health and Lands) : Sir, I lay on the table the information promised in reply to starred question No. 516, asked by the Honourable Maulvi Muhammad

Yakub on the 12th March, 1930, regarding the appearance of Counsel in the Court of the Revenue Commissioner, North West Frontier Province.

(a) Without a lengthy search through the records, it is impossible to say in how many instances parties have in the past been allowed to be represented by counsel in cases heard by the Revenue Commissioner on appeal or in revision. The answer to the last part of the question is in the negative.

(b) (i) Figures for the last three years are not readily available. But permission was last year accorded in 48 cases and refused in 18. Of the latter, four related to proceedings under the Land Alienation Act, section 20 of which expressly forbids the appearance of legal practitioners, two related to applications in which no appeal was found to lie, and three involved no point of law.

(ii) Permission was granted under section 18 of the Punjab Land Revenue Act.

(iii) There has been no such deviation of practice.

(c) In view of the answer to (b) (iii), this portion of the question does not arise.

CONVICTIONS UNDER THE SALT ACT.

The Honourable Mr. H. G. Haig (Home Member) : Sir, with reference to the information promised in my reply to starred question No. 12, asked by Mr. S. C. Mitra on the 14th instant, regarding convictions under the Salt Act, I lay a statement on the table:

The figures for the Province of Bengal are not yet available.

Statement showing the convictions under the Salt Act.

Province.	Total No. of convictions during last 6 months.	No. of convictions in which sentences of fine only imposed.	No. of convictions in which sentences of imprisonment up to 6 months passed.	No. of convictions in which sentences of imprisonment over 6 months passed.	Remarks.
Madras ..	*553	25	289	203	Balance 36 dealt with under section 562, Criminal Procedure Code, and on executing bond for good behaviour.
Bombay	417	55	267	95	
Bengal		(Figures not yet available).			
United Provinces ..	†437	1	374	62	
Punjab	2	..	2	..	
Burma¶	90	80	2	..	¶ No information is available regarding the balance of 8 cases.
Bihar and Orissa ..	‡379	16	300	63§	
Central Provinces ..	..	..	..	..
Assam .. ..	..	..	..	..
Delhi	16	..	16	..	
N. W. F. P. .. ..	..	..	..	..
Coorg .. ..	..	..	..	..

* 103 out of this were convictions under the Salt Act coupled with penal code.

† Includes convictions under 117 L. P. C. also.

‡ Excluding 14 granted pardon after conviction and including 14 under section 117.

§ Including 14 convicted under section 117 L. P. C.

RESOLUTION *RE* RAILWAY ACCIDENTS.

Mr. President : The House will now resume discussion on the Resolution moved by Mr. Ghuznavi last evening

Mr. A. H. Ghuznavi (Dacca Division : Muhammadan Rural) : The Resolution that I moved last evening recommends to the Governor General in Council, (1) to institute a Coroner's enquiry, (2) to deliver the bodies of the deceased to the relatives concerned, and (3) to institute a judicial enquiry by a Committee to be composed of officials and non-officials.

Sir, I cannot conceive of any reason why, in cases of railway accidents entailing loss of lives, there should not be a Coroner's enquiry, and why the dead bodies should not be delivered to the relatives of the deceased and a judicial enquiry held, when this procedure has been adopted so far as Calcutta and Bombay are concerned. In these cities, as soon as an accident of this nature takes place, a Coroner's enquiry is held, and the body, after being viewed by the Coroner, is delivered to the relatives, and a judicial enquiry is held.

Sir, railway accidents entailing loss of human lives are now becoming almost a monthly occurrence. With all the precautions, with all the interlocking system, with all the modern discoveries to prevent them, hardly a month passes when we do not hear of some railway accident with an appalling death roll. Then, Sir, the canard that follows in the Press, the harrowing tales of the sufferings of the victims, the diverse versions of the casualties are all apt to make an impression on the public mind, which the communiqué of the railway authorities can hardly remove. It is only natural that the railways, being an interested party, inasmuch as they may be liable for damages for the dead and the wounded, should keep the number down, and, therefore, their version of the casualties is hardly believed by the public at large. Speaking from my personal experience, I can say that the version of the passengers travelling by these ill-fated trains is often at variance with that of the railway concerned. I refer to the collision of the Dacca mail train with the goods train that took place in the year 1924. Sir, my brother was a passenger by the Darjeeling Mail and when that train did not arrive and the news of a collision without any particulars as to the scene of occurrence leaked out, I naturally became very anxious. Several of my friends were also travelling from Dacca by that train. On arrival of the various relief trains we came to know all about the accident. It was discovered that the telegrams my brother and others had sent from a few stations on the line were withheld. It may be that the railway authorities withheld these communications lest they should create an alarm in the public mind. That, Sir, is no ground for withholding telegrams coming from passengers to their relatives informing them of their safety. The telegrams of such accidents are very important to the relatives, and it was surprising that not a single telegram was received by the relatives till the railway version was published in the newspapers. Sir, I spent that whole day at the station waiting to meet the passengers that the relief trains were carrying, and it was from them, Sir, that I had a lurid picture of the harrowing scenes and of the callous manner in which the victims were treated. I can quite realise that in the perturbed state of their mind, the eye witnesses and the victims might have magnified the events, but it is equally true that the railway concerned, in their anxiety to safeguard their interest, painted it with their own brush and colour as far as compatible with the circumstances.

Sir, the Belur train smash of 1928 is another instance in point—far graver and of far more disastrous consequences. The accounts published

[Mr. A. H. Ghuznavi.]

in the now defunct *Forward* and the sensation caused at the time must be fresh in the memory of many of us in Bengal. Sir, with your permission I will read a few passages from what *Forward* had published.

"*Forward* publishes several letters which reveal a ghastly state of things in connection with the Belur train smash from some passengers of the ill fated train including a pleader of Burdwan.

'A horrified spectator' writes to say 'that the train was going above 40 miles an hour..... In the dark night some people were running hither and thither, the dead were being thrown into a covered wagon one after another as quickly as possible. I could plainly hear weeping and cries of pain and agony. Accompanied with them, I could hear heavy thuds and blows being delivered and cries gradually diminishing'."

An Honourable Member : Was not that found to be incorrect after judicial inquiry ?

Mr. A. H. Ghuznavi : I am coming to that. That is why I want a judicial inquiry.

The Honourable Sir George Rainy (Member for Commerce and Railways) : I did not catch the name of the place where the accident took place.

Mr. A. H. Ghuznavi : Belur. Then he says :

"I could hear the voice of an European '*Jaldi karo, maro osko*'. Somebody on my left at a distance of 15 feet cried '*hai jal, hai jal, marta Babu*'. A man came there and dealt heavy blows and the dying man spoke no more. I crawled into the tall grass and watched the tragic drama."

The reason why I am reading this is that, if there is a judicial inquiry, all these stories would not be told. There will be no opportunity to make these allegations in the Press. I will read only one more passage and then close. He says :

"I am ready to prove to the public that more than 300 are dead and 30 per cent. could have been saved if the relief train had not arrived and killed the dying."

Then, Sir, he says :

"Immediately after the occurrence, we managed to escape to the field 20 cubits off the line. Then there commenced merciless belabouring by railway men and we fled to the level crossing a few cubits behind the place of occurrence where actually at 3 o'clock in the morning coolies proclaimed to our hearing with shovels in their hands, 'Let us finish with those still alive'."

Sir, only in January there was another accident on the Moradabad section of the East Indian Railway entailing loss of lives. It is within my knowledge that in this connection various reports had been sent to be published to the Indian news agency, but they rightly or wrongly suppressed them and did not publish them. Various complaints had been made in that connection, but no inquiry was made. This was again followed by another accident on the Bengal-Nagpur Railway which also resulted in loss of lives. No less than six railway accidents have occurred in quick succession since January, 1930, entailing loss of lives. Only the other day, on the 10th of January, there was another accident in Madras in which, as a result, four passengers were injured seriously. It will thus be seen that railway disasters are not a rare thing to be passed over as quite beyond human control, but, as I say, effective steps

to reduce accidents, as far as possible, and particularly to remove the suspicion that has struck root in the public mind that the railway authorities only whitewash the events, should be taken. Therefore, Sir, I think I have been able to bring home to this House the case for adopting the first portion of my Resolution, which recommends a Coroner's inquiry. It may be urged that Coroners are found only in Presidency towns like Calcutta and Bombay, and that they cannot always be available at or near the scene of railway accidents, but, Sir, the mischief done by exaggerated accounts of railway accidents is so great that means should be found to provide for a Coroner's inquiry in every district and every sub-division where there is a railway. The sinister effect on the public mind caused by the fulminations of the *Forward* with regard to the Belur accident was not easily removed, even after the High Court had held the letters of "A Horrified Spectator" to be false and fictitious. The institution, Sir, of a Coroner's inquiry will reassure the public mind and will allay public anxiety and public suspicion, which are generally aroused in every case of a railway accident, and will lessen the chance of railway authorities being charged with holding a perfunctory inquiry. So far, Sir, as I am aware, in almost every country a Coroner's inquiry is held in cases of railway accidents. In almost every country other than India, when a railway accident takes place entailing loss of lives, a Coroner's inquiry is held. The considerations therefore stated by me ought to outweigh all other considerations, and honorary and stipendiary Magistrates in every provincial town and sub-division should be empowered to discharge the duties and functions of Coroners. That will remove, Sir, the difficulties that the railway authorities find in their way to have a Coroner's inquiry if an accident takes place not near to any of the cities of Bombay or Calcutta.

Now, as to the second portion of my Resolution, I am sure no argument is necessary in support of my recommendation for the delivery of the bodies of the victims to their relatives, or, in the cases where they are unclaimed, for the delivery of the bodies to social service organisations. Even apart from the fact that it is calculated to remove suspicion from the public mind as to the number of deaths, which the railway authorities are generally accused of suppressing, it will give the relatives of the victims concerned an opportunity of giving them a proper funeral and of assuaging their feelings. Dictates of humanity have recommended this course to the jail authorities. The jail authorities, even in the case of criminals dying in the jails, deliver the dead bodies to the relatives concerned, and therefore, Sir, there is no reason why the unfortunate relatives of the victims of railway accidents should be deprived of the consolation of performing their last funeral rites.

Then, Sir, I have recommended a judicial inquiry by a committee to be composed of officials and non-officials. The House is aware that the public are not satisfied with the present practice of the railway officials holding an inquiry assisted by the Government Inspector only. It may be argued why should I ask for two inquiries of the same nature, as the Coroner's inquiry is a kind of judicial inquiry. I can see from the Coroner's Act that it is a judicial inquiry. But my reply to that is that the second judicial inquiry is necessary in order to bring conviction to the public mind that there can be no room for doubt that a fair and exhaustive inquiry had been made, and this inquiry is meant to

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replace the one I have just mentioned. Then, Sir, holding the judicial inquiry, the Magistrate should empanel a jury consisting of a certain number of railway men and other officials and also a few non-officials commanding the respect and confidence of the public. Such an inquiry has a very great value of its own, Sir, and cannot fail to impress the public as being fair and impartial. If there is any apprehension of the railway employees concerned in the accident being prejudiced in the event of their being sent up for trial, the inquiry may be held *in camera* and its proceedings need not be published.

Sir, with these words I commend my Resolution to the acceptance of the House.

Dr. Nand Lal (West Punjab : Non-Muhammadan) : Sir, I agree with my learned friend, the author of this Resolution, that a number of railway accidents, which have occurred, have given birth to a great deal of sensation in some quarters. My learned friend's criticism in regard to certain irregularities appears to be correct. But I must say that he has allowed himself to magnify his case to a certain extent. The Coroner's inquiry, as he himself has conceded, and has rightly conceded, is considered to be a judicial inquiry. But the difficulty in his way is this, as he himself has admitted it, that we find these officials only in the Presidency towns and not everywhere else. But these accidents cannot be controlled by human agency so that they may occur only in places which are within the jurisdiction of the Presidency towns. It is impossible for any human being to do that. Now, considering the weakness of his case, he suggests that the Coroners may be appointed in every district and in every important town. I hope I have correctly understood him in this.

Mr. A. H. Ghuznavi : I have suggested that stipendiary and honorary Magistrates may be permitted to hold such inquiries, not that the Coroners be appointed.

Dr. Nand Lal : The suggestion is, if I have rightly followed the Honourable Member, that Coroners may be appointed and the system which he has suggested in regard to their appointment is this, that the Honorary Magistrates who are working now as such, may be empowered to act as Coroners. This is his case. I must submit, there are a number of flaws in it. Supposing the accident takes place at a place which is far away from the district headquarters or from a big town and weather may be very hot, then there is a likelihood of the dead body getting rotten and some sort of obnoxious smell may begin to emanate from it by the time the Coroner may reach there.

Mr. A. H. Ghuznavi : Is my Honourable friend aware that, even in Calcutta, sometimes it so happens that the Coroner does not see the dead body before 24 hours have elapsed ?

Dr. Nand Lal : My learned friend is entitled to put questions and cross-questions and interjections, but this is not the method of debate ; this is not the method of argument. In fact, this shows the weakness of my learned friend's case. (Laughter.) If you have got some strength in your case, then have patience and hear me and try to challenge my

arguments. That is the proper method. Impatience sometimes betrays weakness.

My learned friend has very ably enlightened me that my argument is not sound on the ground of distance and that ground appears to him to be a fallacious one. When Inspectors or Sub-Inspectors or other police officers are requisitioned to be on the spot and hold an investigation or an inquiry, certainly they will be coming from some distant place. My learned friend's argument centres round this point. To meet this question, which unfortunately he has put to me in the shape of an interruption, I may tell him that if he is aware of the police administration and if he knows something about the executive management, then he will find that his question has no force. There are *thanas* in every Tahsil and in every small place. Those *thanas* are in charge of Sub-Inspectors. There are Circle Inspectors, who are also easily available, without any loss of time.

Mr. A. H. Ghumanavi : My Honourable friend must be aware that there are Honorary Magistrates practically in every village in India.

Dr. Nand Lal : I am sorry my learned friend's experience is quite different from that of mine.

Dr. A. Suhrawardy (Burdwan and Presidency Divisions : Muhammadan Rural) : His experience is confined to Bengal and yours is limited to the North West Frontier Province.

Dr. Nand Lal : I am not ignorant of the police arrangements in Bengal and of other places, because those arrangements are not in the air and they are not only in the head of my learned friend, but they are reduced to writing and there is a literature about them, and I can venture to say that I am aware of them. It is wrong, I may say, that Honorary Magistrates are to be found in every village. I think this is an untenable position which my learned friend has adopted. If he will go into the statistics, he will find that at some important places there are Honorary Magistrates. Apart from that question, the Honorary Magistrates have been located at places which are at a very great distance from the district headquarters or even sub-divisional headquarters. Now, I hope my learned friend will acknowledge that I know something about Bengal.

