

Saturday, 3rd October, 1931

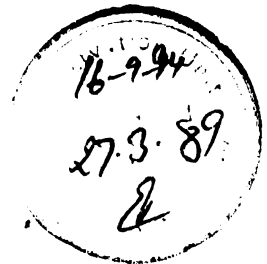
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THE
LEGISLATIVE ASSEMBLY DEBATES
(Official Report)

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(23rd September to 3rd October, 1931)

SECOND SESSION
OF THE
FOURTH LEGISLATIVE ASSEMBLY
1931



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Legislative Assembly.

President :

THE HONOURABLE SIR IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E.

Deputy President :

MR. R. K. SHANMUKHAM CHETTY, M.L.A.

Panel of Chairmen :

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MR. ARTHUR MOORE, M.L.A.

SIR MUHAMMAD YAKUB, KT., M.L.A.

RAI SAHIB HARBILAS SARDA, M.L.A.

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Assistants of the Secretary :

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

RAI BAHADUR D. DUTT.

Marshal :

CAPTAIN NUR AHMAD KHAN, M.C., I.O.M.

Committee on Public Petitions :

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MR. ARTHUR MOORE, M.L.A.

SIR ABDUR RAHIM, K.C.S.I., KT., M.L.A.

RAJA BAHADUR G. KRISHNAMACHARIAR, M.L.A.

MIAN MUHAMMAD SHAH NAWAZ, C.I.E., M.L.A.

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LEGISLATIVE ASSEMBLY.

Saturday, 3rd October, 1931.

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

QUESTIONS AND ANSWERS.

RETRENCHMENT IN THE HOME DEPARTMENT.

1148. ***Bhagat Chandi Mal Gola :** (a) Will Government be pleased to lay on the table a statement showing the number and names of persons employed in the Home Department and its attached and subordinate offices who are on the verge of retirement, having put in nearly 29 or 30 years' service ?

(b) In view of the impending retrenchment, are the Government of India prepared to instruct the Home Department, as the administrative department, to consider the advisability of taking the initiative in retiring the above mentioned persons and employing men on lower scales of pay as their successors ? If not, why not ?

The Honourable Sir James Orerar : (a) I regret I am unable to supply the information.

(b) The question raises a matter of general policy affecting all Departments of the Government of India and not merely the Home Department. It will doubtless be considered on its merits along with other methods of retrenchment.

Sardar Sant Singh : Will the Honourable Member please translate it for the benefit of the person who put this question ? (Laughter.)

Mr. Gaya Prasad Singh : You know Persian—you can translate it ? (Addressing the Honourable the Home Member.)

Kumar Gupteshwar Prasad Singh : I think the Honourable Member has passed the departmental examination in the vernacular or in Hindi ?

Mr. President : Order, order.

RETRENCHMENT IN ACCOUNTS AND AUDIT OFFICES IN BENGAL.

1149. ***Mr. S. C. Mitra :** (a) Is it not a fact that the Auditor General in his letter No. 1474-E.441-A-25, dated 26th March, 1926, to the Accountant General, Bengal, ordered that the temporary assistants in the Experimental Accounts and Audit Offices should be borne on the cadre of the Accountant General, Bengal ? If so, what action, if any, was taken on the letter ? If not, why not ?

(b) Is it not a fact that the same orders were re-iterated in para. (3) of the Auditor General's letter No. 736-N.G.E.344-30, dated 21st April, 1931, in which he laid down that these men should be considered for confirmation in the office of the Accountant General, Bengal, in exactly the

(1465)

same way as the temporary men working in the said office ? Was any action taken on this letter ? If not, why not ?

(c) Are Government aware that due to the fact that the circular letter No. 1474-E.441-A-25, dated 26th March, 1926, of the Auditor General was not given effect to by the Accountant General, Bengal, clerks of much longer services in the Experimental Offices are still styled as quasi-permanent or temporary, while much junior men in the Accountant General's Office have been made permanent ?

(d) Is it a fact that at the time of some retrenchment in the office of the Accountant General, Bengal, a junior man of the Experimental Accounts Offices was discharged to provide for a senior man from the Accountant General, Bengal's Office ? If so, do Government consider the clerks in both the Accountant General, Bengal's Office and in the Experimental Accounts and Audit Offices, in the same cadre ?

(e) Will Government please state whether at the time of present retrenchment, the clerks of both the Accountant General, Bengal's Office and the Experimental Accounts and Audit Offices in Calcutta will be treated on the same level, and length of service will be treated as the criterion for discharge, irrespective of their being permanent, quasi-permanent, or temporary ?

The Honourable Sir George Schuster : Enquiry is being made and a reply will be sent to the Honourable Member in due course.

SHORT NOTICE QUESTIONS AND ANSWERS.

INVESTMENT OF PROVIDENT FUNDS IN SINGLE PAYMENT STERLING INSURANCE POLICIES.

Mr. S. C. Mitra : (a) Is it a fact that Government officials are withdrawing large amounts from the Provident Fund and utilising these amounts for purchasing single payment life insurance policies ?

(b) If reply to part (a) be in the affirmative, will Government please state how they are treating these transactions for the purpose of sale of sterling and whether such transactions are being treated as those for genuine trade or domestic purposes ?

(c) Is it a fact that when the exchange situation offered similar scope in the past this very method of buying sterling was adopted by officials ?

The Honourable Sir George Schuster : (a) This part of the Honourable Member's question apparently refers only to the present or I presume to the short period which has elapsed since the promulgation last Thursday of Ordinance No. VII. So far as this period is concerned, I can tell the Honourable Member that, according to my information, there has not been any occasion on which the facilities which Government as currency authority now offers for the sale of sterling have been applied for to Government on behalf of officials for the purpose referred to in the question.

(b) The question contained in part (b) has not therefore, so far as Government are aware, yet arisen.

(c) I do not quite understand this part of the question. There has not been any period in the past when the conditions applicable to it were in force.

Mr. B. Das : May I inquire if such withdrawals as are referred to in part (a) of the question come to a very heavy amount per annum?

The Honourable Sir George Schuster : I have already, in answer to the question, stated that since the 21st September, there have been no applications of this kind dealt with by Government.

Mr. B. Das : May I inquire of the Honourable Member as to what is the normal annual sum of withdrawal previous to the 21st of this month by Government officials for the purpose of purchasing such single-payment life policies?

The Honourable Sir George Schuster : I am afraid I have no statistics on that question.

EXPORT OF GOLD FROM INDIA.

Mr. R. K. Shanmukham Chetty : Sir, with your permission, I would like to ask a short notice question.

Will Government be pleased to state :

- (a) the total value of gold bullion exported by means of private export from India since 21st September, 1931 ;
- (b) whether Government propose to prohibit the private export of gold from this country ; and
- (c) whether Government as currency authority propose to buy gold at a rate which will be approximately in parity with the sterling-dollar exchange.

The Honourable Sir George Schuster : Sir, according to my information, the value of gold exports up to Tuesday last was about 150 lakhs. I have not yet got returns from the Controller of Currency since Tuesday last, and any subsequent information which I have on the subject is contained in Press notices.

As regards parts (b) and (c) of the question, Government have the matter under their consideration ; and that I think is all that I can say at the moment.

Mr. R. K. Shanmukham Chetty : Sir, in view of the fact that evidently people who are exporting gold want currency, does not the Honourable Member think that this will be a good opportunity for the Government as currency authority to purchase gold more in accordance with the prevailing market rate and thereby take this opportunity of increasing their gold reserves?

The Honourable Sir George Schuster : My Honourable friend is asking me a rather difficult question. Government naturally are reluctant to interfere with the ordinary operations of private trade. On the other hand, if Government purchased gold in present conditions, that would raise a very difficult question. Government are at present under an obligation to buy gold at a price which of course is entirely out of parity with the present price. I would like to know whether my Honourable friend considers that it is against the public interest that gold should be exported by private individuals at present.

Mr. R. K. Shanmukham Chetty : When the monetary gold available in the country goes out, I consider, Sir, that it would be wise on the

part of Government, especially when their gold reserves are very small, to take that opportunity to purchase gold and increase their gold reserves. Incidentally, this will result in the expansion of currency very much indeed for trade purposes.

Mr. Arthur Moore : May I ask.....

Mr. President : Let Mr. Chetty's question be answered first, Mr. Moore.

The Honourable Sir George Schuster : I think my Honourable friend hardly asked a question ; but in answer to his remarks, all I can say is that I shall give the fullest consideration to the argument he has put forward.

Mr. B. K. Shanmukham Chetty : I did not put it in the form of a question, but I was merely replying to a question which the Honourable Member himself put to me.

Mr. Arthur Moore : May I ask, Sir, whether the Honourable the Finance Member is considering the possibility of an embargo upon the export of gold, in order to prevent this heavy export of gold by private persons ?

The Honourable Sir George Schuster : I think I have dealt with that as far as I was able to deal with it at the present moment, in answering the original question. I said that the Government have the whole matter under their consideration, but that it raises very difficult issues.

Sir Hari Singh Gour : Did not Government have this matter under their consideration before the issue of Ordinance No. VII ?

The Honourable Sir George Schuster : It was one of the points which we naturally did consider.

Sir Hari Singh Gour : With what results, Sir ? Have they been as expected ?

The Honourable Sir George Schuster : With the result, that we decided that we had better wait and see !

Mr. B. Das : Has not the Honourable Member received representations from the various Merchants' Chambers urging him to take this opportunity of expanding his currency in order to stop the export of gold ?

The Honourable Sir George Schuster : I have received certain representations from various Indian Merchants' Chambers ; and as a very prominent member of the Federation of Indian Chambers of Commerce has, according to the Press reports, been himself the largest exporter of gold, I am prepared to suggest to them that they might perhaps themselves take some action in the matter. (Hear, hear.)

Mr. B. Das : Is it not a fact that that prominent member of the Federation is also a business man and from a business point of view he has to handle any business that brings in profit ?

The Honourable Sir George Schuster : I quite agree with my Honourable friend that in the life of a business man his motives as a business man and as an Indian patriot may often come into conflict. (Laughter.)

Mr. B. Das : Is it not a fact that England has passed an embargo on the export of gold and should we not follow the same practice in India ?

The Honourable Sir George Schuster : As far as I am aware England has passed no embargo on the export of gold.

Mr. R. K. Shanmukham Chetty : As my Honourable friend suggests that there is such a big difference between the price of gold at which the currency authority will purchase it and the market rate, and also a difference between the price of gold in India and the price of gold in other countries, will the efforts on the part of an unofficial body like the Federation have such effects as control by Government in placing an embargo on gold ?

The Honourable Sir George Schuster : I am not suggesting that any individual action can have the same effect as an embargo by the Government on the export of gold. But an embargo by the Government on the export of gold is a very drastic measure and requires very careful consideration before Government can adopt it.

THE INDIAN PRESS (EMERGENCY POWERS) BILL—*contd.*

The Honourable Sir James Crerar (Home Member) : Sir, I move that the Press Bill, as amended, be passed.

Sir Hari Singh Gour (Central Provinces, Hindi Divisions : Non-Muhammadan) : Sir, I know that what I am going to say will not have the slightest effect upon Government, who have carried clause after clause yesterday and the day before by their ruthless majority, in spite of the criticisms of the Members of the Opposition. Sir, this is one of the Bills upon which the public at large have expressed their views in no uncertain terms and it is one of those Bills in which five Members of the Opposition serving on the Select Committee had recorded their respectful but emphatic protest against certain clauses which they thought required amendment. The other day I pointed out to the House that those clauses were of the very essence of the Bill, and amendments were necessary for the purpose of safeguarding the Press and public rights. In spite of our appeal to the Honourable the Home Member and to those who sit behind him, we were not able to force to a successful division any of the clauses. The fact remains that the Bill as it emerged from the Select Committee, in spite of its numerous defects, is about to become law and we sitting on this side of the House, though few in numbers and on the eve of a dissolution of the Assembly, shall be failing in the discharge of our duty as the spokesmen and representatives of the public if we allow this motion to pass without a protest. I know, Sir, it is now too late to ask the Honourable the Home Member to reconsider his decision, and even if we were not too late, I know his mentality and it would be futile to ask him to once more exercise his reason in the interests of the public, in the interests of the Press, and indeed in the interests of the established Government itself. For what has been the result of this Bill and what would be the result of this Bill ? The dissentient Members pointed out that the most operative clause, clause 4, was extremely defective in its wording and Honourable Members pointed out that sub-clause (b) of clause 4 was so largely worded that it would neutralise in many cases the effect of the dominant clause (a).

[Sir Hari Singh Gour.]

Honourable Members will remember that that clause punishes a person who :

“directly or indirectly expresses approval.....of any person who has committed or is alleged or represented to have committed any such offence.”

Sir, I can visualise to myself the case of a soldier of the Crown who by his gallantry on the battle-field has, let us say, earned the well-coveted decoration of the Victoria Cross. In a moment of misguided frenzy he commits a murder. The Press says that this man has committed a murder and is, therefore, likely to suffer the penalty of the law, but at the same time it must be remembered that he was a man who had served his country and the Crown by his services on the battle-field. That statement unconnected with the murder, recounting a mere statement of fact, would be exposed to the penalty of sub-clause (b) of clause 4 (1). I am quite aware of the explanation that has been added to clause 4, but as Honourable Members have pointed out, that explanation is shorn of its effect by the last words, which lay down that even a work of literary or historical importance may be exposed to the penalty of the section if it has the tendency described in clause (a). Sir, the Honourable the Home Member remembers that in the well known works of the greatest poet in the English language, we have plays like Julius Caesar and Macbeth and we have the statement of Brutus who justifies the murder of Julius Caesar on the ground of public necessity. That statement, Sir, and the whole play of Julius Caesar would be exposed to the penalty of this section.....

The Honourable Sir James Ogerar : Including Mark Antony's speech ?

Sir Hari Singh Gour : Sir, it will be left to the tender mercies of the Home Member to exempt the passage of Mark Antony if he wishes, but the whole play would come under the provisions of clause 4 and the explanation because it has a distinct tendency to counsel the murder of tyrannical rulers. Take the case of Macbeth and the statement of Lady Macbeth. That play itself would come under the provisions of this clause under this explanation. I am quite sure that in his multifarious preoccupations the Honourable the Home Member must be occasionally casting a glance at that classical work by Thomas Carlyle on the French Revolution. I recall to him the statement contained in that work on the storming of the Bastille and what a vivid passage occurs there :

“Oh sons and friends of France, lovers of liberty, you by your blood and by your steel prepare the dawn for the liberation of your country !”

That, Sir, would be one of the most obnoxious classical works having a tendency to tell the people of France, and through the people of France the people of the world at large, that if you wish to end tyranny it can only be by applying the doctrine of blood and iron. That is what Thomas Carlyle in his History of the French Revolution so vividly depicts. Sir, all these works, the greatest classics in the English language, would come under the provisions of this clause which is, I submit, so largely worded that it is entirely left to the executive to say as to what shall be printed and what shall not be printed. Sir, I am sure that if the Honourable the Home Member had left the decision of this question to the free vote of the House, if he has said that this is a highly controversial Bill brought at almost the close of the Session and that it will affect a very large body of the public, namely the Press and through them the public at large, I am quite sure that the result would have been very different. Because I

see before me Honourable Members who are pledged to support the Government. But if they were free to vote according to their conscience, they would have hesitated in doing so and I am sure my Honourable friend, Sir Lancelot Graham, would have been the most vocal in exclaiming, following the example of his half namesake, Launcelot Gabbo, "Certainly my conscience will serve me to run away from this clause, my master". (Laughter.) But, Sir, disciplined as they are under the crack of the whip, it is not for them to reason why but to march blind-fold to the lobby that the Honourable Member may point to them, and therefore, I say that the Honourable the Home Member cannot congratulate himself upon his achievement in placing this reactionary measure upon the Statute-book. Whatever may be the view of the Honourable the Home Member, we as representatives of the people have no duty but to assist the Government so far as the Government were right and to oppose them when it is found that they were wrong. Because we feel that the necessity for a measure of this kind had been made out, we immediately and willingly served on the Select Committee and there we gave our unfettered opinion as to what we considered to be necessary for the purpose immediately in hand. We were defeated in the Select Committee and we have been defeated in the open House. But we have one satisfaction, that whatever may be the result of this Bill, Honourable Members on this side are unanimous in supporting the dissentient view of their representatives and of the country. Sir, if it were the only clause, it would be a serious blot upon the Bill. But there are other clauses equally obnoxious to the plain provisions of the Statute law both in England and in this country. I do not wish at this late hour to tire the House by referring in greater detail to those clauses, but I cannot help feeling that the amount of security that is demanded from the keepers and publishers of these petty presses, who are the main offenders, if not the sole offenders, according to the view of the Government, is not only excessive but even prohibitive. Presses worth Rs. 100 or 200 or 300 may be called upon to deposit a security to the tune of Rs. 10,000. Sir, it would have been kindness indeed if the Honourable the Home Member had retained the clause regarding forfeiture. Forfeiture in that case would have implied forfeiture of small presses, perhaps a small lithographic press, which a man is able to put in a gunny bag and carry upon his shoulders. But that has not been the case. The substitution of fine or security has been out of all proportion to the value of the press.

Sir, dealing with the powers of the High Court, I pointed out at very great length that the power that is given to the High Court in the Bill in many cases would be illusory. The High Courts in India constituted as they are, are the custodians of the people's rights and liberties, and with all their defects, the people still look up to them as the palladium of the people since they stand at are expected to stand between the Government and the people when the Government go wrong and the people have a right to safeguard. But the power that has been given to the High Court of merely deciding as to whether the security was rightly demanded is a power which, I submit, would not be conducive to the ends of justice. For, the High Courts may find that while the security was rightly demanded, the amount of security is excessive. In that case, the High Court will be powerless to act. Sir, I am not despondent, because after what I have said in this House, I am quite sure that this clause of the Indian Legislature is likely to be challenged in a court of law because it contravenes section 107 of the Government of India Act and of the Letters Patent to

[Sir Hari Singh Gour.]

which I made reference the other day. Whatever you may do, if your power is *ultra vires*, whatever you may do if you have not expressly amended the Letters Patent, the powers of the Chartered High Court would remain unimpaired. That is my small consolation in referring to this clause.

There is one more point and it will be the last, illustrative of what I have got to say on the subject. The clause which condemns the press to forfeiture, takes no note of the fact that that press may be subject to *bonâ fide* encumbrances. Case after case occurs in this country in which a poor man either purchases a press on what is known as the hire purchase system or he mortgages the press in anticipation of starting it. In all these cases, the mortgagee or the encumbrancer knows nothing at all about the purpose to which that press might be put. There are cases now when you find that illustrated articles appear in the papers. The illustrations are taken from one press that specialises in producing illustrations. In such cases the language of the clause is so widely worded that both the presses are liable to come within the penalties of the Bill. I, therefore, submit that this is one of those clauses upon which the Government should have given way. In the Select Committee as I pointed out to this House, the question of *bonâ fide* encumbrancers was supported by the majority of the members, but the Honourable the Home Member would not accept the view of the majority. Whatever may be the case, we pressed upon the Government the desirability of doing this small justice to *bonâ fide* innocent encumbrancers and charge-holders. Even that appeal fell flat upon the Treasury Benches and why? If this Bill had been introduced in this House in the earlier part of the Session, instead of my going over to the Home Member and cajoling him to accept these clauses, you would have seen the spectacle of the Home Member coming over to me and cajoling me to accept some reasonable compromise. That.....

The Honourable Sir James Crerar : May I point out that the original Bill containing this provision was introduced on the very first day of the Session?

Sir Hari Singh Gour : The Honourable the Home Member reminds me of that unsavoury chapter in which he has taken so conspicuous a part. A Bill was introduced on the first day; a few days after, that Bill was gone and another Bill was introduced. What is the good of referring to the introduction of a Bill earlier in the Session? This House was never given an opportunity of criticising the Bill after it emerged from the Select Committee and by the time it came before this House from the Select Committee the Session was practically at an end. That, I submit, is the grievance of the Members of the Opposition. The majority of them finding that the work of the Simla Session was over and that highly controversial measures would be held over for the Delhi Session, left the place: others who had other engagements had to leave Simla, with the result that we see the few Members left to constitute the Opposition. That is our grievance. All I say is that the Honourable the Home Member has taken a mean advantage of the absence of a majority of Members of the Opposition: he should have held over this Bill.....

Mr. Arthur Moore (Bengal : European) : On a point of order, Sir, is the Honourable Member in order in saying that the Home Member has taken a mean advantage?

Sir Hari Singh Gour : I think the *Statesman* uses stronger language even than that.

Mr. President : Stronger language may be used outside in the Press ; but that is no justification for using it in the Assembly. The phrase "mean advantage" is a very offensive expression and I will not allow it.

Sir Hari Singh Gour : I do not think the Honourable the Home Member himself objects : he thinks it is very common. If he objects I withdraw it.

The Honourable Sir James Crerar : It is not a common expression on this side of the House.

Mr. President : The Chair objects to that expression.

Sir Hari Singh Gour : All right, Sir. The Honourable the Home Member has taken undue advantage of the thinness of the Opposition.

Mr. President : The Honourable Member must withdraw the word "mean".

Sir Hari Singh Gour : I have withdrawn it, Sir. I say he has taken undue advantage of the thinness of this House, and the result is that he had a walk-over upon all clauses which we considered to be the most offending features of this Bill. It is useless to cry over spilt milk. The Bill is now going through, and within a few moments it will become law. But let not the occupants of the Treasury Benches go away with the impression that they have passed this measure with the concurrence of the elected representatives of this House. Let them go away with the solatium that if this Bill had come before this House earlier in the Session when contested and controversial questions were being agitated, this House would have fought these clauses inch by inch and prevented their entry into the Statute-book. That is the assurance we wish to give to the Honourable the Home Member. He may enact this measure; he may impose it, but he will never find any support either from the Members of the Opposition or from the public outside who are watching the work of the Legislative Assembly. The other day the Honourable the Home Member was pleased to characterise this Assembly as having deteriorated into a debating society. I do not wish to retaliate.....

The Honourable Sir James Crerar : On a personal explanation, Sir. If the Honourable gentleman will refer to what I said on the occasion, he will find that his interpretation of what I said is entirely incorrect. All I said on that occasion was that the speeches of some Honourable Members opposite might indicate that they were taking part in a debating society instead of in a Legislative Assembly.

Sir Hari Singh Gour : I leave the Members of the House to draw their own conclusions as to the effect of the language used by the Honourable the Home Member. But judging from the pressure that has been brought to bear upon me from all sides of the elected portion of this House, judging from the indignation which was felt by the Members on this side of the House when the Honourable the Home Member used the expression which he said he did—he also characterised the arguments of some Members on this side of the House as absurd and ridiculous—that I submit is the position into which this House has been brought and had to submit because this Bill was taken towards the far end of the session. If these expressions had been used when the House was in full force, this House

[Sir Hari Singh Gour:] would have known how to vindicate its rights and its privileges. That time has gone.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural) : Do it during the Finance Bill.

Sir Hari Singh Gour : My friend tells me "Do it during the Finance Bill". That would not be the occasion to do it. This is the occasion, when the Press Bill is under discussion; and as soon as the Press Bill is passed we forget and forgive the Members of the Treasury Benches for what they have done and for what they have accomplished. (Applause.)

Mr. Amar Nath Dutt : We can forgive but cannot forget.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : Sir, I wish to register my protest against the passing of this double-faced measure in as few words as possible. I call it a double-faced measure because it professes to be one thing while its provisions are something very different. It professes in the title and preamble to be a Bill to control writings which incite to crimes of violence and murder; while if you examine the provisions of the Bill, as we have examined it on this side of the House, you will find that it is perfectly clear that what the Government aim at and what they have secured is control of the entire Press of the country. Clause 3 gives them that control and the wide powers vested in the executive Government emphasise that control. But that is not the title and preamble of the Bill. It is a deceptive measure and on that ground alone we are entitled to enter our emphatic protest against it. We all know that the Press in this country is divided into two sections. One which is conducted by the Anglo-Indian community mainly to support Government, and the other I claim represents true Indian public opinion. When you vest the control of the Press in the Government so that it is to find whether certain sections of the Press have or have not offended against the provisions of clause 4 of this Bill, it really means that the Government will exercise that control, as we know from past experience, against the Press which criticises its measures and it will not apply those provisions to that section of the Press which carries on propaganda in favour of Government.....

Mr. Arthur Moore : When you were in the Bengal Government, you controlled the Press?

Sir Abdur Rahim : I had nothing to do with the Press. Certain friends on this side have pointed out that there is a paper which calls itself as the friend of India, but which repeatedly acts against India's interest.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) : Save us from such friends.

Sir Abdur Rahim : That paper, I understand, is represented by my Honourable friend, the Leader of the European Group here. Sir, I take no objection to that. I think if my friends on this side of the House knew the mentality of what is called the European Group, they would realise at once that there is a distinction between being a friend of India and being a friend of the Indian people. Sir, that paper pretends to be the friend of India. That does not mean that it is a friend of the Indian people.

India, we know, is the property and possession of Britain, and so in that sense an Anglo-Indian paper can always say, "We are befriending our own possession", but that is a very different proposition from befriending the people of India. As regards this European Group, I should like to challenge the very name of this group. Do they represent here France, Germany, Poland, Russia or do they represent here Britain? Why then this false name? Why do they claim to represent Europeans? If they said that they represented Britain, if they said that they represented England, Wales and Scotland or Ireland or South Africa....

Mr. John Tait (Burma : European) : On a point of order, Sir. Has what the Honourable gentleman says about the European Group got anything to do with the Press Bill?

Sir Abdur Rahim : It only requires very little judgment to find out the connection. I do not know for whose benefit this misnomer has been adopted. Is it for the benefit of Europeans or for the benefit of Indians? Surely the Europeans generally are not deceived; they know they have no interest in India. Then why this assumption of a false title on the part of my friends who sit on the other side?

Sir, a great deal has been said about the way the Government secure their majority. They know that very well. They have their own block, the solid official block, the silent block, which is carried along with them wherever they go. They have then a certain number of men, gentlemen who are extremely anxious, much too anxious to assume the responsibility of office. They see visions every day of the mantle of some office falling on their shoulders. Is it then very difficult for the Government to carry such people with them? Most certainly not.

Then, Sir, as regards the manner in which the Honourable the Home Member has conducted the Bill through this House. I must say once again that it has left a very bitter taste in our mouth. He has not improved either his own position or that of his Government. Sir, the Bill will be passed in a few moments, but I can assure the Honourable the Home Member that the Bill as it has emerged now, will never be acceptable to the country. There will be a chorus of protests throughout the land, because the Bill goes far beyond its object and scope. The Government had no business to widen its scope in the effective provisions of the Bill, and that is exactly what has been done. They have also tried to stifle absolutely certain branches of the business of printing. We have asked them repeatedly, and none of them could justify that provision, why those printing presses which have not offended against clause 4 of the Bill should be called upon to furnish security, why there should be forfeiture without a proper inquiry. Here is a Bill which cannot be justified from any point of view. I could justify under certain circumstances executive measures pure and simple for purposes like these, but not a measure of this mixed character. You know, Sir, there is a dish known in India called *kitchri*. That is exactly the sort of Bill which has been introduced and which is going to be passed in this House.

Mr. Arthur Moore : Sir, the Honourable Member who just sat down challenged the title of this group. I do not propose to follow his example, because I think that the Honourable the Leader of the Independent Party has chosen the title of his party very well. He in particular is extremely independent. He is independent of all the trammels and restraints that would fetter most men who had held the positions in public life that he

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has held. The Honourable Member has been a Judge of the High Court ; he has been a Member of the Bengal Government.....

Sir Abdur Rahim : But not a slave. (Applause.)

Mr. Arthur Moore : He was a member of the Bengal Government. I have never accused any Member of the Bengal Government of being a slave, and my Honourable friend was a Member of the Bengal Government when they introduced a far more sweeping Ordinance than any that exists at present, one extremely rigorous in character. Then my friend used very different language. He attacks what he calls the Anglo-Indian Press, and what is the head and front of the offending of the Anglo-Indian Press ? It has not changed its attitude towards Indian aspirations. He did not complain of its support when he was a Member of the Government. But now the whole head and front of its offence is that it attacks violence, for otherwise that Press stands exactly where it stood.

Sir Abdur Rahim : No doubt about it. (Laughter from the Nationalist Benches.)

Mr. Arthur Moore : It is now taking a definite stand against the outbreak of terrorism in this country and in the Honourable Member's own province, and he comes to this House and uses language of that character. Sir, I think that opposition to the Bill, which is based upon such specious pleas, should not be treated very seriously. As regards the remarks that were let fall by the Leader of the Nationalist Party, I cannot help saying that I have never seen a more elaborate and artificial attempt to manufacture a grievance. What are the facts, which are perfectly well known to the Honourable Member opposite ? The Bill was introduced at the very beginning of this Session..... (*Sir Hari Singh Gour :* " This Bill ? ") That is my Honourable friend's point. He wishes to take advantage of the mistake of the Assembly Department to manufacture a grievance. He knows perfectly well that the Bill was introduced at the beginning of this Session,—this Bill before it was revised by the Select Committee. The Bill was revised by the Select Committee at the earliest opportunity after full debate, and the Bill as revised by the Select Committee was before this House for over a week before it came up for discussion. I may have been wrong, but I understand that he agreed with the procedure that was finally adopted in order to obviate that mistake ; and I do not think that my Honourable friend is justified at this stage in making that a grievance or in pretending that this Bill has not had the very fullest discussion in this House.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : The Honourable the Home Member the other day compared some of the speakers on this side to amateurish debaters and he was reminded almost of an amateur debating society on this side of the House. It is mainly the fault of the Montagu-Chelmsford constitution that this side of the House has no more power than to debate, and it is because it is deprived of the power to carry on the administration of the country even if it happens to be in a majority that this side of the House is not adequately represented to-day in this debate. Wise men on this side thought that silence would be golden, and therefore, they did not want to indulge in silvery words of opposition. Sir, I believe we do not take our stand on the fact that the opposition on this side has

not represented its strength on the floor of the House as it should have done on this Bill and in this debate. I am willing to concede that the Government introduced this measure at the very beginning of the Session. I am willing to go further and say that they introduced the measure at the Delhi Session. I agree with the Honourable the Leader of the European Group that we are not here to take advantage of an unfortunate mistake, which is not the mistake of the Assembly Department alone (Hear, hear). My Honourable friend, Mr. Amar Nath Dutt, remarks that it is a mistake of the Select Committee.....(*Mr. Amar Nath Dutt* : "Of the Chairman of the Select Committee")....and he says of the Chairman of the Select Committee, Mr. Arthur Moore. I say it is a mistake of every one of us present in this House (*Mr. Gaya Prasad Singh* : "No, no"). My Honourable friend, Mr. Gaya Prasad Singh says, "No, no". I say, "Yes", because the Gazette is supplied to us and we are supposed to have read the Gazette and we are supposed to have seen the thing and brought it to the notice of the Government then and there for the issue of a correction in the matter. Therefore, every one of us is to blame (*Mr. B. Das* : "Including the Government"),—including the Government of course, because the Assembly Department is part of the Government....(*Mr. B. Das* : "Why did not the Honourable the Home Member read, and why did not Sir Lancelot Graham read, the Gazette?") Yes, Sir, Sir Lancelot Graham is as guilty as myself in this matter, and the Honourable the Home Member is as guilty as my Honourable friend, Mr. B. Das. (Laughter.) All of us are guilty in this respect, and the less the fault of the Assembly Department is mentioned in this House the better. I see because of this mistake the *Statesman* of Calcutta through its special representative has already had a fling at the Assembly Department, which was unworthy of the *Statesman*, especially as the Editor of the *Statesman* happens to be the Leader of the European Group and the representative of the *Statesman* happens to enjoy in the Press gallery the hospitality conceded to him by the head of the Assembly Department.....

Mr. Arthur Moore : On a point of order, Sir. Is the Honourable Member justified in making allegations of this kind which cannot be refuted on the floor of the House?

Mr. C. S. Ranga Iyer : I am going to prove it presently. My justification is this. The *Statesman* of Calcutta-Delhi three days ago published a statement that, because of the separation of the Assembly Department owing to Mr. Patel, therefore this mistake was committed (*Cries of "Shame"*) ; otherwise it would not have been committed. (*Cries of "Shame"*.) And Mr. Arthur Moore does not read his own newspaper. It is time he read his own paper and prevented it from indulging in such mischief. I did not want to rub it in. I was very polite, but the Honourable gentleman had the audacity to rise on a point of order, forgetting the mischief that his own paper had perpetrated.

Sir, I would follow the example of my Honourable friend, Sir Lancelot Graham, who on that occasion when the matter was brought to the notice of the House, and said with a sincerity and sportsmanship for which I have known him ever since I entered this Assembly, and very rightly said, that as Secretary of the Legislative Department he sympathised with the Secretary of the Assembly Department. I wish that that point of mistake had not been made in the course of the debate, and I for my own part would treat this Bill as one that was introduced at the beginning

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of this Session, because as I have already said, it was only a very unfortunate error which could not be helped.

Sir, the Honourable the Leader of the European Group, while levelling his attack against our esteemed friend, the Leader of the Independent Group, said that his criticism of the attitude of the Anglo-Indian Press was not justified. It is justified by the fact that, long before this Bill was introduced, the Anglo-Indian Press carried on a raging, tearing campaign asking for the introduction of a Bill of this kind, and, but for the support that the Government had received from the Anglo-Indian Press, they might have not been perhaps in the same hurry to introduce the Bill which they introduced in this House, and, but for the work that we did in the Select Committee, the Bill would not have been so radically altered as it has been. If the Anglo-Indian Press and their representatives had their own way in the matter, judging from their writings in the newspapers and their speeches on the floor of this House when the Bill was first introduced—if they had had their own way in the matter, this Bill would not have been altered as it has been altered. Sir, the Honourable the Leader of the European Group said, and very rightly said, that the Anglo-Indian Press stands to-day where it stood, say 150 years or 160 years ago.....

Mr. Arthur Moore : I said nothing of the kind.

Mr. C. S. Ranga Iyer : The Honourable gentleman was trying to interrupt me in the middle of the sentence, and therefore, I must repeat what he said. He said that the Anglo-Indian Press stands where it stood, I say 100 years ago, opposed to terrorism. So, are we opposed to terrorism. He said the Anglo-Indian Press do not want terrorism, and if by that he insinuated—I hope he did not insinuate that we were in favour of terrorism, he is only misrepresenting us as the Anglo-Indian Press has been endeavouring to misrepresent the Opposition on this side of the House. We are opposed to terrorism and if we do not support this measure, it is because we are convinced that it will not be wholly directed merely to newspapers which encourage terrorism or adore the terrorist for there are grievous defects, very serious defects in this Bill. It was not adequately dealt with in this House. The clause relating to violence was quite unnecessary for the purpose of this Bill, for we are only concerned with terrorism and the terrorist and if I had been convinced that this Bill as it stands to-day would not be abused, I would at any rate have thought it my duty to support this Bill, if I could at the same time be convinced that the passing of this Bill would stamp out terrorism. I am perfectly convinced that this Bill will leave the terrorist untouched. The very fact that all over the country responsible newspapers have been suspending publication of the paper for one day as a mark of protest at the passing of this measure ought to convince the Honourable the Home Member and the European Group that the passing of this Bill is resented by responsible organs of constitutional agitation.

Sir, I must now turn my attention to the Honourable the Home Member. Throughout this debate, I regret that the Honourable the Home Member did not accept even one or two of our important amendments because he considered that they were so vital to the Bill, amendments such as the asking of a double security from the printer and the publisher, when the printer and the publisher happened to be one and the same,

amendments such as putting the old press and the new press on the same footing, amendments in respect of demanding an advance security from the new press should the Magistrate think that such a security should be demanded. If in these two matters he had agreed, we might not have pressed so much the judicialising of the procedure. I knew it was more difficult for him to accept the motion relating to the judicialising of the procedure. If the Honourable the Home Member had only some imagination, if he had only thought what a tremendous weapon the Press would be on his side if he had judicialised the procedure, I am sure he would not have taken up an attitude which he in his responsibility to his executive in this country, thought proper to take up.

Sir, the other day the Honourable the Law Member in his very powerful advocacy of the Government cause said that he would be a better supporter of the Press than myself on this side of the House and he thought that the Press exercised much greater influence in the country than I thought it did. Sir, I differ from the Honourable the Law Member, and at this final stage of this Bill, I repeat my difference with his judgment in this matter and with the pronouncement that he made on the floor of this House. When the Law Member and I differ what are we to do? We can only appeal to one of his predecessors in office, a distinguished predecessor, nearly as brilliant and almost as competent. I refer to Sir Tej Bahadur Sapru who presided over the Press Laws Committee. Sir Tej Bahadur Sapru and his Committee made the following observations which I have since discovered and I think they are in agreement with me more than the Law Member. They say :

"We believe that the more direct and violent forms of sedition are now disseminated more from the platform and through the agency of itinerant propagandists than by the Press and no press law can be effective for the repression of such activities. In our opinion therefore it must be admitted that the Act has not been wholly effective in securing the object which it was enacted to achieve. We observe that one witness before us went so far as to say that it has been both futile and irritating."

And what, Sir, was the purpose of that Act? If only the Honourable the Law Member reads the speech of a distinguished predecessor of his, a great man whom the whole country held in adoration in his day, I refer to Lord Sinha who was an honour to the profession to which the Honourable the Law Member has the honour to belong, he would find that the principal purpose of that Act was nothing short of this—to stop terrorism in the country. Lord Sinha then said in his speech in the old Imperial Legislative Council that the principal purpose of the Press Bill was to cut off the fuel that fed terrorism. It is in the same strain that the Honourable the Law Member and the Honourable the Home Member have spoken throughout this debate. Their purpose is to stop the newspaper Press, should it be inclined to support terrorism and to adore the terrorist. When this Bill is passed, they will find that terrorism will not be affected by it at all and if the Magistrates are so inclined, they will follow a policy of using this measure to suppress the legitimate and healthy activities of the civil disobedience Press.

I hope that the Honourable the Home Member, now that he is in sight of victory, will not abuse the fruits of his victory and that the Government of India will issue instructions to Local Governments to see to it that this Bill is not in any way applied to any of the newspapers which carry on a policy of *bona fide* civil disobedience or constitutional

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agitation. That instruction must be definitely issued to Local Governments in view of the misuse and abuse of the old Press Act. It was said of Hannibal that he knew how to gain a victory, but not how to use it. Let it not be said of the Honourable the Home Member, now that he is in sight of victory, that after achieving victory, he did not know how to use it, and that instead of getting the constitutionalists on his side, he forced them to go to the other side of the fence. I hope the Home Member will be inclined to take this advice of mine.

Lastly, Napoleon once said "four hostile newspapers are more to be feared than a thousand bayonets". It is the Napoleonic view that the Honourable the Law Member took the other day, but I would while admitting that the Press was the Archimedean Lever which moved the world, while it had great strength, it was occasionally inclined to abuse its strength. Still there is greater strength on the part of the Government, now that this Bill vests authority in the Government and it becomes the duty of the Government to see to it that while the Press Act gives them the strength of a giant, they do not abuse it like a giant. With these words I once again appeal to the Honourable the Home Member to see to it that this Bill does not create mischief which the Government will have to deplore. I may also say incidentally that we on this side of the House propose to take every step in future to see that this Bill is repealed or at any rate sufficiently modified, and I do hope that Honourable Members on this side of the House will take the earliest opportunity of introducing a repealing measure in the Legislative Assembly when it meets at Delhi (Applause). Sir, lastly, I am reminded, though in a contrary sense, of an old saying of a fellow-countryman of the Honourable the Home Member. "The Scots wear short patience and long daggers." On the other hand, the Honourable the Home Member has shown himself to have a long patience, beginning from the Delhi Session, and a short dagger—the one dagger that went home to this side of the House and which drew forth many a long dagger from this side. Sir, I would like to compare this Assembly to something like a tennis court, in which it is the duty of the Opposition to hit the Government as hard as it can, and it is the duty of the Government to return the ball with the same vigour. Incidentally, we develop the sporting habit. (Applause.)

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I need congratulate myself that after all I have succeeded in catching the eye of the Chair towards the end of this Session.....

Mr. President : I should like to ask the Honourable Member whether he wishes to insinuate that the Chair deliberately did not see him earlier in the Session ?

Sir Muhammad Yakub : Nothing of the sort, Sir, but the next sentence which I wanted to utter would have cleared the situation ; I was just going to say that I need not however make it a cause of complaint when I find that I have got my seat at the farthest end of this big hall. Sir, after the Bill has been discussed for so many days and after all the arguments in favour of and against the Bill have been exhausted, it would be very difficult for me to contribute fresh arguments on the subject. Sir, I am prepared to concede that the Bill under discussion is bound to place some control on the freedom of the Press. But, Sir, all the laws in this

world, whether religious or secular, are meant to control the actions of human beings. My religious laws restrict the liberty of my actions. The Bible restricts the liberty of action of Christians. The Vedas control the liberty of action of the Hindus, and other religious books of those who follow them. In the same way the secular laws control other actions and liberty of the people.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : What about the quotation from the Bhagavad-Gita already cited ?

Sir Muhammad Yakub : Yes, the Bhagavad-Gita does restrict the liberty of those who believe in it, but not of unbelievers like my friend, Mr. K. Ahmed, who does not believe in anything, religious or secular, and who has no decorum or decency.

Mr. K. Ahmed : That is rather irrelevant.

Mr. Amar Nath Dutt : Sir, I submit that no Member should indulge in such personal remarks against an Honourable Member who has been in this House as long as he has been, and who is a member of the Calcutta Bar !

Mr. K. Ahmed : Yes, I am much older than he in the Assembly, in experience and he does not know that ; nor has he the experience and knowledge of Parliamentary etiquette, though he was President for only a week !

Mr. President : Order, order.