Now, Sir, coming to my point, that if the former part of the Resolution is accepted by this House, it will give rise to a number of difficulties and complications and the noble object, which is occupying the mind of my learned friend, will be frustrated. His object appears to be undoubtedly a noble one, but he has not given his attention to the surrounding circumstances which will really defeat his honest object. Consequently, so far as the former part of this Resolution is concerned, I am not in agreement with him, because it will give rise to considerable difficulties. Instead of achieving the object which he has at heart, my learned friend will be making the case worse for the poor injured man and the poor relations of those who are so injured, such as, his brothers, sisters or other remote relations.

So far as the second part of his Resolution is concerned, I have great sympathy with it. I fully endorse the learned arguments of my brother, but I am sorry to say that he had no time to draft this Resolution

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properly. When I read his Resolution, I was very much surprised that so learned a gentleman, as he is, had allowed himself not to take precautions which are absolutely essential in a case like this. The second part says : "to deliver the bodies of the deceased to the relatives concerned as far as practicable." No time is mentioned. If the dead body is delivered after three months, will my learned friend feel satisfied ? (Laughter.) Then, again, he says, "as far as practicable".

Mr. Muhammad Yamin Khan (United Provinces : Nominated Non-Official) : Urgency has got no relevancy.

Dr. Nand Lal : I am reading my learned friend's Resolution. I am not imagining any thing. Had he given some time, his Resolution would have been of greater utility to the public. The public would have thanked him and so would have I. Even if this Resolution is passed, I do not think it will give to my learned friend's constituents that satisfaction for which he has taken up the cudgels. But instead of doing great good to them, practically he is opening a door to some officials, against whom he was crying, so that they can do whatever they like, so far as the question of time is concerned.

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Mr. A. H. Ghuznavi : My constituency in this matter is the whole of India and Burma.

Dr. Nand Lal : The Resolution, as it stands at present, is not of great use to the public, inclusive of the relations of the injured, wounded or dead persons. So far as the last part of the Resolution is concerned, it similarly savours of a number of difficulties and weaknesses. My Honourable friend suggests that there should be a judicial inquiry composed of officials and non-officials. He is not in favour of having railway officials on the inquiry. The railway officials are very necessary, because so far as the technique is concerned and so far as the circumstances relating to the working of the railway are concerned, the railway officials are the best judges. But my Honourable friend has got a serious complaint against them.

Mr. A. H. Ghuznavi : I want the railway officials also ; railway officials, other officials and non-officials.

Dr. Nand Lal : My Honourable friend has got ample opportunities to improve his statement and to improve his arguments. But my Honourable friend has not got the power to resist the temptation of interrupting me. I have great respect for his learning, but I am sorry to say that he is not doing the right thing, so far as his inability to resist the temptation of obstructing others is concerned.

Now, Sir, there is also a flaw in it, so far as the latter part of the Resolution is concerned. There is a flaw of serious character. So far as the railway officials are concerned, my Honourable friend has now enlightened us that he has no objection, that he has no complaint against them. There may be some railway officials, who according to his view are directly responsible, so far as the question of injuries, so far as the question of accidents is concerned. But he says some other persons, non-officials who have got no knowledge of technical matters ; who do not know what is called a level crossing ; who do not know what are the

rules and regulations ; who have got no experience whatsoever of the working of the Railway Department, such men may be asked to put their heads together with these clever railway experts and come to a decision. Now, Sir, I appeal to you to realise what will be the consequences. These non-officials, who are utterly, or to some extent, ignorant of all the rules and regulations and the working of the railways, will act as puppets, as dummies and as subservient to the opinion of the railway experts, who are equipped with experience and knowledge. Those non-officials, I submit—this is my belief—will be subservient and they will say, “ Yes ” in a very slavish manner to everything the railway officials say, not having the courage to contradict them, not having the courage to discuss with them, not having the courage to tell them, “ Here you are wrong, here you are not right, here your station master erred or your pointsman erred ”. Simply they will sit there as figure-heads, calling themselves non-officials. This sort of constitution of a judicial tribunal, I am afraid, will not be of any avail to the public. Why do I argue like that ? I have got some reasons, but they may not be palatable to my Honourable friend, because they are against him. But I am sure Honourable Members of this House will appreciate them. It is only the railway officials that can understand the responsibility. The railway officials do realise that they shall have to stand before the bar of the public for any accidents that may happen.....

Mr. President : I am afraid the Honourable Member has exhausted his time.

Dr. Nand Lal : Thank you, Sir, I shall finish soon. Therefore my submission is that, though I have got great sympathy with a certain part of the arguments that railway accidents are deplorable and are terrible, and in some cases the railways do not give over charge of the dead bodies at once, and a number of other difficulties crop up, and that the Railway Department are in some cases open to criticism, I have got sympathy with my Honourable friend's Resolution only to that extent, namely, that there must be some arrangement, but the remedy which he suggests, I am afraid, will not cure the disease ; it will rather increase the complaints against the railways. Therefore, I do not find my way to support this Resolution as it is worded, though I am in sympathy with the spirit of it, so far as the public are concerned.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I rise to support the Resolution, but I support it, as my Honourable friend Dr. Nand Lal said, in substance, though not in words.

Dr. Nand Lal : Thank you.

Dr. Ziauddin Ahmad : If we accept the substance of the Resolution, then my distinguished and learned friend, Dr. Nand Lal, can suggest the necessary changes in the voluminous book which my Honourable friend Dr. Nand Lal has before him. We are not just now concerned with the technique of law and I hope Dr. Nand Lal will come forward to help us if we accept the principle underlying the Resolution. Here we have got hard facts and we ought to try to remedy the defects that may be found therein. I can tell you one more definite instance of an accident, that is the one which happened near Bareilly about six months ago. It was a very bad accident. All kinds of rumours were afloat and

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some responsible persons came and told me that the Civil Surgeon of Bareilly went about and collected the tickets, so that persons might not be identified and no proof could be given of travelling by the same train. The same responsible person continued to tell me that a large number of dead bodies were put in a train and those who were dying were killed actually and they were thrown into the river Ramganga, which was quite close. These were the rumours afloat and believed even by responsible persons. It is also a common belief among the people that enquiries made by the railway officials are partial ones. Now, with this state of affairs, is it not desirable that, in order to allay the suspicion of the public to pacify common opinion there should be some judicial enquiry? The only way in which it can be done is that we should have a judicial enquiry along with departmental enquiry that immediately follows the accident. I do not want to enter into the technicalities of law. I frankly admit that, not being a lawyer, I cannot understand the difference between a Coroner's enquiry and a Magisterial enquiry. I quite admit that we have not got Coroners in every town. We have got Magistrates at every place and a Magisterial enquiry will be quite as good as an enquiry by a Coroner. One thing was pointed out, that is, at some places there are no Coroners.

Mr. A. H. Ghuznavi : Appoint the Magistrates as Coroners.

Dr. Ziauddin Ahmad : That is a matter of law. I think it can be done if we admit the principle, that a Magisterial enquiry should be held. If we accept the principle, then the other technicalities can be looked into and all the legal points can be overcome. It was pointed out that it might take a long time to reach the exact place where the incident occurred. We know that from the headquarters, nearly all the railway stations of the district are not very far, and I think, within two or three hours, one could reach every place situated on the railway line from the headquarters. So, it is not very difficult from the headquarters for the District Magistrate to send a properly qualified Magistrate to make immediate local enquiries on the spot. This may be followed by judicial enquiry. To my mind, Sir, these practical difficulties can be overcome. The legal difficulties also can be overcome. The intention of the Resolution is that along with a departmental enquiry, there should be instituted in each case a Magisterial and a judicial enquiry whenever an accident occurs. I therefore submit that we ought to accept the Resolution.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I have a good deal of sympathy with the object with which my Honourable friend, Mr. Ghuznavi, has brought forward this Resolution. I listened to him very carefully and I found that, like a doctor, he diagnosed the case very nicely, but his suggestion of the antidote is rather the wrong way. The correct thing which my Honourable friend should have done was to ask the Honourable the Railway Member to amend the Railway Act. Today the railways happen to be State concerns. The Railway Act was passed in 1880, and since then, except for one or two amendments, no proper amendment has been made in the Act, in spite of pressure from the non-official side. And as far as I understand the situation, various responsible special officers of the Railway Board are sitting over it and revising it still, and it may be that this House will have to wait till Doomsday

before that Act is revised. I do not know if my Honourable friend the Railway Member, in his pressure of work, read the last Sunday's edition of the *Statesman* of Calcutta. From the main leader there, I gather that the Railway Board circularised the different Chambers of Commerce to know certain views about the railway administration, and I was surprised to find that, on this occasion the *Statesman* acted as a real "Friend of India". I was very pleased at the comments which the *Statesman* made in reviewing the statement sent to Government by the South Indian Chamber of Commerce. I have not seen the original text of the statement of the South Indian Chamber of Commerce, but the *Statesman* opined that the Railway Board was getting very antiquated and should be abolished, and that a Rates Tribunal should come into existence to control all the functions of the Railway Board, and even of the Railway Member, and it did suggest that the Railway Act should be revised at once to bring the Railways to their proper function. The proper function of the Railways is that they are public carriers. Today unfortunately, the railways being State concerns and guarded by State police, the police and the railways at times adopt the sacrosanct attitude which the Civil Services in the districts adopt. If the Provincial Governments and the Central Government try to function properly in maintaining public justice, and do not lend their police services to the railways, then the incidents that were referred to by my Honourable friend, Mr. Ghuznavi, would not recur. I myself remember the incident that happened at Bhadrak in Orissa—the Bengal-Nagpur Railway accident in 1927. My Honourable friend Sir George Rainy was not at that time a Member of this House, but the Honourable Sir Charles Innes was then the Railway Member. Although, in reply to a short notice question, Sir Charles Innes gave out that only 14 persons had died, the popular belief was that nearly 200 persons were killed in that railway smash at Bhadrak. My Honourable friend Dr. Ziauddin Ahmad has voiced also the same feeling. There is a popular apprehension and I am sorry to say that I share in it—my Honourable friend Sir George Rainy may say that it is a misapprehension on the part of many of the public—the masses of the public believe that whenever there is a railway accident, the railway officials, with the help of the local Magistrates and the local police, form a cordon round the scene of the accident and they remove the dead or half-dead bodies, take them to their railway workshops and burn them in the furnaces, to save themselves from trial and discredit. How far it is true I cannot say, and unless a non-official Member from this side becomes the Railway Member and knows the truth, I will not, in spite of the assertion of the Honourable Sir George Rainy and the Honourable Mr. Parsons, believe that this sort of thing does not occur.

These things do not happen in India only. They happen also in England and on the Continent and also in America. But in England public opinion exercises much more control on the Government, and the police there are friends of the people and not machines to maintain law and order. So while I have full sympathy with the object of my Honourable friend, Mr. Ghuznavi, I think his suggestions will not result in any good either to those who will be dying or who are dead, or even to the general public. The best thing is that the railways should be declared to be public carriers. At present they are State concerns and controlled by the State police, who try to work in the interest of the railways

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and save the honour of the Agent and higher officials of the railways, rather than save the interest and dignity of the public. I do suggest that, if Government are thinking of accepting Mr. Ghuznavi's recommendations, the proper attitude they should take up is something on the lines I have indicated.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, we are all thankful to the Honourable the Mover of this Resolution for bringing in a much needed Resolution. We know that the Honourable Member knows as much as some of us of what happened during the last accident on the East Indian Railway. I would like to refer to one aspect of the question, which brought about the extinction of one of the nationalist newspapers of the day. Indeed that paper had been a thorn in the side of Government. Sir, there was a damage suit with respect to that paper, and the result was that the paper was killed.

Dr. A. Suhrawardy : Was it ?

Mr. Amar Nath Dutt : Yes.

Dr. A. Suhrawardy : It was reborn as the *Liberty*.

Mr. Amar Nath Dutt : You may say that it was reborn as the *Liberty* only if you believe in the transmigration of souls. Be that as it may, we read in that paper several accounts of the accident which came to our knowledge within a day of the occurrence. I happen to live within a few miles of the place of the occurrence. Several fellow-members of the Bar were passengers in that train, and I have heard how they escaped. They gave out their story, and at one time some of them were also threatened with prosecution ; and I know that at least one of them, who happened to be related to a Government servant, had to retract what he said to a pressman. All these things do not speak well of the Government. They ought to invite all descriptions and accounts which may be available. Some of them may be incorrect or exaggerated and some of them may even be false. But you must face all these facts and make an inquiry and then if you think certain statements have been maliciously or falsely made, then of course you can have recourse to law ; but do not terrorise those who honestly state what they have seen. Certainly no good will come out of it and it will not redound to your credit.

Sir, the Resolution is a very modest one, and I think it ought to have, and I hope it will have, the approval of the Honourable the Railway Member, for it does not ask anything more than that there should be a Coroner's inquiry. It further asks that the dead bodies of persons should be handed over to their relatives. You do not require the dead bodies of those men, unless you want to secrete, or unless you want to withhold from the public, the number of the dead—you do not want those dead bodies.....

Mr. Arthur Moore (Bengal : European) : On a point of personal explanation. May I ask the Honourable Member whether it is suggested that the stories published in the newspapers, suggesting that after the Belur accident the survivors were killed by the European members of the railway staff have any truth in them ?

Mr. Amar Nath Dutt : I am not aware of the allegation which is referred to by my Honourable friend, Mr. Arthur Moore. I only referred to such allegations as I had heard from some friends of my Bar and they

told me about some facts which appeared in the newspaper, *Forward*, because I had no occasion to inquire and I am not in a position to offer an opinion on the matters about which my friend asks. He may know better than ourselves ; and I hope and trust they did not act like that. I think that will satisfy my friend.

Mr. Arthur Moore : No, Sir ; it does not satisfy me.

Mr. Amar Nath Dutt : Now, Sir, you have heard from more than one Honourable Member that, while rumours are generally afloat after these accidents that dead bodies are carried away, as it was done nearly half a century ago in that well known Poradah accident. In the case of the recent accident, we had several wild rumours—I cannot vouch for the correctness or falsehood of those rumours, but I had it from a relation of a very high official in the land that he himself saw several dead bodies. I do not know whether he was giving me correct version. Be that as it may, if these dead bodies are given over to the relations and if a Coroner's inquiry is held, there will hardly be any room left for such wild rumours being circulated by mischievous people. It will be a distinct gain to the Government and to the railway administration. They ought to consider that ; otherwise credulous people are generally apt to believe the stories which are circulated. We know that human nature is everywhere the same ; we know that the mischievous stories spun out from here are believed by the die-hards in England. Sir, in the interests of the railway administration, we ought to try to find out how this state of affairs can be put a stop to, and my friend by his Resolution has asked the Government to devise means for that purpose.