Sir Muhammad Yakub : Sir, it would be better if I ignored my Honourable friend's remarks altogether, and treated them with the contempt they deserve. (Hear, hear.) I will now proceed with my speech. I was saying, Sir, that all the laws in this world are meant to control the liberty of action of human beings, and it is quite clear that unrestricted liberty is not conducive to the well-being of mankind, and no form of government in any country and no civilization can endure and prosper until some restrictions are placed on the illegitimate liberty of the people. I am fully satisfied, Sir, that the writings in some of the irresponsible journals have to a great extent contributed to the encouragement of assassinations and murderous assaults which have assumed very alarming dimensions during the last 12 months. Not only the material which has been supplied to us by the Government, in which only very extreme cases have been mentioned, but a perusal of other papers, both vernacular and English, will go to prove that these murderous assaults have received certainly a great deal of encouragement from these papers. Sir, do we not see every day that murderers are described as martyrs and saviours of their country ? (An Honourable Member : "Some are".) Do we not see that their photos are put in papers like the photos of heroes and leaders of people ? Do we not know that hartals are preached and observed on the days of their execution and processions are carried in the bazaars ? Well, all this propaganda is carried on through the Press, certainly it encourages sensitive youths and creates a desire in their minds to become saviours of their country in this way. If this is so, then something ought to be done to stop this sort of propaganda. I am prepared to admit that the measure under discussion will not succeed in eradicating the evil of communism from this country. But there are certain other laws, and probably we will have to adopt more drastic measures, in order to eradicate the

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evil. However, the present enactment will certainly control the encouraging impetus which is given by certain irresponsible papers to the commission of these crimes.

Sir, I say that the Bill in the form in which it appears before the House now, is greatly improved. All those features and provisions which were calculated to bring extra hardship upon moderate papers have been removed. (*An Honourable Member* : "Not all".) The preamble of the Bill has been changed. The indefinite provisions of clause 4 have been restricted. The duration of the Bill has also been curtailed ; and with all these improvements, I do not think this Bill, when placed on the Statute-book, will bring extra hardship on the moderate journals and presses in the country. Sir, I am as keen on the preservation of the liberty of the Press as any other Honourable Member on the opposite side (Laughter from some Non-Official Benches), and I think that the liberty of the Press is very useful for the creation of a healthy opinion in the country (Hear, hear) ; but when liberty is misused, whether by the Press or by the people, it becomes a menace to mankind and a source of destruction of society : and therefore, it is necessary that some restriction should be placed on it when it is fully proved that liberty is being misused in certain directions. Sir, we are now on the threshold of responsible government, and it is therefore very desirable that the future executive of the country should be armed with all the weapons that would be necessary for the protection of the country's constitution. History tells us that after each change in the government of a country irresponsible people, irresponsible journalists, and irresponsible papers grow up and try to create chaos in the country, and therefore, it is just the proper time, as I said, when the future constitution of the country should be armed with weapons to stop these vagaries of irresponsible people.

Sir, I have finished what I had to say, but before I conclude, I should like to make two points more. One is that it has been frequently remarked by many Honourable Members that Government are taking advantage of the thinness of the House and that this Bill is being rushed through at the fag end of the session. On this question I should like to submit that the present session of the Assembly commenced on the 7th September and the Bill which, in a modified form, is now before the House was introduced on the very same day that this present session commenced. In fact, if I am not guilty of divulging any secrets, I may say that the Government took care to take the responsible Leaders of the House into their confidence even before this session of the Assembly commenced, and therefore, it is not right for the Honourable Members to say that this important measure was taken without giving them due notice. Then, on the same day that the Bill was introduced in this House, the Leader of the House indicated that on Friday, the 11th September, the motion to refer the Bill to Select Committee would be made. Then, on the 11th, two full days were spent in discussing the Bill before it was sent to Select Committee. After realising the importance of this measure, after knowing that this Bill would bring hardship to the Press in this country, there was no excuse for the Honourable Members who have left to leave the House and not to realise their sense of responsibility. They cannot afterwards say that the Bill has been brought at the fag end of the session or that sufficient notice was not given to the Members of the House that this important measure was coming

before the House. The meetings of the Assembly are convened only twice a year and if important measures are not brought up during the course of certain sessions, I do not think it would ever be possible for this Assembly to transact any important business.

The second point to which I should like to refer is that reference was made by Mr. Misra and some other Honourable Members about the executive in this country and it was said that the powers vested by this Bill would be exercised by the Magistrates in a reckless manner. Sir, we are all aware that the majority of the executive in this country consist of Indians, and if educated Indian Magistrates are liable to abuse their power in this way, as my friend, Mr. Misra and other Honourable Members think they do, then our claim for responsible government and self-government for this country falls to the ground.

Mr. Gaya Prasad Singh : They were condemning the system under which these Indian officers work, and not the officers themselves.

Sir Muhammad Yakub : No, they did not condemn the system ; they only said that this law will be abused. I would not have raised any objection if they had said that the law is defective. They did not condemn the system, but they said that the people who administer the law will abuse it. That is to say, they attack the educated Indian young men in whom the future hopes of the country lie, and I would like to lodge a strong protest against this wanton abuse of the educated people of the country who will in future govern this country to the credit of the Indians and everybody concerned. With these remarks and for these reasons I support the motion that the Bill be passed.

Mr. President : Mr. Mitra.

Mr. K. Ahmed : Sir, reference has been made to the Mahabharata, which was alluded to by the last speaker and my Honourable friend, Mr. Amar Nath Dutt....

Sir Muhammad Yakub : I never alluded to the Mahabharata or to anybody.

Mr. K. Ahmed : Mr. Amar Nath Dutt when he was speaking yesterday.....

Mr. President : The Honourable Member is now making a speech.

Mr. K. Ahmed : I am not doing anything of the kind which is not allowed.

Mr. President : The Honourable Member will get his turn, if he wishes to speak. I have called Mr. Mitra now.

Mr. K. Ahmed : Before he speaks, I have a right to make an explanation.

Mr. President : The Honourable Member cannot offer an explanation of a speech delivered some time ago. Mr. Amar Nath Dutt has not spoken yet.

Mr. K. Ahmed : The last speaker has spoken and I am entitled if you will allow me.....

Mr. President : The Honourable Member can only rise to a point of order. What is the point of order ?

Mr. K. Ahmed : The point of order is this. It is the practice in Parliament and in this Assembly also that when the last speaker has made a reference.....

Mr. President : Order, order. The Honourable Member cannot take up the time of the House unless he raises a point of order. The way in which he has started does not indicate that he has any point of order. What is the point of order ?

Mr. K. Ahmed : The last speaker has made a reference to certain allusions made in the speech, to him, when it was mentioned to him what about certain extracts which were quoted last time by Mr. Amar Nath Dutt that he will go to heaven if he kills a man ; and the last speaker was not intelligent enough or probably he did not follow the interjection in spite of answering the question that it is not irreligious or that religion did not allow to say so, it was not right for Mr. Amar Nath Dutt.....

Mr. President : I cannot see that there is any point of order in the statement which the Honourable Member has made so far. I cannot allow the time of the House to be occupied in this way. Mr. Mitra.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, I oppose the Bill, though I must say that, had it been the object of the Bill to suppress incitement to murder, I would have supported the principle of the Bill. Before I make my own arguments, I would like to meet two points that my Honourable friend, Sir Muhammad Yakub, has raised. He said that there was sufficient notice. I think my Honourable friend forgot that the notice from the Legislative Assembly Department said that the Session was to last till the 24th of September. Now, to-day we are on the 3rd of October. So I think he could not make much on that point.

Sir Muhammad Yakub : It was never said so. It was only a tentative programme.

Mr. S. C. Mitra : It may be for you. When the notice comes from the Assembly Department we can see only what is contained in it. As an ex-President you may have other information.

Then the other point was with regard to the Magistrates. His soft heart was very much aching for the Magistrates. My point is that, if we say something, it is not against the persons. If we say something here against the Government, we do not mean that it is Sir James Crear or Sir George Rainy. It is the bad system under which the bureaucracy is working, that we blame. It is against the principle that we fight. It may be a good and intelligent man like Sir Muhammad Yakub that may be the Magistrate. But he has to work under the existing system and that is what we are fighting against. The Indian National Congress has been fighting for the separation of judicial and executive functions and it has been accepted even by Government that it is a good principle. But yet Government could not see their way to give effect to that principle. We say that the executive orders should never take the place of judicial proceedings. If my Honourable friend has not realised it, after so many years of practice in the courts, I cannot help him.

Then, as regards the point raised by the Leader of the European Group, I very much agree with my Honourable friend, Mr. Ranga Iyer, that every Member is as much to blame. But if there is anybody who is

more to be blamed, I think it is our Honourable friend, Mr. Arthur Moore himself, because he was the President of the Select Committee and it was his bounden duty, as the President of the Select Committee to see whether proper publication was made in the Gazette.

Mr. Arthur Moore : On a point of personal explanation, may I say that I did not use the word imputed to me by Mr. Ranga Iyer. I did not say anything about the fault of the Assembly Department. I merely used the word which you used, that it was a mistake. We all recognise that it was merely a slip.

Mr. S. C. Mitra : I do not specially find fault with my Honourable friend. If anybody is to be blamed more, it is the Chairman of the Select Committee whose business it was to see that the proper publication has been made.

Then, I come to the points which I wish to raise. I admit that there is a frequency of these political assassinations, which it is the duty of the Government, whether it is an alien Government or a national Government, to stop. But you must make a proper diagnosis of the situation and apply the proper remedy. It is no use applying quack remedies when you cannot really destroy the root cause. You know that discontent has been prevailing in the country now for a long time. I admit that in writings in the Press there may be passages where you can see a lurking sympathy with these political assassinations. It is no use saying that these are misguided youths. I do not agree with Sir Muhammad Yakub in saying that they are all misguided youths.

Sir Muhammad Yakub : I never used the word "misguided". I said sensitive.

Mr. S. C. Mitra : My point is this. Some of these young men are graduates and really intelligent people. They are taking recourse to assassinations. It is a very serious thing to be seriously and calmly considered. It is not so much due to the ephemeral writing in the Press that these political assassinations are taking place. That was the main argument all along, that by passing this measure, Government will put an end to these things. But I do not think so. That was the reason why I said you are applying a false remedy by which you will not succeed in your object, while you will kill and suppress—as my Leader said—the liberty of the Press, the freedom of fair criticism and put an end to all enterprise in the printing business. It really requires a higher statesmanship to realise where the true defect in the body politic lies. India is no longer an inorganic State, people being unconscious of their political status. I may tell the Government that they cannot stop these things by these quack remedies. They are to look for a remedy for the real evil. I know that now Sir Samuel Hoare is at the helm of affairs, a Conservative Minister, and the Viceroy has declared himself to be a constitutional Viceroy. But I very much appreciate the position of a constitutional Viceroy when there is a responsible Ministry. But where the Ministry is irresponsible, as my friend, Mr. Ranga Iyer, styled it, I think the Viceroy also will have to see through these things and not rely entirely on the absolute tyrants that might be sitting on the Treasury Benches.

Then, as regards the principle, it has been said that killing itself is not always bad. If it had been bad, then why should there be so much praise of war and soldiers? Why should people recruit soldiers? They are

[Mr. S. C. Mitra.]

not brought under this law for inciting to murder. The best fighter will perhaps get a Victoria Cross for killing the enemy. So killing by itself is not necessarily bad. The motive must be found out. I agree that in any Government these political assassinations cannot be allowed. But we have to find out the real remedies against all these evils. Enacting repressive measures one after another is no remedy, and I think, Sir Muhammad Yakub suggested more coercive measures still. By suppressing the feeling you will not kill the disease. As I was going through this typical collection made by Government, I see what Government are now aiming at. I shall actually read two or three passages if time permits. No body can say that there was nothing for admiration in the motive of these political assassins. If I remember right, in the old days in Bengal the public Press used to condemn these dastardly crimes. It was the *Pioneer* from Allahabad that first said that there was the other side of the shield also, namely the high motives that actuated these people. That is also a matter for consideration. I find even in the judgment of one of these cases, Justice Buckland refers to the motive of the crime and recommends Government to consider about the sentence. The remedy is not by repressive legislation, but by helping the Indians to attain full and complete Swaraj, and if you do that you really remove the causes that lead to these political assassinations.

Before I finish I would like to say a word about my friend, the Leader of the European Group. I am just quoting from the writing of another European gentleman, Mr. B. G. Horniman, who writing in the *Daily Herald* about the European Group and its Leader says :

" Mr. Moore made the further demand that the Frontier Crimes Regulation should be applied to Bengal.

We should welcome this measure if we thought that the Government would have the sense and the courage to apply it exclusively to dangerous aliens of the type of this utterly un-English representative of the European community in the Legislative Assembly.

Men of the type of Mr. Arthur Moore are infinitely more dangerous to society, we suspect, than most of the so-called ' dangerous revolutionaries ' locked up in detention camps. They exercise an unhealthy influence over a Government that is over responsive to the cries of panic-mongers.

More than that they do more than a hundred so-called incitements to crime in the vernacular press to stir up feelings of revolt and revenge in the minds of young men against conditions and a system which make it possible for a foreigner like Arthur Moore to insult Indians in the press and in the Legislature."

Sir, I oppose the Bill.

Sardar Sant Singh (West Punjab : Sikh) : Sir, I stand to oppose the third reading of this Bill. I will not take a long time in making my speech, but I will emphasise certain points which I tried to make clear when I was pressing my amendments for the acceptance of the Honourable the Home Member. It is claimed that the 20th century is an age of reason and rationalism finds a better place than brute might with which we are familiar in the 16th and 17th centuries. I wish might had not been the right, but that reason had taken the place of might. But to my utter surprise I have found that in the discussions that have been going on on my amendments, reason was utterly thrown aside, and that might was used to crush and defeat all my amendments. I may make it quite clear I am entirely at one with the declared object of the Bill,

that it aims at crushing the anarchical movement in the country. I certainly want to assist the Treasury Benches in the attainment of that object ; but at the same time I will insist that in eradicating one evil, you should not be perpetuating another evil. One sinful act cannot be eradicated by another sinful act. You are welcome to eradicate the evil of assassination, but you are certainly not to be supported when you yourself take up the role of assassinating the juristic principles that are prevailing in this country. The whole aim of my amendments was that the principles laid down in the criminal jurisprudence of the country should be allowed free play, and even an assassin who kills an individual simply because he happens to belong to a different school of politics than himself, should not be treated on the same principles which were followed by the assassin himself. What I mean is that even a murderer, a raviager, a dacoit and a robber has a right to be heard. If you want to muzzle the Press in this way by punishing the keeper of the press, printer or publisher, without giving him an opportunity to be heard, why not go ahead and say that every assassin who is guilty of political murder should be hanged straight away ? That would be much better. I would certainly prefer that course to this of punishing an innocent person without giving him a chance of clearing himself. My submission is that throughout my amendments I tried to take away the power from the executive and place it in the hands of the judiciary. My object was that the rule of executive should cease and the rule of law should find a place in this country. I tried to explain it and to emphasise it when moving my principal amendments ; but I entirely failed to carry conviction to the other side. The Honourable the Law Member, who has disappointed me a good deal, has put forward the justification that this particular Bill was an emergency measure and it called for a speedy remedy. My submission is that if you had looked at the amendment to clause 3 which I proposed, I did not overlook this fact. As a matter of fact when a person was to be called upon to deposit security, I made it a provision that during the time the trial lasts or during the time he is called upon to show cause, the Magistrate should have the authority to call upon him to deposit security or to be bound down that he would not do anything of the sort which is sought to be prevented by the introduction of this clause. But even that point has not been considered. Therefore, my submission is that the battle in which I was engaged to fight the other side raged round this one crucial point, that is, whether there should be a rule of law in the land or whether there should be a rule of executive in the land. As the Treasury Benches have succeeded and probably in a few minutes will come out triumphant and the rule of executive will have crushed the rule of law in this land, so I want to record my protest on this point.

Lastly, I wish to say a few words upon the speech of my Honourable friend, Sir Muhammad Yakub. He said that even the religious books of the Hindus, of the Christians and all other religions do control the liberty of action of individuals. Probably my friend forgets that the word "liberty" has a distinct connotation from the word "license". If he had kept the distinction before him, he would not have used the language which he used. Liberty is defined like this : you are free to act provided you do not transgress the similar freedom of another citizen of the land. Control is placed upon

[Sardar Sant Singh.]

us because the liberty of every individual is sacred, not the individual liberty of one person only ; and that is the distinction between liberty and license. The second point he took was also objectionable. He said that we are not fit for Home Rule because we are not willing to trust the Indian Magistrates. Of course in one of my arguments I did say that Indian Magistrates more often than not, with rare and noble exceptions, act according to the hints they receive from the District Magistrate : not only do they act like that but at the time of pronouncing judgments they declare it before the accused as well as the counsel, " We are helpless ; you know we are helpless." And certainly we know that they are helpless. Not that they are not able to administer justice or that they do not understand the law, but because they are part of a system which system is bad in itself. Therefore, my submission is that the present system which combines in one both the executive and judicial functions is such that it takes away the liberty of the subject. Therefore, Sir, if this Bill is passed in its present form, it will curtail the liberty of the Press, if not entirely ruin the freedom of expression and freedom of comment in this land. With these remarks I oppose the third reading.

Mr. Muhammad Anwar-ul-Aziz (Chittagong Division : Muham-maden Rural) : Sir, I am obliged to you for giving me an opportunity to say a few words on the third reading of the Bill. Those of my friends who followed me on the last occasion must have known the logic with which I couched my story. As one coming from the farthest corner of India, and as one who more or less directly or indirectly has passed through great vicissitudes of Press tyranny, I think it will be wrong on my part if I do not say a few words on the third reading of this important measure.

I am really surprised, Mr. President, that a gentleman of the calibre of my friend, Mr. S. C. Mitra, should say here on the floor of the Assembly things under the cloak of section 67 of the Government of India Act, which really go to support the guilty. I hope I have not misunderstood his arguments, but what I feel is this, that perhaps on occasions more than one, some of us seem to take advantage on the floor of the House of section 67 of the Government of India Act, which allows the Members of this House some sort of freedom of speech. As I said once before, I think the encouragement which the Press and the public get from the speeches made by some of us in the House go a long way to further add to the excitement. I do not propose to read any homily to my friends on the right, but when they profess to condemn lawlessness and disorder, on the face of that and on the face of their condemnation of criminal acts of terrorists, how do they logically and consistently say that they by their words on the floor of the House are not encouraging things which Government are attempting to put down ? We have heard from all sides of the House that most diabolical crimes have been committed against European officials of the Government. I do not mean to hold any brief for the officials nor for the non-official European Community. I have many European friends in this country, but why blame the officials and non-official Europeans for asking the Government to bring in a measure of this kind ? None of my friends on the right care to face facts. It has been repeatedly stated before the House as

to how Government came to introduce this measure, and it has been repeatedly pointed out that chaos and anarchy is reigning in certain parts of India. The law-abiding citizens, people who have a stake in the country, approached Government from all parts, and Government realising that they had a duty to perform to the law abiding citizens and to allay the fears of such law-abiding citizens, have brought forward this piece of legislation. If my friends on the right want to be logical, I venture to say that the explanation given by Government to justify the introduction of this Bill should satisfy them. Sometimes our lawyer friends on my right ask how is it that such a responsible Government as the Government of India do not care for the rule of law? Of course, there is only one answer to that question, and that is, if my friend Sardar Sant Singh and his supporters have read legal literature, they must have noticed that the rule of law is and has been prevailing in all civilised countries and it prevails in this country also. But I am really surprised that they do not care to come to that part of the story where the rule of law is a predominant factor all the time, but it is to a certain extent compromised on account of an emergency. My friends must have noticed that there was during the time of war in England a measure called the Defence of the Realm Act, or what in popular parlance is known as the D. O. R. A., and would my friends argue that, because D. O. R. A. was enacted as an act of emergency, England absolutely demolished or did away with the system of the rule of law of which we hear so much.

Then, Sir, I join issue in connection with the attacks on my friend on my right, Sir Muhammad Yakub, who has been so much heckled from the right wing of the House. My humble request to my heckler friends is this, they must have patience, they must respect the viewpoints of others; if they do not like the viewpoints of others, even though they are plain truths, my friends must bear them patiently. There is no alternative. Inconsistency in conduct does not look well.

Lastly, I wish to say only one word with regard to what fell from my friend, Mr. Mitra, with regard to his praise about sharp shootings. Yes, even Mr. Mitra will praise skill in sharp shooting and archery, as a theory expressing courage and valour, but if anybody praises these sharp shootings against officials on the floor of the House, my impression is that such commendations go a long way to create further mischief outside. No one for a single second discourages valour and chivalry, but where they are likely to be distorted, it is better that they should not be uttered. The time is very critical. The fate of India is hanging on the balance—I hope and trust that my friends on the opposition, will not add any more fuel to the already over heated atmosphere in the country. This measure is a temporary one, and the Assembly will always have a say in its modification. With these few words, I support the third reading of the Bill.

The Honourable Sir James Crerar : Mr. President, at this advanced stage of the Session and after so many days' debate of this Bill, I do not think that the House expects from me any very long speech now. I think everything that was worth saying with regard to this Bill has been said. Perhaps a good deal has been said which need not have been said; much has been repeated which was not worthy of repetition, and I do not wish to incur any of those censures myself.

[Sir James Crerar.]