Lastly, he asks for a judicial inquiry by a committee composed of non-officials and officials. In this matter, my Honourable friend, Dr. Ziauddin, was pleased to say that he was not a lawyer but still he asked for a Magisterial inquiry. Those of us who have some experience of the Magistrates appointed and serving—with due deference to those who are present here if they will allow me to say it—know that it is the public opinion that they are men with an executive frame of mind rather than a judicial frame of mind, and therefore a Magisterial inquiry will certainly serve no purpose. I know of another accident which occurred some years ago where a certain District Magistrate tried to minimise the loss as much as possible with the help of railway officials. That is the mentality of the executive officers everywhere, and human nature is not otherwise in India. More than that, Sir, my friend, if I heard him aright, was pleased to observe that the Magistrate, who often happens to be a member of the Indian Civil Service—though I am not much in love with that steel frame—will nominate some other subordinate Magistrate. We know, Sir, to what class the subordinate Magistrates belong. And here again I beg to apologise to all those members of the provincial services who may be present here ; I do not mean anything against them personally, but it is the impression that they are subservient to the District Magistrate and the Government, and always try to do things which would be pleasing to their superiors. This is the opinion not only of members of the Bar who practise before them, but also of the general public. That is the way in which His Excellency Lord Irwin is being misled by his own subordinate officials ; that is the way in which the advisers of His Excellency the Viceroy are being misled by their subordinates, and those subordinates also in their turn are misled by over-zealous subordinate officers under them. In those circumstances, I think the best

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course would be not to have a Magisterial inquiry, which will be worthless ; but if you really want to have an inquiry, you must have an inquiry by people who have a judicial frame of mind and who are accustomed to sift evidence—I mean members of the Bar and members of the judicial service. I hope the Honourable the Railway Member will have no objection to accepting this Resolution, and I shall be sorry if, in his present place, he cannot shake the dust of that official life, which he had a quarter of a century ago, from his feet, but I think he has risen very high now and can wipe off that dust, and I hope he will view this question with the same judicial spirit and calm judgment with which his utterances in this House are generally associated. With these words, I beg to give my whole-hearted support to the Resolution of Mr. Ghuznavi.

The Honourable Sir George Rainy : Sir, I did not intervene earlier in this debate, because I was anxious to ascertain, as far as I could, from the tenour of the speeches made what the general opinion in the House might be. I may say at once that it is not possible for Government to accept the Resolution in the exact terms in which it has been drafted, but at the same time I have a good deal of sympathy with the underlying ideas, which I believe are in the mind of the Honourable the Mover and also in the minds of other Members of the House.

Let me, in the first instance, in order to clear the ground, explain in a few words why Government could not accept the recommendation that, in every case of an accident on a railway entailing the loss of human life, they should institute a Coroner's inquiry. The difficulty of course is obvious. You cannot have a Coroner's inquiry unless there are Coroners, nor can you get round the difficulty merely by providing that Honorary or stipendiary Magistrates should discharge the duties of Coroners, because the procedure in a Coroner's Court, as I understand it, is by no means identical with the procedure in a Magisterial inquiry. I do not think any Member of this House would seriously advocate that, purely for the purpose of inquiring into railway accidents, a system of Coroners should be established all over India. Clearly, the arrangements made for judicial inquiries into railway accidents must be harmonised with the judicial system of the country, whatever that may be. In the second place, I must refer to the third of the recommendations which the Resolution contains. The proposal there is to institute a judicial inquiry by a Committee composed of officials and non-officials. In the first place, I do not recollect any provision of law by which Committees are empowered to make judicial inquiries, although I daresay it might be possible to legislate to that effect. But railway accidents, as has been pointed out, occur all over the country and in the most remote and unfrequented spots, and it might be very difficult to constitute a Committee on an occasion of that kind. In the second place, is it intended that the Government should take compulsory powers to compel non-officials to serve on these Committees ? Supposing that no one came forward to serve on these Committees, how is the law to be complied with unless you have the same power of requiring, non-officials to serve, as the law already gives power to compel, members of the public to serve as jurors or as assessors ? That, I think, is a very real difficulty. But there is another difficulty which goes even nearer to the heart of the matter. Under the rules as they stand at present, every railway accident is inquired into from two sides. In the first place, the Railway Administration naturally wishes

to ascertain what has been the cause of the accident so that it may be in a position to prevent similar accidents in future. If the accident is a serious one, and in every case in which there has been a loss of life owing to an accident to a passenger train, the inquiry is held not by an officer of the Administration but by the Government Inspector. Now in these inquiries the question of personal responsibility of members of the railway staff naturally has to be looked into ; but the main and primary object of these inquiries is to ascertain whether there is any defect in the railway rules or in the railway arrangements generally which requires to be corrected in order to prevent similar occurrences in future. On the other side, in every case there is always a police investigation, and under rule 20 of the Accident Rules, the District Magistrate can in any case either make an inquiry himself, or depute another Magistrate to make an inquiry. That Magistrate's inquiry would, I take it, usually be directed to the point whether there were sufficient reasons for taking action under the criminal law against any one who might be responsible for the accident. The point I want to make is this. Whatever arrangements might be made for a judicial inquiry, or for an inquiry with which non-officials were associated, it is absolutely necessary that the Government of India, in the Railway Department, should receive from a railway expert a definite opinion as to the cause of the accident, and as to any measures that ought to be taken to prevent similar accidents. Whatever other inquiry there may be, we must at least have an inquiry by a railway expert, because in a number of cases it is only a person who has got a very intimate and close knowledge of railway conditions and of railway working who can give an opinion that is worth having. That is no reason why there should not be another inquiry, judicial and public, but I do not think that any advantage whatever can be gained from attempting to confuse the expert inquiry of the Government Inspector, which is largely made from a very technical point of view, with an inquiry of a much broader scope which might be held by a judicial authority with or without the assistance of non-officials.

So far, I have explained, Mr. President, why Government are not in a position to accept the Resolution in the terms in which it is drafted, but personally I am in sympathy with the demand made that, when in serious cases there has been considerable loss of life, there should be an inquiry in which members of the public might participate. The main reason why I have that feeling is that given by the Honourable the Mover that, if inquiries of that kind were held, it might do a good deal to prevent the dissemination of these wild and incredible rumours that frequently are repeated and believed in many parts of the country. I have no doubt that it was for that reason that my Honourable friend, the Mover, referred to the stories that appeared in the newspapers at the time of the Belur accident, and if they are used for that purpose, I have not the smallest objection. I think, however, it is a pity that my friend Mr. Amar Nath Dutt, once or twice rather suggested that the stories, which were widely believed, might be sometimes true. I do not think that there is any advantage in repeating on hearsay stories which the Honourable Member has not himself investigated, because when charges of that kind are brought in the House, it is always on the understanding—and it is indeed, I think explicitly laid down in our Rules and Standing Orders—that the Honourable Member makes himself responsible for what is alleged.

Now, Sir, this question whether non-officials might not be associated with Magisterial inquiries into railway accidents was considered in 1926,

[Sir George Rainy.]

as a result of a debate in this House, and of a suggestion made by Diwan Bahadur Rangachariar in the course of the debate. It was referred to the Central Advisory Council for Railways, and that body, by a majority of, I think, 9 to 3 decided that it was not desirable or necessary to proceed with the matter further at that time. But in view of what a number of speakers have said in the House to-day, I have no objection to re-opening the question and seeing what can be done about it. My Honourable friend, Mr. B. Das, said that the remedy required was an amendment of the Railway Act. I do not think that the Railway Act could provide for the appointment of Coroners. Such a provision would more appropriately find a place in some judicial statute, and not in an Act which is confined to railway matters. The point really is this. From the strictly railway point of view, what is necessary is that we should have our own expert railway inquiry ; but if anything more than that is required, if it is desirable that there should be an inquiry by an outside judicial authority, the railways would raise not the smallest objection. But it is not really for the Railway Department to decide that question ; it falls very largely into the sphere of the Local Governments, because, after all, it is their officers who will have to make the enquiries. Therefore, we cannot proceed until we have ascertained from the Local Governments whether, on their part, they think that it would be a good thing that the rules should be tightened up about judicial enquiries into railway accidents and about the association of non-officials with these enquiries. The question would arise, supposing it were considered a good thing, whether the non-officials should sit as assessors with the Magistrate at an enquiry into a railway accident. It is possible that this might be arranged without legislation by utilising the services of Honorary Magistrates as assessors, but it is quite possible that legislation may be required. This is not certain and we must therefore ask Local Governments to tell us whether we ought to have compulsory powers to compel assessors to appear and sit, and what exactly their functions should be. So far as I know, there is no provision in the law for the association of assessors with Magistrates at purely preliminary judicial enquiries. We should have to find out also whether the Local Governments think that as at present a discretion should be left to the District Magistrate, in a case where a railway accident is attended with loss of life, to decide whether there was to be an enquiry or not, or whether it should be made obligatory on him to order an enquiry in every case. Obviously, Local Governments would have to take into account the possibility in particular areas of finding a Magistrate to make the enquiry at once, because usually, unless the enquiry is made pretty soon after the accident, it loses very much of its value. What the Government of India are prepared to do is to refer two questions to the Local Governments, namely, (1) whether they think that there ought to be a judicial enquiry by a Magistrate in every case in which a railway accident is attended with loss of life, and (2) whether it is practicable and desirable to associate with the Magistrate un-officials as assessors. The value of that to the Railway Administrations and to the Railway Department would be this, that it would do a good deal, if it is practical, to prevent the dissemination of quite untrue and most dangerous stories about railway accidents. We cannot proceed without the advice of Local Governments on these questions ; but it ought not to take very long to get it, and when we have got it, I shall place the matter before the

Central Advisory Council for Railways in order to hear what they think about it.

Now, Sir, I have still to deal with clause (2) of the Resolution about the disposal of the dead bodies of persons killed in railway accidents. I might explain here that the railway officers themselves have no control over the disposal of these dead bodies. I understand that that is a matter which is looked after by the railway police, who act in accordance with the Police Rules made by Provincial Governments. I understand that, in every case, where it is possible, the bodies are, in fact, made over to the relatives. From the purely railway point of view, I see no objection at all, if the relatives cannot be found, to making the bodies over to charitable societies who are willing to undertake the task. Indeed, in an accident which occurred not very long ago at Clutterbuckganj in the United Provinces, the bodies were, in fact, made over to the local Hindu and Muhammadan societies, who offered to take charge of them and dispose of them by burial or by cremations as the case might be. But, here, again, it is for the Local Governments to issue orders, and what I propose to do is to draw their attention to the suggestion which has been made, and to say that, so far as the Railway Department are concerned, they have no objection at all to the procedure suggested in the Resolution.

I think that very nearly concludes what I had to say on the subject. I hope I have shown that Government are in complete sympathy with the ideas which underlie this Resolution, and although I cannot accept it in the precise form in which it appears in the paper, I am prepared to take action for a move forward in the direction in which the Honourable Member desires us to go. Possibly, after what I have said, he may see his way to withdraw his Resolution.

Mr. A. H. Ghuznavi : Having regard to what has fallen from my Honourable friend, I beg leave to withdraw the Resolution.

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

Mr. President : The next Resolution* on the Agenda stands in the name of Mr. Neogy, but as it has already been debated yesterday, it is now barred. The House will take up the Resolution next after that, on the Agenda, standing in the name of Mr. M. K. Acharya.

RESOLUTION RE FORMULATION OF A SCHEME OF SELF-GOVERNMENT FOR INDIA AND RELEASE OF POLITICAL PRISONERS.

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : I beg formally to move the Resolution that stands in my name and which runs as follows :

“ This Assembly recommends to the Governor General in Council (a) that he do take steps to persuade His Majesty's Government in England to recognise India's Right to evolve, as an integral part of the British Empire, what form of Responsible Government will be adapted to her needs and ideals ; and to invite Indian leaders to formulate constructive proposals for devising a Scheme which will be immediately acceptable to the chief interests concerned, and be capable of self-development ; (b) that, with a view to create the necessary peaceful atmosphere, he be pleased to release Mahatma Gandhi, and other political prisoners not convicted of any acts of violence.”

*This Assembly recommends to the Governor General in Council to publish all correspondence that has passed between the Government of India and the Government of Bengal in connection with the recent outbreak of lawlessness in the city of Dacca and its neighbourhood.

[Mr. M. K. Acharya.]

I am prepared to admit at the outset that this Resolution was drafted some days, some long days, before the Session commenced ; and, therefore, the wording of the Resolution, technically speaking, I would myself consider as rather out of date. But the chief points that are raised in this Resolution, all except one, I believe, are as live to-day as they were before ; and on those points I would beg your leave to say a few words. The central idea underlying the Resolution is this, that it is necessary for India's leaders to press India's claims to full responsible government upon His Majesty's Government in England, and it is necessary to do this with as united a voice as we possibly can afford to bring about. The second point is this, that in order to do this, all of us must try to bring about a peaceful atmosphere, by all means in our power, including, I should certainly say, attempts to bring about the suspension of the civil disobedience movement. And lastly, we should get, in order to accomplish all these things, the release of Mahatma Gandhi and other political prisoners, not convicted of acts of violence. I would humbly urge that these three points are as pressing and as important to-day as they were at the time when this Resolution was sent. Only the invitation to leaders to formulate constructive proposals has become out of date, inasmuch as a general invitation has been extended by His Excellency the Governor General.

Some of us may not come back ; and on this last day or almost the last day of the last Session of this Assembly, I would make a very earnest appeal to all my colleagues, elected as well as nominated—for I verily do believe that all are deeply interested in the service of the Motherland—that we may, when we come to the end of our labours, place on record what I consider the most important Resolution on a problem on which we have been engaged not only in this Session but probably during the past ten years. I hope that this debate will be placed on record and will show how all of us, officials and non-officials alike, are anxious to bring about a peaceful atmosphere in the country, anxious to secure the co-operation of all parties and of all interests in order to press upon His Majesty's Government in England the rightful claims of India to what I call self-determination regarding full responsible government. Sir, I hope I may be permitted to make another appeal as an old Member. I hope to-day's thin attendance in this House is not indicative of any idea in the minds of Members that the subject matter of this Resolution is not very important. Possibly it is only an indication that the unfortunate person who is to move that Resolution to-day is not a *persona grata* with the majority. Perhaps it may be due, I do not know, to my uncouth beard, my uncouth accents and possibly to my uncouth manners. I would not mind if I draw the latter inference, but I hope it is not the former—that the subject matter of the Resolution is not considered important. That is what I am most concerned with. Sir, I am a little surprised at not finding the leaders here, who ought to be more anxious than I am to secure a peaceful atmosphere in the country, to get the civil disobedience movement suspended and to see our revered Mahatma Gandhi and our equally revered Pandit Motilal out from the place where they are now unfortunately kept, coming forward to lead the band that will go and plead the cause of mother India before the Parliament of Great Britain or the leaders of Great Britain. I am sorry, therefore, that to me, a humble Member of the House, has fallen this task. The subject matter is so important that it does not matter, even though the pleading comes out from the lips of babies. Even though it falls from my

humble lips, I hope the appeal will carry weight. The thing that we have to do is to bring together the leaders of all parties and all interests, and make a united demand upon the statesmen of England.