I do, however, desire very briefly indeed to reply to one reproach which has been made against me and the Government and against which I must protest as not being a justifiable reproach. As regards the Assembly having been rushed over this measure, a full reply has already been given by other Members who spoke on this debate. The point on which I wish to make a few remarks is the suggestion that Government have been entirely impervious to reason and to reasonable criticism of this Bill, that because they accepted very few amendments on the long list of amendments placed before the House, therefore that is a reasonable proof of their rigid impermeability to any reason. Sir, I think those Honourable Members who are prepared to regard this question with candour will agree with me that between the form of the Bill as it was introduced and the form in which it is now before the House there are very serious changes. The Honourable Mr. Ranga Iyer, who was a member of the Select Committee, has had the candour and the justice—which here I do desire to acknowledge, though on some of the issues we necessarily differed—I do desire to acknowledge the general candour and justice with which the Honourable Member has addressed himself to the question, and he will, I am sure, agree that during the course of those discussions, the Government did give very careful, very sympathetic consideration to all the suggestions. If on certain broad issues we had yielded, the vital structure of the Bill would have been destroyed, and it was solely on that ground that we dissented and were compelled to stand our ground. Therefore, when the Honourable and learned gentleman opposite imputed to me an entire failure to respond to reason, I on my side must point out that the main points which he mentioned were points which were entirely inconsistent with the structure, the principle and the purpose of the Bill,—the structure, the principle and the purpose of which have twice been approved by the votes of the whole House. I should like to illustrate it by one particular point; longer than that I will not delay the House. The Honourable and learned gentleman opposite instanced as a particular case of unreasonable attitude on the part of the Government the fact that we were unable to accept the particular amendment relating to so-called *bonâ fide* encumbrances. Now, Sir, while that particular amendment was under discussion, I observed that my Honourable friend was not himself present in the House. I will not pursue in detail the merits or the issues of that amendment, because the House has recorded its decision. But the point I do desire to make is this that even if the Honourable Member who moved that amendment had good reason of thinking that some appropriate provision should be made regarding legitimate and innocent interests in confiscated property, no attempt was made to explain to us what was a *bonâ fide* interest in the forfeited property. Someone might have been accommodating enough to lend money to the keeper of the press. He might be sympathetic towards methods by which the press or the newspaper was conducted. If the money were returned to him under this amendment, he would presumably be accommodating enough to give it back to the keeper. We were not given any solution of that, nor indeed of any of the other difficulties. The amendment, in its present form, is simply thrown at our heads and no remedy is provided for the obvious difficulties that would arise, because it is quite clear if the amendment

stood in that form without any qualifications and reservations,—of practicability of which I remain unconvinced,—the whole purport of that clause would have completely disappeared, and in consequence a greater part of the structure of the machinery of the Act would become ineffective. Now, I do not think that it is a reasonable reproach to levy against Government when amendments are put forward in that crude, ill-considered fashion, in a form which in other respects also would destroy the machinery of the measure,—I submit it is not a fair imputation upon Government to say that they have been indiscriminate, rigid and unyielding in their consideration of the amendments. That is practically the last word I have to say. We on our side of the House, however, much we may differ in our views with regard to the main issues on this subject,—and I thought in the earlier discussions in the House the main issues had been accepted by Honourable gentlemen opposite and I built upon the assurance that many of them gave that they held to those main issues—we on our part do not desire to return any of those reproaches, but I do venture to say when Honourable Members consider the long progress of this Bill, when they consider the great changes with the Government have consented to make, those charges and those reproaches are not justified. (Applause.)

Mr. President : The question is :

“ That the Bill to provide against the publication of matter inciting to or encouraging murder or violence, as amended, be passed.”

The Assembly divided :

AYES—55.

Abdul Qaiyum, Nawab Sir Sahibzada.
 Ahmed, Mr. K.
 Allah Baksh Khan Tiwana, Khan Bahadur Malik.
 Anwar-ul-Azim, Mr. Muhammad.
 Azizuddin Ahmad Bilgrami, Qazi.
 Bajpai, Mr. R. S.
 Banerji, Mr. Rajnarayan.
 Crerar, The Honourable Sir James.
 Dalal, Dr. R. D.
 Dyer, Mr. J. F.
 Fazal Haq Piracha, Shaikh.
 Fox, Mr. H. B.
 French, Mr. J. C.
 Graham, Sir Lancelot.
 Heathcote, Mr. L. V.
 Hezlett, Mr. J.
 Howell, Mr. E. B.
 Ibrahim Ali Khan, Lt. Nawab Muhammad.
 Ishwarsingji, Nawab Naharsingji.
 Ismail Ali Khan, Kunwar Hajee.
 Ismail Khan, Haji Chaudhury Muhammad.
 Knight, Mr. H. F.
 Lalchand, Captain Rao Bahadur.
 Lall, Mr. S.

Leach, Mr. F. B.
 Montgomery, Mr. H.
 Morgan, Mr. G.
 Mujumdar, Sardar G. N.
 Mukherjee, Rai Bahadur S. C.
 Pandit, Rao Bahadur S. R.
 Parsons, Mr. A. A. L.
 Rafiuddin Ahmad, Khan Bahadur Maulvi.
 Rainy, The Honourable Sir George.
 Rajah, Rao Bahadur M. C.
 Ram Chandra, Mr.
 Rama Rao, Rai Bahadur U.
 Bow, Mr. K. Sanjiva.
 Roy, Mr. S. N.
 Sahi, Mr. Ram Prasad Narayan.
 Sams, Sir Hubert.
 Schuster, The Honourable Sir George.
 Scott, Mr. J. Ramsay.
 Shah Nawaz, Mian Muhammad.
 Sher Muhammad Khan Gakhar, Captain.
 Shillidy, Mr. J. A.
 Studd, Mr. E.
 Suhrawardy, Sir Abdullah.
 Sykes, Mr. E. F.
 Tait, Mr. John.
 Talib Mehdi Khan, Nawab Major Malik.

AYES—contd.

Todd, Mr. A. H. A.
 Fakub, Sir Muhammad.
 Yamia Khan, Mr. Muhammad.

Young, Mr. G. M.
 Zulfiqar Ali Khan, Sir.

NOES—24.

Azhar Ali, Mr. Muhammad.
 Chandi Mal Gola, Bhagat.
 Das, Mr. B.
 Dutt, Mr. Amar Nath.
 Gour, Sir Hari Singh.
 Harbans Singh Brar, Sirdar.
 Jog, Mr. S. G.
 Lahiri Chaudhury, Mr. D. K.
 Misra, Mr. B. N.
 Mitra, Mr. S. C.
 Muazzam Sahib Bahadur, Mr. Muham-
 mad.
 Ranga Iyer, Mr. C. S.

Reddi, Mr. P. G.
 Sant Singh, Sardar.
 Sarda, Rai Sahib Harbilas.
 Sen, Mr. S. C.
 Sen, Pandit Satyendra Nath.
 Singh, Kumar Gupteshwar Prasad.
 Singh, Mr. Gaya Prasad.
 Sitaramaraju, Mr. B.
 Sohan Singh, Sirdar.
 Thampan, Mr. K. P.
 Uppi Sahib Bahadur, Mr.
 Ziauddin Ahmad, Dr.

The motion was adopted.

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

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

DEMAND FOR SUPPLEMENTARY GRANTS.

The Honourable Sir George Schnster (Finance Member) : Sir, I beg to move :

“ That a supplementary sum not exceeding Rs. 2,63,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1932, in respect of ‘ Expenditure in England under the control of the Secretary of State for India ’.”

Mr. President : I should like to draw the attention of the Honourable Member, Mr. Misra, to the fact that he has included in his grievances two items, one relating to the Orissa Boundary Commission and the other to the Round Table Conference. There is no provision in this demand for any expenditure on the Boundary Commission for Orissa. Therefore, that grievance cannot be ventilated on the present occasion. I, therefore, call upon the Honourable Member to move his amendment only in regard to the non-representation of Oriyas on the Round Table Conference.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I am afraid this motion was already moved in connection with the previous grant, and so it cannot be moved.

The Honourable Sir George Rainy (Leader of the House) : The point is this, Mr. President. Precisely this grievance was ventilated on the vote for expenditure in India. This is now a vote for expenditure in England. I cannot say that the motion is substantially the

same ; but, if this were in the form of a Resolution, it would be precisely the same.

Mr. President : I had asked my office to go over all the amendments of which notice had been given, and I have disallowed Nos. 1 to 7 on that ground. This is really No. 8, which I am told has not been previously discussed. That is a question of fact which requires to be looked into.

The Honourable Sir George Rainy : I think, Sir, my Honourable friends, Mr. B. Das and Mr. Misra will both recollect that we did discuss the non-representation of Orissa, and I certainly made a speech on the subject.

Mr. B. N. Misra (Orissa Division : Non-Muhammadan) : I had discussed only one part, but the other part I think was ruled out.

Mr. President : The Honourable Member's motion seems to be out of order on both grounds. Mr. Das moved item No. 4 on the first supplementary demand and ventilated the grievance of the non-representation of Orissa at the Round Table Conference. I do not see any difference between the non-representation of Orissa and the non-representation of Oriyas (Laughter).

Mr. B. N. Misra : Sir, we have a grievance.

Mr. President : Very well, I want to hear the Honourable Member.

Mr. B. N. Misra : Sir, as regards the Orissa Boundary Commission...

Mr. President : I have already ruled that that is out of order.

Mr. B. N. Misra : As regards our non-representation at the Round Table Conference.

Mr. President : That has already been discussed.

Mr. B. Das : I submit, Sir, that this sum is allotted for expenditure in England. There is no Oriya Member of the Round Table Conference at London—so he will not be able to share what expenditure is incurred in England.

Mr. President : That is a purely technical point. The subject matter of the grievance has been fully ventilated, *viz.*, that the Province of Orissa has not been represented at the Round Table Conference. Whether it has been done under one head or under another is immaterial. If no motion had been made under the first head, I would have certainly allowed it on this motion.

Non-representation of Nationalist Muslims in the Round Table Conference.

Mr. B. N. Misra : Sir, I beg to move :

“ That the demand for a supplementary grant of a sum not exceeding Rs. 2,63,000 in respect of ‘ Expenditure in England—Secretary of State for India ’ be reduced by Rs. 100.”

Sir, probably you will be wondering as to why, of all people, I should come forward with a motion on behalf of nationalist Muslims.

[Mr. B. N. Misra.]

First of all, let me be not misunderstood that I have put this motion at the instance of my party or anybody. I have brought this motion forward because the nationalist Muslims go unrepresented in this House. Sir, it is not foreign to Hindu culture that we should consider it our duty to espouse an unrepresented cause. (Hear, hear.) You know, Sir, from the Mahabharata that Vishma was a great hero, but he was a bachelor, he was issueless; and therefore, we Hindus, particularly I am now speaking of my Brahmin community, always offer *sraddh* for him; it is incumbent, according to our Hindu ideas, that sons must offer *pindas* to their father. Of course if a Hindu has not a son, certainly the belief is that he must be given a son by somebody else; and therefore, the Brahmins undertake it as their first duty to offer their *pinda* to Vishma, who was a great hero but a bachelor and issueless. Therefore, I move this motion on account of the non-representation of nationalist Muslims at the Round Table Conference. Sir, whatever may be said by others, probably you have been reading in the papers, and particularly we get messages from London, that the Round Table Conference cannot proceed further on account of the absence of Dr. Ansari, so well-known to this House and I think to you also, Sir. Sir, on account of the absence of the nationalist Muslims, that Conference cannot go on. Of course, when I say this I do not thereby cast any reflection on any others, but I say that the Government are well aware of this view,—and so the work is being delayed in London. I, therefore, request the Honourable Members on the Treasury Benches that they should not make it a party question or a Government question, and I would request my Honourable Mussalman friends of this House also not to oppose my motion; and I would request the Treasury Benches to leave this question to the free vote of this House, without themselves taking any part in it; and then I think the House will agree to this motion.

Sir Muhammad Yakub (Behilkund and Kumaon Divisions : Muhammadan Rural) : Sir, my Honourable friend, Mr. Misra, has not done justice to the Mussalmans when he says that nationalist Muslims are not represented on the Round Table Conference or that the nationalist Muslims are not represented in this House. Sir, I claim for myself and for my other Muslim friends in this House that we are as much nationalist as any other nationalist in India. Sir, we are not an inch behind any person in this country in claiming the freedom of our country.

Mr. B. N. Misra : Then my Honourable friend cannot object to my motion at all.

Sir Muhammad Yakub : We in this House, as well as the Muslims outside this House, have always fought shoulder to shoulder with the other communities in this country for obtaining the freedom of our motherland. In the same way my friend is not right when he says that nationalist Muslims are not represented on the Round Table Conference. Can any one say that there can be a greater nationalist Muslim than Mr. Muhammad Ali Jinnah himself? He is the man who unfurled the flag of nationalism in this House, the man who taught nationalism to many nationalists in this country, the man who has

discarded all ideas of communalism and has fought against his own community for nationalism. When Mr. Jinnah is in the Round Table Conference can anybody say that nationalist Muslims are not represented ? Then, Sir, we have got another great nationalist Muslim in Sir Ali Imam, the man who presided over the Nationalist Muslim Conference at Lucknow, and is the accredited representative of the Nationalist Muslim Party. When Sir Ali Imam is there, can anybody say that the nationalist Muslims are not represented at the Round Table Conference ? Then there is Sir Sultan Ahmed. He has always been in the front rank of nationalists in this country ; and when all these gentlemen are represented there, to make it a grievance that the nationalist Muslims are not there is absurd. And to say that the work of the Round Table Conference is being hindered for want of one individual is an argument with which no reasonable man can agree. Probably it is an excuse for not coming to any proper settlement with the Muslims. If " A " is invited, next day it will be said that " B " is not there, and therefore, the work cannot go on ; " C " is not there and therefore, the work cannot proceed. Sir, the question of representation at the Round Table Conference has been made a sort of lame excuse in the country ; because I am not invited therefore the Mussalmans of the United Provinces are not represented ; because my friend, Mr. Amar Nath Dutt, is not there, therefore the Bengalis are not represented ; because my other friends are not there therefore their case has not been represented. There are hundreds and thousands of sects and communities and inter-sects in India, and if a claim is made for the representation of every community and sub-community and every caste in the Round Table Conference, I do not know what will be the dimensions of the Round Table Conference, when they will finish their work, and how much money will be spent upon these people who enjoy the hospitality of the British Government in England. So I say that it is a superfluous grievance to say that the nationalist Muslims are not represented, and for these reasons I am obliged to oppose the motion of my friend, Mr. Misra.

Mr. B. N. Misra : Sir, I was trying for the unity of India and if my Honourable friend says that there is no difference.....

Mr. President : The Honourable Member cannot speak again unless he is withdrawing the motion.

Mr. B. N. Misra : Yes, Sir, I am withdrawing it after clearing the position. I think any one reading the papers will find that on account of the absence of Dr. Ansari.....

Kunwar Hajee Ismail Ali Khan (Meerut Division : Muhammadan Rural) : Sir, on a point of order, when the Honourable Member has agreed to withdraw his motion what is the use of making a speech ?

Mr. President : He is not in order in making a speech, but he can very briefly explain why he is withdrawing it.

Mr. B. N. Misra : Yes, Sir, I am not making a speech. I was speaking in the interest of the unity of India and of Muslims. It is no secret that there are communalists and nationalists. If my friend claims to be a nationalist Muslim, why should he object to another man going there ? After all so many people have been included.....

Mr. President : The Honourable Member is again making a speech.

Mr. B. N. Misra : No, Sir, I will not make a speech but I beg leave of the House to withdraw the motion.

The motion was, by leave of the Assembly withdrawn.

Mr. President : The question is :

“ That a supplementary sum not exceeding Rs. 2,88,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1932, in respect of ‘ Expenditure in England under the control of the Secretary of State for India ’.”

The motion was adopted.

RESOLUTION *RE* EXPENDITURE ON ROADS.

Mr. J. A. Shillidy (Secretary, Industries and Labour Department) :
Sir, I beg to move the following Resolution :

“ That this Assembly recommends to the Governor General in Council that, in view of the present financial stringency, and notwithstanding anything contained in the Resolution on roads which was adopted by this Assembly on the 4th February, 1930, the apportionment made among Governors' provinces and minor Administrations in the road development account, may, in special circumstances, and upon the advice of the Standing Committee on Roads of the Central Legislature, be made available, as a temporary measure, for expenditure on the ordinary maintenance of roads, on the condition that the Local Government or Administration undertakes, when conditions render this possible, to provide any sums which may have been so applied to maintenance for expenditure upon schemes of development approved by the Governor General in Council on the advice of the Standing Committee on Roads of the Central Legislature.”

Sir, I do not propose to take up the time of the House at any great length, but I would remind Honourable Members of the Resolution which was passed by this House on the 4th February, 1930, whereby certain arrangements were made for the allotment to the provinces, in the ratio of consumption of the amounts of the extra petrol tax. That Resolution contemplated that these sums would be available as a block grant for expenditure on road development. After a time, we received applications from several Local Governments asking that this money might be made available for maintenance and not merely for construction. We went into this question very carefully and we came to the conclusion, having regard to the financial circumstances of the Local Governments, that it was unreasonable to suggest or to insist that they should build more roads while they were unable to maintain their existing ones. We were under the impression in the Standing Committee that we had power to do so under the terms of the Resolution as it stands. We were however advised that this was not so and therefore it has been necessary to come to this House for an amendment of the Resolution. The plain justification for this amendment is, as I have said before, that it is no use asking a Local Government to construct new roads when it has not the money to maintain its existing ones. You will however notice that this diversion, or as some call it this raid on the Road Fund, is not to be a permanent one. First of all, the Standing Committee will have to be satisfied that the Local Government has made out a good case ; secondly it is to be a loan, and this loan is to be repaid as soon as the financial circumstances of the Local Government permit.

I think, Sir, that the Resolution is one which should commend itself to the House.

Mr. S. G. Jog (Berar Representative) : Sir, it is really a very rare phenomenon that a Member of this House has got to rise to support a Resolution moved by a Member of Government. It appears to me that an emergency adjustment of the Fund is necessary and I have purposely risen to say that for all reasonable proposals even if they come from the Government side, this side of the House will give entire support. We have to show that we are reasonable provided the Government are also reasonable, and I heartily support the Resolution moved by the Honourable Member, Mr. Shillidy.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, in giving my approval to the Resolution moved by my Honourable friend, Mr. Shillidy, I would suggest to him that every year, before the Standing Committee on Roads, he will bring forward a statement shewing the sums that the Local Governments appropriate for the maintenance of roads from the Roads Fund, and also he will place statements before the Standing Committee on Roads from year to year showing that sums thus spent on revenue account are credited by the Local Governments to the capital account of expenditure on roads. If he does that I will be satisfied. I will only bring to his notice a local matter of the Kalka-Simla road for which the Standing Committee on roads granted a large sum of money to the Government of the Punjab.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : It is not correct. The Standing Committee on Roads did not grant any money for this road. It is a provincial road.

Mr. B. Das : It is not correct ? I will draw the Honourable Member's attention to the fact that we live in the Members' quarters on the Cart Road, which is under the administration of my Honourable friend, Mr. Shillidy. My friend allows a large number of motor cars to pass *via* that road and when Honourable Members come to this House, we come in a dust storm. Either he will stop the motor cars at the place where the medical examination takes place or he will grant sufficient money from the reserve fund accumulating to the Government of India, so that that road may be properly paved and there may be no dust storm when we come to meet here and to reply to the Honourable Member on his Resolution.

Mr. L. V. Heathcote (Nominated Non-Official) : Sir, this Resolution has all the appearance of being a harmless one. But actually I am afraid that I am not in love with it. The only justification that I can find for this Resolution is the sympathy which all of us feel in this House for the hard plight of Provincial Governments. But I do think that we should not allow our sympathy to run away with our reason. It is to be remembered that this additional annas 2 tax which was put on petrol for the purpose of finding funds for road development is a Central revenue and it is the responsibility of this House to see that a tax which was enforced for a particular purpose is used for that purpose. We also have a further responsibility to the person who pays that tax, and the motorist is taxed to a degree which I do not think many Members of this House realise. So the question arises whether there is anything that we can do which is going to bring it to the notice

[Mr. L. V. Heathcote.]

of the Provincial Governments that this money which is proposed to be given to maintenance is to be regarded as a loan. I considered the possibility of tabling an amendment which would to some extent fix the time when the loans were to be repaid, but it was pointed out to me that when the time came and conditions had improved so that we might expect these loans to be repaid, the constitution is likely to be an entirely different one, and whatever conditions may be made now, they would not have an application several years hence, and so the question then arises, is it safe to put the provinces on their honour, because that is really what it comes to, and I am perfectly prepared to do so. In fact I prefer to do so rather than try to invent some formula round which the Local Governments might not be able to get. The only reason which makes me to speak on this Resolution at all is that in the Provinces, the local Legislatures have not yet realised the real importance of roads. Roads is the Cinderella of the transferred Departments. Money is spent on education and health, but it seems to me that little consideration is given to the possibility of improving the roads leading to schools, and so enlarge the area served by the school. Large sums are spent on hospitals but what is the use if the poor villager coming to the hospital dies before reaching it on account of the jolts he receives. And so I would like an assurance from the Honourable the Mover of this Resolution that, in passing on the terms of this Resolution to the Local Governments, he will lay all emphasis he can on the fact that this diversion is a loan and that we rely upon the provinces to repay it to the Road Development Fund.