Sir, with due deference to all that has been said in various places and by various authorities about the scope of the Round Table Conference, I am not directly concerned with the Round Table Conference today. With due deference to all that has been declared, I think this House will be perfectly right in placing on record what it considers to be India's right, India's claim to responsible government. I may remind even the Government Members that we have a claim for responsible government. We are anxious to get Swaraj and I hope the Government Members will realise that we are not talking language which is altogether ridiculous or in any way objectionable. We had the greatest authority we can think of to send us a message in language which proves that we certainly have good reason to hope that we shall be getting Swaraj one day. I refer, Sir, to the historic message that was sent by His Most Gracious Majesty, the King Emperor, in 1921 through that great friend of India, His Royal Highness the Duke of Connaught. That message said :

“ For years, it may be for generations, patriotic and loyal Indians have dreamed of Swaraj for their motherland. Today (that is, in 1921), you have the beginnings of Swaraj within my Empire and widest scope and ample opportunity for progress to the liberty that my other Dominions enjoy.”

Therefore, the Royal Message itself admitted our right to Swaraj, and hoped that very soon we would be getting that Swaraj which our immediate predecessors had dreamt about, and which I hope our immediate successors will live to realise. Swaraj therefore is our birthright, India's birthright, and we have to acquire it. The Royal Message in 1921 did not say, “ Today you have the beginnings of the Progressive Realisation of Responsible Government in my Empire ”. The very fact that His Majesty did not use that particular phrase but another phrase, more hopeful, more cheering, more gracious, namely, the first day of Swaraj, affords ample proof that full responsible government is a matter which we have every right to demand. (At this stage Mr. President vacated the Chair, which was taken by Mr. Deputy President.)

Therefore, Sir, it appears to me that all these technicalities in which
 1 P.M. the Simon Commission's Report and other Reports have indulged—that we are bound by the Preamble of the Government of India Act and the Declaration of 1917, and that within the four corners of that Act alone it is possible for any immediate constitutional advance to be made—are pleas which, in the larger interests of the two countries, considered seriously by the larger minds of the two countries, should be brushed aside. Therefore, I beg to urge that the best sons of India will have to go, or will have to bring pressure to bear—whether they go or not I do not mind—upon His Majesty's Government in England to recognize what I shall briefly call our right to self-determination—or if that word is considered offensive, I want only the substance and not the language—to recognize India's right to evolve, as I have put in my Resolution, as an integral part of the British Empire, what form of responsible government will be adapted to her needs and ideals. The Reports of Committees and of Commissions might be of some use, but after all India has to evolve her own scheme of responsible government. I do not believe it possible that any one country, however good-intentioned or great, can evolve for another country any scheme of responsible government for that

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latter country. All nations recognize this, and therefore it is for India in the long run—and I wish that this point was steadily kept in mind both by English as well as by Indian statesmen—that it is for India to evolve her own scheme of responsible government.

However, all that I am concerned with now is that our best men must go to the Round Table Conference. How are our best men to go? I know His Excellency the Viceroy has been gracious enough to extend a very very kind invitation to the leaders of all parties to review the present situation. All our best men, in a general way, have been invited I know; and that, Sir, is the reason why I bring up this Resolution today to find out ways and means by which we can pour oil on troubled waters and get our best men out. I am sure there is nobody in this House, official or non-official, that wants the present situation to be prolonged. I am of course not qualified to speak on behalf of the Government; but I hope on their behalf, my Honourable friend over there will come forward and reassure us once more. Of course His Excellency's words did already give that assurance, and I believe the Honourable Sir George Rainy's words also gave us that hope; but once more, because the matter is so important, I submit, that it should be restated, for the matter deserves repetition a hundred times. I hope my Honourable friend opposite will come forward with an assurance to us once more that Government are also anxious that a peaceful atmosphere should be restored in the country, that the civil disobedience movement should be brought to a termination as soon as possible, and that the best minds of India and England should find out how best to evolve a satisfactory scheme of responsible government for India at once. That, Sir, is my object in bringing forward this Resolution. I do not want to go into any matters which will exasperate the feelings of anybody here. After all, we are all human beings; I am willing to admit that we have made many mistakes on our side; but I venture to think the Government as well have made many mistakes on their side. We are not however here for reckoning the mistakes made by officials or non-officials. Let us forget the past, let us look to the immediate future and let us see how our trusted leaders can come out, how the civil disobedience movement can be suspended and how a peaceful atmosphere can be created. For all of us here can, and should, with our thoughts and words, unite in bringing pressure to bear upon the statesmen in England to recognize India's right to evolve what form of responsible government will be adapted to her needs and ideals. That is the simple object and scope of my Resolution.

I admit that my Resolution may appear badly worded at the present day after His Excellency's address to us and after the debate in this House on the Round Table Conference; and it appears to me that the amendment of my friend, Maulvi Mohammad Shafee Daoodi, brings out my point better. I hope therefore when this amendment is placed before the House, since the subject matter of that as well as of my Resolution is one and the same, I hope this House will see its way to support my Resolution in that amended wording. In any case, I am conscious that I should not waste the time of the House in any way by referring to things that might be considered objectionable. As I have already said, I am very anxious that, on this last day of the Session, I should get a certificate from my colleagues that I have behaved like a good boy and have not worn out their patience. Therefore, Sir, I wish only to make this very humble appeal to

my colleagues—not that they need it, but still in my anxiety and earnestness I am forced to say it—that we must all realize the seriousness of the situation. The points which are involved in my humble Resolution are not matters which can be taken lying down. They are very pressing matters from the national standpoint ; and I hope my non-official friends will all have had it already in their minds that, when they go to their constituencies, naturally the one question that will be asked by everyone will be, “ What have you done to bring Gandhiji out of jail, what have you done to find a solution for the present tense conflict between the Government and the country ? ” I wish that we should all be in a position to say that we have tried to prevail upon Government to see that steps are taken to end this unhappy state of things, this stalemate, that we have been pondering deeply over this matter, and that—and I hope I am speaking for all of us here—all of us feel that the civil disobedience movement has dragged on grievously and been carried on in a manner which is not very desirable, and that it must be ended at once on the national side. Simultaneously, I should urge—even before its full termination—that Government can well afford to be very liberal in this matter, that the Government should do their own part, even a little in anticipation if possible, in order to bring about an immediate improvement in the situation. I for one feel that the moment for terminating the civil disobedience movement has come. That great storm in the mind of everybody in the country should terminate, that made any body during the past three or four months say that Government were blocking the way to any satisfactory constitutional advance. There should be no more room for people continuing to think that there is no chance of any advance except by following Gandhiji’s lead. I believe now the more thoughtful minds in the country will realize that, as His Excellency said, a peaceful way has been opened through which we ought to be able to press our case for full responsible government. For that we must have our best men out. I am placed in the very delicate situation of having to bring pressure to bear on Government to do their part in a statesmanly spirit and not to delay any longer. I hope very soon that the Congress leaders will realize that there has been a change in the environment, a change in the atmosphere during the past three months ; and I am sure that when they come out and consider what was said by His Excellency to us the other day and what took place in this House during the debate on the Round Table Conference, and also consider the view which a good many leaders of the Moderate party and other groups have taken, which is very favourable to the pronouncements made by His Excellency ; when they see all this, and also how much trouble, loss of property, even life have ensued to the country at large by their carrying on the civil disobedience movement, I hope that my great leader, Pandit Motilal Nehru, and my great countryman, Mahatma Gandhi, will realize at once that the goal of India may be joined by peaceful methods of constitutional pressure ; and, at any rate, that we must make one more very serious attempt to reach the goal through the constitutional path which now lies before us. I have great expectations from them ; and hope that when these leaders come out they will follow a different course from the one which they launched, rightly or wrongly, five months ago.

That is my hope and that is my prayer. I hope there will be a change in the atmosphere very soon. After all, why have all these patriots gone to jail ? I humbly submit to the Government that they have the power to release them. Let me remind the Government of the very old adage : “ It

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is good to have a giant's power and not so good to use it like a giant". I beg of the Government to be not merely policemen but statesmen ; and so I want the Government to release all these people from the jail. I am quite ready to admit that in many cases Government had no option but to lock them up in jail. But that is the technical or the legal aspect of their course. What is the higher, psychological, moral aspect of the case ? What is the psychology of the country ? The case of every patriot who is sent to the jail, every case in which a non-violent Satyagrahi is convicted, goes deep into the hearts of the ordinary people in the streets. That is how this movement has grown and gained popular support. Every conviction has given weight and stress to the civil disobedience movement. That is the dilemma in which I find myself, and probably many others in this House. We cannot say that the Government are absolutely wrong if they send to jail those persons who openly defy the law. On the other hand, all these convictions do cause greater dissatisfaction and greater discontent in the country, and everybody feels in his mind, whether he is a Satyagrahi or not, permit me to state it frankly, every body feels, for the moment at least, that the sooner he gets rid of this "Satanic" Government the better. The ordinary man in the street says this : this Government has locked up in jail all the noblest patriots of the country ; it has locked up in jail many ladies even ; it has locked up in jail Mahatma Gandhi. He does not know the law nor does he care to know it. What he is concerned with, what he resents is that Pandit Motilal Nehru, Mrs. Naidu, Mahatma Gandhi and other leaders are in jail.

Mr. B. Das (Orissa Division : Non-Muhammadian) : It is a sacrilege to say that Mahatma Gandhi has done any thing to be locked in the jail.

Mr. M. K. Acharya : I did not hear my Honourable friend, but I would beg of him not to import any heat at all that might give rise to unpleasantness in this debate. I wonder if I said anything to provoke my friend's temper. I repeat, Sir, we must say nothing and do nothing which may make the position that is already bad, worse. Therefore, if necessary, when I go out of this House and out of Simla next week, I shall fall on my bended knees before every old Congress friend and tell him : " If you are angry with me personally, beat me ; but for God's sake let us serve the best interests of the country to-day ; let us find out the various means by which we can serve in the best constitutional manner possible the interests of our motherland. You may give me half a dozen slaps on my cheeks, but for God's sake let us direct our attention to the ideal before us, namely, how best to win freedom for mother India." The other day some girls abused me and told me : " Oh, you are traitor : why do you go to the Assembly ? Your duty is to go back to your home and say your prayers." I had a lot of mixed feelings in my mind when I heard this. I admired them for their courage ; I admired them for their frankness. But I pitied them for not being wiser. So I felt admiration for their courage, pity for their indiscretion, and even a little bit of anger because they obstructed me forcibly. All these things were in my mind. But I must take note of what people are saying. They ask what we legislators are doing ? The popular idea is that we are indifferent to the woes of our compatriots, that we are only seeking to fill as many seats as possible on the Round Table Conference. I know this feeling is quite unjust in the minds of misguided youths. I do not mind what they say, but what is the temper of the country to-day ?

I respectfully submit, Sir, that the business of the statesman is not simply to enforce the law, but to discern what the temper of the country is, to find out what are the feelings of the great masses of the people, and to see how best to assuage them if they are employed against the best interests of the country. That is my whole position. Educated India's mind is revolting, bursting with impatience. We must pacify it, and bring it into touch with the better mind of England. And that in order to achieve our purpose, it is necessary, very necessary, to bring as much pressure to bear on the British Government as possible to make them recognise that India has a right to full self-determination or, if that word sounds harsh, to full responsible government. That is our goal. In order to achieve this goal, all of us must unite ; all the leaders of India representing various interests must unite. In order to do that again, a peaceful atmosphere, and the suspension of the civil disobedience movement and the release of Mahatma Gandhi and other political prisoners must be brought about. After all, Sir, these political prisoners have not been convicted of any acts of violence. On the other hand, they claim that they are working in the best interests of their country. Sir, history tells us that liberty is won only after great sacrifices. That is what I think the history of Great Britain itself teaches us. In the old days of British civil war people were shot down. In the days of Charles I, one or two leaders died in prison. I do not remember their names. There have been no martyrs of liberty in India, I hope ; nobody has yet died in prison, I hope. But I know there are some three to four thousand people in jail to-day. They are in jails not because they have committed any robbery or theft or any other act involving moral turpitude, but because they feel they have not got that freedom for their country which they passionately desire to get. Therefore, their higher ideals and their higher aspirations have got to be recognised.

“ Stone walls do not a prison make,
Nor iron bars a cage.”

As I remarked before, it is no use talking to them in a technical way and saying “ You invited all the penalties of the law upon yourselves, and we have obliged you by inflicting those penalties. We have given you what you wanted. You wanted to be sent to jail ; we have sent you there. You wanted to be fined, and we have fined you.” These are, Sir, very very trivial technical words. Therefore I do beg of this House upon this motion at least to take what may be called the broad statesman-like view of the question.

Mr. Deputy President : Order, order. The Honourable Member has already exceeded his time limit.

Mr. M. K. Acharya : Sir, I now conclude my remarks. I hope that this House will give to this Resolution the attention which it deserves. I am not particular about the wording ; the House may possibly prefer the amendment of my friend, Maulvi Mohammad Shafee Daoodi. I only want that Honourable Members should bring to bear on the solution of the problem that I have placed before the House, all the statesmanship and all the deep thinking and all the patriotism that they are capable of bestowing upon it.

***Mr. P. Venkatakrishnayya Chowdry** (Guntur *cum* Nellore : Non-Muhammadan Rural) : Mr. President, in rising to speak upon this Resolution, I do not propose to go into the details of the subject. It has been admitted on all hands that the Simon Report has fallen short of

*Speech not revised by the Honourable Member.

[Mr. P. Venkatakrishtnayya Chowdry.]

India's legitimate expectations ; every shade of political opinion, and every school of political thought has been seriously disappointed. The question for our consideration is not whether the Simon recommendations are to be accepted as final, but the question is whether we can make them acceptable to all parties by discussing the Report and redrafting it at the London Conference. I am anxious that India's case should not be allowed to go by default. The time is critical. This is a rare opportunity which should not be lost. As has been said by various distinguished speakers, the Simon Report is one of the materials to be discussed at the Round Table Conference. The claims of every community, the interests of every party, the views of all recognised and popular political organisations in the country ought to be pressed forward and recognised by the Round Table Conference. The Report as it is is highly disappointing. I am not grieved if reservation of seats for non-Brahmins in Madras has been taken away. But I strongly protest against things like indirect elections to the Assembly, the nature of the composition of the Ministries in the provinces, and the powers of the Provincial Governors under the new scheme. In the same way the powers of the Viceroy and the way in which he should form his Executive Council are matters which require a thorough scrutiny. The long cherished ideal of Dominion Status should be recognised and provisions made for its steady and gradual realisation.

I am glad that the country is slowly recognising the importance of the London Conference. The balance of opinion is largely in favour of settling India's claims before the Round Table Conference with the joint collaboration of the best statesmen of both the countries. Therefore, it is highly incumbent upon the Government to meet Indians half-way and take into their confidence leaders who can speak to the British statesmen with authority and with a great volume of public opinion behind them. I insist upon the representative nature of the London Conference. Let the impartiality, fair play and the broad vision of English statesmanship rise to the height of the occasion and meet India's case for an honourable settlement. India is anxious to be a proud partner on a footing of equality in the British Commonwealth of nations. The fervent appeal made by the Viceroy the other day to leaders will be appreciated by every thinking Indian, and with equal force and with equally noble sentiments we are appealing to the British Parliament, through him, to recognise our legitimate political ambitions and help us to realise the same under the *egis* of the British Raj.

We have been inspired by the sublime political philosophy of a galaxy of political thinkers like Burke, Fox, Pitt and Montagu. It is therefore but just and proper that we should ask for the same institutions of which you are proud and which you have conferred upon others. In our concord lies our progress and happiness. Therefore I make a fervent appeal to the Government here and in England to create an atmosphere of perfect mutual trust, goodwill, sympathy and heart-to-heart understanding in order that we might achieve success at the Round Table Conference to the glory and dignity both of England and India. On these grounds, I have great pleasure in supporting this Resolution.

***Rao Bahadur B. L. Patil** (Bombay Southern Division : Non-Muhammadan Rural) : Sir, to my mind, this Resolution as worded is

*Speech not revised by the Honourable Member.

in very moderate terms. I am going to be very brief in my remarks on this Resolution. The whole question before us is whether it is necessary or whether it is not necessary to make the delegation to the Round Table Conference as fully representative as it is possible. Many a speaker on the floor of this House has already said, that unless the delegation is going to be made as fully representative as it is possible, the success of the delegation and the success of the Round Table Conference is likely to be jeopardised. Then, if that is the case, with whom does it lie to make it a success ? It has been said by Honourable Members on the opposite side that it lies with the people who have started the non-co-operation movement. But I want to draw the attention of the Honourable Members and the Government to this, that in the Leaders' Memorandum it has been stated that both the Government of India, and the people who are carrying on the movement in this country, should act simultaneously. I do not want to deal with the first part of the Resolution in detail. That is an admitted fact.

Then, with regard to the latter part of the Resolution, what I beg to submit to the House is that the Government are not asked to do any great thing. We see so many cases in which persons sentenced for heinous offences have been released for certain reasons. We see such things being done, namely, persons being released on occasions like the Coronation day and His Majesty's birthday, and also the ordinary law of the country provides for the release of such offenders. Therefore, in my opinion, the Government will not be doing any very great thing. It is quite in the ordinary course of things and it will be done. They must take into consideration the unique situation that has arisen in the country. Then, Sir, as I said, the Resolution as worded, is in very modest terms. After all, what does the Resolution say ? Persons who are convicted only for technical offences and on technical grounds in which no violence is involved, such persons should be released, including Mahatma Gandhi. Therefore, Sir, for the reasons that I have stated, it is of the utmost importance that the Government of India should pay the attention to it that the importance of the question deserves. The Government of India also is fed up with the repressive form of government. Looking to the importance of the time, I should like to submit they must be prepared to come down a little from the heights of Simla and pay attention to the persons now rotting in jails, to the persons in whose hands it lies to make the Round Table Conference a success. With these words, I heartily support this Resolution before the House.

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

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

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, I am sorry that there was a slight misunderstanding this morning. I never meant to say anything which might be regarded as an affront to this House or to the Chair ; and if anything has escaped my lips which might be construed as hurting the feelings of any Honourable Member or the Chair, I need hardly say that I owe it to myself and no less to the House to withdraw the same. (Cheers.)

Mr. President : Nobody was more sorry than myself for this morning's incident. We have known Mr. Gaya Prasad Singh for a very long time and we know that he has got a very humorous temperament. I think that in the heat of the moment he probably did not realise the implication of his words. I am very glad that he has come back, expressed his regret, and withdrawn his words. The incident is now closed. (Cheers.)

Mr. President : There are certain amendments on this Resolution and I think it will be better if I allow all the amendments to be moved first and then the whole Resolution with the amendments will be in possession of the House and Honourable Members will be able to speak more thoroughly. The first amendment on the agenda stands in the name of Rao Bahadur D. R. Patil.

Rao Bahadur D. R. Patil (Bombay Central Division : Non-Muhamadan Rural) : Sir, I rise to move the amendment which stands in my name :

“ That for the original Resolution the following be substituted :

“ This Assembly recommends to the Governor General in Council to persuade His Majesty's Government in England to invite an adequate number of persons representing various interests, with due prominence to rural interests, to formulate such a constitutional scheme as to protect the various interests and that he be pleased to release Mahatma Gandhi and other political prisoners not convicted of acts of violence ’.”

Mr. President, it is a well known fact that our Viceroy, Lord Irwin, very sympathetically did his best to bring about the Round Table Conference only with the object of advancing the cause of India. So in this connection I am sure that his name will be written in golden letters in the pages of history. I would like to submit that it is the desire of all the sections of the people of India that the Indian constitution should be framed in such a way as will satisfy the various claims of the various interests, and so it is but natural that, for the purpose of formulating such a constitutional scheme, there ought to be an adequate representation of various interests with due prominence to rural interests, inasmuch as the agricultural classes form a bulk of this country and they contribute a large portion of revenue to the Indian Exchequer.

The Round Table Conference is really a golden opportunity that is afforded to us by the great efforts of our sympathetic Viceroy, and we must now avail ourselves of that opportunity and utilise it to the fullest extent. The duty that falls upon India now is to be united in her demands. England has afforded an unique opportunity to us to place the case of India before her. Is it not proper that all the various interests of India should now come to a common understanding and frame such a constitution as will be acceptable to all the sections of the people ? Sir, if we fail to do that and are not united in our demands we shall have to thank ourselves. In order to avoid such a position, it is the bounden duty of all the sections of the people of India to follow a policy of co-operation and harmony and act in a spirit of goodwill, and frame a constitution that will satisfy all. Let us do our duty and after we have done it, if Britain fails to accept our united demands, we can then say that she has no desire to transfer her powers into the hands of Indians. Unless and until we do our duty, I do not think we shall be justified in blaming her in any way.

Sir, it has been stated in the Simon Report that there are various castes, creeds and religions in India. What is the significance of that ? The significance is that we must compose our differences and come to a

common understanding in our political demands if we want to achieve our political advance. The Statutory Commission have made such recommendations as they thought proper ; that is gone ; now there is another opportunity afforded by the Round Table Conference to Indians to place their case before the British Parliament. If we lose this opportunity, and if we do not settle our differences, and if we are not united in our demands, I think the Round Table Conference will be a failure.

Now, Sir, I come to the last part of my amendment. I hope the question of releasing Mahatma Gandhi and other political prisoners who are not convicted of violence will be taken up by Government. I am sorry to observe that the movement of civil disobedience should have been started as it is a great handicap to the proper progress of the country and is sure to lead to chaos and disorder. But however that may be, our object is that all sections of the people of India should be united in their demands, and it is but natural that an important factor, namely, the Congress side ought to be represented at the Round Table Conference. How to achieve that object ? We can achieve that object only when these political prisoners, especially Mahatma Gandhi and other great men are released ; and unless and until they are released, how can they represent the cause of the Congress at the Round Table Conference ? Sir, the time has come when there should be a compromise between the Government and the Congress leaders. Attempts, I believe, are being made to effect a compromise, so that the Government will be inclined to release political prisoners and afford them an opportunity to represent the case of the Congress at the Round Table Conference. May those attempts be successful. I hope the day will soon come when wiser counsels will prevail and the civil disobedience movement will be withdrawn and the Government will be pleased to release all these political prisoners just to ease the present political situation and thus in a way allow an opportunity to the Congress section to represent their case at the Round Table Conference. With these words, Sir, I move this amendment.

Mr. President : The next amendment on the agenda is in the name of Mr. N. G. Ranga.

✓ **Mr. N. G. Ranga** (East Godavari and West Godavari *cum* Kistna : Non-Muhammadan Rural) : Mr. President, my amendment runs as follows :

“ That for the original Resolution the following be substituted :

‘ This Assembly recommends to the Governor General in Council that he should take all necessary steps to secure the co-operation of and participation by Mahatma Gandhi and other representatives of the Congress in the Round Table Conference.’ ”

A doubt has been raised by a friend of mine who is an Honourable Member of this House, whether according to the terms of my amendment it is intended that members of other parties should be excluded from the Round Table Conference. Any one who reads the amendment carefully will be able to find out that it only means that, in addition to the representatives of other political parties, the representatives of the Congress Party also should be invited and should be given their proper place at the Round Table Conference.

Now, where is the necessity for taking so much trouble on the part of the Governor General in Council to try and invite and secure the co-operation and participation by Mahatma Gandhi and other representatives of the Congress at the Round Table Conference ? The

[Mr. N. G. Ranga.]

House is quite familiar by now, after the two days' debates, with the idea that even if the representatives of the Congress are not prepared to go to the Round Table Conference and even if the Government are not in a position to take the necessary steps to secure the co-operation and assistance of Mahatma Gandhi and other representatives of the Congress, the Round Table Conference is going to be held and some leaders of this House and outside are quite prepared to go to the Round Table Conference. Under these circumstances, where is the necessity, one might ask, for a member like me to raise this particular point, that Mahatma Gandhi and other representatives of the Congress should be representatives of the Congress should be represented and invited to the Round Table Conference? In order to give an answer to these questions, it is necessary for us to inquire into the origins and objects of this Round Table Conference. As my 'Honourable friend, Mr. M. K. Acharya, said the other day, the idea of a Round Table Conference is not a new one; it was mooted years ago on the floor of this House and also outside in the country by the political leaders. But luckily and happily India has had in His Excellency the Governor General, one of the best statesmen England has had the good fortune to send out to India and it was given to him to bring this particular idea of a Round Table Conference into the forefront of our national politics and also into the forefront of English politics. It was he who announced, in his now famous statement, that India's future constitution was going to be worked out in a Round Table Conference which was going to be held in London, at which he hoped all the different political parties in India would be properly represented. But why is it that it was not accepted by the Congressmen? I have not accepted a brief on behalf of the Congressmen, but at the same time it is necessary for me, as well as Honourable Members of this House, to face the fact squarely. The Congress was not prepared to accept this offer of His Excellency the Governor General just because it felt that, unless and until a clear assurance was given to the country that the Round Table Conference was to meet to discuss a Dominion Status constitution, there was no use at all for all these representatives and parties of India to go to the Round Table Conference and there begin to discuss political questions. The Governor General was probably right in doubting at that time whether it would be possible and advisable on his part to give this particular assurance to Mahatma Gandhi and Pandit Motilal Nehru and other leaders. He was probably right because it was not possible for him to gauge and assess the strength of political consciousness and the strength of feeling on the part of Indians on this demand of theirs—Dominion Status; and naturally the attitude that he took up was quite excusable even from the point of view of an ardent Congressman. Things, however, have changed now; there are clear and unmistakable signs to show that the people of this country are determined to achieve Dominion Status in order to work out a brilliant future for themselves. If any further evidence is wanted, all that the Government and Honourable Members have to do is just to see how the country is to-day giving its response to the official measures of repression. The Government was probably right in developing its repressive policy because no government which wants to govern over any people can keep quiet and silent when large numbers of people have taken to law-breaking and have thought it fit

to oppose the Government at the very foundations of Government for the time being. But at the same time, what is the answer that is being given by the country ? A Hindu or Muhammadan householder, who has been accustomed traditionally to give hospitality to whosoever was in need of it, is to-day prevented from giving hospitality to the volunteers by a particular insidious section, a mischievous section of the Indian Penal Code. But are there not enough people in the country to give shelter and hospitality to volunteers ? There are many.

Again, Sir, it is prohibited for a man to give subscriptions to Congress funds, but yet money is pouring in. It is prohibited for a man to become a Congress volunteer, and yet larger and larger numbers of men are coming forward every day to enlist themselves as Congress volunteers. Again, it is prohibited in most of the towns for more than four men to assemble in a place or walk together or hold a meeting or go in a procession, and yet processions and meetings are being organized in every town where there is this demon, as I put it, of section 144. Sir, in spite of all these repressive measures, there are people in this country, and their number is luckily increasing every day, who are prepared to defy these repressive laws and to lend their moral support to the Congress and its adherents. Why should it be so, I ask ? It is not because all these millions of people who are prepared to sacrifice and suffer for the cause of the country are not anxious that there should be a stable and strong Government to maintain law and order ; it is not because they are not anxious that there should be peace, harmony and concord between the different communities that inhabit this vast country ; it is not because these people are actuated by a sort of evil force of anarchism, but it is just because all these people have come to believe that the Government of this country are far from sincere in their intentions to grant any substantial measures of reforms ; they have become dissatisfied and discontented against the policy followed by Government till now. All these people are extremely anxious to get Dominion Status as soon as possible. Now, when they are determined on the attainment of Dominion Status for India, they find that there are only two alternatives before them, either to support this Government, which has been notorious for breaking its promises, or to support a movement led by one of the greatest saints, avowedly one of the greatest men of the world, who is the embodiment of all that is good, all that is great and all that is noble in human nature. They are all fascinated with this great saint of Sabarmati, a man with great moral and spiritual strength, a man who stands up courageously for holding up the ideals and principles of this great country, and they are prepared to support him. All these people are extremely anxious that the Congress representatives should be invited to the Round Table Conference, because they see a possibility of attaining Dominion Status through this great saint of Sabarmati. But how is this Round Table Conference to be a success, how can it be useful, how can its recommendations be binding on the people of this country if Mahatma Gandhi does not find a place in it ? That is why the people in the country to-day, with one voice, say that Mahatma Gandhi should be invited to the Conference. They are extremely anxious that Government should take the necessary steps, at whatever cost it may be, to secure the co-operation and participation of Mahatma Gandhi and his adherents.