Mr. J. A. Shillidy : Sir, I would like to thank Mr. Jog for approving of the reasonableness of my proposal and for the promise that he is always ready to support anything reasonable from these Benches. But as all our proposals are entirely reasonable, I think he might cross the floor at once. Then, Sir, turning to Mr. Das, I am quite prepared to accept the suggestion Mr. Das has made that we should inform the Standing Committee of sums which are spent by the Local Governments on maintenance and that we should do so every year. Certainly I shall undertake to do it. As regards the Kalka-Simla road, we discussed it before. But the Standing Committee of this Legislature, I may say the Sub-Finance Committee consists of Members of this House, and they decided that it was a provincial road, expenditure on which must be met from provincial revenues. I shall be glad to hear that Mr. Das has succeeded in his agitation, but I cannot hold out any very great hopes in view of the previous decision of the Standing Committee.

Turning to Mr. Heathcote's remarks, there is of course only one justification for the Resolution, I have proposed, as I said before. It is that Local Governments have got no money at present. They cannot maintain their roads and it is not much use asking at least those Governments which cannot maintain their existing roads to construct new ones. That is the full justification for my Resolution. I am quite prepared to accept Mr. Heathcote's suggestion that, in passing on our orders to Local Governments, we should emphasise, and emphasise very heavily, that this grant or that this diversion to

maintenance is only a loan and that we do expect them to repay it as soon as possible.

Mr. President : The question is :

“ That this Assembly recommends to the Governor General in Council that, in view of the present financial stringency, and notwithstanding anything contained in the Resolution on roads which was adopted by this Assembly on the 4th February, 1930, the apportionment made among Governors' provinces and minor Administrations in the road development account, may, in special circumstances, and upon the advice of the Standing Committee on Roads of the Central Legislature, be made available, as a temporary measure, for expenditure on the ordinary maintenance of roads, on the condition that the Local Government or Administration undertakes, when conditions render this possible, to provide any sums which may have been so applied to maintenance for expenditure upon schemes of development approved by the Governor General in Council on the advice of the Standing Committee on Roads of the Central Legislature.”

The motion was adopted.

RESOLUTION *RE* PURCHASE OF THE BENGAL AND NORTH WESTERN AND ROHILKUND AND KUMAON RAILWAYS.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I move :

“ That this Assembly recommends to the Governor General in Council that, in accordance with the recommendations of the Committee appointed by the Assembly on the 1st April, 1931, to consider what action should be taken when the opportunity to purchase the Bengal and North Western and Rohilkund and Kumaon Railway systems occurs on the 31st of December, 1932 :

- (1) the Government should enter into negotiations with the two Companies to obtain from them an option to purchase the lines on the most favourable terms on the 31st December, 1937, subject to one year's notice, or, if possible, on the 31st December of any earlier year, again subject to one year's notice ;
- (2) the question whether the working of the Tirhoot Railway should be entrusted to the Bengal and North Western Railway Company during the 5 years (or shorter period), for which it is suggested that the option to purchase the Bengal and North Western Railway should be obtained, should be determined by the terms on which it is possible to obtain this option and to arrange with the Company for working the Tirhoot Railway during this period ;
- (3) the question whether the working of the Lucknow-Bareilly State Railway should be entrusted to the Rohilkund and Kumaon Railway Company during the 5 years (or shorter period) for which it is suggested that the option to purchase the Rohilkund and Kumaon Railway should be obtained, should be determined by the terms on which it is possible to obtain this option and to arrange with the Company for working the Lucknow-Bareilly State Railway during this period ;
- (4) in the event of its proving impossible to reach agreement with the Bengal and North Western and Rohilkund and Kumaon Railway Companies on the terms recommended in (1), the Government should explore other lines for reaching agreement which would ensure to the Government the opportunity to purchase on reasonable terms ; and the Government should again consult a committee of the Assembly for the purpose of re-considering the position as regards the management of the Tirhoot and Lucknow-Bareilly Railways.”

This is a somewhat lengthy Resolution, but I do not propose that my speech should be adjusted to the length of the Resolution, for I am afraid in that case it would be a very long speech indeed. The Resolution is the result of the unanimous report of the Committee appointed by this Assembly, and as the Report of the Committee has been in the hands of

[Sir George Rainy.]

Members for some time, it is not necessary, I think, for me to go into great detail on the question. As Honourable Members know, we can by giving notice before the 31st of December, 1931, exercise the right which we have under the contracts to purchase these railways with effect from the 31st December 1932. The sum we should have to pay is just over £10 millions sterling in the case of the Bengal and North Western Railway, and something less than £2 millions in the case of the Rohilkund and Kumaon Railway. And of course as Honourable Members already know—and it is clearly brought out in the Report of the Committee—the great practical difficulty which exists in the way of our exercising our option to give notice arises from the financial conditions now prevailing. As is pointed out in the Report of the Committee, “The Finance Member emphasised the fact that in present conditions a very large sterling sum, nearly £12 millions, required to purchase the railways could not be raised without unduly straining India’s credit with possible detrimental effect on existing securities, or without reducing the power of the Government to finance new expenditure in other directions”. I think that every member of the Committee realised that the difficulty was a very real one and that Government could not possibly, at the present stage, undertake to raise that sum in London.

Another point to which the attention of the Committee was drawn was this—that taking account of the terms on which the Government of India is in a position to borrow money, and taking into account also the probable increase of expenditure on the line which would result if Government took it over, and finally taking into account the existing depression in trade, it was not at all likely that as a business proposition the purchase of the line would be a good bargain. That in itself might not be decisive at ordinary times, but taken in conjunction with the practical impossibility of raising the sum required, the difficulty becomes very formidable. The unofficial members of the Committee, however, held very strongly that due account must be taken of the strong feeling on the subject in the areas served by the two companies that the lines ought to be purchased at the first possible opportunity. The Government were in no way disposed to under-rate the force of that line of argument; and therefore the Committee came to the conclusion that the best course we could recommend in the circumstances as regards the purchase of the two lines was that we should endeavour to obtain from the companies an extension of our option to purchase for a period of five years in the hope that during that period the financial conditions might improve and that it might prove possible to raise the money before the end of the period. The Government members of the Committee found it necessary to point out that all the probabilities pointed to the conclusion that by private arrangement, and apart altogether from the contract, it was likely to be possible to purchase the lines for a considerably smaller sum when the time came when we had funds to spend for that purpose. On the other hand, neither myself nor the Finance Member found any difficulty in concurring in the course recommended by the majority of the Committee, namely, that we should do our very best to secure this option. As Honourable Members, I think, know, if we do not exercise our option now, then we shall not be able to purchase compulsorily until the year 1981, and although we believe that, when funds are

available, it would be possible by private arrangements, apart from the contract, to purchase more cheaply, nevertheless we see no harm whatever in securing the extension of this option if the companies are willing to give it to us. That, Sir, covers the first clause of the Resolution.

The second and the third clauses are concerned with the arrangements to be made in respect of the two State-owned railways which are managed by the companies, that is the Tirhoot Railway and the Lucknow-Bareilly Railway. As regards both of these, we shall have a free hand after the 31st December 1932. The contract relating to the working of the Tirhoot Railway terminates on the 31st December 1932 whether Government purchase the Bengal and North Western Railway or not. A new contract will therefore be necessary whether we purchase that railway or not. The position is not precisely identical in the case of the Lucknow-Bareilly Railway; the contract does not terminate automatically unless we purchase the Rohilkund and Kumaon Railway line, but after the 31st December 1932 we can terminate the contract by giving 12 months' notice. What the Resolution recommends about that is that, provided we can arrange satisfactory terms with the Bengal and North Western Railway and the Rohilkund and Kumaon Railway Company, then the management should continue with these Railways. It is impossible at the present stage to make a more definite recommendation, because the question of the terms will have to be discussed with the two companies concerned. These two clauses, however, assume that we shall be able to get the option to purchase extended for a period of five years and they do not cover the future management of the two State-owned lines except for such period.

Finally, we come to clause 4, which contemplates that it may prove impossible to reach agreement with the Bengal and North Western Railway and the Rohilkund and Kumaon Railway Companies on the terms about extending the option, and the Resolution recommends that in that case Government should explore other lines for reaching agreement which would ensure to the Government the opportunity to purchase on reasonable terms, and in the second place that the Government should consult the Committee of the Assembly for the purpose of reconsidering the position with regard to the management of the Tirhoot and the Lucknow-Bareilly Railways. I lay some little stress on the point that these two recommendations are made on the assumption that we are unable to obtain an extension of the option. There is no difficulty, as the Resolution stands on the paper from the point of view of Government, in recommending either or both of these courses. We are quite ready to explore what other means may be possible for the purchase of the lines when financial conditions improve. Nor have we any difficulty about consulting a Committee of the Assembly as regards the future management of the Tirhoot and Lucknow-Bareilly Railways, because as I have explained, after the 31st December 1932, we shall not be bound by any contract, and we shall have a free hand.

Perhaps it might save the time of the House if I were to refer here to an amendment which is on the paper and of which notice has been given. That amendment is to omit at the very end of clause 4 the words "as regards the management of the Tirhoot and Lucknow and Bareilly

[Sir George. Rainy.]

Railways ". I am not quite sure that I know fully what is in the mind of the Honourable Member who has given notice of that amendment. If it merely means that when in the course of the year 1932 or later we should consult the Committee of the Assembly about the future management of the Tirhoot and the Lucknow-Bareilly Railways we should also be ready to consult in 1932 about the whole position, then I have no objection. But as the Resolution is drafted, if the amendment were adopted, it might very easily be read as binding Government to consult the Assembly before our option to purchase the Railways expires on the 31st December 1931. I could not promise to do that because there is not sufficient time. The negotiations with the two companies will take up time, and I cannot give any promise of that kind. But I have not the least doubt that, whoever may sit in the seats where we sit to-day, this question of the possibility of purchase on reasonable terms will come before the Assembly at the end of two or three years. So far as that is concerned, and as regards future consultation from 1932 onwards, if that is what is meant, then I should have no difficulty in accepting the amendment. I have only mentioned this point as it may shorten the discussion.

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam : Non-Muhamadan Rural) : Sir, that in clause (4) the words "as regards the management of the Tirhoot and Lucknow-Bareilly Railways" be omitted is the amendment I propose. At the very outset I would like to emphasise once again the desire on the part of the Opposition as well as on that of the country to terminate, as far as, and as quickly as possible these contracts with the companies generally, and in particular with this company, in favour of State management. Having said that, I should like to draw the attention of the House to these words that occur in clause 4 limiting the scope of the consultation. I have heard with great relief the speech of the Honourable Sir George Rainy that if it was my desire in moving this amendment not to handicap the Government with regard to the exercise of the option, but only that the Assembly should be consulted after the end of 1931, he was prepared to accept my amendment. I only wish to submit that the Assembly should be consulted as early as possible in view of the desire so keenly felt and so often expressed that the railways should not be left under company management. I realise of course the difficulties which the Committee had to face when they had to recommend this five years extension on account of the financial stringency with which we are cursed. It is also a great relief to me to note that the five years is not a period finally fixed but they have also provided that if it is possible, if the financial circumstances permit, at an earlier date these contracts should be terminated and they give power to the Government to negotiate on that basis. I entirely agree with those conditions. I wish only to repeat once more that it is not my intention to handicap the Government in their negotiations, but only that the Assembly should be consulted on all these matters. With these few words I move my amendment.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : The position about these lines now under discussion is this ; we have four lines, (1) the B. & N. W. line, secondly, the R. & K. R. line, thirdly, the Tirhoot line, and fourthly, the Lucknow-Bareilly line. As regards the B. & N. W. line, the contract is

that we ought to give notice by the end of this year. If we do not give any notice, then automatically the contract will extend for another period of 50 years ; that is, up to the end of 1982. The Tirhoot line which is the most paying of all belongs to us, and we have handed over its administration to the B. & N. W. line, and it is open to us to take over that administration at any time we choose. As regards the R. & K. R. line, it belongs to the company, and the Lucknow-Bareilly line belongs to us which is given to the same company to run. Sir, if we do not give notice by the end of this year, then the contract with the B. & N. W. line will automatically extend to 1982, and the same is the case with the R. & K. R. line. But it will be open to us to give the contract for managing the Tirhoot and Lucknow-Bareilly lines to the same lines or we may undertake its management in our own hands. I tell you frankly what is at the back of our minds. We have got the very sad experience of the Assam Bengal Railway. Last year the Honourable the Leader of the House brought forward a motion that the terms of contract with this line should be extended for another ten years, in other words, that no notice should be given before 31st December 1931. The Assembly, on the motion of Mr. Fazal Rahimtulla, resolved that the period of contract be extended by one year only, but we were told very definitely by Mr. Parsons in reply to questions on the point that the Government cared nothing about this Resolution. The Government did not give the notice which they ought to have done on the 31st December 1930, with the result that automatically the contract has been extended for another period of ten years, and this was done against the explicit wishes of the Assembly. We are afraid that the same thing may be repeated in this case also, that is, that the railway authorities, the Government of India and the Secretary of State may ignore the fact and take no notice whatever of what we say, and automatically the contract may be extended by another 50 years. It is against all the principles on which the railway administration in India ought to be carried on.

Sir, I start with the fundamental principle that we take the earliest opportunity to purchase each and every railway in India, and as soon as the contract of any company is going to expire, we should not let the opportunity slip away, but we should take into our own hands the administration of all the railways in India. This is the principle on which I stand, and I challenge any person who may advocate any other principle contrary to this one, and I will give some of my reasons later on. (*Mr. S. C. Mitra* : "Where to get the money from !") My Honourable friend, Mr. Mitra, asks where is the money to come from. I never cared for it ; if a thing has to be done, it must be done. Supposing there is a war to-morrow, then the Honourable Sir George Schuster will find money somehow or other. The question where the money is to come from depends very much upon the importance of the matter, and we must not sit idle saying, where is the money to come from ?

Now, if we remained silent, the Government might allow time to lapse, and automatically the terms of the contracts will be extended for another 50 years. This is a thing that we do not want; but realising the financial difficulties of the country at the present time, the Committee which was appointed by the Government from the various groups of this House, considered this question very carefully, and they

[Dr. Ziauddin Ahmad.]

recommended that, owing to the financial stringency, the utmost that they could do was they might be willing to extend the period of contract for a period of five years. If the B. & N. W. Railway company is willing to undertake the extension of this period and modify the terms of the contract accordingly as they have already done more than half a dozen times, we on this side of the House, at least and the members of the Sub-Committee, see no objection to an extension for another five years, but they do have great objection to extending the period of another 50 years,—it is an absolutely impossible problem. Supposing the B. & N. W. Company does not agree with this offer of extension for five years, what are we going to do ?

In the first place, I should ask the Government to consult the Assembly or a Committee of the Assembly immediately before allowing the option to lapse altogether, and in that case, I would advise the Government to immediately take possession of the Tirhoot and Lucknow-Bareilly lines and manage them themselves. If the companies treat us indifferently, there is no reason why we should entrust the most profitable part of our railways into the hands of these companies. If they are not reasonable to us, I do not think we should be charitable to them. That is the first thing that I would submit if they do not agree to our terms. We should immediately take possession of the Tirhoot line and the other line which according to the contract you can do.

One reason among many others for which I very strongly press the immediate purchase of these railways is that I and probably some other Honourable Members know the working of these lines very well. I approach my constituency by this line, that is, the B. & N. W. line, and I know its working perhaps better than the Members on the Treasury Benches, including Mr. Parsons. I have travelled extensively on this line, and it is impossible to describe the inconveniences of the passengers even in the first and second classes, not to speak of the third class at all. There is no light at night, there is no sufficient water to be had, no refreshments at stations, and no sheds of any kind whatsoever. I went to Chauri-Chaura and made enquiries. The Station Master there is paid very little, perhaps not more than Rs. 100 a month, but his extra income is Rs. 4,000 a month. I will be quite willing to resign membership of the Assembly if the Honourable Member in charge of the Railways will make me Station Master of Chauri-Chaura. The reason why they run it economically is that the official pay is small but the employees make very high incomes from back doors. They neither pay any taxes on the back door income nor is there any chance of retrenchment. That is really the root cause of the troubles of the passengers. Though on paper they show that their working ratio is very small, the money that comes out from the people's pockets by the back door, is really enormous, and this money ought to be debited to the working expenditure of that particular railway. If the Government purchases this railway, then all these troubles will cease to exist.

There is one other story I want to tell about this railway. If you give the guard two sugar canes you can have the train stopped, during the sugar cane season. This happens in the Gorakhpur district. The quicker this company administration is finished, the better. It is really a scandal and, a source of great inconvenience to the people. There is

one other story which I may tell here. The ticket examiners on this railway do not know the difference between single and return tickets. Once a ticket examiner punched my ticket in the middle when I told him that it was a return ticket. He said, "Hullo, I did not realise this". This is the knowledge and intelligence of the people who are employed on this line. I do not waste the time of the House by telling stories. I could write volumes. My point is that we should take immediate possession of this railway. If the Railway Company is unreasonable then we should collect the money some how and purchase it at once. I can suggest two ways by which money can be obtained. The railway has got a substantial sum in the Depreciation Fund. The Depreciation Fund must be invested somewhere, and I am given to understand that this Company is paying 19 per cent. The Railway Administration will have a very good investment if the Depreciation Fund is invested in this particular railway. My next suggestion is this. If the Finance Member raises a loan for this specific object, the money will be subscribed immediately. I see no difficulty if the desire to purchase it is not wanting.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadian) : As one of the signatories to the Report of the Sub-Committee which was appointed by this House, I should like to make one or two observations. In the first place I should like to voice the feelings of the people generally from my part of the country that the entire B. and N. W. Railway system should be purchased by the State as soon as possible. The Acworth Committee Report laid down the principle that, on the termination of the lease of a Company-managed railway, it should as a rule be taken over by the State. This House also in one of its Resolutions has confirmed that principle. If the financial situation of the country had not intervened, I would certainly have recommended the immediate purchase of this railway. As we discussed this matter at great length in the Sub-Committee which was appointed by this House, and as we had the advantage of listening to the arguments advanced by my Honourable friend the Finance Member, we came to the conclusion that it was out of the question, however, regrettable it may be, to purchase this railway in the immediate present. Therefore, we unanimously gave authority to the Government to negotiate with this railway to purchase it within a period of five years at the maximum, and our recommendation has the support, I am glad to say, of public opinion in my part of the country. The *Indian Nation* which is the leading organ of Indian Nationalism at Patna in its issue of the 16th September 1931 observed as follows :

"The suggestion of the Committee appointed by the Assembly to go into the question that option should be obtained by negotiation with the companies to purchase the lines on most favourable terms within five years hence seems a happy one. The companies should be given a year's notice which is only fair. We hope the suggestion of the Committee will be adopted by the Government of India, and efforts will be made to secure its acceptance by the companies concerned, so that the purchase of the lines may not be deferred to 49 years hence."

Now, Sir, there is one point about B. and N. W. Railway which I may mention. Its rates and fares are lower on the whole as compared with the rates and fares of any other existing railway system in the country. From the Railway Board's Report for 1929-30, Vol. II, pages 97-98, I cull the following :

"The average rate per mile is :—In the first class it is 13.7 pies on the B. and N. W. Railway, while it is 16.7 on the Eastern Bengal metre gauge ; on the second

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class it is 8.01 on the B. and N. W. Railway and 9.72 on the Eastern Bengal Railway ; on the inter class it is 3.47 on the B. and N. W. Railway, and 3.90 on the Eastern Bengal ; on the third class it is 2.29 on the B. and N. W. Railway, while it is 3.11 on the Eastern Bengal Railway."

So far as the goods traffic is concerned, we find also that the average rate in pies per ton mile is 7.34 on the B. and N. W. Railway as against 8.45 on the Eastern Bengal Railway.

Mr. B. Das : Why discuss fares now ?

Mr. Gaya Prasad Singh : I would not have mentioned it but for the observation made by my friend Dr. Ziauddin Ahmad. I do not know whether all the observations that my friend made were pertinent to the present motion. He might have reserved some for the Railway Budget.

Dr. Ziauddin Ahmad : I have enough for that occasion.

Mr. Gaya Prasad Singh : I do not want the rates and fares to be increased in these hard times. When I signed the Report of the Committee, I understood that, considering the extreme financial situation in the country, we were giving the Government the option to negotiate with the B. and N. W. Railway for the purchase of the entire system within a period of 5 years at the utmost. We can purchase it earlier, but 5 years is the maximum. If the railway does not care for this extension, then the whole position ought to be reviewed by this House and a committee may be appointed, not necessarily the same committee, and then we might come to whatever conclusion we like on the point, but we are definitely against the extension of the lease beyond five years. If we do not exercise our option, then the lease will automatically extend to 50 years. We are definitely opposed to this long extension. We are agreeable to purchase the lines within a maximum period of five years, failing which they should come to this House for necessary sanction in the matter. That is all I have got to say.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muham-madan Rural) : Sir, all the three previous speakers who spoke on this Resolution from this side were members of the Select Committee. I was not a member of the Committee, but I understand that the Resolution, though worded in so many lines, simply means that the Government should try its best to get the best terms available from the Company, and that we should try to let them have a year or two's extension or at the maximum five years. All this had been pointed out at the Delhi Session, but what we now want to know is how these negotiations are proceeding. We know that the financial condition of the country is not such that the Government of India may be in a position to afford so much money as to purchase the whole line, but there are the other points brought out by my Honourable friend, Dr. Ziauddin Ahmad, that there is every reason for the Company to become reasonable because two or three of the Government-owned branch lines are now being managed by the Company, and they are the most paying—yielding very high dividends. But the learned Doctor is under the misapprehension, though he is a great mathematician, that we have a very big Depreciation Fund lying idle in the treasury for the railways ; I am sure it is known to the House that the whole fund of Government reserves on different accounts is a consolidated fund, so that if there is a deficit money is drawn from the consolidated fund and the railways may not always draw upon that fund as they desire.