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Secondly, Sir, supposing Mahatma Gandhi does not go to the Round Table Conference; supposing he does not bless the Round Table Conference, supposing he is opposed, as he is to-day, to the Round Table Conference, what happens? It is all right for some Honourable Members, who are leaders of parties in this House, and for some leaders outside in the country to say that they are going to the Round Table Conference with a free and open mind to fight the cause of this country. But suppose their demands are not granted, what happens then? Would it be possible for the very same gentlemen to come back to this country after having been disappointed at the Round Table Conference and give a satisfactory account of their own actions? Who will accept their recommendations? Who will accept their claim to represent the interests of this country? If on the other hand they are satisfied, if a constitution is framed and accepted, if a Bill is framed and placed before the British Parliament, who is to work these institutions? Sir, the Government is well aware that the country has gone through any amount of turmoil and trouble ever since 1921 just because the reforms granted then were not acceptable to the great majority of the people of this country, just because such unsatisfactory and disappointing reforms were thrust upon the people of this country. Sir, the next crisis is going to be very much more important; it is going to be very much more dangerous, because politically the country has made very great strides since 1921, and therefore to-day the people are not in a mood to suffer in their self-respect at the hands of their leaders, much less at the hands of Government. Under these circumstances, I ask who is going to work the constitution which has not the support of the country, when leaders have been warned not to go to the Round Table Conference without Mahatma Gandhi, and when leaders go to the Conference at the risk of flouting the public opinion of this country? Sir, there is a very great risk, and I warn Government, because the Government headed as it is to-day by one of the greatest statesmen of England, headed as it is to-day by one of the most sincere Viceroys India has ever had, has got to realise that it is its duty to see that it does not plunge this country into a political disturbance of such magnitude as cannot be imagined at present. Therefore, if the Government are really anxious that this country should progress, it is incumbent upon them to see that, somehow or other, the recommendations of the Round Table Conference, as accepted by the British Parliament, are made acceptable to this country. Now, how can those recommendations be made acceptable to this country unless and until Mahatma Gandhi and his adherents find a place in the Round Table Conference, unless their signatures are attached to the conclusions which may be arrived at by the Conference and in the Bill that may be passed by Parliament.

Again, Sir, it may be asked, what is it that we are going to gain in case Mahatma is invited to the Conference? Some gentleman this morning suggested that Mahatma Gandhi did not know law. Sir, let me tell him that Mahatma Gandhi knows as much law as any individual in this august Assembly can claim to know. There is an impression that Mahatma is an impractical idealist and that he is a *sanyasin*. Sir, may I tell this House that this country has always venerated *sanyasins* who go about from place to place. In England you call them loafers but here we call them saints or *sanyasins*. Sir, Mahatma Gandhi

is practical-minded, he is a statesman of the highest order ; he is an experienced politician ; and I assure you, Sir, every Honourable Member in this Assembly has got to take his hat off, if he has a hat, to this great saint of the world for his political wisdom, for his political acumen. Sir, if this man were to be at the Conference, it would be richer in its deliberations and its achievements. Not only that, Sir. I do not suggest that these people should be invited to the Round Table Conference only on the basis of Mahatmaji's statesmanship and political wisdom. I claim, Sir, that these Congress adherents should be invited to the Conference because of the great spiritual force of this great saint and his adherents. If he goes to that country, and if he tells the English people, as my Honourable friend, Sir George Rainy, was saying the other day, and makes an honest attempt to convince them of the anxiety, and the determination of Indians to win Swaraj, then I am perfectly sure, knowing as I do the English people, that most of the English people will come round and accept the dictates of political common sense with which they are blessed in abundance, and will be able to realise the necessity, the urgency of this particular question of the grant of Dominion Status to India, and will be quite willing to push through their Parliament a constitution which will grant Dominion Status to India in the nearest possible future. I am extremely anxious that the Government should take the necessary steps to obtain the co-operation of and participation by Mahatma Gandhi and his adherents, and I can tell the Government of India and through them the Viceroy that no price is too high to secure Mahatma Gandhi's participation. If they are really sincere that India should attain Dominion Status, if they are really sincere that the Round Table Conference should be a success, if they are really sincere that the promises of British statesmen should be implemented, and if they are really sincere that the Indian people should be satisfied, at least once in the history of their relationship with the English people, about the good faith of the English people, it is incumbent upon them, it is the duty of the Government of India and of His Excellency the Viceroy, and also of the British Government, to see that necessary steps are taken to obtain the participation of Mahatma Gandhi in this Conference.

Maulvi Mohammad Shafee Daoodi (Tirhut Division : Muhammadan) : Sir, I beg to move :

“ That for the original resolution the following be substituted :

‘ In view of the fact that it is very desirable that all political parties and interests in India should unite in pressing upon His Majesty's Government in England India's claims for responsible Government, in view also of the fact that attempts are being made to secure a peaceful atmosphere and the suspension of the Civil Disobedience Movement, this Assembly recommends to the Governor General in Council that he be pleased to release Mahatma Gandhi and other political prisoners ’.”

Sir, I fully realise the gravity of the situation. I know what is the state of things in the country. Those who happen to be in the country know very well what a great strain is felt by all, the people as well as the officials. The situation arose some time back, as we all know, in a very peculiar way, and now it is time for those who are sitting in this House to find out ways and means as to how this state of things should be put an end to. We suggest this amendment because it appears to us that this is the only way of solving the trouble. We say in this amendment that the Indians have got to utilise all the possible means

[Maulvi Mohammad Shafee Daoodi.]

of solving the constitutional problem of India. We have got to find out ways and means of how best it can be solved, and for that reason we have to look to the two forces which stand in our way at the present moment. One force is the force of the civil disobedience movement. It counts upon the numbers that it can mobilise and put into the field, and the other force is equally, or rather, more obdurate. The other force counts upon its armoured cars, its machine guns and other physical forces. The two are exercising their strength against each other, but poor India is going to suffer on that account. We, who are neither on this side nor on the other, feel it our duty to point out to both of them that they are doing something which is not in the interest of the country—neither in the interest of India nor in the interest of Great Britain. We had for that reason tried to persuade Mahatma Gandhi from the very beginning not to start this movement of civil disobedience, because we thought it was inexpedient and inopportune. But when the movement was started and we found that the Government was keeping quiet over it, we thought that there might very soon come a time which would relieve this tension. But as soon as the Government took to repressive measures, the difficulties enhanced, and at the present moment, it appears that the two parties are in a position from where neither of them wishes to recede. I should say, if there is goodwill and if there is the interest, that larger interest, of the country at heart, even now the trouble can be solved. (*An Honourable Member* : “How?”) The question is how really. It is for everybody to contribute his mite to the solution of this question. I do realise that my friend over there, the philosopher Dr. Ziauddin puts this question to me. I have tabled this amendment only for that purpose. As you know, we have not been keeping quiet. We have been all the while working in our own way. It might be in the recollection of Honourable Members in this House that at the very beginning, rather on the 12th March, when the great march of Mahatma Gandhi commenced from Sabarmati,—on that very day we took the first opportunity to apprise the Government that there should be no interference whatsoever with this movement. We have since then made overture after overture to both the parties. We have gone to Mahatma Gandhi with sincere emissaries of our own. We have gone to the Government through those who have access to the Government House, to tell them the mistake that they would commit by interfering with the movement. This is, I should think, by this time known to everybody. Even now, recently, while Maulana Muhammad Ali was on his sick bed in the Ripon Hospital, he could not restrain himself, and he issued a statement to the Press saying to what a difficult position we are all heading, both parties are heading. Even Dr. Ansari, who has been silent so long, has broken his silence now and told the whole truth. He has rightly pointed out the mistakes that were committed by the starting of the civil disobedience movement. At the same time he has very rightly pointed out the effect of the repressive policy that has been adopted by the Government. Lately, I find Mr. Jayakar, has also not lagged behind. He has been doing in his own way what he thought proper from the very beginning, i.e., to do all that he could to bring pressure to bear upon Mahatma Gandhi, Pandit Motilal Nehru and Vallabhbhai Patel to bring the movement to an end.

Now, I know that, on such serious and grave occasions, we should not make more speeches. It is really time for deeds and therefore we have taken to that. We are on the one hand advising our countrymen to look to the situation in a large-hearted way and look to the ultimate goal which we have to attain, and now here in this House we have to take this opportunity of telling the Government Members here that they should gauge the real situation in the country. They should not be led by false reports that might be reaching them. I know that the Government have got very few people to tell them the truth, and I should think that, whenever they happen to find the truth even though it comes from a humble man like myself, they should accept it and act up to it. In this amendment I have suggested that the Government on its part should be prepared to realise Mahatma Gandhi and all political prisoners, and at the same time we are trying to persuade our countrymen not to proceed with their movement, and I think this is the solution. Simultaneously if action is taken in the two directions I have indicated there will be no trouble. I realise the difficulty of the Government of India. It is really a subordinate body. It has not freedom to act in its own way. Again we find that the Labour Government is not in a majority in the House of Commons. It is only the biggest group in the House of Commons. It cannot have its own way. I realise those difficulties of the Government, but nevertheless I find that, if the two parties have got a will and a determination to do good both to India as well as to Great Britain, things might be brought to such a state in which the forces that are standing in our way may collapse and we may be able to bring about the desired end. It requires great courage no doubt, both on the part of the leaders of the civil disobedience movement as well as on the part of the Government, but without great courage, no big question can be solved, and I hope the two parties will rise to the occasion and see that India does not drift into anarchy. I am really afraid that, if things are allowed to drift in the manner in which they have been drifting, anarchy might result, which certainly everybody in India would deplore. I think the Englishmen themselves would deplore it. They have only to realise that that would be the result, and I think the idea of bringing about the desired end will force itself on our mind. With these few words, I move my amendment and commend it to the House.

Rao Sahib B. Ramji (Berar Representative) : Mr. President, I rise to support the Resolution moved by my Honourable friend, Mr. Acharya. It cannot be denied, Sir, that the present political situation in India is grave and serious and requires careful handling on the part of the Government. The atmosphere is full of political unrest and discontent. The whole world is watching this movement with keen interest and many persons of outstanding merit from various countries have showered their blessings on Mahatma Gandhi and his movement. This is a movement novel in the history of the world. History does not know such a movement. Mahatma Gandhi is considered as a political saint in India as well as outside India. Had such a man been born in a free country, he would have occupied the highest position. Had such a man been born in England, he would have taken the place of a MacDonald. Had such a man been born in America, perhaps he would have been the President of the United States ; but unfortunately he is now rotting

[Rao Sahib B. Ramji.]

in jail. Sir, the urgent need of the day is to bring about an atmosphere of peace and tranquillity. Government should recognise the growing national consciousness of the people in the country and should try to understand the origin of the present political national movement started by the Congress. Congressmen think that they have tried all constitutional means to obtain responsible government for the country, but failed, and as a last remedy they have started this movement of civil disobedience by non-violent means to secure the goal. In my opinion the movement would not have been started had the Viceroy given an assurance last December to the leaders of the Congress that Dominion Status would be the basis for discussion at the proposed Round Table Conference, with such safeguards as are necessary for the transitional period. Anyhow, Sir, today we are faced with possibilities fraught with danger. There is a regular fight between the Government and the people. Both are determined to fight the battle to a finish. Government are bent upon repressing the national movement by all the means at their command, while there appears to be a grim determination on the part of the nation to win freedom at any price. Government followed the policy of repression to kill the movement but with what result? The more the repression, the more the intensity of the national movement. Those who were against the movement in the beginning actually joined it because of the unjustifiable repressive policy of the Government. No Government, Sir, can rule any people in any country peacefully without their goodwill and co-operation. In spite of the repression, as we all know, Sir, the civil disobedience movement is gaining ground and gathering strength day by day. If the Government really want normal conditions to be restored in the country, it behoves them to look at things in a statesmanlike manner. This is the time, Sir, for the Government to respond to the public opinion and the national demand. The best course for Government is to cast aside the false notions of pride and prestige and follow the policy of conciliation in a generous spirit. The sooner, Sir, that is done, the better for both sides. In my opinion, the remedy lies with Government to allay the present distress and remove the political discontent. What is wanted is a real desire on the part of the Government to meet the political demands of the people. Sir, unless this is done, the consequences will be serious. Sir, the object of holding a Round Table Conference, as I understand, is to frame a constitution suitable and acceptable to all the different sections and communities in India. If that is so, then Government must take all steps necessary for the participation and co-operation of the representatives and leaders of all the different parties and interests at the Round Table Conference. But how can the Conference be a success when repression is in full swing? Who will participate in the Conference so long as the present reign of terror continues? Sir, no useful purpose would be served by discussing the constitutional problems in England while the most elementary rights of citizenship are being constantly denied in this country. Leader after leader is being sent to jail, ordinances are being promulgated, the Press is being gagged, and in some places martial law is being proclaimed! What do we read, Sir, every day? Hundreds and thousands of people are being arrested and sent to jail. What do we find in Bombay and other places? *Lathis* are being used on innocent volunteers—and not only on volunteers

but even on women and children peacefully joining the processions. Sir, Government must stop all this repression, all this merciless beating. If Government want to save the Round Table Conference from the fate of the Simon Commission, then they must release Mahatma Gandhi and other political prisoners, and thus secure the attendance of all leaders of the different political parties in the country at the Round Table Conference.

Mr. Abdul Haye (East Punjab : Muhammadan) : Sir, I rise to give my whole-hearted support to the Resolution moved by my Honourable friend, Mr. Acharya. Sir, I feel that one must speak with restraint on an occasion like this, for what is the situation with which we are confronted, and what is the remedy ? We find to-day the forces of Congress pitted against the forces of the Government ; and between these two belligerents stand the non-official Members of the Indian Legislature suing for peace. We, Sir, on our part desire, nay, we are anxious, that the white flag should be hoisted at once. (Hear, hear.) Sir, each party believes it is in the right. The Government say that the Congress is out to break the law, and "it is our first and primary duty to preserve law and order". The Congress on the other hand say that "all these ten years we have pleaded, we have tried to persuade the Government, and when we found that Government was not amenable to reason, we revolted, and we are justified". Sir, one thing is certain, that both the belligerents believe that, "all is fair in love and war". At this juncture I only want to ask the Government, "Are you really great ? Are you really strong ? Are you really honest ? Where is your wisdom ? Why don't you display all those qualities ? You, representatives of Great Britain, do you really feel that you are great ? Do you feel that you deserve to sit on those Benches and to govern this country ? (Hear, hear.) Why don't you take stock of the situation ?".

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, on a point of order, is the Honourable Member addressing his remarks to the Chair ?

Mr. President : He is addressing his remarks through the Chair to the gentlemen who deserve them.

Mr. Abdul Haye : I hope, Sir, my Honourable friend will pay more attention to my appeal which is made through you. I say, "are you really great and strong ?". If you are, I have to tell you one thing, that your greatness does not lie in sitting tight in your seats, in your chairs. The greatness of the Government, Sir, does not lie in belabouring and beating poor volunteers, the majority of whom are still in their teens. Your greatness does not lie in taking advantage of the Hindu-Muslim differences. (Hear, hear.) If you say that we are not fit for self-government because there are communal differences, if Sir John Simon says that the Hindus and the Mussalmans are unable to pull together, and that they do not make up their differences, and "therefore, it is incumbent upon us to remain here as their masters". I ask, have you solved the communal question yourself ? You do not deserve to be here if you are unfit to help to solve the communal question.