The other question that the learned Doctor referred to was about the fate of the Assam-Bengal Railway ? But that was only an extension for ten years, and we can afford to let the Company have their time, but here the period being a very long one, 50 years, I think we can expect that the Government will now tell us how the negotiations have been proceeding during all these months and, now that there are barely three months left, whether there is any chance for the Government to come to any agreeable settlement with the Company.

Mr. Muhammad Ashar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, as one of the members of the Committee, there are two complaints which I have to make as regards the position of these railways. The first is that this motion by the Government to acquire these railways came very late during the last session of the Assembly. The Government knew that if the contracts were not finished by December 1931, the contracts would extend to another fifty years. I am making this point that, knowing that this matter would have to come before the Select Committee and before the Assembly, and that it is such an important matter involving Rs. 12 or 14 crores, the Government ought to have brought this matter up at least last year or year before last so that they might have been left some time to discuss this question and to examine it very carefully. Now on the eve of the expiry of the contract, the matter is placed before us, and we are in a fix. The other point I make is that the deeds of contracts which were made and which were placed before the Committee were so very much involved with one another and that for a very long time different concessions were made to the Companies one after another, that the result was that it was very difficult for anyone to examine their full import. The wording of the contracts which were entered into, time after time between the Government of India and the Company were ambiguous, besides no copy of the full contract was given to us which could give us the true condition in which we were at present in relation to the Company. Thus two facts were very prominent—one, that the Company was getting an income of 19 per cent. as dividend, and the other, that it was very difficult to acquire it unless notice was given by the 31st December, 1931. There is another fact too that the Company has invested about £3 million, and they have got more than £3 million as Reserved Fund. Looking to the income which the Company is making, if we ask the Government to go into the question earnestly, in the interests of the Indian exchequer and of the Indian people, I think we shall not be asking Government anything which is very embarrassing or to the detriment of the interests of the country.

Now, Sir, the amendment moved by the Honourable Mr. Sitaramaraju is only this, that the Government should carry on negotiations with the Company and this House should be consulted. There should be an undertaking given by the Government that some sort of settlement is sure to come out of these negotiations, and unless we are assured on this side of the House that some understanding is bound to come, we think it will be simply beating about the bush. My Honourable friend, Dr. Ziauddin Ahmad, pointed out, and we all know already, as to what was the fate of the Assam-Bengal Railway. In case the contract terminates in December 1931, and if the Company does not come to any understanding with us, it is no use my saying that the 50 years' lease is bound to remain where it is. Sir, to say that there is no money and therefore you cannot purchase it, is not right. In the Committee we suggested that some sort of

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arrangement should be made either by floating a special loan for the purchase of these railways, or by means of debentures which may also be floated by the Government of India. I think in that case, instead of these big and fat dividends going to Europe or to other countries outside India, at least the money will remain in my own country. So, although it is a matter for those people who know finance well, still these suggestions from laymen are worth considering, viz., that debentures or some sort of shares may be floated, and the Government should try to buy these railways so that they may become State railways.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadian Rural) : Sir, I do not want to make a long speech ; but coming as I do from the Rohilkund and Kumaon Divisions and knowing as I do all about that railway,—I have given expression to my opinion about it on previous occasions during previous debates—I think I must speak a word or two now. I would, Sir, very strongly put it to the Honourable the Railway Member to exert all his influence with the Railway Company and to see to it that it agrees to his terms. As it is, the contract expires on the 31st December, 1932 and during this period unless the Company agrees to sell this railway to the Government it might be open to it not to sell it at all in another 50 years. I think the Company will agree to the Honourable the Railway Member's terms and leave it open to us to buy the R. and K. Railway within the next five years. Sir, it is absolutely necessary that the Rohilkund and Kumaon Railway must be bought by the Government, and I need not give reasons for that because there is no difference between that side of the House and this with regard to the reasons. Nor need I go into the various aspects touched upon by Dr. Ziauddin Ahmad in his criticism of the Railway. Many of them were exaggerated and some of them were incorrect.

The Honourable Sir George Rainy : Sir, I have only a few words to say at the close of this debate. My Honourable friend Dr. Ziauddin Ahmad suggested that, before the option to purchase finally expired, Government should consult the country. What else, Mr. President, have Government been doing for the last nine months ? We got a committee of the Assembly to express an opinion from the more central point of view, and we got expressions of opinion from the Legislatures of the two provinces concerned from the more narrow local point of view. If that is not consulting the country, I really do not quite know what method the Honourable Member would have us employ.

There are two small points I want to make plain. One is this : we cannot of course be quite certain,—we never can in these things,—whether the Companies will give us the extension of the option that we want or not. I hope they will, but clearly it is not in the power of Government to compel them to do so. The other is, that as far as I can see, it is as certain as anything can be that we shall not be in a position to give notice before the 31st December. My Honourable friend Dr. Ziauddin Ahmad said that the Finance Member should try and collect money somehow or other from somewhere. That is the pursuit in which my Honourable colleague is at present engaged, and I have no doubt that if the reception of his efforts in this House next month is cordial and appreciative, he will do his very best to follow out my Honourable friend's suggestions. But still I must confess to a remaining doubt,—and indeed I am afraid I must say, a remaining certainty,—that do what we will, it will not be possible

in the coming year to get that sum of 12 million sterling in the London market. That is all I need say because I think all the speeches were in support of the Resolution.

I think, Sir, I indicated in my opening speech that I was prepared to accept this amendment.

Mr. President : The question is :

“ That in clause (4) the words ‘ as regards the management of the Tirhoot and Lucknow-Bareilly Railways ’ be deleted.”

The motion was adopted.

Mr. President : The question is that the Resolution, as amended, be passed.

The motion was adopted.

RESOLUTION *RE* DRAFT CONVENTION ON FORCED OR COMPULSORY LABOUR.

The Honourable Sir James Orerar (Home Member) : Sir, I beg to move the following Resolution :

“ That this Assembly, having considered the Draft Convention and Recommendations concerning Forced or Compulsory Labour, adopted by the 14th session of the International Labour Conference, recommends to the Governor General in Council that he should not ratify the Draft Convention.”

Though this Resolution may at first sight appear to be of a somewhat formidable character, I hope, without detaining the House very long, to be able to convince it that the point involved, though important, is really a very simple one and that in the special circumstances which affect our case in India it is really impossible for us to take any other attitude than that which is set out in the Resolution. I do not intend, except in the most concise terms, to go into the previous history of this question and will deal in a few words with that aspect of the matter.

At the time of the conclusion of the peace when the Treaty of Versailles and the Covenant of the League of Nations were entered into, Honourable Members will recollect, certain territories, which had formerly been in possession of the enemy powers, were transferred under the aegis of the League of Nations to certain of the allied powers under a mandate. These territories were called mandatory territories and they were for the most part inhabited by primitive races many of them in a barbarous condition ; and the practice of slavery or of customs which practically amounted to slavery were either prevalent or were believed by the authors of these treaties to be of such a character that stringent precautions ought to be taken against them. Consequently, it was enjoined upon all the mandatory powers that they should, among other principles of administration, adopt the principle of suppressing the slave trade and slavery in all its forms. I mention that because it is interesting and important at this stage to observe that the Draft Convention which we have at present to deal with arose originally out of a consideration of something totally different ; that is to say, of conditions either actually amounting to or approximating to slavery. A Slavery Commission was appointed and it reported to the League in 1925 and among other recommendations it made, one was that the principles which they themselves

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arrived at with regard to slavery and forms of compulsory labour tantamount to slavery should be adopted as general international principles. The discussion was carried on for some time on these lines and then was laid before the 12th session of the International Labour Conference, a Report on Forced Labour prepared by the International Labour Office, containing a summary of the legislation and practice concerning forced labour in all countries. A questionnaire was issued and finally the Conference decided to place the question on the agenda for the 14th session, of the Conference and to consider a draft Convention.

Now, Sir, at this stage the Government of India expressed its views on the subject. Our views were that we in no way objected to the main principles of the Draft Convention but from our point of view it would be necessary that the terms of the Draft Convention should be very carefully scrutinised in order that they should not be made to cover the kind of compulsory labour or work which is executed in such cases as the criminal tribes' settlements or, for instance, in the case of reformatory schools and certified training schools to which children and young persons are sent under the various Children Acts in force in India. During the course of the discussion, I regret to say that for some reason or other the views which the Government of India wished to impress upon the Conference were not apparently sufficiently clearly expressed. Two of our delegates did indeed point out the essential facts of the case as I have briefly recited here. One of the Indian representatives, either had not completely studied his brief or had completely misconceived the position. It was, however, made clear that if the relevant portion of the Draft were adopted in the form proposed, our practical difficulties would be so great that it would be impossible for us formally to accede to the Convention. Now, Sir, the particular passage in the Draft. The only part which is immediately relevant to the present discussion is as follows :

"Article 2.—Definition of 'forced or compulsory labour'."

I shall read only the strictly relevant words :

"For the purposes of this Convention the term 'forced or compulsory labour' shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

Nevertheless, for the purposes of this Convention, the term 'forced or compulsory labour' shall not include :

- (c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations."

I must point out to the House at this stage that we must either ratify this Convention wholly or we must decide not to ratify it at all. It is not open to us to ratify with any reservation or qualification, and we must apply the actual terms of the Convention with the strictness of the terms of statutory law. I must, therefore, now ask the indulgence of the House while I very briefly explain to them what is the position with regard to our main difficulty, that is to say, the effect which the ratification of this Convention would have upon the work now carried out among criminal tribes under the Criminal Tribes Act, 1924. The position, Mr. President, briefly is this. Under the Act to which I have

already referred, section 16 empowers the Local Government to "establish industrial, agricultural or reformatory settlements" and any criminal tribe in respect of which a notification has been issued under section 11 may be placed in any such settlement. The Act further empowers the Local Government to "establish industrial, agricultural or reformatory schools for children". The rule-making power in section 20 empowers Local Governments to "make rules for the management, control and supervision of industrial, agricultural or reformatory settlements and schools" and likewise for "the works on which, and the hours during which persons placed in an industrial, agricultural or reformatory settlement shall be employed, the rate at which they shall be paid", and the like. There is a further provision which is important, section 22, which is obviously essential for carrying on this work. It imposes a definite penalty for breach of the rules on the part of a member of the criminal tribe settled in one of these settlements.

Now, Sir, it is quite clear that when a Local Government takes action under this clause, that is to say, when it first registers criminal tribes, when it institutes a settlement or a reformatory school or the like, it is not taking penal action. That is to say, no sentence is passed on any person concerned. Consequently, though it is necessary that work or service should be exacted, it cannot be said in the terms of the Convention that it is exacted as the consequence of the conviction in a court of law. That is the legal position. But as I have myself always taken a great deal of interest in this work of criminal tribes the House will perhaps bear with me if I endeavour to give them a clearer picture of the facts than the recital of the provisions of law can possibly give. There are at present in India some 61 settlements which have been set up under this Act. They have a population of something over 30,000 people at the present time. In addition to members of criminal tribes who are in settlements formed under sections 16 and 17 of the Act, there are, more particularly in the Bombay Presidency, certain free settlements, that is to say colonies which have been set up by the criminal tribes settlement organisations which are not in any sense part of the settlements actually coming under the Act. This is a question of the reclamation of the criminal tribes, and I hope the House will follow me a little bit closely when I endeavour to explain to them what the intention of this body of legislation is, how it is carried out and what the results so far have been. In dealing with the stages of dealing with the criminal tribes, there are necessarily in the first instance measures of registration and restriction. The second stage is that of institution of settlements, reformatory schools and the like. The third is a very important development, that in which free settlements are formed which pass out to the normal and useful occupation of citizens—a large number of persons who have passed through the previous stages. When I speak more particularly of the work which is being carried out in the Bombay Presidency, I hope that will not be interpreted as any disparagement of the work carried out in the other provinces. I merely wish to give my personal experiences to the House of that which I myself have seen and observed. In the upland plains of the Deccan, as you ride on past the normally settled habitations, you will come across the encampments, large or small, of one of those tribes, may be the Haran Shikaris, the Mang Garudis or the like. They wander about and practise their only means of subsistence which is the habitual commission of crime. Some

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of them mainly make their living by such offences as coining. It is rather an extraordinary thing that primitive tribes of this kind should practise an offence of this character. Nevertheless, it is true. Others make their livelihood by house-breaking, theft and ordinary depredations. Most of them however have some particular form of crime which they have inherited and which they carry on. In these circumstances they wander about, themselves in the deepest depths of misery, penury, squalor and immorality, committing depredations upon the peaceful inhabitants of the country, making themselves an intolerable nuisance and danger to their fellow-citizens and living in the greatest misery themselves. Nothing is more striking, having seen the raw material, than to go to one of these large settlements, at Bijapur for example, or Hubli, and see the results. Instead of filth, instead of crime, instead of immorality, you see people passing through the phases of reclamation which I have mentioned. In these settlements they are taught agriculture and various useful trades ; those that are settled near industrial towns in process of time take their place in the ranks of free labour and carry on the ordinary work of a labourer in conditions very different from those from which they have emerged. What is perhaps an even more beneficent part of this great work are the schools to which the children are sent. It is the invariable practice to attach schools to these settlements : sometimes for obvious reasons children are taken away from their parents and are sent to separate schools. These schools contain provision for the treatment of ailments ; boy scouts and girl guides associations are instituted and what is rather a remarkable fact, as those who have had personal contact with this work can testify, is that the children of these unhappy parents very frequently in these schools show an adaptability and intelligence and quickness to learn a degree greater than the normal population of the country.

I do not wish to weary the House for I have already spoken at some considerable length. But I think that I have said enough to convince Honourable Members firstly that work of this kind must necessarily be carried out under conditions of discipline. What is the real remedy if we are to reclaim these criminal tribes with their long traditions of centuries of living by preying upon the community ? You will not do it solely by police work, by convictions in courts of law, by long terms of imprisonment. There is one way by which you can reclaim these people permanently and profitably both to themselves and to the country as a whole. You must educate them ; you must for that purpose place them under some measure of discipline ; you must teach them useful arts and crafts ; you must enable them to take, as useful and good citizens, their proper part in society. By that process you will not only add to the number of useful citizens, but you will reduce the number of those who are a danger and a nuisance to the community as a whole. The results on the actual criminal statistics of those provinces in which the work has been carried on most intensively are very striking. I do not wish to weary the House with lengthy statistics, but I hope that they will accept it from me that the result of the work now going on in these criminal tribes settlements is to pass out from year to year large numbers of men, women and children who are really qualified to take a useful part in the body politic. The statistics of crime, more particularly of

the kind of crime to which these criminal tribes are addicted, have fallen very effectively, more particularly in the Punjab and Bombay.

But it is perfectly clear that as these are obviously the only sound and sensible and human methods by which this work can be carried out, it must be carried out under discipline. There must be in the last resort some means of enforcing discipline. Consequently we cannot accept the express provisions of this Convention. Either we have to refuse to adopt this Convention, or we have to abolish all this great humanitarian and philanthropic work, the most important work in my humble opinion of that character which is now being carried out in India.

I could speak at very much greater length on the subject of criminal tribes and their methods, but I do not propose to do so as I think I have established my point. It will be apparent to the House that a strict application of the terms of this Convention would operate equally destructively upon the work which is now being carried out in reformatory schools devised for children and youthful offenders. The provisions of this Children Act are designed expressly to avoid the passing of a sentence. These children are sent to reformatory schools; they are subjected to discipline and so forth; but the application of the strict letter of the Convention would similarly prevent this work from being carried out. Therefore it is quite impossible for us to ratify this Convention without the most serious consequences on all beneficent activity. I should like to assure the House that except so far as work of this kind would be interfered with or completely stopped, we have no objection to the general principles involved in the Convention. We are quite prepared to adopt them and to apply them so far as possible provided that our position with regard to these various forms of social enterprise and beneficent activity is left untouched.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhamadan) : Sir, I beg to move that the word "not" occurring between the words "should" and "ratify" be deleted. The Resolution which my Honourable friend the Home Member has just moved relates to the Draft Convention and Recommendations which were adopted by the Fourteenth Session of the International Labour Conference.

(At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President.)

The other Resolution which stands lower down in the list in the name of my Honourable friend, Mr. Shillidy, also relates to a Draft Convention and Recommendation of the same session of the International Labour Conference. My Honourable friend Mr. Shillidy brought his Resolution in the Delhi Session, and on my motion, it was adjourned to this session. I should like in the first place to ask my Honourable friend the Home Member as to why this Resolution was not brought forward in the Delhi Session along with the Resolution of Mr. Shillidy. I will attribute to him no motive that this Resolution has now been brought forward in view of the thinness of the House.

I regret that those of our Honourable Members who took part in the International Labour Conference at Geneva are not here with us to give us the benefit of their views on the subject, like Mr. Joshi. I find that Mr. Joshi and Sir Henry Gidney opposed the Resolution of my Honourable friend Mr. Shillidy when it was brought forward before the House

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in the Delhi Session. But confining myself to the present Resolution, I should like to point out that there is no reason why we should not ratify the Recommendations adopted by the International Labour Conference. India, Sir, is an original member of the League of Nations; and on humanitarian and other grounds of practical utility, I am of opinion that the draft conventions concerning forced or compulsory labour adopted at the 14th session of the International Labour Conference should be ratified by this House. With your permission, Sir, I should like to point out some of the Articles dealing with the subject.

Article I recommends that each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period. Now, forced or compulsory labour has been defined to mean "all work or service which is exacted from any person under the menace of any penalty and for which such person has not offered himself voluntarily". There are certain exceptions to the employment of forced or compulsory labour, and these exceptions will go a great way to meet the objections which have been raised by my Honourable friend the Home Member. The following services have been exempted from the operation of this Convention:

"(a) Any work or service exacted in virtue of compulsory military service laws for work of a purely military character;

(b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;

(c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority;

(d) any work or service exacted in cases of emergency, that is to say, in the event of war, or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic, or epizootic diseases, invasion by animal, insect or vegetable pests, and so on."

Now, Sir, these are very exceptional occasions on which forced or compulsory labour may be utilised, but we find that in many Indian States as well as in British India forced or compulsory labour which is known as the *begar* system is in vogue on very common occasions. I asked a question on this subject some time back, and I understand that when His Excellency the Viceroy travels by train, villagers are taken out of their homes and are compelled to stand and guard the line, for which they are not paid anything. I do not know whether the visit of a high official could be described as falling in the same category as the visitation of a flood, fire or other calamity. I am of opinion that the use of forced or compulsory labour on an occasion like the one I have described, and to which I drew the attention of the House two or three years ago, should be immediately stopped.

Then, Sir, another Article in these Draft Conventions provides that there should be no imposition of forced or compulsory labour for the benefit of private individuals, companies or associations. Before the employment of forced or compulsory labour, the following points will have to be carefully looked into, namely:

"(a) that the work to be done or the service to be rendered is of important direct interest for the community called upon to do the work or render the service;

(b) that the work or service is of present or imminent necessity;

(c) that it has been impossible to obtain voluntary labour for carrying out the work or rendering the service by the offer of rates of wages and conditions of labour not less favourable than those prevailing in the area concerned for similar work or service ; and

(d) that the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work, and so on."

It has also been provided in one of the Draft Conventions that only adult able-bodied males, who are of an apparent age of not less than 18 and not more than 45 years, may be called upon for forced or compulsory labour, and that ordinarily they will have to be examined by a medical officer to find out that the persons concerned are not suffering from any infectious or contagious disease and that they are physically fit for the work required and for the conditions under which it is to be carried out. There is also exemption provided for school teachers and pupils and of officials of the administration in general. Exemption will also apply to the maintenance in each community of the number of adult able-bodied men indispensable for family and social life, and respect for conjugal and family ties. Sir, I do not find in any of the Articles to which I have referred anything to which any legitimate exception could be taken, and my Honourable friend the Home Member has not taken exception to any of the Articles provided in this Draft Convention. Then again the maximum period for which any person may be taken for forced or compulsory labour of all kinds in any one period of twelve months shall not exceed sixty days. Now, Article 18 of the Draft Convention provides that forced or compulsory labour for the transport of persons or goods, such as the labour of porters or boatmen, shall be abolished within the shortest possible period. What legitimate exception can be taken to a provision like that unless we concede that it is the right of a Government servant, or of any officer for the matter of that, who goes to villages to exact forced labour for carrying his own luggage and other belongings ?

The Honourable Sir James Crerar : I am very reluctant to interrupt the Honourable Member. I think his present argument is somewhat beside the point. I pointed out the particular difficulty arising out of the criminal tribes settlements and the analogous case of the Borstal schools. We do not take exception to the other provisions of the Convention though we could not ratify that, because we must ratify either all or none at all, but the other provisions we are prepared to accept and give effect to them, where necessary, as far and as speedily as possible. My Honourable friend has misrepresented my position.