Mr. President : The Honourable Member should try to address the Chair.

Mr. Abdul Haye : I submit, Sir, that the greatness of the Government lies in displaying a spirit of generosity at this juncture. If you are

[Mr. Abdul Haye.]

really anxious to negotiate with the people of India, then I must tell you plainly that there is no one gentleman on this side of the House amongst the non-official Members who is in a position to speak with authority on behalf of the people of India. If you want one man alone—I do not mind whether you want him here or at the Round Table Conference—you cannot ignore Mahatma Gandhi. But if you want dozens of representatives of India to sit at your table—I believe you have got a big round table there—you can have them. But, Sir, they will not be able to speak with authority on behalf of the people of this country, if you leave out Mahatma Gandhi. If there is one single individual, I say, Sir, who is in a position to-day to deliver the goods, it is Mahatma Gandhi. (Loud applause from the non-official Benches.) If you want to negotiate and come to an understanding so as to try and solve the problem of India, my submission is that the Government have got to negotiate with Mahatma Gandhi. It is with this view, Sir, that we urge before you that he should be released and others who have not committed offences of a violent nature should also be released. If you want to negotiate, you have got to negotiate with that thin, slender figure that sits half naked in jail and spins the fate of India. You can release him and take him to your Round Table Conference. But if you do not want to release him, I must tell you that you have got to negotiate with him. And for that purpose if you do not release him, you yourself will have to go to jail. And when that opportunity comes, when the representatives of Government go to jail, we shall call out their *Jai* and give them an ovation. After all, what is Mahatma Gandhi? Is he an ordinary criminal? Is he an offender? The day is not far off, if India is to remain within the British Empire, if the connection of Great Britain is to subsist, when statues shall be raised to Mahatma Gandhi, and it may be one of the representatives of Great Britain who will be called upon to unveil those statues.

Mr. U. N. Sen (Bengal : Nominated Non-Official) : Sir, Mr. Acharya, who moved the original Resolution, himself admitted that the first part of his motion was rather a bit obsolete, because reference to responsible government and the Round Table Conference, so far as this House is concerned, is to a certain extent a matter of past history. I will, therefore, with your permission, make one or two observations with regard to the last part of the Resolution, particularly where he urges Government to create a necessary atmosphere for the consideration of constitutional problems. Sir, the atmosphere is not only confined to India, but in the consideration of this question we have as much to depend on the atmosphere in England as we have to depend on the atmosphere in India. That the atmosphere across the seas is thickening with dark clouds is not difficult to judge. One, who is in close touch with what is happening every day inside the British House of Commons and outside it, is quite familiar to what extent there is a movement in certain quarters to jeopardise the efforts of those who are trying to solve the Indian constitutional problem. In order to make my position clear, I should, with your indulgence, read to the House one of the latest telegrams which has been received in this country. It runs thus :

“Negotiations between three parties on question whether Government should allow Opposition to be represented at Round Table Conference has reached a very delicate stage and Government's position is presenting difficult problems. Conservative insistence on representation is hardening. Conservative Committee on Indian affairs to-day pointed out that their Resolution yesterday laid down that Simon Commission's Report

should be the basis of discussion at Round Table Conference. If Government decide against Opposition representation, there is a danger of Conservative-Liberal censure."

Of course, the House knows what it means. The Labour Government, which is in power, will not last for a moment if this threat is given effect to.

"Many Liberals express opinion that Irwin's speech invited Round Table Conference to shelve Report. It is understood that Liberal Party meeting last evening reaffirmed previous decision to do everything possible to bring Simon Commission's Report before Round Table Conference. While as MacDonald indicated in Commons yesterday, Government does not desire discussion in House at present, it seems likely that unless satisfactory arrangement is reached with Opposition, Burnham will initiate debate in House of Lords on 22nd July. This will immediately result in demand for discussion in Commons in which case Labourite Left Wing has intimated that if Opposition question Government's proposals, they too will object that Conference cannot succeed unless principle of self-Government and amnesty are accepted in advance."

Well, Sir, the unkindest cut of all is that Lord Burnham should take up this position. What His Lordship seriously intends to do, is not difficult to understand.

Mr. B. Das : What does it matter ?

Mr. U. N. Sen : Of course, it does matter. My friend Mr. Das knows that Lord Burnham occupies a very unique position in English politics. Whatever may be your views about Lord Burnham, and other Members of the Simon Commission, you cannot very well ignore what these gentlemen say. If the position in England is unhappy, I cannot but say the same thing of India. Although, owing to a certain combination of circumstances, we are passing through stirring times, still I am one of those who believe that it is better to have sometimes a touch of optimism in one's nature. In my opinion there is absolutely no reason to be disheartened or to be depressed. My friend, Mr. Neogy, took the House yesterday through pathetic scenes of a melancholy drama which had been enacted at Dacca. Sir, it is not my purpose to ask the House to go over those incidents. That the civil disobedience movement has brought in its train untold miseries to people, who have not only participated in it, but also to those who have been silently watching it from outside, cannot be denied. Sir, I do not want to go over that ground again. It is not my intention to go into the psychology of this movement. What I want to say in all humility is this, that it is no use blaming the Government entirely. Government have got their responsibilities and are solely responsible for maintenance of law and order. It is their primary function to protect life and property and uphold the authority of law. Sir, apologists either for Government or for the people will appraise the situation later on. What I want to urge upon Government now is this. That if there is a serious effort and an earnest attempt made by any Member of this House or any responsible person outside it, to bring about a settlement, Government ought to encourage those people and do whatever is in their power to help them. The House is aware that only two or three days ago several Members of this House and of the other House, gave a mandate to the Leader of the Opposition to go and interview, if possible, Mahatma Gandhi, Pandit Motilal Nehru and other Congress leaders. Whether he will succeed or not, I cannot say ; no one can say. Opinion has been expressed in some parts of this House that it is futile to make any such attempt. Well, Sir, I do not share that view. I believe that if Mr. Jayakar or any of his friends in

[Mr. U. N. Sen.]

this House or even outside it decide to go and interview the Congress leaders, they will come to some sort of settlement. Even supposing for argument's sake, the negotiations fail, it is an attempt worth while making. I believe no one is more anxious than the Government that the present situation should end and an atmosphere should be created for the consideration of the constitutional problem, and Mr. President, because I believe that Government are as much anxious as anybody else that this civil disobedience movement should at once stop, that I joined the meeting of the Members of the Indian Legislature and gave whatever little support I could to Mr. Jayakar. I believe, Sir, that before the day is out, the Honourable the Home Member will make the position of Government absolutely clear, and we will hear that so far as the Government are concerned, they will not stand in the way of any negotiations with Mahatma Gandhi and other leaders. I do not for myself expect any declaration of policy on the part of Government in this matter, because if I understand aright, the Government position is, that they cannot surrender their responsibility with regard to the maintenance of law and order. Sir, I have every reason to believe that when Mr. Jayakar goes with his friends to see Mr. Gandhi, he will have the approval of the head of the administration, and I believe, Sir, the House will be in possession of some sort of document by tomorrow morning which will make clear, in unmistakable terms, the intentions of His Excellency the Viceroy, and that document will be a charter not only to Mr. Jayakar, but also to the whole of India. (Hear, hear.)

Rao Bahadur P. T. Kumaraswami Chettiyar (Madras City : Non-Muhammadian Urban) : I should like to give expression to my views on this Resolution and on the amendment proposed. I submit, Sir, that with a view to get an agreed settlement amongst all the parties and interests in the Round Table Conference, it is desirable that the Governor General in Council should take the necessary steps to get the co-operation of Mahatma Gandhi and his followers in the Conference. Otherwise, Sir, the country will take us to task and say that one section of India is out of the Conference and, as such, whatever deliberations or whatever conclusions are arrived at in the Conference itself are not acceptable. In order to avoid this, we should see that all parties, whatever their political creed may be, should unite and attend the Conference. By the way, Sir, I deprecate the existence of the civil disobedience movement which is not a constitutional one and which is upsetting the equilibrium of the country. Sir, the civil disobedience movement was first started as a non-violent movement, but when the masses are excited, it is difficult to say what will be the consequences of it. Sir, it is desirable also that the Government should take the necessary steps to put down the movement, which is unlawful. But what do the Government do ? They have adopted the most extreme repressive measures possible. Indiscriminate infliction of *lathi* blows, the ban on Swadeshi enterprises, the ban on public meetings, the issuing of section 144 in every place in the country indiscriminately, all these which were unheard of in the annals of India are operating in this country. I should like to tell you, Sir, because of the fact that I had no occasion to speak on the one Resolution which I have given notice of, as regards the occurrences in Madras City on the 25th and 27th April, 1930. I have to mention it now. The Madras Government, residing in Ootacamund, had

abdicated their powers to the police and the police had run amok on the unprecedented assemblage gathered on the Marina beach on the 27th April. Though, Sir, the non-official Members of the city protested against the police excesses on the 25th and 27th April, though the premier Corporation of Madras tabled a resolution and submitted to the Government of Madras to enquire into the police excesses, though the Madras advocates deputation waited on His Excellency the Governor at Ootacamund and expressed their horror at the perpetration of these wicked acts by the police, yet the Government were adamant and refused to go into the case. I should like to mention at this moment, Sir, that when the Jallianwala Bagh incident occurred, the late Mr. Montagu expressed the view that when there was firing resorted to, there should be an enquiry gone into. So, the Hunter Commission was appointed to go into the question of the Punjab riots.

Mr. President : We have already discussed the general policy of repression for three days, and I think on this Resolution the Honourable Member should confine himself to the matter which is directly in issue in this Resolution.

Rao Bahadur P. T. Kumaraswami Chettiyar : If you consider that I am out of order, I shall not refer to it. If you do not permit me to speak any further on the incidents that occurred in the Madras City on the 25th and 27th April, 1930, I abide by your decision, Sir. If you want peace and tranquillity to reign in India, this kind of repressive measures should be put an end to. (Hear, hear.) Sir, the people of India are excited and they are conscious of their strength and they are desirous of getting as much as they can. Though these repressive measures are adopted, yet I do not think there will be any chance of the spirit of enthusiasm, that has been instilled into the minds of Indians, dwindling. On that ground, Sir, I should like the Government of India to take note of the situation and see what they can do with regard to the withdrawal of these repressive measures. At the same time, I should like that Mahatma Gandhi should see that he calls off the civil disobedience movement with a view to get salvation for India.

One word, I will have to mention with regard to the Report of the Simon Commission that has been published of late. We expected from the Simon Commission a millennium and everybody wanted bread, but we got stones. The Report is of a retrograde character and the reforms that are framed by the Commission fall short of the recommendations of the Madras Government.

Mr. Arthur Moore (Bengal : European) : Sir, has this got anything to do with the Resolution before the House ?

Mr. President : The Honourable Member is making his maiden speech and therefore, I do not want to interrupt him too much.

Rao Bahadur P. T. Kumaraswami Chettiyar : Then, Sir, I should like to express a few points with regard to the Simon Report when that subject is taken up today. So with these few words I urge upon the Government of India to see that a calm atmosphere is created so that every party in the country, including Mahatma Gandhi and his party, is invited to be present at the Round Table Conference and make it a success.

The Honourable Sir George Rainy : I rise at this stage of the debate, Mr. President, to explain as briefly as I can the attitude of Government on my Honourable friend Mr. Acharya's Resolution and on the various amendments which have been moved. Naturally the course of the debate has traversed again a good deal of the ground over which we progressed in the last three days of last week. That was inevitable, and I can very readily understand how Honourable Members on the other side should have wished that the Session should not end until they had exhausted every effort and used all means which lay in their power to bring to an end a situation which we all of us recognise as deplorable. I appreciate very much the spirit in which my Honourable friend, Mr. Acharya, and my Honourable friend, Mr. Shafee Daoodi, have spoken, and if I am not so well acquainted with the movers of the other amendments, or with some of the speakers who have recently come to this House, I do not doubt that each and all of them are animated by the same spirit, a desire, if they can, to do service to their country.

Now, Sir, although the original Resolution itself and the various amendments which have been moved vary a good deal in phraseology, I am not sure that there is very much difference in the underlying motives and the underlying ideas which have led Honourable Members to put them forward. I need not, I think, refer to the earlier part of the Honourable Mr. Acharya's Resolution, because he made it plain himself, in moving it, that he did not wish to press that part of it and indeed would be content to accept the amendment of the Honourable Mr. Shafee Daoodi. What, Sir, is the feeling and the thought that animates the Resolution and the various amendments? It appears to be this, that, a situation has arisen in which Government and the Congress are in conflict, that neither the Government nor the Congress will give way, and that meanwhile very great injury, both moral and material, is being inflicted upon the country. In these circumstances Mr. Shafee Daoodi has made it plain that he and his friends have done their best to exert their influence on the Congress leaders to induce them to bring the civil disobedience movement to an end. Similarly he desires to use any influence he may have with Government to induce Government on its part to join in bridging the gulf between the two parties. That, Sir, is a very natural attitude and I can very readily understand why my Honourable friends on the other side of the House have felt it necessary to impress their views and their wishes upon Government in order to see whether anything can be done on those lines. There can be no question, Sir, of the extent to which the country is suffering at the present moment as a result of the civil disobedience movement. I am not going to go into any sort of detail, for Honourable Members know quite as much about the facts as I do. It is obvious that the spirit of lawlessness is growing, and that the material injury is becoming very great. Already a number of workers in industrial establishments have been thrown out of employment, and it is likely that, in the near future, the number of such persons who have lost their work will increase. Want of confidence is absolutely paralysing the internal commerce of the country, and when all these facts are so, undoubtedly it must be the desire of everyone to see whether a solution can be found. But if that is so, and if the Government of India find themselves still unable to go the whole way with my Honourable friends opposite, surely then the difficulties must indeed be grave. Some of my Honourable

friends have spoken as if this were a case in which the blame fell as much on the one side as on the other and that the proper way of addressing both Government and the Congress was to say "a plague on both your houses". Sir, I cannot for a moment admit that that is a fair or an accurate description of the position, or of the origin of the present situation. After all, when we are asked to take all necessary steps to obtain the co-operation of Mr. Gandhi and the other Congress leaders at the Round Table Conference, may we not fairly ask whether we have not taken these steps already? Was not His Excellency the Governor General's declaration of the 1st November last a reasonable and fair offer, which any Indian could honourably accept? Was not the establishment of the Round Table Conference by His Majesty's Government a fair offer which, had it been accepted at the time in the generous spirit in which it was offered, would have altogether prevented the difficult and dangerous situation in which we are to-day? But the answer which these efforts received from the Congress was an absolute refusal to participate in the Conference except upon terms which neither His Majesty's Government nor the Government of India could contemplate; because in effect that would have reduced the function of the Conference to registering the decrees of the Congress itself. Then followed the initiation of the civil disobedience movement, although His Excellency the Viceroy, addressing the Legislature last Session, made an appeal which might well have influenced those in whose hands the decision lay. Then followed the melancholy history of the next three or four months.

Such being the situation, it seems to me that the one indispensable preliminary to any sort of agreed solution of these questions is that the civil disobedience movement should be discontinued. Unless that is done, I cannot myself see how it is possible for Government to bring about that better atmosphere which we all desire, or to secure co-operation from the Congress leaders in the work of the Conference. The initiative clearly lies with those who launched the movement and are still inspiring and encouraging it.

I was glad to notice, Sir, that, at a recent meeting in Simla of the representatives of the minority communities, that point was emphasised, for they said:

"We also take this opportunity of emphasising the supreme necessity of creating an atmosphere of peace and good will for the Round Table Conference, to secure which it is essential that all movements calculated to defy law and order should immediately be terminated and all attention should be concentrated on the success of the Round Table Conference."

That really expresses in a sentence the attitude of the Government of India also, for until that movement is discontinued, as I said on a former occasion, any efforts which Government may desire to make to restore normal condition are almost totally paralysed. That the door still stands open for the Congress leaders to attend the Round Table Conference His Excellency made clear in no less than three different passages in his speech when he addressed the Legislature a few days ago. He said:

"It is the belief of His Majesty's Government that by way of conference it should be possible to reach solutions that both countries and all parties interested in them can honourably accept."

[Sir George Rainy.]

And again—

“His Majesty's Government still hope that Indians of all schools of thought, whatever the attitude that some of them have hitherto taken, will be ready to share in this constructive work.”

And again,

“I would hope that it might not yet be too late for wiser counsels to prevail by which all the political thought of India might be harnessed to the task of welding into unity the elements that compose her life and in conjunction with Great Britain devising the best means for giving constitutional expression to them.”

That, Sir, is the attitude of the Government of India. But when Honourable Members speak of securing the co-operation of Mahatma Gandhi and all other Congress leaders, clearly, the question whether they shall attend the Conference and co-operate is not an issue which the Government can decide if they themselves are unwilling to attend or to co-operate; and if the only terms on which they are willing to attend are such as the Government of India, in the nature of the case, cannot accept, then I do not see that the blame rests upon the Government of India for the results which we all so deeply regret.

A good deal of stress has been laid, during the course of the debate, on the desirability of the Government of India, as a sign of their conciliatory spirit, releasing those who are classed as political prisoners. On Saturday last I dealt with the point, and in substance, said all that I had to say, although it was then comprised in a sentence or two. Does not the request mean that, while the civil disobedience movement is still in being and is being actively prosecuted, Government should disarm itself and say, “Well, conciliation is the first thing and we shall cease to resist the movement”? Honourable Members no doubt realise what a grave decision that would be if the Government of India took up that attitude. As I said on Saturday, I think, it would amount very nearly to the abdication of Government. But if Honourable Members say to me, “But if the movement were discontinued and ceased to be a danger, what then would Government do?”, my reply is that I do not think we can reach a more satisfactory state of affairs, a better spirit or more conciliatory atmosphere by discussing this question on a hypothetical basis. But I do not hesitate to say, as I said on Saturday, that if the movement were discontinued, a new situation would be created with which Government would have to deal, and it is quite obvious that the policy of the Government of India, being what it is, namely, that the Conference in London should be a success and should be carried on under the conditions best fitted to promote its success, it must be their desire to do what they reasonably can to restore normal conditions. That is the spirit in which the Government of India would approach the question, but I do not believe that it would be in any way promoting the cause of peace or be of advantage to the country, if I were to say more than that to-day.

Mr. President, I have occupied the time of the House for a rather longer period than I intended. The matters we are discussing are very important, but I do not believe that they are to be solved by much public speaking. I will only say this in conclusion,—and I believe I can speak for every one of my colleagues—we all of us feel the burden resting on us to do what we can to be conciliatory and to bring about a

happier state of feeling ; but all of us also cannot but feel resting on our shoulders the responsibility that the King's Government must be carried on, and that, whatever else we do, we cannot renounce the trust imposed upon the Government because it is the Government.

Mr. Raghubir Singh (Agra Division : Non-Muhammadan Rural) : Sir, I rise to oppose the somewhat voluminous Resolution moved by my Honourable friend Mr. Acharya which, as he has himself admitted, is out of date and old like the Mover himself. His Resolution says that steps should be taken to persuade His Majesty's Government in England to recognise India's right to self-Government and to invite India's representatives at the Round Table Conference to discuss what form of Government this country should have. Well, Sir, the British Government are already taking steps to invite India's representatives to the Round Table Conference and thus give an opportunity to the representatives of India to frame a constitution which may best suit their needs. Then there is the amendment of Rao Bahadur D. R. Patil which I am inclined to support, because it lays great stress on the necessity of representation of rural interests in the Round Table Conference. Sir, India is a country the population of which is mostly rural, and it is incumbent upon Government to invite representatives from rural areas to the Conference, so that the results may be achieved according to the wishes of the masses.

Then, Sir, there is another amendment by the Honourable Mr. Ranga which says that steps should be taken to secure the co-operation of and participation by Mahatma Gandhi and other representatives of the Congress in the Round Table Conference. Well, with all respect to the Congress, I would say that though it may be the most important political institution in the country, still it is not the only institution which should count. Then there is another amendment which is in tune with that of Mr. Ranga, and therefore, Sir, I support.....

Mr. N. G. Ranga : I made myself quite clear in my speech that my Resolution does not mean that other parties should not be invited to the Round Table Conference.

Mr. Raghubir Singh : But the words of the amendment are that :

“ This Assembly recommends to the Governor General in Council that he should take all necessary steps to secure the co-operation of and participation by Mahatma Gandhi and other representatives of the Congress ”,

and not of other institutions. This was the meaning conveyed by the amendment. However, Sir, I strongly support the amendment moved by Rao Bahadur D. R. Patil and oppose the original motion.

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, the original Resolution proposed by the Honourable Member has got three definite parts. I do not propose to read out the whole Resolution as it is already down on paper, but briefly put, the first part says that the Government should accept the principle of self-determination for India. The second part says that the leaders should bring about an agreed constitution which itself will have the inherent capacity for self-development, and the third part says that with a view to bring about a peaceful atmosphere, the Government should release Mahatma Gandhi and other political leaders.

[Mr. T. N. Ramakrishna Reddi.]

Now, Sir, with regard to the first part, I do not think there is any patriotic Indian in this House who will object to these sentiments. I do not think there is any Indian whose soul is so dead as not to see that the country gets self-government or that it should have self-determination. But my only objection is whether this is the proper time to raise that question. Sir, the whole country is now concentrated on getting self-government or Dominion Status, as it is called, and we have all to conserve our energies to achieve that aim, and not raise this apple of discord again by introducing this idea of self-determination. Sir, as we all know, His Excellency the Viceroy made a very momentous announcement the other day that the Simon Report would form only one of the materials to be discussed at the Round Table Conference, but that has given rise to a lot of angry sentiments in England. For instance, we have read in the English papers that Sir John Simon, Mr. Lloyd George and Lord Reading are trying to do their utmost to see that the Simon Report obtains the fullest measure of consideration at the Round Table Conference. Very recently we have also read in the papers that even Mr. Wedgwood Benn, the Secretary of State for India, is contemplating resignation of his high office because he is not in agreement with the proposal that the Simon Report should not form the chief document for consideration at the Round Table Conference. There are also responsible statesmen like Mr. Churchill, Lord Burnham and others who have been openly declaring that the announcement of H. E. The Viceroy is most inopportune. Sir, when the Viceroy has to meet such difficulties at Home, is this the time, I ask, for the Honourable Member to raise this question instead of concentrating ourselves on getting Dominion Status?

Then, Sir, with regard to the second part, that the Indian leaders should frame an agreed constitution, in my opinion, this is not the time when this point can be raised. There are already many constitutions, for instance all the parties have joined together and have produced a constitution, popularly called the Nehru Report, which has received the largest amount of support in the country. There are also several constitutions produced in this country ready-made if it is necessary to have constitutions at all. So I consider that it will be inopportune at this moment to call in the leaders and ask them to frame a constitution once again.

With regard to the third part, we are all in entire agreement. Now, Sir, at this time when the whole country is in a turmoil, when the leaders of the country are in jail, how can the Round Table Conference be a success? If it is to be successful, then it is incumbent upon Government to see that the leaders of the Congress, who are the leaders of the nation and who are now rotting in jail, are immediately released.

Sir, when the civil disobedience movement is in full swing, another unfortunate thing has been added, and that is the publication of the Simon Report. Sir, the country asked for bread and it was given a stone. The country asked to be masters in its own house, and it was given seven wise men from afar, seven stone-hearted men, to fashion a constitution for India. I need not dilate upon this point, because everybody knows that the Simon Report has been denounced from one end of the country to the other, by every party and by every shade of opinion, and it has been condemned thoroughly. The Government must already have taken a note of it, and they must have sent cables to

England in order to make the Home Government know what the opinion of this country is with regard to the Simon Report.

Now, Sir, at this juncture His Excellency the Viceroy has done the greatest service by coming out with a bold declaration only the other day that the Simon Report will only have the same value as any other Report and will not form the basis of discussion at the Round Table Conference. I say so, because the House has just listened to a recent telegram which my Honourable friend Mr. Sen has read out to the House. So, the first business, the first duty of the Government is to bring about a reconciliation with the Congress Party, which is the most important party in the country. Sir, I consider this a very opportune moment because the Round Table Conference was asked for by Pandit Motilal Nehru himself. It is not a new thing. It was asked for no doubt under different conditions and different circumstances but, however, we are given this Round Table Conference. Though we have got this Round Table Conference, the leaders wanted that Government should accept Dominion Status as the basis for further discussion at the Round Table Conference, that they should accept Dominion Status with certain necessary safeguards, but the Government have not gone so far. But in the last announcement of His Excellency the Viceroy, we find that the scope of the discussions at the Conference is not circumscribed. It means that at the Round Table Conference Dominion Status might be discussed and even Independence might be discussed, and that there is to be no restriction on the discussion. This pronouncement is an improvement upon the previous pronouncement of His Excellency the Viceroy. There is, after all, very little difference if correctly understood and sympathetically applied, between what the leaders ask for and what the Viceroy has promised. Sir, there is absolutely no question of prestige involved in Government trying to bring about a reconciliation with the Congress. The Congress men are not rebels. Its leaders have been actuated by the highest of motives and have sacrificed everything for the sake of the country. Further, if the Round Table Conference is to be a success, it cannot be so without these leaders taking part in it. I can understand negotiations going on between two belligerent parties, between two parties that are fighting with each other, but I cannot understand negotiations proceeding with one party left out. If the Congress is left out and the leaders of other parties are invited and if the British representatives at the Conference then ask them what their credentials are, and whether they would be able to deliver the goods on behalf of this country, what are those people to say? The Congress is the strongest party in the country, and if the leaders of the Congress are in jail, it will be impossible for those other leaders to say that they speak on behalf of the country. Whatever agreement they may come to, will not be acceptable to the whole of India, and so it is quite essential that the Congress ought to be invited.

Sir, what is the difference between the Congress and the Government? Very recently, as the Leader of the Opposition has stated, the Congress leader, Pandit Motilalji was prepared to agree to very moderate terms. The only difference is that the Congress leaders say that they want a declaration of Dominion Status, whereas Government say that Dominion Status is the ultimate goal but only a certain time is required to reach it. The principle is accepted and there is difference only with regard to time. With regard to time also, it has now been conceded because His Excellency the Viceroy the other day said that we can discuss even

[Mr. T. N. Ramakrishna Reddi.]

Dominion Status right away at the Conference ; only we shall have to convince the British people. So far, His Excellency the Viceroy's announcement is a great advance. But there are certain defects in the announcement made by His Excellency the Viceroy. While he has announced the scope of the discussion at the Round Table Conference, he has not announced the personnel. The country and this House are entitled to know the personnel of the Round Table Conference whom the Government are going to invite, because, for aught we know, the persons whom the Government have got up their sleeve may not be acceptable to the country. So, there is no reason why the Government should keep back the names of the personnel of the Conference. If the Government want to take the country into their confidence, they must at the earliest moment announce the personnel of the Round Table Conference.

Then, there is another defect in His Excellency the Viceroy's pronouncement. His Excellency has said that His Majesty's Government will accept such agreements as are arrived at at the Conference of the British and Indian representatives. This is a step backward, a retrograde step, from the announcement which His Excellency the Viceroy made in November last. In that announcement His Excellency said that the Indian representatives would meet the representatives of His Majesty's Government, but now he has gone behind that, he has receded from that position, and he has stated that the Indian representatives will have to meet not His Majesty's Government's representatives alone but the representatives of the British people also. It means that the fight of the Indian representatives will not only be with the British Government which, fortunately, is a Labour Government and is favourably disposed towards us, but also with the Liberals and the Conservatives. With regard to these latter, they have clearly given expression to their opinion that the Simon Report must form the basis of discussion at the Round Table Conference. Therefore, when the Indian delegation have to meet the British representatives, including the Conservative and Liberal representatives, it will be a very hard job to tackle them. His Excellency the Viceroy's announcement does not, again, throw light on this point, namely, if there is no agreement what will happen. He only says that the agreed terms will form the basis for the future constitution of India to be framed by the Parliament. But if there is no agreement come to, what will be the position ? Is it to be decided by a majority of votes, or what is going to be done ? If anything is to be decided by a majority of votes, then Government must invite, must give a larger proportion of representation to the Indian representatives because it is their interests that are at stake. In regard to that also, the announcement is not very definite. So, Sir, Government are bound to clear these defects before they invite these members for the Round Table Conference.

I listened to the speech of the Honourable the Leader of the House to find out whether he would throw out any gesture of reconciliation. Except for reiterating the fact that the civil disobedience movement is harmful, which everybody knows, he has not stated anything definitely by way of gesture of reconciliation with the Congress people. The Honourable Member says that the leaders should call off the disobedience movement before any reconciliation can take place. Well, Sir, the country has waited for many long years, and it is only as a last resort that Mahatma Gandhi has resorted to the civil disobedience movement. It is only after

prolonged consideration that he has taken this step and the country and the people believe that it is a right step and they have absolutely no faith in the words of the Government. So it may not be possible to expect that the country will take up the suggestion of the Honourable the Leader of the House and call off the civil disobedience movement at once.

Mr. President : The Honourable Member has exceeded his time limit.

Mr. T. N. Ramakrishna Reddi : I shall now close. Government must come out with more definite proposals and promise that all these political prisoners will be released and that the Congress people will be invited, if they call off the civil disobedience movement. It is the duty of the Government, if they at all want to make the Round Table Conference a success, to come out with more definite proposals to conciliate the country.

The Assembly then adjourned till Eleven of the Clock on Friday, the 18th July, 1930.