Mr. Gaya Prasad Singh : I am glad to have this assurance from the Honourable Member for which I thank him ; but what I want to point out is this, that the objections he has mentioned are for the most part illusory, because some of the objections are covered by some of the Draft Conventions to which I have referred.

Article 25 provides for the illegal exaction of forced or compulsory labour and it shall be punishable as a penal offence. In view of the fact that the Honourable Member generally speaking has not taken objection to the Draft Convention as it stands, I will pass on to the objection which he thinks is insuperable in the way of our ratifying this Convention. He referred, Sir, to the existence of certain criminal tribes settlements in some of the provinces in India under the Criminal Tribes Act.

[Mr. Gaya Prasad Singh.]

Now, the total number of persons on these settlements is about 32,000 or 35,000, but how much forced labour affects the vast millions of persons who have to undergo that. I will not refer to the numerical strength of these people who have settled on these areas in different parts of the country, but I will merely refer to the opinion expressed by the Criminal Tribes Settlement Officer in the Bombay Presidency, and which has been endorsed by the Bombay Government themselves, and it is this. This officer says :

" I do not know if the existence of the settlements is the only difficulty in the way of the Government of India ratifying the Convention, or the amount of pressure which will be exercised upon it to ratify the convention regardless of difficulties.

If the pressure is serious and if the existence of the Criminal Tribes Settlement is the only difficulty in the way of ratification it is possible that modification in the Criminal Tribes Act might be made to bring the Criminal Tribes Act within the terms of the convention."

The Honourable Sir James Crerar : That is not possible.

Mr. Gaya Prasad Singh : I will go a little further into the details. What do the Government of Madras say in their report on the settlements in that Presidency ? They say this :

" In practice, however, the measure of compulsion is very small.

In the three settlements managed by the Salvation Army the conditions of labour are hardly different from those under which ordinary free labourers work..... The wages paid by the Salvation Army are what are usually paid to labourers in the neighbourhood..... They get their usual daily wages like any other labourer outside and no compulsion or force is used."

In the circumstances, may I know what difficulty there is in our ratifying the Convention ? The Criminal Tribes Settlement Officer of Bombay has made the following remark :

" If it be agreed that the spirit of article 2 (c) would include persons detained in schools established under Children's Acts or Borstal Acts cannot it also be argued that settlements too are meant as training grounds ? "

The Inspector General of Police in the United Provinces has made this remark :

" The settlers cannot be said to be forced to work ; the work is there for them to do but they can if they wish take a ' day off ' and suffer a loss of wages as do labourers elsewhere..... The work in settlements is not regarded as forced labour by the settlers themselves."

The Government of the Punjab say as follows :

" In the opinion of the Governor in Council the term ' forced or compulsory labour ' is misleading when applied to the conditions which obtain in the settlements established for the reclamation of criminal tribes. The labour which is done is not for the pecuniary benefit of the employer."

The opinion which my Honourable friend the Home Member has expressed on this point is somewhat at variance with the opinion expressed by the Government of the Punjab. In Bihar and Orissa there is only one little place in Champaran where there is a small settlement. With regard to the maintenance of these settlements and the work which they are doing, I have nothing, but commendation, but I find that the work is under the supervision of the Salvation Army. I do not know whether the Salvation Army is an organisation of Christians. If it is not, I have nothing more to say. But if it is a part and parcel of the Christian religion, I object in the first place to our people, whether they are Hindus or Mussalmans or belong

to any other community, being subjected to the discipline of a propagandist organisation of a different denominational character like the Salvation Army. There are so many other institutions, philanthropic institutions, maintained by the Hindus and Mussalmans, and members of the other communities, and I object strongly that under the garb of humanitarian work.....

Mr. President : Order, order. The Honourable Member's time is up, but having regard to the importance of the subject, I will allow him five minutes more.

Mr. Gaya Prasad Singh : Thank you, Sir. As I was saying, there are so many other organisations belonging to different religious communities. I should like at this stage to record my protest against the fact that insidious proselytizing influence should be brought to bear upon our people under the garb of training them to be good citizens of the country.

Sir, criminal tribes are not confined to India alone ; there are criminal tribes in other parts of the world as well, but if there is no such difficulty for the other Governments to ratify this forced labour Convention, I do not know why the Government of India should experience any insurmountable difficulty. India is, as I have said, an original member of the League of Nations. She was a signatory to the Treaty of Versailles, and we are always told that India should not be thought to be lagging behind any other country in the matter of international obligations. So far back as 1921, Sir Atul Chatterjee, in addressing the Council of State, stated as follows :

“ We have just entered upon a new constitutional era in this country. The eyes of the world, of the democracies of every country in the world are at the moment on us. I am convinced that the Council has a full sense of responsibility for the good name and the dignity of India in international councils. We do not want to be considered a backward nation always and for ever.”

It would look rather awkward if India as an original member of the League of Nations fails to ratify this labour Convention on the sole ground that there is in existence in this country a small scattered population which has been termed as criminal tribes. I think that the Criminal Tribes Act could be suitably modified so as to bring it under the terms of the labour Convention. With these words, I move my amendment.

Mr. President : Amendment proposed :

“ That the word ‘ not ’ occurring between the words ‘ should ’ and ‘ ratify ’ be deleted.”

Mr. B. Das (Orissa Division : Non-Muhammadan) : I beg to move.....

Mr. President : I am not asking the Honourable Member to move his amendment now. The procedure I have suggested is this. Mr. Gaya Prasad Singh's amendment is to ratify the Convention. The original Resolution is not to ratify it. I will put after discussion Mr. Gaya Prasad Singh's amendment to the vote. If the House decides to ratify the Convention, then both the amendments of Mr. Das and Mr. Sitaramaraju fail. If that amendment is rejected, then I will call upon Mr. Das to move his amendment, and after that, if necessary, Mr. Sitaramaraju will be called to move his amendment. That is the only procedure which I think will be suitable in this case.

Mr. B. Das : Then I will only say a few words on my Honourable friend Mr. Gaya Prasad Singh's amendment. I thought he would not press his amendment because under the Convention of the International Labour Conference no Convention could be ratified if it was to be modified by the Legislature of any particular country.

Mr. Gaya Prasad Singh : I do not want it to be modified.

Mr. B. Das : My Honourable friend does not want it to be modified, but I find my Honourable friend the Home Member and the Government of India want it to be modified. Sir, I was a member of the International Labour Conference at Geneva in 1929 when the problems on Forced Labour were discussed in the first session and when these questionnaires were drafted. Mr. Shiva Rao and myself were on that particular Committee, and Mr. Clow represented the Government of India. At that time I never thought nor did Mr. Clow think that the Government of India would raise objections which would not be included in the exceptions to Article 2. But I find in the Fourteenth Session of the International Labour Conference that both Mr. Shiva Rao, who represented the Indian workers, and Mr. J. K. Mehta, who represented the Indian employers, went against the Government of India's suggestion for certain exceptions. The Government of India's representative pointed out that they could not recommend the Assembly to ratify, because there were still laws which were at work, and if my Honourable friends Messrs. Mehta and Shiva Rao thought that those laws should be repealed and thereafter Government of India should ratify the Convention, their proper course would have been to accept these things there, and through their representatives here, proceed to repeal the enactments. Within eighteen months after a Convention is adopted at the International Labour Conference, the Government of each member body must bring it up before its Legislature. To repeal these two enactments, whether through our efforts or efforts on the other side—I know the Government are not willing to repeal those two or three social enactments—it will take a long time and in the meanwhile the Draft Convention on Forced Labour will be shelved. Although I have a good deal of sympathy with what the Honourable the Home Member said, I think even if we ask the Government of India to ratify, they will not ratify because they want certain special exceptions under Article 2 of the Draft Convention. I would rather co-operate with the Government so that certain positive action is taken on this Draft Convention and Recommendations.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I support the original motion, though for reasons quite different from those advanced by the Honourable the Mover. I am sure that neither the Members on the Treasury Benches nor the Members on this side will sympathise with me in some of my arguments. I stand by myself. A few years ago I took a very great interest in the work of the League of Nations. I thought at one time that perhaps the League of Nations would be able to find out a solution of the minority problem which is troubling the mind of every politician in India. I took a very great interest in the work of the League of Nations Union in London and its Secretary, Dr. Garnett, who happened to be a close friend of mine, introduced me to its literature. I had a long talk with him and he also gave me references to various organisations at Geneva. I went to Geneva and spent three weeks there, not as representative of

the Government and not in any official capacity but purely in a private capacity, and since I could speak French, German and Italian, I had no difficulty in talking with people of all nations from all countries, and I found that the League of Nations was the greatest humbug going. They are trying to do a thing which they are not capable of doing. They have not got the power behind them. Really speaking, there is one good work before the League of Nations now and that will be the test whether the League of Nations is really useful or not. And it is this, at present, America and France have cornered all the gold intended for circulation and left all the nations of the world to look after themselves. If the League of Nations is to be a reality, they ought to have a small authoritative currency committee and it should announce "We don't care anything about gold. We ourselves have made a Convention, that for the value of the paper money, there must be so much gold reserve in the bank". We should then say good-bye to this Convention. I think the exchange value of the paper money of each country ought to be fixed by the League of Nations, so that all the non-gold countries of the world may combine together against the gold countries of the world, i.e., France and America. If the League of Nations will come forward and do a thing of this kind, then I say that is a thing on account of which they can justify their existence. About this particular labour question, I had a talk with the representatives of labour and capitalists, and I found some representatives of labour were really sincere in their efforts. They really wanted to give some relief to labour, but the position of the majority of the people who represented the Government and the capitalists was very different. What they wanted was that the people in other countries should not do sufficient work, so that they may not be able to compete with the countries which manufacture articles. For instance if labourers in Germany did more work than other countries, they would be able to produce articles at a cheaper cost and the other countries would not be able to compete with Germany, and therefore they said that this should be forced on all countries. I went to Germany three times after the war and since I had been a student in German universities I had every facility to enter into the details of this question. Germany was required to pay 175 crores a year for an indefinite period as war indemnity after the war. I asked their representatives in various walks of life how they would be able to pay and they all told me that, by doing more work, for 10 or 12 or even 14 hours a day, they would produce sufficient wealth to pay the war indemnity. The result was that they were able to produce articles cheaply and the other countries were not able to compete with them. India, they all know, is a cheap country. We all know that we have got no machinery, that our labour is not so intelligent as in Europe. If we really want to produce articles at a cheaper cost compared with other European countries, we should not be tied down to 7 or 8 hours. This is all well on paper. This movement is started by capitalists who do not want India to compete with other countries. This movement is not a philanthropic movement. If these capitalists were really sincere, if they had the benefit of labourers in their mind, they ought to have moved an amendment that the labourers should derive proportionate benefit from the wealth which they help to produce. The profit should not go exclusively into the pockets of the capitalists but should be shared by the labourers as well. I told the representatives of labour at that time in Geneva. I tell the champions of

[Dr. Ziauddin Ahmad.]

labour now that if they want contented labour, they should pay a bonus from the profit to every person engaged in a particular trade or factory. If all the profit goes into the pocket of the capitalists, then it is but natural that labour should have some resentment. They will not be inclined to do the same amount of work, as they would be if they got benefit for the extra work they did.

Mr. B. Das : My friend seems to be speaking on the next motion to be moved by Mr. Shillidy.

Dr. Ziauddin Ahmad : As my friend seems to be anxious to speak, I shall stop here and reserve my other remarks for the second Resolution.

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) **Mr. President,** I am afraid that the Mover of this amendment, the Honourable gentleman from Muzzaffarpore, has not appreciated the difficulties in the way of ratifying a Convention like this. Honourable gentlemen are aware that under Article 405 of the Treaty of Versailles, a condition has been laid down that in proposing these Conventions and trying to apply them to countries other than European countries, due regard should be had to the conditions of those countries. In spite of that direction, year after year, Convention after Convention, has been passed without due regard to the conditions of certain countries whose conditions are different from the European standards. The representatives of both the workmen and the employers who assemble year after year at Geneva made it abundantly clear that the Conventions as drafted at Geneva could not apply *in toto* to the conditions in India. But the rule is that when a Convention is passed, it should be ratified either *in toto* or it should be rejected ; we cannot ratify it half and half. Under these circumstances I was surprised very much to listen to my Honourable friend, Mr. Gaya Prasad Singh, asking us to forthwith ratify this Convention, not knowing what conditions we are going to legislate upon, and what those conditions actually are, and what are the difficulties in our way. I understood the Honourable the Home Member to say that, so far as the principle of compulsory or forced labour is concerned, he was entirely at one with us in saying that there should be no slavery of any kind or degree or form. I must also emphasize the same view, not only to this audience but also to the world outside, that we on this side of the House as well as the Government on the other side are at one now in saying that there shall be no form of slavery in this country. (Hear,hear.) So far as the principle underlying the Convention is concerned, we agree that it should be supported. The Honourable the Home Member said that the definition in Article 2 is such that it is possible to bring under it conditions of service which the Government of India are not prepared at the present stage to give effect to, particularly in view of the fact that the Criminal Tribes Act and other legislation has to be enforced in this country. I am not very much concerned with the Criminal Tribes Act ; but I am concerned with the language of Article 2 which appears to be loose. I shall not be a party to the ratification of this Convention unless I am clearly given to understand what exactly it is going to do and what class of labour it is going to cover. The definition, so far as I can see, is this, that forced and compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty or for which the said person has not

offered himself voluntarily. Now the difficulty is this, that forced or compulsory labour, as I understand it and as I also believe was the intention of the representatives who were parties to this Convention, is slavery similar to that which was prevalent in some colonies where labour was exacted by force and without being paid for. There are forms of service in this country which cannot be strictly called "forced or compulsory" labour, but if this definition is allowed to stand as it is, in its present form, it is very difficult to exempt them from the operation of this clause. Take, for instance, the practice in vogue in the villages in the south, where there are certain communities who are expected to do a particular kind of service without being paid for it. Tradition and custom demands that service. There is a penalty for non-service attached to that custom. It cannot be said that it is a service which the person liable to perform it has himself voluntarily agreed to do. It has been from time immemorial the custom for them to do that particular kind of service without being paid for it. For instance, in the south there are in the villages a certain class of persons whose duty it is, if they belong to a particular community, to drag the cart of the village god through the streets on particular occasions without being paid for it. That is labour which they are bound to do and for which they are not paid. If they do not do that service, then they are liable to suffer the penalty of being outcasted in the village. Then, there are certain kinds and forms of labour performed by the agriculturists in our part of the country, on the farm of the land-owner during certain periods of the agricultural season in a year. It is no part of their written contract, to do that service. The said person cannot be said to have voluntarily agreed to do it. It is incidental to his tenantry. If he does not, do it, then there is also a penalty attached to that in that he would be liable to lose the land. Therefore I am afraid the definition as it is drafted would apply to them also. It is clear to my mind that this kind of service should not be treated as compulsory or forced labour. That kind of service would not amount to an abrogation of the liberties of men. I do not think it is the intention of the framers of this convention to bring in that kind of service which is not the kind of slavery prevalent in some colonies which they were anxious to suppress. We are all at one with them in their desire to suppress that. But the difficulty is that we do not know to what extent the operation of such a clause as this can be worked and what practical difficulties it would give rise to. Now that the Honourable the Home Member has given us the assurance that he supports the principle on which this Convention is based and that he will do his best to give effect to as many recommendations as possible under this Convention, I do not see any reason why my Honourable friend, Mr. Gaya Prasad Singh, should think that this Convention should be ratified forthwith regardless of consequences. There was no question that these exemptions should not be exemptions, but the difficulty is, what else should be treated as exemptions; and therefore I say that this amendment should not be supported.

The Honourable Sir James Crerar : Sir, I will only say a very few words in reply to the amendment moved by my Honourable friend, Mr. Gaya Prasad Singh. I think his amendment shows some misconception of the position, and I am afraid he has not done me the honour of following my arguments at all closely. He refers to the merits of various other provisions of the Convention. I do not disagree with him there. He

[Sir James Crerar.]

also suggested that the exceptions under clause 2 were of a character which would enable the work of reclamation and reformation to be carried on. But he entirely failed to realize the cardinal point on this issue which had been emphasised by the Honourable gentleman who has just resumed his seat, viz., that we cannot accept this Convention piecemeal. If then we accept it as a whole, we accept definitely Article 2 ; and if we accept Article 2, we must to a large extent cease our work among the criminal tribes' settlements and the various other schemes. It is quite impossible to amend these Acts—unless the Honourable Member suggests that in order to bring work of that kind within the scope of the Convention, we should pass a law requiring Magistrates to pass convictions either upon the persons confined in the criminal tribes settlements or upon the children there, while the very object of our legislation is to enable them to escape the penalties of a conviction under the law. The Honourable Member has entirely failed to grasp both the legal and the practical part of the question. So far indeed from disapproving or withholding approval from other provisions of the Convention, I am perfectly prepared to accept the amendment of which notice has been given by my Honourable friend, Mr. B. Das, in substitution for my Resolution.

Mr. B. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : On a point of information,—was any attempt made by the Government of India delegates at Geneva to lay before the Conference fully the special conditions in India and to have an exemption clause, as they did in the case of the Washington Convention ?

The Honourable Sir James Crerar : Yes, Sir,—as regards this particular question, the particular points which I have explained were put by the Indian representatives, but not I fear with sufficient clarity or sufficient force or sufficiently elaborately. Moreover certain other arguments were used, based on an entire misconception of the facts which seem to have misled the Conference. I think they were labouring under an entire misconception as to what we had in mind, what conditions we had to contend with ; in fact there prevailed much misconception from beginning to end, and it is very unfortunate that the views of the Government of India as expressed through their representatives did not prevail.

Mr. President : The question is :

“ That the word ‘ not ’ occurring between the words ‘ should ’ and ‘ ratify ’ be deleted.”

The motion was negatived.

Mr. B. Das : Sir, I beg to move :

“ That for the original Resolution the following be substituted :

‘ While considering that the Draft Convention on forced labour cannot be ratified until Article 2 thereof is modified so as to exclude labour exacted under the Criminal Tribes Act, the Good Conduct Prisoners’ Probational Release Act and other similar social legislation in force in India, this Assembly recommends to the Government of India that they proceed to take action on all other provisions contained in the Draft Convention and the Recommendations as soon as may be practicable ’.”

The Honourable Sir James Crerar : Sir, I am prepared to accept this amendment.

Mr. B. Das : But I want still to say something about this Resolution. I was present at Geneva along with my Honourable friend Mr. Chetty.

We both took part in these debates and we found that the Government of India did not help us properly in the matters that we raised at the International Labour Conference at Geneva and we were contradicted. And because the Government of India had the right of reply at the end we could not give them a reply. I then told a delegate of the Government of India, Dr. Paranjpye, that I reserved my right to reply to them two or three years afterwards on the floor of the Assembly. I have got that opportunity to-day and I will do it.

Sir, I will first quote an extract from my friend Mr. Chetty's speech where he made a declaration on behalf of the Indian employers about our attitude to forced labour and also long-term contract labour and about things prevalent in the Indian States. My friend Mr. Chetty said :

" It is a question of national importance because a very large number of our fellow Indian subjects find employment both in Asia and in Africa often under conditions of slave labour. Indian employers therefore stand unreservedly for the complete abolition as soon as possible of every kind of slave labour in the world. We therefore heartily support the work of the International Labour Organisation and of the Conference in this matter, for we are anxious to see labour placed on a free basis throughout the world at the earliest possible moment."

Sir Atul Chatterje who was the leader of the Government delegation refuted that, and subsequently Dr. Paranjpye refuted a similar statement made by me and Mr. Shiva Rao at the International Labour Conference. I will quote Sir Atul Chatterji's speech :

" There is one small point to which Mr. Chetty referred and to which I must make very brief allusion. That is the question of the position of Indian States in regard to the Draft Conventions and Recommendations passed at this Conference. I think Mr. Chetty has overlooked the fact that this is a matter which has received very anxious and prolonged consideration from the Indian Government, and the position was fully explained in a communication made to the Secretary-General of the League of Nations about two years ago."

And I will give you the reply which the Director Mons. Thomas made to this statement of Sir Atul Chatterjee :

" First of all within the framework of the organisation itself there is the problem of the Indian Native States. Will the work partially, but still considerably, accomplished in British India for the protection of labour survive if competitive industries exempt from all social charges develop uncontrolled in the Native States? Mr. Chetty has expressed the concern of the employers; Sir Atul Chatterji has explained the difficulties connected with the introduction of protective legislation in the Native States. He recalled the dilemma with which Lord Birkenhead wished to confront us in 1927. Either the ratifications will apply to British India only or we shall not ratify at all. We cannot believe that this will be a final solution."

I want the House to note this carefully. Mons. Thomas says :

" We cannot believe that this will be a final solution. We believe that we shall receive help from all quarters in the necessary endeavour to obtain a generalisation of just and humane working conditions in the immense communities of India."

Sir, while I am grateful to the Honourable the Home Member for accepting every Article in the Draft Convention except Article 2 as to work connected with the Criminal Tribes Act and similar social legislation and also the Recommendations, I want a statement either from him or from the representative of the Department of Industries and Labour present as to what steps Government have taken since 1929 to bring the Indian States into harmony with India and whether the Indian States have fulfilled the expectations that the Director of the International Labour Conference expressed. I should also like to know what further negotiations have taken place between the Government of India, the High Commissioner and the

[Mr. B. Das.]

office of the International Labour Conference in this matter. Sir, at Geneva I did point out that I strongly resent that Indian Princes should represent India at the League of Nations and I did suggest that a representative of India should challenge their credentials because they do not allow Conventions that are passed in the International Labour Conference to be ratified in their States. Of course we know that in the present circumstances the Government of India have special power and they have reserved power to deal with the Indian States, but I cannot accept any Indian Prince or ruler as my equal or as my representative in international problems when he cannot accept the conditions of work that are laid down at the International Labour Conference. Sir, I hope I will get a reply, or if the Government have slept over it since 1929 I hope they will proceed further in the matter before the reforms are settled at the London Round Table Conference.

Sir, I did mention at the beginning that I told Dr. Paranjpye that I would challenge him on the floor of the Assembly—although he would not be present here—because he was the mouth-piece of the Treasury Benches at the International Labour Conference and tried to mislead the nations of the world gathered there. My friend Mr. Chetty, Mr. Shiva Rao and myself all alluded to the long-term contract labour to which Indians are subjected not only in Assam, but in the Malay States, in Ceylon, in Africa and other places; and I made a statement that Indians thus employed do not find humane conditions of living or proper wages. Dr. Paranjpye made a statement which showed that he was not properly coached by the Government of India. Coming from the province of Bombay,—I know it is your province, Sir,—and being, as he has been all his life, engaged in educational activities, he did not know the conditions of labour to which millions of Indians are still subject though these are not under penal conditions. I can never say that these were under penal conditions. But I know these long term contracts by which thousands of Oriya labourers go to Assam and spend all their life there in poverty and want and they cannot save sufficient money to come back even to their homes. I know also thousands of labourers from Southern India leave their native places and go outside India and cannot return to their homes and Dr. Paranjpye showed an amount of ignorance by picturing glowing conditions of labour, and I will ask the Government of India to be more careful in their future choice of delegates. They should not select men who are not properly conversant with Indian conditions. Dr. Paranjpye twitted the Assembly and spoke as a Member of the Treasury Benches in that International Labour Conference. He stood up to refute what I said. He referred to me and said :

“ He said that the Indian workers are vitally interested in this problem because there are millions of workers affected by it in India, in the Malay States, in Ceylon, and in South Africa, and in other parts of the Dominions where their conditions of work are not human. I do wish that he had been more accurate in his statements, for, so far as Assam and South Africa are concerned, there are no indentures at present, and penal sanctions have been abolished for several years.”.....

I did not speak of indenture nor of penal actions :

“ and in fact there is no recruitment now; there is no long term recruitment in South Africa at all. In the case of Ceylon and Malaya, there are no indentures under penal sanctions, but emigration is allowed by the Government of India only on the advice and with the sanction of the Legislative Assembly, of which my friend Mr. Das is a prominent member. In fact, the Legislative Assembly is keen on seeing that any

country to which emigration from India is allowed treats its labourers in no inhuman way, but keeps them in decent and tolerable circumstances."

Sir, these are matters of opinion. Opinions differ, and Dr. Paranjpye knew that it is a human function. I must ask the Government of India not to send their representatives on international work who are not properly acquainted with facts. I think, such choice does definite harm to India. I do not want to quote Dr. Paranjpye's speech any further. But I have one request to make to the Honourable Members of the Treasury Benches. In future, I do not mind the High Commissioner being the leader at the International Labour Conference. But his advisers, both Indian and European, should be persons who are acquainted with the actual conditions of work in India. Otherwise they make statements which at times resemble the bureaucratic observations coming from the Treasury Benches. I am glad that the Honourable the Home Member accepts this amendment. It will save our face before the world and shows that we are bringing humanising conditions to our workers and are prepared to abolish slavery or forced labour in all forms both in British India and Indian States.

The Honourable Sir James Grerar : I accept this amendment and I have no further observations to make.

Mr. President : The question is ;

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

' That while considering that the Draft Convention on forced labour cannot be ratified until Article 2 thereof is modified so as to exclude labour exacted under the Criminal Tribes Act, the Good Conduct Prisoners' Probationary Release Act and other similar social legislation in force in India, this Assembly recommends to the Government of India that they proceed to take action on all other provisions contained in the Draft Convention and the Recommendations as soon as may be practicable '."

The motion was adopted.

RESOLUTION *RE* DRAFT CONVENTION REGULATING HOURS OF WORK IN OFFICES, HOTELS, ETC.—*contd.*

Mr. President : Further discussion of the following Resolution moved by Mr. J. A. Shillidy on the 1st April, 1931 :

" This Assembly, having considered the following Draft Convention and Recommendations adopted by the Fourteenth Session of the International Labour Conference :

- (1) Draft Convention concerning the regulation of hours of work in Commerce and Offices ;
- (2) Recommendation concerning the regulation of hours of work in hotels, restaurants and similar establishments ;
- (3) Recommendation concerning the regulation of hours of work in theatres and other places of public amusement ; and
- (4) Recommendation concerning the regulation of hours of work in establishments for the treatment or the care of the sick, infirm, destitute or mentally unfit,

recommends to the Governor General in Council that he should not ratify the Draft Convention nor accept the Recommendations."

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam : Non-Muham-madan Rural) : At the very outset, I desire to say that I yield to none in my desire to see that the employees get that necessary leisure which we all desire that they should have and, which is so essential to their well

[Mr. B. Sitaramaraju.]

being. But this Convention, instead of providing for any great relief to the employees, has provided for a maximum control by Government and minimum relief to the employees. It is not the fault of the International Labour Office that the Convention is as it is, because the original draft which was prepared by them was such that it would possibly, without alteration, have benefited the employees. But the delegates who were representing the Government, as well as the delegates of the employers, have combined together and whittled down the provisions of this Convention to such an extent that we find that this Convention, which provides for some relief to the employees, in fact does not provide such relief as we wish them to have. On the other hand, it provides for the entertainment of a large inspecting staff which must be a great burden to the country to maintain without giving adequate relief to the employees. The number of exceptions are so many that one is tempted to believe that they have become the rule. You know, Sir, that in this country most of the labour is agricultural and there is very little labour employed in commercial offices. Added to that, we have in this Convention the provision that all offices of the Government are exempt from the operation of this Convention, that is to say, all Government offices including quasi-Commercial offices like the Posts, Telegraphs and the Railways are all exempt from the operation of this Convention. Then again, Sir, intermittent workers are exempted from this Convention. It must be remembered that when we passed the Railway Act, 1931, we provided for the intermittent workers also, but under this Convention even the intermittent workers are exempt. Not only the offices of Government are exempt but also offices in which the staff is engaged in connection with the administration of public bodies, such as municipalities and local bodies. Then the third exemption is family business which forms the major portion of commercial business in this country. Then confidential servants who work in trade, and in commercial workshops are likewise exempt. Having made so many exemptions to this Convention, it remains to be seen what is the intention of the framers of this Convention and what are the classes of employees which this Convention is expected to cover. The Honourable the Mover of the amendment, Mr. Joshi—I am sorry he is not present here to-day—made an observation in the course of his speech, that the Government which is given also the power to exempt certain classes of private offices, stated that offices which do not contain more than 50 employees need not be brought under this Convention and that Government have got the power to exempt them. I would like to know to what offices the Honourable gentleman meant the Convention should be applied when he said that as it is possible under the Convention for the Government to exempt small offices they may do so where employees less than fifty in number are employed. I would like to know how many commercial offices there are in this country which have got more than 50 employees in their offices. Therefore, if we take the said exceptions and if we take also the advice of Mr. Joshi, and exempt offices where less than 50 employees are employed we find that the number of offices to which this Convention can be applied will be so small that it would not be worth while to ratify a Convention so limited in its scope. In this Convention overtime is not prohibited. It appears that it is almost impossible by legislation to prohibit overtime. Then there is the question of the minimum wage, a subject which is closely allied with this hours Convention. Some time back there was the minimum wage Convention which was brought before the Assembly. On the motion of Mr. Kunzru

it was postponed for consideration till the Whitley Commission Report was published. I do not know why that has not been brought before the House now because the Whitley Report has been published. That Report has stated that it is not possible for this country to fix any minimum wage. When we have the authority of a commission to state that it is not possible under the present conditions of this country to fix a minimum wage, it is very difficult to see how we can fix a Convention for hours, because wages and hours of work go together. If the option is given the employee prefers more cash even if he has to work for an extra hour or two in the absence of a wage Convention. Under these conditions it is very difficult to pass any legislation fixing hours of work which can be effective in their case. It is a known fact that, even in European countries where there are powerful combinations of employees, it is always found possible to purchase from them these rights by the employers. Here in this country when our labour organisations are in their infancy it is very difficult if a convention of this description is brought into existence to give effect to such legislation. Further, if we ratify this Convention, we have to employ a staff very much like the factory staff, which means a heavy expenditure. In the present circumstances of the country it is very difficult to find the necessary money to employ such a big staff. Mr. Shillidy, the Mover of the Resolution, remarked that village officers may be requisitioned for these purposes. But I am afraid the question of village officers does not arise in this case at all, because as I have already stated big commercial houses where more than fifty men are employed which are to be covered by this Convention will be so few in the country and none in the villages for any inspector to go and check. He has also stated that the local bodies should give their help. I do not think it is possible for the local bodies to give any help of this description. I venture to submit that under these circumstances it is very difficult for us to ratify the Convention, which gives us only Government control without giving any relief to the people for whom it is intended to legislate. With these few words I oppose the amendment and support the Resolution.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I support the original motion ; and continuing my speech in connection with the last motion, in the first place, I would recommend very strongly to the General Purposes Sub-Committee that they ought to retrench substantially if not altogether our subvention to the League of Nations, because as I said it is a society which is not doing very useful work, and the one work which I just suggested I am sure they would not do. As I said in my last speech, the sympathy for labour is not based really on humanitarian grounds, but it is really on account of trade competition. I am really convinced of that from my conversations at Geneva with the people who proposed to represent labour interests. India is a country where living comparatively is very cheap, where people are accustomed to hard labour. Go to any village and you will find that the farmer and cultivator in India is really a very hard working man. Nobody ever came forward among the sympathisers of labour to say anything about the condition of poor cultivators. They spoke about labour in factories and railways, but not a single word has ever been said about the labour employed in agricultural operations, in spite of the fact that they form the preponderating majority. The thing is that if you give an option to any labourer in India and say, " Would you like to have eight hours' work and rest, or would you like to do more work and get a bonus for the

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extra work you do !". I am positively certain that in India almost cent. per cent. will say, " We are willing to do more work and you will please pay us the bonus ". The really serious objection is this ; that the poorer people are required to do the extra work not for their benefit, but for capitalists and the money which they earn goes into the pocket of the capitalist. That is the trouble ; but if a portion of the money which these poor people earn also goes into their own pockets, then I am certain that the question will never arise from the side of the labourer. I think the International Conferences at Geneva and elsewhere will do really a very great service to the world if instead of taking up the cause of labour from the point of view of comfort, they press the labour problem from the other side, and insist that the capitalist should be allowed to have a profit not greater than the bank rate of interest in that particular country ; and any profit which is earned over and above that bank rate of interest ought to be shared proportionately by all who help to produce the wealth—the capitalist will have a share, the manager will have a share and the labouring people will have their shares. This is really the point which the people there ought to press and this is the only way which will induce the labourer to do hard work with contentment and try to produce things cheaply in order to stand the competition of the world. If we merely stop the labourer doing full work in one place so that another country may be able to produce cheaper in the world's market, it will be no help to the country and no help to the labour. It is a very selfish thing to do ; and from what I have seen I strongly oppose it. We have seen this question of the Labour Convention applied on the railways ; it has cost enormous sums of money to the railways ; and I think if they had distributed this sum of money which we are spending on account of the Convention among the people for whose benefit it is made, they would appreciate it better.

Mr. S. G. Jog (Berar Representative) : Sir, I am very thankful to the Chair for giving me an opportunity to speak, but I shall not detain the House very long. I am rising under a certain pledge given to the Honourable the Mover of the amendment, otherwise I would not have intervened in this debate at all. On the last occasion when the Resolution was being discussed,—and I must point out that it was discussed at the fag end of the session—there was no proper discussion, and it was thought fit that the matter should be discussed at the Simla Session. The Honourable the Mover of the amendment, Mr. N. M. Joshi, has left this as a sort of legacy. I know that generally legacies are left by the dead, but I do not view this legacy in that sense. Mr. Joshi, who is busy with other important work at the Round Table Conference, was very anxious that his amendment should be passed, and in that I feel that a certain sanctity attaches to the Mover of the amendment. On this side of the House we must see that his cause does not suffer in his absence. I am surprised to find that the Government Member should bring forward such a Resolution as this and that he should not be prepared to give effect to the Recommendations of the League of Nations. What are the Recommendations ? The Recommendations are really very small matters. The Recommendations ask Government to make investigation into the conditions of life and work as regards hours of work in the case of employees of hotels and restaurants. In fact, I feel there should have been two Resolutions, but somehow both the Resolutions have been combined into one, and it has caused some confusion. However, I am concerned only with the Recommendations, and

they are that investigation should be made within a period of four long years—there is no particular hurry about it. It is not a thing which is to be reported within two or three months. I know the Government have got a big agency at their disposal, and if they are really serious, they can certainly collect the material. The difficulties which my friend Mr. Shillidy referred to are in my opinion somewhat exaggerated, and that is done with a view to shirk responsibility. The Government agency is very strong. If they want to find what articles there are in my house or in the house of any villager, they can certainly find all that out if they really want to do so, but if they don't want to do anything they can create all sorts of difficulties in your way and say that such and such a thing cannot be done. I do not see any reason why the existing agency should not be utilised for collecting such information which the League wants before taking any further action. This is only spade work, a sort of preliminary or preparatory work; we are only to collect information before any action is taken. This in short is the recommendation of the Convention, and I see no reason why the Government Member should bring forward any difficulties and lower the credit of India in the eyes of other nations. When we make recommendations there, when our representatives sign the Conventions, they are in a way morally bound, and even the Government of India are morally bound, when their representatives attest their signature to the Convention, and so I think the Government of India should at least make an honest effort to carry out the Recommendations. This, I think, is the position which the Government should ordinarily take. Instead of that, I am surprised to find that some obstructive methods have been adopted by the Government. I believe the Government have taken to Swarajist ways.

Mr. J. A. Shillidy (Secretary, Industries and Labour Department) : Sir, I do not think it is necessary for me to make a long speech at so late an hour in the session. I can summarise very briefly the objections to the Convention. They are that the Convention is so wide in its terms, that it comprises a great many different kinds of businesses working under different conditions and that it is not really practicable to devise a convention so wide in its terms which will be practicable in application. The next objection is that it recommends a 48-hour week for those particular offices which are covered by the Convention. Now, in India, so far as factories are concerned, there is a 60-hour week, and for mines a 54-hour week. The Labour Commission after most exhaustive examination have suggested a 54-hour week for factories. Is it reasonable for us to go straight into a 48-hour week for commercial offices when we may still have a 54-hour week for factories?

Then I come to the third point. If we accept this Convention we should have to put up a very large inspection staff. That point has already been made by my friend, Mr. Sitaramaraju. He however seems to have misunderstood me in one remark. He seemed to argue as if I advocated inspection by village officers. If he will look up my speech, he will find that I said rather the opposite, that unless Government were going to use village officers for this, they would have to employ a very large new inspectorate, but I asked the House if they considered village officers would be a suitable inspectorate for work of this kind. That I think was somewhat different to what he thought I said.

I will just turn to one further point. Mr. Jog raised the question of the Recommendations, and asked why did we not inquire into the different

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professions to which the Recommendations relate. I think he rather misunderstood the question. The Recommendations are to inquire into the professions named in order to see if the Draft Convention can be applied to them. But if you do not accept the Draft Convention, then what is the use of making an inquiry to find whether that Draft Convention should be applied to other professions or not.

Mr. S. G. Jog : Where is the objection to accept it ?

Mr. J. A. Shillidy : The reasonable and practicable objection that we have decided to take no action in regard to the Draft Convention.

There is only one other point I would like to make before I sit down. In the course of the debate in the last session, one of the speakers said that the Government of India had been very backward in ratifying Conventions. Now it may interest the House to know that India, with the exception of one country, has ratified more Conventions than any other overseas country—Australia, Canada, South Africa, Japan, China—these are the few names that occur to me, and it gives the pride of place only to Cuba. And, Sir, if anything further has to be said as to whether our work has been appreciated or not, I would just like to read out a few remarks which have been made about the work of India in this connection. The Director of the International Labour Office wrote :

“ I should be much obliged if you would convey to the Government of India the gratitude of the International Labour organization and its great appreciation of the manner in which the Government of India is fulfilling its obligations and of the conspicuous example of social and labour progress which she is thus showing to the world.” (Applause.)

This is a somewhat old report I may say, but I can carry it to a later date. The Director's report further recognises the efforts of India in the following paragraph :

“ The action taken by the Government of India with regard to the ratification of the Washington decisions may be regarded as the just tangible results in the East of the ideals inspiring paragraph 13 of the Treaty of Peace.”

The Belgian workers' delegation in 1927 in supporting the nomination of Sir Atul Chatterjee said :

“ I have another reason for supporting his candidature namely that he represents a distant country which from the beginning of the work of this organization has taken a great interest in it. His country has ratified many conventions, and I see in his nomination a sign of collaboration which already exists between European countries and countries in other parts of the world.”

The Italian representative also supported him because he was the representative of an important overseas country, and “ the first overseas country, I believe, to ratify the Washington hours of labour ”.

Mr. Gaya Prasad Singh : Any other testimonial ?

Mr. J. A. Shillidy : I have got another testimonial. Miss Bondfield in 1926, speaking at Geneva, said :

“ We do place on record with great thankfulness the improvements which have already taken place in India and Japan as a result of the work of the International Labour Conference.”

And she went on to say later :

“ I wish to join with those who have already appealed to the Government of Japan. Japan occupies a middle position. It is behind what has been accomplished in India and is ahead of China.”

She says again :

“ I trust India in the same way and I feel very relieved to find that India has not let me down.”

I merely make these statements because it has been said from time to time that the Government of India have been very slow in ratifying the Conventions. Here are statements made by impartial people about our work, and I would only remind this House that at the last Geneva Conference the representative of the Indian employers sounded a word of warning that we were going far too fast ; at the same time, the representative of the workers said that we were going much too slow. Sir Atul Chatterjee not unnaturally said to the Conference, that the Government of India was attacked on both sides, and probably it was on the whole fairly well right.

Sir, I have nothing more to say.

Mr. President : The question is :

“ That the word ‘ not ’ occurring between the words ‘ should ’ and ‘ ratify ’ be deleted and the word ‘ and ’ be substituted for the word ‘ nor ’ occurring between the words ‘ Convention ’ and ‘ accept ’.”

The motion was negatived.

Mr. President : I now put the original Resolution. The question is :

“ This Assembly, having considered the following Draft Convention and Recommendations adopted by the Fourteenth Session of the International Labour Conference :

- (1) Draft Convention concerning the regulation of hours of work in Commerce and Offices ;
- (2) Recommendation concerning the regulation of hours of work in hotels, restaurants and similar establishments ;
- (3) Recommendation concerning the regulation of hours of work in theatres and other places of public amusement ; and
- (4) Recommendation concerning the regulation of hours of work in establishments for the treatment or the care of the sick, infirm, destitute or mentally unfit,

recommends to the Governor General in Council that he should not ratify the Draft Convention nor accept the Recommendations.”

The motion was adopted.

Mr. President : The only thing that remains now is to consider to what date this session should be adjourned. Honourable Members are aware that the Finance Bill remains to be considered by the Assembly, and Government have given an assurance to Honourable Members that they will agree to the session being adjourned to meet in Delhi, on such date as would enable the Assembly to go through the procedure legally necessary in regard to this Bill. The matter has formed the subject of very careful consideration, and the Chair has tried to consult some of the Honourable Members on both sides of the House. The problem of fixing the date is complicated by the fact that the *Diwali* holidays intervene. It has therefore been suggested that the Assembly should adjourn to the 4th November and take up first the consideration stage of the Finance Bill, which may take three days or perhaps four. Then, there should be a short adjournment for *Diwali* holidays and the consideration of the Bill, clause by clause, should be taken up either on the 10th or the 11th, in order that

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the whole process may be completed within the time allowed. Honourable Members are aware that, as soon as a Finance Bill is introduced, certain taxes begin to be collected, and unless the Central Legislature sanctions such taxation within sixty days, the amount collected would have to be refunded. It is therefore essential that both Houses of the Legislature should arrive at decisions in regard to the Finance Bill within 60 days of its introduction. If consideration of the Finance Bill, clause by clause, begins, say, at the latest on the 11th, then there will be only a very few days left to deal with it by both the Legislatures. It is therefore proposed that when once consideration clause by clause begins, the House should meet if necessary during all the six days of the week, and if that is not sufficient, to meet for longer hours during some days. I am sure Honourable Members are agreed that there should be no delay in coming to a definite conclusion one way or the other in time to obviate the risk of being called upon to refund the taxes collected. I therefore take it that the House agrees with me in the programme which I have suggested and that they further agree that I should adjourn this Assembly to the 4th November, 1931, to meet at Delhi. This session is now adjourned to the 4th November, 1931, at 11 o'clock at Delhi.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 4th November, 1931, at Delhi.